

**MIONTUAIRISCÍ Ó CHRUINNÍÚ IOMLÁNACH
CHOMHAIRLE CONTAE CHILL CHAINNIGH A TIONÓLADH
DÉ LUAIN, 19 MEÁN FÓMHAIR, 2022 AG 3.00 P.M. TRÍ MS TEAMS**



**MINUTES OF PLENARY MEETING OF KILKENNY COUNTY COUNCIL
HELD ON MONDAY, 19TH SEPTEMBER, 2022 AT 3.00 P.M. VIA MS TEAMS**

- Chair:** Cllr. Pat Fitzpatrick.
- Elected Members:** Cllrs. Eamon Aylward, Tomás Breathnach, Martin Brett, Mary Hilda Cavanagh, Peter Cleere, John Coonan, Deirdre Cullen, Michael Delaney, Fidelis Doherty, Matt Doran, Michael Doyle, Pat Dunphy, David Fitzgerald, Ger Frisby, Denis Hynes, Joe Lyons, Joe Malone, Michael McCarthy, Andrew McGuinness, Eugene McGuinness & Patrick O'Neill.
- Officials:** Sean McKeown, Tim Butler, Martin Prendiville, Mary Mulholland, Anne Maria Walsh, Fiona Deegan, Ken Boland, Eimear Coady, Francis Coady, Kevin Hanley & Anne Marie Shortall.
- Apologies:** Cllr. Maria Dollard and John Brennan.

1. Dearbhú Miontuairiscí - Confirmation of Minutes

- (i) **Minutes of Special Council Meeting of Kilkenny County Council**
Proposed by Cllr. Matt Doran, seconded by Cllr. Deirdre Cullen and agreed.
"That the Minutes of Special Meeting of Kilkenny County Council held on Friday, 15th July, 2022 as circulated with the Agenda be and are hereby approved".
- (ii) **Minutes of Adjourned Plenary Meeting of Kilkenny County Council**
Proposed by Cllr. Fidelis Doherty, seconded by Cllr. Andrew McGuinness and agreed.
"That the Minutes of Adjourned Plenary Meeting of Kilkenny County Council held on Friday, 22nd July, 2022 as circulated with the Agenda be and are hereby approved".
- (iii) **Minutes of Adjourned Plenary Meeting of Kilkenny County Council**
Proposed by Cllr. Ger Frisby, seconded by Cllr. Deirdre Cullen and agreed.
"That the Minutes of Adjourned Plenary Meeting of Kilkenny County Council held on Tuesday, 26th July, 2022 as circulated with the Agenda be and are hereby approved".
- (iv) **Minutes of SPC 5: Community, Cultural & Fire Services**
Proposed by Cllr. John Coonan, seconded by Cllr. Tomás Breathnach and agreed.
"That the Minutes of SPC 5 Meeting: Community, Cultural & Fire Services held on Wednesday, 13th April, 2022 as circulated with the Agenda be and are hereby approved".
- (v) **Minutes of SPC 2: Transportational Policy/Mobility Management & Water Services**
Proposed by Cllr. Matt Doran, seconded by Cllr. Deirdre Cullen and agreed.
"That the Minutes of SPC 2 Meeting: Transportational Policy/Mobility Management & Water Services held on Friday, 4th March, 2022 as circulated with the Agenda be and are hereby approved".

- (vi) **Minutes of SPC 2: Transportational Policy/Mobility Management & Water Services**
Proposed by Cllr. Fidelis Doherty, seconded by Cllr. Tomás Breathnach and agreed.

"That the Minutes of SPC 2 Meeting: Transportational Policy/Mobility Management & Water Services held on Thursday, 2nd June, 2022 as circulated with the Agenda be and are hereby approved".

Fógraí - Announcements

Cathaoirleach Pat Fitzpatrick extended congratulations to the following:

- Cllr. Mary Hilda Cavanagh on being the longest serving Elected Member in the Country.
- Senior Camogie Team on winning the All-Ireland Final.

He wished every success to those competing from Kilkenny in the National Ploughing Championships.

Vótaí Comhbhrón - Votes of Sympathy

Cathaoirleach Cllr. Pat Fitzpatrick extended vote of sympathy to the following:

- Mary Conway, Human Resources Department on the death of her father Sean Considine.
- Brian Hayes, County Hall on the death of his brother Walter Hayes.
- Family of the late John Cody, Newline, Mooncoin [*Pensioner*].
- Family of the late Eugene Power, Clogh, Castleomer [*brother-in-law of Cllr. John Brennan*].
- Family of the late Michael Gannon, Ballyragget.
- Family of the late Bill Kinsella, Kilmacow, Co. Kilkenny.
- Family of the late Joe Malone, Piltown, Co. Kilkenny.
- Family of the late Pauline O'Brien, Mooncoin, Co. Kilkenny.
- Family of the late Michael Walsh, Mooncoin, Co. Kilkenny.
- Family of the late Fr. John Condon, Piltown, Co. Kilkenny.
- Family of the late Matty Walsh, Kilmacow, Co. Kilkenny.
- Family of the late Helen Corcoran, Mullinavat, Co. Kilkenny.
- Family of the late Ann Healy, Piltown, Co. Kilkenny.
- Family of the late Tom Aylward, Mooncoin, Co. Kilkenny.
- Family of the late Alice Murphy, Hugginstown, Co. Kilkenny.
- Family of the late Renee Hanrahan, Piltown, Co. Kilkenny.
- Family of the late Liam Durney, Mooncoin, Co. Kilkenny.
- Family of the late Catherine Brogan, Mooncoin, Co. Kilkenny.
- Family of the late John Hassett, Mooncoin, Co. Kilkenny.
- Family of the late Alan Power, Piltown, Co. Kilkenny.
- Family of the late Niall Coughlan, Mullinavat, Co. Kilkenny.
- Family of the late Breda Walsh, Mullinavat, Co. Kilkenny.
- Family of the late Helen Murphy, Hugginstown, Co. Kilkenny.
- Family of the late Peg Power, Mooncoin, Co. Kilkenny.
- Family of the late Sheila Kelly, Carrigeen, Via Waterford.
- Family of the late of Sean Holden, Mooncoin, Co. Kilkenny.
- Family of the late Breda McDonald, Mullinavat, Co. Kilkenny.
- Family of the late Peggy O'Dwyer, Glenmore, Co. Kilkenny.
- Family of the late Leecha Walsh, Piltown, Co. Kilkenny.
- Family of the late Tony Moran, Mooncoin, Co. Kilkenny.
- Family of the late Bill Healy, Carrigeen, Via Waterford.
- Family of the late Ena Delahunty, Mooncoin, Co. Kilkenny.
- Family of the late Shandra Walsh, Piltown, Co. Kilkenny.

All Members were associated with the votes of sympathy.

2. (a) **Tithíocht & Díuscairt Eile - Housing & Other Disposal**

- (i) It was proposed by Cllr. Andrew McGuinness seconded by Cllr. Peter Cleere and agreed:

"That in accordance with the provisions of Section 183 of the Local Government Act, 2001, Kilkenny County Council hereby approves of the disposal of its interest in land at Moanmore, Bagenalstown, Co. Carlow – as identified on the attached map - to David Miley and Niamh Maher, Moanmore, Bagenalstown, Co. Carlow for the sum of €900 and each party will be responsible for their own legal costs associated with the sale. Area combined measures 0.136 acre. The Consent of the Minister for Housing, Local Government and Heritage is not required."

(b) (i) **Cuid 8 Pleanáil: Dhá Theach Stórais Aonair i Loch Buí
Part 8 Planning: Two Single Storey Houses in Loughboy**

Ms. Eimear Cody, Senior Engineer gave a Powerpoint Presentation on the proposed two houses at site of former Loughboy Community Centre.

She gave an overview on the following:

- Housing List for Kilkenny City – First Preference.
- Housing Delivery Action Plan.
- Part 8 Process – Public Consultation.
- 8 Submissions received and main recurring items.
- Detailed design/drawings of proposed two houses and 3D view.
- Changes made to Plans following submissions received.

She advised the meeting that the Acting Chief Executive is recommending that Kilkenny County Council proceed with the proposed development as set out in his report.

Contributions were received from Cllrs. Martin Brett, John Coonan, Eugene McGuinness and Joe Malone welcoming the proposed development of two units.

It was proposed by Cllr. John Coonan, seconded by Cllr. Eugene McGuinness and agreed:

"We the Members of Kilkenny County Council approve the Part 8 in accordance with Section 179 of the Planning & Development Act 2000 as amended and Part VIII of the Planning & Development Regulations 2001, as amended for the demolition of existing disused Community Centre, Laurel Court, Loughboy, Kilkenny R95 HF85 and development of the site to include 2 single storey 2 bedroom semi-detached houses with gardens, and all associated site development works, as circulated."

(b) (ii) **Breisiú Beartaithe ar Thairfead ar Dhéanmhais Chosanta
Proposed Addition to Record of Protected Structures**

Mr. Francis Coady presented the Report as circulated. He advised that this 19th Century building is listed on the National Inventory of Architectural Heritage as a Special Interest category. The owner is agreeable to the proposal to include the building on the Record of Protected Structures included in the Development Plan. The building needs to be repaired and upgraded. The owner will be entitled to apply for Conservation Grant funding.

It was proposed by Cllr. Tomás Breathnach, seconded by Cllr. Fidelis Doherty and agreed that:

"That Kilkenny County Council hereby approve of the proposed addition to the Record of Protected Structures for County Kilkenny in accordance with the report circulated to Members."

(c) (i) ***Cur i Láthair Conartha Soilsíú Poiblí***
Public Lighting Contract Presentation

Mr. Ken Boland, Acting Senior Engineer presented a Powerpoint Presentation on the Public Lighting Energy Efficiency Project for the Eastern Region.

In his presentation he gave an overview on the following:

- Climate Change Mitigation – Reduce emissions, change to LED lanterns.
- Statistics on Kilkenny Electricity Consumption and CO2 emissions.
- Public Lighting accounts for 30% of Local Authority emissions.
- Details of project to be undertaken – survey and record data, upgrade/replace 5,500 lanterns, updating Un Metered Register.
- Overview of Counties included in the Eastern Region Project.
- Reasons for doing the Project – energy savings of approx. 60% to 70%. Reduction of 50% in emissions, improved quality lighting, achieve Climate Action targets.
- 18% overall reduction in Kilkenny County Council’s energy consumption.
- Programme/timelines for works contract. Installation of lights to commence in Kilkenny in January 2023.
- Financing the Project – borrowings and savings in energy costs will fund the borrowing.

Contributions were received from Cllrs. Eugene McGuinness, Patrick O’Neill, Pat Dunphy, John Coonan, Tomás Breathnach and Ger Frisby.

Queries raised by Members were as follows:

- Assessment of locations for additional lights.
- Upgrading of existing LED lights.
- Energy savings – fund more lights?
- Funding if additional lights are required.
- Who is responsible for pruning trees around public lights?
- Schedule of works for each Municipal District – period for completion of works.

Mr. Tim Butler and Mr. Ken Boland responded to the Members queries. The Members were advised that a loan has been approved to fund the works. Any savings achieved in energy costs will be used to pay the loan charges.

Mr. Boland outlined the timeframe for the replacement of the lights in each Municipal District. Any additional lights will be funded from Local Authority own funds.

Cllr. Pat Fitzpatrick thanked Mr. Boland for the detailed presentation and asked that the presentation be circulated to all Members.

(d) (i) **Polasáí na Scéime Féinchabhrach - Self Help Scheme Policy**

Mr. Michael Murphy, Senior Executive Engineer gave a PowerPoint Presentation on the Self Help Housing Scheme proposal.

In his presentation he gave an overview on the following:

- Objective of the Scheme.
- Qualification for the Scheme.
- General conditions of the Scheme.
- Works covered under the Scheme – External & Internal.
- Organising the works.
- Amount of Grant payable – maximum €1,250.
- Benefits of the proposed Scheme.

Ms. Mary Mulholland advised that this Scheme has been implemented in two other Local Authorities and has been working well. The scheme will be available from 2023 if approved and will be reviewed during 2023 to assess demand and see how it is working.

Contributions were received from Cllrs. Eamonn Aylward, Mary Hilda Cavanagh, Eugene McGuinness, Matt Doran, Martin Brett and Tomás Breathnach.

Queries raised by Members were as follows:

- Proposed Scheme recommended by SPC.
- Annual Review of Scheme and money allocated for the works.
- Clarity on Tenant Handbook – responsibility of Local Authority & Tenant in relation to maintenance.
- Maximum allowed – can it be increased, is grant available every year to a tenant.
- Can tenant do the works?
- Requirement of additional staff resources to manage scheme.
- Defer adoption of scheme until further details are received.

Ms. Mulholland and Mr. Murphy responded to the queries raised by Members. They advised that the tenant is required to engage a Contractor to do works. The Scheme will be reviewed and operation of Scheme will be monitored. Depending on demand the fund may be increased.

A review of the Tenant's Handbook will be undertaken and considered by the SPC. The Scheme will be an assistance to tenants who are now unable to do the works themselves.

It was proposed by Cllr. Eamon Aylward, seconded by Cllr. Tomás Breathnach and agreed that:

"That the Self Help Scheme Policy is hereby approved by the Members of Kilkenny County Council."

(e) (i) **Tuarascáil Deontais na Féile - Festival Grants Report**

Mr. Sean McKeown referred to the Report circulated with the Agenda. He advised that a request has been received from Kilkenny Arts Festival for additional funds due to reduced Box Office sales and increased costs caused by inflation.

At this stage there is an approximate underspend of €5,000 in the Budget. It is recommended to the Members that any unspent 2022 Budget be allocated to Kilkenny Arts Festival.

It was proposed by Cllr. Peter Cleere, seconded by Cllr. Martin Brett and agreed that:

"That any unspent funding in the Council's Festivals Grant Budget for 2022 be allocated to Kilkenny Arts Festival as a contribution towards the trading loss outlined in Report dated 12th September, 2022."

(f)	(i) (ii)	<i>Tuarascáil Iniúchta Rialtais Áitiúil - Local Government Audit Report</i> <i>Ráiteas Airgeadais Bliantúil do 2021 - Annual Financial Statement for 2021</i>
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Mr. Martin Prendiville, Head of Finance referred to the Local Government Audit Service Report for 2021 circulated with the Agenda. The Audit has been completed. The Local Government Auditor noted a number of matters in his Audit Report and the Chief Executive's response to these matters. Following the completion of the Audit, there was no change to the draft Annual Financial Statement for 2021 as presented to the Elected Members in April 2022.

It was proposed by Cllr. Fidelis Doherty, seconded by Cllr. Andrew McGuinness and agreed that:

"We, the Members of Kilkenny County Council, hereby adopt the Annual Financial Statement for year ending 31st December, 2021."

Cllr. Pat Fitzpatrick thanked the Head of Finance and the Finance Team for their work over the last year.

(iii)	<i>Cáin Mhaoine Áitiúil 2023 - Local Property Tax 2023</i>
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Mr. Martin Prendiville presented the Report on the Local Property Tax (LPT) for 2023. He advised Members that a decision on the LPT is due before the 15th October, 2022 and the Local Adjustment Factor must be notified to Revenue Commissioners by that date.

He outlined the challenges facing the Council in 2023. Inflation is having a significant impact on all of the Council's Service Areas. Energy costs have increased dramatically. We are also seeing significant inflation in other areas such as Roads, Housing Maintenance, fuel to name a few.

The recent announced National Pay Proposal will result in additional payroll costs for the Council in 2023. It is hoped that Government will continue to fund 80% of the increase similar to the funding provided for the restoration of pay cuts in recent years. The new Library at the Mayfair will be completed in early 2023. Additional funding of €250k will be required to run this facility.

Car Parking income has been running 10% below pre Covid levels. This will result in a shortfall of €230k for 2023. Increase to Members pay and allowances have been compensated by the Government in 2021 and 2022. No further compensation will be paid in 2023 leaving a shortfall of €170k.

There are other areas where there are increased demands on services. The estimated total amount of all issues for 2023 is €3.3m. €700k is projected in increased income from commercial rates buoyance. The projected net shortfall for 2023 is €2.6m.

Mr. Prendiville stated that it is critical that there is no change made to the Local Adjustment Factor for the Local Property Tax for 2023. The decision made three years ago yields an additional income of €1.07m each year for the Council. Reducing the base rate by 10% would result in a loss of income from this source of €1.78m. The Council cannot sustain this level of income reduction. Any loss of income will impact on Kilkenny County Council's discretionary spend. This funding from the LPT supports a huge range of community and voluntary projects. A comprehensive list of projects are outlined in the report circulated to the Members.

The Council have limited sources of income that can be increased. It should be noted the Council has not increased the rate in the pound/multiplier on Commercial Rates in the last 15 years. LPT and Commercial Rates account for just under 35% of our annual income.

The Local Property Tax allocation for 2023 has been confirmed at €10.67m.

The prescribed 14 day public consultation process for the LPT commenced on 13th July, 2022. No submissions were received by the end of consultation period on 12th August, 2022.

Mr. Prendiville advised that taking all the factors outlined the level of uncertainty facing the Council and risk to all our income streams, the recommendation to the Elected Members is that the LPT is maintained at the same level as 2022 and that the Local Adjustment Factor remains the same as that which applied from November 2021 to October 2022.

Contributions were received from Cllrs. Andrew McGuinness, Mary Hilda Cavanagh and Tomás Breathnach. Members acknowledge the situation outlined by the Head of Finance and the challenges we will all face as an organisation. They thanked the Executive for providing the Members with all the information and providing the Members the opportunity to engage in a Workshop to outline all the challenges facing the Council in 2022 and 2023.

It was proposed by Cllr. Andrew McGuinness, seconded by Cllr. Mary Hilda Cavanagh and agreed by all that:

"We, the Members of Kilkenny County Council in pursuance of the provisions of Section 20 of the Finance (Local Property Tax) Act, 2012 (as amended), hereby resolve that from the period 1st November, 2022 to 31st October, 2023 the local adjustment factor shall remain the same as that which applied from 1st November 2021 to 31st October 2022 in respect of relevant residential properties situated in the administrative area of Kilkenny County Council. The invariable rate shall take effect from the liability date in the year in which notification is sent to the Revenue Commissioners".

Cllr. Pat Fitzpatrick thanked all the Members for their time given to this issue and also thanked the Executive for all the work in preparing the figures and meeting with the Elected Members.

(g) (i) ***Tuarascáil Mhíosúil an Phríomhfheidhmeannaigh***
Chief Executive's Monthly Report

Mr. Sean McKeown, Acting chief Executive presented his Monthly Report.

Cllr. Pat Fitzpatrick advised the meeting that the report will be taken as read and noted. He advised any Member to contact the Acting Chief Executive if they have any queries.

(ii) ***Taisteal Eachtrach - Foreign Travel***

Mr. Tim Butler advised the Members that there are two trips abroad to be considered by the Members for approval:

- (a) Invitation for the Mayor and Official to visit Formigine (twinned City) on 1st and 2nd October, 2023.
- (b) Invitation from NTA to the Kilkenny City Municipal District Members and Officials to partake in Active Travel/Cycling Study in Holland.

It was proposed by Cllr. Mary Hilda Cavanagh and seconded by Cllr. Matt Doran and agreed that the proposed travel abroad as outlined be hereby approved.

3. ***Comhfhreagras - Correspondence***

It was proposed by Cllr. Mary Hilda Cavanagh, seconded by Cllr. Andrew McGuinness and agreed that the following correspondence be taken as read and noted:

- (i) Response from Minister for Housing, Local Government & Heritage in relation to Housing Grants [*Notice of Motion 13-2022*]
- (ii) Response from Minister of State in relation to the use of camera images in litter/waste enforcement.
- (iii) Response from Minister for Local Government & Planning in relation to setting up and resourcing the existing Regional Assembly structure [*Notice of Motion 02-2022*].
- (iv) Correspondence from Department of Housing, Local Government & Heritage in relation to the Electoral Reform Act 2022.

4. ***Gnó ar athló ó chruinniúroimhe seo - Business adjourned from a previous Meeting***

None.

5. ***Dátaí agus Amanta do chruinnithe a shocrú - Fix Dates & Times of Meetings***

(i) **Schedule of Meetings**

It was proposed by Cllr. Andrew McGuinness seconded by Cllr. Mary Hilda Cavanagh and agreed.

6. ***Plé ar Thuairiscí agus Moltaí ó Choistí an Comhairle***

Consideration of Reports & Recommendations of Committees of the Council

(i) **Report of SPC 5: Community, Culture & Fire Services**

It was proposed by Cllr. Martin Brett, seconded by Cllr. Peter Cleere and agreed that the Report of SPC 5 Meeting: Community, Culture & Fire Services held on Wednesday 13th April, 2022 be taken as read and noted.

(ii) **Report of SPC 2: Transportational Policy/Mobility Management & Water Services**

It was proposed by Cllr. Matt Doran, seconded by Cllr. Deirdre Cullen and agreed that the Report of SPC 2 Meeting: Transportational Policy/Mobility Management & Water Services held on Friday, 4th March, 2022 be taken as read and noted.

(iii) **Report of SPC 2: Transportational Policy/Mobility Management & Water Services**

It was proposed by Cllr. Peter Cleere, seconded by Cllr. Michael Delaney that the Report of SPC 2 Meeting: Transportational Policy/Mobility Management & Water Services be taken as read and noted.

**7. Gnó Eile romhainn i bhFógra reachtála an Chruinnithe
Other Business set forth in the Notice convening the Meeting**

None.

8. Oideachas agus Oiliúint - Education & Training

- (i) Schedule of Conferences circulated with the Agenda was proposed by Cllr. Matt Doran, seconded by Cllr. Mary Hilda Cavanagh and agreed.

9. Gnótha ag éirí as Miontuairiscí - Matters Arising from Minutes

None.

10. Aon Ghnó Eile - Any Other Business

None.

11. Fógraí Rúin - Notices of Motion

14 (22) Cllr. Maria Dollard

This motion was deferred to October Meeting.

16 (22) Cllr. David Fitzgerald

It was proposed by Cllr. David Fitzgerald, seconded by Cllr. Mary Hilda Cavanagh and agreed that:

"That Kilkenny County Council seeks a commitment from the President and Board of the Technological University of the South East (TUSE) that the Board adopts Kilkenny as a core location for a major Third Level Educational Faculty with a minimum of 1,000 full-time undergraduate students based on a Kilkenny City Campus in the forthcoming TUSE Strategic Plan"

Contributions were received from Cllrs. David Fitzgerald, Mary Hilda Cavanagh, Pat Fitzpatrick and Peter Cleere in relation to the Notice of Motion.

Mr. Sean McKeown advised that the Council commissioned a Report in 2018 outlining a Business Case for a Third Level Campus to be established in Kilkenny. This report will be updated and submitted as part of the public consultation to be undertaken by SETU. Cllr. David Fitzgerald requested that a delegation from the Council seek a meeting with the Board of SETU and that we write to all Universities seeking an Outreach Facility for Kilkenny.

17 (22) Cllr. Mary Hilda Cavanagh

It was proposed by Cllr. Mary Hilda Cavanagh, seconded by Cllr. Michael McCarthy and agreed that:

"That this Council would write immediately to the Department of Rural and Community Development requesting resources to help with the advertising, management and overheads for the new Digital Hubs and in particular those Hubs which are stand alone, for example, the Hub in Urlingford."

Contributions were received from Cllrs. Mary Hilda Cavanagh and Michael McCarthy on this motion.

12. ***Fógraí i dtaobh Rúin ó Údaráis Áitiúla eile ag lorg tacaíochta ó Chomhairle Chontae Chill Chainnigh - Notices of Motion from other local authorities seeking support of Kilkenny County Council***

It was proposed by Cllr. Mary Hilda Cavanagh, seconded by Cllr. Andrew McGuinness and agreed by all that the following Notices of Motion numbered 34 (22) and 35 (22) received from other Local Authorities be taken as read and noted:

34 (22) Wexford County Council

“The Council agrees to write to Minister for Health Stephen Donnelly, the Oireachtas Health Committee and the HSE CEO Paul Reid requesting that the provision of Long Covid Clinics is retained and expanded. The Council also agrees to raise it with our Regional Health Board and/or local hospital and at any other suitable juncture. The Council then agrees to circulate this motion to the other Council’s asking them to consider same.”

35 (22) Donegal County Council

“That this Council calls on the Minister for Finance to review and change the rules on inheritance tax in so far as it relates to those who do not have immediate family members i.e. children. Consideration of equality should include the next blood relative.”

That concluded the business of the meeting.

CATHAOIRLEACH

DATE