



MINUTES OF ORDINARY COUNCIL MEETING HELD ON
MONDAY, 21ST MARCH, 2022 AT 3.00 P.M. VIA MS TEAMS

Chair: Cllr. Fidelis Doherty.

Elected Members

Watergate Theatre: Cllrs. Tomás Breathnach, Martin Brett, Maria Dollard, Pat Dunphy, David Fitzgerald, Pat Fitzpatrick, Joe Malone & Eugene McGuinness.

Via MS Teams: Cllrs. Eamon Aylward, John Brennan, Mary Hilda Cavanagh, Peter Cleere, John Coonan, Deirdre Cullen, Michael Delaney, Matt Doran, Michael Doyle, Ger Frisby, Denis Hynes, Joe Lyons, Michael McCarthy Andrew McGuinness & Patrick O'Neill.

Officials

Watergate Theatre: Colette Byrne, Tim Butler, Martin Prendiville, Eimear Cody, Evelyn Graham, Michael Leahy, John Collins, Killian Hennessy, Kevin Hanley & Anne Maria Walsh.

MS Teams: Sean McKeown, Mary Mulholland, Thomas Brennan, Denis Malone & Catherine Cooney.

1. Dearbhú Miontuairiscí - Confirmation of Minutes

(i) **Minutes of Plenary Meeting of Kilkenny County Council**

Proposed by Cllr. Andrew McGuinness, seconded by Cllr. Pat Fitzpatrick and agreed.

"That the Minutes of Plenary Meeting of Kilkenny County Council held on Monday, 21st February, 2022 as circulated with the Agenda be and are hereby approved".

Fógraí - Announcements

Cathaoirleach Cllr. Fidelis Doherty extended congratulations to all involved in the St. Patrick's Day Festival. She thanked all those involved in the Ceremony of Remembrance and extended best of luck to Cushendale Woollen Mills who will represent Kilkenny in the National Enterprise Awards.

Vótaí Comhbhrón - Votes of Sympathy

Cathaoirleach Cllr. Fidelis Doherty also extended votes of sympathy to the following:

- Colette Byrne, Chief Executive on the death of her brother Larry Whelan.
- John Coady, Water Services on the death of his mother Maureen.
- Catherine Keoghan, Kilkenny City on the death of her father John.
- Fiona Deegan, LEO on the death of her mother-in-law Joan Ryan.

It was proposed by Cllr. Fidelis Doherty, seconded by Cllr. Mary Hilda Cavanagh and agreed that the meeting be adjourned for five minutes as a mark of respect to Ms. Colette Byrne.

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

- (i) It was proposed by Cllr. Martin Brett seconded by Cllr. Pat Dunphy 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 Glendine, Castlecomer Road, Kilkenny, as identified on the attached map, to Paddy Raggett Homes Ltd, Grovine, Kilkenny for the sum of €20,000 (twenty thousand euro) with each party to be responsible for their own legal costs associated with the sale. Combined area measures 0.084ha. The Consent of the Minister for Housing, Local Government and Heritage is not required."

(b) (i) ***Ag Cúram/Taking in Charge: Initiation Stage: TC161 Arbourmount, Ferrybank, Co. Kilkenny***

It was proposed by Cllr. Pat Dunphy, seconded by Cllr. Tomás Breathnach and agreed that:

"We, the Members of Kilkenny County Council approve the initiation of proceedings for the taking in charge of the following development in accordance with Section 11 of the Roads Act, 1993 and in compliance with Section 180 of the Planning & Development Act, 2000 as amended by Section 59 of the Planning & Development Act 2010".

Development: (TC161) Arbourmount (Phase 1), Rockshire, Ferrybank, Co. Kilkenny

(ii) ***Ag Cúram/Taking in Charge: Final Stage: TC163 Filbuckstown, Mooncoin, Co. Kilkenny***

It was proposed by Cllr. Pat Dunphy, seconded by Cllr. Tomás Breathnach and agreed that:

"That the County Council of the County Kilkenny, in exercise of the powers conferred on them by Section 11 of the Roads Act 1993 and in compliance with Section 180 of the Planning & Development Act, 2000 as amended by Section 59 of the Planning & Development Act 2010, hereby declares the road listed in the Public Notice and listed below to be a Public Road."

Development: (TC163) Filbuckstown, Mooncoin, Co. Kilkenny

(c) (i) ***Comhaontú Alt 85 le Comhairle Contae Cheatharlach Section 85 Agreement with Carlow County Council***

Mr. Sean McKeown presented his report and advised that Kilkenny County Council carry out all statutory Food Safety functions for Carlow County Council on behalf of the Food Safety Authority of Ireland. The current Section 85 Agreement expires on 31st March, 2022. There is a requirement to extend the Section 85 Agreement from 1st April, 2022 until such time as the FSAI have completed a new Service Level Agreement with the Department of Agriculture.

It was proposed by Cllr Pat Fitzpatrick, seconded by Cllr. Eugene McGuinness and agreed that:

"That Kilkenny County Council enters an agreement under Section 85 of the Local Government Act, 2001 with Carlow County Council to carry out statutory Food Safety Functions required under the First Schedule of the Food Safety Authority of Ireland Act 1998 and the European Communities (Food Hygiene) Regulations 2009 on behalf of Carlow County Council from 1st April, 2022."

Mr. John Collins, Chief Fire Officer gave a Powerpoint presentation on the Fire & Emergency Operations Plan 2022-2026.

In his presentation he gave an overview of the following:

- Statutory requirement to prepare Plan to be adopted by Members.
- Contents of the Fire & Emergency Operations Plan.
- Public Consultation undertaken.
- Organisational Structure - overview of Kilkenny Fire Cover provided by Kilkenny Fire Services and other Local Authorities.
- Fire Stations and new projects.
- Fire Applications and replacement Programme.
- Operational Roles and Procedures.
- Training.
- Plan to be reviewed annually and new plan to be prepared every five years.

Mr. Collins advised that the draft Plan has been presented to SPC5. SPC5 Committee has recommended the Plan for approval by the Plenary Council.

Cllr. Fidelis Doherty thanked Mr. Collins for his comprehensive overview of the Fire & Emergency Plan.

Contributions were received from Cllrs. Fidelis Doherty, Andrew McGuinness, Pat Dunphy, Deirdre Cullen, John Coonan, Pat Fitzpatrick and David Fitzgerald.

Issues raised by Members are as follows:

- Replacement of vehicles/appliances.
- Fire Service - First Responders in assisting the Ambulance Service.
- Replacement of City Station - any site identified.
- LAP for Gaol Road Area.
- Retention/Recruitment of Retained Fire Fighters.

Ms. Colette Byrne advised that the use of the Fire Service as a First Responder is a national issue and will have significant implications for the Fire Services. We await the outcome of national discussions.

Mr. Sean McKeown advised that it is intended to prepare a Masterplan for the Fairgreen Area. The Council has tendered for Consultants and it is expected that a draft Plan will be considered by the Elected Members before the end of 2022 and then the draft Plan will go to public consultation.

Mr. Collins responded to all the other issues raised by Members and advised that replacement of vehicles/appliances is subject to grant funding from the National Directorate. There is currently a full complement of staff employed. Recruitment can be difficult due to the nature of the job, the necessity to respond to call and to live near stations. Site for new City Station is currently being evaluated following expression of interests for sites.

It was proposed by Cllr. Andrew McGuinness, seconded by Cllr. Pat Dunphy and agreed that:

"We the Members of Kilkenny County Council hereby adopt the Fire & Emergency Operations Plan 2022-2026, as circulated."

(e) (i) **Nuashonrú ar Fhorbairt Caipitil Tithíochta 2021/2022
2021/2022 Housing Capital Development Update**

Cllr. Fidelis Doherty welcomed the staff from Housing and invited them to give their presentation on Housing Capital Update for 2021 and 2022.

Ms. Eimear Coady gave an overview on the following:

- **Housing Capital:** Delivery of units in 2021 - 102 units.
- **Projects under Construction Year 2022:** 157 units
- **Challenges to Capital Delivery.**

Ms. Evelyn Graham gave an overview on the following:

- **Vacant Homes:** CPO for 2020 and CPO's initiated in 2022.
- **Year 2020:** Five confirmed and progressing these sites for survey and refurbishment proposals.
- **Year 2022:** Four advertised in January for sites in Castlecomer, Kilkenny and Gowran.
- **Residential Regeneration:** Bridge Street, Callan. Two properties purchased, proposals to refurbish and avail of access of rear for further development and links to public realm.

Mr. Michael Leahy gave an overview on the following:

- **Current Housing Demand:** 1,633.
- **HAP Tenancies:** Down from 880 to 770.
- **Housing Applications:** 40% increase over 2021.
- **Notice to Quit:** Landlords selling rented properties.
- **Homeless Presentation:** 47% increase over 2021.
- **Allocations 2022:** intend to move to choice based letting.
- **Refusal Rates:** 22½% in 2021.
- **Prevention of Homelessness, Temporary Emergency Accommodation:** occupants staying longer in this accommodation due to shortage of permanent accommodation.

Cllr. Fidelis Doherty thanked all for their presentations.

Contributions were received from Cllrs. Mary Hilda Cavanagh, Joe Malone, Eugene McGuinness, John Coonan, Joe Lyons, David Fitzgerald, Tomás Breathnach, Pat Fitzpatrick, Pat Dunphy, Deirdre Cullen, Martin Brett, Maria Dollard and Fidelis Doherty. All Members complimented the Housing Staff as Housing is a very challenging area.

Specific issues were raised as follows:

- Status of Housing Project in Johnstown.
- Update on Housing Ukrainians, unaccompanied minors.
- Concerns on the number of rental properties being sold. No new units coming into HAP, options available for these tenants.
- Anti-Social Behaviour issues.
- Housing List - should have it available based on your number on the list.
- Housing Maintenance - staff resources, rising costs, retrofitted units, training for apprenticeships.
- Employment of Apprentices.
- Elimination of dereliction, reuse of vacant properties, living over the shop, regeneration of buildings welcomed.

- Transfer List – Priorities.
- Change terms of Fair Deal Scheme to allow the properties to be rented.
- Choice based letting, concerns regarding level of refusal rate, staff resources being used, need to accept “apartment living” for the future.
- HAP – income limits need to be reviewed.
- Purchase of HAP rented properties.
- Social Housing in the Abbey Quarter area.
- Part 5 units to be delivered in 2022.
- Vacant houses v Derelict Sites Register, needs for grants to redevelop derelict sites – need to incentivise refurbishments.
- Homelessness – current numbers and the use of hotel accommodation.

Ms. Eimear Cody and Evelyn Graham and Mr. Michael Leahy responded to the individual queries raised by the Members.

Ms. Colette Byrne advised that the Capital Delivery Programme is funded 100% by the Government and is in accordance with the National Policy – “Housing for All”. Local Authorities are tasked with the delivery of new housing stock and will deliver new units through the various options included in the National Policy. She advised that the delivery of all types of housing in the Abbey Quarter is actively being considered. The provision of residential units on this key site will be multi-storey units.

Ms. Byrne paid tribute to all the Staff in Housing who have to deal with many challenging situations in this current housing crisis. She asked Members to encourage social housing applicants to accept the units being offered as all offers are made on the basis of their area of choice and a house suitable for their needs.

(f) (i) LCDC Tuarascáil Bhliantúil 2021 - LCDC Annual Report 2021

Cathaoirleach advised that the LCDC Annual Report for 2021 has been circulated for the information of the Members.

It was proposed by Cllr. Tomás Breathnach seconded by Cllr. Eugene McGuinness and agreed that:

“That the LCDC Annual Report for 2021 is hereby approved by the Members of Kilkenny County Council.”

(g) (i) Dréacht-Tuarascáil Bhliantúil 2021- Draft Annual Report 2021

Mr. Tim Butler gave a PowerPoint Presentation on the content of the Annual Report. In his presentation he gave an overview on the following:

- Legal requirement for Annual Report – Reserved Function.
- Content required to be included in Annual Report.
- Sample of highlights for 2021 in some Service Areas.
- Extracts from the schedule of Civic Occasions and Events.

He advised that the draft Annual Report for 2021 needs to be adopted by the Elected Members. Once adopted Corporate Services will prepare it for publication and it will be available on our website for the public. The Council does not intend to print the document. If any printed copy is required it will be facilitated.

It was proposed by Cllr. Tomás Breathnach, seconded by Cllr. Eugene McGuinness and agreed that:

"That the Draft Annual Report for 2021 is hereby approved by the Members of Kilkenny County Council."

(ii) ***Tuarascáil Bhliantúil an Choiste Iniúchóireachta 2021***
Audit Committee Annual Report 2021

Mr. Tim Butler advised that the Audit Committee's Annual Report for 2021 has been circulated. The Audit Committee has approved it at their last meeting.

It was proposed by Cllr. Pat Fitzpatrick, seconded by Cllr. Martin Brett and agreed that:

"That the Audit Committee Report 2021 is hereby approved by the Members of Kilkenny County Council."

(iii) ***Cairt Iniúchóireachta agus Clár Oibre 2022***
Audit Charter & Work Programme 2022

Mr. Tim Butler advised that the Audit Charter & Work Programme for 2022 has been circulated. The Audit Committee has approved both at their last meeting.

It was proposed by Cllr. Tomás Breathnach, seconded by Cllr. Pat Dunphy and agreed that:

"That the Audit Committee Charter is hereby approved by the Members of Kilkenny County Council."

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

Ms. Colette Byrne, Chief Executive presented her monthly report to the Members.

Mr. Martin Prendiville advised Members that it is proposed to hold a Workshop on Budget Challenges for 2023. The CPG recommends that the Workshop is held at the end of April. Following discussions by Members it was agreed to hold the Workshop via Teams to facilitate all Members.

Ms. Colette Byrne acknowledged the funding allocated for the N24 Road Project and acknowledged the input and support of the Elected Members. She advised that funding has been announced for Town & Village Renewal Projects and thanked the Community staff for their work in preparing applications. She congratulated all involved in the St. Patrick's Festival and noted that the festival has been very successful with many positive comments and feedback. She thanked Ms. Marian Flannery and her team for all their work and the staff in Corporate and City Municipal District area.

Cllrs. Pat Dunphy, Fidelis Doherty and Tomás Breathnach welcomed the announcement of funding for the N24 but expressed huge disappointment that no funding has been allocated to the N25 Road Project.

Cllr. Pat Dunphy raised an issue in relation to Septic Tank Grants and closing date for Amenity Grants. Cllr. Tomás Breathnach asked for update on response to the Minister on the Development Plan.

Mr. Sean McKeown responded that the OPR has made a submission to the Minister and the Council is not privy to the submission. The closing date for Amenity Grants is Friday, 25th March, 2022.

The Council has written to the Minister and also included the issue of grants for septic tanks in our submission on the River Basin Management Plan.

3. *Comhfhreagras - Correspondence*

- (i) Letter from Irish Water in connection with Irish Water's Capital Investment Plan was noted by the Elected Members.

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. Martin Brett, seconded by Cllr. David Fitzgerald and agreed.

6. *Plé ar Thuairiscí agus Moltaí ó Choistí an Comhairle* **Consideration of Reports & Recommendations of Committees of the Council**

None.

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) **Approval to Attend Conferences**
Schedule of Conferences circulated with the Agenda was proposed by Cllr. Joe Malone, seconded by Cllr. Maria Dollard and agreed.

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

None.

10. *Aon Ghnó Eile - Any Other Business*

- (i) Cllr. Joe Malone reminded Members of the walk for Motor Neuron in the Castlecomer Discovery Park on Saturday, 26th March, 2022.
- (ii) Cllr. Maria Dollard advised that today, 21st March, 2022 is World Down Syndrome Day and asked all to wear odd socks. An event will take place in the Watershed on Tuesday.
- (iii) Cllr. Maria Dollard advised that Keep Kilkenny Beautiful will be doing a collection for Ukraine on the Parade on Thursday, 24th March, 2022.

11. **Fógraí Rúin - Notices of Motion**

03 (22) Cllr. Mary Hilda Cavanagh

It was proposed by Cllr. Mary Hilda Cavanagh, seconded by Cllr. Deirdre Cullen and agreed:

"That the Minister for Education would be asked to provide attack whistles to every school going child and that the Minister provides extra supports to schools to ensure programmes can be provided to further teach and foster awareness amongst students of consent, respect and healthy relationships."

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. Maria Dollard, seconded by Cllr. Tomás Breathnach and agreed by all that the following Notices of Motion numbered 08 (22) to 13 (22) received from a number of Local Authorities be taken as read and noted:

08 (22) Sligo County Council

"Given that building materials and labour has gone up by than 60% we call on the Department of Housing, Local Government & Heritage to increase accordingly the maximum grant from €8,000 to €15,000 and from €30,000 to €45,000 for housing adaption grant for people with a disability.

To call on the Minister for Housing, Local Government and Heritage to increase the maximum grant under older persons grant scheme by 50% to reflect building inflation and also to increase the overall allocation to the county a pro rata amount."

09 (22) Tipperary County Council

"That Tipperary County Council supports the "Women of Honour" campaign for a statutory Commission of Investigation into alleged issues within our Defence Forces surrounding dignity in the workplace, bullying, harassment, discrimination, assault, sexual harassment and sexual assault".

10 (22) Clare County Council

"We call on the Minister for Agriculture, Food and the Marine and the Minister for Transport to put in place a system of compensation and indemnity as a component of the licensing system for forestry. It is anticipated that this compensation fund will cover the cost of repairs and maintenance to damage caused to the public road network by forestry planting, maintenance and harvesting.

We further call on the Minister for Agriculture, Food and the Marine and the Minister for Transport to make it a requirement that forestry license holders – prior to commencing licenced forestry activities – consult with the relevant local authority with a view to minimising damage to the public road network."

11 (22) Clare County Council

"I am calling on the Minister for Finance to broaden the Household Benefits Package and include exemption from property tax for those people that are under extreme pressure to meet day to day expenses in light of the rising cost of living and their struggle to survive on a very low level of income."

12 (22) Kerry County Council

"That Kerry County Council writes to Minister Eamon Ryan, Minister for Environment, Climate and Communications, objecting to the Bill brought forward by the Green Party in relation to the granting of planning permission for LNG infrastructure in Ireland."

13 (22) Leitrim County Council

“I propose that Ballinamore Municipal members write to An Taoiseach, An Tanaiste and Pascal Donohoe, Minister for Finance, to reduce the VAT Rate on diesel and petrol by 50% for six months to help reduce the cost of living.”

Cllr. Fidelis Doherty invited Ms. Colette Byrne, Chief Executive to give an update on the provision of emergency accommodation and other supports to Ukrainians fleeing their country.

Ms. Colette Byrne advised Members that Local Authorities will be linked into the National Response. Accommodation will be required immediately, this may be emergency accommodation, short term or long term. Any one pledging accommodation must contact the Red Cross and needs to register with them. Kilkenny County Council will only be required to provide emergency accommodation for now. Other supports will be provided by Department of Social Protection, HSE, ETB etc. A local Interagency Group has been set up to include all agencies here in Kilkenny. Housing Staff have sourced 50 beds in Kilkenny over the past few days and I thank them for their work over the weekend.

We will also establish something similar to the Community Call. We are still operating in the immediate phase but much broader services may be required at a later stage. We will respond to what is requested from National Level.

Cllr. Matt Doran asked about vacant houses being prepared by communities and Cllr. Deirdre Cullen advised that she will be the contact in relation to availability of second level school spaces.

Ms. Colette Byrne responded that the situation will be monitored and responded to as required. Members will be kept updated.

That concluded the business of the meeting.

CATHAOIRLEACH

DATE