



**TO: AN CATHAOIRLEACH AND EACH MEMBER OF  
KILKENNY COUNTY COUNCIL.**

**RE: CARLOW KILKENNY DOG SHELTER AT PAULSTOWN,  
CO. KILKENNY – OPERATION AND MAINTENANCE AGREEMENT.**

Kilkenny County Council proposes to continue with the operational and maintenance works as required at the Carlow Kilkenny Dog Shelter at Paulstown, Co. Kilkenny. All costs are apportioned equally with Carlow County Council. It is recommended that a Section 85 Agreement be entered with Carlow County Council so as to have this arrangement on a formal statutory basis.

Members approval is recommended to this joint arrangement with Carlow County Council.

**Signed:**

**Sean McKeown  
Director of Services**

**Dated:**

6/10/2020

**AN AGREEMENT** made the 15<sup>th</sup> day of August, 2020

**BETWEEN:-**

**KILKENNY COUNTY COUNCIL** of County Hall, John Street, Kilkenny of the First Part  
and **CARLOW COUNTY COUNCIL** of County Buildings, Athy Road, Carlow of the Second  
Part.

**WHEREAS:**

- a) Kilkenny County Council, and Carlow County Council are the local authorities for the purpose of the Control of Dogs Act 1986 as amended for County Kilkenny and County Carlow respectively.
- b) Pursuant to a contract between Kilkenny County Council and Carlow County Council, which commenced on or after the 15<sup>th</sup> August, 2017 and will expire on the 15<sup>th</sup> August 2020, Kilkenny County Council, exercised the powers, functions and duties as local authority pursuant to the Control of Dogs Act 1986 for Counties Kilkenny and Carlow including the operation of the Carlow Kilkenny Dog Shelter located at Paulstown, Co. Kilkenny with the costs thereof being apportioned between Kilkenny County Council and Carlow County Council.
- c) Kilkenny County Council and Carlow County Council have agreed that a Section 86 Agreement shall be entered into between both parties to ensure continuity in provision of services under the Control of Dogs Act 1986 as amended.

**NOW THIS AGREEMENT WITNESSETH AS FOLLOWS:-**

- (a) The parties hereto agreed under the provisions of Section 86 of the Local Government Act 2001, that from the 15<sup>th</sup> August until the 23<sup>rd</sup> October 2020, Kilkenny County

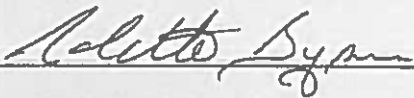
Council and Carlow County Council will jointly carry out the functions of the local authority under the Control of Dogs Act 1986 as amended for the Counties of Kilkenny and Carlow including all operational and maintenance work at the Carlow Kilkenny Dog Shelter, Paulstown, Co. Kilkenny, with day to day management being discharged by Kilkenny County Council.

(b) Any dispute or difference arising out of or in connection with this agreement shall, in the first instance, be referred to a Mediator to be appointed by agreement between the parties and in the absence of agreement, within 5 working days, of the receipt by one party of a written notice to concur in the appointment of a Mediator, by the Chairman of the Chartered Institute of Arbitrators, Irish Branch.

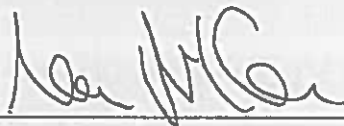
(ii) In the event that the dispute or difference is not resolved within 10 working days of the appointment of the Mediator, the dispute or difference shall be referred to an Arbitrator to be agreed between the parties and in default of agreement, within 5 working days of the receipt by one party of a written notice to concur in the appointment of an Arbitrator, by the Chairman of the Chartered Institute of Arbitrators, Irish Branch, such arbitration to be governed by the Arbitration Act 2010 as amended or replaced. The Arbitrator shall have no connection with the Mediator or the mediation proceedings unless both parties have otherwise consented in writing.

**IN WITNESS** whereof the parties hereto have hereunto set their seals the day and year first herein written.

**THE SEAL OF KILKENNY COUNTY COUNCIL** was affixed hereto by:



CHIEF EXECUTIVE



DIRECTOR OF SERVICE

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DATE:

**THE SEAL OF CARLOW COUNTY COUNCIL** was affixed hereto by:

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CHIEF EXECUTIVE

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DIRECTOR OF SERVICE

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DATE: