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**Minutes of Proceedings at Meeting of Cork County Council held in the Foyer, Floor 1, County Hall, Cork on 12th October 2020.**

**I LATHAIR**

**Comhairleoir Máire Léanacháin - Uí Foghlú, Méara Chontae**

**Comhairleoiri:** Ó Sé J.P, Uí Loinsigh, O Coileáin N, Ó Héigeartaigh, Uí Thuama, Mac Uaid Ó Muirthile, Uí Chaochlaoich, Uí Chochláin G, Ó Murchú Caoimhín, Ó Suilleabháin S, O Coileáin D, Ó Conaill, Mac Craith, Barry, Rasmussen, Ó Floinn.

**PRESENT**

 **Councillor Mary Linehan-Foley, County Mayor, presided.**

**Councillor:** O’Shea J.P, Lynch, Collins N, Hegarty, Twomey, Quaide, Hurley, Coakley, Coughlan G, Murphy K, O’Sullivan J, Collins D, O’Connell, McGrath Barry, Rasmussen, O’Flynn

Chief Executive, Senior Executive Officer.

 **[a] CONFIRMATION OF MINUTES**

***Proposed by Cllr. Declan Hurley* 1/10-1**

***Seconded by Cllr. Cathal Rasmussen***

 **RESOLVED:**

“That the minutes of the Meeting held on 28th September 2020 be confirmed and signed by the Mayor.”

**SUSPENSION OF STANDING ORDERS**

The Mayor proposed that Standing Orders would be suspended to allow the meeting to conclude within 1 hour 55 minutes in line with health recommendations, seconded by Councillor Declan Hurley.

 **[b] VOTES OF SYMPATHY**

**2/10-1**

**TO:** Jerry Sheedy on the death of his wife, Carmel.

**TO:** Helen O’Donnell on the death of her husband, Tom

**TO:** Veronica O’Donnell on the death of her husband, Martin

 **[c] STATUTORY BUSINESS**

**Disposal of Property**

**Section 183 of the Local Government Act 2001:**

# *Members noted the following disposals:*

**Municipal District of Kanturk/Mallow:**

# *Grant of Wayleave at Annabella, Mallow, Co. Cork*

# 3(a)/10-1

In accordance with the provisions of Section 183 of the Local Government Act 2001, the disposal of the property as shown hereunder shall be carried out in accordance with the terms specified in the notice issued to members dated 30th September, 2020.

**SITUATION:** Grant of Wayleave at Annabella, Mallow, Co. Cork

# AREA: 48m x 2m wide

# CONSIDERATION: €1.00

**Municipal District of Macroom:**

# *Disposal of leasehold interest in lands at Gurteenroe, Macroom, Co. Cork*

# 3(b)/10-1

In accordance with the provisions of Section 183 of the Local Government Act 2001, the disposal of the property as shown hereunder shall be carried out in accordance with the terms specified in the notice issued to members dated 30th September, 2020.

**SITUATION:** Disposal of leasehold interest in lands at Gurteenroe, Macroom, Co. Cork for the purpose of a building for De La Salle College Secondary School, Macroom

**AREA:** 0.67 hectares (1.67 acres) approx.

# CONSIDERATION: €1.00

**Municipal District of Bandon/Kinsale:**

# *Grant of Wayleave at Ballinacubby, Kinsale, Co. Cork*

# 3(c)/10-1

In accordance with the provisions of Section 183 of the Local Government Act 2001, the disposal of the property as shown hereunder shall be carried out in accordance with the terms specified in the notice issued to members dated 2nd October 2020.

 **Section 147 (3) of the local Government Act, 2001, as amended**

# 4/10-1

# *Members noted the following:*

In accordance with the statutory provision, Mayor informed Members of the local authority of receipt of prescribed notification from the Chief Executive of extension of tenure period.

**[e] REPORTS AND RECOMMENDATIONS OF COMMITTEES**

**Joint Policing Committee:**

# 5/10-1

This document constitutes the Annual Report of the Cork County Joint Policing Committee (JPC) for the year ended 31st December 2019.

The report has been prepared in the context of the Joint Policing Committee Amended Guidelines 2014 jointly issued by the Minister for Justice and Equality and the Minister for Environment, Community and Local Government and in specific accordance with Section 36(5) of the Garda Síochana Act 2005.

# *Members noted the Joint Policy Committee Annual Report 2019.*

**Corporate Policy Group:**

# 6/10-1

Approval of attendance by Council Members at conferences on the Conference List for October 2020.

***Members noted the Conference List for October 2020.***

**Proposed Amendments to Standing Orders:**

# 7/10-1

**Hour of Meeting:**

The meeting of the Council shall commence at 11.00 a.m*.* or at such other hour as may from time to time be fixed by resolution of the Council, or by statute, or in the case of a meeting called by the Mayor for which some other hour of meeting is named. All meetings of the Council shall terminate at 1.30 p.m. unless otherwise extended by a resolution of the Council which shall be passed not later than 1.15 p.m. This extension of time shall not extend past 2.00pm and this time period shall include discussion on Any Other Business matters.

***During the Covid 19 period all meetings of Council shall conclude within 1 hour 55 minutes. Any business not addressed will be deferred to another date.***

***Members noted the proposed amendments to standing orders.***

**Social Inclusion SPC:**

# 8/10-1

***Cllr. John Paul O’Shea proposed, seconded by Cllr. Mary Linehan Foley***

Members outlined that Social Inclusion SPC has considered the detailed policy:

* Promoting social inclusion is a key element of the work of Cork County Council, as indicated by the high-level commitment demonstrated by the creation of the Social Inclusion, Community and Rural Development Strategic Policy Committee
* More recently, the work of the Cork County Council Covid-19 Community Support Programme served to highlight issues of social exclusion, how these are magnified in times of crisis
* The central role of the local authority in facilitating a response to these inequalities.

***Members adopted the Social Inclusion, Community & Rural Development Strategic Policy.***

**[h] NOTICES OF MOTION**

**Derelict Sites: 9/10-1**

***Cllr. Noel Collins proposed, seconded by Cllr. John Paul O’Shea***

***“****Council report on what powers, if any, are in place to take action where houses in residential areas are left unoccupied for years and cause a great nuisance and dampness to neighbours, in view of the fact that the Derelict Sites legislation cannot be currently used if the house is basically intact. Does the problem necessitate fresh legislation.”*

**Members noted the response from Mr. Niall Healy, Director of Services, Municipal District Operations & Rural Development & Mr. Maurice Manning, Director of Services, Housing.**

**RESPONSE:**

The Municipal District Operations & Rural Development Directorate refers details of vacant homes raised by Elected Members and/or the local community to the Housing Directorate in order that they can be considered under the following Schemes:

* Repair & Leasing Initiative
* Buy & Renew Scheme

The Housing Department will engage with property owners who are willing to refurbish their dwellings and lease them to the Council for social housing purposes and continues to acquire vacant properties under the Buy & Renew Scheme.

**During this discussion, the Members made the following points:**

* Members advised there is a need for additional pre-planning consultation
* The max grant of €50,000 needs to be doubled to get derelict houses back into use
* Members said that the Vacant Housing Officer role needs to take on the role of assessing to see if some derelict sites would be suitable for social housing
* Members expressed the need for an update/review on the Repair to Lease Scheme

***Members agreed to write to Minister for Housing, Local Government & Heritage to consider expanding the role of the Vacant Housing Officer. Members also agreed to write to Minister for Employment Affairs & Social Protection requesting an update on the Repair to Lease Scheme and a review of the scheme.***

**Derelict Sites Register: 10/10-1**

***Cllr. Karen Coakley proposed, seconded by Cllr. Mary Linehan-Foley***

*“I am calling on Cork County Council to implement the Derelict Sites Act of 1990”.*

**Members noted the response from Mr. Niall Healy, Director of Services, Municipal District Operations & Rural Development:**

**RESPONSE:**

The Municipal District Operations & Rural Development Directorate has a key role in dealing with reports of derelict sites throughout Cork County. The directorate investigates complaints of derelict sites and takes appropriate action in accordance with the powers conferred on local authorities under the Derelict Sites Act 1990. The response measures taken are often supported by the advice provided by other directorates within the Council, including:

1. **Housing Directorate** – consideration of the potential for regeneration of brown field sites in town and village centre locations.
2. **Planning Directorate** – through the development of specific planning objectives dealing with derelict sites in Local Area Plans and the County Development Plan.

The Municipal District Operations & Rural Development Directorate addresses issues of dereliction in the following ways:

1. **Engagement with property owners**

Ongoing engagement with known owners of identified properties. This has proven beneficial in tackling dereliction and many positive outcomes have been achieved which have resulted in buildings being refurbished/improved and/or significant improvement in general presentation. In some cases, properties have been re-purposed and restored to active use.

1. **Cork County Council Streetscape Painting, Signage & Improvement Scheme**

Cork County Council’s Streetscape Painting, Signage & Improvement Scheme is delivering real and tangibleoutcomes for improving the appearance of our Town Centres, and in particular in addressing vacant properties considered derelict. Tenants or owners of buildings can avail of a grant of up to 50% of the full cost of painting the building. A colourist is employed as part of an overall plan to develop an attractive, complimentary colour scheme for the town as a whole. The presentation of our towns is a key factor in attracting shoppers, visitors and investors and the painting scheme is proving to be very effective in providing an overall improved presentation. There has been a very positive uptake in same under Project ACT.

1. **Cork County Council Repair & Leasing Initiative Scheme/ Buy & Renew Scheme**

The Municipal District Operations & Rural Development Directorate refer details of vacant homes to the Housing Directorate in order that same can be granted consideration under the Repair & Leasing Initiative or the Buy & Renew Scheme.

1. **Implementation of Derelict Sites Act Legislation**

If, following recourse to the above measures, engagement with the owner has not progressed, Cork County Council will use the powers conferred on it by legislation under the Derelict Sites Act 1990.

In 2018 a total of 194 properties were on the Derelict Sites Register and a total of 24 notices were issued. In 2019, there were 190 sites on the Derelict Sites Register (i.e. 4 no. sites were entered and while 8 no. were removed from the register).

In 2020, the figure remains at 190 no. A number of properties have been removed from dereliction and/or poor appearance through our painting scheme as part of Project ACT during 2020.

It is important to highlight that the responsibility for maintenance of properties remains with the owner. The Derelict Sites legislation is only used when all other efforts have proved unsuccessful. The key focus is to engage with the owner of the property to resolve the issues, as experience has demonstrated that this provides the most successful outcome in resolving issues of dereliction.

**Complexities Arising**

It should be noted that the Derelict Sites legislation is not entirely fit for purpose in allowing a swift resolution in dealing with issues of dereliction. In many cases, the legislation is such that it can often give rise to the initiation of legal proceedings that can take several years to resolve. This can often result in significant costs being incurred by the Council with little or no success in terms of outcome.

In recent years, the Council has suffered the financial loss of costs and judgement mortgages accruing from works that the Council had previously undertaken to render dangerous and derelict buildings safe (there is provision under the Land and Conveyancing Act 2009 where a bank is selling a property, it can dispose of the property with no regard to any judgments registered subsequent to its own charge having been registered). This has become a mechanism widely used to dispose of properties with no requirement to satisfy judgements so registered.

**During this discussion the Members made the following points:**

* Many derelict sites are eyesores and are ruining landscapes
* The register of Derelict Sites is not updated frequently enough and are gathering dust
* Tidy Towns are disheartened as they work to improve community
* Property owners cannot be located and sites continue to deteriorate
* Derelict Sites Act is not fit for purpose

The Chief Executive strongly rejected that files were gathering dust and said that staff worked hard to deal with dereliction in the county. He said that many challenges including issues around title and that rectification of title is a lengthy process. He said that many sites were vacant or derelict because of the properties were not viable on the open market.

**Cancer Screening: 11/10-1**

***Cllr. Danielle Twomey proposed, seconded by Cllr. Noel Collins.***

*“That Cork County Council would call for an immediate review of the National Cancer Strategy to address capacity deficiencies and to lay out a timeline for catch up on new and delayed cancer care with targets.*

*To also include the reversal of historic underinvestment in cancer care to meet targets set under the National Cancer Strategy and additional funding to be made available for capacity protection measures to deliver Cancer care in a COVID environment.”*

**During this discussion the Members made the following points:**

* Members stressed that more funding is needed to allow for an increase in screening
* Expressed their concerns on Ireland’s high rate of cancer
* Members expressed the importance of screening to catch cancer at early stages
* Acknowledged the reduction in cancer patients being treated

***Members agreed to write to Minister for Health looking for an immediate review of the National Cancer Strategy.***

**Street Furniture: 12/10-1**

***Cllr. Frank O’Flynn proposed, seconded by Cllr. Deirdre O’Brien***

*“That Cork County Council would outline its policy on street furniture in relation to restaurants and bars throughout the county in order to encourage and help businesses to trade in a post COVID situation.”*

**Members noted the response from Mr. Niall Healy, Director of Services, Municipal District Operations & Rural Development:**

**RESPONSE:**

The Municipal District Operations & Rural Development Directorate, has over the course of the past year, dealt with a substantially increased number of enquiries and applications for outdoor street dining furniture from cafes, restaurants and more recently bars.

Cork County Council supports and encourages the provision of outdoor street dining furniture for establishments who prepare and serve food on site and would benefit from outdoor dining facilities.

Applications are assessed to ensure that national guidelines regarding social distancing can be adhered to and that there is sufficient space to allow for the safe passage of all users in accordance with national recommendations. A comprehensive assessment of vehicular parking is also maintained to ensure that the need for both on street parking and outdoor street dining furniture is balanced and proportionate. In some cases, requests for further on street Age Friendly parking spaces, are being explored and facilitated, in order to accommodate less mobile pedestrians who may have difficulty in travelling on foot from car parks to key town centre locations e.g. Post Office, pharmacy, church etc.

The Council has and continues to support this process as a core element of Project ACT in the following key ways:-

1. Simplified and streamlined applications for outdoor street furniture through the provision of a Temporary Street Furniture licence application process.
2. Currently waived annual fee for outdoor street furniture.
3. Currently waived requirement to ensure insurance cover is in place, this is now provided by Cork County Council.
4. Development of Standard Operating Procedure in order to provide a ‘how to guide’ for cafes, restaurants and bars on the installation of parklets.
5. Provision of financial support through Project ACT funding applications for the installation of parklets, town bespoke outdoor wind breakers/dividers, pedestrianized streets with outdoor street furniture etc.

The level of interest in and demand for outdoor street dining furniture has become a key element, in helping our Town Centres to adapt and trade, while we continue to live with Covid 19. The Council is happy to engage with and support any further enquiries or applications that may arise in this regard. It should, also be highlighted, that there has been tremendously positive feedback in relation to the outdoor street dining furniture provided to date and in many cases the level of demand and interest is stimulating a renewed conversation on ‘re-imagining’ how our town centres will function in the future.

**During this discussion the Members made the following points:**

* Members expressed the importance of outdoor trading to businesses
* A clear policy is needed for all municipal districts across Cork County
* Asked it to be looked at from a realistic and practical point of view
* Needs to be communicated to businesses
* The need to cater for accessibility and disabilities needs to be included
* The Municipal District Officers are available to advise applicants

**Vacant & Derelict Buildings: 13/10-1**

***Cllr. Pat Hayes proposed, seconded by Cllr. Frank O’Flynn***

*" That Cork County Council would carry out a feasibility study as to the viability of purchasing vacant and derelict buildings in Cork County towns and villages with a view to rebuilding or renovating them. The scope of the study to include what types of Retail, services, industry is currently trading in each town."*

**Members noted the response from Mr. Niall Healy, Director of Services, Municipal District Operations & Rural Development:**

**RESPONSE:**

Cork County Council has and continues to take a leading and active role in tackling the issues of vacancy and dereliction in our town and village centres. These challenges have been exacerbated in recent decades by both recent economic downturns and a changing retail landscape.

The Councils approach to dealing with vacant and derelict buildings is centred on the following key interventions: -

1. Engagement with property owners.
2. Cork County Council Streetscape Painting, Signage & Improvement Scheme.
3. Cork County Council Repair & Leasing Initiative Scheme / Buy & Renew Scheme.
4. Implementation of Derelict Sites Act Legislation.
5. Housing regeneration of brownfield sites.
6. Innovative interventions and uses to address vacancy e.g. Blackwater Makers Craft Shop in Fermoy, Santa Grotto for Christmas 2019 in Bandon and the recent publicly acclaimed Owenabue Arts Collective in Carrigaline.

As part of Project ACT, Cork County Council has recently undertaken a baseline level analysis of vacant properties in our town centres, in order to explore and develop what further options may exist to address vacancy; including, in particular, the possibility of revitalising town centres and cores through targeted engagement with property owners, in order to replicate the more innovative interventions and uses of recent months and years, in Carrigaline, Fermoy and Bandon.

In this regard the approach will centre on securing immediate results in buildings that are immediately available and fit for purpose, for such uses. Focus will also be given to buildings and sites that have become significantly dilapidated however it should be noted that this process will take time in order to address key title, legal, and structural challenges that are an inherent part of such buildings and sites.

The Planning and Development Directorate has also in recent years undertaken Urban Capacity Studies in many of the key towns in Cork County, this data will inform the current County Development Plan review and has examined in detail the town centre ground floor profile and level of vacancy in each town that formed part of this review process.

This data is used to support funding applications under the Rural Regeneration Development Fund, the Urban Regeneration Development Fund and the national Town and Village Funding Scheme; and in developing proposals and applications which address the key issues of vacancy, dereliction and urban and rural regeneration.

**During this discussion the Members made the following points:**

* Requested the need for a feasibility study to be carried out on vacant buildings
* Scope of study would need to be wide ranging and detailed
* The need to bring life back into town centres
* Positive outcome would be less anti-social behaviour
* Expressed the need for social and affordable housing
* Members suggested a pilot project to be carried out in one town or village

The Chief Executive outlined that an analysis of greenfield and brownfield sites in the county was being undertaken as part of the County Development Plan process.

**Domestic Water Grant: 14/10-1**

***Cllr. Anthony Barry proposed, seconded by Cllr. Kevin Murphy.***

*“That this Council call on the Department to reconsider it's decision to cut the grant for the upgrading of domestic water from private Wells. Also, the seven year clause should be abolished if a public water supply is unavailable.”*

**Members noted the response from Mr. Kevin Morey, County Engineer:**

**RESPONSE:**

**Grants Available:**

Grants are available under the Rural Water Programme for the carrying out of improvement works to a private water supply. The scheme is administered by local authorities on behalf of the Department of Housing, Planning and Local Government.

The current scheme was introduced in June 2020 with its key features being:

* The grant payable for rehabilitation works is 85% of approved costs subject to a maximum of €3,000.
* The grant payable for the provision of a new well is 85% of approved costs subject to a maximum of €5,000, where the housing authority agrees that this is the most appropriate solution.
* The water quality treatment element (typically filtration and Ultra Violet treatment) qualifies for 100% funding up to a maximum of €1,000. This can be claimed on its own or in addition to either the grant for rehabilitation works or the grant for a new well.
* The minimum grant threshold is €750.

Under the previous scheme the grant payable was 75% of approved costs subject to a maximum of €2,031 for all improvement work types.

A comparison of both schemes shows that if you apply for water treatment works only and the approved cost is greater than €1,333 then the grant you receive under the new scheme will be less than you would have received under the old scheme. For all other applicants the grant has improved. An examination of applications received in Cork County since the introduction of the revised scheme shows that 13% related to water treatment only with some applications being less than the €1,333 threshold.

Therefore it is estimated that 90% of applicants receive an improved grant with 10% receiving less than previously.

**7-year rule:**

The 7-year rule states that the house must have been fully constructed for more than 7 years and a grant must not have been paid for the provision of, or improvement to, a water supply to the house under the Scheme within the previous 7 years.

However, in exceptional circumstances applicants may be permitted to make a second application within the 7-year period if the maximum grant was not utilised and some significant unforeseen or emergency issue arises after the first application. Where a second application is made within the seven-year period under these circumstances, the combination of the original payment and the second payment shall not exceed the maximum amount payable for a single grant.

**During this discussion the Members made the following points:**

* Members expressed their disappointment on the scheme reducing grant funding
* Advised that Cork County has the largest number of private wells
* Acknowledged that rural Ireland is being impacted
* Members raised concern that people might not take remedial action for improving water quality as funding is reduced
* Members stated that the 7-year clause should be reviewed by the department

***Members agreed to write to the Department of Housing, Local Government & Heritage to reconsider it’s decision to cut the grant for the upgrading of domestic water from private wells.***

 **[k] VOTES OF CONGRATULATIONS**

TO: Cloyne Ladies Football Team on winning the County Gaelic Football Junior Championship

TO: Kinsale GAA on winning the South East Championship Final

TO: John Murphy on winning the Rivermont Georgia

TO: Skibbereen Rowing Club on winning the European Rowing Championship in Poznan

 **[i] ANY OTHER BUSINESS**

**Rates:**

# *Cllr. Danny Collins proposed, seconded by Cllr. Mary Linehan Foley*

# During this discussion the Member made the following points:

* The need for deferral of rates for businesses that were closed or practically closed in 2020
* Rates bills will put some companies out of businesses
* Members expressed the concerns of publicans and hoteliers
* Requested a review be carried out for the first 6 months for 2021

***Members agreed to write to the Minister for Housing, Local Government & Heritage requesting a full deferral of Rates for 2020.***

**Awnings:**

During this discussion the Members made the following points:

* Requested an update from Planning Department to see if awnings can be used
* Advised that adjoining properties need to be respected

Members were advised that planning permission is required for awnings.

**Speed Limit:**

During this discussion the Members made the following points:

* Members expressed the need for a full review on speed limits in Cork County
* Adjustments to speed limits are needed in both rural and urban areas
* Advised that these need to be reviewed every four years

**Hedge Cutting:**

# During this discussion the Members made the following points:

* Congratulated Cork County Council on the advertisement for hedge cutting
* Concerns of issues of fallen trees for winter months
* Asked if Cork County Council has a training programme for chainsaw use by Council Staff

Members were advised that a system was in place with private contractors that can respond promptly to any issues.

**~ This concluded the business of the Meeting ~**