



## COMHAIRLE CONTAE CHORCAÍ

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### Minutes of Proceedings at Meeting of Cork County Council held in the Council Chamber, County Hall, Cork on 23<sup>rd</sup> April, 2018.

#### I LATHAIR

Comhairleoir D. Ó hUrthuile, Méara Chontae

Comhairleoiri MacCraith, Mac Seafraida, Daltúin, Ní Fhúarthain, D. Ó'Donnabháin Dheasmhumhnaigh, Ó Cainte, S. Ó Coileán, M. Ó Murchú, Ó hEarchaí, R. Mhic Cárthaigh, Ó Colmáin, Lombard, C. Ó Murchú, Ní Cochláin, J. Ó' Donnabháin, G. Ní Mhuimhneacháin, Críod, Ó Gráda, Ó Luasaigh, Ó Riain, Ó Conbhuí, P. Ó Suilleabháin, C. MacCárthaigh, Ó Ceocháin, Sheppard, De Barra, Ó Cadhla, Rasmussen, N.Ó Coileán, Ó hEachteirn, Uí Thuama, Ó hEigearthaigh, S. NicCárthaigh, Léanacháin-Foghlú, Ní Bhrian, N. MacCárthaigh, Ó Floinn, Ó Dúghaill, Mhic Dháibhí, Uí Mhurchú, Ó Sé, G. Ó Murchú, G. Ó Murchú, B. Ó Muimhneacháin, Uí Mhaoláin, T. Ó Coileán, D. Ó Coileán, Ó Cearúill, J. Ó Suilleabháin, C. Ó Suilleabháin, P.G. Ó Murchú, Uí hEigearthaigh.

#### PRESENT

Councillor Declan Hurley, County Mayor, presided.

Councillors McGrath, Jeffers, D'Alton, Forde, Ó'Donnabháin, Desmond, Canty, J. Collins, M. Murphy, Harris, R. McCarthy, Coleman, Lombard, K. Murphy, Coughlan, J. O'Donovan, G. Moynihan, Creed, O'Grady, Lucey, Ryan, Conway, P. O'Sullivan, K. McCarthy, Keohane, Sheppard, Barry, O'Cádhlá, Rasmussen, N. Collins, Ahern, Twomey, Ml. Hegarty, S. McCarthy, Linehan Foley, O'Brien, N. McCarthy, O'Flynn, Doyle, Dawson, J. Murphy, O'Shea, Gearóid Murphy, G. Murphy, B. Moynihan, Mullane, T. Collins, D. Collins, Carroll, J. O'Sullivan, C. O'Sullivan, P.G. Murphy, Hegarty.

Chief Executive, Senior Executive Officer, Senior Executive Officer Economic Development, Enterprise & Tourism Directorate

#### CONFIRMATION OF MINUTES

1/2-4

Proposed by Councillor Kevin Conway

Seconded by Councillor Timmy Collins

#### RESOLVED:

“That the minutes of the meeting of the Council held on 9<sup>th</sup> April, 2018, be confirmed and signed by the Mayor.”

#### **VOTES OF SYMPATHY**

2/2-4

- TO: Deputy Michael Moynihan TD and Councillor Bernard Moynihan on the death of their father, Denis.  
TO: Ms Jean McCarthy on the death of her father, Eugene.  
TO: Mr Paddy McCarthy on the death of his mother, Eileen.  
TO: Mr Wayne O'Donnell on the death of his father, Liam.  
TO: Mr Noel Collins on the death of his mother, Mamie.

#### **SUSPENSION OF STANDING ORDERS**

Councillor Diarmaid Ó Cadhla proposed, seconded by Councillor Kieran McCarthy, a suspension of Standing Orders at 1pm to discuss his motion.

The Mayor informed members that in accordance with Standing Orders he had made a decision that the Motion would be better refereed to the Divisional Committee for discussion and asked that his decision be respected. If the member insisted then the issue could be discussed under Any Other Business.

Councillor Ó Cadhla was not satisfied to discuss the issue under Any Other Business.

The Mayor agreed to the suspension of Standing orders at 1pm to discuss this.

#### **STATUTORY BUSINESS**

3/2-4

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

Members noted the following disposals.

##### **AMENDMENT TO DISPOSAL OF PROPERTY AT 1 DISTILLERY ROAD, BANDON, CO. CORK**

3(a)/2-4

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 12<sup>th</sup> April 2018.

##### **AMENDMENT TO DISPOSAL OF BOATHOUSE AT DISPOSAL OF BOATHOUSE AT RATHCOURSEY WEST, MIDLETON, CO. CORK**

3(b)/2-4

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 6<sup>th</sup> April 2018.

**LEASE OF LAND AT BARONY IMOKILLY, YOUGHAL, CO CORK**

**3(c)/2-4**

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 12<sup>th</sup> April 2018.

**DISPOSAL OF FREEHOLD INTEREST IN HOUSE AND PLOT AT NO. 57 ROSARY PLACE, MIDLETON, CO CORK**

**3(d)/2-4**

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 12<sup>th</sup> April 2018.

**DISPOSAL OF HOUSE AT GLENAMUCKLA WEST, TAUR, NEWMARKET, CO CORK**

**3(e)/2-4**

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 12<sup>th</sup> April 2018.

**Section 19 of the Local Government Act, 2001:**

**FILLING OF CASUAL VACANCY IN THE MEMBERSHIP OF COUNCIL**

**4/2-4**

Councillor Seamus McGrath proposed, seconded by Councillor Frank O’Flynn, the following proposal:

The Mayor, Members and the Chief Executive welcomed Councillor Ahern to Cork County Council as a member and that they looked forward to working with him.

Councillor Ahern thanked them for their welcome and said he was looking forward to working with all in the chamber for the remainder of this Council and hopefully beyond.

“That Michael Ahern be hereby co-opted to Cork County Council to replace former Councillor Aaron O’Sullivan, who resigned from Council on 27<sup>th</sup> November, 2017.”

**FILLING OF VACANCIES ON COMMITTEES AND EXTERNAL BODIES**

**5/2-4**

On the proposal of Councillor Seamus McGrath, seconded by Councillor Frank O’Flynn, Councillor Michael Ahern was nominated to the Planning SPC, the Tourism SPC, the Coastal Management Committee and the Joint policing Committee.

## **REPORTS & RECOMMENDATIONS OF COMMITTEES**

### **CORK COUNTY COUNCIL AUDIT COMMITTEE**

6/2-4

#### **Audit Committee 2017 Report on Activities**

6(a)/2-4

Noted by members.

#### **Audit Committee 2018 Work Plan**

6(b)/2-4

Proposed	Councillor Kevin Murphy
Seconded	Councillor Cathal Rasmussen

### **HOUSING STRATEGIC POLICY COMMITTEE**

7/2-4

Draft Disability Strategy

Proposed	Councillor Seamus McGrath
Seconded	Councillor Eoghan Jeffers

During a discussion members made the following points:

- Welcome the principle of universal design enshrined in the document.
- This is an excellent, very comprehensive report and was discussed at length at the SPC.
- This strategy was produced in conjunction with the City Council and is a great example of joined up thinking between the two authorities.
- All housing should have this provision at build and design stage.
- This strategy reemphasises the need for disabled friendly units in building construction.
- Important to avoid the need for retrofitting.

## **REPORTS & RECOMMENDATIONS OF OFFICERS**

### **CHIEF EXECUTIVE'S MANAGEMENT REPORT TO COUNCIL**

8/2-4

#### **Report of the Economic Development, Enterprise & Tourism Directorate**

Proposed	Councillor Frank O'Flynn
Seconded	Councillor Timmy Collins

During the discussion members made the following points:

- There is no reference to plans to add a second ferry to Spike Island
- There is no mention of appointing social workers
- Can members get an update on the Visit Cork website
- Spike Island's 5pm closing time is very restrictive
- Harbour trips don't currently include other towns
- There needs to be a broadening of access points in the harbour
- Visitor numbers to Spike Island do need to be increased
- Is there any update on the Cork Science and Innovation Park

In response to Members' queries the Chief Executive responded as follows:

- The Spike Island ferry operation is out to tender currently so it's not appropriate to comment on it currently

- The VisitCork website is almost complete, there are workshops organised for May and the Tourism SPC will be given a briefing
- Regarding the Cork Science and Innovation Park a Notice to Treat has been issued to enable access, planning permissions have been granted and it is hoped that UCC, CIT and the City Council will be moving forward with this soon.

In response to Members' queries the Senior Executive Officer Economic Development, Enterprise & Tourism Directorate stated the following:

- The ferry operators have to work within certain parameters
- The ambition is to promote access to Spike Island
- The harbour tour in the report refers to one collection point
- The tender will be in place for three years
- No initiative run by the Economic Development, Enterprise & Tourism Directorate requires social workers

## **NOTICE OF MOTIONS**

### **RATES INITIATIVE**

**9/2-4**

Councillor Danny Collins proposed, seconded by Councillor Joe Harris, the following notice of motion:-

“That this council sets up an initiative to give start up businesses free rates up to 8 months in commercial buildings in towns that are lying empty all over the County.”

Members note the response from the Head of Finance as follows.

This motion is the second one of a nature that seeks to introduce a reduction in rates for businesses occupying vacant premises in the county. A motion of a somewhat similar nature was discussed at length in 2017 through the Economic Development SPC and no firm decision was taken on same.

While recognising the intent of the motion, this requires further consideration by the Economic Development SPC and Director of Tourism & Economic Development with input from the Head of Finance. It also is a matter that would be required to be considered by the CPG in the context of Budget 2019, and, the matter of the extension of the City Council boundary in terms of its implications.

Likewise, it is expected that new legislation will be introduced to the Oireachtas in the near future which will bring changes to the rating system that would need to be considered by Council. Indeed, any proposal of this nature may be premature pending the outcome of the proposed legislation.

In the circumstances, the matter should be further discussed through the Economic Development SPC and by CPG as part of the Budget 2019 deliberations.

During the discussion that followed members made the following points:

- There is a very high vacancy rate in Douglas, at what point is critical intervention appropriate
- Should call on the Department to introduce an incentive to renew town centres
- Rates should be based on state wide system of turnover of profit

- Would like to see incentives for indigenous start-ups
- There is also an onus on property owners regarding rents
- An urban capacity study is being undertaken by Planning policy Unit and this will give a clear picture of the status regarding dereliction in towns.
- Very poor support given to town centres
- There is a need to ensure a good mix of businesses in town centres
- Those property owners in key areas who allow their property to become derelict should be penalised

The Chief Executive responded as follows:

- This issue can be discussed again at Development Committee, CPG and the Economic Development SPC
- There has been an increase in the level of activity in towns and villages in the last 6 months, supported by Cork County Council initiatives including festivals and events and painting schemes
- Rates are not the cause of vacancies, there are other factors.
- 67% of businesses pay less than €3,000 p.a., 33% of them pay less than €1,000

## **ENGAGEMENT OF PRIVATE CONTRACTORS FOR HOUSING MAINTENANCE**

**10/2-4**

Councillor Ger Keohane proposed, seconded by Councillor Kevin Conway, the following notice of motion:-

"That this Council seek a report from the Director of Housing regarding the means of engagement of private contractors for Housing maintenance and repair including the tendering process and the number of contractors currently on the tender list."

Members note the response from the Director of Housing as follows.

Cork County Council's Housing Department complies with national procurement policies for the appointment of all contractors, including Building & Response Maintenance Contractors, Plumbers & Electricians, by putting in place framework agreements with service providers for the provision of maintenance services. The establishment of each framework is publicly advertised on E-Tenders and contractors appointed to each framework have to meet the following set minimum criteria to ensure that they are competent and capable of delivering services for the Council;

- Insurance and Tax Compliance
- Experience of Similar Works and proven track record
- Health & Safety Competence
- Trade Qualifications & Available resources
- Turnover & Liquidity

Each framework is put in place for an initial period of 2 years, with an option to extend to a maximum term of 4 years. Mini-competitions are run annually on each framework to ensure value for money and competition. The frameworks are subdivided by Municipal district to ensure sufficient capacity is available in each area to meet local service demands. The following are the key frameworks and the number of available contractors presently in use in Housing;

<b>Framework</b>	<b>No of Contractors</b>
- Void Maintenance	28 Contractors
- Respond Maintenance	28 Contractors
- Plumbing Maintenance	15 Contractors
- Electrical Maintenance	15 Contractors
- Gas Boiler Maintenance	4 Contractors
- Oil Boiler Maintenance	6 Contractors
- Windows & Doors	6 Contractors

The use of frameworks allows the Council to ensure the availability of competent and suitably qualified contractors to undertake works to its housing stock while also ensuring compliance with public procurement regulations & value for money. It is intended to advertise for the renewal of the key maintenance frameworks during the summer, (Housing Maintenance, Electricians & Plumbers). In tandem with this the Housing Department intends to hold regional workshops in each of the three divisions to give guidance and assistance to small and medium sized contractors, electricians and plumbers who may wish to tender for work with the Council but who are not used to public procurement procedures. It is proposed to undertake this exercise so as to increase the available contracting base across Cork County, while still ensuring value for money in the delivery of a high quality service. In this regard, if members of the Council are aware of local contractors & skilled electricians or plumbers, who may be interested in tendering for works for Cork Council they should contact the Senior Engineer in Housing so that their interest in the workshops, which will be advertised in June, can be registered.

To date in 2018, 1574 repairs have been sanctioned and carried out in the Southern Division of Cork County Council while a new Response Maintenance procedure was introduced to improve the management of Contractor performance and the delivery of housing repairs to tenants. The Council's Service Design Team is currently reviewing the procedure which will lead to further enhancements in 2018.

During the discussion that followed members made the following points:

- The issue seems to be with the contractors not with Cork County Council
- It appears that some contractors cluster jobs by area not need
- Cork County Council should be using direct labour
- There is no specific budget for emergency repairs
- The system isn't working as it should
- There should be more oversight of contractors

Members agreed to refer the issue to the Housing SPC.

## **EMERGENCY ACCOMODATION**

**11/2-4**

Councillor Joe Harris proposed, seconded by Councillor Melissa Mullane, the following notice of motion:-

“Request a report on emergency accommodation: Report to include type, average length of stay, condition, areas located and plans for more accommodation.”

Members note the response from the Director of Housing as follows.

Cork County Council provides section 10 funding to Westgate Foundation in Ballincollig (six beds) and Fellowship House, Spur Hill, Cork (10 beds) for the provision of emergency homeless facilities. 90% of this funding is recouped from the Department of Environment, Planning and Local Government. Emergency facilities such as Bed and Breakfasts are also utilised throughout the county

when necessary. There are currently two Tenancy Sustainment Officers in place to deal with homelessness within North Cork and West Cork and the Council has a joint approach with Cork City Council to deal with homelessness in the South Cork area.

In addition, Cork County Council has received funding under Circular 4/2018 for the post of dedicated Place Finder Officer whose function is to deal with homelessness and sourcing of HAP accommodation for homeless persons. In dealing with homelessness an integrated multi-agency approach endeavors to ensure that the length of stay for homeless persons in emergency accommodation is limited. While in certain cases, due to particular circumstances, the length of stay has been up to 12 months, the majority of cases are resolved within 2 months.

During the discussion that followed members made the following points:

- Government policies make people homeless
- Glad to see a third tenancy support officer is being appointed
- Need to be buying and building more houses
- There are no beds available in East Cork
- It's very difficult to register as homeless
- What is the definition of homelessness
- Only those registered as homeless are counted
- There is a knock on effect on the mental health of people who are homeless

## **AFFORDABLE HOUSING SCHEME**

**12/2-4**

Councillor Frank O'Flynn proposed, seconded by Councillor Gillian Coughlan, the following notice of motion:-

“That Cork County Council call on the Department of Housing, Planning and Local Government to rollout a new affordable housing programme to meet the housing needs of many families and that Cork County Council would participate in such a scheme as matter of urgency.”

During the discussion that followed members made the following points:

- There needs to be an affordable housing scheme put in place for those families whose incomes are too high for social housing but can't afford to buy a home
- The scheme needs to be devised with the 'working poor' in mind
- The scheme needs to be on council and state owned land
- Significant inroads have been made by Cork county Council to deal with the housing crisis but many are short-term
- Rebuilding Ireland Loans is a good scheme for those who qualify but not many do
- It is encouraging to that see a scheme is being promised
- There should be different tiers of eligibility for social housing
- Dublin City Council have their own affordable housing scheme in place

It was agreed to email the Members agreed to write to the Minister for Housing, Planning and Local Government requesting that a scheme that works be put in place.

## **BEAM AND LENS AT THE HISTORIC FASTNET LIGHTHOUSE**

**13/2-4**

Councillor Gillian Coughlan proposed, seconded by Councillor Danny Collins, the following notice of motion:-



“Cork County Council calls on the Taoiseach and Minister for Defence, Leo Varadkar, T.D to retain the full beam and lens at the historic Fastnet Lighthouse”.

During the discussion that followed members made the following points:

- The Fastnet is an iconic symbol of the Diaspora, known as the ‘Teardrop of Ireland’
- Has great potential for tourism but the removal of the lenses would hamper this
- The Fastnet merits being put on the list of World Heritage Site
- The change will have drastic consequences for tourism and local fishermen
- The Council should step in before it’s too late

Members agreed to write to the Taoiseach and Minister for Defence, Leo Varadkar, T.D

### **SUSPENSION OF STANDING ORDERS**

Councillor Diarmaid Ó Cadhla proposed, seconded by Councillor Des O’Grady, the following notice of motion:-

“That this Council affirms our opposition to war and wishes to reflect this in Council’s everyday work and in our international relations.

In particular we condemn:

1. Israel’s ongoing violence and genocidal attacks against the Palestinian people.
2. The recent missile attacks on the sovereign state of Syria by the UK, France, and USA – which were criminal acts of war and in direct violation of the UN Charter.
3. Ireland’s ongoing collaboration, allowing US military forces to use Shannon Airport as a staging post for its operations.

And that this Council writes to An Taoiseach expressing our concerns and requesting diplomatic response accordingly; and seeking his assurance as to the safety of Irish citizens and the integrity of our neutrality.”

During the discussion that followed members made the following points:

- The UN resolutions are being ignored
- Inspectors in Syria haven’t issued their report yet but missiles are being fired
- What has happened in Palestine lately is appalling
- There is a need to stop the use of Shannon Airport by US forces

Councillor Joe Harris opposed the motion, seconded by Councillor Timmy Collins.

During the discussion that followed members made the following points:

- The motion is too one sided and care needs to be taken when condemning the actions of one Country over another
- This country has a very good relationship with the USA
- This Council should concentrate on the issues faced by this County

The Mayor requested that a vote be taken, which resulted as follows:-

**FOR:** Councillors Jeffers, M. Murphy, R. McCarthy, Coughlan, O’Grady, Keohane, Twomey, J. Murphy, Mullane, D. Collins

**AGAINST:** Councillors McGrath, D'Alton, Harris, Lombard, J. O'Donovan, Creed, Lucey, N. Collins, Ml. Hegarty, S. McCarthy, Linehan Foley, O'Brien, O'Flynn, Doyle, O'Shea, T. Collins, J. O'Sullivan, Ahern

**ABSTAINED:** G. Moynihan, D. Hurley

No letter on this motion will issue to An Taoiseach.

## **THE PROTECTION OF RIGHTS OF TENANTS IN PRIVATE RENTED ACCOMMODATION**

**14/2-4**

Councillor Noel Collins proposed, seconded by Councillor Timmy Collins, the following notice of motion:-

“That this council call on the Minister for the Housing, Planning and Local Government to introduce the necessary legislation to increase the protection of rights of tenants in private rented accommodation.

Members note the response from the Director of Housing as follows.

The Department of Housing, Planning and Local Government have introduced a number of measures to increase the protection of rights of tenants in private rented accommodation over the last number of years. Rent Pressure Zones were brought in to limit rent increases in designated areas to 4% per annum. In non-Rent Pressure Zones, landlords can only increase rents every two years. Further measures were brought in by the RTB in relation to strengthening notice periods for tenants.

The Housing (Standards for Rented Houses) Regulations were also updated in July 2017 and brought in additional requirements including the provision of carbon monoxide alarms and safety restrictors for upstairs bedroom windows as well as updating the previous 2009 Regulations.

During the discussion that followed members made the following points:

- Some tenants are living in terrible conditions and being exploited by their landlords
- There is a need to invest in social housing
- There is no mechanism to pursue landlords for neglecting their properties
- Many homeless cases are as a result of people being evicted from private rented accommodation
- The entire county should be rent pressure zone at this stage

Members agreed to write to the Minister for Housing, Planning and Local Government.

## **SITES AND FORTIFICATIONS TO BE CONSIDERED FOR INCLUSION ON THE WORLD HERITAGE LIST**

**15/2-4**

Councillor Marcia D'Alton proposed, seconded by Councillor Gillian Coughlan, the following notice of motion:-

“That Cork County Council would, in joint co-operation with Cork City Council, prepare a submission for the following collection of related sites and fortifications to be considered for inclusion on the World Heritage List:

- Spike Island (Fort Westmoreland/Mitchell)
- Fort Camden/Meagher

- Fort Carlisle/Davis
- Ringaskiddy Martello Tower
- Haulbowline Island Martello Tower
- Haulbowline Island naval buildings
- The Belvelly, Rossleague and Monning Martello Towers
- Collins Barracks
- Ballincollig Royal Gunpowder Mills.”

During the discussion that followed members made the following points:

- These 11 military installations forming a Napoleonic landscape that stretches from the Cork Harbour mouth all the way to Ballincollig are indivisible parts of a whole. The architectural value of this network, its construction, its function within the wider Cork landscape and its intimate relationship to a period of social history now gone would, in their own right, qualify for consideration for the World Heritage List.
- To put forward this military landscape with the massive 1300 year old heritage of Spike Island would surely clinch it.
- Each is listed on the Record of Protected Structures because of its inherent heritage value. But what is not protected is that which makes them.
- The quality of what we have to offer is undoubtedly of World Heritage status.
- Need for joined up thinking with regard to these sites
- Potential for tours of the Napoleonic Structures

Members agreed to write to the Department of Culture, Heritage and the Gaeltacht and the OPW outlining the Council’s position.

## **UN CONVENTION ON THE RIGHTS OF PERSONS WITH DISABILITIES**

**16/2-4**

Councillor Michael Murphy proposed, seconded by Councillor Melissa Mullane, the following notice of motion:-

"That Cork County Council write to relevant department's seeking the immediate implementation of the UN Convention on the Rights of Persons with Disabilities (UNCRPD) which was recently ratified. Also to seek the steps being taken to deal with the issues already flagged which were previously used as a barrier for ratification including the necessity of additional staffing in hospitals i.e. neurosurgeon etc particularly in Cork"

Members agreed to write to the Minister of State with Responsibilities for Disability Issues.

## **VOTES OF CONGRATULATIONS**

- TO: Thomas Fogarty, who won a bronze medal in the European Taekwondo Championship in Slovenia.
- TO: Gordon Lawson, aged 99 who won a Gold Medal at the Silver Surfer Awards.
- TO: Passage West Under 19s Soccer Club who won the Cup at Turners Cross

## **ANY OTHER BUSINESS**

### **Opening of Tenders**

The Mayor informed members that the following tenders would be opened at the meeting:

- Baile Mhic Íre (Ballymakeera) Interim Flood Mitigation Works - 2 tenders

- Camden Fort tenders for Professional Services - 2 tenders

*This concluded the business of the meeting.*