



COMHAIRLE CONTAE CHORCAÍ

Minutes of Proceedings at Meeting of Cork County Council held in the Council Chamber, County Hall, Cork on 28th May, 2018.

I LATHAIR

Comhairleoir Ian Ó Dúghaill, Leas Méara Chontae

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

PRESENT

Councillor Ian Doyle, Deputy County Mayor presided.

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

Chief Executive, Head of Finance, Senior Executive Officer.

CONFIRMATION OF MINUTES

1/2-5

Proposed by Councillor Kevin Conway

Seconded by Councillor Michael Hegarty

RESOLVED:

“That the minutes of the meeting of the Council held on 14th May, 2018, be confirmed and signed by the Mayor.”

VOTES OF SYMPATHY

2/2-5

- TO: The Michael Duhig on the death of his father, John ‘Duffy’ Duhig
TO: The Tierney Family on the death of their father, Paddy Tierney
TO: Julianne Buckley on the death of her father, Michael Clifford

STATUTORY BUSINESS

Section 183 of the Local Government Act, 2001:

Members noted the following disposals.

AMENDMENT TO GRANT OF LEASE OF LANDS AT BALLINAGREE, CO. CORK

3(a)/2-5

In accordance with the provisions of Section 183 of the Local Government Act 2001, the disposal of property as shown hereunder shall be carried out in accordance with the terms specified in the notice issued to members dated 17th May 2018.

DISPOSAL OF LAND AT ORCHARD ESTATE, CASTLELYONS CO. CORK

3(b)/2-5

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 8th May 2018.

MUNICIPAL DISTRICT OF WEST CORK

4/2-5

MANAGER’S REPORT UNDER SECTION 179, PLANNING AND DEVELOPMENT ACT, 2000:

Part 8 Report: Proposed new Firestation at Park Road, The Miles, Clonakilty, Co. Cork.

Approved by members

RESOLVED:

“Noting that in accordance with Article 179 of the Local Government (Planning and Development) Act, 2000, notice of the proposed development was published, 8 No: submissions were received in respect of the proposal, approval pursuant to Article 179 of the said Act is given for the following:-

Proposed new Firestation at Park Road, The Miles, Clonakilty, Co. Cork.

REPORTS & RECOMENDATIONS OF COMMITTEES

CORK COUNTY COUNCIL AUDIT COMMITTEE

5/2-5

Cork County Council Audit Committee Report on the Annual Financial Statement 2016, pursuant to Section 121 of the Local Government Act, 2001.

Responding to queries from members regarding Capital Housing programme deficits of €4.8 million, the Head of Finance agreed to revert with an up to date position as part of the Report from Finance in July.

Proposed by Councillor Gerard Murphy

Seconded by Councillor Michael Hegarty

JOINT POLICING COMMITTEE

6/2-5

Joint Policing Committee Annual Report (2017)

The Annual Report was noted by members.

In response to points raised by members, the Vice Chair of the Joint Policing Committee agreed to raise the issue of JPCs for former Town Council/ MD areas and the possibility of moving the Public Meeting around the County to facilitate attendees.

REPORTS AND RECOMMENDATIONS OF OFFICERS

CHIEF EXECUTIVE'S MANAGEMENT REPORT TO COUNCIL

Cork County Library report for quarter ending 31st March, 2018

7(a)/2-5

Proposed by Councillor Noel Collins

Seconded by Councillor Kay Dawson

Corporate Services Directorate report (1st Jan – 30th April, 2018)

7(b)/2-5

The report was noted by members.

CORRESPONDENCE FROM GOVERNMENT DEPARMENTS

DEPARTMENT OF HEALTH

8/2-5

Members noted correspondence dated 10th May 2018 in response to Members' letter dated the 14th of March 2018 requesting the HSE to include all citizens with Type 1 diabetes to be included in the Freestyle Libre reimbursement scheme and medical card.

Members agreed to write back and request that all that all citizens with with Type 1 diabetes to be included in the Freestyle Libre reimbursement scheme and medical card without the needing to be referred by a consultant.

DEPARTMENT OF HOUSING, PLANNING & LOCAL GOVERNMENT

Correspondence dated 17th May, 2018, in response to Member's letter dated 28th March, 2018 seeking an update from the Minister for Housing, Planning and Local Government in relation to the provision of housing units at prices below market value associated with developments funded through LIHAF.

9(a)/2-5

Members agreed to write back to the Minister stating that they were dissatisfied with the response and seeking further clarification regarding the provision of affordable units.

Correspondence dated 17th May, 2018, in response to Member's letter dated 24th January, 2018, in connection with a redress scheme for Shared Ownership mortgage holders in arrears.

9(b)/2-5

The correspondence was noted by members however they did comment that what was outlined was not an acceptable solution and that lump sums would still be owed by those over 65 years of age.

NOTICE OF MOTIONS

BOTTLE HILL LAND FILL SITE FOR THE DISPOSAL JAPANESE KNOTWOOD

10/2-5

Councillor Gerard Murphy proposed, seconded by Councillor Anthony Barry, the following notice of motion:-

“That Cork Co council examine the possibility of using the Bottle Hill Land Fill Site for the disposal - treatment of Knott Weed. The current cost of transport from affected building sites is adding considerably to building New Homes.”

Members note the response from the County Engineer as follows.

Members will be aware that in 2015 a “Request for Proposals” (RFP) in relation to the use of the Bottlehill site was advertised and resulted in 5 separate proposals being made for the use of the site in part or in full. One proposal for a Wind Energy project is currently under assessment. No firm date has been established for a final decision on other tenders.

The RFP was made as soundings had indicated there was no market interest in its operation as a landfill. While the economy has improved and there is certainly an increased demand in relation to construction and demolition (C&D) waste, there remains no indication of a changed waste market in relation to Bottlehill. Its potential use as a facility for the disposal of Japanese Knotweed or other invasive species would not increase its market viability. Under current waste regulation the only available off site disposal outlets for Japanese Knotweed waste are lined EPA licensed landfills or incineration.

It is acknowledged that increasing development activity has created an increased demand for C&D waste facilities. There are ongoing capacity assessment initiatives -national, regional and local - in

relation to such waste. Demand for the disposal of Japanese Knotweed or other Invasive Species at landfill arises almost exclusively from construction activities and as such the material can in this context be considered a form of C&D waste. We have asked the Southern Region Waste Management Office (SRWMO) to look at this issue as part of capacity assessment initiatives.

While it is acknowledged that offsite disposal will on some development sites be unavoidable, from a bio-security perspective onsite treatment of Japanese Knotweed is always the preferred option. We are aware that DCCAIE were considering amendments to waste legislation that would facilitate onsite incineration and/or burial, however no changes in relation to the management of Invasive Alien Species contaminated waste have been implemented to date.

During the discussion members made the following points:-

- Japanese Knotweed cleared from sites is transported in sealed containers to Co Mayo, treating it in Cork could reduce costs
- It would make the Bottlehill site viable after €42m being spent on it
- There should be a feasibility study done to see if it's an option
- It is important to explore alternative uses for this site
- We are obliged to effectively treat Japanese Knotweed
- This plan would facilitate faster housing provision
- Burying the Knotweed wont eradicate the problem

Members agreed to refer the motion to the Environment SPC.

EMPLOYMENT OF SCHOOL WARDENS BY CORK COUNTY COUNCIL

11/2-5

Councillor Seamus McGrath proposed, seconded by Councillor Gearóid Murphy, the following notice of motion:-

“To request a written update in relation to the employment of additional School Wardens by Cork County Council. Please outline the total number of School Wardens in position each year over the past 5 years. Please also outline the number of requests on file from Schools and communities for a School Warden.”

Members noted the response from Director of Services, Municipal District Operations & Rural Development and Senior Executive Officer, Personnel Department as follows.

The provision of School Wardens falls under the remit of the Municipal District Operations and Rural Development Directorate with recruitment carried out by the Personnel Department. The following table sets out the number of School Wardens employed at year end from 2014-2018. Recruitment is currently underway to fill a vacancy at Lisscarroll National School

2014	2015	2016	2017	2018 current week
48	50	48	51	53

In 2017 each Municipal District was allocated €10,000 to recruit an additional school warden. This allowed 6 School Wardens to be recruited. The following table sets out the number of requests currently on file within the Municipal Districts from schools and communities for a School Warden and their current status:

Municipal District	Number of Requests	School	Status
East Cork	2	South Abbey, Youghal & St. Mary's Road, Midleton	Awaiting location safety audit
Cobh	1	Glounthane National School	This request will be considered in the context of Budget 2019
Fermoy	1	Charleville CBS	This request will be considered in the context of Budget 2019
Kanturk Mallow	1	Gaelscoil Thomas Daibhís	As part of development of Gaelscoil Thomas Daibhis & Davis College it is proposed to signalise the main junction of the Old Cork Road (L1236) & Cedargrove/Sexton's Boreen/Cordolines Roads including pedestrian crossing facilities. The provision of a signalised junction as per planning conditions is deemed to alleviate the need for a School Warden at this location.
Blarney Macroom	1	Kilmurray National School	The necessary civil works were not completed until 2018 and this request will be considered in the context of budget 2019
West Cork	0	N/A	
Ballincollog Carrigaline	0	N/A	
Bandon Kinsale	1	Gaelscoil, Kinsale	This request will be considered in the context of Budget 2019

During the discussion members made the following points:-

- There appears to be very little progress in employing additional school wardens
- Questions regarding the number of requests referred to in the report
- Need for more clarity in relation to funding
- Is the €10,000 referred to meant to be recurring or a one off allocation
- Previous discussions at Council and CPG discussed whether to spend €15,000 - €18,000 on employing a warden or to put in a permanent crossing is more economically viable
- The Department of Education should be fully funding school wardens
- Employing a warden should be a condition of planning permission for schools
- If a permanent solution in terms of capital works can be put in place, this is preferable but if the location is not suitable then it will need to be manned.

In response to queries and comments by members the Chief Executive stated the following:-

- The report is factual based on requests on file but will seek clarification from the Director of Services regarding requests that exist but may not have been formalised as yet
- The €80,000 per annum will have to be discussed at budget time
- The issue will need to be debated through the roads SPC
- May not be an enforceable condition of planning but it may be dealt with through a mobility and transplant plan

Members agreed to refer the motion to the Roads and Transport SPC.

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

“That Cork County Council should have the overriding authority to enter rivers in flood risk areas to remove debris so flooding can be avoided and Cork County Council should not have to apply for a derogation to the Department of Parks and Wildlife or Inland Fisheries seeking permission from them to enter a river.”

Members note the response from the County Engineer as follows.

Our flood projects section has previously sought legal advice on the broader issue of responsibility for flood prevention. The following are the key points set out in the advice:

- The OPW is the competent authority in Ireland for the purposes of the EU Directive dealing with the assessment and management of flood risks, and has specific powers under the Arterial Drainage Acts. (A local authority does have some responsibility for Drainage Districts in its functional area, but these cover only a small number of watercourses in the county, which are specifically identified).
- The responsibility for maintenance of a river rests with the riparian owner of the particular stretch of the river - attached is summary of Barrister’s opinion on rights & responsibilities of riparian landowners.
- A local authority is entitled to carry out works as it considers necessary & reasonable for flood relief, that is in the public interest, under the 1949 Local Authorities (Works) Act, (see Section 2 of Act attached). However this entitlement does not negate the obligation to secure consents from relevant statutory authorities such as Inland Fisheries Ireland & National Parks & Wildlife Service.

In an emergency situation such as that referenced here, where debris may be obstructing a bridge or culvert channel causing an imminent risk of flooding, the local authority may have to make a decision to act quickly. However, every reasonable effort must be made to consult with the relevant agencies and to minimise the impact on the river habitat.

In the normal course of events, works in rivers are not permitted in the months from May to Sep (inclusive) unless a specific agreement has been reached with IFI. A derogation is required from IFI for works proposed outside this period. Depending on designation of works area, (e.g. SAC, SPA), appropriate NPWS licences are also required.

During the discussion members made the following points:-

- The local authority should be allowed to keep people and property safe
- The process is very cumbersome and needs to be streamlined
- There should be a programme in place for clearing rivers every year before winter comes
- Residents in certain areas are living in fear every time there is heavy rain
- There is a need to accept that global warming and climate change is happening
- Many rivers are operating at less than 50% capacity and the local authority should be able to clean, within reason, as necessary

Members agreed to write to Minister Seán Kyne, Minister of State for Natural Resources, Community Affairs and Digital Development and Minister Kevin ‘Boxer’ Moran, Minister of State for the Office of Public Works and Flood Relief.

PAY BY WEIGHT CHARGE FOR HOUSEHOLD RECYCLING ITEMS

13/2-5

Councillor Paul Hayes proposed, seconded by Councillor Kevin Conway, the following notice of motion:-

“This council calls on the government to refuse any attempts by waste operators to introduce a pay by weight charge for household recycling items.”

Members note the response from the Senior Engineer, Energy and Waste Services, Environment Directorate as follows.

Cork County Council fully supports any policy that will reduce the volumes of waste being produced and increase the levels of reuse and recycling. The Council has a history of supporting recycling with 11 civic amenity sites and 145 bring sites across the county.

The Council also supports the “Polluter Pays” Principle. The charges at the Council’s Civic Amenity Sites are a €3 charge for entry covering recycling and fixed costs, and there are additional charges for black bag and other waste streams that generate additional disposal costs for the site.

The charging regime needs to support the principles of reducing waste in the first instance and invoking the Polluter Pays Principle thereafter. If the costs associated with the recycling elements are increasing, then it would not be unreasonable for service providers to adjust charges to cover the increased costs.

During the discussion members made the following points:-

- Recycling should be encouraged and there needs to be a more holistic approach to waste reduction, not just pushing it on to the consumers
- Deposit schemes for glass etc should be reintroduced and single use plastics banned
- Any mention of new or increased charges for refuse lead to increases in flytipping which in turn increase the cost to the Council
- People are under enough financial pressure without the introduction of new charges
- There is a huge cost to Coilte from dumping and it is very difficult to police and stop
- There should be penalties for incorrect sorting and recycling, all users should not be penalised
- There is already an issue with waste being burned in fireplaces
- There needs to be a national publicity campaign regarding the benefits of recycling

Members agreed to write to the Minister of Communications, Climate Action and Environment.

HOME HELP SERVICES

14/2-5

Councillor Danny Collins proposed, seconded by Councillor June Murphy, the following notice of motion:-

“I am calling on Cork County Council members to support my motion so that we as a council write to the H.S.E. for them to act immediately to improve the home help services in connection with extending times of each visit and the home help service to be provided on weekends as well.”

During the discussion that followed members made the following points:-

- Elderly people are being forced into nursing homes due to the lack of time allotted to home helps
- The scheme is need of a major overhaul
- People are being retained in hospital as their home care packages can't be put in place due to a shortage of personnel
- Elderly couples caring for each other need to be supported
- There are huge pressures on the nursing home system, the fair deal scheme needs to be extended to allow people to stay in their own homes
- The home help may be a person's only human interaction for the day
- It would be more cost effective to increase home help hours

Members agreed to write to the HSE.

Members agreed that item 15 on the agenda would be deferred to the next meeting on the 11th June, 2018.

DRUG TREATMENT AND EDUCATION PROGRAMMES

16/2-5

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

“That a County by County programme of drug treatment and education programmes be established and that the appropriate funding is made available in the next Budget, and this council requests the Ministers for Finance and Education accordingly.”

During the discussion members made the following points:-

- There is a need to develop a range of accessible programmes at a local level
- Social exclusion is a root cause of drug addiction
- The investment is needed immediately
- There is not enough of a Garda presence on the streets

Members agreed to write to Ministers for Finance and Education.

HIRING A 3RD CONSULTANT PAEDIATRIC RHEUMATOLOGIST WITH A MULTI-DISCIPLINARY TEAM

17/2-5

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

“That this council write to Minister for Health Simon Harris and the HSE, and ask them to hire a 3rd consultant paediatric rheumatologist with a multi-disciplinary team. To help tackle and cut the huge waiting list of children suffering with arthritis that exists in Crumlin.”

During the discussion members made the following points:-

- This condition has a wide ranging affect on the children and their families
- There are 902 children waiting up to 3 years to see a consultant
- Since this motion was submitted the Taoiseach has confirmed the HSE will provide a 3rd consultant
- What is the timeframe for appointments for those waiting
- Is there any plans to provide these services in Cork

Members agreed to amend the motion and write to the minister regarding the appointment timeframes and whether there would be provision for Cork.

FULL RE-CHECK OF THE MOST RECENT CERVICAL SMEAR TEST SLIDES

18/2-5

Councillor Gillian Coughlan proposed, seconded by Councillor Danielle Twomey, the following notice of motion:-

“That Cork County Council calls on the Minister for Health, Simon Harris, T.D, to commit to the implementation of a full re-check of the most recent cervical smear test slides of everywoman in the CervicalCheck system.”

Members note the response from the Director of Corporate Services as follows.

Cork County Council currently has an Accessibility Charter and a Disability Access Policy. Both were introduced in 2007 following the introduction of the Disability Act 2005. The Charter was displayed at all public counters and the Policy was printed in a booklet and distributed to all council offices.

Both the Charter and the Policy are currently under review and will be redistributed once this review has been completed.

During the discussion members made the following points:-

- Screening is a difficult process that can give false positives and negatives
- Confidence has been lost in the process
- There needs to be a full re-check of all recent tests
- 18 women dead and 209 misdiagnosed
- All women should be offered a free, independently checked smear

Members agreed to write to the Minister for Health.

RATIFICATION OF THE UN CONVENTION ON THE RIGHTS OF PEOPLE WITH DISABILITIES

19/2-5

Councillor Diarmaid Ó' Cadhla proposed, seconded by Councillor Michael Murphy, the following notice of motion:-

“That this Council welcomes ratification of the UN Convention on the Rights of People with Disabilities and wishes to be pro-active, ensuring full compliance and accountability, accordingly we request:

1. That the Executive prepare a brochure/leaflet for users of Council services outlining the rights of people with disabilities and Council's commitment to equality – to be made available at all points where services are offered. That this brochure should also invite suggestions from members of the public or from organisations dealing with disabilities, in regards to its implementation of the Convention – and that these be reported to Council periodically.
2. That the Minister stops delaying and now ratify the Optional Protocol to the Convention, ensuring that our state is accountable, at home and internationally, for implementation of the Convention.
3. That we write to the Minister requesting his commitment for the above and asking how he plans to oversee and resource the implementation of the Convention and ensure that full accountability exists.”

Members note the response from the Director of Corporate Services as follows.

Cork County Council currently has an Accessibility Charter and a Disability Access Policy. Both were introduced in 2007 following the introduction of the Disability Act 2005. The Charter was displayed at all public counters and the Policy was printed in a booklet and distributed to all council offices.

Both the Charter and the Policy are currently under review and will be redistributed once this review has been completed.

During the discussion members made the following points:-

- We should welcome the ratification of the Convention thus far and call for the Optional Protocol to be ratified
- We should become proactive and ensure that we comply fully with the Convention
- Compliments the Council on its work to date on ensuring the rights of people with disabilities
- The Council should ensure that people are informed of their rights

The Deputy Mayor confirmed that the motion would be taken into account during the review of the Accessibility Charter and a Disability Access Policy.

CORRESPONDENCE FROM OTHER BODIES

Correspondence received in response to Members' letter dated the 15th February, 2018, requesting that an urgent review be carried out of Garda numbers in the Cork Region.

During the discussion members made the following points:-

- The report doesn't give us the statistics on retirements
- The issue of Garda numbers must be kept on the agenda

VOTES OF CONGRATULATIONS

- TO: Hazel Symons on winning a gold medal at the IKMF European Championships.
- TO: The Together for Yes Campaign on their dignified and compassionate campaign for the repeal of the 8th Amendment.
- TO: Cork County Council and the OPW on the New Footbridge in Bandon.
- TO: Bandon Show Society on the success of the recent Bandon Show

ANY OTHER BUSINESS

The Deputy Mayor reminded members that the Mayor's Masquerade Ball will take place on the 16th of June and tickets are available from Corporate Services.

Opening of Tenders

The Mayor informed members that 4 tenders for the Ballycotton Dredging Project Development would be opened at the meeting.

Estuary Dredging

Councillor Christopher O'Sullivan raised the issue of the silting up of the Ring and Clonakilty Estuary which has led to rescues being needed due to boats colliding with sand banks. He said that urgent action was needed before a serious incident takes place.

During the discussion members made the following points:-

- 8 people had to be rescued from an angling boat recently
- The Coastal Management Committee confirmed a review of the bay would take place in the next few months
- The Coastal Management Committee is starved for resources
- Engineers must go through a process that was outlined very clearly at the last Coastal Management Meeting, its disingenuous that this wasn't recognised
- There is an urgency and this matter does need more resources

In response to members, the Chief Executive outlined the following:-

- The Council has committed to programmes when perhaps it may have been the responsibility of other Departments
- Ring is on the Council's programme
- The core funding is not the Council's responsibility and requires the support of the Department of the Marine
- €2m of funding can be diverted from housing maintenance to dredging if that is what the members want
- This is a complex issue and is not being ignored
- Will discuss the issue with the County Engineer to see what intervention, if any is needed
- The Mayor had determined not to list this as a Notice of Motion

Taking Estates in Charge

Councillor Ger Keohane raised the issues of Estates in the County area not Taken in Charge that will be moving to the City Council area and whether they will be Taken in Charge before they move. He also raised the issue of the proposed Glanmire Community Centre and whether or not SECAD funding will be available once it is in the City Council area.

The Chief Executive responded that the Taking in Charge of Estates is not location specific and is dependent on the condition of the estate. With regard to the proposed Glanmire Community Centre, legislation would have to be awaited to see what the situation would be.

This concluded the business of the meeting.