



COMHAIRLE CONTAE CHORCAÍ

Minutes of Proceedings of Special Statutory Meeting of Cork County Council held in the Council Chamber, County Hall, Cork on 15th December, 2017.

I LATHAIR

Comhairleoir D. Ó hUrthuile, Méara Chontae

Comhairleoiri S. MacCraith, Mac Seafraida, D. Ó Donnabháin, Ní Dheasmhumhnaigh, Ó Cainte, S. Ó Coileán, Ó Murchú, M., Ó hEarchaí, Ó Colmáin, Lombard, C. Ó Murchú, Ní Cochláin, S. Ó Donnabháin, Críod, Ó Gráda, Ó Riain, Ó Lusaigh, Ó Conbhuí, P. Ó Suilleabháin, De Barra, O' Cádhlá, Rasmussen, N. Ó Coileán, Uí Thuama, Ó hEigearthaigh, Ml., S. Nic Cárthaigh, Léanacháin-Foghlú, Ó Floinn, Ó Dúghaill, Mhic Dháibhí, J. Uí Mhurchú, Ó Sé, G. Ó Murchú, G. Ó Murchú, Ó Muimhneacháin, Uí Mhaoláin, T. Ó Coileán, D. Ó Coileán, Ó Cearúill, S. Ó Suilleabháin, C. Ó Suilleabháin, P.G. Ó Murchú, Ó hAodha

PRESENT

Councillor D. Hurley County Mayor presided.

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

Chief Executive, Divisional Manager, Director of Planning, Director of Corporate Services, Head of Finance, Senior Executive Officer.

1. **Special Statutory Meeting** of Cork County Council to afford members an opportunity to further discuss local government arrangements in Cork

The Mayor confirmed that the meeting had been called at the request of Members following last Monday's Full Council meeting and the release of the statement issued by Minister Eoghan Murphy, TD.

The Mayor then read the following extract from the Minister's statement:

“It has taken almost 3 years to get to this position, a position that will allow Cork to have a more appropriate local government structure which is essential to help it reach its full potential and serve the people of both the city and county as effectively as possible. The Government has accepted the recommendations of the Cork Implementation Oversight Group and now call upon the elected members and executive of both councils to embrace the boundary alteration process as a matter of urgency and to provide full and active support for the significant programme of associated implementation actions that lie ahead. I am open to using the statutory procedures in Part V of the Local Government Act 1991 if the local authorities can confirm, as a matter of priority, agreement using this approach. Alternatively I will bring forward primary legislation to implement the boundary alteration, and have received Government approval for this course of action, as necessary”.

The Mayor then opened the matter for discussion. During the detailed discussion members made the following points:

- Process has not been good for Cork or Local Government in general.
- Members were put into a difficult position by learning that agreement had been reached in the paper before they had been briefed on the arrangements
- Critical that citizens be given the opportunity to be consulted have input into the process
- Nobody is happy with the extension proposal especially some of the communities affected
- This situation is now at an impasse, a plebiscite should have been part of the process from the beginning
- If this proposal is rejected the Minister may move to enact primary legislation
- There is a need to move forward with one voice for Cork
- The process was deeply flawed from the outset, the minority report took precedence over a majority report
- If the Minister goes down the route of primary legislation there may be pitfalls ahead for the government
- This Council should reject the proposal and let the Oireachtas deal with it
- Negotiations did not proceed on a fair footing, the City Council doesn't want dialogue so how can we proceed
- Time to bring this issue to a conclusion and get back to the normal business of the Council, there are other important issues affecting the constituents
- Most important issue this Council will ever deal with, important not to rush into anything
- What are the implications for the financial underwriting by the Department if the proposal is rejected
- Need to have legal advice regarding the consequences of all options fully outlined

The Chief Executive then outlined the following:

- The extent of the boundary alteration as outlined in the Mackinnon report would have had very serious consequences for this Council
- The IOG were in favour of full implementation of Mackinnon
- This Council was well advised at every stage of the process and CPG were informed and engaged in discussion on the final day of discussions
- CPG members who met with the IOG understood the implications of the implementation of the Mackinnon proposal
- The position adopted was recommended to Council to reduce the risk to the Council
- If an agreed recommendation was not brought to Council, the IOG would have went much further

- Members were aware of the unavailability of the Mayor and Chief Executive last Monday
- The boundary issue was included in Monday's agenda as the CE was aware that it would be discussed at Tuesday's cabinet meeting
- Part V of the Local Government Act 1991 gives the authority to the Minister to alter a local authority boundary
- Under Section 31, a boundary committee must be established, in this case the committee set up in 2015. There have been concerns around this process since its commencement
- There is potentially a strong case to be made if the Minister proceed under Section 31
- The Minister can also proceed under Section 29 but does not have to set up a boundary committee
- If the Council rejects elements of the IOG report, they will need to be specific as to what is being rejected i.e. the boundary proposal

The Mayor then moved the meeting to 'In Committee' and requested that members of the press and public leave the chamber.

RESOLUTION

Context:

Members of Cork County Council note that the Cork Implementation Oversight Group has submitted its proposal to the Minister for Housing, Planning & Local Government, and that the proposal details a proposed delineation of an extended boundary for Cork City. We note that Cabinet has since approved the proposal and that the Minister has commented as follows: "I am open to using the statutory procedures in Part V of the Local Government Act 1991 if the local authorities can confirm, as a matter of priority, agreement using this approach. Alternatively, I will bring forward primary legislation to implement the boundary alteration".

Resolution:

In consideration of the foregoing - and having noted the approval by Cabinet of the Cork Implementation Oversight Group's report to Minister Eoghan Murphy - the Members of Cork County Council hereby resolve as follows:

- To reject the proposed boundary alteration as delineated in Appendix B of the Cork Implementation Oversight Group's proposal dated 6th December 2017 to the Minister for Housing, Planning & Local Government
- To call upon the Minister to consider utilising Section 29, Part V, of the Local Government Act 1991 in order to conclude an agreement between Cork County Council and Cork City Council with respect to a boundary alteration between the two local authorities
- To consider legal advice on options open to Council, one such option may be to continue to engage on the Section 29 process under Part V of the Local Government Act 1991

AND

- That the Members of Council hereby call upon Cork City Council, through the offices of Mayor and Lord Mayor, to engage in immediate discussions in order to progress an

urgent final agreement between both Councils, that the Minister be advised of same, and that the Minister be informed of the specific benefits of utilising the provisions of Section 29 Part V of the Local Government Act 1991 in concluding the matter to the mutual satisfaction of both local authorities

Councillor Bob Ryan proposed, seconded by Councillor Derry Canty the adoption of the resolution

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

FOR: Councillors McGrath, O Donnabháin, Canty, Harris, Lombard, K. Murphy, Coughlan, J. O'Donovan, G. Moynihan, Creed, Ryan, Conway, P. O'Sullivan, Barry, O'Cádhlá, N. Collins, Ml. Hegarty, Linehan-Foley, O'Brien, O'Flynn, Doyle, Dawson, G. Murphy, G. Murphy, D. Collins, J. O'Sullivan, P. G. Murphy, Hurley

AGAINST: Jeffers, Ml. Murphy, O'Grady, Twomey, Hayes

This concluded the business of the meeting



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AGAINST: Jeffers, Ml. Murphy, O'Grady, Twomey, Hayes

This concluded the business of the meeting