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 8th April, 2019.**

**I LATHAIR**

Comhairleoir P.G. Ó Murchú, Méara Chontae

Comhairleoiri MacCraith, Daltúin, Ní Fhúarthain, D. Ó’Donnabháin Dheasmhumhnaigh, Ó Cainte, M, Ó Murchú, Ó Colmáin, Lombard, C. Ó Murchú, Ní Cochláin ,J. Ó’ Donnabháin, G. Ní Mhuimhneacháin, Críod, Ó Luasaigh, Ó Riain, P. Ó Suilleabháin, MacCárthaigh,

Ó Ceocháin, Sheppard, De Barra, Rasmussen, Ó Cadhla, N.Ó Coileán, Ó hEachteirn, Uí Thuama, Ó hEigeartaigh, S.Nic Cárthaigh, Ní Bhrian, N. MacCárthaigh, Ó Floinn, Ó Dúghaill, Nic Dháibhí, Ó Sé, MacGearailt, Uí Mhurchú, Gearoid. Ó Murchú, G. Ó Murchú, B. Ó Muimhneacháin, Uí Mhaoláin, T. Ó Coileán, D. Ó Coileán, J’ Ó Suilleabháin, Ó Cearúill, C. Ó Suilleabháin, Uí hEigeartaigh, Ó hAodha, Ó hUrthuile.

**PRESENT**

Councillor Patrick G. Murphy, County Mayor presided.

# Councillors McGrath, D’Alton, D. Forde, D. Ó’Donnabháin, Desmond, Canty, M.Murphy, Coleman, Lombard, K. Murphy, Coughlan, O’Donovan, G. Moynihan, Creed, Morley, Lucey, Ryan, P. O’Sullivan, K.McCarthy, G. Keohane, Sheppard, Barry, Ó Cadhla, 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, Gerard Murphy, B. Moynihan, Mullane, T. Collins, D. Collins, Carroll, J’OSullivan, C. O’Sullivan, Mary Hegarty, Hayes, Hurley

Chief Executive, Senior Executive Officer.

**CONFIRMATION OF MINUTES**

**1/4-1**

Proposed by Councillor Timmy Collins

Seconded by Councillor Derry Canty

**RESOLVED:**

“That the minutes of the meeting of the Council held on 8th April, 2019, be confirmed and signed by the Mayor.”

**SUSPENSION OF STANDING ORDERS**

Councillor Diarmaid Ó Cadhla proposed a suspension of standing orders to discuss the homelessness crisis, the Mayor suggested that in accordance with Standing Orders that it would be discussed under Any Other Business.

**VOTES OF SYMPATHY**

**2/4-1**

TO: Councillor Eoghan Jeffers on the death of his mother, Geraldine.

TO: Christine Roddy on the death of her partner, broadcaster Pat McAuliffe

**STATUTORY BUSINESS**

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

Members noted the following disposals.

**MUNICIPAL DISTRICTOF BALLINCOLLIG CARRIGALINE**

**GRANT OF WAYLEAVE AT ARDCARRIG, DOUGLAS, CO CORK.**

**3(a)/4-1**

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 28th March 2019.

**Situation: Grant of Wayleave at Ardcarrig, Douglas, Co Cork.**

**Area: 551m2/0.055 hectares/0.136 acres**

**Consideration: €12,500**

**DISPOSAL OF FREEHOLD INTEREST AT 9 GRANGEWOOD COURT, DOUGLAS, CORK**

**3(b)/4-1**

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 28th March 2019.

**LAND HELD UNDER**

**LEASEHOLD INTEREST:** 9 Grange Wood Court, Douglas, Cork

Folio No. 11206L

**FREEHOLD INTEREST:** Folio No. CK59565

**CONSIDERATION:**  € 350.00 inclusive of administration charges

**COVENANTS, CONDITIONS** Conditions pursuant to Housing Act, 1966 and

**AND AGREEMENTS:** Landlord & Tenant Acts, 1947 – 1984.

**LOCAL COMMUNITY DEVELOPMENT COMMITTEES**

**4/4-1**

**Chapter 2 Section 1258B(1)(i) of the Local Government Reform Act 2014**

**2018 LCDC North/South & West Cork Annual Reports**

Requirement of LCDC to prepare, adopt and submit to the local authority a report in relation to the performance of its functions for the previous year.  North Cork LCDC Report was adopted at meeting held on 4th March, West Cork Report was adopted at meeting held on 7th March with South Cork Report being adopted at meeting held on 14th March, 2019.

Members noted the Annual Reports of the North Cork LCDC, the West Cork LCDC and the South Cork LCDC.

During a discussion regarding the Cork County Community Development Initiative Members made the following points:

* Groups are not happy with the scheme as they didn’t realise why they didn’t qualify
* Groups applied assuming that there would be 100% funding, now some need match funding
* The form does ask applicants to outline what steps they will take if full funding is not achieved
* Some groups had prior knowledge of the outcome of the scheme

In response the Mayor outlined the following:

* These issues were discussed at CPG, this is a very positive scheme but it is accepted that its operation needs to be reviewed. This however was the first year of the scheme and some refinement is required.

**FINANCIAL BUSINESS**

**Section 106 of the Local Government Act, 2001 (as amended by the Local Government Reform Act 2014)**

**5/1-4**

Members noted a report from the Head of Finance, which outlined as follows:

* Members’ approval to the loan financing of up to €10 million is requested as set out above.
* The purpose of this borrowing is for Housing loans
* Approval of Council is required in order to borrow from the Housing Finance Agency and fund the issue of housing/mortgage loans to individual borrowers.
* This sanction is required on an annual basis to facilitate the processing and drawdown of mortgage loans
* The repayment by CCC of the loan from HFA is funded by the repayment of mortgage loans to the Council.

**Resolved:**

“That the raising of a loan up to €10 million from the Housing Finance Agency plc for purposes authorised under the Housing Acts and per Section 106 of the Local Government Act 2001(as amended), be approved.”

**Proposed** Councillor Kevin Murphy

**Seconded** Councillor Michael Hegarty

**REPORTS & RECOMMENDATIONS OF COMMITTEES**

**Corporate Policy Group**

**6/4-1**

**Approval of attendance by Council members at Conferences on the Conference List for April, 2019**

**Proposed** Councillor Kevin Murphy

**Seconded**  Councillor Michael Hegarty

**Environment SPC**

**7/4-1**

**LOCAL GOVERNMENT ACT, 2001 (BYE-LAWS) REGULATIONS 2006**

**Resolved:**

The Making of Cork County Council’s Waste Presentation Bye-Laws, 2019.

**Proposed**  Councillor Kevin Murphy

**Seconded** Councillor Kay Dawson

During the discussion members made the following points:

* These bye-laws came before the Environment SPC in September 2018 and were approved
* The previous bye-laws have been in place since 2014
* Public Consultation occurred from 07/09/2018 to 09/11/2018 and only 3 submissions were received
* There are real concerns regarding people calling to homes to ascertain information regarding waste disposal
* The presumption of guilt is problematic
* Need for enforcement of all aspects of the bye-laws
* Our proposal will form part of the National Draft Bye-Laws

**CORRESPONDENCE FROM GOVERNMENT DEPARTMENTS**

**DEPARTMENT OF HEALTH**

**8/4-1**

Members noted correspondence from the Department of Health, dated 19th March 2019 in response to Council’s letter dated 28th September 2018 regarding the current twin-trend approach to the health services in Ireland.

**DEPARTMENT OF FINANCE**

**9/4-1**

Members noted correspondence from the Department of Finance, dated 19th March 2019 in response to Council’s letter dated 31st January 2019 regarding Capital Acquisitions Tax.

**DEPARTMENT OF CHILDREN AND YOUTH AFFAIRS**

**10/4-1**

Members noted correspondence from the Department of Children and Youth Affairs, dated 26th March 2019 in response to Council’s letter dated 27th February 2019 regarding Adoptee and Identity Rights.

Members agreed to write back thanking the Minister for her response but stating that they wished to highlight that this is an important issue for Cork County Council and that they will remain concerned regarding the issues raised by Aitheantas.

**NOTICES OF MOTION**

**CCTV Cameras in County Cork**

**11/4-1**

Councillor Ian Doyleproposed, seconded by Councillor Frank O’Flynn, the following notice of motion:

“That Cork County Council would give an update on CCTV cameras in County Cork and the administration of same.”

Members noted the response from the Director of Corporate Services as follows:

**Current Situation in Cork County**

Currently Cork County Council are not data controllers for Community CCTV schemes operating in County Cork – CCC were data controller for a CCTV scheme in Mallow which was switched off in February 2018.

Nine Community CCTV systems are in operation in the County with live feeds housed in Garda Stations and controlled by An Garda Siochana

* Macroom
* Kinsale
* Fermoy
* Mallow
* Bantry
* Clonakilty
* Dunmanway
* Schull
* Skibbereen

Two further CCTV systems are in the process of being installed in cooperation with CCC

* Midleton
* Bandon

Two further CCTV systems are at applications stage through community groups

* Banteer/Lyre
* Millstreet

The issue of data controller for Community CCTV schemes has been raised by both Members and An Garda Siochana through the JPC and Municipal Districts.

**Recent National Developments – DPC Guidance**

In September the CCMA responded to PAC request for information regarding ongoing issues regarding CCTV and in particular the data controller issue.  This highlighted a number of issues including whether local authorities should be the data controller or should it be An Garda Siochana.

The Data Protection Commission is currently conducting an audit of Community CCTV in operation in all  local authorities. Initial questionnaire was returned by local authorities in July 2018.  DPC are following this up with site visits to all local authorities and will issue an audit report to each LA. Cork County Council has not yet been visited.

Although the audit is not complete the Data Protection Commission issued guidance in December 2018 stating the following:

“The legal basis for community CCTV schemes is S38 of An Garda Siochana Act and SI No. 289 of 2006.  Conditions to be met to receive funding from Department of Justice for a scheme include

* CCTV scheme approved by the JPC
* Approval from the Garda Commissioner to operate the scheme
* Local authority agrees to be data controller for the scheme”

This was followed up by a statement from the Minister for Justice quoting the DPC guidance that

“ Data protection  legislation does not stand in the way of the roll out of Community based CCTV schemes that have been authorised by the Garda Commissioner.  Once the local authority in the administrative area concerned is willing to take on and deliver on its responsibilities as a data controller for the schemes concerned there is no legal impediment under data protection legislation to the scheme commencing.”

The Minister also acknowledged that his Department is engaging on an ongoing basis with the LGMA and CCMA to clarify queries arising.

Cork County Council will be shortly undertaking a complete audit of Community CCTV systems operating in the County with regard to current compliance with GDPR and the legal implications and it will establish:

* the quality of the current systems
* operations and technical comparability
* requirements in terms of upgrades or modernisation
* financial, administrative and technical resources
* procedures that may be necessary if CCC were to accept role of Data controller

The Council will be fully briefed and it may be necessary to consider same as part of the budgetary process and the MD budgetary process.

During the discussion that followed members made the following points:

* CCTV Systems for Charleville and Mitchelstown were progressed through the MD, sites and tenders were allocated and funds ring fenced three years ago, neither of these were mentioned in the report
* There was no mention of Kanturk CCTV in the report
* Cork County Council must put a data controller in place
* What is the plan for these CCTV Systems going forward
* Carrigaline doesn’t have a CCTV System and it would be a very useful tool
* There has been no progression on this issue in months
* Could a data centre be established in conjunction with other Local Authorities
* Is Cork County Council willing to take the role of data controller and if so what are the financial implications
* Budgetary provisions must be made

In response the Chief Executive outlined the following:

* The issue will be returned to again undoubtedly
* There is potentially no reason why the Charleville scheme, if housed by the Gardaí, cannot be assumed to have the Gardaí as Data Controller
* Limerick City and County Councils received funding via the Limerick Regeneration fund for their data centre. This fund isnt open to Cork County Council
* It may be possible to source funding from the Department in the future
* With regard to systems housed by the Gardaí, their condition, capability or the cost implications of taking them on is unknown
* Within the next few weeks a company will be appointed to scope all existing systems to ascertain the implications of taking over as data controller
* By August or September we should have a clearer picture of the situation
* Will revert back to Council through CPG and Development Committee
* There will be legal, technical and resource implications for Council
* If it is appropriate Council will be advised of budgetary implications

**RISKS OF CONTRACTING LYME DISEASE**

**12/4-1**

Councillor Anthony Barryproposed, seconded by Councillor Danielle Twomey, the following notice of motion:

“That Cork County Council puts in place a campaign informing the general public of the risks of contracting Lyme disease, particularly now as we enter the Summer months when people tend to spend a lot of time outdoors.”

Members noted the response from the Director of Environment as follows:

In early May each year the Health Service Executive (HSE) run an awareness campaign on the dangers of Lyme Disease.

We will be happy to assist in their campaign by disseminating their awareness material via our various online platforms and stakeholder networks.

Under the council’s safety management sytems, risk assessments are required for all outdoor activities, to identify any potential hazards including Lyme Disease and to ensure that appropriate controls and training are put in place. The corporate safety section have been very proactive in recent years in providing specific training to staff on the dangers of Lymes and other hazards of nature such as Weils Disease and Giant Hogweed.

In addition to distributing HSE awareness material we will ask the safety team to recirculate all council staff on the dangers of Lyme. Finally, we will include a message on the issue in our monthly reports to divisional committees and ask that elected members also promote the message through their own networks.

During the discusion members made the following points:

* There are two issues here: one is how the medical profession approach the issue and the other is the need to raise awareness
* There have been huge increases in the numbers contracting the disease in the last five years
* There are no adequate testing facilities or screening programmes in place
* Cork County Council should erect signage in areas under its control
* Animals can be carriers and spread this disease to humans

Members agreed that information regarding Lyme Disease would be shared via a social media campaign and to write to the Minister for Health stating their concern at the lack of diagnostic and treatment facilities for Lyme Disease in this State.

**ALL-IRELAND POLLINATOR PLAN**

**13/4-1**

Councillor Marcia D’Alton proposed, seconded by Councillor Diarmaid Ó Cadhla, the following notice of motion:

“That Cork County Council would sign up as a partner to the All-Ireland Pollinator Plan.”

Members noted the response from the Director of Planning as follows:

“Cork County Council is supportive in principle of the All-Ireland Pollinator Plan and would give favourable consideration to becoming a partner with a view to giving effect to same on a case-by-case basis, and in as far as is practicable”

During the discussion members made the following points:

* This country produces €53 million worth of pollinated crops annually most of this pollination is carried out by bees
* There have been huge declines in bee populations since the 1980s
* The declines in the bee population are due to pressures from habitat loss and pesticide usage
* Councils have an important role in supporting pollination
* There is nothing onerous in signing up for the pollinator plan
* This is in response to community interest in pollination
* There is a need to educate the public and the likes of Tidy Towns Committees on this issue
* Encouraged by the response from the Director of Planning
* The planting of wildflower beds should be encouraged

In response the Chief Executive informed members that he had no difficulty with the Council signing up to the Pollinator Plan however it would be appropriate to refer the motion to the Planning SPC and for it to come through via the SPC with a policy and agreed actions in place. The Plan can then be signed and a programme around pollination launched .

Members agreed to refer the motion to the SPC, for the SPC to draft a proposed structure and revert to Full Council.

**DETENTION CENTRE IN THE CORK AREA FOR YOUNG OFFENDERS**

**14/4-1**

Councillor Noel Collinsproposed, seconded by Councillor Mary Linehan Foley, the following notice of motion:

“That this Council call on the Departments of Justice, Health and Education to establish a detention centre in the Cork area for the assessment and rehabilitation of young offenders.”

During the discussion members made the following points:

* This issue was raised three years ago and this centre in now needed in Cork more than ever
* Serious overcrowding in existing institutions is causing violent behaviour
* Young offenders from Cork have to go to Oberstown
* There is a serious lack of specialised facilities

Members agreed to write to the three departments referenced in the motion.

**TRIHALOMETHANES IN WATER**

**15/4-1**

Councillor Michael ‘Frick’ Murphyproposed, seconded by Councillor Marcia D’Alton, the following notice of motion:

“That this Council write to Irish Water to ask what percentage of Trihalomethanes is in our Water.”

During the discussion members made the following points:

* Irish Water has previously been asked to confirm the levels of THMs in the water
* As an agent of Irish Water what role has Cork County Council in this regard
* THMs are formed due to the over usage of Chlorine and can be carcinogenic

The Chief Executive informed members that the Council has a Service Level Agreement to operate the water systems and to undertake capital works as approved by Irish Water. It is appropriate for this Council to write to Irish Water if it chooses to do so.

Members agreed to write to Irish Water.

**ELECTORAL REFORM**

**16/4-1**

Councillor Diarmaid Ó Cadhla proposed, seconded by Councillor Melissa Mullane, the following notice of motion:

“In the interest of fairness and reform in our electoral processes, council requests consideration of the following by An Taoiseach, the relevant Minister and by the Electoral Commission:

1.    That participation in the electoral process must be equal for all, including in the nomination and registration of candidates, SIPO reporting and funding.

2.    That the state should regulate the use of election posters, possibly limiting their number, size and the materials used.

3.    That the state should provide financial support (equally) to each candidate to cover the cost of posters, flyers and other promotional activities.

4.    That the use of privately funded advertising in elections be limited, so as to prevent big-money or any vested interests exerting influence on elections.

5.    That direct funding of Political Parties either by the Oireachtas or by the EU should cease.

Finally, to ask the Minister for a progress report on the work of the Electoral Commission, and when its recommendations will be published.”

During the discussion members made the following points:

* In 2018 the Oireachtas paid out €15m to political parties
* There is an inequality between parties and independent candidates
* There needs to be a level playing field with regard to running for election
* There is no way of knowing what funding the EU provides for political parties

Councillor Gearóid Murphy proposed, seconded by Councillor Ian Doyle the following amendment to the Motion:

That item number 5 of the motion be deleted as the funding received by parties is proportionate to the votes obtained in the previous election and is therefore democratic.

Councillor Diarmaid Ó Cadhla stated that he would not accept the amendment.

The Mayor then called for a vote on the amendment to delete number 5 of the motion which resulted as follows:

# FOR: Councillors McGrath, Desmond, Canty, M.Murphy, Lombard, K. Murphy, O’Donovan, G. Moynihan, Creed, Morley, Sheppard, Ahern, Twomey, Doyle, O’Shea, Gearóid Murphy, Gerard Murphy, Mullane, T. Collins, P. G. Murphy, Mary Hegarty, Hayes

**[22]**

**AGAINST: D’Alton,** G. Keohane, Ó Cadhla, Linehan-Foley, J.Murphy, D. Collins, Hurley

**[7]**

The motion was then withdrawn by Councillor Diarmaid Ó Cadhla

**CORRESPONDENCE FROM OTHER BODIES**

**HEALTH SERVICES EXECUTIVE**

**17/4-1**

Correspondence dated 11th March 2019 in response to Council’s letter dated 13th February 2019 regarding The Irish Deaf Society

Members agreed to defer this item as Councillor Jeffers was absent.

**VOTES OF CONGRATULATIONS**

TO: The Board of Spike Island on providing a 50% discount to disabled visitors and their carers

TO: Rebel Acro on reaching the Finals of Irelands Got Talent 2019

TO: Bishop John Buckley on his retirement and For his many years of service to the people of Cork

TO: Davy Russell on winning on winning back-to-back Aintree Grand Nationals 2018 & 2019

TO: Aaron Hill on competing in the EBSA European Championships

TO: Greg Casey on competing in the EBSA European Championships

TO: Noel Landers on competing in the EBSA European Championships

TO: Ross Bulman on competing in the EBSA European Championships

TO: Kevin Flanagan on winning Gold at the Gymnastics Ireland Event Indoor Area Trampoline

**ANY OTHER BUSINESS**

**Homelessness Crisis**

During the discussion members made the following points:

* Highest ever figures of homelessness have been recorded since the foundation of the State
* The figures published are disappointing but don’t reflect the level of activity in Cork County Council regarding House building and delivery
* This Council has committed resources to address this issue however there has been a lack of progress nationally
* The Cork County Council Place-finder service is very successful
* This is not just a ‘Dublin’ problem, affordable rents are needed in Cork County too
* There needs to be affordable housing available in every Municipal District in the County
* Staff are doing their best yet the crisis keeps on getting worse

In response the Mayor stated that Cork County Council is over achieving its targets, year on year and that 3000 units will be built by 2020.

**Glanmire Flood Relief Scheme**

In response to Members’ queries the Chief Executive confirmed that he would ask the County Engineer to revert to member with details on the Glanmire Flood Relief Scheme.

**Fermoy Weir**

Members agreed to write to the Minister again to follow up on their request for a meeting regarding Fermoy Weir.

**This concluded the business of the Meeting**