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 23rd September, 2019**

**I LATHAIR**

Comhairleoir, Cristóir Ó Suilleabháin Méara Chontae

Councillor Ó Colmáin, Ó Murchú Caoimhín, , Ó Suilleabháin J, Ó Suilleabháin M, Ó Donnabháin, Ó Coileáin D, UÍ Mhurchú Cáit, Mac Íomhair – Uí Chearnaigh, Mac Craith, Ui Daltún, Lombard, Uí Bhuachalla, Ó Conchubair L, Daltún Ó Sulleabháin, Ó Suilleabháin P, Barra, Sheppard, Rasmussen, Ó Conchubair S, Ó Conchubair A, MacCarthaigh Nollaig, Ó Floinn, Ui Bhriain, Ó Laoghaire, Dawson, De Róiste, Ó Muineacháin B, Ó Dubhghaill, Ó Sé J.P, Ó Murchú Gearóid, Críod, Ní Mhuineacháin G, Ó Luanaigh, Ó Cochláin M, Uí Loinsigh, Ó Luasa, Ó hAodha Padraig, Ó Murchú Gearóid, Ó Cinnéide, Ó Madaoin, Ó SÉ T, Léineacháin Ui Foghlú, O Coileáin N, Ó Héigeartaigh, Ó Conchubair Séamus, MacCarthaigh S, Mac Uaid, Ó Suilleabháin C, Ó Cearbhaill, Ó Muirthile, Uí Chaochlaoich, Ó hAodha Pól

**PRESENT**

Councillor, Christopher O’Sullivan, County Mayor presided.

Councillor Coleman, Murphy Kevin, O’Sullivan J, O’Sullivan M, O’Donovan, Collins D, Murphy Katie, Cairns, McGrath, D’Alton, Lombard, Buckley, O’Connor L, Dalton O’Sullivan, O’Sullivan P, Barry, Sheppard, Rasmussen, O’Connor S, O’Connor A, McCarthy N, O’Flynn, O’Brien, O’Leary, Dawson, Roche, Moynihan B, Doyle, O’Shea J.P, Murphy Gerard, Creed, Moynihan G, Looney, Coughlan M, Lynch, Lucey, Hayes Pat, Murphy Gearóid, Kennedy, Madden, O’Shea T, Linehan-Foley, Collins N, Hegarty, O’Connor, McCarthy S, Quaide, Carroll, Hurley, O’Sullivan C, Coakley, Hayes Paul.

Chief Executive, Senior Executive Officer, Ms. Loraine Lynch.

**CONFIRMATION OF MINUTES**

**1/9-2**

Proposed by Councillor Declan Hurley

Seconded by Councillor Frank O’Flynn

**RESOLVED:**

“That the minutes of the Annual Meeting held on 9th September, 2019 be confirmed and signed by the Mayor.”

**VOTES OF SYMPATHY**

**2/9-1**

TO: Ann O’Regan on the death of her mother, Joan.

**STATUTORY BUSINESS**

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

Members noted the following disposal.

**MUNICIPAL DISTRICT OF EAST CORK**

**DISPOSAL OF PROPERTY AT YELLOWFORD, BALLYMACODA, CO. CORK** **3(a)/9-2**

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 13th September, 2019.

**SITUATION:** Disposal of property Yellowford, Ballymacoda, Co. Cork

**CONSIDERATION:**  €112,000.00

**MUNICIPAL DISTRICT OF COBH**

**DISPOSAL OF SITE AT HARBOUR ROW (adjacent to No. 18), Cobh, Co. Cork** **3(b)/9-2**

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 13th September, 2019.

**SITUATION:** Disposal of site at Harbour Row (adjacent to No.18), Cobh, Co. Cork

**AREA:** 0.0043998 hectares

**CONSIDERATION:**  €25,001.00

**DISPOSAL OF LANDS AT SALLYBROOK, GLANMIRE, CO. CORK** **3(c)/9-2**

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 13th September, 2019.

**SITUATION:** Disposal of land at Sallybrook, Glanmire, Co. Cork

**AREA:**  0.377 hectares/0.934 acres

**CONSIDERATION:**  €1.00 plus discharge of Council’s costs.

**MUNICIPAL DISTRICT OF WEST CORK**

**3(d) 9-2**

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 13th September, 2019.

**SITUATION:** Grant of 2m – wide wayleave at Dromleigh South, Bantry, Co. Cork

**CONSIDERATION:**  €1.00

**THE CLIMATE ACTION AND LOW CARBON DEVELOPMENT ACT 2015 AND THE NATIONAL ADAPTATION FRAMEWORK (NAF), 2018.**

**4/9-2**

Adoption of the Draft Climate Adaptation Strategy

**Proposed by Councillor Frank O’Flynn**

**Seconded by Marcia D’Alton**

During this discussion the members made the following points:

* Members were pleased to fully endorse the adoption of the strategy
* Members requested feedback on operational plans for 2020
* The need to reduce carbon output

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

**5/9-2**

**The appointment of 4 External Nominees to Audit Committee 2019-2024**

The Local Government Reform Act 2014 gives statutory effect to Audit Committees in Local Authorities.

The Local Government (Audit Committee) Regulations 2014 set out the detail as to membership, structure, procedures and functions.

The following external members have been nominated to the Audit Committee by CPG and the approval of full council is requested:

|  |  |
| --- | --- |
| **Name** | **Profile** |
| Dr. Philip Byrne | A Senior Local Government Specialist with the Institute of Public Administration, Dr. Philip Byrne. |
| Dr. Michelle Carr | A Senior Lecturer in Management Accounting at UCC, Dr. Michelle Carr. |
| Ms. Edel Clancy | Ms. Edel Clancy is Director of Communications and Corporate Affairs at Musgrave Group. |
| Ms. Eileen O’Shea | Ms. Eileen O’Shea F.I.H.I. is a Hospitality Certified Trainer and Chairperson of Bantry Development & Tourism Association. |

**Proposed by Councillor Seamus McGrath**

**Seconded by Councillor Declan Hurley**

**REGIONAL ATHLETIC STADIUM**

Councillor Seamus McGrath **nominated** Councillor Michael Looney, seconded by Councillor Frank O’Flynn.

Councillor John Paul O’Shea **nominated** Councillor Karen Coakley, seconded by Councillor Michael Hegarty

The Mayor deemed Councillor Michael Looney and Councillor Karen Coakley appointed to the Regional Athletics Stadium Committee.

**LOCAL PROPERTY TAX**

**6/9-2**

Consideration of report on the financial impact of the LPT variation under Section 20 of the Finance (Local Property Tax) Act 2012, as amended by Section 5 of the Finance (Local Property Tax) Act, 2013.

The Head of Finance Ms. Loraine Lynch outlined the provisions of the report and the letter from the Chief Executive as circulated to the members. The Head of Finance went through the detail of the main points of the report under the following headlines (1-4).

1. **Report on Income and Expenditure**
2. **Financial position of the local authority**
3. **Financial effect of variation**
4. **Outcome of public consultation process**

She outlined that the members must have regard to these matters before determining whether or not to pass a resolution to vary the basic rate.

In particular, the Members attention was drawn to the figures outlined as follows:

|  |  |  |  |
| --- | --- | --- | --- |
| **Projected Cork Co. Co. LPT Income** | | | **2020** |
|  | | | **€30,852,158** |
| ***Cost or Gain from:*** | | | |
| 1% Variation | €308,522 | 9% Variation | €2,776,694 |
| 2% Variation | €617,043 | 10% Variation | €3,085,216 |
| 3% Variation | €925,565 | 11% Variation | €3,393,797 |
| 4% Variation | €1,234,086 | 12% Variation | €3,702,259 |
| 5% Variation | €1,542,608 | 13% Variation | €4,010,781 |
| 6% Variation | €1,851,129 | 14% Variation | €4,319,302 |
| 7% Variation | €2,159,651 | 15% Variation | €4,627,824 |
| 8% Variation | €2,468,173 |  |  |

**Economic impact on Cork County if the 2019 LPT is varied:**

|  |  |  |
| --- | --- | --- |
|  | **Cork County Council** | **Discretionary LPT Allocation 2019** |
|  | **€** |  |
| **Local Property Tax 2019** | 30,852,158 |
| 80% of LPT Retained | 24,681,726 |
| Assigned in lieu of State funding for Housing & Roads Services | (10,108,537) |
| Baseline - GPG & PRD allocation 2014 | (8,402,758) |
| Available for local activities & projects if: |  |
| **No change to the local property tax for 2018** | **6,170,432** | **6,170,432** |
| **5% reduction :** Projected cost of a -5% local adjustment factor in 2018 | **(1,542,608)** | **4,627,824** |
| **10% reduction :** Projected cost of a -10% local adjustment factor in 2018 | **(3,085,216)** | **3,085,216** |
| **15% reduction :** Projected cost of a -15% local adjustment factor in 2018 | **(4,627,824)** | **1,542,608** |
| **5% increase :** Projected additional income from a +5% local adjustment factor in 2018 | **1,542,608** | **7,713,040** |
| **10% increase :** Projected additional income from a +10% local adjustment factor in 2018 | **3,085,216** | **9,255,648** |
| **15% increase :** Projected additional income from a +15% local adjustment factor in 2018 | **4,627,824** | **10,798,256** |

The Head of Finance outlined that an increase of 15% to the basic rate of LPT would lead to the discretionary element of LPT allocated to Cork County Council increasing from €6,170,432 to €10,798,256 – an increase of €4,627,824. This will lead to the retention of the initiatives that were introduced in the last five years 2015 – 2019 and allow for enhanced capacity for Municipal District local services, climate change strategy and community development.

The investment members made from 2016 to 2019 as a result of the LPT decision delivered tangible and worthwhile benefits across all communities. In considering the determination of the Local Adjustment Factor members were asked to consider the contents of this report together with the need to retain and expand current levels of service to meet the stated ambitions of the Council over the next five years.

The Chief Executive outlined the costs that were set and where there is no discretion e.g. payroll costs. The Local Property Tax was one of the few options for increasing funding for Cork County Council in order to maintain the quantum of funding provided over the last 5 years.

During this discussion the members made the following points:

* Maintenance of funding to Municipal Districts is a concern
* Some members expressed their concerns on how the local authority would struggle to maintain services without increased funds
* The loss of thousands of homes due to the city boundary expansion would lead to a loss in revenue from property tax
* The introduction of the LPT in 2013 failed to deliver significant services to communities
* Continuous reliance on communities to do tasks that the Council should be taking care of

Councillor Seamus McGrath proposed, seconded by Councillor Frank O’Flynn that there be no variation to the basic rate of the Local Property Tax for 2020.

Councillor Alan O’Connor proposed that this Council vary the local property tax by a local adjustment factor of 5% increase, seconded by Councillor Holly Cairns.

Meeting adjourned at 12.30pm for 15 minutes for discussion:

**Proposed by John Paul O’Shea**

**Seconded by Councillor Michael Hegarty**

Meeting resumed at 12.45pm

The Mayor called for a vote to be taken on the proposed amendment which resulted as follows:-

**FOR:** Councillor Coleman, Murphy Kevin, O’Sullivan J, O’Sullivan M, Murphy Katie, Lombard, O’Connor L, Barry, Sheppard, Rasmussen, O’Connor A, McCarthy N, Dawson, O’Shea J.P, Murphy Gerard, Creed, Coughlan M, Lynch, Lucey, Kennedy, Madden, O’Shea T, Collins N, Hegarty, McCarthy S, Quaide, Coakley

**[27]**

**AGAINST:** Councillor O’Donovan, Collins D, Cairns, McGrath, D’Alton, Buckley, Dalton O’Sullivan, O’Sullivan P, O’Connor S, O’Flynn, O’Brien, O’Leary, Roche, Doyle, Moynihan G, Looney, Hayes Pat, Murphy Gearóid, Linehan – Foley, O’Connor J, O’Sullivan C, Carroll, Hurley, Hayes Paul

**[24]**

The Mayor declared the vote 27 to 24 in favour of 5% increase in the Local Property Tax.

**FINANCIAL REPORT**

**7/9-2**

Members noted the Financial Report to 30th June, 2019

**HOUSING (TRAVELLER ACCOMMODATION) ACT 1998**

**8/9-2**

Adoption of the Draft Traveller Accommodation Programme

**Proposed by Councillor Ian Doyle**

**Seconded by Councillor Declan Hurley**

**CHIEF EXECUTIVE’S MANAGEMENT REPORT TO COUNCIL**

**9/9-2**

Cork County Library Report for period ending 30th June, 2019

**Proposed by Councillor James Kennedy**

**Seconded by Councillor Alan O’Connor**

**NOTICE OF MOTION**

**UNFINISHED ESTATES**

**10/9-2**

Councillor Noel Collins proposed, seconded by Councillor Marcia D’Alton

***“To safeguard house – buyers this Council call on the Minister for the Environment to initiate legislation providing consumer protection for house – buyers where estates are left unfinished.”***

During the discussion the Members made the following points:

* Members expressed that Building Regulations are being neglected
* A Prohibition order should be put in place for developers that don’t complete estates
* Public finance are suffering as a result of unfinished developments
* Home owners have to carry the burden of defects

Members agreed to write to the Minister for Environment to initiate legislation providing consumer protection for house – buyers where estates are left unfinished.

**UCC SUBMISSION**

**11/9-2**

Councillor Gerard Murphy proposed, seconded by Councillor John Paul O’Shea

***“That Cork County Council commission an expert in local government from UCC to prepare a submission to present to the Minister for Environment and the Minister for Rural and Community Affairs to clearly show that Cork County Council should be treated as three counties (South, West and North) when allocations are being made for all programs. This precedent is well established historically and was reaffirmed in the last number of years by setting up three LCDCs.***

***Cork County is losing out in many programs like Clar, Town and Village Renewal and many other schemes because some Departments are now treating the County as one which means that the largest county is only receiving the same allocation as the smallest.”***

Members noted the response from Niall Healy, Director of Service, Municipal District Operations & Rural Development which outlined as follows:

**RESPONSE**

The range and extent of Government backed funding programmes and initiatives has grown significantly in recent years, both in value terms and also in terms of complexity. The eligibility criteria being applied by Government are now more onerous and rigorous than heretofore, with an explicit emphasis typically being placed on capacity to deliver. This is particularly the case in terms of demonstrating project readiness, as well as evidencing how project proposals can contribute positively to the enhancement of the social, economic and/or physical well-being of an area.

Notwithstanding the foregoing, Cork County Council has expressed serious concerns in relation to the approach to allocation of funding. It is simply unfair and inequitable that a County the size of Cork (population 332k and covering the largest geographic area, by far, of any local authority in the country) should be allocated similar levels of funding to that of smaller local authorities who have a fraction of Cork County’s population. In fact, there are several counties which have a smaller population size than an individual Municipal District of Cork County.

For example, the population size of Cork County is larger than the 6 no. smallest county populations combined:

|  |  |
| --- | --- |
| Sligo | 65,393 |
| Roscommon | 64,065 |
| Monaghan | 60,483 |
| Carlow | 54,612 |
| Longford | 39,000 |
| Leitrim | 31,798 |

The population size of the 3 no. Divisions is as follows:

* Northern Division : population : **90,498**
* Southern Division : population : **151,543**
* Western Division : population : **89,974**

The Southern Division, in particular, is larger than most County populations.

The populations of the Cork County MDs are as follows (Census 2016):#

|  |  |
| --- | --- |
| Bandon- Kinsale | 37,269 |
| Carrigaline | 35,141 |
| Cobh | 34,117 |
| Fermoy | 36,406 |
| Kanturk - Mallow | 54,092 |
| Macroom | 36,844 |
| East Cork | 45,441 |
| West Cork | 52,705 |
| **Total** | **332,015** |

There is no disputing that the needs of Cork County are not being adequately recognised or supported in the case of national schemes that treat each county equally, having no regard to population size or geographic scale. Examples of schemes where this “blanket-approach” to funding allocations is applied are as follows:

* Department of Children Grant for Playgrounds – Maximum of €24,000 per annum, limited to 1 site per County, on a 50/50 budget allocation with the local authority
* Town and Village Renewal Fund – each County can submit up to a maximum of 12 projects for consideration
* Outdoor Recreation Infrastructure Scheme, Measure 1 – Small scale maintenance/promotion and marketing (up to €20,000) – Maximum of 9 applications per County
* Outdoor Recreation Infrastructure Scheme, Measure 2 – Medium scale repair/upgrade and new trail/amenity development ( €20,000 - €200,000) – Maximum of 4 applications per County
* Outdoor Recreation Infrastructure Scheme , Measure 3 – Large Scale repair/upgrade and new strategic trail development ( €200,000 - €500,000) Maximum of 1 application per County
* Rural Regeneration and Development Fund, Category 1 – projects over €500,000 – Applications limited to 3 per Local Authority
* Rural Regeneration and Development Fund, Category 2 – Call for proposals is due in November 2019 (no indication yet as to whether limits per local authority will be applied)
* Similarly, calls under the Urban Regeneration and Development Fund are expected (no indication yet as to whether limits per local authority will be applied)
* Clár Measure 1 ( up to €50,000) and Clár Measure 2 (€5000 - €50,000) – Each Local Authority can submit up to a combined total of 15 projects across these two measures.
* Community Enhancement Programme – each Local Authority is allocated a fixed amount of €125,000, with a contributing balance being allocated based on the Pobal index of depravity.

The issue has been brought to the attention of the Minister for Housing, Planning & Local Government on a number of occasions, including in recent times, and previously by former County Mayor(s). This authority is committed to maintaining a spotlight on the matter in order to secure a more favourable outcome. The council will continue to explore all available options which may help to support its position on the matter, including the possibility of commissioning independent external (and expert) research on the matter. It is important that the matter continues to be pursued relentlessly by Council, including by elected members of council through the political representational process.

During this discussion the members made the following points:

* Members expressed how national level funding puts Cork County at a disadvantage
* Cork County needs to be recognised as three divisions North, South and West
* Equality is needed between all Counties
* The loss of commercial rates due to boundary is a huge disadvantage to provision services

Members agreed to refer this matter to Corporate Policy Group for further discussions.

**The Mayor called for an extension of time 13.45pm**

Proposed by Councillor Gearóid Murphy

Seconded by Councillor Kevin Murphy

**RETIREMENT AGE**

**12/9-2**

Councillor Noel McCarthy proposed, seconded by Councillor Kay Dawson

***“That this Council writes to the Minister for Finance calling for an increase in the age of retirement in the private sector to 70 years old, similar to the recent Pubic Services Superannuation (Age of Retirement) Act 2018.”***

During the discussion the members made the following points:

* Private sector should have the opportunity to increase retirement age
* Job stability and pension not guaranteed in the private sector
* Expressed how there should be equality between public and private sector

Members agreed to write to the Minister to consider increasing the retirement age in the private sector.

**WATER POLLUTION**

**13/9-2**

Councillor Liam Quaide proposed, seconded by Councillor James O’Connor

***“That Cork County Council would collaborate with Irish Water and the Environmental Protection Agency to create a one stop online facility for reporting water pollution concerns in the region. This online facility would provide clear lines of communication and responsibility and would allow reports to be tracked by the public until the point of resolution. How investigations are carried out and how conclusions are arrived at would also be made transparent. Provision would be made in the forthcoming Council Budget towards this initiative.”***

Members noted the response from Ted O’Leary, S/Director of Service, Environment & Emergency Services Directorate.

**RESPONSE**

The Environment Directorate operates a well developed environmental complaint management system, delivered to the standard required by the Environmental Protection Agency (EPA). Reports can be made by phone or email ([environ@corkcoco.ie](mailto:environ@corkcoco.ie) )and while only a limited online reporting facility is currently available, we have been working with the *Service rePublic* team in Corporate Services to extend this to the full range of environmental media and services.

Under existing protocols all reports and complaints are logged, assigned a case number, acknowledged and of course investigated. While some reporters opt to remain anonymous or ask not to be further contacted, in all other cases we as a matter of routine provide progress reports/updates to complainants.

We acknowledge of course that there are a large number of agencies with a statutory role in relation to water pollution. These include the Council, Irish Water, EPA, Inland Fisheries Ireland (IFI), Health Service Executive (HSE) and others. The Environment Directorate has long established channels of communication to all these agencies and regularly engage and co-ordinate with them on water pollution issues.

Evidence suggests that the council is the first point of contact for the majority of water pollution reports in the county and in effect already acts as a one stop facility in this area. Acknowledging of course that the multiplicity of agencies does make communication more challenging, the environment directorate nevertheless makes every effort to ensure complainants are kept in the loop, even in instances where the Council is not the lead agency. I should point out that data protection and the need to safeguard potential enforcement actions does in some cases limit the extent of information we can share with other organisations and individuals.

As always, we acknowledge that no system is perfect and accordingly we very much welcome the views and input of elected members and other stakeholders on any problems or issues they encounter in relation to the management of water pollution reports. To get this input and, to facilitate input if necessary from the various other Agencies involved, I recommend that the motion be referred to the *Environment, Climate Action & Biodiversity Strategic Policy Committee (SPC)* for consideration and report.

During the discussion the members made the following points:

* Members expressed their dissatisfaction with Irish Water facilities
* Public need a one stop shop to report any issues
* Irish Water don’t follow up with members after quarterly clinics
* There is a multiplicity of agencies involved

**VOTES OF CONGRATULATIONS**

**14/9-2**

No votes of congratulations recorded.

**ANY OTHER BUSINESS**

**15/9-2**

**5G**

Councillor Kevin Murphy proposed, seconded by Councillor Marcia D’Alton

During the discussion the members made the following points:

* Members requested a public meeting with 5G communications
* Cork County Council should take a lead role in public debate
* Implications on health

**WELL GRANTS**

Councillor Danny Collins proposed, seconded by Councillor Paul Hayes

The announcement by Minister for Housing, Planning and Local Government announced details of the measures being funded through the Department under the Multi-annual Rural Water Programme 2019-2021. This included an improved funding scheme for individual wells (private or household wells).

Members requested a letter be sent to the Minister for Housing, Planning and Local Government looking for an update on the above funding.

**This concluded the business of the Meeting**