



COMHAIRLE CONTAE CHORCAÍ

Minutes of Proceedings at Meeting of Cork County Council held in the Council Chamber, County Hall, Cork on 23rd October, 2017.

I LATHAIR

Comhairleoir D. Ó hUrthuile, Méara Chontae

Comhairleoiri MacCraith, Daltúin, Ní Fhúarthain, D. Ó Donnabháin, Ní Dheasmhumhnaigh, Ó Cainte, S. Ó Coileán, M. Ó Murchú, Ó hEarchaí, R. Mhic Cárthaigh, Ó Colmáin, Lombard, C. Ó Murchú, Ní Cochláin, Ó' Donnabháin, G. Ní Mhuimhneacháin, Críod, Ó Luasaigh, Ó Riain, Ó Conbhuí, P. Ó Suilleabháin, C. MacCárthaigh, Sheppard, De Barra, Ó Cadhla, Rasmussen, N. Ó Coileán, A. Ó Suilleabháin, Uí Thuama, S. NicCárthaigh, Léanacháin-Foghlú, Ní Bhrian, N. MacCárthaigh, Ó Floinn, Ó Dúghaill, Mhic Dháibhí, J. Uí Mhurchú, Ó Sé, 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, Ó hAodha,

PRESENT

Councillor D. Hurley County Mayor presided.

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

Deputy Chief Executive, Senior Executive Officer.

CONFIRMATION OF MINUTES

1(i)/10-2

Proposed by Councillor John Paul O'Shea

Seconded by Councillor Timmy Collins

RESOLVED:

“That the minutes of the in committee meeting of the Council held on 9th October, 2017, be confirmed and signed by the Mayor.”

Proposed by Councillor Michael Murphy

Seconded by Councillor Frank O'Flynn

RESOLVED:

“That the minutes of the meeting of the Council held on 9th October, 2017, be confirmed and signed by the Mayor.”

Suspension of Standing Orders –

Councillor Noel McCarthy proposed, seconded by Councillor Kay Dawson the suspension of Standing Orders to discuss the loss of respite care in St. Patricks Hospital, Fermoy. It was agreed that this matter would be discussed at 1pm

The Mayor informed Members that the Reuse Republic event, an exhibition by local businesses involved in upcycling and recycling, was taking place today in the foyer of County Hall. The Mayor encouraged all Members visit the event and to publicise it on social media.

The Mayor then commented on the severe weather event (Storm Ophelia) that impacted the county and all parts of the country last Monday. The Mayor acknowledged that the efforts and measures put in place by the Council's crisis management team which were very effective and also complimented all staff and elected members for their part in keeping the public updated on events as they unfolded throughout the day.

VOTES OF SYMPATHY

2/10-2

TO: Ester Goulding, on the death of her mother, Joan

TO: The Duggan family, on the death of their mother, Breda (Former Town Clerk)

TO: Madeline Healy, on the death of her sister, Marcia

STATUTORY BUSINESS

Section 183 of the Local Government Act, 2001:

Members noted the following disposals.

DISPOSAL OF LAND AT BEECHGROVE, CLONAKILTY, CO. CORMK

3(a)/10-2

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 4th October, 2017.

DISPOSAL OF PREMISES AT OLD MARKET SQUARE, SKIBBEREEN, CO.CORK

3(b)/10-2

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 12th October, 2017.

LEASE OF LAND AT THE MARSH, SKIBBEREEN, CO. CORK

3(c)/10-2

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 12th October, 2017.

FILLING OF VACANCIES ON COMMITTEES AND EXTERNAL BODIES

SECTION 4(2) AND SECTIONS 32-35 OF THE LOCAL COMMUNITY DEVELOPMENT COMMITTEE (SECTION 128E) REGULATIONS 2014 (SI NO. 234 OF 2014)

4/10-2

Proposed by Councillor Kevin Murphy

Seconded by Councillor Seamus McGrath

A casual vacancy has arisen on the South Cork LCDC. In accordance with the provisions of Section 4(2) and Sections 32-35 of the Local Community Development Committee (Section 128E) Regulations 2014 (SI No. 234 of 2014), the approval of the members is sought to the appointment of Mr. Thomas McHugh as a replacement representative for Cork Chamber on the South Cork LCDC. The previous nominee (Mr. Conor Healy) is hereby de-selected.

REPORTS & RECOMMENDATIONS OF COMMITTEES

EAST CORK MUNICIPAL DISTRICT:

5/10-

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

Part 8 Report: Proposed New Library, Youghal, Co. Cork

Proposed by Councillor Mary Linehan Foley
Seconded by Councillor Noel Collins

RESOLVED:

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

New Library, Youghal, Co. Cork

Members welcomed the Part 8 report the building of the new library in Youghal Town.

Members outlined their concerns in relation to the expensive cost of the projects and Members raised concerns that funding may not be released from the Department towards the cost of building the new library.

REPORTS & RECOMMENDATIONS OF OFFICERS

CHIEF EXECUTIVES MANAGEMENT REPORT TO COUNCIL

6/10-2

Members noted the Cork County Library Report for quarter ending 30th September, 2017.

NOTICES OF MOTION

POLICY FOR ALLOCATION SOCIAL HOUSING

7/10-2

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

“That this Council requests a statement regarding the policy for allocation of social housing (own stock, non –HAP/RAS) being followed by Cork County Council and also a report on allocations made during 2016 and year-to-date for 2017, including:

1. Analysis of data by number of years the beneficiary of each allocation was on the housing list.
2. Analysis by number of individuals accommodated per allocation, i.e. family/household size, revealing the total number of individuals accommodated.
3. Analysis by national origin, whether allocations were made to Irish citizens, citizens of EU members states or to people from outside the EU.
4. Analysis of prior status of beneficiaries of allocations – e.g. homeless families, homeless individuals, unaccommodated families or individuals (e.g. with parents etc.), private rental tenants, HAP or RAS tenants, former prisoners, identifiable minority (travellers), disabled people and other identifiable prior status indicators.”

Members noted report from the Director of Service, Housing, which outlined as follows:-

The current Allocation Scheme was adopted by the Members of Cork County Council on 13th June, 2011 (as amended on 21st September, 2016) and is used to determine the order of priority in the allocation of dwellings to eligible persons. The number of allocations of local authority housing stock made during 2016 and year to date in 2017 is 538. The information requested is broken down as follows:

1. Analysis of data by number of years the beneficiary of each allocation was on the housing list

No of Years	Total
Less than 1 year	84
1 - 2 years	88
2 - 3 years	58
3 - 4 years	61
4 - 5 years	62
5 - 6 years	44
6 - 7 years	35
7 - 8 years	37
8 - 9 years	20
9 - 10 years	20
10 - 11 years	15
11 - 12 years	10
12 - 13 years	2
14 - 15 years	2
Total	538

2. Analysis by no. of individuals accommodated per allocation, i.e. family/household size

Household Composition	Total
1 person	101
2 person	20
1 adult + 1 child	67
1 adult + 2 children	65
1 adult + 3 children	37
1 adult + 4 children	9
1 adult + 5 children	7
2 adults +1 child	34
2 adults + 2 children	103
2 adults + 3 children	57
2 adults + 4 children	22
2 adults + 5 children	12
2 adults + 6 children	3
2 adults + 7 children	1
Grand Total	538

3. Cork County Council's Housing Department allocates dwellings in accordance with the Allocation Scheme adopted by Members and this scheme does not include the origin of citizens as a criterion for allocation.

4. Allocations of dwellings are made on the basis of need and the breakdown of need for allocations during 2016 and 2017 to date is as follows;

Basis of Need	Total
Currently Dependent on Rent Supplement	111
Disability Requirement	118
Medical/Compassionate Grounds	36
Homeless	63
Involuntary Sharing	14
Overcrowded	52
Unfit	7
Unsuitable Particular Household Circumstances	137
Grand Total	538

Of the above allocations twenty-five applicants were RAS accommodated and twenty-nine were HAP accommodated

Members thanked the Director of Housing for the detailed data provided in the report.

During the discussion that followed Members made the following points

- The data provided is not broken down by year as was originally sought in the notice of motion.
- A response to part 3 of the motion has not been provided.

The Deputy Chief Executive stated there are four parts to the notice of motion; however, only three relate specifically to the priority of allocations as per the Council's 2011 adopted Allocation Policy, amended in 2016. The Deputy Chief Executive confirmed that part 3 of the motion concerning nationalities is not relevant in terms of the allocation policy and therefore it would not be appropriate to provide a response.

Members continued their discussion on the matter and made the following comments, as follows;

- Members commended the Executive for not specifying number the number of nationalities in the report.
- Information of this nature would only divide the community.
- Members raised concern about the length of time people are waiting to be allocated housing.
- It is totally unacceptable that people are waiting 4, 5, 6 or 7 years. These are the forgotten people.
- This is a problem that has resulted from of a lack of funding from government and a lack of building house.
- Members identified issues with the Choice Based Letting (CBL) Scheme.
- A question on the CBL form asks applicants to outline their connection with the local area in which they are applying to be housed.
- Under CBL, people from outside areas are being housed before local people.
- Members acknowledged that there are advantages to CBL as it stream lines the allocation of houses, however it lacks flexibility and local people are losing out.
- Local connections should be given more weight when allocations are made.
- Only 71% of people in North Cork are using CBL.

- People are desperate to be housed and are willing to move further out.
- Of 18 allocations in Carrigtwohill only 2 went to locals.
- We need to be conscious that 54 people (25 RAS and 29 HAP) are reappearing on the list.
- The number of single applicants (101) is surprising, and Members highlighted the importance of single applicants obtaining 20% of allocations.
- Previous proposals to progress rapid build housing and cluster housing have not materialised.
- The Council will never have houses to suit the needs of families with seven children.
- The report presented to full Council should be forwarded to the Housing SPC to allow for further discussion on the issues raised.

The Deputy Chief Executive stated that it was regrettable that anyone had to wait 15 years to be allocated housing. The allocation of housing to 538 applicants is positive and Cork County Council is very close to reaching its target of single applicants obtaining 20% of allocations. The Deputy Chief Executive also confirmed that 2 bed houses are now being considered as an allocations option for single applicants.

The Deputy Chief Executive said that following the issues raised by Members some changes to the Council’s Choice Based Letting Scheme and the Letting Priorities Scheme may be required and that this would ultimately be a matter for the Housing SPC to decide. The Deputy Chief Executive confirmed that research is being carried out to determine why some people are using the online Choice Based Letting System.

Members agreed that the issues concerning the Choice Based Letting scheme and the number of single applicants receiving allocations should be referred to the Housing SPC.

Members also agreed that it would not be appropriate to disclose the information sought in relation to item 3 of the notice of motion.

NUMBER OF HOUSING LOANS

8/10-2

Councillor Seamus McGrath proposed, seconded by Councillor Frank O’Flynn, the following notice of motion:-

“ To seek a report outlining the number of Housing Loans offered by this Council and drawn down by applicants during the years 2015,2016 and to date in 2017. Also, that this Council recommends to the Minister and the Housing Finance Agency that the Loan scheme be revamped to make it more workable and to reflect the changing nature of employment tenure. “

Members noted report from the Director of Service, Housing, which outlined as follows the statistics requested regarding Housing Loans offered by Cork Co. Council in this period:

Housing Loans 2015 - 2017* (* as of the18.10.17)		
Year	No. of Offers	No. of Drawdowns
2015	14	6
2016	17	8
2017*	17	6

In accordance with the Housing (Local Authority Loans) Regulations 2009, Current eligibility for Housing Loans is as follows:-

1. Single applicants must not be earning greater than €50,000.00 per annum. The combined income of joint applicants must not be greater than €75,000.00 per annum. Minimum income guidelines – single applicant €25,000.00 per annum. Joint applicants €35,000.00 per annum.
2. Applicants must have a 3% deposit as well as a credible savings record.
3. Applicants must be of good credit standing with a satisfactory credit record. An Irish Credit Bureau search and a judgement search will be undertaken on each applicant.
4. The primary earner on the application must have at least 2 years continuous employment (this can be self employment) and the second applicant must have at least 1 year.
5. The application must provide details of marital status, dependants, current & previous employments, borrowings, savings, details of property proposed for purchase and any other information that may be required by the Council.

Ultimately, the Council must be satisfied regarding the proposed borrowers' long term ability to repay a mortgage, the term of which can be anything up to 30 years. For this reason, short term or contract employment does not satisfy the 'continuous employment' requirement.

It is not in the best interests of *any* borrower, for the Council to advance a loan/mortgage to them where there is *any* question of their ability to make the repayments on the loan. Therefore the above criteria must be adhered to in all cases to the satisfaction of the Lending Authority

Members thanked the Director of Housing for the report, and the during the discussion that followed Members made the following points;

- The report speaks for itself and provides evidence the scheme is not working
- Based upon the figures in the report the scheme needs to be reviewed.
- The purpose of the scheme is to help people that were refused by the banks.
- There are also positives to the scheme, as it offers very good interest rates and requires low deposit amounts.
- People are getting refused based on their tenure of employment.
- In essence permanent employment is required.
- The record and ability to pay private rent should be taken into account.
- There is a need to examine the accessibility of loans to people.
- The Minister and the Housing Finance Agency need to review the current eligibility which should take the record of employment in account rather than tenure of employment.
- Contract employment should be facilitated and considered eligible under the criteria.
- Members queried the maximum loan amount available and requested a breakdown of the number of applications received in 2016 and 2017 (to date).
- Members also queried how we are marketing/advertising loans.
- Members noted the very low number of actual loan draw downs.
- The scheme is not open to houses that are been taken into receivership.
- People living in RAS and HAP houses that are being taken into receivership should be eligible for loans.

The Deputy Chief Executive confirmed that information on the maximum loan amount available and the number of applications received by the Council in 2016 and 2017 (to date), would be made available to all Members after the meeting.

Members agreed to write to the Minister for Housing, Planning, Community and Local Government and the Housing Finance Agency on the matter.

Members also agreed the following items also be included in the letters sent;

- Record and ability to pay private rent.
- Applicant's savings rather than their savings account balances.
- The Loan Scheme should be accessible to separated applicants.
- RAS and HAP properties taken into receivership should be eligible under the Loan Scheme.

CONTROL AND MANAGEMENT OF SHIPS BALLAST WATER AND SEDIMENTS

9/10-2

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

“That Ireland would ratify the International Convention for the Control and Management of Ships Ballast Water and Sediments 2004.”

During the discussion that followed, Members made the following points:

- When a ship's cargo is unloaded, ballast water is pumped in to maintain safe operating conditions throughout a voyage.
- 90% of goods are carried around the world in ships.
- When the ship is later reloaded, often on the other side of the world, the water is discharged.
- Up to 5 billion tonnes of ballast water are transported around ports of the world every year
- Ballast water may pose serious ecological, economic and health problems.
- Ballast water will include organisms, suspended solids and chemicals, including industrial and human wastes.
- In 14 recent European ballast studies, 990 different species were recorded from ballast tanks, ranging from bacteria to 15 cm long fishes.
- The UN estimates that more than 7,000 species can be carried across the globe in ships' ballast tanks.
- The National Biodiversity Data Centre estimates that invasive and non-native species cost Ireland and Northern Ireland some €261 million every year due to biodiversity loss and impact on economic activity and human health.
- Japanese knotweed has shown us that even to control an invasive species takes massive time and financial resources
- Ireland, although it drafted legislation in 2006 to allow its implementation here, has not yet ratified the Convention the Control and Management of Ships Ballast Water and Sediments 2004.
- Last year, Minister Shane Ross has said that the 2006 legislation is being amended to take account of recent changes to the convention and that Ireland would ratify it before it entered into force. This has not happened.

Members agreed write to the Minister asking that Ireland would ratify the International Convention.

UN CONVENTION ON THE RIGHTS OF PERSONS WITH DISABILITIES (UNCRPD)

10/10-2

Councillor Michael Murphy proposed, seconded by Councillor Danielle Twomey, the following notice of motion:-

“That Cork County Council implements the UN Convention on the Rights of Persons with Disabilities (UNCRPD)”.

During the discussion that followed Members made the following points;

- 68,372 people with disabilities in County Cork amounting to 13% of the population
- There is at least 7600 people with disabilities on social housing waiting lists nationwide, of which 623 are in Cork.
- There is a serious lack of appropriate accessible private and social housing
- People with disabilities face severe economic pressures.
- Ireland is far behind its European counterparts in terms of providing greater accessibility to people with a disability.
- There are problems with non accessible footpaths and not enough disabled parking spaces.
- We need to start at local level and lead by example.
- Cork County Council has carried out immense works in towns and villages in improving accessibility.
- Recent Part 8's for housing have taken into account requirements for people with disabilities.
- Any future Council meetings should only be held in venues that area accessible for all Members.
- Members requested details of the current situation in relation to matters which the council has direct responsibility and the areas where engagement of the council with other public bodies would improve participation for people with disabilities and the names of those public bodies
- The measures taken and planned by the Council to ensure the participation and engagement by people with disabilities and their representatives in local decision making structures and mechanisms, with a view to budgeting and planning for 2018 and beyond.
- What is the position with regards to the UN Convention on the Rights of Persons with Disabilities (UNCRPD) being implemented?

The Deputy Chief Executive said it is a matter for national governments to ratify the convention and not Cork County Council, and stated that Cork County Council is already respecting numerous principles contained in the convention.

The Deputy Chief Executive outlined that Cork County Council is already meeting its obligations as set out under the Equal Status Building Control and Disability Acts, and that in terms of employing people with disabilities Cork County Council has exceeded the 3% requirement.

The Deputy Chief Executive confirmed that accessibility will be taken into consideration at the time of planning all future events and locations.

CYBER BULLYING

11/10-2

Councillor Noel Collins proposed, seconded by Councillor John Paul O'Shea, the following notice of motion:-

"That this Council request the Ministers for Education and Justice due to the increasing occurrence of cyber bullying - not just in schools, to update legislation that will be effective in stemming the advance of this sickening trend, rescuing victims from the bullies, and the bullies from themselves."

During the discussion that followed Members made the following points;

- Members are receiving verbal abuse from people suffering the pain and anxiety
- Public representatives would face further hate and animosity as the housing crisis worsens and much of this would come online.
- Cyber bullying is not only confirmed to school children.
- A lot of people online are being subjected to cyber bullying
- Cyber bullying is rampant in the political sphere.
- Social media is a prime playing field for bullies
- Bullying is a huge problem in Irish society and is a silent killer
- Until we see meaningful action, nothing will change
- Legislation is urgently needed to protect society.
- Members are in a position to help people who are suffering and do not have a way of speaking out.
- We as a chamber and society need to stand up and say that it is not acceptable.

Members said they fully supported the motion and agreed to write to the Minister for Education and Minister for Minister for Justice and Equality.

2018 PAPAL VISIT TO IRELAND

12/10-2

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

"That Cork County Council call on An Taoiseach, Mr Leo Varadkar TD, and Archbishop Jude Thaddeus Okolo the papal nuncio to Ireland, that as part of Pope Francis' 2018 Papal visit to Ireland that Cork would be included as a venue on his itinerary."

During the discussion that followed Members made the following points;

- Members welcome news of Pope's visit
- Páirc Uí Chaoimh should be suggested as a venue on the Pope's itinerary
- Modern Ireland is a now very diverse country; however, the message of Pope Francis is a very position one.
- Pope Francis' visit will be a major event in 2018 and the people of Cork and Ross and Cloyne will play a big part.
- Mallow Race Course and Fota should also be considered as potential venues.
- The Pope should also be invited to visit Bessborough and to apologise to the women of Cork

Members agreed to write to An Taoiseach, Mr Leo Varadkar TD, and Archbishop Jude Thaddeus Okolo the papal nuncio to Ireland on the matter.

CORRESPONDENCE FROM OTHER BODIES

13/10-2

Members noted the letter from the A.I.L.G. in response to the Council's letter dated 13th July, 2017.

Members welcomed the A.I.L.G.'s comments in relation to all public representatives being treated equally with respect to paying rates.

SUSPENSION OF STANDING ORDERS

At 1pm, Members discussed the loss of respite care in St. Patricks Hospital, Fermoy.

During a discussion on the matter Members made the following points:-

- Members complimented staff in St. Patricks Hospital for their hard work.
- Members raised concern about the closure of 10 beds in the hospital which is now denying people access to respite care.
- The reason for the loss of 10 beds, is a result of a doctor, who retired after 30 years, not being replaced by the HSE.
- Similar issues have arisen in West Cork in relation to the retirement of a surgeon in Bantry Hospital.
- Recent cuts in Bantry Hospital are having a huge impact on people.
- There is a huge shortage of G.P's in West Cork.
- We need to combat against the stripping out of services in rural Ireland
- The HSE are causing crisis, fear and inconvenience to families, and patients are suffering
- The HSE are not running the system adequately and it needs a strategy to cover these situations and its recruitment policy has a role to play in the problem.
- Members called for the immediate filling of the vacant post.
- Members agreed to raise the issue at the next meeting of the Southern Regional Health Forum on Wednesday.
- We need to write to the HSE requesting a timeframe for replacing the doctor, an explanation as to why this was allowed to happen in the first place and clarification as to why the position was not advertised prior to the doctor retiring.
- The HSE need to make a public commitment that this will not happen again.

Members agreed to write to the HSE on the matter and for copies of the letter to be forwarded to Minister for Health Simon Harris and Jim Daly T.D, Minister of State at the Department of Health

VOTES OF CONGRATULATIONS

14/10-2

TO: Hazel Symons, on winning a bronze medal at the at the In World – Kettle Bells Championship in Athens, Greece

TO: Nemo Rangers Hurling and Football Club on winning the Cork County Football title

TO: Cork City F.C on winning the SSE Airtricity League of Ireland

TO: Imokilly on winning the Cork county senior hurling final

TO: Cork County Board on the opening of the redeveloped Páirc Uí Chaoimh, and Members wish Councillor Bob Ryan every success in his new role as Operational Manager in Páirc Uí Chaoimh.

TO: All those involved in the repairs and clean up after Storm Ophelia.

ANY OTHER BUSINESS

15/10-2

Deputy Mayor, Councillor Ian Doyle updated Members in relation to the appointment of a liquidator to Charleville Credit Union. Councillor Ian Doyle said he appointment was retrograde step and the appointment will no doubt have social and economic implications for Charleville in the lead up to Christmas.

Members commented that the Central Bank is imposing banking standards on a cooperative society and the Central Bank should have kept Charleville Credit Union trading as this would allow people to access their money.

Members agreed to write to the liquidator and to request a speedy resolution to the matter.

Opening of Tenders

2 No. tenders for the Refurbishment of Public Toilet at Inchydoney were opened at the Meeting.

This concluded the business of the Meeting