



## COMHAIRLE CONTAE CHORCAÍ

Minutes of Proceedings at Meeting of Cork County Council held in the Council Chamber, County Hall, Cork on 13<sup>th</sup> February, 2017.

### ILATHAIR

Comhairleoir S. MacCraith, Méara Chontae

Comhairleoiri Mac Seafraida, 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, G. Ní Mhuimhneacháin, Críod, Ó Gráda, Ó Luasaigh, Ó Riain Ó Conbhuí, P. Ó Suilleabháin, C. MacCárthaigh, Ó Ceocháin, Sheppard, De Barra, Ó Cadhla, Rasmussen, N. Ó Coileán, A. Ó Suilleabháin, Uí Thuama, Ó hEigearthaigh, S. NicCárthaigh, Léanacháin-Foghlú, N. MacCárthaigh, Ní Bhrian, 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, C. Ó Suilleabháin, P.G. Ó Murchú, Uí hEigearthaigh, Ó hAodha, Ó hUrthuile.

### PRESENT

Councillor S. McGrath, County Mayor presided.

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

Chief Executive, Senior Executive Officer, Arts Officer.

### CONFIRMATION OF MINUTES

1/2-1

Proposed by Councillor T. Collins

Seconded by Councillor D. Canty

### RESOLVED:

“That the minutes of meeting of the Council held on 23<sup>rd</sup> January, 2017, be confirmed and signed by the Mayor.”

## **Graball Bay**

Cllr. A. Lombard referred to road conditions at Graball Bay discussed at the last Council Meeting and requested an update on same.

## **VOTES OF SYMPATHY**

2/2-1

TO: Cllr. Paul Hayes, on the death of his brother-in-law, Conor Collins.

TO: Liz Hourihane, Passage West, on the death of her father, Finian.

TO: Cllr. Michael Frick Murphy, on the death of his father-in-law, Finian.

TO: The family of the late Noelle Feeney, Cork City Football Club.

## **STATUTORY BUSINESS**

1/2-1

### **DISPOSAL OF LAND AT DUNGOURNEY, CO. CORK.**

3(a)/2-1

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 18<sup>th</sup> January, 2017.

**Location:** Disposal of land at Dungourney, Co. Cork.

**Area:** Site measuring 0.439 acres/ 0.177 hectares.

**From Whom Acquired:** Housing land residual.

**To Whom It Is Proposed  
To Dispose:** Dungourney National School

**Consideration:** €12,500.00

**DISPOSAL OF 8 INNISHMORE PARK, COBH, CO. CORK.**

**3(b)/2-1**

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 23<sup>rd</sup> January, 2017.

**LAND HELD UNDER  
LEASEHOLD INTEREST:**

**8 Innishmore Park, Cobh, Co.Cork**

Folio No. 8548L  
Folio No. CK59409

**FREEHOLD INTEREST:**

**FROM WHOM ACQUIRED:**

Unknown

**PERSON TO WHOM FREEHOLD  
INTEREST IN LAND IS TO BE  
DISPOSED OF:**

**Shane O'Donnell & Edel Curry**

**CONSIDERATION:  
COVENANTS, CONDITIONS  
AND AGREEMENTS:**

€ 350.00 inclusive of administration charges  
Conditions pursuant to Housing Act, 1966 and  
Landlord & Tenant Acts, 1947 – 1984.

**DISPOSAL OF 31 CLANCOOLMORE, BANDON, CO. CORK.**

**3(c)/2-1**

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 30<sup>th</sup> January, 2017.

**LAND HELD UNDER  
LEASEHOLD INTEREST:**

**31 Clancoolmore, Bandon, Co. Cork.**

Folio No. 8606L  
Folio No. CK28429

**FREEHOLD INTEREST:**

**FROM WHOM ACQUIRED:**

Unknown

**PERSON TO WHOM FREEHOLD  
INTEREST IN LAND IS TO BE  
DISPOSED OF:**

**Margaret Lane**

**CONSIDERATION:**

€ 350.00 inclusive of administration charges

**COVENANTS, CONDITIONS  
AND AGREEMENTS:**

Conditions pursuant to Housing Act, 1966 and  
Landlord & Tenant Acts, 1947 – 1984.

**DISPOSAL OF 19 UPPER CORK STREET, MACROOM, CO. CORK.**

**3(d)/2-1**

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 2<sup>nd</sup> February, 2017.

**LAND HELD UNDER  
LEASEHOLD INTEREST:**

**No. 19 Upper Cork Street, Macroom, Co.Cork**

Folio No. 6599L

**FREEHOLD INTEREST:**

Folio No. CK26430

**FROM WHOM ACQUIRED:**

Unknown

**PERSON TO WHOM FREEHOLD  
INTEREST IN LAND IS TO BE  
DISPOSED OF:**

**Hannah Maria Georgaki**

**CONSIDERATION:**

€ 350.00 inclusive of administration charges

**COVENANTS, CONDITIONS  
AND AGREEMENTS:**

Conditions pursuant to Housing Act, 1966 and  
Landlord & Tenant Acts, 1947 – 1984.

**DISPOSAL OF 43 BARRETT'S PLACE, MACROOM, CO. CORK.**

**3(e)/2-1**

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 2<sup>nd</sup> February, 2017.

**LAND HELD UNDER  
LEASEHOLD INTEREST:**

**No. 43 Barrett's Place, Macroom, Co.Cork**

Folio No. 8057L

**FREEHOLD INTEREST:**

Folio No. CK26430

**FROM WHOM ACQUIRED:**

Unknown

**PERSON TO WHOM FREEHOLD  
INTEREST IN LAND IS TO BE  
DISPOSED OF:**

**June Cribbin, Thomas A. Murphy,  
Marie O'Callaghan**

**CONSIDERATION:**

€ 350.00 inclusive of administration charges

**COVENANTS, CONDITIONS  
AND AGREEMENTS:**

Conditions pursuant to Housing Act, 1966 and  
Landlord & Tenant Acts, 1947 – 1984.

**GRANT OF WAYLEAVE FOR FOUL SEWER AT COUNTY HALL CAMPUS**

**3(f)/2-1**

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 2<sup>nd</sup> February, 2017.

**Situation:** Grant of Wayleave for Foul Sewer at County Hall Campus,  
Carrigrohane Road, Cork.

**To Whom It Is Proposed**  
**To Dispose:** Gainstar Limited Partnership, Lissarda Business Park,  
Lissarda, Co Cork.

**Consideration:** €1

**AMENDMENT TO DISPOSAL OF PUMPHOUSE AND SITE AT DERRYMIHAN EAST,  
CASTLETOWNBERE**

**3(g)/2-1**

Members noted amendment to Disposal of Pumphouse and Site at Derrymihan East, Castletownbere, Co. Cork, by the substitution of “Chaelim Holdings Ltd.” in lieu of “Michael Donegan, Derrymihan East, Castletownbere” being the person to whom the site is to be disposed.

**AMENDMENT TO DISPOSAL OF SUBSTATION AT BAN NA GREINE,  
CARRIGTWOHILL**

**3(h)/2-1**

Members noted amendment to Disposal of Substation at Ban na Greine, Carrigtwohill by the inclusion of “7.44 sq metres (0.0007 hectares) plus Right of Way coloured yellow on map (measuring 17.49 sq metres) and Wayleave coloured Blue on Map measuring 405.95 sq metres (38.5 metres long by 10.6 metres wide)” being the area of said land.

**Section 19 of the Local Government Act, 2001:**

**CASUAL VACANCIES IN THE MEMBERSHIP OF COUNCIL**

**4/2-1**

The Senior Executive Officer advised that correspondence had been received from Diarmaid Ó Cadhla accepting the nomination to fill the casual vacancy arising from the passing of Claire Cullinane, R.I.P.

In accordance with Standing Orders, Councillor Seamus McGrath proposed, seconded by Councillor Kevin Conway, the following proposal:

“That Diarmaid Ó Cadhla be hereby co-opted to Cork County Council to replace former Councillor Claire Cullinane, R.I.P.”

Councillor Ó Cadhla said that it was an honour to fill the vacancy of Claire Cullinane RIP and that he would do his best to respect her memory. He said he looked forward to working with the Members and Staff of Cork County Council.

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

**5/2-1**

On the proposal of Councillor D. Hurley, seconded by Councillor K. Conway, Councillor D. Ó Cadhla was nominated to the Environment SPC and the Tourism SPC.

**STATUTORY BUSINESS**

**Corporate Policy Group:**

**CONFERENCE LIST FOR FEBRUARY, 2017**

**6(a)/2-1**

Proposed by Councillor K. Murphy

Seconded by Councillor J. P. O’Shea

**RESOLVED:**

“That the Conference List for February, 2017, be hereby approved.”

## **ARTS GRANTS SCHEME 2017**

6(b)/2-1

Proposed by F. O'Flynn

Seconded by K. Murphy

### **RESOLVED:**

“That the recommendation of the Arts Officer under the Arts Grant Scheme 2017 be hereby approved.”

Members made the following points:-

- Thanked Ian McDonagh for his work and help with the 1916 commemorations;
- More funding should be made available for Arts Grants;
- Admire multiplier effect across the county;
- Scheme should be extended to sculptures in the public realm, some urban areas are not benefitting;
- There is an economic benefit of €1.4m to the County;
- Disappointed that there is no funding for Douglas.

## **REPORTS & RECOMMENDATIONS OF OFFICERS**

### **STATUTORY PUBLIC CONSULTATION ON GLASHABOY RIVER**

7/2-1

Members noted the Flood Relief Scheme for the Glashaboy River and no comments were made.

## **CORRESPONDENCE FROM GOVERNMENT DEPARTMENTS**

### **BROADBAND COVERAGE**

8(a)/2-1

Members noted letter dated 26<sup>th</sup> January, 2017, from the Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs, in response to Council's motion of 9<sup>th</sup> January, 2017, regarding broadband coverage.

Members expressed their disappointment with the response and made the following points:-

- Lack of broadband and mobile coverage in North Cork;
- Can the State ensure that every household will get broadband, particularly in rural areas;
- Government must provide a subsidy to broadband providers;
- Useful if there was a contact person in the Council who could look into local issues;
- Progress is being made and will take time;
- Mobile phone coverage is a separate issue;
- Allow smaller servers to provide the service and be subsidised;
- Scheme is taking too long to roll out;

The Chief Executive advised Members that the Council will appoint a Broadband Officer to work with the broadband rollout and will promote and facilitate communications to maximise benefit of the Scheme. He said he would inform Members when the Broadband Officer is in place.

### **TOWN AND VILLAGE RENEWAL**

**8(b)/2-1**

Members noted letter dated 1<sup>st</sup> February, 2017, from the Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs, in response to Council's motion of 12<sup>th</sup> September, 2016 regarding the allocation of funding under the Town and Village Renewal Scheme.

Members expressed disappointment with the letter and made the following points:-

- Issue of inequality of allocations has not been addressed;
- Excellent scheme, towns and villages are in need of the funding;
- Worrying that the issue of unequal distribution has been avoided in the letter;
- Urban Renewal Scheme was a huge success in the past.

The Chief Executive said the equitable distribution of €12m is a matter which is being taken up officially also.

It was agreed to write back to the Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs, stating that the response did not address the most pertinent issue regarding the unfair distribution of funds under the Scheme and ask that the Minister consider the County and Town analysis and population base of Cork when allocating the funding.

### **DETENTION CENTRE FOR YOUNG OFFENDERS**

**9/2-1**

Members noted Letter dated 1<sup>st</sup> February, 2017, from the Department of Children and Youth Affairs, in response to Council's motion of 12<sup>th</sup> December, 2016, regarding detention centre for young offenders at Oberstown.

Cllr. Collins expressed his disappointment with the response and said that state funding used to help families with travelling costs should be used to build another detention centre. He asked that the matter would now be referred to the European Commissioner for Human Rights, for adjudication. This was agreed.

### **ST. STEPHEN'S HOSPITAL, SARFIELD COURT, GLANMIRE**

**10/2-1**

Members noted letter dated 2<sup>nd</sup> February, 2017, from the Department of Health, in response to Council's motion of 9<sup>th</sup> January, 2017, regarding St. Stephen's Hospital, Sarsfield Court, Glanmire.

It was agreed that the matter would be referred back to the Minister to determine the result of the Parliamentary Affairs Division's response on the matter.



## **NOTICES OF MOTION**

### **CEMETERIES WITH COLUMBARIUM WALLS**

**11/2-1**

Mayor S. McGrath proposed, seconded by Councillor D. O'Brien, the following notice of motion:-

“To seek a report outlining the total number of cemeteries under the responsibility of Cork County Council and to clarify the number of cemeteries with Columbarium walls? To recommend that the Council put Columbarium walls in place in further cemeteries across the County.”

Members noted report from the Director of Municipal District Operations & Rural Development

There are a total of 292 cemeteries under the responsibility of Cork County Council. Of those, only 1, St. James' Cemetery in Chetwynd, has a Columbarium Wall.

The 2016 Cemetery Bye Laws provide for the sale of plots solely for cremated remains, which would be of a lesser size than the standard plot

Cork County Council will look at expanding the need for Columbarium Walls in areas in particular where there is insufficient land to expand the graveyard further

The Mayor welcomed the report and said that there is an increasing number of people interested in cremation. He welcomed that the Council will expand on this.

### **FIND AND FIX SCHEME FOR WATER LEAKS**

**12/2-1**

Councillor D. O'Grady proposed, seconded by Councillor M. Mullane, the following notice of motion:-

“To seek a written report on the number of water leak repairs carried out by Council Water Services workers on the 'Find and Fix' scheme across County Cork and the amount paid by Irish Water to Cork County Council for the scheme so far.

The report to state the number of leaks repaired at meter boxes installed by Irish Water contractors and the number of meter boxes replaced by Council workers.

The report to also contain the present number and grade of manual workers in the Water Services Division and the number and grade of manual workers employed there at the introduction of the Public Service Moratorium on employment in 2009.”

Members noted report from the County Engineer, as follows:-

Irish Water have not yet commenced with the “Find & Fix” programme which is considered will reduce the level of unaccounted for water throughout the distribution network. It is presently anticipated that such a programme will commence during 2017.

Cork County Council, through the SLA and as agent for Irish Water continues to repair bursts and leaks as they occur throughout the distribution network. During 2016 approximately 3,500 leaks were repaired. Approximately, 375 of these leaks occurred at meter boxes and almost 80 meter boxes had to be replaced.

Presently there are around 230 manual workers in the Water Services Division of which 175 are at the Skilled/Curator level and 55 are at the General Operative level. A direct comparison with the status at 2009 is not possible as the outdoor staff at that stage was organised on a multi-functional area basis to include Roads, Water, Housing, etc.

During a discussion, Members made the following points:-

- 25% of new meters installed have leaks and Irish Water is looking to the Council to repair them;
- Out of 70 meters installed in one estate 30 had to be repaired;
- Number of General Operatives employed by the Council is worrying;
- Irish Water is opening up the door to privatisation;
- Cost of repairs needs to be looked at;
- There is no cross referencing of information in Irish Water;
- 25% of work in North Cork is work that should be done by Irish Water;
- Council has the expertise to always do a proper job;
- Need to get facts straight before making accusations against Irish Water;

The Chief Executive said that the Find and Fix Programme by Irish Water will be run by the Council and has been held up for some time. He said that the Council was only advised last week of the WRC agreement reached and it will pave the way for a programme of works with a dedicated team.

### **NATIONAL TAKING IN CHARGE INITIATIVE**

13/2-1

Councillor C. O’Sullivan proposed, seconded by F. O’Flynn, the following notice of motion:-

“That this Council would, in anticipation of the 2017 National Taking in Charge Initiative, make funds available to enable site investigations and snag listing to be carried out in housing estates throughout the county that have yet to be taken in charge and that may be able to benefit from the scheme.”

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

The Council did receive an allocation of €764k for 2016 under the National Taking In Charge Initiative.

Unfortunately, no details regarding a 2017 Scheme have been received to date and accordingly no initial allocations could be made at this stage.

We will update Members once further information is received.

During a discussion, Members made the following points:-

- Urge Department to continue with the Scheme;
- The Council should provide a fund to allow engineers be prepared for when 2017 funding is announced;
- Prioritise estates for funding when it becomes available;
- Need to continue the momentum of progressing estates;

The Chief Executive said that progress is being made and list of estates outstanding will be considered by Municipal Districts. He said the Council would only consider allocating funding, if national funding was not forthcoming.

Cllr. C. O'Sullivan welcomed the information that an update will be made available to each Municipal District.

### **PROGRAMME OF DIRECT EMPLOYMENT FOR TRADES PEOPLE**

14/2-1

Councillor E. Jeffers proposed, seconded by Councillor M. Mullane, the following notice of motion:-

“That this Council would establish a program of direct employment of qualified trades people, apprentices and general operatives. That Cork County Council would engage with Solas and the relevant 3rd level educational institutions for the purpose of establishing a best practice model for apprenticeship training and would liaise with any willing educational institutions to develop a relationship for students to avail of a certain proportion of apprenticeships and general operative positions.”

Members noted report from the Senior Executive Officer, Personnel, which outlined as follows:-

The Council has, since 1970's been operating craft based apprenticeships in accordance with SOLAS (previously FAS) 4 year apprenticeship scheme. The Council currently has in employment Heavy Vehicle Mechanic Apprentices (3 no).

The number of apprentices engaged was reduced during embargo on recruitment. However, during that time, the Council did participate in the Redundant Apprentice Scheme, also run in accordance with SOLAS. This Scheme facilitated apprentices, previously employed in the construction industry, but had been made redundant, to complete their programme of study.

The Government's Plan to expand Apprenticeships and Traineeships in Ireland has been launched in recent weeks. While the Plan aims to rebuild the traditional apprenticeships career paths, it also aims to develop new apprenticeships in areas where they haven't traditionally existed. The Apprenticeship Council and the Apprenticeship Review Group, both under the auspices of SOLAS, provide the framework for the development of new apprenticeship programmes nationally in conjunction with the relevant educational and training bodies. The Council will keep its capacity to engage further in the apprenticeship programme under regular review.

The employment of other grades is part of the workforce planning process in which we are currently engaged.

Members made the following points:-

- There needs to be further engagement with third level institutions;
- Engage with educational centres;
- Age profile of staff is unsustainable;
- The Council needs to employ more outdoor workers;
- There are issues with housing contractors, crisis point now for Apprentices;

The Chief Executive informed Members that while recognising the intent of the motion, staffing is within the remit of the Chief Executive.

## UNSTAFFED LIBRARIES

15/2-1

Councillor M. Frick Murphy proposed, seconded by Councillor E. Jeffers, the following notice of motion:-

“That Cork County Council recognises the invaluable role of public libraries and their staff who play a massive role in the social and educational fabric of our communities and that Cork County Council would not implement any program to introduce unstaffed libraries or certain unstaffed hours in libraries at the county’s libraries.”

Members noted report from the Director of Municipal District Operations and Rural Development, which outlined as follows:-

The Department of Housing, Planning, Community and Local Government has set aside 1.6 million euro this year for the roll-out of the new initiative *My Open Library* in 22 public libraries around the country. The new service makes the popular community spaces and collections available to library members from 8.00 a.m. to 10.00 pm, seven days each week, 365 days per year.

*My Open Library* extends the availability of library services during unstaffed hours while continuing to provide the regular staffed hours for ongoing delivery of the service and supporting users. During *My Open Library* hours, the service is operated on a self-service basis to library members aged 16 and over for borrowing and returning items, using the internet via library PCs or via Wi-Fi using their own devices, browsing, printing, photocopying, individual study or community activities and meetings. Library users gain access to the library via an automated system by using their membership card and an authorised pin number. Children can use the service if accompanied by a registered adult member. Entrance control software and new security provisions are installed in the branches, along with enhanced monitoring, lighting and public address systems.

The service has already been operating very successfully for almost two years in Banagher Library, Co Offaly and Tullamore Library, Co. Offaly, and Tubbercurry Community Library, Co. Sligo. The feedback from members of the public is extremely positive, with users commenting that the library is now much more accessible for commuters, students and families. Library staff in these three branches also report very encouraging experiences with *My Open Library* and no issues of concern. With an increase in opening hours of up to 85%, the new service has been found to strengthen the prominence of the library service in the local community by providing a town’s only non-commercial, indoor meeting place, welcoming to all and open daily from early morning to late evening. *My Open Library* has brought significantly increased usage of the library, particularly at weekends, and is attracting a broader range of customers with considerably increased use from the 35–55 year old group in the evenings. The number of items being borrowed from the library has also increased.

The role of library staff is recognised as key to the expansion of the library service in local communities. *My Open Library* does not involve any reduction of the existing staffed hours of service. During the regular staffed hours, library staff are available to provide expert and additional services and develop community engagement and programming.

This flexible, innovative service clearly has the potential to immensely increase the value of libraries and provide significant benefits to their local communities.

The scheme is national policy and, as further funding is made available nationally to assist local authorities in expanding their library services, and the significant community gain from same, opportunities to utilise the *My Open Library* model will be examined and utilised where possible.

During a discussion, Members made the following points:-

- When this was introduced in the UK, 500 libraries were closed and 8000 staff lost their jobs;
- The role of the librarian is vital and must be protected;
- Will this lead to reduction in hours of staff;
- Welcomed Mayor's book scheme with China;
- Libraries have a social aspect for the elderly;
- This is a scaremongering tactic, any programmes introduced should be for expansion;
- Libraries are a necessary service and people should be encouraged to use them.

The Chief Executive said that "My Open Library" is part of national policy and it will expand the library service with no impact on staff or staff hours. He said the process is intended to be funded by Government to make libraries more accessible outside normal working hours every day, a service which will fully utilise its assets.

The Chief Executive advised that this does not involve reduction in hours it is simply opening up the service to more people. He said that future investment in libraries may be aligned to a positive approach being taken to "My Open Library". He said that there are no proposals to introduce unstaffed libraries.

The Chief Executive said that staff provide an excellent service in libraries and it goes way beyond borrowing books. He said there is a limited amount that can be done outside staff assistance and outside normal hours suits certain people. He said again that there is no question of reduction in staffing or staff hours.

## **EXEMPTION FROM LICENSING FOR CHARITY DOGS**

16/2-1

Councillor M. Mullane proposed, seconded by Councillor K. Murphy, the following notice of motion:-

"That this Council supports the need to change legislation to permit all dogs that aid people with disabilities, be exempt from licensing."

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

Section 5 of the Control of Dogs Act 1986 sets out exemptions from the requirement to hold a dog licence. It provides an exemption from the requirement for any dog *which is kept and wholly or mainly used for the purpose of guidance by a blind person or a person whose eyesight is so defective that he is unable to find his way about without guidance;*

The legislation further empowers the Minister to extend the exemption to include any dog *which is kept by such other class of person as may be prescribed by the Minister.*

Thus the Minister may at any time prescribe other classes or person and in so doing could provide for exemption from the requirement to hold a licence.

Where the Minister proposes to prescribe other classes of person, it is important that regard should be had to the nature of support provided by the dog or dependency that the person might have. To permit all dogs that aid people with disabilities to be exempt from licensing is a very broad and ambiguous proposal. There is a danger that such proposal could be abused by unscrupulous people looking to avoid purchasing a dog licence, claiming their dog assists a member of the family that may or may not have a disability. It might be appropriate to control such a measure through the organisations from which an assistance dog for a person with a disability may be acquired. Amended legislation might

provide that the dog hold an official registration certificate from an approved organisation to confirm that the dog in the persons possession is a legitimate working dog.

Members made the following points:-

- Dogs for children with autism transform lives and lives of their families;
- Legislation is outdated and needs to be amended;
- All dogs used for people with disabilities should be exempt from licences once they are registered with a charity;
- This has to be supported to lessen the burden of costs.

It was agreed to write to the Department and to include “dogs provided by a registered charity” in the motion.

### **AUTOMATIC ORGAN DONORS**

17/2-1

Proposed by Councillor S. Sheppard

Seconded by Councillor D. Forde

#### **RESOLVED:**

“That Cork County Council would write to the Minister for Health and request that Ireland would seek to make all our Citizens an automatic Organ Donor.”

It was agreed to write to the Department of Health to asking that an “opt-out” clause be included also.

### **FLOOD DEFENCE SYSTEMS**

18/2-1

Councillor N. Collins proposed, seconded by Councillor M. Hegarty, the following notice of motion:-

“That Cork County Council call on the Department of the Environment and Local Government to modernise its flood defence systems and have Local Authorities, with the required Government Funding, look at more up-to-date solutions, such as flood fighting system developed in Sweden, in conjunction with the country’s rescue services.”

Members noted report from the County Engineer, which outlined as follows:-

Cork County Council in conjunction with the OPW take a very proactive approach to advancing permanent Flood Relief Projects throughout the county. While acknowledging a warranted extended lead in period to these schemes the Council is satisfied that all schemes are being advanced in accordance with international best practice and fully recognised and accepted design standards. In this regard the Council is pleased to advise a total projected spent on flood relief projects in the region of **€145m** and outline the status of all such schemes throughout its jurisdiction.

- **Mallow flood relief scheme.** Cost €36.7m. Status complete.
- **Fermoy Flood Relief Scheme.** Cost €37.8m. Status complete.
- **Glashaboy River Flood Risk Assessment and Management Scheme.** Cost €7.1m. Status at planning stage.
- **Douglas River Flood Risk Assessment and Management Scheme (Including Togher Culvert).** Cost €6.8m. Status at Planning Stage.
- **Crookstown Flood Relief Scheme.** Cost **€1.57m.** Status at planning stage.

- **Middleton Flood Relief Scheme. Cost €20m.** Status Preliminary Design Stage
- **The Glen Flood Relief Scheme. Cost €20k.** Status complete.
- **Lower Lee Flood Risk Management Measures (incl. Blackpool & Ballyvolane). Cost €130m.** Status at planning stage.
- **Baile Bhuire & Baile Mhic Íre Flood Relief Scheme.** Status at preliminary design stage.
- **River Ilen (Skibbereen) Flood Relief Scheme. Cost €15.8m.** Status at construction.
- **Bandon Flood Relief Scheme. Cost €11m** Status at Construction.
- **Bandon Flood Early Warning System.** Cost €30k CCC scheme. Status in operation.
- **Bandon River Cleaning.** Cost €25k . Status ongoing.
- **Clonakilty Flood Relief Scheme.** Cost €7m. Status at appointment of Contractor.
- **Riverstick and Environs Flood Relief Scheme and Ballady Culvert.** Cost €188k Status ongoing.
- Under the South Western CFRAMS and Shannon CFRAMS there are a number of other areas across the county under consideration and will be progressed as funding and approvals allow.

With regard to ongoing flood fighting techniques the Council can advise that it has carried out a full review of its activities under the auspices of the Major Emergency Management Committee. Outcomes from this include the purchase of additional flood emergency response equipment and further development of response readiness through Municipal District Offices.

The Council would also advise that staff are fully conversant with the most up to date and modern flood defending techniques. However, while these operate in emergency response situations, continuing investment in permanent flood defence solutions is paramount.

Members made the following points:-

- Remedial works can push the problem down the river to somewhere else;
- Sandbags are insufficient;
- Clearing drains by Council is essential;
- There has been an abandonment of dredging of rivers;
- OPW has proposed a system of flood defences but it is raising concern and not being well received;
- Geo barriers would allow us to continue to embrace our river.

The Chief Executive asked for Cllr. Collins to pass on his report on the barriers, which he will forward to the Major Emergency Team.

## **RATES FOR TDs CONSTITUENCY OFFICES**

**19/2-1**

Councillor M. D'Alton proposed, seconded by Councillor D. Hurley, the following notice of motion:-

“That this Council requests amendment of the Valuation Act 2001 such that standard rates would be payable on constituency offices run by members of the Oireachtas for representational purposes.”

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

The current position is that buildings or part of buildings occupied by Senators, TDs and MEPs are exempt from Rates - extract from Valuation Act 2001 (Schedule 4) below.

19.—(1) Any building or part of a building occupied by a member of either House of the Oireachtas or a representative in the European Parliament which is used exclusively for the purposes of

accommodating his or her constituency office and the whole or part of the expenses incurred in maintaining that accommodation are defrayed by that member or representative.

(2) In this paragraph “constituency office” means an office which is used solely for the provision of representative services by the member of the House of the Oireachtas or representative in the European Parliament concerned in his or her capacity as such a member or representative but does not include the head office of a political party or any other office occupied by a political party.

Members made the following points:-

- TDs have a salary of €80,000 and start up funding for their constituency offices is covered;
- Rate paying businesses need a break and TDs must come on line with all other ratepayers;
- There needs to be a balance as Councillors are liable for rates on their offices;
- Urge caution as some TDs have a number of offices and would not like to see any closing because of this.

It was agreed to write to the Department of Finance.

## **DESIGN AND CONSTRUCTION OF N72/N73 – CAPITAL PROGRAMME 2016-2021**

**20/2-1**

Councillor J. P. O’Shea proposed, seconded by Councillor F. O’Flynn, the following notice of motion:-

“That Cork County Council write to the Minister for Public Expenditure & Reform Mr. Paschal O’ Donohoe, TD, Minister for Finance Mr. Michael Noonan, TD & Minister for Transport, Tourism & Sport Mr. Shane Ross, TD requesting their respective departments to include the design, tender and construction of the N72/N73 Mallow Northern Relief Road as part of the recently announced Government Review of the specific capital expenditure of €5.1bn which was added to the Capital Programme 2016-2021 (€27bn) as part of the Governments Summer Economic Statement 2016. €2.5bn has been allocated towards housing developments with the remainder €2.6bn to be fast tracked and allocated to specific projects in the coming months.”

Members noted report of the Director of Service, Roads and Transportation, which outlined as follows:-

Cork County Council has financially supported the preparation of an Assessment of the Economic Case for the N72/N73 Mallow ByPass in 2015. The key findings were:

- There is an existing strong economic and social rationale for completing the Mallow (N72/N73) By-Pass, based on their assessment of the sectoral and wider impact and the completion of a cost-benefit appraisal on the transport user benefits of the scheme. Indicative analysis suggests that the scheme would generate positive net economic benefits (after factoring completion costs) amounting to between €37.9 million and €41.2million or a Benefit- Cost Ratio in the range of 2.25:1 to 2.53:1.
- The existing severe traffic congestion experienced in Mallow town, coupled with the fact that a high proportion of traffic is through traffic transiting the town and onwards to other destinations, indicates that an appropriately located by-pass could remove substantial volumes of HGV and other traffic from the town centre. It would deliver significant journey time savings and other benefits for business and consumer users of the road network.

The project is included in the Government’s Capital Investment Plan subject to Planning, but funding is not specifically set aside for it.



TII have requested the Council to carry out a Feasibility Study on the project and identified a number of items that should be addressed in the study. Jacobs Engineering Ltd have now been appointed to carry out the study which is scheduled to take three months.

Members said that the N72/N73 must be considered in the Capital Programme and that Mallow is congested with traffic on a daily basis. There was a feasibility study done in 2015 by the Council and now the Department is looking for another one.

It was agreed to write to the relevant Ministers.

*As the time was now 1.15 pm an extension of time was agreed on the proposal of Councillor F. O'Flynn, seconded by Councillor D. Hurley*

### **INQUESTS FOR MATERNAL DEATHS**

21/2-1

Proposed by Councillor D. Twomey

Seconded by Councillor P. Hayes

#### **RESOLVED:**

“That this Council request the Government to progress the Coroner's Bill as a matter of urgency and that the Coroner's bill will provide for an Automatic inquest into every maternal death in the State.”

### **SOUTHDOC KINSALE**

22/2-1

Proposed by Councillor K. Murphy

Seconded by Councillor F. O'Flynn

#### **RESOLVED:**

“That Cork County Council would fully support the restoration of Southdoc in Kinsale.”

Members said that this is a huge loss to the town of Kinsale and the service in Bandon is already stretched. Members also expressed concern at the closure of the service in Youghal and requested a representative from the HSE and Southdoc to attend a Committee meeting of Council to address Members on the running of Southdoc and plans for the future.

It was agreed to write to the HSE and Southdoc HQ, Kenmare.

### **CORRESPONDENCE FROM OTHER BODIES**

#### **X8 CORK TO DUBLIN BUS ROUTE**

23/2-1

Members noted letter dated 26<sup>th</sup> January, 2017, from Bus Eireann, in response to Council's motion of 23<sup>rd</sup> January, 2017, regarding the X8 Cork Dublin Route.

## **GRAIN GROWERS LOSSES**

24/2-1

Members noted letter dated 26<sup>th</sup> January, 2017, in response to Council's motion of 12<sup>th</sup> December, 2016, from the European Commission regarding losses of Grain Growers in the South West.

Members said they were not satisfied with the response and asked that the letter be sent to the IFA. It was agreed to write to the Department of Agriculture stating that Members felt that the pertinent issue was not addressed and request that a compensation package be introduced and rolled out to compensate for storm damage done to crops.

## **VOTES OF CONGRATULATIONS**

25/2-1

- TO: Cllr. Pdraig O'Sullivan on his recent engagement.
- TO: Dairygold Co-Op on winning Cork Company of the Year Award.
- TO: The staff and management of the Council for hosting the Breakfast Briefing in North Cork.
- TO: Tara Whyte, Passage West, on the Junior Female Competitor of the Year in Martial Arts.
- TO: Tara McCarthy on her appointment as Chief Executive Officer of Bord Bia.
- TO: Shauna Murphy, Glanmire, on her success as the Junior winner of the Specsavers Children's Story Competition 2016.

## **ANY OTHER BUSINESS**

26/2-1

### **CETA Trade Agreement**

Cllr. M. D'Alton referred to the upcoming CETA Agreement being voted on by members of the European Parliament and said it is a very complicated agreement which goes against fundamentals of democracy and is being promoted as a job creator but studies have shown that it will lead to job losses. She advised Members to contact their MEP with any concerns.

### **Solar Farms**

Cllr. R. McCarthy referred to previous correspondence to the Minister for the Environment on solar farms and requested that the Council write again seeking a response. It was agreed to write back to the Department of the Environment.

**This concluded the business of the Meeting**