



COMHAIRLE CONTAE CHORCAÍ

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

I LATHAIR

Comhairleoir S. MacCraith, Méara Chontae

Comhairleoiri Mac Seafráida, 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, S. Ó Donnabháin, G. Ní Mhuimhneacháin, Críod, Ó Gráda, Ó Luasaigh, Ó Riain, Ó Conbhuí, P. Ó Suilleabháin, C. MacCárthaigh, Ó Ceocháin, Sheppard, De Barra, Rasmussen, N. Ó Coileán, A. Ó Suilleabháin, Uí Thuama, Ó hEigeartaigh, 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, 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, J. O'Donovan, G. Moynihan, Creed, O'Grady, Lucey, Ryan, Conway, P. O'Sullivan, K. McCarthy, Keohane, Sheppard, Barry, 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, Hayes, Hurley.

Chief Executive, Senior Executive Officer.

CONFIRMATION OF MINUTES

1/1-2

Proposed by Councillor F. O'Flynn

Seconded by Councillor K. Murphy

RESOLVED:

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

Cllr. Lombard would like to suspend standing orders to discuss Graball Bay. The motion was sent to full Council which was returned to the Municipal District. The Mayor said a protocol has been agreed with the Director of Services, Mary Ryan.

Nicola Radley, SEO, told Members that the DOS with responsibility for MD's, the DOS of Corporate Services and the SEOs have agreed the process by which a notice of motion raised at MD level that is directly relevant to the MD will be dealt with by the MD. A request to a Minister or to a Government Department or to another directorate in the County Hall would be done by the MD itself. The County Engineer would respond to the MD. The intention is that the protocol will be written up, sent to CPG for approval.

The DOS for Municipal Districts will also make a presentation to CPG, outlining the areas of work currently underway in the Municipal Districts.

The Mayor said that Graball Bay can be discussed under AOB rather than suspending Standing Orders.

This was agreed.

The SEO circulated instructions on the Wi-Fi to Members and said the Wi-Fi system has been upgraded in the Council Chamber. More MinutePad training will be offered to Members in order that they will all be using Minutepad in February.

VOTES OF SYMPATHY

2/1-2

TO: The wife and family of Owen O'Callaghan, Cork Property Developer.

TO: The Padraig Barrett Housing Directorate on the death of his father, Joe.

TO: The wife and family of Charlie Madden, Timoleague, Bandon.

TO: The family of Anthony O'Mahony, Drimoleague, former employee of Cork County Council.

TO: The wife and family of Patrick Hayes, Kilbrittain, former employee of Cork County Council.

TO: Noel and George Delea Carrigaline Area Office, on the death of their nephew Marlon.

The Mayor, CE and Members expressed their sympathy on the death of Owen O'Callaghan and noted the extensive contribution that Mr. O'Callaghan made to the economic fabric of Cork City and County.

STATUTORY BUSINESS

Section 183 of the Local Government Act, 2001:

Members noted the following disposals.

DISPOSAL OF 16 BEECHWOOD AVE, BROOKHILL, BROOKLODGE, GLAMIRE, CO. CORK.

3(a) 1-2

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 10th January, 2017.

SITUATION: 16 Beewood Ave.,
Brookhill,
Brooklodge,
Glanmire,
Co. Cork.

AREA: Dwellinghouse

**TO WHOM IT IS
PROPOSED TO DISPOSE:** K. Lennon & C. Caulfield

CONSIDERATION: €71,731.55 (subject to change depending on
month and year of redemption)

PURPOSE: Acquire the Council's interest under
the Shared Ownership Scheme.

**DISPOSAL OF LAND AND GRANT OF RIGHT OF WAY AT GREENANE, KANTURK, CO.
CORK.**

3(b)/1-2

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 10th January, 2017.

Situation: Lease of Land and Grant of Right-of-Way at Greenane,
Kanturk, Co Cork.

Area: Land measuring 1.896 hectares and grant of right-of-way
measuring 75m x 3.5m-19m wide.

From Whom Acquired: Unknown. In Council ownership since c. 1970.

**To Whom It Is Proposed
To Dispose:** Cork Education and Training Board

Term: 5 years

Consideration: €500 per annum

DISPOSAL OF PROPERTY AT FORTHILL, KINSALE. AREA 2.66 Ha.

3(c)/1-2

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 11th January, 2017.

Situation: Kinsale Association Football Club,
Forthill,
Kinsale,
Co. Cork

Area: 2.66Ha

From Whom Acquired: Predates Property Section Records

**To Whom It Is Proposed
To Dispose:** Kinsale Association Football Club

Term: 35 years (by way of lease)

Consideration: €200 per annum

DISPOSAL OF PROPERTY AT FORTHILL, KINSALE. AREA 0.0289 Ha.

3(d)/1-2

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 11th January, 2017.

Situation: Kinsale Association Football Club,
Forthill,
Kinsale,
Co. Cork

Area: 0.0289Ha

From Whom Acquired: Predates Property Section Records

**To Whom It Is Proposed
To Dispose:** Kinsale Association Football Club

Term: 35 years (by way of lease)

Consideration: €1 per annum

DISPOSAL OF LEASE OF LAND AT CASTLETREASURE, CO. CORK

3(e) 1-2

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 11th January, 2017.

<u>Situation:</u>	Lease of Land at Castletreasure, Co Cork.
<u>Area:</u>	1.6297 hectares
<u>From Whom Acquired:</u>	Timothy O'Connor & Margaret O'Connor
<u>To Whom It Is Proposed To Dispose:</u>	College Corinthians A.F.C. by way of lease.
<u>Term:</u>	35 years
<u>Consideration:</u>	€200 per annum

AMENDMENT TO DISPOSAL OF LAND AT WESTERN ROAD, CLONAKILTY, CO . CORK.

3(f)1-2

Members noted the amendment to Disposal of Land at Western Road, Clonakilty, by the substitution of “€381.00” in lieu of “€1.00” being the consideration for said land.

REPORTS & RECOMMENDATIONS OF COMMITTEES

Kanturk / Mallow Municipal District:

REPORT UNDER SECTION 179 PLANNING & DEVELOPMENT ACT 2001 – PROPOSED FOOTPATH TOWN PARK – MALLOW CASTLE.

4/1-2

Proposed by Councillor John Paul O’Shea

Seconded by Councillor Timmy Collins

RESOLVED:

“Noting that in accordance with Article 179 of the Local Government (Planning and Development) Act, 2001, notice of the proposed development was published, that two submissions were received in respect of the proposal, approval pursuant to Article 179 of the said Act is given for the following:-

Proposed Footpath Town Park – Mallow Castle.”

Ballincollig / Carrigaline Municipal District:

**REPORT UNDER SECTION 179 PLANNING & DEVELOPMENT ACT 2001 – N27
AIRPORT ROUNDABOUT & N28 SHANBALLY ROUNDABOUT.**

5/1-2

Proposed by Councillor J. A. Collins

Seconded by Councillor D. Canty

RESOLVED:

“Noting that in accordance with Article 179 of the Local Government (Planning and Development) Act, 2001, notice of the proposed development was published, that two submissions were received in respect of the proposal, approval pursuant to Article 179 of the said Act is given for the following:-

N27 AIRPORT ROUNDABOUT AND N28 SHANBALLY ROUNDABOUT.”

Cllr. Kevin Murphy said this roundabout is very fast. Could we look at the left hand lane from the airport coming from Kinsale. Knows this project is just enhancement but would this change be possible to help traffic flow better.

REPORTS FROM THE INTERNATIONAL & EU AFFAIRS COMMITTEE.

6/1-2

Members noted the following reports from the International & EU Affairs Committee:

- (a) **Jiangsu Report May 2016**
- (b) **Jiangsu Report November 2016**
- (c) **Report on the Study Visit to Brussels November 2016**

NOTICES OF MOTION

RENOVATION OF VACANT LOCAL AUTHORITY HOUSES

7/1-2

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

“That Cork County Council, when awarding contracts for the renovation of vacant local authority houses, would put a time-frame in place on said contracts, in order to reduce the time between occupancies”.

Members noted report from the Director of Services (Housing), which outlined as follows:-

All Refurbishment contracts for vacant houses are tendered through a Building framework to ensure that the total timeframes associated with Vacant House Refurbishment works are minimised. In tandem with this all tender documents and contracts include a timeframe for completion of works to ensure there are no unnecessary delays and that contracts are executed in an efficient and expedient manner, whilst ensuring value for money for the Council. This contract includes penalty clauses, which can be levied on a contractor if he fails to discharge his duties in accordance with the particular requirements of the contract.

Cllr. Carroll asked why it was taking so long for a house to be ready for re-letting. A family vacated a house six months ago and the house is not ready for weeks. After a while the contractor sends in someone to work only when it is a wet day or when he is at a loose end. The contractor is contributing to the length of time the house is idle. Cllr. Carroll said the people living next door to this particular house said it was in excellent condition and would like this to be investigated.

During a discussion, Members made the following points:-

- Why are houses which are in near perfect condition taking so long to transfer?
- If someone is leaving Council accommodation, if they were living there it must be in a liveable condition. If there are jobs to be done, give the house to the person and come back and do the work. Why can't someone move in straight away if someone just moved out?
- Understands it might take longer to re-let a house that is next to derelict.
- Leaving a house vacant is the worst thing we can do to it.
- How many contractors are being penalised for poor workmanship or going over the timeline, what are the penalties. We should appoint more contractors.
- There is lack of communication once the contract is awarded.
- Raised a motion like this to SPC last year. Would ask that new tenants could do light decorative work themselves.
- If appliances, wardrobes, etc. Have been put in by former tenants and they subsequently break, the new tenants would expect something similar. We need an insurance disclaimer. The longer the property is vacant the worse condition it falls into.
- It is frustrating to see a skip outside a house and the contents being stripped out of it .The house has to go back to its original form. We brought in a framework where we have contractors on our list and the building trade is getting so busy now, contractors are using the Council's work only as a filler for their regular work.
- Houses are lying vacant for over a year and this is causing vandalism. Maintenance of houses is taken so long to carry out. Some tenants are waiting over two years for a soffit replacement.
- The Council should employ their own staff to carry out these repairs. When a house becomes vacant and inspected, every tenant should sign a waiver to absolve the Council of accidents.
- Long term voids 27. One third of these have become long term voids since last October.
- This has been going on for so long and we are frustrated that the problem has not been solved at this stage. Does anyone check on the work the Contractor does?
- How we deal with contractors leaves a lot to be desired. Cork County Council purchased a house in Cobh, five months later there was still no one in it.

The CE told Members all contracts have a timeframe for completion. A response has been given to the motion that was raised. Individual issues need to be brought to the Housing Director of Service. We have turned around a significant number, 335, vacant houses in 2015/16.

Cllr. Carroll thanked the Members for the support; this should be the last time this is brought up. Would like to see the timeframe, if there is one there must be no one checking up on it. The removal of perfect furniture should be stopped; a particular family put decking behind a house and were moving from a three bedroom to four bedroom house, they received a letter from the Council saying if they didn't remove it within a week they'd be charged for it. Fireplaces are the same. There has to be common sense approach in all of this.

Councillor Des O’Grady proposed, seconded by Councillor Melissa Mullane the following notice of motion:-

“That Cork County Council directly develop the ‘New Town’ of Monard to provide badly needed housing. As the Council has already had the vision to invest heavily in the planning and designing of Monard the town should be constructed by the Council instead of relying on private developers. The vast majority of this development will be residential providing an ideal opportunity for the Council to create a new vibrant community of 13,000 people living in 5,000 mixed tenure homes based on modern planning, first class infrastructure and contemporary community facilities.”

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

In order to accelerate the delivery of new housing, a Housing Infrastructure Implementation Team has been established. The team is responsible for the delivery of infrastructure to facilitate the early delivery of housing across the nine major urban extension sites (formerly known as ‘masterplan sites’) including the Monard SDZ. The team is taking a prioritised approach, focusing its initial efforts on those sites where the potential to deliver housing in the short term is greatest.

The County Council is engaged in advanced discussions with the Irish Strategic Infrastructure Fund and other agencies where the intention is to establish a long term funding arrangement that will enable the County Council to secure the development of the infrastructure necessary for the commencement of housing development on these sites.

So far as Monard is concerned, at present, the site is in private ownership. When the infrastructure planning process is complete, the County Council will be engaging with landowners so that essential infrastructure can be delivered. The approved Strategic Development Zone Planning Scheme for Monard envisages that the development will be a mixed tenure development, providing social, private rental and owner occupied housing broadly in line with market requirements.

Cllr. Des O’Grady told Members Monard, north of Cork City, is a designated Strategic Development Zone which received planning permission from An Bord Pleanála in June 2016. It is proposed that 5000 houses will be built in a new town there on a 391 hectare site.

Cork County Council has already invested heavily in Monard throughout the design and planning stages and up to €50m of public money will be spent on infrastructure such as roads, utilities and a railway station in the town. This infrastructure is to open up the town for housing to be developed. There will then be further significant public capital investment in Educational and Community Facilities and Public Transport.

Monard as an SDZ is an area “of economic and social importance to the State”. There is both a social and economic need for public housing to be constructed in Cork city and county, where the combined housing waiting lists now amount to 10,000 families. (There are 5,438 approved applicants on the Cork City Council waiting list and a further 4241 (Provisional) on the Cork County Council waiting list). Cork City and County badly needs housing that is provided to benefit society as a whole and allows communities to thrive. In 2016 County Cork house prices were up 7.5% on the year to €215K while the increase in Cork City was even stronger at 9.5%, where the median price is now at €230K this means that many young adults earning less than €60,000 pa are unable to afford to live or settle in Cork. For those on the average industrial wage of €37,000 or on even lower incomes there is little hope of being housed in the private market.

At present there are 23 landowners holding title to parcels of land on the Monard site. The Council strategy at present is to use funds from the Local Infrastructure Housing Fund (LIHAF) to build roads

etc into the Monard site so that these landowners can benefit in selling their land at increased prices to developers who will then benefit by building houses on which they will make huge profits.

Without the public investment of €50m in infrastructure, private developers would not be able to profit from the provision of housing at Monard. This public expenditure is effectively a subsidy to landowners and private developers. Rather than subsidising developers to build private housing, the government and Local Authority should build the housing themselves. If public bodies are going to construct the infrastructure required for the town, there is no reason that they should not build the housing as well.

The Council should contact the Minister immediately and propose that 'A Monard Development Company/Corporation/Team' that would have state financial support be set up in cooperation with the Dept of Environment and the 2 Local Authorities both City and County who already have a joint housing strategy...As well as personnel from the Dept and the 2 Local Authorities this Development Team could also have representation from the voluntary, community, statutory and education sectors along with councillors from both L.As. This oversight group could set up a project group consisting of architects, engineers, quantity surveyors, town planners, graphic designers, community development workers, finance and administrative personnel as well as housing and community consultation and liaison officers as necessary. The team would also employ construction workers, health and safety officers etc, to construct the housing and other facilities.

Ultimately the only guarantee of an affordable supply of housing to a broad range of income groups (from the lowest income to middle income workers) is by the State through local authorities with support from Housing associations. A social mix in developments can be achieved by the state building affordable housing accessible to different income groups. This should be a mix of traditional public housing, cost rental housing, shared ownership, equity partnerships and cooperative housing. I urge this Council that is so innovative in many ways, to take this opportunity to show the way to a 'New Deal' in housing in a 'New Town' at Monard.

During a discussion, Members made the following points:-

- The plan has huge vision and needs an oversight group led by the Council.
- Infrastructure, social services etc. lag behind in this country. This approach would enable holistic planning, allow us to use energy-saving and best building technology.
- We're already in the worst housing crisis in the history of the state and things are only getting worse. This is only way we are ever going to tackle this.
- Fantastic plan and genuine proposal and is exactly what the public expect of us as a Council.
- Supports it in part, thinks an oversight group would be a good idea but doesn't think the Council has the people or resources to set about a construction project, so part of the plan is on an aspiration.
- Monard is a long term project; it is not going to solve our current housing crisis.
- Monard is a unique opportunity for us to make a serious effort to solve the housing crisis.

The CE told Members if Council passes a motion then there is an expectation that the Council would act on it and as it requires Cork County Council to directly develop 5,000 houses at Monard, it would be a fundamental policy matter of national significance if a public authority were to become involved in this. The CE told Members that he recognises the intent of the motion and he believes it to be on the agenda to bring delivery of housing to the fore. There is a need for significant growth in housing numbers in private provision and in what we are trying to do ourselves. We have a Housing Infrastructure Implementation Team which is working hard on the nine sites, five of which are provided for in the Local Infrastructure Housing Activation Fund funding proposal. Monard is included under a phase 2 proposal, as it cannot deliver within the three years of LIHAF. We are working closely with the National Treasury Management Agency for delivering infrastructure to enable sites to be opened up. We are an enabler of the conditions that are required for housing to develop and that is what the role will continue to be. Our role is to try to work with the national agencies.

Cllr. O'Grady expressed the view that if CCC hasn't the resources to carry out the plan, we should contact the department; we have within the Council, the ability to oversee Monard but recognise we need outside help. The Minister has said given the scale of the current pressure for delivery, more direct involvement is required. Cllr. O'Grady said he would be happy if the CE would say that we can write to the Minister and look for his support in this. Monard is not going to be built overnight. I propose we set up a task force involving personnel from the department and from CCC.

Cllr. Bob Ryan told Members that CCC should prioritise housing where it can be made available quickly and he clearly indicated support for setting up a group to guide the Monard development.

It was agreed that the Department would be written to seeking their full support to the progression of the development of Monard, both in terms of the funding required for infrastructure and any resources and input that would be required from National Agencies for same.

REVISE BOUNDARIES OUTLINED IN THE CFRAM

9/1-2

Councillor James O'Donovan proposed, seconded by Councillor Kevin Murphy the following notice of motion:-

“That this Council would call on the OPW to revise the boundaries outlined in the CFRAM report that was conducted throughout Cork County as part of the EU Directive set out in 2007 as this will have devastating effects on existing homeowners and business owners that are now deemed to be inside the parameters of the flood risk areas in the near future.”

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

“Statutory Consultation on the Draft Flood Maps for each CFRAMs Area for Further Assessment took place from the 20/11/15. The closing date for submissions from the public was the 23/12/15. The closing date for submissions from the Council (Elected Members) was the 20/01/16. CMFP made a presentation to members on behalf of the OPW on the 15/01/16.

Statutory Consultation on the Draft Flood Risk Management Plans for each CFRAMs Area for Further Assessment took place from the 15/07/16. The closing date for submissions from the public was the 23/09/16. The closing date for submission from the Council (Elected Members) was the 17/10/16. The OPW made a presentation to members on the Draft Flood Risk Management Plans on the 23/09/16.

Public Consultation Days on both the Draft Flood Maps and Flood Risk Management Plans were held in advance of both statutory consultations. These covered all Areas for Further Assessment. Councillor Briefings were usually held at the beginning of each Public Consultation Day before they were opened to the public. Submissions were taken on these days.

Cork County Council CMFP and Local Area Staff reviewed both the Flood Maps and Flood Risk Management Plans for each Area for Further Assessment and have made their submissions to the OPW and their consultant.

The OPW is currently finalizing the Draft Flood Risk Management Plans.

Cllr. O'Donovan told Members boundary parameters have a negative impact on businesses. A petrol station owner from Kilbrittain cannot get insurance because he is now deemed to be within the parameters of a flood risk area according to the CFRAMS report. He had carried out an independent survey which show that the area this business man is in is not within the flooding parameters. The OPW should review the area again.

During a discussion, Members made the following points:-

- Existing businesses need this report to be amended.
- This will kill businesses if they can't get insurance.
- Call on the OPW to amend the report before the draft maps are finalised.
- The methodology that the OPW is using is flawed. The blue boxes CFRAM are using are too large. Need to ask the OPW to grade the boxes and distinguish between areas likely to flood and those not so likely to flood.
- This will have a huge impact on our Local Area Plan's, land zoned for building now in areas where it is likely to flood.
- Should not be used as a tool for hiking up insurance.
- Ballyfeard is the same, if what is predicted happens, the houses will be under water.
- Consultation was held during the day so turnout was poor, these should be held in the evening to allow for the public to attend.

It was agreed to write to the OPW with concerns and suggestions.

NUMBER OF REQUESTS TO HAVE TREES REMOVED, TOPPED OR PRUNED

10/1-2

Councillor Eoghan Jeffers proposed, seconded by Councillor Des O'Grady the following notice of motion:-

“That this Council be updated with a written report to outline the amount of requests from members of the public and elected members to have trees removed, topped or pruned in 2015 and 2016 within each municipal district. The report should also include how many requests were successfully dealt with and what was the cost.”

Members noted report from the Director of Services (Road & Transportation), which outlined as follows:-

The following tables outline the number of Cases on the Council's former Customer Relationship Management System, Sugar CRM under the 2 categories; tree felling and verge/ hedge cutting, for the years 2015 and 2016.

The closure of a case does not necessarily mean that an operational intervention was activated.

Information on costs is not kept in a format, which would allow costs associated with these activities to be specifically identified.

If further information is required on activity levels and the Councils response, then it would be appropriate to have the matter dealt with at a Municipal District level.

Sugar CRM Report on Trees hedges and verges 2015 2016					
Year	2015		2016		Total
	Tree Felling	Verge / Hedge Cutting	Tree Felling	Verge / Hedge Cutting	
No.	202	311	229	316	1058

	Year	Status Closed
Tree Felling	2015	167
	2016	176

Verge / Hedge Cutting	2015	240
	2016	203
Grand Total		786

Councillor Jeffers said he was disappointed that the response was not broken down into Municipal Districts. We should be establishing a tree-cutting crew to deal with the problems we are having in housing estates.

LEGALITY OF LEVYING A FLAT RENT INCREASE

11/1-2

Councillor Melissa Mullane proposed, seconded by Councillor Rachel McCarthy the follow notice of motion:-

“That this Council investigate the legality of levying a flat rent increase (*outside of differential rent scheme*) on all its housing tenants without adequate notice and also examine the legality of imposing additional rents on tenancies of less than 24 months.”

Members noted report from the Director of Services (Housing), which outlined as follows:-

The legal provisions governing rent on local authority dwellings are included in Section 58 (as amended) of the Housing Act 1966 and Section 9 of the Housing Miscellaneous Provisions Act 1992.

Since the abolition of the Town Councils, Cork County Council has operated 10 Differential Rent Schemes. These Schemes that will be replaced by a single countywide Differential Rent Scheme that will come into effect in 2018. With effect from 11th of February 2017, Cork County Council will adjust the amount to be paid by tenants, by applying a 3% increase to rents calculated under the existing schemes, giving rise to an average increase of €1.50 per week per tenancy. This increase has been calculated individually per household as a proportional increase over what is currently paid on the Differential Rent Schemes. The principle of differential rent and the integrity of schemes is preserved. The increase is legal; it is consistent with the individual letting agreements signed in respect of each tenancy and with the Housing Acts, Regulations and Departmental Circulars.

In accordance with the terms of its Tenancy Letting Agreement, Cork County Council is required to provide tenants with 7 days notice, in writing, of proposed changes. The Council intends to provide over 3 weeks’ notice and letters will issue by Friday 20th January 2017 at the latest.

Provisions are included, in the Residential Tenancies Act 2004 and Residential Tenancies (Amendment) Act 2015, in relation to minimum notice of rent increases and a limit on the number of rent reviews that can take place over a 2 year period. This legislation was introduced to address issues arising in the private rented market and applies to the private rented sector only; it does not apply to social housing. Section 3 (2) (c) (i) of the 2004 Act refers.

Cllr. Mullane said most councillors will be aware that there was €750k set aside for a review on the differential rent scheme. We had a special SPC meeting last week to be told we were putting a 3% increase on all properties and were moving away from differential rent, we now, have no differential rent scheme, it is just an amount with 3% added on, if your income is low, your rent is low. Would like to know why we aren’t abiding by giving our tenants more than seven days notice. We should be giving all tenants ninety days notice. If you signed up last week to a differential rent scheme, your rent is now increased by 3%. Why do we have a policy if we can reverse it at the drop of a hat?

During a discussion, Members made the following points:-

- I am a tenant of CCC and I heard the news second hand. It is outside of Council policy that a flat rate increase can go on at any time.
- New tenancy shouldn't have a 3% increase.
- Looking for support to reverse the increase.
- The figures for LPT and the rent increase look very similar.
- The budget was passed, we should move on.

The CE said there is a €750k in income in our housing budget. We adopted a budget on the basis that we would be raising that money and we are raising it through the differential rent scheme. The provisions of the Residential Tenancies Act in this regard do not apply to public authorities. We are reviewing our rent scheme and any changes to this will apply from January 2018. The process is in compliance with our legislative provisions.

Cllr. Mullane said if we did want to reverse this, we had asked that the IT system would be proposed. We obviously don't want €750k to come out of housing. We were told it was because there was so many differential rent schemes across the county, we were never told there would be an increase in rent across the board. CCC pays €750 in property tax, to me it looks like CCC rather than going back to the government is making tenants pay property tax.

The CE said that we increased the level of funding by €1.85m over three years towards maintenance. As an authority, we spent twice what the national average is on housing maintenance.

The Mayor said everyone had advance notice of the rent increase. The legality issue is addressed and the budget is passed.

LAWS ON THE SALE OF LETHAL HUNTING KNIVES

12/1-2

Councillor Noel Collins proposed, seconded by Councillor Mary Linehan Foley the following notice of motion:-

“That this Council call on the Minister for Justice to introduce tougher laws on the sale of lethal hunting knives, including the setting up of a national register to stop them falling into the wrong hands”.

Cllr. Noel Collins told Members knife attacks are on the increase. The problem is one for the Minister to introduce legislation to control the sale of lethal knives, including the setting up of a national register to stop them falling into the wrong hands. Tolerance towards knives here is almost the same as the tolerance towards guns in the US. There are many knife attacks in Ireland, there were four attacks over the weekend. Campaigns in the UK have been successful in getting people to stop carrying knives in the first place. A person can be fined if they are found in possession of a knife, blade or pointed implement. There is no control over their sale and very little policing of their possession.

Members supported the motion and commented as follows:

- A licence should be required to hold a hunting knife; it is different if you need it for work.
- People who use knives in their jobs don't take knives home with them.
- It is too easy to buy dangerous knives and you don't need a dangerous knife for any reason.
- It is appalling what is happening at the moment with knives and something must be done about it.

It was agreed to write to the Minister for Justice.

IRISH COAST GUARDS

13/1-2

Councillor Danielle Twomey proposed, seconded by Councillor Noel Collins the following notice of motion:-

“That this Council request that the minister take immediate action to enact statutory instrument legislation to enable the Irish Coast Guard to become a standalone primary response agency”.

Members noted report from the Assistant Chief Fire Officer which outlined as follows:-

The Framework for Major Emergency Management is not currently enacted by legislation in Ireland and consequently Principal Response Agencies are not currently designated by statute. The National Steering Group for Major Emergency Management has committed to reviewing Ireland's Major Emergency Framework in 2017. I understand that the issue of legislation is to be considered under this review.

In the Framework for Major Emergency Management there are three categories of 'Principal Response Agency' (PRA's) designated – Local Authorities, the Health Service Executive and An Garda Síochána. Each of the PRA's has a designated 'Principal Emergency Service' (PES) - the Fire Service, National Ambulance Service and An Garda Síochána (which is designated both a PRA and a PES). The Irish Coastguard is currently also designated as a 'Principal Emergency Service' in accordance with this Framework. Each Principal Emergency Service operates under its own legislation and operational protocols and all emergency services work together for both 'normal' and major emergencies in accordance with the Framework. I also understand that the issue of Irish Coastguard designation under the Framework is to be considered under the national review. However, this is principally a matter for Department of Transport, Tourism and Sport which currently has responsibility for the Irish Coastguard.

Cllr. Danielle Twomey welcomed the report and as stated, the fact it will be considered under the National Steering Group for Major Emergency Management have committed to reviewing Ireland's major emergency framework in 2017 and legislation is to be discussed and considered under this review, but it is not enough and it's not right for this issue to be fobbed off like that.

Cllr. Twomey told Members she recently received contact from the officer in charge at my local coastguard unit at Guileen. In this correspondence it set out their position under legislation and what they wanted their position to be. This is a group that is relied heavily upon by Gardaí and other service bodies in events of maritime search and rescue and also for instance transportation of sick patients to hospitals in cases where there is no other available transport, or in bad weather conditions.

The IRCG are actually the only voluntary service not recognised in statute. Cllr. Twomey was asked to put in a motion at full council and ask for the support of my fellow councillors and my council in their journey to become a primary response unit and to be recognised so under legislation.

Currently the legislation that caters for the IRCG falls under The Sea Pollution Acts 1991-2006 and the Merchant Shipping (Salvage and Wreck) Act 1993. But this legislation is not enough in the eyes of the officers in charge of the individual units in order for them to carry out their duties safely and more efficiently.

Irish Coast Guard personnel are forbidden from carrying any type of weapons and have no security or defence duties in respect of national police or defence.

Not all Irish Coast Guard members have enforcement powers – only some officers under warrant.

Firstly there is no stability here for the service as they have no idea of what their funding will be on a year to year basis.

The legal advice available is that their position lacks grounding in the body of the relevant legislation and that this is creating fear in communities about the survival of the Irish Coast Guard service.

This issue was raised with the minister in a sitting of government on December 7th of last year upon which the minister acknowledged the fears within the service and stated that he would be willing to place the Irish Coast Guard on a stronger statutory footing if he believed it were necessary to do so. So I implore my fellow councillors to please support me here today so we can try and help convince the minister to do this.

These men and women volunteer their own lives every day in order to save lives. And I would like to pay homage to them and to all other volunteers who risk their lives every day to save the lives of others in voluntary services. I wish to pay tribute to Caitriona Lucas, who sadly lost her life while on a rescue/recovery mission in County Clare in 2016, she was a volunteer, a wife and a mother. They are our unsung heroes.

During a discussion, Members made the following points:-

- Had representation from Gyleen, this was brought to the MD to get conditions improved for the Gyleen coastguards.
- We need an updating of legislation.
- There is a huge stretch of coastline and sometimes we take it for granted what is done to keep it safe. Anything we can do to strengthen their position is good. They are in a vulnerable position.
- The funding situation for such an important group needs to be recognised. They need to get statutory funding.
- They work as volunteers and they are the bedrock of our communities.
- There are four primary response agencies in Ireland. The coastguard is the only one not legislated for, they are 24/7 on call.
- There are three sector managers for the entire country. There should be at least nine.
- Sees work first hand that they do, a lot of the seaside towns would be lost without them.
- We should make sure we have an answer from the department in the next few months.
- It is only right that this agency would be awarded statutory recognition.

It was agreed to write to Ministers Shane Ross, Michael Creed and Paul Kehoe.

BUS EIREANN EXPRESSWAY SERVICES

14/1-2

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

“That Cork County Council write to Bus Eireann asking them to ensure the continuation of Expressway Services including the X8 Cork to Dublin Route, into the future.”

Cllr. Noel McCarthy said expressway services were one of the biggest loss making services in the company, this will have a severe impact on the people of Fermoy. We have no alternative public transport if we lose it. Air Coach pulled out they bypass Fermoy and Mitchelstown. X8 stops in all local towns. It would be a fierce impact on rural Ireland if this service pulls out. People are very worried about this. Pleased that Bus Éireann said they will try to hold on to the Expressway service. They have over thirty routes in the country in this service so it affects other towns also.

During a discussion, Members made the following points:-

- This is a serious motion, it is an essential service. We should have a meeting with Bus Éireann.
- Minister Ross should be invited to the meeting also.
- It is connectivity and keeping rural Ireland alive. We need connectivity to hospitals, shops etc.
- Some towns do not have access to a train service; we are heavily reliant on the bus service. We must have someone from Bus Éireann come in to allay the fears of the public.
- The expressway service is a public service, economic and social service.
- Spoke to a representative of Bus Éireann, he said there is nothing set in stone, they are considering axing routes that are not profitable.
- Mitchelstown has nothing in public transport other than the bus.

The Mayor said we are happy to ask Bus Éireann to come here for a meeting, however they may prefer to come at Municipal District level.

It was agreed to write to Bus Éireann and ask them to attend the Roads and Transport SPC meeting to address members.

CORRESPONDENCE FROM OTHER BODIES

REPORTS ON THE PERFORMANCE OF BUS ÉIREANN SERVICES

15/1-2

Members noted letter dated 23rd December, 2016, from Bus Éireann in response to Council's letter of 14th December, 2016, in relation to the performance of Bus Éireann services in Cork City and County and request for monthly reports regarding same.

VOTES OF CONGRATULATIONS

16/1-2

- TO: Coláiste Treasa Kanturk in recognition of their numerous student winners in the BT Young Scientist 2017
- TO: Kinsale Community School who participated and received awards in the BT Young Scientist 2017.
- TO: Danny Cummins on his retirement from Cork County Council.
- TO: Youghal Athletic Club Members on their recent success on winning a gold medal in the intermediate Cross Country Race.
- TO: Aoife Cooke on winning a silver medal in the Cross Country International Race.
- TO: Fearghal Curtin on winning a gold medal representing Ireland in the Celtic Cross Country International Race.
- TO: Jake McCarthy on winning a silver medal representing Ireland in the Celtic Cross County International Race.
- TO: St. Peter's Community School girls on winning the Senior B Cup Munster Schools Soccer Final and the boys on winning the Senior John Murphy Cup.
- TO: Darragh McElhinney on winning the Celtic Ross West Cork Youths Sport Star and on winning the under 17 Celtic International Cross Country Race in Cardiff.

GRABALL BAY

Cllr. Aidan Lombard told Members we had a motion coming here because the engineers could not take on a scheme that could be funded within the district. The motion was that the district would ask Cork County Council to start a full infrastructural programme in Graball, flooding infrastructure, sewage issues, and the storm water that is there flows into Crosshaven. Road structure is third world. The County Engineer described it as the worst example of infrastructure in the county. Someone needs to take responsibility. We have Camden beside it and then we have sewerage running down the road beside it.

Members said Graball is a nightmare. Outfall is impossible to solve unless senior staff get involved. This is so urgent; road works are in a dreadful state. It is disappointing for local representatives not to be able to give answers to the residents in the area.

The Mayor supported Cllr. Lombard and said there are longstanding issues there and huge resources required and we are happy to work towards a plan.

ENVIRONMENTAL PROTECTION AGENCY

Cllr. Marcia D'Alton would like some information regarding the report in the Irish Examiner stating Cork County Council was one of the local authorities that failed to meet target performance standards for the enforcement of environmental legislation in 2015.

The CE said the Director of Service in Environment is working through that and a report will be sent to the Environment SPC.

CONFERENCE IN CIT

Cllr. June Murphy told Members Y.A.N.A. (You Are Not Alone) North Cork Domestic Violence project will host a one day Conference on Domestic Violence in CIT on 16th February 2017. Conference details will be circulated to Members.

This concluded the business of the Meeting