



COMHAIRLE CONTAE CHORCAÍ

Minutes of Proceedings at Meeting of Cork County Council held in the Council Chamber, County Hall, Cork on 27th February, 2017.

I LATHAIR

Comhairleoir S. MacCraith, Méara Chontae

Comhairleoiri Mac Seafraida, Daltúin, 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, Ó Ceocháin, Sheppard, De Barra, Ó Cadhla, Rasmussen, N. Ó Coileán, A. Ó Suilleabháin, Uí Thuama, Ó hEigearthaigh, S. NicCárthaigh, Léanacháin-Foghlú, N. MacCárthaigh, Ó Dúghaill, Mhic Dháibhí, J. Uí Mhurchú, Ó Sé, G. Ó Murchú, B. Ó Muimhneacháin, Uí Mhaoláin, T. Ó Coileán, D. Ó Coileán, P.G. Ó Murchú, Uí hEigearthaigh, Ó hAodha, Ó hUrthuile.

PRESENT

Councillor S. McGrath, County Mayor presided.

Councillors Jeffers, D'Alton, 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, Keohane, Sheppard, Barry, Ó Cadhla, Rasmussen, N. Collins, A. O'Sullivan, Twomey, Ml. Hegarty, S. McCarthy, Linehan-Foley, N. McCarthy, Doyle, Dawson, J. Murphy, O'Shea, B. Moynihan, Mullane, T. Collins, D. Collins, P.G. Murphy, Hegarty, Hayes, Hurley.

Chief Executive, Senior Executive Officer, Director of Economic Development, Tourism and Enterprise Infrastructure

CONFIRMATION OF MINUTES

1/2-2

Proposed by Councillor D. Hurley

Seconded by Councillor T. Collins

RESOLVED:

“That the minutes of meeting of the Council held on 13th February, 2017, be confirmed and signed by the Mayor.”

Graball Bay

Cllr. A. Lombard referred to the issues with the road infrastructure at Graball, which was discussed at the previous Council Meeting and requested an update on same.

The Mayor advised that it was agreed at the last Council Meeting that the response would be given through the Bandon/Kinsale Municipal District.

Cllr. Lombard said he was told at the last Council Meeting that he was entitled to bring the matter to Full Council and that it is not good enough that 11 weeks later nothing has been done to this road.

The Chief Executive advised that this is a difficult, complex issue to solve and that the appropriate place for the matter to be debated is at Municipal District level and the matter should be taken up with the Director of Services.

Cllr. Lombard expressed his dissatisfaction that the matter has gone on for so long and no response received.

VOTES OF SYMPATHY

2/2-2

TO: Martin Walsh, Floor 11, County Hall, on the death of his brother, Sean.

STATUTORY BUSINESS

Section 183 of the Local Government Act, 2001:

Members noted the following disposals.

DISPOSAL OF LAND AT BAURNAHULLA, DRIMOLEAGUE, CO. CORK.

3(a)/2-2

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 6th February, 2017.

<u>Situation:</u>	Lease of Land at Baurnahulla, Drimoleague.
<u>Area:</u>	Circa 2 acres.
<u>From Whom Acquired:</u>	Charles O'Brien & Noreen O'Brien.
<u>To Whom It Is Proposed To Dispose:</u>	Trustees of Clann na nGael GAA Club by way of Lease.
<u>Term:</u>	99 years
<u>Consideration:</u>	€500 per annum

DISPOSAL OF LAND AT MANCH MIDDLE, BALLINEEN, CO. CORK.

3(b)/2-2

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 6th February, 2017.

Property: Property measuring 0.4242 hectares

Location: Manch Middle, Ballineen, Co. Cork.

From Whom Acquired: Council owned property.

**To Whom It Is Proposed
To Dispose:** Mr. JJ Harrington.

Consideration: €72,000.00

GRANT OF RIGHT OF WAY AT REAR OF 23 SANDFIELD TERRACE, MALLOW, CO. CORK.

3(c)/2-2

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 8th February, 2017.

Situation: Grant of Right-of-Way at rear of 23 Sandfield Terrace, Mallow.

Area: 54m sq.

**To Whom It Is Proposed
To Dispose:** Brian Regan and Susan Regan

Consideration: €100 plus Council's legal costs.

DISPOSAL OF LAND AT TOWNPARKS, MIDLETON, CO. CORK.

3(d)/2-2

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 15th February, 2017.

Situation: Townparks, Midleton, Co Cork.

Area: 0.4462 hectares

From Whom Acquired: Unknown. In Council ownership since c. 1984.

To Whom It Is Proposed To Dispose: Irish Distillers Ltd.

Consideration: €30,000

DISPOSAL OF LAND AT MOGEELY, CO. CORK.

3(e)/2-2

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 15th February, 2017.

Situation: Mogeely,
Co. Cork

Area: 0.8286 hectares (2.0475 acres)
(Including right of way in favour of Mogeely Soccer Club
measuring 65 linear meters in length, 5m in width)
Part of Folio CK19123F

From Whom Acquired: Predates Property Section Records

To Whom It Is Proposed To Dispose: Imogeela Community Sports Hall Ltd

Term: 15 years (by way of lease)

Consideration: €200 per annum

DISPOSAL OF LAND AT MOGEELY, CO. CORK.

3(f)/2-2

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 15th February, 2017.

Situation:

**Mogeely,
Co. Cork**

Area:

**1.0168 hectares (2.5126 acres)
(Including right of way in favour of Mogeely Soccer Club
measuring 65 linear meters in length, 5m in width) Part
of Folio CK19123F**

From Whom Acquired:

Predates Property Section Records

To Whom It Is Proposed

To Dispose:

**Trustees of Mogeely Soccer Club (namely Ger
O'Mahony, Gary Sweetnam and Tim McGann)**

Term:

35 years (by way of lease)

Consideration:

€200 per annum

FILLING OF VACANCIES ON COMMITTEES AND EXTERNAL BODIES

4/2-2

On the proposal of Councillor D. Hurley, seconded by Councillor M. Linehan –Foley, it was agreed:

“That Cllr. John Paul O’Shea be nominated to the Commemoration Committee.”

On the proposal of Councillor D. Hurley, seconded by Councillor T. Collins, it was agreed:

“That Cllr. Mary Linehan-Foley, be nominated to the Coastal Management Committee.”

On the proposal of Councillor D. Hurley, seconded by Councillor T. Collins, it was agreed:

“That Cllr. Kevin Conway be nominated to the National Monuments Committee.”

On the proposal of Councillor D. Hurley, seconded by Councillor M. Linehan –Foley, it was agreed:

“That Cllr. Cathal Rasmussen be nominated to the Cobh Heritage Trust.”

On the proposal of Councillor D. Hurley, seconded by Councillor J. Harris, it was agreed:

“That Cllr. Kevin Conway be nominated to the Cork ETB.”

REPORTS & RECOMMENDATIONS OF COMMITTEES

Bandon Kinsale Municipal District:

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

5/2-2

Proposed by Councillor R. McCarthy

Seconded by Councillor K. Murphy

RESOLVED:

“Noting that in accordance with Article 179 of the Local Government (Planning and Development) Act, 2000, notice of the proposed development was published, that 3 no. submissions were received in respect of the proposal, approval pursuant to Article 179 of the said Act is given for the following:-

Public Realm Scheme, St. Patrick’s Quay, Bandon, Co. Cork.

Western Committee:

AFFORDABLE HOUSING AND AFFORDABLE SITES SCHEMES

6/2-2

At the Western Committee Meeting on 20th February 2017 members proposed that the following Notice of Motion should be forwarded to Full Council:-

Members of the Western Committee request the immediate restoration of the Affordable Housing and Affordable Sites Schemes.

During a discussion, Members made the following points:-

- There is a number of people looking for affordable serviced sites;
- Ask the Minister for the reinstatement of the Scheme;
- A gap has arisen between those who do not qualify for Social Housing and are not eligible for a mortgage;
- Queried if there is a box to tick on social housing forms for Affordable Sites;
- The people falling between 2 stools are now the working poor;
- Council Members are not informed when Housing Agencies allocate houses;
- This would create aspiration among people and would give them a chance to move on in society;

The Chief Executive said that the Council can only implement this if there is a National Scheme in place.

It was agreed to forward the following motion to the Department of Housing, Planning, Community & Local Government:

“That this Council requests the immediate restoration of the Affordable Housing and Affordable Sites Schemes.”

REPORTS & RECOMMENDATIONS OF OFFICERS

QUARTERLY REPORT ON ECONOMIC DEVELOPMENT, TOURISM AND ENTERPRISE INFRASTRUCTURE.

7/2-2

Members noted report from the Director of Economic Development, Tourism and Enterprise Infrastructure.

Members made the following points:-

- The need for a countywide policy on motor homes;
- The need for more food units in North Cork;
- What is entailed in the re-organisation of the Economic Development Fund;
- Queried amount of Ignite and water systems funding and equity for the Council, from the start ups?;
- How many jobs have been created from Ignite;
- Economic Development is so important for tourism, helps rural areas;
- Welcome Chinese visits to Cork and the introduction of transatlantic flights from Cork Airport;
- There is potential for large scale tourism if motor homes are spread to other areas in the County;
- Encourage supermarkets to take Irish grown vegetables, establish a marketing system;
- Welcomed appointment of Cork Tourism Officer;
- Unused IDA sites and Council sites serviced sites in Charleville suitable for businesses;
- Has there been an announcement from Failte Ireland regarding funding;
- Queried the timeline for the Beacon initiative in Clonakilty and Bantry;
- Beacon has been very successful in Midleton, but retailers need more encouragement to go online;

Ms. S. Corcoran, Director of Service gave Members a brief outline of her Directorate, Economic Development, Tourism and Enterprise Infrastructure:-

- Formed in September 2016 to bring Economic Development, Enterprise, and Tourism under one umbrella;
- The role of the Director is to co-ordinate and plan strategically for all sections into the future;
- The Council has a very strong infrastructure for Economic Development such as a large landbank and a number of industrial sites;
- The Council is actively promoting Food Tourism and will bring a report to Council on the progression of Food Kitchens in the County;
- Beacon will commence in West Cork in April, a hugely successful Scheme;
- There is a strong need for retailers to go online and the Council is looking into this;
- Would welcome input and suggestions from Members into Tourism;
- Council is working closely with Cobh MD to agree a motor home policy and there is a need to develop it countywide;
- Will revert with job figures from Economic Development Fund;

- Equity for Council has not yet been considered, scheme is at very early stage of start up from graduate to entrepreneur;
- The Council can support more Food Kitchens through an evidence based policy;
- Locally produced vegetables is not an area the Council has a speciality in but food clientele do participate in Food Academy selling in 10 stores across the County;

Members queried further as follows:-

- Licensing of street furniture in towns – suspended until new regulations come in;
- Important that there is no crossover between LEOs, LAGs, and other grants;
- The need to improve broadband services, have a co-ordinated strategy;
- Will there be any impact from Brexit.

Ms. Corcoran advised as follows:-

- Council did research through the SPC, regarding fees for street furniture and came up with a policy. Street furniture is critical for the tourism industry and it encourages people to stay and shop longer outside the city.
- Street furniture charges can be applied to businesses on a pro-rata basis;
- Issues are being discussed with Municipal District Officers;
- Report on Leader funding will issue to Members over the next few weeks;
- Leader funding is funding of last resort and there is no duplication of efforts;
- LEO is the first port of call for anyone seeking funding;
- Rural Broadband is being delivered through another Directorate, Council has already provided a €20m programme at 15 locations since 2006;
- Hot desks and E-centres are available for those without broadband;
- Brexit – funding will be made available nationally and the Council is working with Cork Chamber to attract suitable industry to Cork.

NOTICES OF MOTION

PRIVATE RENTED HOUSING SECTOR

8/2-2

Councillor D. O’Grady proposed, seconded by Councillor D. Twomey, the following notice of motion:-

“To seek a written report on the inspection programme carried out by Cork County Council on the private rented housing sector in 2016.

The report to contain:

- a) The number of inspections carried out.
- b) The number of dwellings inspected.
- c) The number of dwellings inspected that failed to meet standards on first inspection.
- d) The number of HAP units inspected.
- e) The number of HAP units inspected within 8 months of start of tenancy.

f) The number of HAP units that failed to meet standards.

The report to also contain the amount of Government Payments made to Cork County Council for carrying out inspections in 2016.”

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

A total of 828 private rented inspections were carried out by the Council in 2016, with 756 dwellings inspected. 733 dwellings failed to meet the standards at initial inspection stage. The most common reasons for not complying are as follows:

Article 5 – Structural Condition (e.g.)

- Fixtures and fittings in need of attention
- Dampness and/or mildew
- Minor leaks

Article 7 – Heating Facilities

- Insufficient ventilation for open fires and solid fuel stoves

Article 9 – Ventilation (e.g.)

- Lack of mechanical extract vents in bathrooms
- Cooker hoods not extracting to external air
- No background ventilation in habitable rooms

Article 11 – Fire Safety (e.g.)

Wrong type of smoke alarm i.e. replaceable battery-type/faulty smoke alarms/insufficient number of smoke alarms/no fire blankets

Article 13 – Electricity and Gas, generally certification not provided at time of inspection.

Landlords are immediately provided with a written schedule of requirements following inspection detailing the deficiencies to be rectified in the property.

Of a total of 536 properties which were inspected under the HAP scheme in 2016, 277 were inspected within 8 months of start of tenancy. Of the number of inspections carried out that were outside of 8 months, the majority would have been within a two weeks of the 8 month period expiring.

A significant number of inspections are postponed/rescheduled by either landlord or tenant which may result in the inspection being pushed back beyond the 8 month period. Rescheduled appointments are generally inspected on the next full day scheduled in the given area.

498 of the HAP units failed to meet the standards at initial inspection.

A sum of €61,700 was received by the Council in 2016 from the DHPLG for inspections carried out in 2015.

Members made the following points:-

- This is a damning report representing a 97% failure rate in the County;
- How many Inspectors are employed by the Council;
- Are inspections carried out on a rota basis or following a complaint;
- Some of the reasons for non compliance are life threatening;
- 93% failure rate in the government run HAP programme;
- Is it always an Engineer who carries out the second inspection;
- Is upgrading carried out within the timeframe;
- Is the Council taking landlords to court for non-compliance;
- The standard of accommodation is very worrying, needs to be addressed;

Cllr. D. Ó Cadhla proposed the following amendments to the motion:-

- A description of what the minimum acceptable standards in rental accommodation are.
- The total number of complaints received by Council from tenants under the Housing (Standards for Rental Houses) Regulations.
- What number of these complaints were found to be valid and what actions were taken by Council accordingly.
- How many landlords have received formal warnings/demands to make good the standard of accommodation that they are renting.
- How many landlords have been fined and under the Standards Regulations.
- How many properties have been deemed unacceptable for rental purposes?
- What protections does Council offer to tenants who make complaints under the Standards Regulations.

This was agreed.

Members commented further as follows:-

- The rights of tenants need to be protected;
- Basic amenities are not being provided despite high rents being charged;
- Not a failure but positive to see that number are being rectified;
- Some properties are in very good condition but basics are failing.

The Chief Executive advised that he would send the detailed questions to the Director of Housing which can be dealt with through the quarterly Housing Reports at each of the 3 Divisional Committees. He said the Council has a resource with 2.4 wholetime equivalent staff which allows the Council to inspect 5.1% of those registered, some local authorities are less than 2%. The Scheme is influenced by a lack of resources and funding only covers 37% of the Council's costs from government.

The Chief Executive advised that the second inspection depends on what issues are raised and it is either the Engineer or Fire Officer who attends. The Council does issue notices but is impacted by resources, all landlords must be inspected every 4 years which is a significant resource.

The Chief Executive advised that failure rate varies across the country with other local authorities either the same rate or higher.

It was agreed to write to the Minister Members requesting that the full cost of all inspections of the private rented sector, be funded by government.

NUMBER OF APPLICANTS HOUSED UNDER HAP

9/2-2

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

“That this Council provide a written report on the number of housing applicants currently housed under HAP contracts across the county by division. Report should also show the cost to date of scheme since the adoption of Social Housing Strategy 2015 – 2017.”

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

The following table sets out the current numbers accommodated on HAP in the County by Municipal District/Division:

South	Ballincollig-Carrigaline	205
	Blarney-Macroon	129
	Cobh	180
	East Cork	262
	Total	776
North	Fermoy	217
	Kanturk-Mallow	291
	Total	508
West	Bandon-Kinsale	213
	West	398
	Total	611
Grand total @ 23.02.17		1895

This information is regularly included in the Housing Services reports provided at the Divisional Housing meetings of the Council.

Landlord payments in 2016 for Cork County Council HAP tenancies amounted to €9.2 mil.

HAP spend in 2016 nationally

The allocation for the HAP scheme in 2016 was €47.7 million. However, the Exchequer outturn for the HAP scheme in 2016 was €57.7 million. The majority of this funding supported the on-going costs of tenancies established in 2015 that continued into 2016 and the costs of the 12,075 additional households supported by the scheme in 2016. Expenditure increased as a result of a number of HAP actions agreed under Rebuilding Ireland. These actions included reviewed HAP rent limits which came into effect from 1 July 2016; and an acceleration in HAP targets for 2016 which increased from 10,000 tenancies to be set up from to 12,000.

Anticipated HAP Activity in 2017

Budget 2017 has increased the Exchequer funding for the HAP scheme to €152.7 million, in order to meet the continuing costs of existing HAP households, and the costs of an additional 15,000 households to be supported by HAP in 2017 under Rebuilding Ireland.

Members made the following points:-

- Almost €30m has been spent on HAP over a 3 year period;
- This money should be used to build/buy homes instead of propping up the Government and landlords;
- Can landlord payments be broken down by Division;
- 2/3 of overall funding should go to Capital Provision and 1/3 to leasing and renting.

BIRD FLU VIRUS

10/2-2

Proposed by Councillor N. Collins

Seconded by Councillor M. Linehan-Foley

RESOLVED:

“That this Council call on the Minister for Agriculture & Food, resulting from the Bird Flu Virus and what species have been detected in wild birds in Ireland, including Midleton, Co. Cork and what protective warning signs and advertising are warranted to help poultry owners – to prevent the risk of the disease spreading.”

RENT PRESSURE ZONE CARRIGALINE

11/2-2

Proposed by Councillor E. Jeffers

Seconded by Councillor

RESOLVED:

“That we as a Council write to Minister Simon Coveney to request that the southern side of Carrigaline be included as a Rent Pressure Zone.”

Members made the following points:-

- This is a very unfair situation with 2 housing markets in the one town;
- This is discrimination and puts people under pressure;
- The division of Carrigaline is a ludicrous situation and the Council continues to deal with the fallout;
- Different rent zones in the one town is unfair to people living there.

It was agreed to refer the matter to Minister Coveney.

CORRESPONDENCE FROM OTHER BODIES

ELECTRIC VEHICLE CARS

12/2-2

Members noted letter dated 15th February, 2017, from the ESB, in response to Council’s correspondence of 24th January, 2017, regarding electric vehicle fees.

VOTES OF CONGRATULATIONS

13/2-2

TO: Mayfield Junior A Hurling Team on winning the All-Ireland Junior Club Hurling Final.

TO: Hazel Symons on winning a Gold Medal at the National Kettlebell Championship.

TO: The Mayor and his wife Gayle, on the recent birth of their daughter.

Opening of Tenders

The following tenders were opened at the Meeting:-

- N22 Baile Bhuirne to Macroom Road Development Archaeological Consultancy Services (Stage I – IV)

Train Station at Charleville

Cllr. I. Doyle voiced his concern that the Iarnród Eireann is intending to introduce automated services in Charleville Train Station, which would lead to the removal of staff in the ticket office.

Members expressed concern at an unmanned station which is a vital link between Cork and Dublin.

It was agreed to write to Iarnród Eireann.

Validation of Planning Applications

Cllr. M. D'Alton said that validation of planning applications continues to be an issue and the delay in validation is preventing statutory bodies from making submissions on time. The Chief Executive agreed to look into the matter and revert to Members.

This concluded the business of the Meeting