



COMHAIRLE CONTAE CHORCAÍ

Minutes of Proceedings at Meeting of Cork County Council held in the Council Chamber, County Hall, Cork on 8 October, 2018.

I LATHAIR

Comhairleoir P.G. Ó Murchú, Méara Chontae

Comhairleoiri MacCraith, Mac Seafraida, Daltúin, D. Ó'Donnabháin, Dheasmhumhnaigh, Ó Cainte, M. Ó Murchú, Ó hEarchaí, Ó Colmáin, Lombard, C. Ó Murchú, Ní Cochláin, J. Ó' Donnabháin, 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, Ó hEachteirn, Uí Thuama, Ó hEigeartaigh, S. NicCárthaigh, Léanacháin-Foghlú, Ní Bhrian, N. MacCárthaigh, Ó Floinn, Ó Dúghaill, Mhic Dháibhí, Uí Mhurchú, Ó Sé, G. Ó Murchú, G. Ó Murchú, B. Ó Muimhneacháin, Uí Mhaoláin, T. Ó Coileán, D. Ó Coileán, Ó Cearúill, J. Ó Suilleabháin, C. Ó Suilleabháin, Uí hEigeartaigh, Ó hAodha, Ó hUrthuile.

PRESENT

Councillor Patrick G. Murphy, County Mayor presided.

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

Chief Executive, Senior Executive Officer.

Suspension of Standing Orders

Councillor Kevin Conway proposed, seconded by Councillor Bob Ryan a Suspension of Standing Orders to discuss the closure of the Waterloo Junction.

The Mayor noted there was unanimous agreement amongst Party Leaders and amongst members for the matter to be discussed at the beginning of the meeting rather than at the usual time of 1:00pm.

During the discussion that followed members raised the following points;

- On the 18th June, 2018, the Waterloo junction closed.
- It is now a ten mile journey to get from one side of the road to the other, and this has caused massive disruption to the community.
- Traffic is now being diverted to an unsuitable road, which has also been the scene of many fatalities.
- The Waterloo junction closed in a manner that was not open, transparent or democratic, and the public consultation process is now over.
- If the resurfacing works had not happened, the junction would not have closed.

- In 2016, the road lining at the junction was changed, and there should be a review of what was changed.
- Members praised the very peaceful and well organised protest outside of County Hall.
- Municipal District members have made it very clear to the council engineers and to the community that we will not vote in favour of closing the junction.
- The closure will divide the community and this cannot be allowed to happen.
- The local communities do not support these measures
- The Municipal District of Blarney/Macroom will vote no on the proposal to close the junction.
- This issue has also been discussed by the Joint Policing Committee.
- On what legal basis was the junction closed in the first place.
- The Section 73 motion needs to be withdrawn.
- A new design for a new junction should be brought forward quickly.
- An underpass would be the most desirable solution; however, this would likely take years to deliver.
- If a junction similar to the Rathduff junction was installed in Waterloo there would be no issue. The Waterloo junction needs the correct design with inbuilt safety measures.
- Centre islands work at improving road safety
- The extinguishment of a right of way is a reserved function of the Municipal District and members need clarity on the procedure
- We need to work together because where there is unity there will be a solution.

Councillor Kevin Conway proposed, seconded by Councillor Bob Ryan that the Waterloo junction reopens with additional safety signage, forthwith.

The Chief Executive said that the best engineer and road safety advice is not to open the road due to safety reasons, the process is ongoing and this has included high level engagement with elected members. The public consultation process concluded on the 3rd October, and a report will go to the Municipal District of Blarney/Macroom on the 26th October, 2018. Appropriate arrangements can be made for an earlier meeting at members' request.

The Chief Executive said that in the event the report is refused by members of the Municipal District of Blarney/Macroom, due process will be followed and an alternative proposal will be advised to members, including a public consultation process. The Chief Executive confirmed that the road will remain closed until the process is concluded to ensure the safety of road users.

Members asked had they the power to open or close the junction.

The Mayor confirmed that the Municipal District has the power to extinguish the right of way. The Mayor then called for a vote on Councillor Kevin Conway's proposal, which resulted as follows:

FOR: Councillors McGrath, Jeffers, D'Alton, Desmond, Canty Murphy, Harris, Lombard, K. Murphy, Coughlan, O'Donovan, Creed, O'Grady, Lucey, Ryan, Conway, P. O'Sullivan, Keohane, Sheppard, Barry, Ó Cadhla, Rasmussen, Collins, Ahern, Twomey, Hegarty, S. McCarthy, Linehan-Foley, O'Brien, O'Flynn, Doyle, Dawson, J.Murphy, O'Shea, G. Murphy, G. Murphy, Mullane, T. Collins, D. Collins, J. O'Sullivan, C. O'Sullivan, P.G Murphy, Hegarty, Hayes, Hurley. (45)

AGAINST: (0)

ABSTAIN: (0)

The Mayor declared that the proposal was carried.

CONFIRMATION OF MINUTES

1/1-10

Proposed by Councillor Michael Hegarty

Seconded by Councillor Frank O'Flynn

RESOLVED:

“That the minutes of the Meeting of the Council held on 24th September, 2018, subject to one amendment proposed by Councillor Diarmaid Ó Cadhla, be confirmed and signed by the Mayor.”

Members asked that the amended minutes be circulated following the meeting.

VOTES OF SYMPATHY

2/1-10

TO: John Cronin, on the death of his mother, Marie (RIP)

TO: Paddie Williams, on the death of her husband, Stephen (RIP)

TO: Joan Twomey, on the death of his husband, Eddie (RIP)

TO: The Duffy and Mhic Mhathúna families, on the death of Emma (RIP)

STATUTORY BUSINESS

Section 183 of the Local Government Act, 2001:

Members noted the following disposals.

GRANT OF LEASE OF ROOMS AT PASSAGE WEST TOWN HALL

3(a)/1-10

In accordance with the provisions of Section 183 of the Local Government Act 2001, the disposal of the property as shown hereunder shall be carried out in accordance with the terms specified in the notice issued to members dated 26th September, 2018.

Situation: Grant of Lease of Rooms at Passage West Town Hall.

Term: 10 years

Consideration: €1 per annum

DISPOSAL OF TII LANDS AT BROOKLODGE, GLANMIRE, CO. CORK.

3(b)/1-10

In accordance with the provisions of Section 183 of the Local Government Act 2001, the disposal of the property as shown hereunder shall be carried out in accordance with the terms specified in the notice issued to members dated 26th September, 2018.

Situation: Disposal of TII lands at Brooklodge, Glanmire, Co. Cork.
Area: 0.625 hectares / 1.544 acres as outlined on map.
Consideration: €160,000.

DISPOSAL OF LAND AT CHURCH VIEW, KILCROHANE ROAD, DURRUS, BANTRY, CO. CORK

3(c)/1-10

In accordance with the provisions of Section 183 of the Local Government Act 2001, the disposal of the property as shown hereunder shall be carried out in accordance with the terms specified in the notice issued to members dated 26th September, 2018.

Situation: Disposal of land at Church View, Kilcrohane Road, Durrus, Bantry, Co. Cork.
Area: 0.0044 hectares / 0.011 acres as outlined on map.
Consideration: €500.00 plus €500 administrative and legal costs.

DISPOSAL OF SERVICED SITE AT 13 AT DROMLEIGH, BANTRY, CO. CORK

3(d)/1-10

In accordance with the provisions of Section 183 of the Local Government Act 2001, the disposal of the property as shown hereunder shall be carried out in accordance with the terms specified in the notice issued to members dated 26th September, 2018.

Situation: Disposal of Serviced Site at 13 Dromleigh, Bantry, Co. Cork
Area: 0.110 hectares / 0.272 acres as outlined on map.
Consideration: €64,000.00

DISPOSAL OF SERVICED SITE NO: 14 AT DROMLEIGH, BANTRY, CO. CORK

3(e)/1-10

In accordance with the provisions of Section 183 of the Local Government Act 2001, the disposal of the property as shown hereunder shall be carried out in accordance with the terms specified in the notice issued to members dated 26th September, 2018.

Situation: Disposal of Serviced Site No. 14 at Dromleigh, Bantry, Co. Cork
Area: 0.163 hectares / 0.403 acres as outlined on map.
Consideration: €70,000.00

GRANT OF RIGHT-OF-WAY AND WAYLEAVE AT DROMLEIGH SOUTH, BANTRY, CO. CORK

3(f)/1-10

In accordance with the provisions of Section 183 of the Local Government Act 2001, the disposal of the property as shown hereunder shall be carried out in accordance with the terms specified in the notice issued to members dated 26th September, 2018.

Situation: Grant of Right-of-Way and Wayleave at Dromleigh South, Bantry.
Area: 173.9m² / 0.01739 hectares
Consideration: €1,160 plus payment of Council's legal costs.

DISPOSAL OF FREEHOLD INTEREST AT NO: 5 GLENCURRAGH, SKIBBEREEN, CO. CORK

3(g)/1-10

In accordance with the provisions of Section 183 of the Local Government Act 2001, the disposal of the free hold interest in the property as shown hereunder shall be carried out in accordance with the terms specified in the notice issued to members dated 26th September, 2018.

Land Held under
Leasehold Interest: 5 Glencurragh, Skibbereen, Co. Cork
Freehold Interest: Folio No. 8645L
From whom acquired: Unknown
Consideration: € 350.00 inclusive of administration charges
Covenants, Conditions
And Agreements: Conditions pursuant to Housing Act, 1966 and
Landlord & Tenant Acts, 1947 – 1984.

AMENDMENT TO DISPOSAL OF OLD MARKET SQUARE, SKIBBEREEN, CO. CORK

3(h)/1-10

In accordance with the provisions of Section 183 of the Local Government Act 2001, the disposal of the property as shown hereunder shall be carried out in accordance with the terms specified in the notice issued to members dated 26th September, 2018.

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|---------------------|---|
| Situation: | Lease of premises at Old Market Square, Skibbereen, Co. Cork and a general right of way for all purposes over the passageway between Mardyke Street and the premises. |
| Area: | 0.0126 hectares / 126.5m ² as outlined on map. |
| From Whom Acquired: | Unknown – Predates Property Section Records. |
| Consideration: | €100.00 per annum. |
| Term: | 20 years (by way of lease). |

AMENDMENT TO DISPOSAL OF LAND AT COMMOGUE, BALLYNACUBBY, KINSALE, CO. CORK

3(i)/1-10

In accordance with the provisions of Section 183 of the Local Government Act 2001, the disposal of the property as shown hereunder shall be carried out in accordance with the terms specified in the notice issued to members dated 26th September, 2018.

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|---------------------|---|
| Situation: | Disposal of land at Commogue, Ballynacubby, Kinsale, Co. Cork |
| Area: | 1.9347 hectares / 4.7807 acres |
| From Whom Acquired: | Property registered to Cork County Council since 1997 |
| Consideration: | €440,000.00 |

DISPOSAL OF FREEHOLD INTEREST AT NO: 41 ROSARY PLACE, MIDLETON CO. CORK

3(j)/1-10

In accordance with the provisions of Section 183 of the Local Government Act 2001, the disposal of the free hold interest in the property as shown hereunder shall be carried out in accordance with the terms specified in the notice issued to members dated 26th September, 2018.

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| Land Held under | |
| Leasehold Interest: | No. 41 Rosary Place, Midleton Co. Cork Folio No. 867L |
| Freehold Interest: | Folio No. 28515 |
| From whom acquired: | Unknown |
| Consideration: | € 350.00 inclusive of administration charges |
| Covenants, Conditions And Agreements: | Conditions pursuant to Housing Act, 1966 and Landlord & Tenant Acts, 1947 – 1984. |

MUNICIPAL DISTRICT OF BALLINCOLLIG/CARRIGALINE

4/1-10

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

Members noted the Part 8 Report for L2471 Clarke's Hill Road Improvement Scheme and during a discussion on the matter, members made the following comments;

- The upgrading of Clarke's Hill is an exceptionally important proposal.
- Concerns have been raised at Municipal District about the level consultation with homeowners regarding the CPO process.
- The report was approved by the Municipal District as the scheme is long-overdue.
- Will the Part 8 application have an influence on the M28 judicial review
- We have concerns about the absence of an installation of a cycle lane.
- A cycleway will assist road safety.
- Should one of the two proposed footpaths be removed?
- Members have been told that the National Transport Authority (NTA) does not approve cycle ways on gradients greater than 5%,
- The number of signalised junctions in the proposal is four, this is considered to be high.

The Chief Executive commented that the Part 8 Report for L2471 Clarke's Hill Road Improvement Scheme is a completely separate process to that of the M28 judicial review and that he was satisfied that the Cork County Council's Part 8 will not have an impact on the M28 judicial review process.

Proposed by Councillor Mary Rose Desmond

Seconded by Councillor Marcia D'Alton

Resolved:

"Noting that in accordance with Article 83, Part 8 of the Local Government Planning and Development Regulations, 2001 as amended,, notice of the proposed development was published, 22 No. submissions were received in respect of the proposal, approval pursuant to Article 179 of the said Act is given for the following:-

L2471 Clarke's Hill Road Improvement Scheme

MUNICIPAL DISTRICT OF EAST CORK

5/1-10

RESOLUTION UNDER SECTION 179 OF THE PLANNING ACT 2000 SECTION 3 (4A & 4B), AS AMENDED.

Members noted the Part 8 Report for proposed construction of 70 no: Social Housing Units at Abbeywood, Baneshane, Middleton Co. Cork.

During a discussion that followed, members raised the following points;

- The slip road from Baneshane onto the N25 is not fit for purpose.
- Improvements of the slip road should to be incorporated into of the grant of the planning process and implemented forthwith.
- Serious concerns about flooding in the area have also been identified.

- If we lose this Part 8 for Midleton, it will only delay the waiting times for those on the housing waiting list.

The Chief Executive confirmed that there are some mitigation measures in the scheme as proposed for the future upgrade of the slip road from Baneshane onto the N25.

Resolved:

“Noting that in accordance with Article 83, Part 8 of the Local Government Planning and Development Regulations, 2001 as amended,, notice of the proposed development was published, 22 No. submissions were received in respect of the proposal, approval pursuant to Article 179 of the said Act is given for the following:-

Construction of 70 no: Social Housing Units at Abbeywood, Baneshane, Midleton Co. Cork.

MUNICIPAL DISTRICT OF COBH

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

6(a)/1-10

Members noted the Part 8 Report for proposed Installation of Floating Jetty (Pontoon and Gangway System) at Kennedy Pier, Kilgarvan, Cobh, Co. Cork

Resolved:

“Noting that in accordance with Article 83, Part 8 of the Local Government Planning and Development Regulations, 2001 as amended,, notice of the proposed development was published, 5 No. submissions were received in respect of the proposal, approval pursuant to Article 179 of the said Act is given for the following:-

Installation of Floating Jetty (Pontoon and Gangway System) at Kennedy Pier, Kilgarvan, Cobh, Co. Cork

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

6(b)/1-10

Members noted the Part 8 Report for proposed development consisting of construction of service building consisting of 2 no: public toilets, a maintenance/storage room and a caretaker room on Haulbowline Island Public Recreational Amenity at Haulbowline Island, Cobh. Co. Cork

Resolved:

“Noting that in accordance with Article 83, Part 8 of the Local Government Planning and Development Regulations, 2001 as amended,, notice of the proposed development was published, 3 No. submissions were received in respect of the proposal, approval pursuant to Article 179 of the said Act is given for the following:-

Development consisting of construction of service building consisting of 2 no: public toilets, a maintenance/storage room and a caretaker room on Haulbowline Island Public Recreational Amenity at Haulbowline Island, Cobh. Co. Cork

Members noted the Part 8 Report for the proposed development consisting of installation of a statue of Jack Doyle at West Beach, Kilgarvan, Cobh, Co. Cork

The Chief Executive commented that it is unusual for the executive's report to recommend refusal, which recommends that it should not proceed at that particular location. The Chief Executive said if no decision is made by Council, he would not be proceeding at that location, and that the matter would revert to the Municipal District of Cobh.

During a discussion that followed, members raised the following points;

- This proposal and its location have been discussed at length at Municipal District level.
- There is no capacity or known issue at this location
- Local engineers said there were no issues.

The Chief Executive noted that the Part 8 report contains two reports from the Cork County Council's Architects Department and Architectural Conservation Officer. The Chief Executive said that based on these reports it would be appropriate for the matter be revisited.

One member commented that the Municipal District of Cobh voted in favour of the proposal at a recent Municipal District meeting and noted there are several other monuments in Cobh Town; none of which had the same level of reporting from the Architects Department and Architectural Conservation Officer. The member asked why this process not required for other public infrastructure in Cobh, and asked what is defined as "clutter".

The Chief Executive stated that a decision under Section 179 of the act is a matter for the elected body of full council and it is not a Municipal District decision and the recommendation is not to go ahead with the proposed development at this particular location. The Chief Executive commented that each Part 8 process is unique and in this case level of reporting required was appropriate

The Senior Executive Officer read out to the chamber an extract from Section 179, Planning and Development Act, 2000, as follows:

"Following the consideration of the manager's report under paragraph (a), the proposed development may be carried out as recommended in the manager's report, unless the local authority, by resolution, decides to vary or modify the development, otherwise than as recommended in the manager's report, or decides not to proceed with the development".

Resolved:

"Noting that in accordance with Article 179 of the Local Government (Planning and Development) Act, 2000, notice of the proposed development was published, 6 No: submissions were received in respect of the proposal, refusal pursuant to Article 179 of the said Act is given for the following:-

Proposed development consisting of installation of a statue of Jack Doyle at West Beach, Kilgarvan, Cobh, Co. Cork

ROADS (MANAGEMENT AND DEVELOPMENT)

CORK COUNTY COUNCIL, COUNTY OF CORK ROAD TRAFFIC 30KM/H SPECIAL SPEED LIMIT BYE-LAWS FOR HOUSING ESTATES

7/1-10

Proposed by Councillor Frank O’Flynn

Seconded by Councillor Kay Dawson

RESOLVED:

“In accordance with Section 9 of the Road Traffic Act, 2004, as amended, Cork County Council, County of Cork Road Traffic 30km/h Special Speed Limit Bye-Laws for Housing Estates are hereby adopted by Cork County Council.”

FILLING OF VACANCIES ON COMMITTEES AND EXTERNAL BODIES

NOMINATION OF ELECTED MEMBER TO THE GOVERNING BODY OF UNIVERSITY COLLEGE CORK, PURSUANT TO THE UNIVERSITIES ACT, 1997 [S.165 (5)(B)(IV)]

8/1-10

Proposed by Councillor Seamus McGrath

Seconded by Councillor Frank O’Flynn

RESOLVED:

“In accordance with the Universities Act 1997, Councillor Bernard Moynihan is appointed to the Governing Body of University College Cork, effective the 1st February, 2019”

REPORTS & RECOMENDATIONS OF COMMITTEES

CORPORATE POLICY GROUP

Conference List July 2018

9(a)/1-10

Proposed by Councillor Declan Hurley

Seconded by Councillor Frank O’Flynn

Resolved:

“That the Conference List for October 2018 is approved.”

Community Development Initiative 2016-2022

9(b)/1-10

Members noted the report on the Community Development Initiative 2016-2022, as approved at Corporate Policy Group on 2nd October, 2018.

During a discussion on the matter, members raised the following points;

- Cork County Council is very involved with communities through local development companies.
- The LCDC's were set up to coordinate the efforts of the various organisations that work with communities and to encourage input by all groups/bodies involved.
- All members of LCDC's should work together to the benefit of communities.
- Acknowledging peoples success is very important
- Cork County Council does not always get proper recognition after supporting a project, and reference to the local development company should also be made.
- In supporting this initiative, we should also congratulate the companies and communities who have come on board.
- Co-operation has been built up between the LCDC's and Local Action Groups (LAGS) and local development companies
- Following cuts of €71 million to Leader groups, Cork County Council committed €1.5 million in the first tranche of funding
- We should allocate money to long term projects that give long term value to communities.
- Community groups need to be kept within the LCDC framework.
- €90 million has been spent on administration to date, yet only €16 million has been spent on projects.
- Due to the complexity of applications, local communities need consultants to complete their applications and this has leader to higher spend on administration.

The Chief Executive said it is important to recognise that a further investment of €3.5 million is to be released to communities, and that €1.5 million of this will be released over the next 6 to 8 months.

NOTICE OF MOTIONS

JAPANESE KNOTWEED

10/1-10

Councillor Seamus McGrath proposed, seconded by Councillor Joe Harris, the following notice of motion:-

“To seek a written report from the Environment Section outlining what options are open to property owners in the circumstances where an adjacent private landholding has a presence of Japanese Knotweed and the owner(s) involved are not acting to treat it?”

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

The legislation dealing with this issue is primarily contained in the Wildlife Acts, 1976 to 2012 and the European Communities (Birds and Natural Habitats) Regulations 2011 to 2015.

Art 49 (2) of the latter regulations specify that;

‘Save in accordance with a licence [...], any person who plants, disperses, allows or causes to disperse, spreads or otherwise causes to grow’ scheduled plant species shall be guilty of an offence.

Scheduled plant species under the regulations include Knotweed.

Under these statutes Local Authorities have no enforcement powers in relation to invasive species growing on private land.

Under the legislation it is the National Parks & Wildlife Service who are the primary regulatory and enforcement authority.

There is a raft of useful information available from various agencies on invasive species, including guidance on treatment options. The National Biodiversity Data Centre (NBDC) and Invasive Species Ireland provide extensive online information and facilitate the online reporting of sightings for inclusion on national mapped databases. Whatever course of action is ultimately pursued in this matter it would be a recommended first step that the property owner upload details of the infestation via either of these sites.

Members thanked the Director of Services, Environment for the response and during the discussion that followed members’ comments included as follows;

- An issue has arisen where knotweed is on private land and the landowner(s) is not acting to treat and resolve the problem.
- We should be trying to ascertain who the registered owners are of lands containing knotweed.
- Knotweed has the potential to seriously effect adjoining properties
- There is a lack of capacity within the National Parks & Wildlife Service to deal with knotweed.
- We are precluded the powers to deal with this issue ourselves.

Members agreed to write to the National Parks & Wildlife Service asking it to clarify its enforcement role in relation to invasive species growing on private land; capacity to enforce their powers in relation to invasive species; and the number of prosecutions obtained under Art 49 (2) of the European Communities (Birds and Natural Habitats) Regulations 2011 to 2015.

EXTENSION OF TIME

At 1:15pm, following the proposal of Frank O’Flynn, seconded by Councillor Paul Hayes, members agreed an extension of time until 1:30pm.

INSTALLATION OF CCTV SCHEME IN CORK COUNTY

11/1-10

Councillor June Murphy proposed, seconded by Councillor Ian Doyle, the following notice of motion;

“Request a full update on the new installation of CCTV Scheme in Cork County.

- 1. As part of that update it's to include how many applications have been received.*
- 2. Is there funding for the Scheme.*
- 3. How many contracts have been signed to date”.*

Members noted the response from the S/Director of Services, Municipal District Operations and Rural Development, which outlined as follows:-

This response will deal with information requested by Cllr. Murphy in respect of the installation of CCTV across Cork County.

To date CCTV schemes have been completed in Midleton, Clonakilty, Skibbereen, Bantry, Schull, Dunmanway and Macroom. There are schemes currently being finalised in Mitchelstown and Charleville. It is hoped that these will be in place by the end of 2018/early 2019. Funding for these schemes was provided from the Town Development Fund and Cork County Council can make an application for funding under the Community CCTV Scheme administered by the Department of Justice.

Assessment of schemes in Castletownbere and Bandon have commenced but Cork County Council are unable to progress presently as talks are ongoing between the Department of Justice, An Garda Síochána and Local Authorities in an effort to define the role of the Data Protection Officer following the implementation of the General Data Protection Regulation

During the discussion that followed members' comments included as follows;

- The response outlines that CCTV schemes for Mitchelstown and Charleville will be in place by the end of 2018/early 2019, however it does not provide a clear timeframe
- These communities have been waiting since 2016, they have gone to tender and appointed a contractor to deliver the scheme; however it has since stalled.
- We need to progress these schemes as soon as possible
- CCTV schemes give communities confidence.
- There is no CCTV scheme in Midleton or Bantry
- Quite a few schemes have now stalled, can Cork County Council and Gardaí sit down and resolves the issues delaying the rollout of the schemes.
- There is a major problem regarding who will be the Data Controller of the CCTV.
- Mallow Town had a scheme, yet is not mentioned in the S/Directors' response.
- One member proposed that members should write to the Department of Justice asking them to be Data Controller; however this proposal was rejected by the proposer of the notice of motion.

The Mayor said that it is a national issue that needs to be resolved at national level first.

The Chief Executive commented that the issue of the data controller may have slowed down the timeframe for completion of the CCTV schemes, and for crime prevention reasons, An Garda Síochána needs to be the Data Controller. The Chief Executive confirmed that the Municipal District Officer would be asked to look into the matter further and respond to members at Municipal District level.

RURAL AFFAIRS COMMITTEE

12/1-10

Councillor John O'Sullivan proposed, seconded by Councillor Danny Collins, the following notice of motion

“That Cork County Council would consider the establishment of a Cork County Council Rural Affairs Committee.”

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

The Chief Executive has agreed with the Corporate Policy Group that to facilitate discussions within a Strategic Policy Committee format to work on policy development, communication, information on funding schemes, grants, initiatives etc, all relating to rural affairs and rural development, would be dealt with the Social Inclusion and Community Strategic Policy Committee.

Following on from these discussions, revised Terms of Reference for the Social Inclusion and Community Strategic Policy Committee, to include Rural Affairs, will be brought before CPG for approval.

Members thanked the Director of Corporate Services for the response, and during the discussion that followed, members' comments included as follows;

- Going forward especially following the boundary transition process, Cork County Council will be a predominantly rural local authority.
- The city boundary extension is of concern to us all.
- County Cork will be the largest rural area in the country with the highest agricultural output.
- We should replicate the work of the Department of Rural Affairs locally in County Cork.
- We need to rural proof all of Cork County Council's policies and initiatives.
- When the mix of committees for the next council is being considered, a specific rural affairs committee should be established.
- This committee would bring forward the issues being experienced in rural areas, and would facilitate the creation of ideas to improve employment, tourism, agriculture, fishing and marine leisure in rural areas.
- If a rural affairs committee is set up, it must have its own budget and policy powers in order for it to be effective.
- It should either be a Strategic Policy Committee (SPC) on its own, or else be part of another SPC.
- One member said that they did not see the need for creation of another committee as the philosophy of Cork County Council has always been to rural proof its' policies and initiatives.
- Rural issues are currently dealt with via the Municipal Districts and LCDC's.
- The National Planning Framework is now progressing.
- Bantry Town should be designated a Hub Town in order to sustain the Beara Peninsula and western half of the county.
- We need to focus strong attention towards West Cork and North Cork.
- Villages and communities are dying; in order to make them viable places, communities need housing with adequate land zoned with planning to deliver houses.
- Anything to support investment and employment in rural areas will be welcomed.
- Cork County Council already provides tremendous support towards tourism and financial support to community groups.

The Mayor noted that the existing committee structure will remain in play until May 2019 and that as per the response from the Director of Corporate Services revised Terms of Reference for the Social Inclusion and Community Strategic Policy Committee, to include Rural Affairs, will be brought before CPG for approval.

LOCAL PROPERTY TAX

13/1-10

Councillor Michael Murphy proposed, seconded by Councillor Melissa Mullane, the following notice of motion

“To ask this Council why should estates that are not taken in charge pay Local Property Tax”

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

Property Tax) Act 2012 as amended by Finance (Local Property Tax) (Amendment) Acts 2013 & 2015. The LPT act determines that “where a building in the state is a residential property on a liability date it shall for the purpose of the act be a relevant residential property in relation to that liability date” (Part 2 section 3) and “there shall be charged, levied and paid a tax to be known, and which is referred to in this Act, as “local property tax” in respect of the chargeable value of a relevant residential property.”

A property is liable for Local Property Tax (LPT) if it is a residential property on the valuation date of 1 May 2013. A 'residential property' is any building (or part of a building) which is used as, or is suitable for use as, a dwelling. LPT does not apply to development sites or farmland. A property that is not occupied and is suitable for use as a dwelling is still a liable property for LPT.

There is no specific link between the payment of L.P.T. and the process for taking estates in charge. Section 10 of the 2012 Act determines that the Minister shall prescribe a list of developments in the state being developments each of which the Minister is satisfied is incomplete to a substantial extent and residential properties situated in such a designated unfinished housing estate shall not be regarded as a relevant residential property for the purposes of the act.

During a discussion on the matter, members raised the following points;

- LPT is supposed to fund improvements in the locality
- People do not mind paying provided they are provided with an adequate level of service.
- People are not seeing increased service delivery from the LPT.
- Unfinished estates have huge infrastructure issues such as water, footpaths and public lighting.
- The Council cannot take in charge some estates because of ongoing issues with Irish Water.
- In December 2016, members resolved to write to the Minister, calling for the Local Property Tax charge on residences in private estates or estates not taken in charge by a local authority to be reduced by 35%.
- The Minister or the Department has not yet to respond to this letter to date, and members agreed to write back to the Minister seeking his response.
- The central issue here is that it is taking too long for estates to be taking in charge.
- Members noted several estates in East Cork and Mountain View in Glengarriff that have not been taken in charge.

The Chief Executive confirmed that a process update regarding the taking in charge of estates would be presented to members at the next Development Committee on the 19th October, and that the Director of Services, Planning would be in attendance at the meeting.

Members agreed to write to the Department of Housing, Planning Community & Local Government seeking a response to member's letter dated December 2016.

MINIMUM STANDARDS' LEGISLATION

14/1-10

Councillor Diarmaid Ó Cadhla proposed, seconded by Councillor June Murphy, the following notice of motion

“Concerning our responsibilities under ‘Minimum Standards’ legislation Council requests up-to-date reporting as follows:

1. *The total numbers of rental dwellings in our area, broken down by whether they are owned by Council, the different Approved Housing Bodies, HAP, RAS or otherwise.*
2. *Number of inspections carried out on private rentals, including the Approved Housing Bodies during 2016, 2017 and year-to-date.*
3. *Number of inspections carried out on our own properties in 2016, 2017 and year-to-date.*
4. *What funds do we allocate to inspections from our own resource, and what funding is provided by Government/RTB, and what additional funds have been received towards achieving the 25% targeted annual inspection rate.*
5. *The number of staff with responsibility for inspections, the guidelines for their work, and details of the schedule of planned inspections.*
6. *What is the lead time to carry out an inspection from receipt of a complaint, and how many complaints were made in 2016, 2017 and year-to-date.*
7. *Analysis of the failure reasons on properties that do not meet Minimum Standards.*
8. *What enforcement actions have been taken by Council to ensure compliance.*

Noting the typically high levels on non-compliance and the inherent conflict of interest in Council being responsible for enforcement on itself, Council calls on the Minister to:

9. *Establish a independent body, with presence in every county, charged with the monitoring and enforcement of compliance with the Minimum Standards in Rental Accommodation*

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

1. Number of Properties
 - Council - 7466
 - HAP - 3207
 - RAS – 583
 - AHBs - 1431,
 - Unsold Affordable Units (Leased to AHBs) -739.
2. 756 inspections were carried out in 2016, 1152 in 2017 and 590 to date this year.
3. Cork County Council properties are inspected by technical staff on an ongoing basis as part of its Maintenance Service provision. The Council will be carrying out a Stock Survey from the end of 2018 during which every Council property will be inspected. The recruitment of staff to carry out this survey is underway.
4. A fee of €100 per inspection and €50 for a follow up inspection is paid by the Department. A sum of €116,800 was received in respect of inspection activity carried out in 2017. The shortfall in expenditure is funded from the Council’s own resources. No specific additional funds have been provided by the Department towards the increased inspection targets but increased inspections will yield increased income from the overall inspection fund going forward.
5. 3 no. inspectors are currently employed at fire officer grade to carry out private rented inspections in Cork County. 30% of 2 of the inspectors’ responsibilities are linked to Fire & Building Control. An additional 4 no. inspectors have been recruited at Clerk of Works grade

to work on the private rented inspection programme. These staff will be in place shortly and will enable the Council to keep pace with the increased inspection targets set by the Department over the coming years. The inspections are carried out under the Housing (Standards for Rented Houses) Regulations 2017 and cover all private rental properties including in response to complaints as they arise. In general, inspections are grouped and arranged based on a geographical area in order to maximise the Inspectors time on a given day when carrying out inspections.

6. There is no set lead in time for carrying out inspections on foot of complaints received. A complaint form is issued to the tenant to arrange for completion and return. The inspections are generally prioritised and based on the nature/severity of the issue being highlighted by the complainant and are followed up accordingly.

Complaints received:

2016 Forms sent out 49, returned 30

2017 Forms sent out 44, returned 23

2018 Forms sent out 57, returned 37

7. The highest number of instances of non-compliance in 2017 related to 578 inspections where the certification for Gas/Oil and Electricity was not available. Other reasons for non compliance related to Structure, Sanitary Facilities, Heating, Storage, Fire Safety, Ventilation, Refuse Facilities and Ventilation.
8. As regards enforcement action, Improvement Notices and Prohibition Notices have been issued by the Council as follows:

Improvement Notices

2016 – 7

2017 – 10

2018 – 8

Prohibition Notices

2016 – 2

2017 – 7

2018 – 2

During the discussion that followed, members commented as follows;

- There are inconsistencies in the report compared to the figures provided in response to a previous similar notice of motion from July 2017.
- Members asked that these inconsistencies be corrected.
- The report does not provide the number of inspections carried out or the total number of failures, therefore the % failure rate of inspections is not known.
- A large number of council owned properties are not meeting the minimum standards.
- There appears to be discrimination against public tenancies.
- Monitoring and enforcement against oneself is a contradiction.
- The current system is an obvious conflict of interest.
- The Government has not handed over adequate resources to local authorities to allow them to carry out inspections.
- The Government should set up a national inspection authority with a presence in every county, charged with the monitoring and enforcement of compliance with the Minimum Standards in rental accommodation.

The Chief Executive stated that reports from the Director of Housing are brought before members at their Divisional Committee meetings. The Chief Executive agreed that a report detailing the number

of inspections and number of inspection failures would be provided to members at the next Divisional Committee meeting.

Members agreed to write to the Department of Housing, Planning Community & Local Government on the matter.

VOTES OF CONGRATULATIONS

TO: Kinsale G.A.A on the U-14 Hurlers winning the Rebel Óg Hurling Championship Final against Fr. O'Neills.

TO: Deirdre Linehan, on her success at the Regional Round of Toastmasters and participating at the World Toastmasters Finals, Chicago, USA.

TO: Kinsale Gold Club on winning the Jimmy Bruen Trophy.

TO: Youghal Ladies Football Team on winning the Ladies Football Junior County Championship 2018.

TO: Passage West G.A.A on winning the U21 Hurling Championship

TO: Carrigtwohill Ladies Football Team on beating Passage West in the Final

ANY OTHER BUSINESS

Opening of Tenders

Three tenders were opened at the meeting for the R624 Wall Collapse, Campions, Cobh, Co. Cork.

Cork City Boundary Extension

Councillor Ger Keohane requested a list of all estates not yet taken in charge that will be transferring to Cork City.

An Post

Councillor Paul Hayes asked when representatives from An Post would be meeting members. The Senior Executive Officer stated that Mr. Angus Laverty, An Post, will be in attendance at the next Development Committee meeting on Friday 19th October.

This concluded the business of the meeting.