



Comhairle Contae Chorcaí

Cork County Council

Minutes of Proceedings at Meeting of Cork County Council held in the Council Chamber, County Hall, Cork and by Microsoft Teams on 26th July 2021 at 11am.

I LATHAIR

Comhairleoir Gillian Uí Chochláin, Méara Chontae

Comhairleoiri, Ó Dubhghaill, Ó Sé, Sean Pól, Ó Murchú, Gearóid, Críod, Ní Mhuineacháin G, Ó Luanaigh, Ó Cochláin, M, Uí Loinaigh, Ó Luasa, Ó hAodha, Padraig, Ó Murchú, Gearóid, Ó Cinnéide, Ó Madaoin, Léanacháin - Uí Foghlú, Ní hEachthigheirn, Ó Héigheartaigh, Ní Heachtigheirn, Uí Thuama, MacCarthaigh S, Mac Uaid, Ní Cheallaigh, Ó Cearbhaill, Ó Muirthile, Uí Chaochlaioich, Ó Haodha, Pól, Uí Chochláin G, Ó Colmáin, Ó Murchú, Caoimhín, Ó Suilleabháin , Sean, Uí Shuilleabháin, Máire, Ó Donnabháin, Ó Coileáin, D, Ó Murchú PG, Uí Mhurchú, Cáit, Ó Conaill, Mac Craith, Uí Daltún, Ó Muircheartaigh, Uí Bhuachalla, O'Conchubair L, Daltún Ó Suilleabháin, Ní Cheallacháin, Barra, Sheppard, Rasmussen, Ó Conchubair S, Ó Conchubair A, MacCarthaigh N, Ó Flionn, Uí Bhriain, Ó Laoghaire, Dawson, De Róiste

PRESENT

Councillor Gillian Coughlan, County Mayor, presided.

Councillor: Doyle, O'Shea JP, Murphy Gerard, Creed, Moynihan G, Looney, Coughlan M, Lynch, Lucey, Hayes Pat, Murphy Gearóid, Kennedy, Madden, Linehan – Foley, Hegarty, Ahern, Twomey, McCarthy S, Quaide, Kelly, Carroll, Hurley, Coakley, Hayes Paul, Coughlan G, Coleman, Murphy K, O'Sullivan J, O'Sullivan M, O'Donovan, Collins D, Murphy, PG, Murphy Katie, O'Connell, McGrath, D'Alton, Murtagh, Buckley, O'Connor L, Dalton – O'Sullivan, O'Callaghan, Barry, Sheppard, Rasmussen, O'Connor S, O'Connor A, McCarthy N, O'Flynn, O'Brien, O'Leary, Dawson, Roche,

Chief Executive, Ms. Loraine Lynch, Head of Finance, S/Senior Executive Officer.

CHANGE TO DURATION TIME OF MEETING TO 1 HOUR 55 MINUTES DURING COVID-19 RESTRICTIONS:

Proposed by Cllr. Michael Paul Murtagh

Seconded by Cllr. Marcia Dalton

The Mayor outlined the Public Health Restrictions at the beginning of the meeting. She also reminded Members of the COVID-19 Standard Operating Procedure for management of the meeting.

[a] **CONFIRMATION OF MINUTES**

Proposed by Cllr. Declan Hurley

1(a)/7-2

Seconded by Cllr. Seamus McGrath

RESOLVED:

That the minutes of the Meeting held on 12th July, 2021 be confirmed and signed by the Mayor.

1(b)/7-2

Proposed by Cllr. James Kennedy

Seconded by Cllr. Kay Dason

RESOLVED:

That the amended minutes of the Annual Meeting held on 25th June, 2021 be confirmed and signed by the Mayor.

[b] VOTES OF SYMPATHY

2/7-2

TO: Councillor Susan McCarthy on the death of her aunt, Ms. Sally Curran.

TO: Councillor Deirdre O'Brien on the death of her brother in law, Michael O'Brien.

TO: Ms. Josephine Naughton on the death of her father, Tom Foley.

[c] STATUTORY BUSINESS

3/7-1

DISPOSAL OF PROPERTY:

SECTION 183 OF THE LOCAL GOVERNMENT ACT 2001:

Members noted the following disposal:

MUNICIPAL DISTRICT OF EAST CORK:

3(a)7-2

Disposal of Land and Grant of Right-of-Way at Knockgriffen, Midleton, Co Cork, to facilitate LIHAF project

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 16th July, 2021.

SITUATION:

Disposal of Land and Grant of Right-of-Way at Knockgriffen, Midleton, Co Cork, to facilitate LIHAF project.

AREA: Disposal of land measuring 0.0102 hectares/0.0252 acres, and grant of right-of-way measuring 0.0334 hectares/0.0825 acres

CONSIDERATION: €1

MUNICIPAL DISTRICT OF WEST CORK:

3(b)7-2

Grant of lease of land at Tawnies Lower, Clonakilty, Co. Cork

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 16th July, 2021.

SITUATION: Grant of lease of land at Tawnies Lower, Clonakilty, Co Cork, to develop sports pitch.

AREA: 0.0805 hectares/0.198 acres

TERM: 35 years

CONSIDERATION: €200 per annum

4/7-2

PART 8 MANAGER'S REPORT SECTIONS 179(3) OF THE PLANNING & DEVELOPMENT ACT 2000 (AS AMENDED)

RESOLUTION UNDER SECTION 179 OF THE PLANNING & DEVELOPMENT ACT 2000, AS AMENDED

MUNICIPAL DISTRICT OF COBH

Part 8 - Chief Executive's Report for Ballintubber, Carrigtwohill Flood Relief Scheme

Proposed by Councillor Anthony Barry

Seconded by Councillor Michael Hegarty

RESOLVED:

Noting that in accordance with Section 179 of the Planning & Development Act 2000, (as amended), notice of the proposed Flood Relief Scheme Interim Works was published, 3 submissions were received in respect of the proposal, approval pursuant to Section 179 of the Act is given for the following: Ballintubber, Carrigtwohill Flood Relief Scheme interim works.

[d] FINANCIAL BUSINESS GNÓ ARGEADAIS

5/7-2

LOCAL PROPERTY TAX:

Consideration of report on the financial impact of the LPT variation under Section 20 of the Finance (Local Property Tax) Act 2012, as amended by Section 5 of the Finance (Local Property Tax) Act 2013.

The Head of Finance, Lorraine Lynch, outlined the provisions of the LPT Variation Report 2021 dated 26th July 2021, as circulated to the Members. She stated that as this is a Revaluation Year, the decision to vary the basic rate of the LPT for 2022 must be taken before the 31st August and the Local Adjustment Factor (LAF) must be notified to Revenue by this date in order that it can have effect from 1st November (the liability date) and therefore determine the LPT liability for taxpayers the following year.

The Head of Finance outlined the main points of the report under the following headlines (1 – 4)

1. Estimation of Income and Expenditure
2. Financial position of the local authority
3. The local authority's estimation of the Financial effect of the variation of the LPT Rate and its potential impact on service delivery
4. Outcome of public consultation process

She said it is important to note that the Members' decision in this respect, applies for a period of one year from the next local property tax liability date. The decision to increase the basic rate of LPT by 7.5% for 2021, passed by the Members on 28th September 2020, applies for the period 1st November 2020 (liability date) to 31st October 2021. The Elected Members must now consider whether to reduce the basic rate, leave it unaltered or increase it, for 2022. (The proposed changes arising from LPT revaluation will have no impact on the Council's 2022 LPT allocation)

Ms. Lynch said that the Department of Housing, Local Government, and Heritage (DHLGH) circular Fin 15/2021 (June 2021) states the Government's intention to continue with the current local retention mechanism for 2022 i.e. 80% of all Local Property Tax receipts within the local authority area where the Tax is raised will be retained locally. The 20% balance will be paid into an equalisation fund to be re-distributed to local authorities, to ensure that all authorities receive, at a minimum, an amount equivalent to their LPT baseline.

She said the Council's LPT allocation for 2022 is €25,530,047 representing 80% of the LPT income of €31,912,558 that it is anticipated will be collected in Cork County administrative area in 2022. She drew Members attention to the detail of the LPT allocation for 2022 set out in Table 1 of the report that had been circulated.

Ms. Lynch said as the timing of the preparation of this report predates both the national budget and the preparation of the Council's Draft Annual Budget 2022, the Report on Income and Expenditure (Table 2) is based on the current year's budget adjusted to take account of any known changes or current trends reflected in across income and expenditure including the reduction to Parking, Leisure and Tourist

Income and additional expenditure incurred due to the pandemic, increasing business and community supports, new service requests for funding such as coastal erosion, property activation & regeneration, maintenance of new and upgraded amenities such as cycleways and parks.

Draft Annual Budget 2022 will be prepared on a phased basis with input from the Corporate Policy Group, Members and Chief Executive. It is currently proposed the Annual Budget Meeting will be held on 8th November 2021 (subject to departmental circulars) and engagement with the service delivery areas has commenced.

She informed Members that Table 2 of the Report sets out the Estimation of Income and Expenditure for 2021 and 2022 and is prepared in accordance with the Format prescribed in Schedule 1 of the Local Property Tax (Local Adjustment Factor) Regulations 2014 (as amended). The Draft Budget is not fully reviewed and prepared until October; therefore, the estimated Budget figures are at a very preliminary stage.

Ms. Lynch drew Members attention to Table 3 and said it sets out the financial position of the Council in the format required in the Local Property Tax (Local Adjustment Factor) Regulations 2014 (as amended) and is based on the estimated financial position as at 30th June 2021.

She said Cork County Council's estimated outturn at 31st December 2021 shows a significant deficit (€6m). The reduction in other income from Goods & Services (leisure, tourism parking etc), increased costs arising from COVID 19 together with price inflation and greater service activity demands are the drivers behind this deficit.

In addition, the collection of rates has also been impacted by the pandemic. The provision of a Rates Waiver in 2020 of €34.7m was a considerable help with collections for 2020 however as it stands, it is not expected to receive a Rates Waiver in 2022 and to date the 2021 Waiver approved of €11.1m (Qtr1 and Qtr2) is 50% of 2020. The general revenue reserve reflects the cumulative revenue account surplus or deficit. The Council had a general reserve of €7.5m at 31st December 2020 and based on current information it is estimated that €6m of this reserve will be utilised in 2021 leaving no capacity from this funding source for 2022.

Ms. Lynch outlined The Minister for Finance, Paschal Donohoe TD on 2nd June 2021 published the Heads of the Finance (Local Property Tax) (Amendment) Bill 2021. The Bill will give effect to a package of measures in line with the Programme for Government to address the future of the Local Property Tax. Under the proposed changes to the regime many homeowners are likely to see a decrease or no change in the amount they pay in Local Property Tax (LPT).

Currently under the existing bands 83.3% of the population in Cork County have homes that fall within the valuation bands of 0-€250k, with the average asking price of a house in Cork being €235,973 (Dec 2020).

Ms. Lynch said that Table 4 of the report showed the average house asking price in Cork was €235,973.

She said Table 5 shows the current and proposed LPT band structure and rates.

It must be noted, however that The Local Property Tax (Local Adjustment Factor) Amendment Regulations 2021 published on 15th June 2021 removes the obligation on elected members to consider the impact of the LAF decision on liable persons.

The financial impact of the Council's decision on the LPT rate for Budget 2022 was set out in Table 6.

There are limited areas for revenue generation available to local authorities and any reduction to expenditure will have an impact on service levels. One of the revenue streams open to Local Authorities is the variation to the Local Property Tax Rate. An increase of 15% is required for 2022 which will

result in an income gain of €2.4m. A rate variation of anything less than 7.5% will mean a loss of income for Cork County Council for 2022.

If the current estimated gap of €18.4m is not capable of being bridged in full then a number of cuts to discretionary expenditure will have to be considered. It should be noted that adjustments to budgeted expenditure would have to be applied to the limited areas of discretionary expenditure with potential impacts such as

- Playgrounds & Parks, Pitches and Open Spaces
- Town Development Fund
- General Municipal Allocation
- Village Enhancement

Ms. Lynch said under the current LPT rates and bands an increase to the LPT rate of 15% would mean that 83.3% of assessable homeowners in Cork County would experience an increase of between €1.13 and €3.94 per month (with over 57% seeing an increase of €2.81 or less).

She said the report was submitted for consideration by the Members in accordance with Section 20 of the Finance (Local Property) Tax Act 2012 (as amended) and Paragraph 8, Part 4, of the Local Property Tax (Local Adjustment Factor) Regulations 2014 as amended by The Local Property Tax (Local Adjustment Factor) Amendment Regulations 2021 published on 15th June 2021.

She said that the recommendation was that Members agree to increasing the LPT variation rate to 15%. She estimated that the Council income for 2022 would be €344.6m, while the estimated expenditure would be €363m, resulting in a deficit of approximately €18m. Ms Lynch also pointed out that the Budget for 2021 was balanced by using €4.1m of the Council reserve fund, but now it looks like that will have to be increased to €6m as the estimated outturn income for 2021 is €344.6m and the estimated expenditure is €350.7m. She stated that extra funding was being sought from Central Government which if approved will offset the deficit to some extent. Ms. Lynch stated that an increase of LPT to 15% (maximum allowed) will result in an income gain of €2.4m and a rate variation of anything less than 7.5% will mean a loss of income for the Council for 2022.

The Mayor proposed, seconded by Councillor Declan Hurley that there be no variation to the basic rate (retain at 7.5%) of the Local Property Tax for 2022.

The Mayor stated that this meeting is taking place 8 weeks sooner than usual but the Head of Finance had taken this into consideration when she was preparing her report. She stated people have had a very difficult year and many incomes have been slashed because of the impact of the pandemic.

During the discussion, the Members made the following points:

- Members complimented the Chief Executive and Head of Finance and her team for the report.
- It is difficult to decide without knowing the final figures of the Budget for 2022.
- 90% of property owners would be paying more or less the same if the LPT tax was increased to 15%.
- Welcomed change that in the future the Council can retain full collection of LPT.
- Increasing the LPT would be a disrespect to all the people and businesses who endured hardship during the year.
- Unfair that Voluntary groups would be hit as they cannot function without funding.
- Members find themselves over a barrel when it comes to LPT as people are struggling.
- A lot of work had been done with the income generated by the increase last year.
- Central Government provides many grant schemes but a large proportion requires co-funding from the Council.

The Chief Executive stated that the Council is not in an ideal situation. It will face some challenging times in terms of adapting a balanced budget to ensure service delivery for 2022. He recommended that the Council maximise funds by increasing the rate of LPT to 15% but said 7.5% would be welcome.

The Mayor called for a vote to be taken on the proposed motion which resulted as follows:-

FOR:	Councillor Coughlan, Coleman, Murphy Kevin, O’Sullivan J, O’Sullivan M, O’Donovan, Collins, Murphy PG, O’Connell, McGrath, D’Alton, Murtagh, Buckley, O’Connor L, O’Callaghan, Barry, Sheppard, Rasmussen, O’Connor S, McCarthy N, O’Flynn, O’Brien, O’Leary, Dawson, Roche, Doyle, O’Shea J.P, Creed, Moynihan G, Looney, Coughlan M, Lynch, Lucey, Hayes Pat, Murphy Gearóid, Kennedy, Madden, Linehan-Foley, Hegarty, Ahern, Twomey, McCarthy S, Quaide, Kelly, Carroll, Hurley, Hayes Paul.	[47]
AGAINST:	Councillor O’Connor A.	[1]
ABSTAIN:	Councillor Murphy Gerard	[1]

The Mayor declared that the motion to vary the local property tax base rate by a local adjustment factor of 7.5% increase for the next property tax liability period commencing 1st November 2021 was carried as a resolution of Council.

[e] **REPORTS AND RECOMMENDATIONS OF COMMITTEES**
TÚAIRISCÍ AGUS MOLTAÍ Ó CHOISTÍ

ALL-IRELAND POLLINATOR PLAN

6/7-2

“Noting that Cork County Council is giving effect to the principles of the National Pollinator Plan, including through the Town Pollinator Plans recently launched by Cork County Council, and that the Environment, Climate Action & Biodiversity SPC is fully supportive of the proposal, the Planning & Development SPC recommends to Full Council that Cork County Council formally sign up to the All-Ireland Pollinator Plan”

[Planning & Development SPC held on Monday 12th July 2021]

Proposed by Councillor Anthony Barry

Seconded by Councillor Marcia D’Alton

During the discussion, the Members made the following points:

- Members acknowledged the great work done by the Council and are delighted that the Council is going to sign up to the All-Ireland Pollinator Plan.

- Members noted that 7 Local Authorities signed up initially and now 28 have signed up in the Republic and 6 in Northern Ireland.
- Thanked the Planning & Development SPC for their work.
- Members stated that the Macroom is one of the 7 Town Pollinator Plans in place and have received a lot of support locally.
- Middleton was the first to have a Pollinator Plan put in place and is very successful.
- Members stated all these little steps make a difference to the environment.
- Stated that the people are sceptical in the beginning but then become more interested when they see the beauty.
- Members thanked the Municipal Districts staff for all the work they have done so far.
- Mentioned that this has just started in Mallow and hopes it will be rolled out to the parks and green areas.
- Members asked who should be contacted regarding what weed killers was being used and the Chief Executive said they should contact the Area Engineer.

**[f] REPORTS AND RECOMMENDATIONS OF OFFICERS
TÚAIRISCÍ AGUS MOLTAÍ Ó OIFIGIÚ**

CHIEF EXECUTIVE'S MANAGEMENT REPORT TO COUNCIL:

7/7-2

Economic Development Department

Quarterly Report of the Economic Development Directorate for the three-month period up to 30th June 2021.

Members noted the Economic Development Directorate Quarterly Report.

Proposed by Councillor Frank O'Flynn

Seconded by Councillor James Kennedy

During the discussion, the Members made the following points:

- Members complimented the Director and Staff on work done to date.
- Members stated it was a substantial report which outlines every aspect of where funding was provided.
- Members referred to the successful Cork Incubator Kitchen in Carrigaline and suggested that sites should be looked at in North and West Cork to build similar kitchens.
- Mentioned that Businesses could not praise the County Council enough for the Business Restart Grants.
- Welcomed the funding for Tourism Capital projects and said it would be a huge benefit to the area. Very satisfied with ongoing works at Mallow Castle.
- Suggested that on shore jobs for the fishing industry be looked at.

The Mayor welcomed the section on Comhairlí na nÓg and suggested inviting the group to meet Members at a future date.

The Chief Executive recommended that this item be placed on the agenda for the next Full Council meeting so the Director of Services can attend.

[h] NOTICE OF MOTIONS

HOUSING STAFF BE IN A POSITION TO OBTAIN INFORMATION REQUIRED FROM SOCIAL WELFARE OR REVENUE

Councillor Gerard Murphy proposed, seconded by Michael Hegarty:

“The Dept of Housing introduced new Regulations in connection with application for Social Housing: The Dept are insisting that persons applying must produce and submit income details through a combination of the following

Employment;

1)Pay and Tax summary Year to Date 2.) Statement of Liability and Employment Details, These figures can only be obtained from Revenue online Services after opening a Myaccount.ie Social Welfare Income;

A recent Statement from Dept of Social Protection detailing all welfare payments received. These figures can only be obtained from www.mywelfare.ie again after the person has opened a welfare account. This process is difficult enough for people with basic knowledge of I.T. And impossible for many applicants. Many applicants may not be in position to request a relation or friend to complete this task for them. In any event the applicant may not wish to share this info with close associates. I would hope that the Housing Dept would be in position to include in Application documentation a signed form from Applicant allowing the Council Official to obtain this info from Social Welfare or Revenue.

At least then the Applicants could be sure that the information remains confidential.”

RESPONSE:

The changes in the documentation required on submission of an application form for social housing support were introduced as a result of the Social Housing Assessment (Amendment) Regulations 2021 and guidance received from the Housing Agency.

Housing staff are available to provide assistance, where possible, to applicants when submitting an application for social housing support but are not in a position to acquire this personal information on behalf of the applicant from either the Revenue Commissioners or the Department of Social Protection.

Cllr. Murphy said this Notice also extends to people applying for disability and older person grants. He stated vulnerable people cannot use computers and would be reluctant to ask family members for help.

During this discussion the Members made the following points

- Members stated this matter should be referred to the Housing SPC.
- Members said that these applications need to be more user friendly and help is necessary for applicants.
- Stated that since this was an operational matter, and the Director of Services for Housing should be contacted.

Members agreed to write to the Minister for Housing Local Government and Heritage, Daragh O’Brien, to provide another option for applicants seeking statements to do with employment or Social Welfare or Social Housing Support and outline that the online services create enormous difficulty for people who have little or no knowledge of I.T.

PROVISION OF HORSE TRAILS THROUGH THE COUNTY

9/7-2

NOTICE OF MOTION – DEFERRED TO FULL COUNCIL MEETING ON MONDAY 13TH SEPTEMBER

CLLR. GOBNAIT MOYNIHAN

“That Cork County Council consider the provision of horse trails through the county.”

[K] VOTES OF CONGRATULATIONS

10/7-2

TO: Maeve O’Neill on a fantastic performance at the Under 20 European Athletics Championships in Tallinn recently.

[I] ANY OTHER BUSINESS

11(a)/7-2

LOCAL IMPROVEMENT SCHEME

During the discussion, the Members made the following points:

Members stated that €920,000 was allocated for Cork County non-public rural roads under Local Improvement Scheme and this funding depends on the Director of Services, Roads & Transportation responding to the Minister before 1st September.

11(b)/7-2

LIFE GUARDS AT BEACHES

During the discussion, the Members made the following points:

Members complimented all lifeguards on our beaches and requested that signs would be put in place identifying the type of jellyfish present on beaches where lifeguards were on duty. The Chief Executive said he would review the matter.

11(c)/7-2

MS. EDEL BODIE

The Mayor thanked Edel Bodie, Assistant Staff Officer and wished her all the best in her move to Municipal Districts Operations & Rural Development Directorate.

~ THIS CONCLUDED THE BUSINESS OF THE MEETING ~