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**Minutes of Proceedings at Meeting of Cork County Council held in the Foyer, Floor 1, County Hall, Cork on 14th September 2020.**

**I LATHAIR**

**Comhairleoir Máire Ní Léanacháin-Foghlú, Méara Chontae**

**Comhairleoiri:** Ó Muineacháin B, Ó Dubhghaill, Ó Sé Sean Pól, Ó Múrchú Gearóid, Críod, Ní Mhuineacháin G, Ó Luanaigh, Ó Cochláín M, Uí Loinsigh, Ó Luasa, Ó Haodha Padraig, Ó Múrchú Gearóid, Ó Cinnéide, Ó Madaoin, Ó Sé T, Léineacháin Ui Foghlú, Ó Coileáin N, Ó Héigheartaigh, Ní Heachthigheirn, Uí Thuama, MacCarthaigh S, Mac Uaid, Ní Cheallaigh, Ó Cearbhaill, Ó Muirthile, Uí Chaochlaoich, Ó Haodha Pól, Uí Chochláin, Ó Colmáin, Ó Murchú Caoimhín, Uí Shuilleabháin M, Ó Donnabháin, Ó Coileáin D, Uí Mhurchú Cáit, Mac Craith, Uí Daltún, Uí Bhuachalla, Ó Conchubair L, Daltún Ó Suilleabháin, Ní Cheallacháin, Barra, Rasmussen, Ó Conchubair S, Ó Conchubair A, MacCarthaigh N, Ó Flionn, Uí Bhriain, Ó Laoghaire, Dawson, De Róiste.

**PRESENT**

 **Councillor Mary Linehan-Foley, County Mayor, presided.**

**Councillor:** Moynihan B, Doyle, O’Shea J.P, Murphy Gerard, Creed, Moynihan G, Looney, Coughlan M, Lynch , Lucey, Hayes Pat, Murphy Gearóid, Kennedy, Madden, O’Shea T, Linehan-Foley, Collins N, Hegarty, Ahern, Twomey, McCarthy, Quaide, Kelly, Carroll, Hurley, Coakley, Hayes Paul, Coughlan G, Coleman, Murphy Kevin, O’Sullivan M, O’Donovan S, Collins D, Murphy Katie, McGrath Dalton, Buckley, O’Connor L, Dalton-O’Sullivan, O’Callaghan, Barry, 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; Mr. Padraig Barrett, Director of Service, Roads & Transportation; Senior Executive Officer.

**[a] CONFIRMATION OF MINUTES**

***Proposed by Cllr. Declan Hurley* 1/9-1**

***Seconded by Cllr. Kay Dawson***

**RESOLVED:**

“That the minutes of the Meeting held on 27th July 2020 be confirmed and signed by the Mayor.”

 **[b] VOTES OF SYMPATHY**

**TO:** Marie Crimmins on the death of her brother, John Crimmins. **2/9-1**

 Councillor John O’Sullivan on the death of his father in law, Cornelius Collins.

Kathleen Kelleher on the death of her husband, John Kelleher.

Dermot Sheehan on the death of his mother and father, Frances & Paddy Sheehan.

Helen Nell on the death of her brother, Dan McCarthy.

Bernadette Conway on the death of her husband, Kevin Conway.

Ann Birmingham on the death of her father, Danny Duggan.

David Church on the death of his mother, Catherine Church.

Tom & Hannah Sheehan on the death of their son, Darragh Sheehan.

Mary Corkery on the death of her husband, Donal Corkery.

**SUSPENSION OF STANDING ORDERS**

Councillor William O’ Leary requested a Suspension of Standing Orders to discuss School Bus Transport. Seconded by Councillor Frank O’ Flynn.

The Mayor confirmed these matters would be discussed after 1.00pm.

**[c] STATUTORY BUSINESS**

**Disposal of Property**

**Section 183 of the Local Government Act 2001:**

# *Members noted the following disposals:*

**Municipal District of Bandon-Kinsale:**

# *Disposal of site at Roughgrove, Bandon, Co. Cork* 3(a)/9-1

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 2nd September 2020.

# SITUATION: Disposal of Site at Roughgrove, Bandon, Co. Cork

# AREA: 002373 hectares/0.5863 acres

# CONSIDERATION: €60,000.00

**Municipal District Carrigaline:**

# *Disposal of land and grant of right-of-way at Estuary Business Park, Carrigaline,* 3(b)/9-1

# *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 2nd September 2020.

# SITUATION: Disposal of land and grant of right-of-way at Estuary Business Park, Carrigaline, Co. Cork

# AREA: 0.2575 hectares/0.624acres

 Right of Way – 3.3m wide x 8.5m long

# CONSIDERATION: The consideration for the above disposal is Nil. This is part of a High Court Settlement where Cork County Council is also required to pay €17,500.00

**Municipal District Kanturk-Mallow:**

# *Disposal of 5 No. Sites at Knocknagree, Mallow, Co. Cork* 3(c)/9-1

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 2nd September 2020.

# SITUATION: Disposal of 5 No. Sites at Knocknagree, Mallow, Co. Cork

# AREA: 0.2847 hectares

# CONSIDERATION: €125,000.00

***Disposal of lands at Keale North, Millstreet, Co. Cork* 3(d)/9-1**

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 2nd September 2020.

# SITUATION: Disposal lands at Keale North, Millstreet, Co. Cork as comprised in Folio CK4013 (Property No. 3)

# CONSIDERATION: €1 plus Council’s costs

**Municipal District of West Cork:**

# *Disposal of land at Main Street Car Park, Gortnaclohy, Skibbereen, Co. Cork* 3(e)/9-1

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 2nd September 2020.

# SITUATION: Disposal of land at Main Street Car Park, Gortnaclohy, Skibbereen, Co. Cork

# AREA: 0.0098 hectares/0.0243 acres

# CONSIDERATION: €35,000

***Disposal of land at rear of No. 14 Connolly Street, Clonakilty, Co. Cork* 3(f)/9-1**

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 2nd September 2020.

# SITUATION: Disposal of land at rear of No. 14 Connolly Street, Clonakilty, Co. Cork

# AREA: 0.029 hectares/0.072 acres

# CONSIDERATION: €1

***Lease of land at Site at the Old Pitch and Putt Grounds, Marsh, Skibbereen, Co. Cork* 3(g)/9-1**

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 2nd September 2020.

# SITUATION: Lease of land at Site at the Old Pitch & Putt Grounds, Marsh, Skibbereen, Co. Cork

# CONSIDERATION: €3,000.00 per annum

**Part 8 Manager’s Reports 4/9-1**

**Section 179(3) of the Planning & Development Act 2000 (as amended):**

**Municipal District of East Cork:**

# Part 8 Manager’s Report – Proposed Construction of 10 No. Two Storey Social Housing Development at Avoncore, Midleton, Co. Cork

**RESOLVED:**

*“Noting that in accordance with Article 81 & 83, Part 8 of the Local Government Planning and Development Regulations, 2001 (as amended), notice of the proposed development was published, 33 No. submissions were received in respect of the proposal, approval pursuant to Article 179 of the said Act is given for the following.*

# *Proposed by Cllr: Michael Hegarty*

# *Seconded by Cllr:* ***Mary Linehan Foley***

**Section 48 of Local Government Act, 2001 5/9-1**

**Appointment to Strategic Policy Committee No. 2**

**Appointment of Members (s) to the following Committees:**

***Proposed by Cllr. Alan O’Connor***

***Seconded by Cllr. Anthony Barry***

Members agreed the appointment of Proinsias Ó Tuama (Founder of Clean Coast Ballynamona) to Environment, Climate Action & Biodiversity Strategic Policy Committee.

**[d] FINANCIAL BUSINESS**

**Unaudited Annual Financial Statement for year ended 31st December 2019 6/9-1**

Members noted the Unaudited Annual Financial Statement of Cork County Council for year ended 31st December 2019, including the report on additional expenditure for that year ended per Local Government Act, 2001 – S104 (as amended).

***Proposed by Cllr. John Paul O’Shea***

***Seconded by Cllr. Declan Hurley***

**Annual Financial Statement for Financial Year ended 31st December 2019**

The Annual Financial Statement (AFS) for Cork County Council for the financial year ended 31 December 2019 is presented in accordance with the Local Authority Accounting in Ireland Code of Practice, Accounting Regulations, and the directions of the Minister for Housing, Planning, and Local Government.

The 2019 AFS is prepared on the accruals concept and includes income for most of the principal income streams, such as commercial rates, rents, fire charges, development contributions and some minor income streams. Realised income however underlines the financial standing of the Council and the impact of accrued income will be outlined in the relevant sections.

The Statement of Accounting Policies (pg. 11-16) outlines the main principles upon which the AFS has been prepared. The notes supporting both the Statement of Comprehensive Income & Expenditure and Statement of Financial Position form part of the financial accounts. The purpose of the notes, together with the additional appendices, is to provide a more detailed analysis and explanation of the figures included in the Income and Expenditure Account and particularly the Balance Sheet. The Annual Financial Statement is subject to external audit, by an auditor of the Local Government Audit Service, whose purpose is to form an independent opinion of the accounts.

The AFS reports on the day to day activity of the Council in the form of the Statement of Comprehensive Income & Expenditure, summarised by Division. The Statement of Financial Position outlines the Council's overall financial position as of the 31st December 2019. Comparatives with 2018 are provided as appropriate.

**REVIEW OF YEAR-END FINANCIAL POSITION**

**Statement of Comprehensive Income (Income & Expenditure Account)**

This account, as outlined above, represents expenditure and income on the day-to-day running of the Council. Operational costs such as maintenance of housing, roads, environmental services, recreation & amenity, economic development and water services, together with administration and support costs are reported in this statement by Division. Activity on the account for 2019 is as follows:

|  |  |  |  |
| --- | --- | --- | --- |
|  | **2019** | **2018** | **Movement** |
| **Income** | €340,395,803 | €336,403,868 | €3,991,935 |
| **Expenditure** | €318,759,099 | €309,771,946 | €8,987,153 |
| **Transfers to Capital** | €21,573,162 | €26,586,873 | (€5,013,711) |
| **Exceptional Item** | €0 | €0 | €0 |
| **Surplus/(Deficit) for Year** | €63,542 | €45,048 | €18,494 |
| **Prior Year Adjustment** | €0 | €0 | €0 |
| **Opening Revenue Reserve** | €7,388,624 | €7,343,576 | €45,048 |
| **Closing Revenue Reserve** | €7,452,166 | €7,388,624 | €63,542 |

A budget loss of €3,027,335 was provided for in 2019. Due to continuous budgetary control monitoring during the year together with maximisation of income there was an overall reduction in the budgeted loss of €3.09m. This resulted in an overall reported surplus of €63,542 for 2019. The reported surplus was mainly due to surplus over budget income for NPPR of €1.42m, together with a rates gain due to increased collection performance in 2019.

|  |  |  |
| --- | --- | --- |
| **Revenue Income By Source** | **2019** | **2018** |
| Goods & Services | €93,126,516 | €92,489,436 |
| Grants & Subsidies | €96,352,741 | €93,854,365 |
| Other Contributions | €1,100,551 | €1,277,903 |
| Rates | €133,225,531 | €132,210,905 |
| Local Property Tax (discretionary) | €16,590,464 | €16,571,259 |
|  | **€340,395,803** | **€336,403,868** |

The majority of Income and Expenditure is reported on an accruals basis in the AFS. However, some of the Council's smaller income streams are still reported on a cash basis.

**Transfers to Capital (Note 14) Total €21.6m**

Transfers to Capital account for provisions in the 2019 Budget being carried out through the capital account, loan repayments and also the provision of reserves to fund specific projects. In addition, unspent GMA/Town Development Fund, Pay Parking Dividend have been ringfenced and capitalised to 2019.

Transfers comprise of budget provisions, as adopted at Budget. The following year end transfers were in addition to those adopted at Budget:

 **€ .**

GMA/TDF/VRF/PPD capitalisations 1,979,000

Plant & Machinery A/c 1,300,000

Included are transfers to the Plant & Machinery Account which will be utilised for replacement of Plant. Provision has also been made through Revenue and Capital towards the Capital Programme (loan and grant) co-financing following approval of Members of this borrowing.

**REVIEW OF FINANCIAL PERFORMANCE**

|  |  |
| --- | --- |
| **Revenue Reserve Summary** | **€** |
| **Opening Revenue Reserve 01.01.2019** | 7,388,624 |
| **Net reported profit for 2019** | 63,542 |
| **Closing Revenue Reserve 31.12.19** | **7,452,166** |

The balance on the Reserve account is considered prudent and satisfactory.

**SUPPLEMENTARY BUDGETS**

Report on additional expenditure for year ended 31st December 2019 Local Government Act 2001 - S104 (as amended).

During the year additional expenditure to that provided in the Annual Budget was incurred. Set out below is a list of Supplementary Budgets. These additional expenditures have been funded in one of the following manners:

1. Additional Grants
2. Savings in Budgeted Expenditure
3. Additional Income
4. Transfer from Reserves

Note 16 of the Financial Statement outlines this additional expenditure.

|  |  |  |
| --- | --- | --- |
| **Description** | **Comment** | **€** |
| **Roads, Transportation & Safety** | Additional roads grant spend covered by increased allocation. | 8,756,065 |
| **Recreation & Amenity** | Parks & Open Spaces, Capitalise Town Development Fund/GMA/TDF/Pay Parking Dividend/Arts  | 2,964,295 |
| **Environment** | Increases in spend in areas of Civic Amenity Sites and Fire Services | 1,090,010 |

**Explanations of Significant Variances**

Additional road grant allocations allowed for some of the increased budget on roads. The supplementary expenditure on the Town Development Fund/GMA etc is as a result of the capitalising of 2019 unspent funds into 2020, again this is matched with income. The supplementary expenditure in Civic Amenity Sites and Fire Services is funded through increased income from these services provided and the NPPR gain together with the reduction in the bad debt provision for rates due to increased collection performance in 2019.

**STATEMENT OF FINANCIAL POSITION (Balance Sheet)**

The total financial activity of the council for the year together with comparative year figures are summarised in this statement.

The statement includes assets and liabilities as follows:

Assets both recently constructed/purchased and historical assets

Work in progress and preliminary schemes- mainly roads and housing

Long Term Debtors – housing loans

Current Assets- including Stock, Debtors, Cash at bank

Current and long-term liabilities- mortgage and non-mortgage loan borrowings.

Various Reserves/Balances

The Net Assets at the end of 2019 total €7.2 billion.

**CAPITAL ACCOUNT**

The capital account records income and expenditure in respect of the acquisition and provision of assets related to services provided by the Council.

|  |  |
| --- | --- |
| **Activity for the year is as follows:** | **€** |
| Expenditure | 196,010,453 |
| Income  |  |  |
|  | Grants | 151,012,771 |
|  | Borrowings Non- Mortgage Loans |  -  |
|  | Other | 44,972,481 |
| **Net Expenditure** | 25,201 |
| Transfers to/ from Revenue | (9,932,165) |
| Opening Credit balance | (133,901,576) |
| **Closing Capital Credit Balance** | **(143,808,540)** |
|  |  |  |
| **The above closing credit balance net of transfers is represented by the following:** |
| Work in Progress and Preliminary Expenditure  | 10,512,864 |
| Voluntary/Affordable Housing  | 6,183,298 |
| Completed Schemes  | 4,258,970 |
| Reserves of the Council | 100,254,839 |
| Development Levy contributions \* | 22,598,569 |
| **Closing Capital Credit Balance** | **143,808,540** |
|  |  |  |
| \* Development levy contributions are accounted for on an accrual basis and include income from historical levies not yet collected. |

Main expenditure areas in the capital account reflect the Council's increasing investment in the Housing programmes particularly in the area of Turnkey, Social housing, Single house acquisitions and Buy & Renew schemes. Housing expenditure reflects spend under the Government's Social Housing Strategy. The principal activities on Road & Transportation programmes were the Ballyvourney Macroom bypass and continuation of pavement strengthening streams together with the footpaths programme. Some of the other key projects progressed as part of the Council's capital investment included Skibbereen Flood Relief works, Malow Boardwalk, Gullane Lake Cycleway and Dursey Cable Car and Visitor Centre.

Appendix 5 and 6 of the Financial Statement outlines the level of activity for the year on the capital account.

**Review of Capital Balances**

Capital debit & credit balances are reviewed as part of AFS 2019 controls. This review resulted in an examination of capital balances and where appropriate setting off of debits & credit balances together with allocation of development contributions collected to projects as outlined in the Capital 2018-2020 Programme of works.

**MORTGAGE HOUSING LOAN ACTIVITY (NOTE 7 and 12)**

Note 12 outlines the Council's Mortgage Funding position as at 31 December 2019:

Mortgage Loans advanced by the Council at end December totalled €80,704,323 (2018: €74,853,486)

Mortgage Loans drawdown by the Council totalled €70,538,663 (2018: €65,531,054)

The Council endeavours to keep equilibrium on loan borrowings and the difference arising of €10,165,660 relates to year end timing differences on draw downs and redemptions.

Notes 3 & 7 (a) outline the activity on loan advances and loan borrowings (respectively) by Council during 2019.

**DEBTORS**

Net Trade Debtors increased by €15.65m compared to 2018, summarised as follows:

|  |  |
| --- | --- |
|  | **€** |
| Increase in Government Debtors | 17,079,667 |
| Increase in Commercial Debtors | 2,083,087 |
| Decrease in Provision for Doubtful Debts | 194,499 |
| Decrease in Other Debtors | (5,636,068) |
| Increase in Current Portion of LT Debtors | 1,927,956 |
|  | **15,649,141** |

**CREDITORS and ACCRUALS**

Creditors and Accruals increased by €9.94M compared to 2018.

|  |  |
| --- | --- |
|  | **€** |
| Decrease in Trade Creditors | (625,429) |
| Decrease in Other creditors | (3,003,752) |
| Increase in Accruals | 2,766,870 |
| Increase in Revenue Commissioners | 121,951 |
| Increase in Other Local Authorities | 10,387,857 |
| Increase in Deferred Income | 267,496 |
| Increase in Amount falling due within one year | 20,552 |
|  | **9,935,545** |

**OVERVIEW OF THE FINANCIAL STANDING OF THE AUTHORITY**

A continued strong focus on budgetary management in 2019 ensured the Council managed within its income availability in the context of maintaining services and also progressing to meet some of the increasing needs of a growing economy.

The Revenue position reflects the 5-year strategic approach, which was agreed with Council as part of the 2015 Budget adoption process, to provide for some additional service levels while continuing to maintain existing services. Our Revenue surplus remains at a reasonable level at year end. The Capital position shows the increased emphasis on the Social Housing Programme, Road infrastructure improvements together with the increasing importance of recreation and amenity investment, public realm enhancement and biodiversity initiatives as echoed in the capital investment programme.

The accounts also report significant level of debt for the Council which consists mainly of Land loans, Asset loans, Recoupable Voluntary Housing Loans and Bridging Finance loans. Bridging loans relate to loans incurred on Affordable Housing currently under the Social Leasing Initiative. Loan repayments under this category are recouped from the Department as are the loan charges associated with Voluntary Housing loans.

**NOTE: Transfer of Responsibility for the Delivery of Water Services to Irish Water**

The Water Services Act 2013 and the Water Services (No. 2) Act 2013 provided for the establishment of Irish Water as an independent subsidiary within the Bord Gáis Éireann Group (Ervia). From January 2014, all functions of the Local Authority relating to water services transferred to Irish Water, other than those related to rural water services, notably group water schemes and individual domestic wastewater treatment systems, together with all associated water services assets and liabilities.

Cork County Council continues to deliver services on behalf of Irish Water through a service level agreement for an agreed payment. It is provided that these agreements will run for a 12-year period with reviews. This has been reflected in Local Authority revenue budgets adopted since 2014.

The analysis, computation and valuation of assets and liabilities to be transferred to Irish Water are computed and agreed between Local Authorities and Irish Water. The changes agreed that affected the AFS for Cork County Council were as follows:

Statutory Transfer of 90% of the Net Book Value of Water Assets €792m under Ministerial order for AFS 2014.

S.I. No. 13 of 2015 the Water Services (No.2) Act 2013 (Property Vesting Day Order 2015) brings into affect the transfer of functions outlined in the Act.

10% remaining assets - Assets relating to the functions retained by Local Authorities.

The formal transfer of assets to Irish Water began early in 2015 and has been progressing through Ministerial Orders as provided for under the Water Services (No.2) act of 2013. In the initial stages of this process Irish Water issued Cork County Council with lists of prioritised sites to transfer. At the end of July 2020, 420 assets (including those awaiting vesting order) have been successfully transferred. These will be progressed and notified to the Department for completion of the transfer process. Further transfers under Ministerial Order will continue during 2020.

**LOCAL PROPERTY TAX (LPT)**

As in previous years local authorities were allocated 80% of the Local Property Tax income paid locally. In 2019 the Council was one of the local authorities that received greater levels of funding as a result of local retention of this LPT (80%), compared to the level of funding they would have received from the Local Government Fund. 20% of LPT was retained for discretionary purpose and any surplus LPT Income was used to replace exchequer funding for Housing and Roads. This included under the grants section in Appendix 3 and Appendix 5 & 6. The details of the LPT funding to Council are as follows:

|  |  |
| --- | --- |
|  | **€** |
| Discretionary | 16,590,464 |
| Revenue Roads | 515,435 |
| Revenue Housing | 2,500,824 |
| Capital Housing  | 13,144,103 |
|  | **32,750,826** |

The Council's decision not to vary the base rate of Local Property Tax for 2019 was welcome. The decision resulted in a positive position for 2019 which utilised the revenue raised to support further increases in service delivery. It is important to note that some of the benefits accrued to the Council as a result:

- Enhanced Public Space/Town Approach Maintenance Programme providing total fund of €1.1m

- Enhancement to Public Realm and Infrastructure in Villages: €0.5m

- Provision to Community Arts Programme €0.15m

- Disability Works to LA Houses €0.25m

**CORK LOCAL BOUNDARY ALTERATION**

The Cork local government boundary alteration was the single biggest priority for members of Council, and the senior leadership team in 2019. The Local Government Act 2019 (January 2019) clarified the parameters within which the transition was required to be delivered. This process was planned and managed in a strategic manner in order to ensure that the level of progress was clearly communicated and understood.

It is important to acknowledge that the process has been extremely challenging for all concerned, and particularly for this organisation due to the range and extent of services which had to be transitioned to the City. This successful delivery impacted on a daily basis on every unit within the organisation and while it may have had a significant impact on all Directorates in terms of their capacity to progress some of the more strategic operational matters, the Council continued to respond effectively to operational day to day expenditure requirements, unplanned operational events and longer term capital investment programmes as they arose.

The County was particularly alert to the importance of the financial negotiations with a high-level team, led by the Director of the Boundary Transition Programme and Head of Finance working with the IOC and its Finance Panel in painstakingly examining the range of issues and reaching a conclusion on these. The 2019 draft accounts include provision for payment in respect of 2019 expenditure for the transfer area with effect from the transfer date of 31st May 2019, in compliance with Local Government Act 2019 section 22.

I am satisfied that this Council has delivered a highly professional approach to the boundary transition and believe that the organisation has successfully achieved all the statutory obligations that were placed on it through the legislation and the statutory IOC Implementation Plan.

**CAPITAL INFRASTRUCTURE PROGRAMME**

In February 2019, Members sanctioned the borrowing of €130m over a 10-year period for delivery of a Capital Infrastructure Programme across the County, including coordination with potential funding from the Urban and Rural Regeneration Schemes.  Reinforced by the Project Ireland 2040 strategy, the Council has developed a Social Sustainability Investment Programme (SSIP) for 2019-2029 which aims to maximise the potential for growth while ensuring sustainability. This approach is a proactive step by the Council to put together a cross sectoral investment programme of in excess of €250m, when coupled with funding from programmes such as the national Urban and Rural Regeneration Funds, and is in addition to capital spend such as that on our housing capital programme, national roads infrastructure, major flood defences etc., which is primarily funded by central government. Framework loan agreements to part fund this investment have been signed with both European Investment Bank (EIB) and Council of Europe Bank (CEB) which will improve living conditions in urban and rural areas.

**CONCLUSION**

In what was an exceptional year for Cork County Council the overall financial outcome for 2019 has been robust. In a period of uncertainty regarding available resources and increasing demand for services in an improving economic climate, it has been challenging to meet these needs and be fiscally shrewd.

However, with the emergence of the Coronavirus in March 2020 significant threats and challenges to economic conditions have arisen since 31 December 2019. It is anticipated that the pandemic will have a negative impact on the financial position of the Council during 2020 and will influence the budgets for 2021.The position is being monitored closely. Cork County Council, elected members, management and staff alike, are committed to ensure the continuation of essential services and particularly to provide services and supports to businesses and communities, alongside focusing on stimulating economic recovery through Project ACT.

It is acknowledged that there are limited areas for revenue generation available to local authorities, For the Council this is compounded by the Boundary alteration and the loss of future income buoyancy. However, the indexed annual contribution provided for under the LG Act 2019 will assist with this. Consequently, local decision making on the variation of the rate of Local Property Tax, setting the Annual Rate on Valuation for commercial rates and determining development contributions schemes are now even more significant decisions of Council which have direct local impact. The capacity of the Council must continue to be prudently managed and developed to meet increasing demands on operational and capital programmes. We must be prepared to facilitate investment and allow development to progress while ensuring the financial standing of the Council is not undermined.
The ongoing dedication of staff and members to the delivery of quality services is acknowledged and appreciated. This has been particularly evident throughout the Council’s response to the COVID crisis. Cork County Council will continue to sustain essential services, maximise funding sources and utilise available resources for investment in its future while maintaining expenditure levels in line with projected levels of funding.

**Rates Report – Schedule of Uncollected Rates 2019 7/9-1**

***Ms. Loraine Lynch, Head of Finance outlined the following:***

* Cork County Council has 11,500 ratepayers at present.
* Rate income accounted for 39% of total Revenue income for 2019.
* Legal action was required in certain instances for non-payment 726 pre six day & 424 six-day notices were issued.
* 198 summons with many cases being resolved prior to Court Hearing.
* Of the cases which were entered for hearing, 107 judgments were obtained in 2019.
* 31,590 Rate Grant Scheme payments have been paid to ratepayers over the last 5 years with the overall cost of the scheme during the period being €1.92m.
* The Cork City boundary was extended in 2019 with 3,000 commercial hereditaments transferred to Cork City Council at 31st December 2019 equating to 20% of the Council’s rate base.
* The level of collection for 2019 was very satisfactory given the prevailing economic circumstances.
* 2020 and subsequent years are likely to be challenging for the collection of commercial rates.

|  |
| --- |
| Rate Collection Report 2019 |
|  | **€m** | **€m** |
| Arrears Brought forward |  | 11.44 . |
| Opening Debit |  | 133.40 . |
| Amendments during the year |  | (0.18) . |
| Struck Off as irrecoverable  |  | (11.36) . |
| **Total to be collected** |  | **133.30** . |
| Total Rates collected to 31/12/2019 | 123.87 . |  |
| Amount refunded | (0.59) . |  |
| Transferred to decree account | 0.43 . |  |
| Net arrears at 31/12/2019 | 9.59 . |  |
| **Total** |  | **133.30** . |

**Percentage collected to amount to be collected is 93.0% compared to 91.8% in 2018.**

**Audit Committee Report, Audited Financial Statement 2019 & 8/9-1**

**Local Government Audit Report**

Members noted Cork County Council Audit Committee Report on the Audited Annual Financial Statement 2018 and the Local Government Audit Report, pursuant to Section 121 of the Local Government Act, 2001.

**Section 106 of the Local Government Act 2001 9/9-1**

**(as amended by the Local Government Reform Act 2014)**

“That Cork County Council is authorised to borrow by way of overdraft a sum not exceeding €10m for the twelve-month period ending 31st December 2021, subject to the sanction of the Minister for Housing, Local Government and Heritage.”

***Proposed by Cllr. John Paul O’Shea***

***Seconded by Cllr. Declan Hurley***

**Rates Waiver Scheme and Restart Grant 10/9-1**

Members noted the report from the Head of Finance on Rates Waiver Scheme and Restart Grant.

Ms. Loraine Lynch, Head of Finance informed Members that assessments were ongoing for the Restart Grant and payments will commence during the week ended 18th September and will be made twice-weekly after that.

**Section 221 of the Local Government Act 2001 11/9-1**

**Adoption of Annual Report 2019**

***Proposed by Cllr. John Paul O’Shea***

***Seconded by Cllr. Seamus McGrath***

**RESOLVED:**

“Noting that in accordance with Section 221 of the Local Government Act 2001, the Annual Report for 2019 be hereby approved”

 **[f] REPORTS AND RECOMMENDATIONS OF COMMITTEES**

**Damage to Roads Due to Flooding Events in August 2020 12/9-1**

# Members noted report from Mr. Padraig Barrett, Director of Service, Roads & Transport as follows:

Met Éireann reported above normal rainfall in many parts of the country for the month of August 2020. They advised that the wettest conditions were experienced in County Cork where nearly all stations reported approximately 200% of Long-Term average.

County Cork experienced 1 Red (wind) weather event (Storm Ellen), 3 Orange (rainfall) weather events (Storm Francis was one of these) these weather events resulted in significant flooding in 5 towns and 6 villages, all but 1 of which were in the West Cork Municipal District. The significant rainfall from these events resulted in extremely wet conditions across the county, high rivers and reduced capacity for drainage and consequently very significant damage to the road network across the County, but particularly in West Cork.

**Cost of Flooding**

Significant Council resources have been deployed during August and on a continuing basis since the events occurred including manpower assignment, overtime, plant hire and contractors in making roads passable and in securing roads & bridges which are impassable. The estimated cost of damage (repairs and cleanup) to Regional & Local Roads is currently estimated at €5,035,167 as detailed below:

Cork County Council will be requesting funding from Department of Transport, Tourism & Sport in order to respond to these exceptional events. More information on some of the major works in the West Cork MD is outlined below.

Most of the road works would be considered enhanced and upgraded drainage road repairs/ reconstruction and we have started on many of them with temporary surfaces in place but it will take months to address and the above funding will be required to introduce effective permanent repairs. There are a total of 147 locations in need of significant repair in the West Cork MD necessitating a total expenditure of €4.65m.

Other issues where major works are required (and funded separately to the above measures).

Members thanked Mr. Padraig Barrett, Director of Service, Roads & Transport for the report.

Mr. Barrett informed Members that Cork County Council was successful in obtaining funding from the DTTAS in the amount €5m for Active Travel for some 121 measures distributed around Cork County ranging from cycle lane construction and design, footpaths, and improved pedestrian crossings.

Cork County Council were also successful in obtaining funding for €1.6m for climate action measures. There are 48 measures identified around the County, that include raising of roadways, protection of roadways, improve drainage and the prevention coastal erosion or enhancement of coastal protection.

**[g] CORRESPONDENCE FROM GOVERNMENT DEPARTMENTS**

**Department of Finance: 13/9-1**

# Members noted correspondence dated 1st July 2020 in response to Council’s letter dated 14th July 2020 in relation to Local Property Tax.

**Department of Employment Affairs & Social Protection: 14/9-1**

# Members noted correspondence dated 6th August 2020 in response to Council’s letter dated 28th July 2020 in relation to Tús Eligiblity Criteria.

**During this discussion the Members made the following points:**

* Members stressed it doesn’t address issue of eligibility.
* Asked for criteria to be outlined in the reply.

***Members requested that Cork County Council write to the Minister for Employment Affairs and Social Protection requesting the criteria TÚS eligibility and unemployed and to request that those who are eligible are place within their community with existing skills.***

**Department of Transport, Tourism & Sport: 15/9-1**

# Members noted correspondence dated 3rd September 2020 in response to Council’s letter dated 27th July 2020 in relation to the legislation to regulate the operation of speedboats.

 **[h] NOTICES OF MOTION**

**Housing Development: 16/7-1**

***Cllr. Noel Collins proposed, seconded by Cllr. Susan McCarthy***

*“That this Council call on the Minister for the Environment & Local Government to make it part of the contract that all future housing developments (public & private) adequate space be considered, for the provision of a play area for children.”*

**During this discussion, the Members made the following points:**

* Members requested facilities for new developments be put in place for private & public areas.
* Members suggested that playgrounds and recreational facilities be prioritised.
* Acknowledged that green spaces provided don’t always meet the needs of the residents.

***Members agreed to write to the Minister for the Environment & Local Government to make it part of the contract that for all future housing developments (public & private) adequate space to considered, for the provision of a play area for children.”***

**Cleaning & Maintenance:**

**Members agreed that agenda items 17 & 20 would be discussed together:**

# *Cllr. Karen Coakley proposed, seconded by Cllr. Ben Dalton O’Sullivan* 17/9-1

*“That Cork County Council would employ and designate staff especially to ensure drains and culverts are continually cleaned and maintained on a regular basis. This would make a significant difference during heavy rain and flooding.”*

***Cllr. Ian Doyle, seconded by Cllr. Gearóid Murphy* 20/9-1**

*“In view of unseasonable weather experienced and the fact that we are facing winter period I ask that Cork County Council to look at our outdoor staff budget. Our roads and roadsides are in urgent need of cleaning and drainage coupled with that our gullies and drains in our towns and villages are in urgent need of cleaning. Due to some of our budget not required this year owing to Covid I ask we look again to transferring some towards roads as a matter of urgency.”*

**Members noted response from Mr. Padraig Barrett, Director of Roads & Transport and Ms. Loraine Lynch, Head of Finance:**

**RESPONSE:**

The main functions of a road drainage system are:

* To prevent flooding of the road and ponding on the road surface
* To protect the bearing capacity of the pavement and the subgrade material
* To avoid the erosion of side slopes

Cork County Council’s Roads Department carries out a significant amount of road drainage maintenance each year. The works have over the years got less labour intensive due to the use of JCB type back-hoe loaders, mini excavators, suction sweepers / vacuum trucks, and pressure jetting equipment. Drainage maintenance works carried include, inter alia:

* Watertables are cleared, inlets opened, and drains upgraded / replaced, as necessary on all Restoration Improvement Schemes and the works funded from that grant.
* Similarly, watertables are cleared and inlets opened on all Restoration Maintenance Schemes but the works are funded from either the Drainage grant or from Discretionary Maintenance budgets as the unit rates allowed by the DTTAS for surface dressing are low and they do not facilitate the inclusion of the drainage works under the surface dressing grant.
* Under the Drainage grant, a programme of drainage maintenance works is carried out across each Municipal District. This grant was introduced by the DTTAS in 2018 and a grant in the amount of €2,512,277 was received in 2020. Works undertaken under the grant include:
	+ Watertables are cleared.
	+ Drainage inlets are opened.
	+ Road storm drainage is upgraded or replaced as required.
	+ Jetting out of storm drains.
	+ Mechanical suctioning debris / cleaning out road gullies.
* Drainage maintenance works are also carried out under the Discretionary Maintenance grant and under the funding provided from the Council’s own resources. However, it should be pointed out that there are many other competing demands on discretionary budgets e.g. patching and repairing road damage, footpath repairs and localised replacement, winter maintenance / gritting of roads, verge cutting, emergency out-of-hours call out crews, traffic lights, school warning lights, and vehicle activation.
* Further to Met Eireann orange and red weather alerts for flooding. All areas known to be prone to pluvial, fluvial, or coastal flooding (“hot spots”) are checked and cleared as necessary. Indeed, this is also the case for many of the yellow alerts for flooding.

The maintenance of combined sewer, which carry both foul effluent and surface water, is the responsibility of Irish Water.

The Council is not in a position, due to resource constraints, to put in place dedicated teams for just the maintenance of drains and culverts. As highlighted above, a significant amount of drainage maintenance is carried out across all Municipal Districts each year and the current model, where crews are flexible and available to carry works on the roads programme and address the multitude of discretionary maintenance issues that arise at a local level, has served the public well based on the limited resources available.

A key factor for Cork County Council’s available discretionary budgets is the income provided to fund these. The Council’s own resources income for 2020, that goes to fund roads and the discretionary service areas, has been significantly reduced due to COVID. Our goods and services income across pay parking, leisure facilities, tourism facilities and other areas has drastically reduced. In addition, the collection of commercial rates income has been impacted, even accounting for the current waiver. Covid 19 has also generated additional costs for Cork County Council that were not budgeted for. This has the consequence of the Council running at a deficit position year to date and given future rates projections, the deficit will increase further.

While our roads programme was delayed Council staff have been working constantly to deliver the programme and services since work has been allowed recommence in May. Throughout COVID staff still required payment which would normally be predominantly funded by Grants but for which the Council’s own resources needed to be used. In addition, certain costs have increased   due increased restrictions because of Covid, and including increased overtime costs due to the aim to deliver the roads programme in the shorter timeframe available in 2020.

Based on previous years budgets and expenditure at this time of the year and having examined previous years trends, this budget will not have the capacity to consider additional activities.

Councillors should note that no maintenance regime or manpower could have prevented the flooding that took place in West Cork during August. The rainfall events were extreme with some having return periods of up to 200 years, i.e. intensities higher than the 1 in 200-year flood. Extreme and unprecedented rainfall events such as this have generally not been designed for historically, but obviously that will have to be reviewed now for future road drainage projects.

**During this discussion the Members made the following points:**

* Members stressed the need for more General Operatives on the ground.
* Local constituents are living in constant fear of flooding and it is a constant worry.
* Members emphasised the need for cleaning and maintenance of culverts and drains.
* Members suggested a mobile unit to carry out essential works and preventative works.
* Members paid tribute to the tremendous work carried out by Cork County Staff during the recent bad weather events.
* Members acknowledged that there had been unprecedented rainfall.
* Climate change is impacting and flooding is now a recurring event.
* TDs should be asked to support funding for Cork County Council.

Mr. Padraig Barrett, Director of Service, said that staff are replaced. He emphasised that the severe weather events recently experienced caused flash flooding and that massive amounts of debris filled drains in minutes.

**Bridges & Waterways: 21/9-1**

# *Cllr Joe Carroll proposed, seconded by Cllr. Danny Collins*

*“In view of the fact that there are a number of different agencies involved (at least 5) in dealing with the waterways, bridges and river crossings in Ireland, I propose that this Council would initiate moves with the relevant departments to put in place 1 agency, so that the cumbersome problems that are preventing the clearing of blocked bridges and waterways can be removed more efficiently and speedily.*”

**Members noted the response from Mr. Padraig Barrett, Director of Services, Roads & Transportation:**

**RESPONSE:**

It is acknowledged that there are many state agencies that need to be consulted regarding the maintenance, upgrading, and replacement of waterways, bridges, and culverts in Ireland. In addition, there may well be statutory procedures / concerns relating to fisheries, environmental, Special Area of Conservation, etc that need to be addressed before works can commence.

It is a matter for National Government to put in place the legislation and structures to manage the consent routes to enable such work to take place.

Cork County Council works in close partnership with these agencies in developing new infrastructural schemes and in undertaking maintenance of its infrastructure and the current multi-agency approach is not generally an issue in progressing schemes. The undertaking of works in a marine or river environment is complex and involves assessments of impacts on a number of different fronts that is both appropriate and necessary. The rights of citizens to assess proposals, to comment and challenge proposals and decisions is also important from both a governance and protection of the environment perspective, but delays arising from this aspect of the process possibly leads to the impression that the process is cumbersome.

**During this discussion the Members made the following points:**

* Members were encouraged by Minister O’Donovan visit to West Cork.
* Urgent need for financial support nationally.
* Members stressed their frustration with the different number of agencies involved and said it makes the process cumbersome.
* Members asked if there was duplication of work.

Mr. Padraig Barrett, Director of Service, said that river and marine-related work is a complex area but that Cork County Council has worked effectively with the various agencies. Current legislation requires the council to work with the statutory bodies.

**Financial Package: 23/9-1**

***Cllr. Declan Hurley proposed, seconded by Cllr. Joe Carroll***

*“That a delegation from this Council would immediately meet with Minister McGrath and/or other Ministers with a view to providing an emergency financial package for the road network in County Cork impacted by the recent flooding. These roads have been decimated to such a level that it is now very clear that Cork County Council are not in a position to repair, or in many cases reconstruct, them.*”

**Members noted the response from Mr. Padraig Barrett, Director of Services, Roads & Transportation:**

**RESPONSE:**

It is widely acknowledged that the flooding events, which occurred last month, have done enormous damage to the road network, particularly in West Cork.

Met Éireann reported above normal rainfall in many parts of the country for the month of August 2020. They advised that the wettest conditions were experienced in County Cork where nearly all stations reported approximately 200% of Long-Term Average (LTA). Sherkin Island reported its highest rainfall (215% of LTA) for August since 1986.

County Cork experienced 1 Red (wind) weather event (Storm Ellen), 3 Orange (rainfall) weather events (Storm Francis was one of these) and 2 localised extraordinary rainfall events over a 2-week period, with 1 village receiving 3 times the average monthly rainfall over just 2 nights. These weather events resulted in significant flooding in 5 towns and 6 villages, all but 1 of which were in the West Cork Municipal District.

The significant rainfall from these events resulted in extremely wet conditions across the county, high rivers and reduced capacity for drainage and consequently very significant damage to the road network across the County, but particularly in West Cork. Damage has included landslides, road embankment failures, road subsidence, failures of bridges and culverts, purging of roads, total failure of road pavement due to artesian pressure from underground springs, serious ravelling of road edges and whole scale damage to road surfaces. Daily totals mask the significant heavy convective downpours that occurred that led to unprecedented flooding events in parts of West Cork.

Cork County Council’s ability to fund responses and repair roads, following events such as this, has been severely affected by the budgetary controls and reductions in expenditure which it has been obliged to put in place due to COVID and historic under spend in roads infrastructure. Accordingly, Cork County Council will be requesting funding from Department of Transport, Tourism & Sport in order to respond to these exceptional events.

Council Management has been in ongoing communication with the Department of Transport Tourism and Sport (DTTAS) and Transport Infrastructure Ireland (TII) about recouping the initial clean-up / response, and urgent road repair costs incurred to date and about putting in place funding to carry out the essential repairs to the road network, including structures, later in 2020 and into 2021.

The estimated cost of damage (repairs and clean-up) to Regional & Local Roads is currently estimated at €5,035,167.

Four ministerial delegations visited West Cork in the days after the flood events and financial assistance was assured. The Taoiseach, Minister Michael McGrath (on two occasions), and Minister for State Patrick O’Donovan (on two occasions), all visited West Cork to see the damage first-hand and offered assistance. Council Management are available to assist with any further delegations required to secure the necessary funding.

**During this discussion the Members made the following points:**

* Members expressed their frustration at the state of roads in County Cork, especially with secondary and local roads.
* Stated that adjustments should be made to budget for 2021 to accommodate road infrastructure.
* Stressed the need for national support & described the damage caused by recent flooding as a wake-up call.
* Said members of the public paid high motor tax and should have better roads.
* Raised the need for general maintenance to be carried out by Council.

***Members agreed that the Mayor should lead a delegation to meet with Minister McGrath, Minister for Public Expenditure & Reform and Minister Ryan, Minister for Transport, Tourism & Sport with a view to providing an emergency financial package for the road network in County Cork impacted by the recent flooding.***

**Hard Water:** **18/9-1**

# *Cllr. Danielle Twomey proposed, seconded by Cllr. Mary Linehan Foley*

*“That Cork County Council form a policy that would ensure that all new builds and acquisitions of new builds of social housing developments, within hard water areas, would in future have water softening systems installed as standard.”*

**Members noted response from Mr. Maurice Manning, Director of Service, Housing and Mr. John Conroy, S/Senior Engineer, Water Services:**

**RESPONSE:**

Water quality for public consumption is governed by European Union Drinking Water regulations SI No.122/2014 as amended by the European Union, Drinking Water Amendment Regulations 2017 SI No. 464/2017.  These regulations set both microbiological and Chemical standards for public water supply. Water hardness is not included in any of these parameters and there is no EU or National legislation requiring hard water to be softened.

The design and construction of buildings is governed by “Building regulations Part A – Part L”. These is no requirements within these regulations for the provision of water softening systems.

Hardness in the water primarily occurs where the water source is from a limestone aquifer and this can result in a build-up of limescale etc on domestic appliances. Water softeners have been installed by private householders at their own expense in some areas of Cork County that experiences hardness in their water. The ongoing maintenance of these water softening systems can be costly and/or problematic. As there is no requirement in the Drinking Water Regulations or in the Building Regulations to provide water softening systems in hard water areas, the cost of installation and general maintenance of any such systems in new social housing units would not be covered by the Department of Housing, who fund the cost of construction and acquisition, and would have to be borne by the Council.

Considering that both the supply of drinking water and both building design and construction is governed by existing legislation, I would not recommend that CCC introduce a policy to ensure that all new builds and acquisitions of new builds of social housing developments, within hard water areas, would in future have water softening systems installed as standard.

If a policy regarding “hardness in the public water supply” was to be introduced, it should be at National level as the most effective way of removing hardness from the public water supply would be as part of the Water treatment process.

**During this discussion the Members made the following points:**

* Concern raised about hard water supply.
* Acknowledged the damage it does to appliances with their life span halved.
* A recent study shows that water softeners help deal with the issue.
* Cork County Council picking up the cost of damage.
* Legislation does not deal with the issue.
* Cork County Council is picking up the cost of damage to plumbing in Local Authority Houses.

***Members agreed to write to Minister Darragh O’Brien, Department of Housing, Local Government and Heritage requesting that all new builds and existing social housing developments have water softening systems installed as standard. Members also requested that the matter be referred to Housing SPC for further discussion.***

**Extension of time until 1.30pm**

***Proposed by Cllr. Mary Linehan Foley***

***Seconded by Cllr. Declan Hurley***

**Fire Station:** **19/9-1**

***Cllr Mary Linehan Foley proposed, seconded by Cllr. Declan Hurley***

*“Asking that Cork County Council write to the Department of Housing Heritage and Local Government for an update on programme for new fire stations and upgrade of existing fire stations in County Cork bearing in mind that it was on the agenda for a number of years, with no progress for some stations.”*

**Members welcomed response from Mr. Louis Duffy, Director of Services, Environment, Climate Change and Emergency Services:**

**RESPONSE:**

It is, in the first instance, a matter for each Fire Authority to prioritise and programme its fire station projects and put together detailed proposals for submission to the Department of Housing, Local Government and Heritage for inclusion on a Capital Programme.

Cork County Council has 3no projects included on the Department’s 2016 – 2020 Capital Programme which are progressing as follows:

1. Kanturk (North Cork priority) – construction commenced
2. Macroom (South/East Cork priority) – tender process for construction has been completed and recommendation is with DHPLG
3. Clonakilty (West Cork priority) – expected to be tender ready before the end of the year

In terms of a new Capital Programme, our priority projects are Mitchelstown (North Cork), Dunmanway (West Cork) and Youghal (South/East Cork).

In the case of Mitchelstown and Dunmanway both fire station buildings are very old and structurally in poor condition. A replacement station is envisaged in both cases. Both projects are at a preliminary stage with no clear site identified in either case yet. Consideration is being given to building on existing sites in both situations. It is envisaged that a similar design layout to that used in Kanturk, Macroom and Clonakilty will again be used in Mitchelstown and Dunmanway. It is intended to progress these fire stations as priority projects with a view to making a detailed submission to the Department for inclusion in the Capital Programme.

In the case of Youghal it is intended to replace the existing temporary structure and build a replacement station on the same site. Planning approval was previously granted for this, but it is now out of date. It is proposed to revise the building design, having regard to current construction standards. Subject to obtaining planning approval, it is proposed to progress this project for inclusion in the Capital Programme.

The Environment Directorate has engaged with Officials of the DHLGH and we are hopeful that the above three additional projects will be included in the Departments future Capital Programme with a view to delivery after completion of the current projects.

Members agreed to write to Minister Darragh O’Brien, Minister for Housing, Local Government & Heritage for an update on a programme for new fire stations and upgrade of existing fire stations in County Cork.

**Bye Laws:** **22/9-1**

***Cllr Seamus McGrath proposed, seconded by Cllr. Audrey Buckley***

*“That Cork County Council would devise Bye Laws, in consultation with An Garda Síochána, to provide additional enforcement options to address the issues of underage drinking in public places, littering and other forms of anti-social behaviour. Other Local Authorities have adopted similar Bye Laws and we would ask Cork County Council to engage with other Councils to draw from their experience.”*

**Members welcomed response from Mr. Niall Healy, Municipal District Operations & Rural Development as follows:**

**RESPONSE:**

Cork County Council has already adopted a number of sets of bye laws which foster good conduct and behaviour in public places. These bye laws, which cover the county in whole or in part, include:

* Prohibition of the Consumption of intoxicating Liquor in Streets and Public Places within the County of Cork.
* Regulation and control of beaches.

Control of litter is regulated in accordance with the litter acts.

Issues of public order and criminal behaviour are a matter for an Garda Siochana. Cork County Council, as a local authority, has no statutory enforcement or policing powers in terms of matters of public disorder.

Enforcement of certain specific matters (e.g. litter control, underage drinking etc) are provided for in national legislation. Such primary or secondary legislation takes precedence and it is not legally permissible for a local authority to introduce bye laws which could conflict with national statutory instruments.

The Cork County Joint Policing Committee provides for consultation and cooperation on policing and crime issues between An Garda Síochána, Cork County Council, and the Community and Voluntary sectors across the county, and develops policy interventions in a strategic and integrated manner in accordance with its adopted 6 Year Joint Policing Committee Strategy 2016-2021. All parties have established a positive working relationship as regards the development of policing matters.

CCC liaises with an Garda Siochana on an ongoing basis at a local level to identify and understand any such issues, and to discuss options for best addressing them.

CCC intends to review its current bye laws in conjunction with relevant stakeholders in order to identify any improvements that can be introduced. It is important to recognise that enforcement of such bye laws can be challenging both from a legal and operational perspective. The council has limited resources at its disposal in terms of enforcement, particularly as regards remote locations and out of hours availability.

**During this discussion the Members made the following points:**

* Members requested that information is sought on measures in place in other Local Authorities.
* Acknowledged that seaside towns and villages are most effected.
* Members advised that an Garda Síochána are seeking more effective legislation and powers.
* Members questioned the level of enforcement on existing byelaws.

Members agreed to raise the issue at Joint Policy Committee Meeting to be held on the afternoon of Monday 14th September and the matter would be sent for inclusion on Municipal District and Social Inclusion, Community & Rural Development SPC agenda for further discussions.

**Household Food Waste & Bio-Waste: 24/9-1**

**Notice of Motion – Deferred to Full Council Meeting on Monday 28th September**

**Cllr. Marcia Dalton:**

*“Part 111 of the European Food (Household Food Waste and Bio-waste) Regulations 2015 requires all householders and other producers of food waste to arrange for the separate collection of their food waste by an authorised waste collector. However, Pat II requires authorised waste collectors to collect food waste separately only from settlements with a population greater than 500. Residents of towns with a population of less than 500 are therefore required to separate their food waste but are not entitled to a separate brown bin collection.*

*I ask that this Council would:*

1. *Recognise this anomaly in the current waste legislation*
2. *Agree to write to the Minister for Communications, Climate Action and the Environment requesting amendment of the legislation such that brown bin service is made available in towns.*

 *In the event that the Minister’s response is unhelpful, I ask that Cork County Council would acknowledge the Council’s own responsibility under the Waste Management Act 1996 towards providing/arranging for the colletion/provision of facilities for the disposal and recovery of household waste and work towards a solution for residents of towns affected by this ongoing legislative anomaly.”*

***Members agreed to defer this Notice of Motion to Full Council Meeting to be held on Monday 28th September 2020 for discussion.***

**Face Masks:**  **25/9-1**

**Notice of Motion – Deferred to Full Council Meeting on Monday 28th September**

**Cllr. Eileen Lynch**

# *“That Cork County Council would call on the Department of Health to roll out an initiative similar to the UK’s Hidden Disability Sunflower Lanyard Initiative, to help those who currently cannot comply with the government legislation regarding the mandatory wearing of face masks due to hidden disabilities.*

# *The provision of lanyards or wristbands would make it easier to identify those who cannot comply with the wearing of face masks due to medical reasons and ease their potential anxiety about not being able to wear masks.”*

***Members agreed to defer this Notice of Motion to Full Council Meeting to be held on Monday 28th September 2020 for discussion.***

**[k] VOTES OF CONGRATULATIONS**

**TO:** Carrigaline AFC U-16 on winning SFAI Skechers National Cup **26/9-1**

 Lisgoold GAA Club on winning the East Cork Junior A Hurling Championship Cup

Glengarriff Junior Football on winning the Junior Beara final

 West Cork Ladies Club on winning Senior A Ladies Football Final

**SUSPENSION OF STANDING ORDERS**

**School Bus Transport: SOS/9-1**

***Cllr. William O’Leary proposed, seconded by Cllr. Frank O’Flynn***

**During this discussion the Members made the following points:**

* Members outlined the areas in the county where there are difficulties.
* Member described the School Bus Transport as a national scandal.
* Members said Bus Éireann isn’t taking responsibility for the situation.
* Stated that the situation was causing mental anguish on families.
* Advised that some parents have to leave their jobs due to no transport to school for children.
* Extra funding and seating capacity are required urgently.
* Dysfunctional transport system in the 21st century – systemic issues for many years.
* Members raised issues as Bus Éireann and Irish Rail not linking up.
* Said the Department of Transport should be planning now for September 2021.
* Members said that tour bus companies have spare capacity due to impact of Covid-19 on tourism.

***Members requested to write to An Taoiseach, Bus Éireann, Minister for Education and Skills, and Minister for Transport*** ***seeking as a matter of urgency extra funding and extra seating capacity be provided to children who require School Bus Transport.***

***The Mayor also suggested that Cork County Council invite Minister for Education and Skills, Minister Norma Foley to County Hall to meet with a delegation to discuss this matter.***

**[I] ANY OTHER BUSINESS**

**27(a)/9-1**

**Civic Amenity Site:**

***Cllr. Gillian Coughlan proposed, seconded by Cllr. Mary Linehan Foley***

**During this discussion the Members made the following points:**

* Members expressed their dissatisfaction with recycling centres being closed with little or no notice.
* Members conveyed the frustration of constituents.
* Stated that illegal dumping was on the rise.
* Members also suggested that Cork County Council to look at contactless payment at Civic Amenities.

The Chief Executive confirmed that the matter will be addressed without delay.

**Belgooly Wastewater Treatment Plant: 27(b)/9-1**

***Cllr. Kevin Murphy spoke on the following issue:***

**During this discussion the Members made the following points:**

* Members expressed concern over 250 residents impacted by plant.
* Concerns raised on health issues from odour.
* No accountability from Irish Water or EPA.

Member were advised that Belgooly Wastewater Treatment Plant is licenced privately therefore Cork County Council has no involvement with this plant and Members were informed that Irish Water and EPA should be contacted regarding this issue.

**~ This concluded the business of the Meeting ~**