



COMHAIRLE CONTAE CHORCAÍ

Minutes of Proceedings at Meeting of Cork County Council held in the Council Chamber, County Hall, Cork on 24th October, 2016.

I LATHAIR

Comhairleoir S. MacCraith, Méara Chontae

Comhairleoiri Mac Seafraida, Daltúin, Ní Fhúarthain, Ní Dheasmhumhnaigh, Ó Cainte, S. Ó Coileán, M. Ó Murchú, Ó hEarchaí, R. Mhic Cárthaigh, Ó Colmáin, Lombard, C. Ó Murchú, Coughlan, G. Ní Mhuimhneacháin, Críod, Ó Gráda, Ó Luasaigh, Ó Riain, Ó Conbhuí, P. Ó Suilleabháin, C. MacCárthaigh, Ó Ceocháin, Sheppard, De Barra, Uí Chuileannáin, Rasmussen, N. Ó Coileán, A. Ó Suilleabháin, Uí Thuama, Ó hEigeartaigh, S. NicCárthaigh, Léanacháin-Foghlú, N. MacCárthaigh, Ní Bhrian, Ó Floinn, Ó Dúghaill, Mhic Dháibhí, J. Uí Mhurchú, J. P. Ó Sé, G. Ó Murchú, B. Ó Muimhneacháin, Uí Mhaoláin, T. Ó Coileán, D. Ó Coileán Ó Cearúill, Ó Donnabháin, C. Ó Suilleabháin, P.G. Ó Murchú, Uí hEigeartaigh, Ó hAodha, Ó hUrthuile.

PRESENT

Councillor S. McGrath, County Mayor presided.

Councillors Jeffers, D'Alton, Forde, Desmond, Canty, J. Collins, M. Murphy, Harris, R. McCarthy, Coleman, Lombard, K. Murphy, Coughlan, G. Moynihan, Creed, O'Grady, Lucey, Ryan, Conway, P. O'Sullivan, K. McCarthy, Keohane, Sheppard, Barry, Cullinane, Rasmussen, N. Collins, A. O'Sullivan, Twomey, Ml. Hegarty, S. McCarthy, Linehan-Foley, N. McCarthy, O'Brien, O'Flynn, Doyle, Dawson, J. Murphy, J. P. O' Shea, G. Murphy, B. Moynihan, Mullane, T. Collins, D. Collins, Carroll, N. O'Donovan, C. O'Sullivan, P.G. Murphy, Hegarty, Hayes, Hurley.

Chief Executive, Senior Executive Officer.

CONFIRMATION OF MINUTES

1/10-2

Proposed by Councillor Derry Canty

Seconded by Councillor Frank O'Flynn

RESOLVED:

“That the minutes of meeting of the Council held on 10th October, 2016, be confirmed and signed by the Mayor.”

VOTES OF SYMPATHY

2/10-2

TO: Alf Smiddy and family on the death of his father Michael.

TO: The wife and family of the late Donie Harris, Grange, Douglas.

STATUTORY BUSINESS

Section 183 of the Local Government Act, 2001:

Members noted the following disposals.

DISPOSAL OF LAND AT DUNGOURNEY, CO. CORK

3(a)/10-2

In accordance with the provisions of Section 183 of the Local Government Act 2001, the disposal of property as shown hereunder shall be carried out in accordance with the terms specified in the notice issued to members dated 19th September, 2016.

<u>Situation:</u>	Lease of Lands at Dungourney, Co. Cork.
<u>Area:</u>	0.112 hectares
<u>From Whom Acquired:</u>	John Casey & Mary Casey. Housing land.
<u>To Whom It Is Proposed To Dispose:</u>	Anne- Marie O’Callaghan, Christine Fitzgerald and Michelle McCarthy as trustees of Dungourney – Clonmult Community Council.
<u>Term:</u>	30 years
<u>Consideration:</u>	€1 per annum

DISPOSAL OF CLOUGHFILIP, TOWER, BLARNEY, CO. CORK

3(b)10/-2

In accordance with the provisions of Section 183 of the Local Government Act 2001, the disposal of property as shown hereunder shall be carried out in accordance with the terms specified in the notice issued to members dated 4th October, 2016.

LAND HELD UNDER LEASEHOLD INTEREST:

Cloughphilip, Tower, Blarney, Co.Cork

FREEHOLD INTEREST:

Folio No. 22048L
Folio No. 7098

FROM WHOM ACQUIRED: Unknown

**PERSON TO WHOM FREEHOLD
INTEREST IN LAND IS TO BE
DISPOSED OF:** Kevin Forde

CONSIDERATION: € 350.00 inclusive of administration charges

**COVENANTS, CONDITIONS
AND AGREEMENTS:** Conditions pursuant to Housing Act, 1966 and
Landlord & Tenant Acts, 1947 – 1984.

REPORTS & RECOMMENDATIONS OF COMMITTEES

BALLINCOLLIG / CARRIGALINE MUNICIPAL DISTRICT:

LOCAL GOVERNMENT ACT, 2001 (BYE-LAWS) REGULATIONS 2006

CEMETERIES BYE-LAWS

4/10-2

Proposed by Cllr. O’Flynn

Seconded by Cllr. Joe Carroll.

Mayor Seamus McGrath told Members this was discussed previously at full Council. Clarification was required. It has gone back to Municipal Districts and has been agreed at Municipal District level.

Members made the following points: -

- Regardless of bye-laws, Council should be sensitive because families are burying their loved ones and we should be slow to change precedents.
- Some families love Celtic crosses; they are beautiful and part of our heritage and should be considered in new graveyards in the future.
- There is a restriction on the number of graves a family can buy when there is bereavement; need to be flexible on this.
- We should adopt the bye-laws but we should always look on a case by case as this is very sensitive in rural Ireland.
- This was discussed in West Cork and we were told that with consent of the local authority, the tradition of neighbours and family could be observed. Need more clarification on this.

Agreed.

TAKING IN CHARGE PEMBROKE WOOD, PASSAGE WEST

5/10-2

The CE told Members there have been issues referred from Municipal District meetings which should be dealt with at Municipal District level. This issue should have been dealt with at Municipal District. Understands it was already brought up at the Municipal District and a report was issued. We will arrange for a more detailed report to be sent to the next Ballincollig – Carrigaline Municipal District meeting.

Cllr. D'Alton said the report issued in response just said "Pembroke Wood has not been taken in charge" and we need more information. This estate received planning permission in 1997/98 and the residents had been working with the developer until he went into receivership. Cllr. D'Alton understands there is an issue with the bond. The bondholder claims the bond has expired and the County Council is pursuing it through the legal department. There are 400 houses in the estate and the residents pay their Local Property Tax every year. Cllr. D'Alton as their representative needs to be able to give the residents an update, therefore this is the reason it has been brought to full Council.

The CE said there was no request for the taking in charge in, The CE told Members he will get a more detailed report issued to Members.

The Mayor said it is frustration for all including members of previous Town Councils. We will await a more detailed report to issue to the Municipal Districts.

Road and Transport SPC

DRAFT POLICY ON ROAD DRAINAGE

6/10-2

Proposed by Cllr. Declan Hurley

Seconded by Cllr. T. Collins

During a discussion Members made the following points: -

- If we support this, we will commence a public awareness campaign in relation to the importance of good road drainage, the dangers of water on roads with respect to aquaplaning.
- Thanks to the SPC members for their input in bringing this policy to Council.
- Many roads we travel are not drained, suggests that more funding is made available to do drainage on roads.
- The volume of water from landholdings is damaging our roads; we spend several million per year repairing roads damaged by water coming from landholdings.
- This policy will not address the warning of landowners that any water on public roads is not acceptable. We have to ensure where drainage works takes place the relevant landowners have to comply.
- Enforcement is the main issue here and we will have to prosecute if landowners let water onto the public road.
- Prevention is better than cure. The road must be raised over the land.
- Communication and best practice guidelines are very important; some landowners and householders go out and clear the local drains. Are they right to do this?
- Mini-diggers could do many miles of road in a short time where drains are no longer being freed; they would solve a lot of problems.
- In recent times, many of the local area engineers are putting more of an emphasis on drainage work in association with resurfacing.
- County Council workers are not being replaced. These are the people who know where the drains are and who used to keeping them cleared. There needs to be more Council workers on the road to keep the drains cleared.

The CE welcomes the policy document. He acknowledged the emphasis on road drainage and how we deal with that. How adjoining landowners are impacted is a particular issue, as is stopping water from coming onto roads in the first instance.

Members approved the Draft Policy on Road Drainage.

CORRESPONDENCE FROM GOVERNMENT DEPARTMENTS

ASD PROVISION AT SECONDARY LEVEL SCHOOLS

7/10-2

Members noted letter dated 5th October, 2016 from the Department of Education and Skills in response to Council's motion of 27th June, 2016 in relation to ASD provision at secondary level in Cork.

Members were disappointed with the response received from the Minister. The two issues asked were for the Department to acknowledge the shortage of ASD special classes at secondary level and to outline proposals for removing the option for schools to pick and choose whether they want to set up a special ASD class or not in an area of identified need.

Members would like if the National Council for Special Education identifies a need for a special ASD class in an area, it will be no longer optional for schools to pick and choose whether they want to set up that special autism spectrum disorder class or not. Members said there are children and young adults with no places to go, they do not have access to education which is their right. This is a huge issue and it is escalating.

It was agreed to write to the Oireachtas Committee on Education and Skills.

UNITED KINGDOM'S VOTE TO EXIT THE EUROPEAN

8/10-2

Members noted letter dated 7th October, 2016 from the Department of Jobs, Enterprise and Innovation in relation to potential business and employment opportunities for Cork following the United Kingdom's vote to exit the European Union.

NOTICES OF MOTION

COSTS PAID BY CORK COUNTY COUNCIL TO EXTERNAL CONSULTANTS

9/10-2

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

“To request a written report outlining the total cost paid by Cork County Council to external consultants for the year 2015. The figure should include all professional consultancy fees paid to non-Council employees, including amounts paid on projects funded by Government grants. The separate amount for each Council Directorate to be included”.

Separately, to outline the amounts spent on external legal services in 2015.

Members noted report from the Head of Finance, Loraine Lynch which outlined as follows: -

The total spend by Cork County Council on external consultants for the year 2015 was €3,798,037. Of this, €2,948,399 has been funded by grants from various bodies including Office of Public Works (OPW), Transport Infrastructure Ireland (TII), National Transport Authority (NTA), Department Housing Planning Community & Local Government (DHPCLG) and other government departments. In 2015 County Council invested €83,979,169 in our capital programme. The total spend consultancy fees of €3.8m represents only 4.5% of this investment in the Capital Programme of €84m. €866,679 was spent by Cork County Council on external legal services in 2015.

The table below shows the amount for professional consultancy fees separately for each Council Directorate.

Directorate	Totals €
Corporate Services	24,212
County Architect	984
County Library	800
Economic Development and Tourism	72,660
Environment Services	604,775
Finance	16,502
Fire and Civil Protection	4,170
Housing Services	146,386
Northern Division	34,358
Organisational Development	140,753
Planning & Forward Planning	139,756
Roads Services	2,120,603
South Cork Division	79,461
Water Services	259,410
Western Division	153,208
Totals	3,798,037

During a discussion Members made the following points: -

- Thanked the Head of Finance for the report.
- €4.6m was spent last year on outside consultants, including legal fees. This highlights the amount of public money which is being transferred into private hands. (of this, €2.9m was grant funded).
- Over the last few years €30m transferred from Cork County Council into private hands. Road services cost €2.1m in consultancy fees. €866,000 was spent on external legal services even though the Council has its own legal department.
- The Council has very professional in-house staff who could do these jobs.
- Would like a better breakdown on division of fees. Have we ever done a breakdown to see how cost-efficient it is to use external consultants.
- Our own Council staff have huge knowledge and we should be depending on our own in-house departments to carry out this work. Public money is spent ad-hoc.
- We don't have a proposer or seconder on how we spend public money on consultancy fees.
- Fees to external agencies for public relations – are we employing them this year.
- The report shows in detail where the money is going openly and transparently. This is money well spent to have proposals from consultants who are experts in the field and expecting to do that work in-house futile. If we were waiting for internal staff to do this work, we would be several years behind, due to resourcing constraints.
- Glad to see we are spending prudently on consultants.
- It is only 4.5% of the capital programme of €80m. €2.9m was recouped from grants. Shows there is activity in the Council.
- Hope we are not using the same consultants all the time, presumes most of the companies are based in Cork so we will be helping local employment.
- Better to have in-house expertise but if it is not there at the moment, this is not money wasted.
- Why does the Council spend taxpayer's money on consultants and then hire people on Job-Bridge?

The CE told Members we only recruit consultants where necessary. Cork County would grind to a standstill if we weren't engaging consultants. If this figure were increasing year on year it would reflect an increase in activity within the County. We would like to see that happen. We have an excellent in-house staff but there are situations that arise where we need different teams of consultants to work with that staff. Roads is 60% of the spend on consultants but much of that is from NTA and TII for projects which we are progressing on their behalf. We couldn't get the N22, N28 or Dunkettle scheme ready to go without consultants.

Some of the legal spend is to bring in former Town Councils and this will reduce over time. There are significant costs in defending legal actions against the Council. On the local infrastructure housing activation fund, it is a competitive bid, a highly significant issue and we needed to put our best foot forward in a short space of time. We wanted highly professional proposal which built on the professional work we had done in-house here. The issue of cost efficiency has been referenced. All consultants go through a tendering system, some through EU tendering. Rarely do we use PR consultants for external advice. Our LEO's use them at times but a very small spend only. If €3.79m increases, it reflects increased investment and activity in the County.

Cllr. Des O'Grady said they are very much against the CE's position. Is there a cap on the amount we can spend on external consultants in any area? Are there funds due from the grants system from the Department. None of the money from government for housing €972k will be paid back to Council until the work starts on site. Much of this money will go to outside consultants and the Council will have to pay up front, this won't be recoupable for some time.

The CE said the €972k is a cashflow issue. We are developing projects and we will recover our costs associated with housing capital projects once work commences on site. There is a certain percentage of staff time recoupable from the Department. On LPT there is no link between money spent on consultancy fees and the LPT income. There is no cap on what we pay to consultants. We go to the market and engage in a competitive tendering process.

PUBLIC GARDEN ALLOTMENTS ACROSS THE COUNTY

10/10-2

Mayor Seamus McGrath proposed, seconded by Councillor D. Canty, the following notice of motion:

“To seek a report outlining the Council's previous involvement, in whatever form, in the provision of public garden allotments across the County. Also, to request that further consideration is given towards utilising Council owned land as garden allotments, perhaps on an interim basis and particularly in the vicinity of large population bases”.

Members noted report from Ms. Mary Ryan Director of Service, which outlined as follows: -

The Council, with support from Leader and the local community did develop an allotment in Ballincollig. The overall cost of the project was circa €247,000. This was a 2.7 acre development and included provision of carparking, communal facilities etc.

The Council is supportive of the concept of allotments and will consider, through the Municipal Districts working with, local communities in developing allotments on Council land. It may not be possible in all cases for a permanent facility to be developed as the land might be required for use in the medium term. In looking at other sites soil samples and testing would need to be undertaken to ensure sites are suitable, infrastructure would also need to be provided (Water, Power, Storage areas, Toilet facilities, car parking etc.) as well as the security of the site.

It is envisaged that any such allotments would be developed by the local community with the assistance and support of the Municipal District.

During a discussion Members made the following points: -

- Thanked the Director of Service for the report.
- Allotments have worked very well in the past in the county, they involve use of local produce, reducing transport costs and they have many positives associated with them.
- Would hope the Municipal District would try to identify land that is available for garden allotments in association with local groups, even in an interim or medium term this is something we should explore.
- Ballincollig has 100 allotments and it is working very well, it is railed off and has great facilities, there is a charge but it is minimal, people are working on their allotments from 7am and the people have formed their own committee in relation to the running of it.
- We should promote more of this get the land developed for communities to get involved.
- It is very educational and as there is a shortage of land it would be great if Cork County Council got involved.
- The allotments are fantastic in large urban communities, many age action groups and mental health groups would be willing to get involved.
- Some provide employment through TUS schemes. In Bandon the land they are on is Council land some of which we would hope to develop for social housing, so the future of the allotments is a little uncertain. Hopes that the land would be allocated so as to give the people greater security.
- The Community garden in Dunmanway is getting great support from Cork County Council. It is a win-win situation for the Council and the community. It provides employment; it provides produce for the farmer's market. Participated in the West Cork Food Festival.
- Cork County Council should consider allocating green areas for this purpose within future developments.

The CE welcomes the motion and the Director of Service is also keen to move this on. There have been some very successful allotments. It is important that communities who take the allotment project on, have the capacity to do so. Land that is required for something else should not displace allotment groups. We need reasonable permanency for them.

The Mayor thanked Members for their support and said we will work through the Municipal Districts on these.

INFESTATION OF DEADLY JELLYFISH

11/10-2

Councillor Noel Collins proposed, seconded by Councillor Claire Cullinane the following notice of motion: -

“That this Council report on the need for public health warning signs to bathers and beachgoers to exercise caution on beaches, following the massive infestation of deadly jellyfish, which have reached our shores”.

Members noted the report from Mary Ryan DOS which stated Cork County Council has reacted to the recent increase in jelly fish along the coast by putting in place an agreed procedure and an information pack for staff in dealing with incidents and a warning notice for beaches.

During a discussion Members made the following points: -

- It is vital that we bring awareness as to how dangerous this is.
- Supports and commends Cork County Council staff for picking up hundreds of these jellyfish on Youghal beach. We are happy in Youghal with the County Council's response.
- Commends Cork County Council for the speed with which they have responded.

The CE told Members we have reacted swiftly to the issue of these jellyfish. Signage has been erected but welcomes any opportunity to increase awareness further. Hopefully the influx of jellyfish will not last much longer.

PROTECT AND ENHANCE THE SERVICES AVAILABLE WITHIN OUR POST OFFICE

12/10-2

Councillor Michael Murphy proposed, seconded by Councillor John Paul O'Shea the following notice of motion: -

“That this Council writes to the Minister to keep their promise as stated in programme for government document Page 48 - to protect and enhance the services available within our post office”.

Councillor Michael Murphy told Members a report commissioned by An Post in 2013 suggested that without government commitment to granting of services through the post office network, they wouldn't stand a chance of survival. Some postmasters are maintaining services at below minimum wage income. Most can stay open for only a short while.

During a discussion Members made the following points: -

- Unless the Post Office services are used, 400 offices are really going to be in serious trouble.
- Post Offices that closed in recent years have had a devastating impact on their town and villages.
- Minister Naughten has set up a committee in relation to rural post offices. We should write to the Ministers responsible and ask for an update.
- Post offices are under pressure; previous governments have let so many close. Everything must be urgently acted upon to save our post offices.
- Post office as an integral part of communities is to be strengthened. Current policy is non-existent. We are not seeing any policy. We need to send out a strong message that we want enhancement of the services post offices provide.
- Through our Municipal District we are always discussing and putting money back into rural Ireland and enhancing our towns and villages. We have a ready-made business centre with our local post. It behoves us all to help the services it offers.
- Wouldn't blame government necessarily but the policy that is there doesn't give confidence that the post offices would stay open. Non-viability was stated on the Week In Politics that this is what would close them.
- Post Offices should be extending their services. Minister Ring said mobile post offices might be one way out of this. A lot of towns have lost mobile banks. Social welfare was taken off post offices and put into the banks. We need to expand their services.
- The government governs and we should insist that Ministers with the responsibility would come forward with a policy quickly. It would be terrible to leave communities without the services post office offers.
- All our national services used to carry a sovereign seal. This has disappeared from post offices. They are a national service. We need those sovereign seals back.
- Post offices are a vital part of the social fabric. You have to use the facility if it is in your community. Nationally services do need to be driven through the post office. Social welfare going through banks needs to be knocked on the head. Welcomes the reopening of Leap post office last year.
- We have to be creative about how we look at increasing the services of the post office. A suggestion made is that they could become tourist information offices in small towns and villages. The way the government has undermined them with regard to social welfare payments is unacceptable.

- We don't use post offices properly. In some cases, we have to be realistic as well. Modern technology must be installed in them. We have to prove conclusively if a post office is needed in an area and we have to use it. Get as many ideas as we possibly can to make them viable. We have to use it or we will lose it.
- It behoves the Minister and his department to ensure that facilities that can be used in the local post offices will be put in place.
- When you try to expand services in post offices, it is objected to by the banking sector. It is a political decision. Post offices would thrive were it not for the banking sector.

Members agreed to write to the Ministers for an update on protecting and enhancing the services available within our post offices.

INCREASE FUNDING TO THE CUH IN THE NEW BUDGET

13/10-2

Councillor Danielle Twomey proposed, seconded by Councillor Melissa Mullane the following notice of motion: -

“That this council ask the Minister for health Simon Harris. To increase funding to the CUH in the new budget. In order to help alleviate the staffing shortage and to also give enough funding for the hospital to provide its own MRI equipment and facilities”.

Cllr. Twomey said nurses and midwives are paying unfair taxes; we are losing our doctors and nurses to abroad. Many are struggling to make end meet. The employees are under so much stress with some staff at breaking point. The MRI at the CUH is owned by Alliance Medical and the hospital has a service level agreement in place for its operation. A constituent had a seizure on a Friday she had to wait until the following Wednesday morning for an MRI scan as there was no staff available to conduct the scan. The CUH doesn't take referrals for MRI scans unless private. CUH aims to provide high quality care, clinical excellence and safety; however this is not always the practice. The hospital is totally relied on and more so with the closure of the Mercy ER department. Cllr. Twomey wishes to amend the motion to include “that the Minister would consider addressing the concerns that the staff have in relation to their pay conditions and their taxes.

Members agreed.

CORRESPONDENCE FROM OTHER BODIES

DAVIS COLLEGE MALLOW

14/10-2

Members noted the letter from Davis College in relation to the current progress on the construction at the college. Cllr. Mullane was in discussions with the planning office about Davis College and she said what is said in the letter by the ETB is not correct.

The CE told Members if a member has a concern that the letter doesn't represent the situation on the ground, there is a process for anybody to issue their concern to our own planning department.

It was agreed to get clarification from the Planning Department and revert to Members.

PORT OF CORK

15/10-2

Members were dissatisfied with the brief response they received in relation to plans for the Marino Point site.

Members wanted to know who looks after the site at the moment; it is run down and would like to know if it is safe.

Cllr. Cullinane said she met with the Port of Cork last week on this. They say several of the partners have to iron out some specific points but they do intend to move forward very shortly. Mayor Seamus McGrath said this response doesn't give us any new information. It was agreed to revert to the Port of Cork and ask for new information when there is more to hand.

VOTES OF CONGRATULATIONS

16/10-2

TO: Kildorrery Karate Club on winning one gold and four bronze medals at the SKDUN World Karate Championships in Bulgaria.

TO: Passage West Karate Club on winning two bronze, one gold and one silver medals at the SKDUN World Karate Championships in Bulgaria.

TO: Gabriel Rangers GAA club on winning the Junior A County Football Final.

TO: Carbery Rangers GAA club on winning the Cork Senior Football Championship.

TO: Mallow GAA Camogie club on winning the Senior B County Championship Final.

TO: Kiskeam GAA club on winning the Cork P.I.F.C. final.

TO: Kinsale ladies football team on winning the Munster Junior Football Championship.

TO: Cllr. James O'Donovan and Deirdre Coomey on their recent marriage.

TO: Bandon under 15 ladies football team on winning the West Cork Football Final.

TO: Shamrock GAA Minor team who won the Football and Hurling League Finals.

TO: Ballinadee Historical Society on the erection of a monument in memory of the third West Cork Brigade.

ANY OTHER BUSINESS

17/10-2

STATISTICS FOR ROAD ACCIDENTS ON THE N28

Cllr. Deirdre Forde would like to know the stats for accidents around Bloomfield, Carr's Hill, N28, stating we are going to make momentous decision in relation to the Port of Cork and these roads. She would also like the Demand Management Study published, Cllr. Forde said she has been asking for this for the past eighteen months. Would like to know the volume of traffic increase on the N40, N28 and at Bloomfield, we cannot make informed decision without this data. Would like the CE to liaise with the Gardáí and get the statistics as soon as possible.

The CE will convey members request to TII. We are agents on behalf of Transport Infrastructure Ireland. The CE is sure these matters have been raised through the public consultation process but will ask.

LATE NIGHT TRANSPORT TO BANDON

Cllr. Gillian Coughlan told Members that Bus Eireann is providing buses to transport people from the Cork Jazz Festival to the Metropolitan area and to Midleton but not to Bandon. They have done this before; they provide a bus to Ballincollig, Blarney, Carrigaline, Midleton but not to Bandon. It was agreed to write to Bus Eireann on this.

This concluded the business of the Meeting