

MINUTES OF ORDINARY MEETING OF CORK CITY COUNCIL
HELD ON MONDAY 22nd FEBRUARY 2010

- PRESENT** An t-Ardmhéara Comhairleoir D. Murphy in the Chair.
- NORTH EAST** Comhairleoirí J. Kelleher, T. Brosnan.
- NORTH CENTRAL** Comhairleoirí M. Barry, C. Clancy, P. Gosch, T. Gould.
- NORTH WEST** Comhairleoirí D. McCarthy, J. O'Brien, T. Fitzgerald.
- SOUTH EAST** Comhairleoirí D. Cahill, L. McGonigle, D. O' Flynn, T. Shannon, C. O' Leary, K. McCarthy, J. Corr.
- SOUTH CENTRAL** Comhairleoirí L. Kingston, E. O'Halloran, S. Martin, M. Finn, F. Kerins.
- SOUTH WEST** Comhairleoirí J. Buttimer, M. Shields, M. Ahern, B. Bermingham, H. Cremin, G. Gibbons.
- APOLOGIES** Comhairleoir T. Tynan.
- ALSO PRESENT** Mr. J. Gavin, City Manager.
Mr. S. Kearney, Director of Services, Housing & Community.
Ms. V. O'Sullivan, Director of Services, Recreation, Amenity & Culture.
Mr. P. Moynihan, Senior Executive Officer, Corporate Affairs.
Mr. N. Carroll, Staff Officer, Corporate Affairs.

An t-Ardmhéara recited the opening prayer.

1. **SUSPENSION OF STANDING ORDERS**

On the proposal of Comhairleoir S. Martin, seconded by Comhairleoir J. Corr, An Chomhairle agreed to suspend Standing Orders and to consider the business of An Chomhairle as set out in the Agenda.

1.1. **VOTES OF SYMPATHY**

A vote of sympathy was passed unanimously with An Chomhairle standing in silence to:-

- The Cooke Family on the death of John Cooke
- The Creagh Family on the death of Andy Creagh
- The Daly Family on the death of Joanna Daly
- The Dineen Family on the death of Robbie Dineen
- The Dunne Family on the death of Terry Dunne
- The Jackson Family on the death of Michael Jackson
- The Mackey Family on the death of Donal Mackey
- The Murphy Family on the death of Alan Murphy

1.2. **LORD MAYOR'S ITEMS**

The Lord Mayor proposed and it was agreed to extend congratulations to the Parks Department and to the organisers of the Equilibrio Sculpture Project undertaken with Cork's twin city of Cologne.

The Lord Mayor proposed and it was agreed to extend congratulations to the organisers of "Peacock and Swan" a celebration of Chinese New Year at which the Chinese Ambassador had attended.

The Lord Mayor informed An Chomhairle of his proposed visits to the twinned cities of Cologne and Shanghai.

2. **MINUTES**

The minutes of Ordinary Meeting of An Chomhairle held on 15th February 2010, were considered and approved.

3. **QUESTIONS**

3.1 **ACTIONS TAKEN TO FIXING SEWERAGE LEAKS IN O'CONNELL AVENUE**

In response to the following question submitted by Comhairleoir S. Martin, a written reply was circulated as outlined below:-

Could the Manager outline what actions were taken in relation to the fixing of sewerage leaks in?

1A O'Connell Avenue
Junction of Evergreen Street and Abbey Street?

The property at **1A O'Connell Avenue** is not owned by Cork City Council. A drain leak from this property into an adjoining one was reported to the Council in March 2009. A Council engineer called to the site and spoke to the complainant. It is understood the complainant's legal representatives had written to the site owner but received no response. It was explained that the matter was a private one and there has been no further communication on the matter with the Council.

Section 70 of the Water Services Act 2007 places a duty of care on the occupier of a premises, or if unoccupied, on the owner, to ensure that wastewater from the premises does not cause nuisance or risk to human health or the environment. Legislation was commenced on 30th April 2009 bringing subsections (6) and (7) of Section 70 into operation. These subsections provide a procedure for complaint to the District Court by any person affected by non-compliance with a duty of care under section 70.

Cork City Council investigated a complaint received on 28th August 2009 in relation to a property located at the junction of **Evergreen Street and Abbey Street**. There was a large spillage occurring on the public roadway. A Council engineer called to a number of houses in the vicinity and discovered a blockage in a common drain. The engineer

contacted the landlady of the premises in question and informed her of her responsibility and duty of care. Letters were sent to the occupiers of adjoining properties who shared the drain, requesting them to take joint action or risk legal proceedings being taken. A phone call was received by the engineer subsequently informing him that the problem had been found and it was being addressed.

3.2 **COUNCIL'S POLICY ON DOG FOULING**

In response to the following question submitted by Comhairleoir L. McGonigle, a written reply was circulated as outlined below:-

Can the Manager outline the Council's policy on dog fouling?

This issue has been raised a number of times in Council and numerous reports have been issued, but to little effect. The problem of dog fouling is city wide, and one that is not being tackled, given that no prosecutions or fines have ever been issued.

In his reply, can the Manager outline how it is policed and how many wardens are working in the suburbs?

Cork City Council implements the 1997 to 2003 Litter Pollution Acts. It is an offence under section 22 of the 1997 Act in failing to remove faeces deposited by a dog. The on the spot fine is €150 with a maximum court fine of €3,000.

Cork City Council litter wardens can issue a fine under this section if they observe a dog in the act of fouling and can identify the owner or person in charge of the dog. Cork City Council can also issue fines if members of the public can provide specific details of dog fouling and are prepared to act as witnesses in any court hearings.

Cork City Council has erected signs in various areas of the city outlining the fines for failure to remove dog faeces and dog receptacle units have been installed in a number of parks and walkways throughout the city. All dog licence holders have been written to on responsible dog ownership including removal of dog faeces.. In addition bags for the disposal of dog faeces have been provided to all dog licence holders.

Cork City Council has a staff compliment of 1 litter warden supervisor and 3 litter wardens.

Following discussion An tArd Mhéara proposed and it was agreed that he would write to the Chair of the Joint Policing Committee in relation to enforcement issues pertaining to lower level legal infringements such as dog fouling, illegal use of bus lanes, etc. and that there was need for a public awareness campaign in relation to dog fouling.

3.3 **SERVICES THAT ARE BEING ASSESSED AS TO THEIR LIABILITY FOR VAT IN THE WAKE OF FINANCE BILL**

In response to the following question submitted by Comhairleoir M. Barry, a written reply was circulated as outlined below:-

Can the Manager provide Council with a comprehensive list of the services that are being assessed as to their liability for VAT in the wake of the recent Finance Bill?

The European Court of Justice (EDJ) in July 2009 delivered its judgment in a case against Ireland in respect of the charging of VAT by public bodies on certain economic activities. The judgment has implications for all public bodies in Ireland, including local authorities.

Provisions to give legal affect to this is included in the Finance Bill 2010.

The main effect of the judgment for the City Council is that VAT must be applied to all local authority services where competition with private sector services providers exists or where such competition could occur.

At present each local authority is carrying out a review of the services they provide to determine which are outside the scope of VAT, which are taxable and which are exempt.

A working group is being established involving the Department of Environment, Heritage and Local Government, the Department of Finance and the Revenue Commissioners. This will review the services list, agree the classification of the items and in conjunction with the Revenue Commissioners agree VAT rates applicable.

It is too early to determine the full scope at this point but Refuse Collection & Disposal and Off-street Parking will be subject to VAT. It should be noted that Water and Waste Water charges are exempt from VAT as per Finance Bill.

3.4 **EMERGENCY VEHICLES OWNED BY CORK CITY COUNCIL**

In response to the following question submitted by Comhairleoir J. Buttimer a written reply was circulated as outlined below:-

Can the City Manager indicate how many emergency vehicles owned by Cork City Council have a snorkel exhaust system and if there has been any review of the emergency response fleet following the recent flooding and severe snow and frost conditions?

A snorkel exhaust system is not fitted to any emergency vehicles in Cork City Fire Department or Cork City Civil Defence. Due to the inherent dangers of driving through flood conditions i.e. the risk of hidden obstacles, fast flowing water, variable water depths and the risk of consequential damage to vehicles, property and personnel, the best and most appropriate mode of transport in flooded areas is by boat. Following the recent Severe Weather events the emergency response fleet was examined and any necessary repairs carried out.

3.5 **MAKE CONTACT WITH THE DEVELOPER OF ARD PARTICK, ASSUMPTION HILL**

In response to the following question submitted by Comhairleoir C. Clancy, a written reply was circulated as outlined below:-

To ask the Manager:

That Cork City Council in the interest of proper planning and public safety make contact with the Developer of Ard Patrick, Assumption Hill, (Blackline Properties), the Developer of Knockanuss Popes Road, Fingerpost Builders Ltd - to have the wall dividing the 2 estates which has an excessive drop onto Ard Patrick made safe before the estates are taken in charge.

The wall between the Ard Patrick and Knockanuss estates was recently inspected by our Building Control Officers. The wall in question is not a dangerous structure which would require action under the Local Government Sanitary Services Act 1964.

The wall also complies with the Building Regulations 1997 and 2000. It will be inspected by the City Councils Parks Department section prior to being taken in charge in due course when any necessary revision of ground levels can be considered.

4. **ROADS & TRANSPORTATION FUNCTIONAL COMMITTEE – 7th DECEMBER 2009**

4.1 **ROADWORKS PROGRAMME**

An Chomhairle considered and approved the report of the Assistant City Manager, dated 4th February, 2010, on the Interim Report on Cork City Transport Plan - Transport Issues.

4.2 **REPORT ON MAHON TRAFFIC AND TRANSPORTATION STUDY**

An Chomhairle considered and approved the report of the Assistant City Manager, dated 4th February, 2010, on Mahon Traffic and Transportation Study.

4.3 **REVIEW POLICY OF CLAMPING CARS**

An Chomhairle considered and approved the report of the Assistant City Manager, dated 4th February 2010 on the following motion which was referred to the Committee by An Chomhairle.

‘That Cork City Council review its policy of clamping cars, other than those that are interfering with the flow of traffic and are a danger to pedestrians, in the interest of fairplay for motorists and businesses in the city.’

(Proposer: Cllr. C. Clancy 09/258)

The report of the Assistant City Manager stated that, Cork City Council has three means of parking enforcement:

- Tow-away
- Clamping
- Fixed charge penalty notices (parking fines)

Fines are not a deterrent to many illegal parkers and the introduction of clamping and tow-away some years ago has greatly improved the compliance levels of the parking regulations. The results were:

- The turnover of disc parking spaces doubled in some areas, resulting in increased availability of parking in the City Centre.
- Public safety improved with reduced parking on footpaths, near pedestrian crossing facilities and adjacent to junctions.
- Bus stops, taxi ranks, disabled spaces are kept clearer.

Illegal parking resulting in traffic congestion and a poor road safety environment lessens the attractiveness of the city centre for shoppers, visitors, employment centres, etc. Vehicles which interfere with the flow of traffic or are causing a danger to pedestrian and other road users should be towed away. Clamping these vehicles could result in the danger and obstruction be prolonged for a longer period than it should.

Relying on fines only for the enforcement of disc parking area would be a retrograde step and would result in a reduced availability of parking on the street which ultimately will affect the attractiveness of the City Centre as explained above. Accordingly, it is recommended that the policy of using the three currently available enforcement tools in an appropriate manner be retained.

4.4 **CLAMPING POLICY**

An Chomhairle considered the following motion:

‘That Cork City Council immediately stops its policy of clamping vehicles without valid parking discs in designated parking zones and instead increase fines and reserve the practice of clamping for vehicles parked on double-yellow lines, loading bays or those that cause obstruction for other vehicles, including emergency services.’

(Proposer: Cllr. M. Finn 09/271)

On the proposal of Comhairleoir M. Finn, seconded by Comhairleoir C. Clancy, a vote was called for on whether to accept the report of the Assistant City Manager, dated 4th February 2010 on the above motion where there appeared as follows:

FOR: Comhairleoirí J. Kelleher, Ardmhéara D. Murphy, Comhairleoirí D. Cahill, L. McGonigle, D. O’Flynn, J. Corr, S. Martin, J. Buttimer, M. Shields, M. Ahern, B. Bermingham, – (11)

AGAINST: Comhairleoirí T. Brosnan, M. Barry, C. Clancy, P. Gosch, T. Gould, D. McCarthy, T. Fitzgerald, T. Shannon, C. O’Leary, K. McCarthy, L. Kingston, E. O’Halloran, M. Finn, F. Kerins, H. Cremin, G. Gibbons. – (16)

An tArd Mhéara declared the vote carried and the report of the Assistant City Manager rejected and referred same back to the Roads & Transportation Strategic Policy Committee.

4.5 **PARKING PERMITS AND BLUE BADGE PARKING PERMITS**

An Chomhairle considered and approved the report of the Assistant City Manager, dated 4th February 2010 on the following motion which was referred to the Committee by An Chomhairle.

‘To review both parking permits and blue badge parking permits, as excessive parking usage i.e. all day parking and multi permit per household is badly affecting turnover of parking in the city.’

(Proposer: Cllr. D. Cahill 09/326)

The report of the Assistant City Manager stated that, disabled driver of “blue badge” permits are issued only by The Irish Wheelchair Association and The Disabled Drivers Association. New regulations will be issued soon by the Minister of Transport to update the current situation and to ensure that disabled driver parking bays are only available to those most impaired in their immobility. This is being done in the background of over 80,000 permits in existence in the Country, which is regarded as excessive.

There are over 100 disabled driver spaces in the City Centre which is in line with current guidelines, i.e. 5% or more of current on-street spaces. All multi-storey car parks also have disabled driver spaces close to lift areas, etc. The issue of allowing disabled drivers to park free in all disc parking areas will be reviewed, because although it may be argued that disabled drivers might be less well financially off than the general public, this practice makes the holding of a permit extremely attractive and opens it to widespread abuse. Many on-street spaces are occupied for long periods as a result of the disabled driver badges displayed and this has an overall effect on the availability of car spaces and the attractiveness of the City Centre to visit, shop in, etc.

Providing parking permits for residents in the City Centre is a long standing policy of Cork City Council to maintain the City Centre as an attractive place to live in. This is critical for the safety and economic well being of the City Centre, and it is recommended that this policy does not change. Multi permits (max. four allowed) cater for rental properties where there may be several adults living together or where families have grown up children with cars. This arrangement should not change.

4.6 **HIGHLIGHT DISABLED PARKING SPACES**

An Chomhairle considered and approved the report of the Assistant City Manager, dated 4th February 2010 on the following motion which was referred to the Committee by An Chomhairle.

‘That all designated disabled parking spaces in Cork City be highlighted in medical blue paint and the white wheelchair symbol, as this is recognised practice in E.U. Countries.’

(Proposer: Cllr. K. O’Flynn 09/126)

The report of the Assistant City Manager stated that, all designated disabled driver parking spaces are marked by the white wheelchair symbol and with additional signage on nearby poles. The combination of the signage and road markings makes them very

prominent and visible. In a few cases the road is also painted blue, however it is not practice to do this because of the large cost involved in providing and maintaining the blue plastic paint.

The Department of Transport is at present preparing guidelines for the designation of disabled parking spaces, including the parking of parking bays in 'blue'. On publication of the guidelines in 2010, we will review our policy in this case.

4.7 **SIMPLIFY PROCESS FOR RESIDENTS PARKING PERMITS**

An Chomhairle considered and approved the report of the Assistant City Manager, dated 4th February 2010 on the following motion which was referred to the Committee by An Chomhairle.

'That Cork City Council in an effort to further deliver on its customer charter, simplifies the application process for resident's parking permits and in particular removes the excessive 'red tape' for existing permit holders who wish the renew.'

(Proposer: Cllr. M. Finn 09/331)

The report of the Assistant City Manager stated that, in order to be granted a resident's permit, a customer must prove that they are a resident within a disc parking area and own a vehicle. Currently, the proof required includes a copy of the Vehicle Licensing Certificate/Log Book for the vehicle; two recent domestic utility bills in the applicant's name for the address in question; and copies of the applicant's insurance certificate and driver's licence. Those who are not on the register to vote from the address for which the parking permit is being sought must complete a declaration in the presence of a Peace Commissioner/Commissioner for Oaths/Practising Solicitor. Applicants living in rented accommodation must also submit a copy their Rent Book/Rental Agreement and a confirmation letter from the Private Residential Tenancies Board (PRTB).

While these requirements may seem onerous, they are necessary to ensure that only those who are validly entitled to a permit receive them, and therefore to ensure that the parking spaces in a given area are available to genuine residents. It is the abuse of 'free' parking by commuters which is the prime factor in introducing pay parking controls in a residential area. Given the annual fee is only €10, there is a danger that relaxing the strict eligibility criteria will lead to abuse of the resident's permit system to the detriment of genuine residents.

The issue will be examined in greater detail when the Cork City Council Parking Bye Laws are reviewed in early 2010 and in particular the issue of possibly simplifying the application process for those submitting repeat yearly applications.

4.8 **ABOLISHING CLAMPING VEHICLES**

An Chomhairle considered and approved the report of the Assistant City Manager, dated 4th February 2010 on the following motion which was referred to the Committee by An Chomhairle.

‘That Cork City Council should now seriously consider abolishing clamping vehicles in designated car parking spaces in the City, to encourage shoppers back in to the City Centre, who were in fear of being clamped and would shop in suburban centres to avoid City parking.

Can the Manager also outline in his report on this motion the current contract arrangements and fees paid to contractors and the number of vehicles clamped and the value of clamping fees collected in 2008.

Could he also set out the protocols agreed and in place under the current clamping regime?’

(Proposer: Cllr. K. O’Flynn 09/128)

The report of the Assistant City Manager stated that, Cork City Council has statutory responsibility for the enforcement of parking regulations, as defined under the Roads Traffic Acts 1961 to 2004, within the Cork City Council administrative area. The Garda Síochána who are the national police force also have statutory powers as regards enforcement. The City Council has appointed APCOA Limited for a 3 year period covering the years 2009-2011. APCOA were required to establish, manage and enforce both a vehicle immobilisation (clamping) and vehicle removal (towing) service. The city-wide operation incorporates a comprehensive service of removal, storage/release, clamping/de-clamping, issuing and processing of notices to vehicles removed or clamped, processing of payments received for vehicle release/de-clamping, assessment and disposal of unclaimed vehicles and associated administrative work.

The contact fee paid to APCOA in 2008 for the immobilization and towing-away of vehicles was €1,343,044.69. This tender fixed sum includes an approximate amount of €310,000 for the clamping of vehicles element. Number of vehicles clamped in that period was 5,469. The corresponding value of clamping fees collected was €428,595. [The income from towing fees in 2008 was € 503,654.62.](#)

The immobilisation of vehicles occurs as a result of identification of illegally parked vehicles reported by APCOA Limited’s own spotters or as a result of illegally parked vehicles being reported by Cork City Council’s Traffic Warden Service to APCOA Limited. The service operates from Monday to Saturday during the period 08.30 to 18.30 hrs.

Fines are not a deterrent to many illegal parkers and the introduction of clamping and tow-away some years ago has greatly improved the compliance levels of the parking regulations. The results were that the turnover of disc parking spaces doubled in some areas, resulting in increased availability of parking in the City Centre

Relying on fines only for the enforcement of disc parking areas would be a retrograde step and would result in a reduced availability of parking on the street which ultimately will affect the attractiveness of the City Centre as explained above. Increasing fines is not an option for Cork City Council as this is controlled at national government level. The parking fine was increased from €19 to €40 in the recent past and it is unlikely that it will be increased in the near future.

4.9 **FREE PARKING IN THE CITY CENTRE ON SATURDAYS**

An Chomhairle considered and approved the report of the Assistant City Manager, dated 4th February 2010 on the following motion which was referred to the Committee by An Chomhairle.

‘That Cork City Council on a pilot basis introduce free parking in Cork City Centre on Saturdays. That Cork City Council introduce a food market day on one Sunday a month utilising Patrick Street, making it car free. We need to introduce programmes to enhance people back into the City Centre.’

(Proposer: Cllr. S. Martin 09/313)

The report of the Assistant City Manager stated that, there are eight multi-storey car parks available to the public in the City Centre. The City Council owns and operates two; Paul Street and North Main Street Car Parks. Providing free car parking on Saturdays, which is far the busiest day, would have financial implications and would result in a serious loss of income to the City Council. It is proposed therefore that free parking on Saturdays in the multi-storey car parks will not be provided.

In relation to on-street parking, it is also proposed that no change be made to current arrangements. On-street parking facilities are for those who wish to spend a relatively short time in the City Centre and it is important that a constant turnover of spaces occurs. If the parking was free, these spaces would be filled very quickly in the morning by city centre workers. This was the case in the 1970’s before pay parking controls were introduced.

No turnover of spaces would occur during this period and effectively the availability of on-street spaces in the prime shopping areas for potential shoppers/visitors would reduce to close to zero. This would lessen the attractiveness of the City Centre to these people and the outcome would be the opposite as intended.

The proposal of making St. Patrick’s Street car free would require comprehensive consultations with the City Centre Traders, Bus Éireann, Taxi Operators and the Gardaí. Several major bus routes use the street and alternative arrangements for bus routes and bus stops would have to be implemented. The taxi operators would also have to be accommodated. Discussions will be held with the relevant stakeholders and a further report on the outcome of the consultations will be made to Council.

Over recent years Cork City Council has been organising outdoor markets in association with special events taking place in the city, such as the Jazz Festival and the Christmas Winter Garden. The number of markets being held has grown considerably and they have contributed positively both to the events themselves as well as the city in general. The markets held on the newly redeveloped Grand Parade have been particularly well received. The space there is considered more amenable to occasional market trading activity and is favoured by the market organisers.

The proposed upgrading of Cornmarket Street will provide a greatly enlarged purpose-built market space with a potential to serve increased levels of open markets, including food markets. The overall situation with regard to open markets will be reviewed before

Cornmarket Street becomes available and the issue of a regular Sunday Market will be examined as part of this review. At this stage a monthly Sunday Market on Patrick Street would not be considered practical.

4.10 **ROAD RESURFACING**

An Chomhairle considered and approved the report of the Assistant City Manager, dated 4th February 2010 on the following motion which was referred to the Committee by An Chomhairle.

‘That Cork City Council adopt as policy the concept of notifying all Public Utilities in advance of all Public Road Resurfacing Contracts with a view to ensuring all proposed works be done by these utilities in advance of resurfacing. There after except for emergency a heavy financial penalty would ensure to cover the cost of proper resurfacing following the road opening.’

(Proposer: Cllr. S. Martin & Cllr. D. O’Flynn 09/354)

The report of the Assistant City Manager stated that, during the design process for resurfacing/paving contracts all Public Utilities are contacted/reminded of the impending works so that they can carry out any necessary works prior to the resurfacing/paving Contract. There are onerous conditions attaching to any Public Utility works on a road that has been recently resurfaced in order to ensure that their works are carried out prior to resurfacing.

5 **ROADS & TRANSPORTATION FUNCTIONAL COMMITTEE – 8th FEBRUARY 2010**

5.1 **ROADWORKS PROGRAMME**

An Chomhairle considered and approved the report of Assistant City Manager, dated 4th February, 2010 on the progress of ongoing Roadworks Programme for month ended January, 2010.

5.2 **TAKING IN CHARGE OF “ASHMOUNT” & “SOUTHRIDGE”, MAYFIELD, CORK HOUSE NOS. 1-98 AT “ASHMOUNT”, HOUSE NOS. 1-28 AT “SOUTHRIDGE”, HOUSE NOS. 39, 40, 41 AND 42 SILVERSPRINGS COURT**

An Chomhairle considered and approved the report of Assistant City Manager, dated 4th February, 2010 regarding the taking in charge of “Ashmount” & “Southridge”, Mayfield, Cork - house nos. 1-98 at “Ashmount”, house nos. 1-28 at “Southridge” and house nos. 39, 40, 41 and 42 Silversprings Court.

The report of the Assistant City Manager stated that, “I refer to development at “Ashmount” & “Southridge”, Mayfield, Cork.

In accordance with Section 11 of the Roads Act 1993, and in compliance with Section 180 of the Planning and Development Act 2000, notice of intention to declare roads, open spaces, car parks, sewers, water mains or service connections, at “Ashmount” & “Southridge”, Mayfield, Cork {House Nos. 1-98 at “Ashmount”, House Nos. 1-28 at “Southridge”, House Nos. 39, 40, 41 and 42 Silversprings Court}, to be public roads,

open spaces, car parks, sewers, water mains or service connections was published on 7th December, 2009.

Objections or representations with regard to this proposal were invited. None were received.

The roads, open spaces, car parks, sewers, water mains or service connections are of general public utility. The financial implications of declaring these roads to be public roads, open spaces, car parks, sewers, water mains or service connections has been considered.

Subject and without prejudice to the elected Council's consideration of the written representations or objections received within the prescribed statutory period set out in section 11 (1) (b) of the Roads Act, 1993, I now recommend that this report be referred by the Roads and Transportation Functional Committee to Council for approval and that this Committee recommend the following resolution to Council for adoption;

Now Council hereby RESOLVES THAT

"Having considered the representations and/or objections which were received in writing within the prescribed statutory period set out in section 11 (1) (b) of the Roads Act 1993, and Pursuant to the provisions of Section 180 of the Planning and Development Act 2000 in circumstances where Council is being asked to consider the proposed taking in charge of a residential development and the provisions of Section 11 (1) of the Roads Act 1993, it is now hereby Ordered that the roads, open spaces, car parks, sewers, water mains or service connections, at "Ashmount" & "Southridge", Mayfield, Cork {House Nos. 1-98 at "Ashmount", House Nos. 1-28 at "Southridge", House Nos. 39, 40, 41 and 42 Silversprings Court}, be taken in charge forthwith".

On the proposal of Comhairleoir J. Corr, seconded by Comhairleoir M. Shields, An Chomhairle unanimously approved the adoption of the following resolution:

"Now Council hereby **RESOLVES THAT** having considered the representations and/or objections which were received in writing within the prescribed statutory period set out in section 11 (1) (b) of the Roads Act 1993, and Pursuant to the provisions of Section 180 of the Planning and Development Act 2000 in circumstances where Council is being asked to consider the proposed taking in charge of a residential development and the provisions of Section 11 (1) of the Roads Act 1993, it is now hereby Ordered that the roads, open spaces, car parks, sewers, water mains or service connections, at "Ashmount" & "Southridge", Mayfield, Cork {House Nos. 1-98 at "Ashmount", House Nos. 1-28 at "Southridge", House Nos. 39, 40, 41 and 42 Silversprings Court}, be taken in charge forthwith".

5.3 **TAKING IN CHARGE OF "COLLEGE VIEW", OFF CAHERGAL LAWN, OLD YOUGHAL ROAD, CORK. 16 No. Houses, (1-7 on Old Youghal Road) (8-16 off Cahergal Lawn)**

An Chomhairle considered and approved the report of Assistant City Manager, dated 4th February, 2010 regarding the taking in charge of "College View", off Cahergal Lawn,

Old Youghal Road, Cork - 16 No. Houses, (1-7 on Old Youghal Road) and (8-16 off Cahergal Lawn).

The report of the Assistant City Manager stated that, "I refer to development at "College View", Off Cahergal Lawn, Old Youghal Road, Cork.

In accordance with Section 11 of the Roads Act 1993, and in compliance with Section 180 of the Planning and Development Act 2000, notice of intention to declare roads, open spaces, car parks, sewers, water mains or service connections, at "College View", Off Cahergal Lawn, Old Youghal Road, Cork {16 No. Houses, (1-7 on Old Youghal Road, 8-16 off Cahergal Lawn)}, to be public roads, open spaces, car parks, sewers, water mains or service connections was published on 7th December, 2009.

Objections or representations with regard to this proposal were invited. None were received.

The roads, open spaces, car parks, sewers, water mains or service connections are of general public utility. The financial implications of declaring these roads to be public roads, open spaces, car parks, sewers, water mains or service connections has been considered.

Subject and without prejudice to the elected Council's consideration of the written representations or objections received within the prescribed statutory period set out in section 11 (1) (b) of the Roads Act, 1993, I now recommend that this report be referred by the Roads and Transportation Functional Committee to Council for approval and that this Committee recommend the following resolution to Council for adoption;

Now Council hereby **RESOLVES THAT**

"Having considered the representations and/or objections which were received in writing within the prescribed statutory period set out in section 11 (1) (b) of the Roads Act 1993, and Pursuant to the provisions of Section 180 of the Planning and Development Act 2000 in circumstances where Council is being asked to consider the proposed taking in charge of a residential development and the provisions of Section 11 (1) of the Roads Act 1993, it is now hereby Ordered that the roads, open spaces, car parks, sewers, water mains or service connections, at "College View", Off Cahergal Lawn, Old Youghal Road, Cork {16 No. Houses, (1-7 on Old Youghal Road, 8-16 off Cahergal Lawn)}, be taken in charge forthwith".

On the proposal of Comhairleoir D. O'Flynn, seconded by Comhairleoir J. Buttimer, An Chomhairle unanimously approved the adoption of the following resolution:

"Now Council hereby **RESOLVES THAT** having considered the representations and/or objections which were received in writing within the prescribed statutory period set out in section 11 (1) (b) of the Roads Act 1993, and Pursuant to the provisions of Section 180 of the Planning and Development Act 2000 in circumstances where Council is being asked to consider the proposed taking in charge of a residential development and the provisions of Section 11 (1) of the Roads Act 1993, it is now hereby Ordered that the roads, open spaces, car parks, sewers, water mains or service connections, at "College

View”, Off Cahergal Lawn, Old Youghal Road, Cork {16 No. Houses, (1-7 on Old Youghal Road, 8-16 off Cahergal Lawn)}, be taken in charge forthwith”.

5.4 **2010 ROADS PROGRAMME**

An Chomhairle considered and approved the report of Assistant City Manager, dated 4th February, 2010, on the following motion which was referred to the Committee by An Chomhairle.

‘That the following be included in the 2010 Roads Programmes: -
Resurfacing of Deerpark Estate
Resurfacing of Barrack Street
Resurfacing of Tramore Road
Resurfacing of stretches of Green Street and Mount Sion Road.’

(Proposer: Cllr. M. Finn 09/435)

The report of the Assistant City Manager stated that, Deerpark Estate, Barrack St., Tramore Rd., Green St. and Mount Sion Rd. will be considered for inclusion in the 2010 Resurfacing Programme.

5.5 **CCTV IN BLARNEY STREET**

An Chomhairle considered and approved the report of Assistant City Manager, dated 4th February, 2010, on the following motion which was referred to the Committee by An Chomhairle.

‘That CCTV would be installed in Blarney Street to help tackle anti-social behaviour.’

(Proposer: Cllr. K. O’Flynn 09/220)

The report of the Assistant City Manager stated that, the installation of the CCTV system in the City Centre was carried out by contractors on behalf of the Department of Justice in conjunction with the Garda Síochána. The system is managed and operated solely by the Gardaí. The only involvement Cork City Council had was to allow the contractor to use where available, traffic ducting to carry the CCTV cable.

The installation of a CCTV system for Blarney Street is therefore primarily the concern of the Gardaí. The Gardaí will be informed of the request in the above motion and if it is decided to proceed with the installation of CCTV in Blarney Street, the City Council will give any assistance possible.

5.6 **TRAFFIC FLOW AT JUNCTION AT FRIAR STREET/ EVERGREEN STREET/ DOUGLAS STREET AND INDUSTRY STREET**

An Chomhairle considered and approved the report of Assistant City Manager, dated 4th February, 2010, on the following motion which was referred to the Committee by An Chomhairle.

‘That Cork City Council reviews traffic flow and safety precautions at the spaghetti junction at Friar Street/ Evergreen Street/ Douglas Street/ Industry Street and introduces any required features including road markings and/ or electronic roadside signage, mindful of increased one-way traffic travelling west along Evergreen Street and the implications that this is having on the junction.’

(Proposer: Cllr. M. Finn 09/434)

The report of the Assistant City Manager stated that, the junction of at Friar Street/ Evergreen Street/ Abbey Street (Douglas Street)/ Industry Street is being examined in the context of the South Parish Area Action Plan. A particular road layout format for the junction is proposed for the public consultation stage of the Area Action Plan.

Depending on the responses from the general public and various stakeholders, a final layout will be designed subject to road safety considerations, etc. The implementation of the new layout will be put forward for consideration to be included in the roads programme.

5.7 **ROAD OPENING LICENCE**

An Chomhairle considered and approved the report of Assistant City Manager, dated 4th February, 2010, on the following motion which was referred to the Committee by An Chomhairle.

‘That Cork City Council ensure that all utilities that apply for a Road Opening Licence be obliged to contact other users with a view to informing them of the intended work.’

(Proposer: Cllr. S. Martin 09/430)

The report of the Assistant City Manager stated that, Cork City Council operates a Roadworks Control System for the purpose of authorising road cuttings. The Roads & Transportation Directorate circulates weekly a list of all works which have been granted a licence to the following:

- Bord Gais
- E-Net
- ESB
- UPC T/A Chorus
- BT Ireland
- Cork City Council Personnel (Roads Maintenance, Fire, Traffic, Roads Inspector)

5.8 **ANTI-SOCIAL BEHAVIOUR**

An Chomhairle considered and approved the report of Assistant City Manager, dated 4th February, 2010 on the following motion which was sent back by Council to the Committee.

‘That Cork City Council prepare a report for Council on the alternative options which can be pursued to successfully eliminate anti-social behaviour with options other than total closure being looked at including the use of gates during particular times with

general agreement of residents and Gardai where abolition of public rights of way cannot be agreed.’

(Proposer: Cllr. T. Brosnan 09/400)

The report of the Assistant City Manager stated that, S73 of the Roads Act 1993 states that “It shall be a function of a local authority to protect the right of the public to use public rights of way in its administrative area.”

The legal option that Local Authorities have with regard to public rights of way is covered by Section 73 of the Roads Act 1993 which covers the extinguishment of public rights of way. This section outlines the statutory process to be undertaken to effect the proposed extinguishment of a public right of way.

The elimination of anti-social behaviour itself is a public order matter for the Garda Síochána. Laneway closures may assist in reducing anti-social behaviour at the specific location in question but in many cases only result in the problem being moved to another location.

Where extinguishments of public rights of way have been enacted, the laneways are permanently closed off from use by the general public.

6. **HOUSING & COMMUNITY FUNCTIONAL COMMITTEE – 8th FEBRUARY 2010**

6.1 **MONTHLY REPORT**

An Chomhairle considered and approved the report of the Director of Services, Housing & Community on Housing for the month of January, 2010.

6.2 **SOCIAL HOUSING INVESTMENT PROGRAMME – PROVISIONAL ALLOCATIONS 2010**

An Chomhairle considered and approved the report of the Director of Services, Housing & Community dated 4th February, 2010 in relation to the Department of the Environment, Heritage & Local Government letter dated 27th January, 2010 setting out the City Council’s Social Housing Provisional Allocations for 2010.

6.3 **GRAFFITI REMOVAL PROJECT**

An Chomhairle considered and approved the report of the Director of Services, Housing & Community dated 4th February, 2010 on the Graffiti Removal Project.

6.4 **MONTHLY UPDATE ON HOUSING APPLICATIONS**

An Chomhairle considered and approved the report of the Director of Services, Housing & Community dated 2nd December, 2009 on the following motion referred to the Committee by An Chomhairle:-

‘That Cork City Council mandates the housing department to provide Councillors with a monthly update, in writing, on the status of housing applications on whose behalf they have made representations.’

(Proposer: Cllr. T. Gould 09/360)

The report of the Director of Services stated that the information requested is not currently available in the format outlined and unfortunately there are no resources available to compile it in this manner. Applicants can enquire as to the status of their application at any time, either by calling to the public counter, which is open Monday to Friday from 9.00 a.m. to 4.00 p.m. or by contacting the office by telephone.

The report also stated that Members are provided with a report of all allocations made and refusals on a monthly basis.

6.5 **ACCESS TO LANEWAY NEXT TO THE LOUGH COMMUNITY CENTRE**

An Chomhairle considered and approved the report of the Director of Services, Housing & Community dated 4th February, 2010 on the following motion referred to the Committee by An Chomhairle.

‘That Cork City Council open the access to the laneway next to the Lough Community Centre. The lane has become overgrown and there are problems with vermin in the area. A recent inspection by the Fire Officer also reported that as one of the community centre’s fire exits opens onto the laneway, work will need to be done to free it up. The Lough Community Association are willing to make the laneway into a community garden.’

(Proposer: Cllr. E. O’Halloran 09/421)

The report of the Director of Services stated that as set out in the Part 8 report to Council, dated 1st November 2004, in respect of the construction of social housing units at the ‘Dyefield’, Deerpark, Friars Walk, the laneway adjoining the Lough Community Association Centre, was not included within the development site and the control over the area (i.e. laneway) was to be given to the Community Association.

Consideration on the form of ‘disposal’ has been complicated by submissions from a third party outlining their right of interest of access to the laneway, since the Part 8 Report was approved by Council.

The report also stated that although our discussions on the matter were at an advanced stage, in the past couple of months, in the course of finalising the details of disposal for the Property Section’s report to Council, the third party met with a City Council Housing official and advised that he would be making a further written submission to the City Council’s Law Agent. The Housing Directorate deferred the matter pending receipt of the written submission. However, as the submission has not been received in the intervening 2 months, it is proposed to forward the proposals for the disposal to the Property Department to progress, over the coming weeks. In response to the issues

raised in respect of the laneway being overgrown and problems with vermin, the Housing Directorate will inspect the site and attend to the matter.

7. **CORRESPONDENCE**

An Chomhairle note the following correspondence from:

Galway County Council dated 28th January 2010
Carrick On Suir Town Council dated 10th February 2010
Tipperary Town Council dated 10th February 2010
Wicklow Town Council dated 11th February 2010
Ennis Town Council dated 15th February 2010
Donegal County Council dated 15th February 2010

8. **CONFERENCE/ SEMINAR SUMMARIES**

An Chomhairle noted the following summaries by Members of Conferences/Seminars attended:-

- Cllr. M.O'Connell –***Flood Management and Local Government*** - 5/6 February 2010 – Co.Clare
- Cllr. S.Martin – ***Media 2010 training & Communications*** - 5/6 February 2010 - Dungarvan
- Cllr. S.Martin –***AMAI Spring Seminar*** - 12/13 February 2010 – Sligo
- Cllr. M. Shields –***Planning Seminar For Councillors*** - 29/30 January 2010 – Limerick
- Cllr. L.Kingston–***Flood Management and Local Government*** - 5/6 February 2010 – Co.Clare

9 **CONFERENCES/ SEMINARS**

An Chomhairle considered the approval of Conferences. On the proposal of Comhairleoir S. Martin, seconded by Comhairleoir J. Kelleher, a vote was called for on the approval of attendances of Councillors listed at the various seminars and conferences below, where there appeared as follows:-

FOR: Comhairleoirí J. Kelleher, Ardmhéara D. Murphy, C. Clancy, P. Gosch, D. McCarthy, T. Fitzgerald, L. McGonigle, D. O'Flynn, T. Shannon, J. Corr, L. Kingston, E. O'Halloran, S. Martin, J. Buttimer, M. Shields, M. Ahern, G. Gibbons. - (17)

AGAINST: Comhairleoirí T. Gould, D. Cahill, C. O'Leary, K. McCarthy, M. Finn F. Kerins, H. Cremin. (7)

ABSTAINED: Comhairleoirí: M. Barry (1)

An tArd-Mhéara declared the vote carried and the attendance of the Councillors at the various seminars and conferences approved, as listed hereunder

SEMINARS

9.1 THE COUNCILLOR, COMMUNICATIONS & LOCAL DEVELOPMENT

The attendance of Comhairleoir P.Gosch at the Councillors Training Seminar “The Councillor, Communications & Local Development”, being held in the Day’s Hotel, 1 Merchants Quay, Waterford, on the 26th – 28th February 2010.

9.2 CHANGE MANAGEMENT IN LOCAL GOVERNMENT

The attendance of Comhairleoir Sean Martin on the training seminar “Change Management in Local Government”, being held in Westport Plaza Hotel, Castlebar Street, Westport, Co. Mayo on the 19th to 21st February 2010

9.3 FLOOD MANAGEMENT & LOCAL GOVERNMENT

The attendance of Comhairleoir Catherine Clancy on the training seminar “Flood Management & Local Government”, being held in Falls Hotel, Ennistymon, Co. Clare on the 5th to 6th February 2010.

10 CONFERENCES

10.1 18th ANNUAL KERRY ENVIRONMENTAL RECOGNITION CONFERENCE

The attendance of Comhairleoir Patricia Gosch on the 18th Annual Kerry Environmental Recognition Conference being held in Manor West Hotel, Tralee, Co. Kerry.

10.2 IRISH MUSEUMS ASSOCIATION CONFERENCE

The attendance of Comhairleoir Emmet O’Halloran on the Irish Museums Association Conference being held at the Malton Hotel, Killarney on the 26th – 28th February 2010.

10.3 DRIVING LOCAL SUSTAINABLE TOURISM CONFERENCE

The attendance of Comhairleoir John Kelleher on the Driving Local Sustainable Tourism Conference being held at the Celtic Ross Hotel, Rosscarbery, Co. Cork on the 12-14th March 2010.

10.4 NATIONAL CONFERENCE “OUR TOWNS A 20:20 VISION”

The attendance of Comhairleoir Terry Shannon & Comhairleoir S. Martin on the National Conference “Our towns A 20:20 Vision” being held at the Mermaid Arts Centre, Main Street, Bray, Co. Wicklow on the 5th – 6th March 2010.

11. MOTIONS DEFERRED FROM THE MEETING HELD ON 15TH FEBRUARY, 2010

An Chomhairle approved the following motions which were deferred from the meeting held on 15th February, 2010.

11.1 **RE-NEGOTIATION OF DEAL BETWEEN GOVERNMENT & SHELL GROUP ON CORRIB GAS PROJECT**

‘That Cork City Council, in light of current economic difficulties, supports calls for a renegotiation of the deal between the Irish Government and the Shell-led group on the Corrib Gas Project with a view to proper compensation (for local people affected by the logistics of the project and for the public purse) for the disposal of such a valuable natural resource, and that the council extends its support to those genuine people who continue to feel injustice as a result of the ongoing difficulties associated with construction.’

(Proposer: Cllr. M. Finn 10/39)

11.2 **REVIEW OF SECONDARY SCHOOL CURRICULUM**

‘That Cork City Council calls on the Department of Education to review the extent to which bleak and depressing writers and literature occupy such a prominent place in both Irish and English in Secondary School curriculum.’

(Proposer: Cllr. T. Brosnan 10/42)

12. **MEETING SCHEDULE**

An Chomhairle noted meeting schedule from February – End of April 2010.

13. **MOTIONS**

An Chomhairle referred the following motions to the relevant committees:-

13.1 **TRAFFIC CALMING RAMPS – MAC SWINEY’S VILLAS AND SAINT BRIDGET’S ROAD**

‘That traffic calming ramps be installed MacSwiney’s Villas and Saint Bridget’s Road, in order to slow down the increased traffic in the area.’

(Proposer: Cllr. K. O’ Flynn 09/241)

Roads & Transportation Functional Committee

13.2 **TAKE IN CHARGE – GLENVIEW PARK, GLEN AVENUE, DILLON’S CROSS**

‘That Cork City Council take Glenview Park, Glen Avenue, Dillon’s Cross in charge as soon as possible and advise Council the reason why it was not taken in charge before now.’

(Proposer: Cllr. K. O’ Flynn 09/242)

Planning & Development Functional Committee

13.3 **GREEN TO PARKING PROGRAMME – CLARKES ROAD**

‘That Clarkes Road be included in the Green to Parking Programme.’

(Proposer: Cllr. S. Martin 10/30)

Roads & Transportation Functional Committee

13.4 **GREEN TO PARKING PROGRAMME – CONNOLLY ROAD & PEARSE ROAD**

‘That Cork City Council:-

a) would consider Connolly Road and Pearse Road to be included in the Green to Parking Programme.

b) That the Green to Parking Programme be considered for wider footpaths through out the City especially where residents are already parking on the footpath.’

(Proposer: Cllr. S. Martin 10/31)

Roads & Transportation Functional Committee

13.5 **GAA PITCH – NEW INCHIGAGGIN COMPLEX**

‘That Cork City Council will provide a full sized GAA pitch as part of the plans for the new Inchigaggin complex’

(Proposer: Cllr. E. O’Halloran 10/53)

Recreation, Amenity & Culture Functional Committee

13.6 **PUBLIC LIGHTING FEVER HOSPITAL**

‘That the Public Lighting be improved on the Fever Hospital Steps’

(Proposer: Cllr. C. Clancy 10/62)

Roads & Transportation Functional Committee

13.7 **CORK CITY COUNCIL LOW CALL NUMBER**

‘That Cork City Council put in place a low call number for Cork City Council.’

(Proposer: Cllr. C. Clancy 10/63)

Corporate Policy Group

13.8 **CURRENT TRAFFIC CONFIGURATION – WELL ROAD**

‘That Cork City Council Traffic Department would report to the Roads & Transportation Committee on the operation of the current traffic configuration at the junction of the Well Road, Douglas Road and would move to restore the right hand turn to the city to alleviate the major traffic congestion that the lack of this turn is causing.’

(Proposer: Cllr. T. Shannon 10/64)

Roads & Transportation Functional Committee

13.9 **CURRENT TRAFFIC CONFIGURATION – PALACEANNE LAWN & SOUTH DOUGLAS ROAD**

‘That Cork City Council Traffic Department would report to the Roads and Transportation Committee:-

- a) On the current traffic configurations at the junction of Palace Anne Lawn and the South Douglas Road. In particular the report should refer to the lack of sight for motorists exiting Palace Anne Lawn from the right hand side.
- b) That a pelican crossing be installed at this location to enable local residents to cross to local shops and post office.’

(Proposer: Cllr. T. Shannon 10/65)

Roads & Transportation Functional Committee

13.10 **ESB SUBSTATION, CAROLINE STREET – TURNED INTO ART GALLERY**

‘That the ESB sub-station on Caroline Street, presently occupied by the Triskel Arts Centre be acquired (or work with multi art agencies) and turned into a City Council Art Gallery post the re-location home of the Triskel to Tobin Street / Christ Church proposed for October 2010.’

(Proposer: Cllr. K. McCarthy 10/69)

Recreation, Amenity & Culture Functional Committee

13.11 **DOG FOULING SIGNS – BALLINLOUGH**

‘That dog fouling fine signs be erected in Ballinlough especially on the approach roads to local schools.’

(Proposer: Cllr. K. McCarthy 10/70)

Environment Functional Committee

13.12 **TRAFFIC CALMING MEASURES – MARDYKE WALK**

‘That traffic calming measures be introduced to the Mardyke Walk immediately due to the fact that residents have very serious concerns for their safety due to dangerous driving along the Walk.’

(Proposer: Cllr. G. Gibbons 10/71)

Roads & Transportation Functional Committee

13.13 **FOOTPATHS AT BALLYVOLANE ROAD & BALLYHOOLEY NEW ROAD**

‘That Cork City Council would install a footpath on the left hand side of Ballyvolane Road at the junction with Ballyhooly new road. This footpath would facilitate pedestrians who use the pedestrian crossing at this junction and provide a safer and more accessible access for them.’

(Proposer: Cllr. T. Gould 10/73)

Roads & Transportation Functional Committee

13.14 **BIN COLLECTION – WAIVER SCHEME**

An Chomhairle agreed to refer the following motion to the next meeting of An Chomhairle.

‘That Cork City Council request the Government to refund the value of the 13% VAT being imposed on council services such as the bin collection against the value of the waiver scheme that Cork City Council provides, in order that Cork City Council can continue to provide a waiver to the city’s most needed and vulnerable people.’

(Proposer: Cllr. T. Gould 10/72)

Finance Functional Committee

Consideration of the following motions were deferred to the next meeting of An Chomhairle

14.1 **SOLIDARITY FOR CORK CITY COUNCIL EMPLOYEES**

‘That this Council expresses its solidarity with the workers of Cork City Council engaging in a work to rule starting on 25 January. The aim of the work to rule is to reverse the 17% average pay cut implemented in 2009. The pay cut and the current embargo on recruitment mean that Cork City Council workers are currently working harder for less.”

(Proposer: Cllr. C. O’Leary 10/60)

14.2 **BUS SERVICES CUTS**

‘That Cork City Council are opposed to the devastating cuts that our communities are facing in Bus Services on a range of routes across Cork City. We demand that these proposed cuts on City Bus services be scrapped, the upgrade and maintenance be retained to service all areas of the city.’

(Proposer: Cllr. C. O’Leary 10/61)

14.3 **ORTHOPAEDIC SERVICES**

‘That Cork City Council opposes the Health Service Executive’s plans to move all orthopaedic services from St Mary’s Orthopaedic Hospital, Gurrabraher and instead calls for the expansion of orthopaedic services on the St Mary’s site.’

(Proposer: Cllr. M. Barry 10/75)

14.4 **INDUSTRIAL RELATIONS ACT 09**

‘That Cork City Council opposes any attempt to insert an amendment to the Industrial Relations Act 2009 allowing for an "inability to pay" clause for employers in the JLC sector.’

(Proposer: Cllr. M. Barry 10/76)

This concluded the business of the meeting.

**ARDMHÉARA
CATHAOIRLEACH**