**COMHAIRLE CONTAE ÁTHA CLIATH THEAS**  
**SOUTH DUBLIN COUNTY COUNCIL**

Minutes of South Dublin County Council May 2018 County Council Meeting held on 14th May 2018

**PRESENT**

|  |  |  |  |
| --- | --- | --- | --- |
| **Councillors** |  | **Councillors** | |
| Bonner, B. |  | Leech, B. | |
| Casserly, V. |  | Looney, D. | |
| Donovan, P. |  | Mahon, K. | |
| Duff, M. |  | Mc Cann, C. | |
| Duffy, F. |  | McMahon, C. | |
| Dunne, L. |  | McMahon, R. | |
| Egan, K. |  | Murphy, E. | |
| Ferron, B. |  | Murphy, M. | |
| Foley, P. |  | Nolan, R. | |
| Genockey, M. |  | O’Brien, D. | |
| Gilligan, T. |  | O’Brien, E. | |
| Gogarty, P. |  | O’Connell, G. | |
| Graham, J. |  | O’Connor, C. | |
| Hendrick, E. |  | O’Donovan, D. | |
| Higgins, E. |  | O’Toole, L. | |
| Holland, S. |  | Richardson, D. | |
| Johansson, M. |  | Russell, R. | |
| Kearns, P. |  | Timmons, F. | |
| King, C. |  | Ward, M. | |
| Lawlor, B |  |  | |
|  |  |  | |
|  |  |  | |
|  |  | |

**OFFICIALS PRESENT**

|  |  |
| --- | --- |
| Chief Executive | D. McLoughlin. |
| Directors/ Heads of Services  A/Head of Services  Head of Finance  County Architect | B. Coman, L. Maxwell, F. Nevin.  L. Leonard.  R. FitzGerald.  E. Conroy. |
| Senior Executive Officers  Senior Parks Superintendent  Senior Executive Parks Super  Senior Engineer  Senior Planner | H. Hogan, C. Ward  S. Furlong  L. Colleran  L. Magee  B. Keaney |
| Administrative Officers | C. Murphy, N. Noonan, |
| Staff Officer  Clerical Officer  IT. Support  Sord | K. Dunne.  M. Dunne.  D. Cairnduff, Colin De Cruz.  A. O’Brien. |

The Mayor P. Gogarty Presided.

Apologies were received from Councillors V. Casserly and W. Lavelle.

**H1/0518 CONFIRMATION AND RE-AFFIRMATION OF MINUTES**

Minutes of the April County Council Meeting on 9th April, 2018 which had been circulated were submitted and **APPROVED** as a true record and signed in the proposition of Councillor P. Gogarty seconded by D. Richardson

**H2a/0518 REPORTS OF AREA COMMITTEES** -**RATHFARNHAM/TEMPLEOGUE- TERENURE AREA COMMITTEE - 10TH APRIL 2018**

Dealing with Public Realm, Water & Drainage, Housing, Community, Planning, Economic Development, Libraries &**Arts**, Corporate Support, Performance & Change Management.

The following report by the Chief Executive, which had been circulated, was presented by Mr. Frank Nevin, Director of Economic, Enterprise & Tourism Development, and was **CONSIDERED**:

**“Application for Arts Grants**

An Application for an Arts Grant under Section 6 of the Arts Act 2003, has been received from the organisation listed below.

Payment of this grant, in accordance with the conditions of the Scheme and in the amount set out hereunder, is recommended for approval:-

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Ref:** | **Name of Group** | **Type of Application - Grant** | **Date Received** | **Amount €** |
| AGF 893 | Holy Spirit Senior Primary School, Greenhills, Dublin 12 | Grant to be used for costs of providing the ‘Show in a School’ programme for 71, 6th class students. The programme provides a number of workshops in dance, music and drama, and a final performance which will take place on the 18th June 2018. | 10th April 2018 | €650 |

It was proposed by Councillor D Looney and seconded by Councillor P Foley and RESOLVED:-

“That this Committee recommends that South Dublin County Council approve payment of the above grants recommended in the foregoing report”.

  The report was **NOTED** and it was proposed by Councillor P. Gogarty seconded by Councillor F. Timmons and **RESOLVED**:

“That the recommendations contained in the foregoing report of The Rathfarnham/Templeogue-Terenure Committee 10th April 2018 be **ADOPTED** and **APPROVED.**”

**H2b)/0518 REPORTS OF AREA COMMITTEES - CLONDALKIN AREA COMMITTEE – 18TH APRIL 2018**

 Dealing with Public Realm, Water & Drainage, Housing,   Community, Planning, Economic Development, Libraries & Arts, Corporate Support, Performance & Change Management

It was **NOTED** that there was **NO** Business under this Heading.

**H2c/0518 REPORTS OF AREA COMMITTEES - TALLAGHT AREA COMMITTEE – 23RD APRIL 2018**

 Dealing with Public Realm, Water & Drainage, Housing, Community, Planning, Economic Development, Libraries & (i) **Arts, (ii) Corporate Support, Performance & Change Management**

The following report by the Chief Executive, which had been circulated, was presented by Mr. Frank Nevin, Director of Economic, Enterprise & Tourism Development, and was **CONSIDERED**:

**(i)“Application for Arts Grants**

Tallaght / Harold’s Cross Musical Society

In reference to the application submitted, Tallaght/Harold’s Cross Musical Society has applied for an event subsidy grant in regard its annual production to be held in the Civic Theatre from in November 2018. Over 40 people from South Dublin County are involved in the group which has been staging musicals in the Civic Theatre since 2000.

The Arts Office recommends a grant of €650 be allocated to Tallaght/Harold’s Cross Musical Societies under the Arts Act Grant 2003 to support the presentation of musical Theatre in South Dublin County.

It was proposed by Councillor C. O’Connor and seconded by Councillor M. Genockey and **RESOLVED:**

“That this Committee recommends that South Dublin County Council approve payment of the above grants recommended in the foregoing report”.

The report was **NOTED** and it was proposed by Councillor C. King seconded by Councillor M Duff and **RESOLVED**:

“That the recommendations contained in the foregoing report of The Tallaght Area Committee 23rd April 2018 be **ADOPTED** and **APPROVED.**”

In accordance with **Standing Order No.** **13** it was **AGREED** with the consent of the Members to vary the sequence of business and to take **Report from Area Committee Headed Item 2 and M10** (of similar subject matter) in tandem.

The following motion from the Tallaght Area Committee Meeting, which had been circulated, was presented by Ms L Maxwell, Director of Corporate Performance and Change Management, and was **CONSIDERED:**

**(ii) It was proposed by Councillor L. Dunne and seconded by D. Richardson**

"That this Area Committee wishes to express its solidarity with the Palestinians and the unarmed peaceful protesters who were shot at, with some being murdered by the IDF.  We call on the Chief Executive to write to the Minister for Foreign Affairs & the Taoiseach to immediately expel the Israeli Ambassador from Ireland, for Israel’s crimes against the Palestinian people and to express to the Israeli's that these actions are unacceptable under International Law and to end its military onslaught."

A discussion followed with contributions from Councillors L. Dunne, M. Duff, C. King, P. Kearns, M. Murphy, R. Nolan and P. Gogarty.

A vote was taken on the Motion by a **show of hands vote** and the result was as follows:

**FOR: 26 (TWENTY SIX)**

**AGAINST: 0 (ZERO)**

**ABSTAINED: 3 (THREE)**

The Motion was **AGREED.**

**M10/0518 GOODS AND SERVICES PRODUCED IN ISREAL**

**Councillor D. Richardson**

“This Council supports South Dublin County becoming free from goods and services produced in Israeli settlements illegally established on stolen Palestinian land and therefore urges Senators to support the Control of Economic Activity (Occupied Territories) Bill, 2018”

**REPORT:**

If the Motion is passed we will write to the Senators asking them to support the Control of Activity (Occupied Territories) Bill 2018

A discussion followed with contributions from Councillors C. King, D. Richardson, M. Duff and L. Dunne.

A show of hands vote was taken on the motion and the results was as follows:

**FOR 26(TWENTY SIX)**

**AGAINST 0 (ZERO)**

**ABSTAINED 3 (THREE)**

The Motion was **AGREED:**

**H2c)/0518** **REPORTS FROM AREA COMMITTEES - LUCAN AREA COMMITTEE – 24TH APRIL 2018**

 Dealing with Public Realm, Water & Drainage, Housing, Community, Planning, Economic Development, Libraries & Arts, Corporate Support, Performance & Change Management

It was **NOTED** that there was **NO** Business under this Heading.

**H3/0518 STANDING COMMITTEES ORGANISATION, PROCEDURE & FINANCE**

It was **NOTED** that there was **NO** Business under this Heading.

**H4/0518 STRATEGIC POLICY COMMITTEES**

It was **NOTED** that there was **NO** Business under this Heading.

**H5/0518 REPORTS REQUESTED FROM AREA COMMITTEES**

It was **NOTED** that there was **NO** Business under this Heading.

**QUESTIONS**

It was proposed by Councillor P. Gogarty seconded by Councillor G. O Connell and **RESOLVED**:

“That pursuant to Standing Order No. 13, Questions numbered Q1–Q19 be **ADOPTED** and **APPROVED.”**

**Q1/0518 DODDER GREENWAY**

**QUESTION: Councillor P. Foley**

To ask the Chief Executive for an update on the Dodder Greenway Route?

**REPLY:**

  The Dodder Greenway is progressing through final design stage

**Q2/0518 PART V**

**QUESTION: Councillor M. Johansson**

To ask the Chief Executive to outline the total number of Part V properties acquired by SDCC in 2017, and include a breakdown of those in the various LEA's?

**REPLY:**

A total of 51 Part V units were delivered in 2017 across the county. The breakdown by local electoral area is as follows:

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Local Electoral Area** | **Delivered Q1 2017** | **Delivered Q2 2017** | **Delivered Q3 2017** | **Delivered Q4 2017** | **Total** |
| Clondalkin |  |  | 14 | 5 | 19 |
| Lucan |  |  | 2 |  | 2 |
| Rathfarnham |  |  |  | 6 | 6 |
| Tallaght Central |  |  | 22 |  | 22 |
| Tallaght South | 1 | 1 |  |  | 2 |
| Grand Total | 1 | 1 | 38 | 11 | 51 |

**Q3/0518 PLANNING INSPECTIONS**

**QUESTION: Councillor P. Kearns**

To ask the manager what is the current timeline following a report of a suspected breach of planning to an inspection being carried out.

**REPLY:**

Planning Enforcement legislation sets time limits within which alleged unauthorised development must be investigated. Matters of a serious nature are examined within a short timeframe.

Upon written receipt of a complaint the Planning Authority carries out due diligence to establish all owners, occupiers or other interests in the development ahead of issuing a Warning Letter.  In certain cases it is possible to establish from evidence available to the Planning Authority that no action is open to us e.g. statute barred.  The Planning Authority may also examine and exercise judgement on whether the complaint is trivial or vexatious.

The Warning Letter, which must be served within six weeks of receiving the complaint, allows an owner/occupier or developer up to four weeks to rectify the offence or to make a submission.  A submission to the Planning Authority may include evidence that may preclude taking further action.

Ordinarily following the four week period, a planning inspector is assigned to the case and an inspection is carried out at the earliest possible opportunity.

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**Q4/0518 DEVELOPMENT PLAN VARIATION**

**QUESTION: Councillor W. Lavelle**

To ask the Chief Executive to provide a written statement in response to the vote by elected members on motion no.3 at the March meeting of this Council to request the initiation of a development plan variation process and the commencement of a consultation with the public and statutory stakeholders ahead of a separate vote in the substantive matter of the variation proposal?

**REPLY:**

Section 13 of the Planning and Development Act 2000 (as amended) sets down the statutory making a variation to a development plan is an executive function and not a reserved function.

At the March 2018 County Council Meeting this issue was addressed as part of the debate in relation to Motion 12. Notwithstanding the vote and as outlined on that occasion it is not considered appropriate for the Chief Executive initiate a variation to the South Dublin County Development Plan 2016 – 2022 (the Development Plan) to alter the zoning matrix for the RW (Retail Warehouse) zoning by making ‘*Shop Neighbourhood*’ open for consideration and by the insertion of ‘*Specialist Forms of Retailing*’ as open for consideration by virtue of the fact that there is no policy support for such a change. Such a variation would be contrary to the Regional Planning Guidelines, the County Retail Strategy and the Development Plan policies and objectives which are aimed at restricting the role of retail warehousing to the sale of bulky goods. Furthermore it would seriously impact on the vitality and viability of existing designated town centres and major retail centres in the area and would be contrary to the proper planning and sustainable development.

**Q5/0518 ALAGS**

**QUESTION: Councillor E. O’Brien**

To ask the Chief Executive  if an application has been made for funding under the 2018 Anti-Litter and Anti-Graffiti Awareness Grant Scheme (ALAGS). And if successful where it is intended to allocate the funding and if specific schemes will be identified to deal

**REPLY:**

  The Anti-Litter and Anti-Graffiti Awareness grant scheme seeks to promote public awareness and education in relation to litter and/or graffiti.

South Dublin County Council is now accepting applications for funding of projects which qualify as Anti-Litter and Anti-Graffiti Awareness Initiatives. The attached advert was disseminated on the 26th April to Cllrs, PPN, Tidy town groups, SCS groups and through SDCC.IE social media and local media.

This Grant Scheme has a particular focus on voluntary initiatives by community and environmental groups, and on involving schools and young people in anti-litter and anti- graffiti awareness actions. Only applications with education & awareness dimensions will be considered for funding.

Further information and an application form can be obtained online at [**www.sdcc.ie**](http://www.sdcc.ie/) or from the Environmental Awareness Section, South Dublin County Council, County Hall, Town Centre, Tallaght, Dublin 24.Phone 01 4149000, email: [**envawareness@sdublincoco.ie**](mailto:envawareness@sdublincoco.ie) Applications must be made to South Dublin County Council no later than **5pm, Thursday 10th May 2018.**

SDCC will then submit an application under this scheme for projects submitted in accordance with the above i.e. that address Anti-Litter and Anti-Graffiti Awareness initiates that adhere to the criteria of the scheme as set out by the DCCAE.

**Q6/0518 PLANNING INSPECTIONS**

**QUESTION: Councillor E. O’Brien**

To ask the Director to detail the number of inspections carried out on Council owned properties over the last 12 months and the number of negative findings resulting from those inspections

**REPLY:**

The Council inspects our own housing stock when a maintenance request is made and the issue reported requires an inspection prior to carrying out the maintenance works.  There were 3069 Maintenance Requests logged between 1st May 2017 and 1st May 2018 where we sought inspections by our maintenance foremen.  1848 of these were in the Tallaght area and 1221 were in the Clondalkin/Lucan area. Following inspection the Foreman of Works can direct remedial actions to be carried out if deemed necessary.

**Q7/0518 INTEGRATION STRATEGIES**

**QUESTION: Councillor C. O'Connor**

To ask the Chief Executive to make a statement in respect of the Council's Migration Integration Strategies and will he give full details of actions he is taking in respect of the matter.

**REPLY:**

South Dublin County Council is currently working on a new Integration Strategy. The majority of the actions identified in the previous strategy have been met.

The Council are developing the new strategy in conjunction with South Dublin County Partnership. Several meetings have been held with various Council departments to examine how the Councils current services may positively impact on the integration of migrants into the County and further consultations with other relevant stakeholders are underway.

The following four thematic areas have been identified for the strategy:

* Inclusive communities
* Lifelong learning
* Enterprise and employment
* Health and wellbeing

The next stage of the development of the strategy is a consultation process with migrant groups which is due to take place towards the end of May.

**Q8/0518 ELECTORAL REGISTER**

**QUESTION: Councillor C. O’ Connor**

To ask the Chief Executive if he is satisfied that everything possible is being done to ensure that all those who are qualified to vote are being included on our Voting Register and in responding will he give an update on his thinking in respect of possible changes to the system through which the Voting Register is compiled.

**REPLY:**

The draft Register was published on the 1st November, 2017 and circulated to all Garda Stations, Libraries, Post Offices, County Registrar and all Councillors, TD’S and MEP’S. The draft was open for members of the public to check their details and submit any amendments. The final register was published on the 1st February 2018 and came into force on 15th February, 2018. There is a facility for those not included to make an application for their names to be added to the supplement. Once entered on the supplement they would be issued with a polling card and are then eligible to vote. The supplement is open until the 8th May, 2018 for those wishing to register to vote in the forthcoming referendum and there has been a national advertising campaign to promote the facility to check the register by May 8th to ensure as many as possible are registered to vote. To date there have been an additional 2,646 added to the supplement up to current date 3rd May, 2018. The Franchise section are processing an additional 150-200 application forms per day.

The methodology used by South Dublin County Council to compile the 2018/2019 register did not differ in any way from that used in previous years. Following the transfer to Voter.ie, it is planned that in the future an online front end portal will allow electors to manage and maintain their own registration details. This will be a much improved system for members of the public to ensure they are registered. It will operate across the four Dublin local authorities with the aim of then becoming a national system rolled out in every local authority. In the interim the four Dublin Authorities are working to agree procedures for the advertising, promotion and updating of data for the 2019/2020 Register of Electors. In order to have a uniform approach South Dublin are engaging with the other three Dublin Authorities to agree a plan for the promotion of the Register of Electors using all available communication methods, delivery of an RFA1 form to every home in the county, print media, Council web site, social media, poster campaigns in Council buildings as well as the national campaigns run by the Department to promote ‘’value your vote’’. Local promotional campaigns were previously run in the IT Tallaght in conjunction with the college, Gardaí and ACT (Active Citizenship Together Committee) to promote registration and these may be repeated as appropriate.

The objective in compiling the Register of Electors is to ensure that all eligible voters are given the opportunity to participate fully in the democratic process and a high quality register is essential to the successful operation of the Electoral System

**Q9/051 RENT ARREARS**

**QUESTION: Councillor C. O’ Connor**

To ask the Chief Executive to outline to the Council actions he is taking in respect of the vast amount of rent arrears owed to the Council and will he also confirm the length of time such arrears are in place.

**REPLY:**

Below is a table outlining the current rent arrears?  The rents section is working with all tenants to address arrears and are currently setting up Debt Management Plans to ensure tenants are able to sustain their tenancies and avoid legal action. Those that do not engage will have their cases progressed through the legal system.

|  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **Rents** |  |  | **RAS** |  |  | **Leasing** |  |  |
| **Tenancies** | **Years** | **€ Arrears Total** | **Tenancies** | **Years** | **€ Arrears Total** | **Tenancies** | **Years** | **€ Arrears Total** |
| 4088 | <=1 | €3,166,188 | 808 | <=1 | €316,365 | 88 | <=1 | €33,981 |
| 776 | <=2 | €2,860,701 | 22 | <=2 | €48,721 | 3 | <=2 | €8,672 |
| 241 | <=3 | €1,341,341 | 4 | <=3 | €22,610 | 1 | <=3 | €6,450 |
| 75 | <=4 | €531,584 | 2 | <=4 | €11,028 | **9** | >3 | €4,966 |
| 34 | <=5 | €226,773 | 223 | >5 | €168,161 |  |  |  |
| 10 | <=6 | €57,535 |  |  |  |  |  |  |
| 9 | <=7 | €69,446 |  |  |  |  |  |  |
| 4 | <=8 | €83,382 |  |  |  |  |  |  |
| 2 | <=9 | €19,633 |  |  |  |  |  |  |
| 376 | >10 | €569,454 |  |  |  |  |  |  |
| **Total** |  | **€8,926,036** |  |  | **€566,884** |  |  | **€54,068** |
|  |  |  |  |  |  |  |  |  |

**Q10/0518 DOG FOULING**

**QUESTION: Councillor C. O'Connor**

To ask the Chief Executive to confirm to the Council his strategy to deal with the menace of dog fouling which is the subject of concern in many areas throughout the County; will he detail actions he is taking and will he also confirm how many fines were issued in respect of this problem in 2017.

**REPLY:**

The menace of dog fouling continues to attract attention and is of concern to many across the county.

[**Section 22 of the Litter Pollution Act 1997**](http://www.irishstatutebook.ie/eli/1997/act/12/section/22/enacted/en/html), as amended (the Act), states that ....."the person in charge of a dog is subject to a fine or prosecution if he/she does not immediately remove any faeces deposited by their dog in certain places, and/or if that person fails to ensure that the dog litter is properly disposed of in a suitable sanitary manner".

In 2017, **one** fine was issued for dog fouling. The difficulty with enforcement of this particular section of the Act is the requirement for witness testimony, to report that the offence happened and that an identified person is the person in charge of the dog. The Council continues to encourage residents groups and/or individuals to assist the Warden Service in this regard.

In efforts to combat the problem of dog foul, and as part fo the Litter Management Plan, the Council has embarked on a high level Dog Foul campaign as follows:

Dog Litter Signage (3 different designs x 100 of each) are available and requests for signage are considered on a case by case basis and signs are only erected on demonstrated need.

The location of the request is examined for suitability and if deemed suitable signs can be erected. If there is/are registered group(s) in existence in an area, signage may be provided directly to the group through the Social Credit Scheme with the caveat that such signage erected must have due regard for public health and safety, and must not impede visibility or restrict traffic, cycling and pedestrian flow. Also, if it is proposed to co-use a pole, authorisation will be required.

Alternatively requests are added to the current signage waiting list, pending determination of suitability, and availability of resources for signage erection.

During 2017 over 210 dog litter signs were erected in South Dublin County Council and 12 were given out directly to Councillors / Registered / Residents Groups for distribution and erection locally.

Similarly, a very forceful media campaign has been undertaken including cinemas and radio adverts.

Currently, dog litter stickers, image attached, are being piloted on existing litter bins demonstrating that these receptacles are suitable for such litter.

Arrangements are also being made for the provision of Green Dog Walker (GDW) promotion material at popup stands in Council's public buildings.  As GDW is a community led initiative it is intended to make a GDW pop up stand available to community groups for use at community events.

**Q11/0518 HOMELESS CRISIS**

**QUESTION: Councillor C. O'Connor**

To ask the Chief Executive to present an up to date report on initiatives he is taking to deal effectively with the homeless crisis effecting families from our County and in reporting will he give statistics in respect of families from our County currently accommodated in hotels/hostels both within our County and elsewhere.

**REPLY:**

On 31st March 2018 there were 269 families registered with South Dublin County Council and accessing emergency accommodation.   These are accommodated in the Family Hubs at Tallaght Cross, Abberley Court, Cuan Alainn and other emergency and hotel accommodation across the Region.  SDCC is working with the DRHE to address the complex needs of this group and provide solutions.  As stated many times, these families have access to a higher rate of HAP with a deposit and first month’s rent.  This is the most appropriate and fastest exit into suitable accommodation and out of their current homeless situation.

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**Q12/0518 COMMUNITY FACILITIES MAPPING**

**QUESTION: Councillor L. O’Toole**

To ask the CEO for an update on the questions/responses to the items below and confirm details of the launch which was planned last year.

*To ask the CEO to update this committee on previous question/response (see below) given in particular the formal launch that was to take place.*

*(QUESTION NO.23****QUESTION: Councillor L. O'Toole****To ask the Chief Executive to report on the Sports facilities audit which was due to be carried out at the beginning of the year.* ***REPLY:****A working group made up of representatives of different departments have developed a Community Facilities Map.   Following a community consultation process the Community GIS was soft launched in April and is now publicly accessible on the Council website:* [***http://sdublincoco.maps.arcgis.com/apps/webappviewer/index.html?id=4d79220add374011 babea9002d015ab7***](http://sdublincoco.maps.arcgis.com/apps/webappviewer/index.html?id=4d79220add374011%09babea9002d015ab7)*This shows community centres, neighbourhood facilities, sports facilities including pitches and playgrounds which are managed or supported by South Dublin County Council.  Details are also provided of other facilities in the county which provide facilities and services which are available within communities such as schools, health centres etc.  This project is still a work in progress, consultation and feedback is ongoing and welcome. It is anticipated that a formal launch of the project will be held later this year)*

**REPLY:**

The mapping facility is now integrated into the Councils newly developed website and is readily available for public use. The mapping system not only has layers detailing community facilities but also includes layers such as parks & recreation; transport; education & enterprise and recycling & waste. As the mapping service is now fully operational for some time (which is periodically updated) there are no plans for a formal launch.

**Q13/0514 HORSES**

**QUESTION: Councillor L. O’ Toole**

To ask the Chief Executive to report on the protocol regarding horses which are placed on private and public lands. To include who is responsible the ownership of the horses on the lands, how licenses are provided and who is responsible for removing them if warranted.

**REPLY:**

The [**Animal Health and Welfare Act 2013**](http://www.irishstatutebook.ie/eli/2013/act/15/enacted/en/html)puts a legal responsibility on the owner of any protected animal (including companion animals) to provide for the animals’ needs and makes it an offence for a person to abandon an animal in his or her possession or under his or her control.

The Act imposes a duty on persons who have in their possession or control a protected animal to safeguard the health and welfare of the animal. Consequently, landowners or tenants are also responsible for the wellbeing of any animal left on land or at any premises registered to them. If a case of neglect is found on the premises or land on which the animals have been abandoned, the person in occupation of the land is deemed to be the legal guardian of the animals.

The Act specifically provides that in proceedings for an offence under the 2013 Act, the animal is presumed to be owned by the occupier or person in charge of the land or premises on which it was found unless the contrary is shown.

Under the [**Control of Horses Act 1996**](http://www.irishstatutebook.ie/eli/1996/act/37/enacted/en/html), all local authorities are responsible for the control of horses in their areas. The Council's [**(Control of Horses) Bye-Laws 2014**](http://www.sdcc.ie/2014-control-of-horses-bye-laws) were adopted on 10th February 2014 and implemented with effect from 12th March 2014. These Byelaws are actively enforced and provide the Council with stronger tools to deal with issues which impact negatively on communities and animals alike. The provisions of the Act and the Bye- Laws are fully utilised to reduce the number of horses that are being kept unlawfully (without licence / passport) in unsuitable conditions, or in areas where their presence has an adverse effect on the community.

All reports of loose/stray horses on public lands which are received from public representatives, members of the public and Council staff are referred in a timely manner to the contractor engaged by the Council for the provision and operation of the horse seizure service and horse pound facility.  All seized horses are taken to the horse pound facility where they are microchipped on arrival, (if not already microchipped) and examined by a veterinary practitioner. Horses which are unsuitable for re-homing or not reclaimed by their owners within a period of five days from the date of seizure and detention the Council (or Garda Superintendent) may be dispose of by way of sale, destruction or re-homing.

Applications for reclaim are considered carefully and equines may be released to the owner or keeper of the horse only upon provision of a suite of relevant documentation to the Council, including proof of ownership, horse licence, passport, detail on suitability of location where the horse is to be kept etc.

The Council engages with private landowners where it comes to attention that horse/horses are present on such lands and for which concern is raised about the animal's welfare.  Landowners are advised of the provisions of Section 18(5) of the Control of Horses Act 1996 (the Act) which states – ‘the occupier of any premises within a control area where a horse is found who is not the owner of that horse shall be deemed to be the person who keeps or has charge or control of the horse’.   Landowners are therefore required to arrange for the removal of all/any horses kept on private lands where horses are not licenced to the landowner.   Similarly, landowners are also advised that all efforts should be made to ensure that the lands are secured to prevent any further illegal trespass.

Anyone owning or keeping a horse or similar animal, must have it microchipped and must have an official identification document, known as a *horse passport.* Passports are available from a number of agencies including Horse Sport Ireland

(1st Floor, Beech House, Millennium Park, Osberstown, Naas, Co. Kildare. Telephone: 045 850800)

The entire area of South Dublin County is designated as a control area, so anyone living in South Dublin County (with certain exemptions) needs a licence in order to keep a horse. A licence normally lasts for a year and costs €30 per application.  The following provisions apply to an application for a horse licence:

1. You must be 16 years of age or older to apply or the head of the household applies
2. When applying for a licence, you must satisfy that you are a fit person to keep a horse and that the horse will be properly maintained and stabled.
3. If a person under 16 owns a horse, the head of the household in which the under 16 year old lives is considered to be the owner (as horses may not be sold to anyone under 16 years of age).

Where a horse is kept under a horse licence, granted by the Council, at a premises within the control area the following shall apply:

(1) The premises shall at all times be suitable as regards construction, size, number of occupants, lighting, ventilation, drainage and cleanliness

(2) An exercising area of adequate dimension shall be provided for the horse

(3) An adequate supply of potable water shall be constantly available

(4) An adequate amount of wholesome and suitable food shall be supplied regularly to the horse

(5) Where the horse is not at grass, food shall be stored in a dry, secure and suitable place and suitable bedding material shall be provided

(6) Where the horse is kept at grass, there shall be maintained at all times adequate pasture and shelter for the horse

(7) The horse shall be adequately exercised and rested and visited at regular intervals

(8) All reasonable precautions shall be taken to prevent and control the spread among horses of infectious or contagious disease

(9) Sufficient care shall be taken of the horse, including veterinary care

(10) Adequate precautions shall be taken for the protection of the horse in the event of fire

(11) Only equipment and tackle suitable for the purposes shall be used in connection with the horse

(12) Adequate accommodation shall be provided for storage of forage, bedding, stable equipment and saddlery

(13) Manure or other noisome or offensive material shall be removed and disposed of in an appropriate manner as soon as possible to avoid causing a nuisance to adjoining owners or occupiers

**Q14/0518 RECYCLING UNITS**

**QUESTION: Councillor L. O’Toole**

To ask the Chief Executive to confirm the number of bottle banks / recycling units that are located in local supermarkets/business units with the county and confirm the units that have none to date, and if there are plans to look and making this a criteria for business considering most of the recycling is generated from these premises.

**REPLY:**

The Council has glass recycling bring banks in place at 12 supermarket or shopping centre locations around the county.  These are in place at 8 large supermarket or shopping centre sites (Ashleaf Centre, The Mill Centre, The Square, Avoca, Knocklyon Supervalu, Palmerstown Supervalu, Rathfarnham Shopping Centre and Lucan Supervalu) as well as at 4 neighbourhood shopping centres (at Whitechurch, Kingswood, Finnstown and Ballyowen).  These sites have been established with the agreement of the site owners and operators of the retail outlets.  Efforts to identify additional bring bank sites are ongoing and will continue, however it is proving difficult to obtain agreement for additional sites due to concerns on the part of the site owners regarding illegal dumping.  It is not possible for the Council to compel the supermarket/shopping centre owners to provide glass recycling facilities for their customers.

With regard to commercial waste in general the producer of waste packaging has a responsibility to fund its recovery.  Repak is a producer responsibility scheme that funds packaging recycling by receiving fees from its members, such as supermarkets, which in turn are passed on to local authorities and private operators by way of subsidies towards the operation of recycling facilities. Repak members therefore have already paid towards the recycling of the packaging they place on the market and therefore they are not obliged to take back the packaging that they produce.

**Q15/0518 HOUSING LIST**

**QUESTION: Councillor F. Timmons**

That the Chief Executive gives a report on the current Housing lists? To clarify what lists exist and how many are on each list?

**REPLY:**

There is one Social Housing list and as of 31/3/2018 there were 8,040 applicants.  A full housing needs assessment is being undertaken at present to update this list.

However this list is subdivided for the purpose of identifying need such as:

Family and Bedroom Size (1, 2, 3 or 4 bed)

Medical needs (1, 2, 3 or 4 bed)

Homeless status (1, 2, 3 or 4 bed)

Older Persons

Area of preference: North/South of the Naas Road

Bottom of Form

**Q16/0518 LIBRARY DEVELOPMENT PLAN**

**QUESTION: Councillor F. Timmons**

That the chief executive gives an update report on the Library Development plan? And when this will come to full council for discussion?

**REPLY:**

The Draft South Dublin Library Development Plan 2018-2022 has been discussed at recent meetings of the Arts, Culture, Libraries and Gaeilge SPC and is before the May Council meeting for consideration.Bottom of Form

**Q17/0518 SCRAMBLERS**

**QUESTION: Councillor F. Timmons**

That the Chief Executive issues a report to answer when the Scrambler and Quad working forum will commence and any update on this? Also to ask for a report into what SDCC is doing currently to address this Anti-Social Behaviour that is widespread throughout our county

**REPLY:**

The Council is anxious to progress matters relative to the apparent ever increasing and serious issue of scramblers operating in our parks and open spaces causing distress to residents and also causing extreme damage to our playing facilities.

This item has been discussed at several Council Meetings, Area Committee Meetings and SPC meetings, at which it was more recently agreed to try to establish a Regional Working Group / Forum  with representatives from the DLA’s and AGS.

Given the ongoing engagement of the Council's Road Safety Officer with An Garda Síochána and Motorcycling Ireland in relation to such issues, it has been agreed that the SDCC Road Safety Officer will sit on this group, if established, preferably as Chair.

As with any such group that may be established, it will be necessary to develop Terms of Reference for this group, if established, and it should only be required only for a short period of time, being possibly an opportune time to see if input can be given into new draft legislation.

Contact has been made with other DLA's to see if there is a willingness to collaborate on this issue, especially now as it is understood that Justice Minister, Charlie Flanagan, is set to  consider additional legislation to tackle the anti-social misuse of scramblers and quad bikes.   We await responses in this regard.

In the interim, senior Council personnel are liaising with AGS in relation to localised incidents of this anti-social behaviour.

Similarly, examinations and assessments are being made at certain locations on foot of requests to install boundary fences around various parks and open spaces in order to determine what works are necessary and these will be costed in due course.

It should be noted that due to the level of such requests for areas where joyriding / scrambling is occurring, the potential cost of both honouring commitments already given as well as responding positively to new requests received has the potential to escalate to a level where the current provision in the capital budget cannot meet what is required.

Similarly, costings are currently being prepared for various other types of possible boundary treatment for certain other locations.

**Q18/0518 HOUSING LISTS**

**QUESTION: Councillor F. Timmons**

To ask the Chief Executive to give a report on how many are on the Housing lists of the other Dublin Local Authorities?

**REPLY:**

South Dublin County Council does not have exact details of the housing lists of the other Dublin Local Authorities.

However the approximate numbers on their lists are:

Fingal 7,900

DDL     4,800

Dublin City      19,500

**Q19/0518 HOUSING AND BUILD UPDATE**

**QUESTION: Councillor F. Timmons**

That the chief executive gives a report on the current Social Housing builds? How many will be built 2018 and 2019 and how many further Part 8s are planned?  Also to clarify how many Social houses have been built 2014, 2015?

**REPLY:**

There were no houses built directly by SDCC in 2014 and 2015 and 2017. A total of 12 houses were built in 2016; 10 units in Tallaght and 2 in Lucan.

On the current housing build programme there are currently 9 projects on site with an additional 1 project to commence in June 2018. The first schemes due for completion in 2018 will commence handover in May 2018 with 17 units in Mayfield, Clondalkin and partial handover of 47 units at Sheehy Skeffington Meadows, Tallaght. A total of 284 units are to be completed by the end of December 2018.

On the next tranche of the build programme a total of 563 units are proposed to be delivered from 2020-2021. These schemes are currently being designed and will be progressing through the Part 8 process over the next 12 months. The first Part 8 for Homeville, Firhouse was published on the 26th of April 2018 commencing the 8 week public consultation process.

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **Delivery Method** | **Delivered 2017** | **Due for Delivery 2018** | **2019** | **2020** | **2021** | **Totals** |
| **Capital Programme** |  |  |  |  |  |  |
| **LA Construction** | **0** | 284 | 117 | 89 | 357 | 847 |

**H6/0518 DECLARATION OF ROADS TO BE MADE PUBLIC ROADS**

It was **NOTED** that there was **NO** Business under this Heading.

**H7a)/0518 PROPOSED DISPOSAL OF PROPERTIES/SITES - PROPOSED DISPOSAL OF PLOT OF LAND IN BROOKFIELD ROAD, TALLAGHT TO ELIM MINISTRIES IRELAND**

The following reports by the Chief Executive, which had been circulated, were presented by Mr. F. Nevin, Director of Economic, Enterprise and Tourism Development were **CONSIDERED.**

A discussion followed with contributions from B. Leech, C. King, M. Murphy, L. Dunne and P. Gogarty

Mr Frank Nevin responded to the queries raised

The Report was **NOTED** and it was proposed by Councillor B. Leech, seconded by Councillor L Dunne that a decision on this disposal be **deferred for** one month pending the submission of further information.

This was **AGREED** and it was noted that a further report would be brought to June Council Meeting.

**H7b)/0518** **PROPOSED DISPOSAL OF PROPERTIES /SITES - PROPOSED DISPOSAL OF PLOT OF LAND AT LETTS FIELD, CLONDALKIN TO ST. LAURENCE O'TOOLE DIOCESAN TRUST FOR SENSORY GARDEN 25 YEAR LEASE**

The following report by the Chief Executive, which had been circulated, were presented by Mr. F. Nevin, Director of Economic, Enterprise and Tourism Development were **CONSIDERED**

“At its meeting on 21 September 2015, the Council approved a Part 8 proposal for a housing development at Letts Field, Clondalkin – Certified Minute No. H8/0915 refers. The approved plan included for the release of a portion of the site for use by St Peter Apostle Junior N.S. Following discussions, agreement was given by the Council that a section of the lands in front of the schools, as outlined in red on Indicative Drawing No. 001, would be made available to the school in the form of a sensory garden. The Council to undertake installation of the initial garden in consultation with the school.

The matter was referred to the Council Valuer to establish and agree terms for disposal of the lands, comprising of the sensory garden, to the school authorities. He has recommended disposal of the lands by way of lease incorporating the following terms and conditions which he considers to be fair and reasonable and which have been accepted by the Lessee for the schools, the St. Laurence O’Toole Diocesan Trust.

Accordingly, I now recommend that the Council disposes of the plot of land measuring 525 square metres or thereabouts at Letts Field, Clondalkin, Dublin 22 as outlined in red on the attached Indicative Drawing No. 001 to the St. Laurence O’Toole Diocesan Trust, in accordance with Section 211 of the Planning and Development Act, 2000 and subject to the provisions of Section 183 of the Local Government Act, 2001 subject to the following terms and conditions as recommended by the Council’s Valuer:-

1. That the Council will be prepared to grant a 25 year lease commencing on a date to be agreed between both parties.
2. That the demised area comprises c.525sq.m or thereabouts and is shown outlined in red on the attached Indicative Drawing No 001.
3. That the market rent is €5000 (five thousand euro) per annum, exclusive of all outgoings.
4. That the rent at No.3 above shall be abated to €10 (ten euro) per annum, exclusive of all outgoings, provided that the premises are used as a sensory garden only.
5. That in the event that the property ceases to be used for the use outlined at No.4 above the lease shall be terminated or the rent shall revert to the full market rent at No. 3 above.
6. That notwithstanding term No. 4 any change of use is subject to the consent of the Council and if approved, will be subject to the Full Market Rent. In the event that such permission is not forthcoming and the property is no longer in use as a sensory garden, the property will revert to the Council.
7. That the rent will be reviewed on a five yearly basis having regard to any increase or decrease in the Consumer Price Index over the period between reviews.
8. That the Lessee will have full responsibility for the maintenance of the garden.
9. That the boundary between the subject site and the adjoining residential development will be constructed by the Contractor for the residential development.
10. That the Lessee will be responsible for all outgoings in relation to the property including taxes and any utilities.
11. That the Council will be responsible for installing the initial gardens. Any subsequent works and the costs associated with same will be the responsibility of the Lessee.
12. That the Lessee shall not be permitted to include the subject land in any planning application for planning permission.
13. That the sensory garden is for exclusive and private use of the School and the Lessee should insure that the site is adequately secured.
14. That the Lessee shall indemnify the Council against all claims, losses, expenses, damages, demands and other liabilities whatsoever in respect of the injury or the death of any person or damage to any property of any person or persons using the premises or having access to the premises and to take out a Policy of Public Liability Insurance Cover in the amount of €6.4m and Employer’s Liability Insurance in the amount of €13m with a reputable Insurance Company in the joint names of the Lessor and the Lessee to cover all such accidental loss or damage or injury howsoever arising and to produce to the Lessor (if requested) evidence of such Policy or Policies together with the Premium receipt or receipts evidencing the payment of the Premiums to date.
15. That the Lessee is not to do or allow to be done or permit any act or thing which is or is likely to be or become a nuisance, danger or source of annoyance, inconvenience or disturbance to the Landlord or the occupiers of neighbouring premises or to the public at large.
16. That the Lessee shall not assign or sublet the subject property.
17. That each party shall be responsible for their own fees in this matter.
18. That each party shall use their best endeavours to complete the transaction within a reasonable timeframe following adoption of the disposal resolution.
19. That the Law Agent shall draft the necessary legal agreements and shall include any further terms deemed appropriate in Agreements of this nature.
20. That no contract enforceable at Law is created or intended to be created until such time as contracts have been exchanged.
21. That the above disposal is subject to the necessary approvals and consents being obtained.
22. That the lease agreement shall contain covenants and conditions as normally contained in agreements of this type.

The lands being disposed of form part of the lands acquired from Dublin City Council (formerly Dublin Corporation) in 1997 under the Scheme of Transfer of Lands pursuant to the Local Government (Dublin) Act, 1993.

D. McLoughlin

Chief Executive”

The Report was **NOTED** and it was proposed by Councillor P. Gogarty, seconded by F. Timmons and **RESOLVED:**

“That the proposed disposal of plot of land at Letts Field, Clondalkin to St. Laurence O'Toole Diocesan Trust be **ADOPTED** and **APPROVED.”**

**H4c)/0518** **PROPOSED DISPOSAL OF PROPERTIES/SITES - PROPOSED DISPOSAL OF LANDS AT GRANGE CASTLE BUSINESS PARK TO GRANGE BACKUP POWER LTD**.

The following report by the Chief Executive, which had been circulated, were presented by Mr. F. Nevin, Director of Economic, Enterprise and Tourism Development were **CONSIDERED:**

“An application has been made by Grange Backup Power Limited to purchase a site of approx. 3.23 areas at Grange Castle Business Park. Grange Backup Power Limited intends to construct, subject to receipt of the necessary licenses and planning permission, a 96 MW Peaking Power Plant (the “Project”). In order to allow Grange Back up power apply for the necessary statutory licences and permissions for the project they have requested that the lands be reserved for purchase under an option agreement for a period of 4 years with an option to extend this period by a further 3 years as per terms set out in Managers Order GC/20/2013 dated 17/12/2013.

I recommend that the Council dispose of lands totalling 3.23 acres or thereabouts at Grange Castle Business Park to Grange Backup Power Limited (the “Company”) in respect of the lands measuring 3.23 acres or thereabouts shown outlined in red on Drawing No. 02\_028D\_148-D to include an option agreement on the lands subject to the following terms and conditions:-

**Disposal of lands on exercising Option Agreement**

1. That the lands being disposed of comprise approximately 3.23 acres or thereabouts. A formal disposal map shall be prepared by the Council for inclusion with the legal documents but in the interim a draft plan for identification purposes as per drawing no. 02\_028D148-D is annexed showing the site outlined in red. The drawing will show a services wayleave corridor coloured yellow and also a 5 metre Right of Way coloured orange and labelled X to Y for access to the ESB substation and telecoms. The wayleaves are required within the perimeter of the lands being disposed of to facilitate the future servicing by the Council of this site, the Business Park and any other lands.
2. That the consideration due to the Council shall be calculated on the basis of of €350,000 per acre if exercised within any extension period of the initial option agreement (the “Purchase Price”), payable, as to the amounts described at (a), (b) and (c) below:-
   1. 10% of the Purchase Price on signing and exchange of a Contract for Sale/ an Agreement for Lease in respect of the site. Such amount to be refunded, less any option fee paid, in the event that the development proposed for the site does not receive full planning permission, and/ or in the event of any of the terms and conditions of the disposal not having been satisfied.
   2. 80% of the Purchase Price within 15 business days of date of the Applicant’s entry onto the site for the purpose of commencing construction works on foot of the final grant of planning permission (provided that, for the avoidance of doubt, the Applicant shall be entitled to carry out due diligence and engineering analysis activities (including, but not limited to geotechnical analysis and studies, soils testing, water analysis, site borings, environmental assessments, etc.) prior to the payment of this sum in accordance with any building licence to that effect as described in paragraph 5.
   3. The remaining 10% of the Purchase Price on the grant of the Master Lease which shall occur at the time and in the manner set out at 10 below.

The Council shall be entitled to charge interest at a rate of eight per cent (8%) per annum on any outstanding sums in the event of failure by the Applicant to pay the foregoing sums on the above dates. This interest rate penalty shall be calculated on a daily basis for any period of time deposits are outstanding without cause.

1. That the Applicants having secured full planning permission for the entire development on the site shall forward to the Council no later than one month prior to the Applicant commencing works on foot of the final grant of planning permission, a copy of the outline building programme for such works describing the key construction milestones.
2. That if (i) construction works have not commenced within six months of the exercising of the option agreement, or such later date as may be agreed in writing with South Dublin County Council or (ii) if works are not substantially completed within thirty (30) months from the date of exercising the option agreement then either party may by written notification on the other rescind the agreement for lease / contract for sale, provided that these periods will be extended on a reasonable basis if commencement or completion of the development is disrupted or delayed due to an event or circumstance outside the Applicant’s reasonable control or as otherwise may be agreed, each party acting reasonably. And further that, in the event that the final grant of planning permission is issued containing conditions which the Applicant considers to be onerous, the Applicant may be written notification on the Council rescind the agreement for lease / contract for sale, provided that these periods will be extended on a reasonable basis if commencement or completion of the development is disrupted or delayed due to an event or circumstance outside the Applicant’s reasonable control or as otherwise may be agreed, each party acting reasonably. In the event of rescission on any of the foregoing grounds, any monies paid to the date thereof (excluding the option fee) under 2 above shall be repaid to the Applicant without payment of interest.
3. That the Council shall enter into an agreement for lease or contract for sale in respect of the sale of the site to the Applicant (by way of grant of the Master Lease), based on and to give effect to these heads of terms, and which agreement / contract shall contain a licence authorising the Applicant to enter onto the site from the date thereof prior to the grant of the Master Lease, to carry out due diligence and site analysis (including, but not limited to geotechnical analysis and studies, soils testing, water analysis, site borings, environmental assessments, etc.) prior to the grant of final planning permission, and after the issue of such permission, to construct the data centre and offices. The agreement / contract shall contain further reasonable obligations upon the Applicant with respect to that construction to ensure the satisfactory completion of the approved development on the site.
4. The Applicant will be responsible for all planning levies and contributions payable in accordance with the Council’s Development Contribution Scheme made under the Planning and Development Act 2000. The Contributions under the Scheme are payable prior to entry on to the site or as otherwise agreed by the Council. The applicants must satisfy themselves as to the capacity of all services to service the proposed development.

[A special Arts contribution fixed at 50 cent per square foot of gross building areas shall also apply payable no earlier than the grant of the Master Lease.]

1. That all site investigations, groundworks, overhead cable diversions, demolitions/site clearance/septic site removal (such works are subject to regulations and to obtaining the relevant statutory licences), services connections, development and associated costs incurred in the delivery of the entire completed development shall be borne by the applicants.
2. That the Applicants shall undertake not to use the site for any purposes other than that of due diligence and site analysis prior to the final grant of planning permission and thereafter for the purpose of carrying out the proposed development, subject to the terms of the “Master Lease” (see 13 below). All buildings shall be occupied by the applicants or their tenants, agents, employees, invitees and/or assigns in accordance with the terms of the Master Lease.
3. That the Applicant shall build nothing (except with the prior written approval of the Council and such consent shall not be unreasonably withheld or delayed) on the site except the buildings shown on the approved drawings and for which Planning Permission has been granted, as outlined in condition 3. An architect’s certificate of practical completion confirming that the development has been completed in accordance with the approved plans and specification for which planning permission has been granted shall be submitted by the applicant and shall be appended to the Master Lease. A maintenance Plan for the external areas and buildings shall be submitted to the Council.
4. That within 30 days of completion of the construction of the said development the applicant shall furnish to the Council an Architect’s opinion on compliance with planning permission and with the building regulations together with a certificate setting out the gross internal floor area of the development. On receipt of same the Council will grant the Applicant a lease of that site. The lease shall be for a term of 999 years (commencing from a date to be agreed upon, but no earlier than the date of Practical Completion of the development thereon) subject to a rent of €500 per annum (exclusive of rates, taxes, and outgoings in respect of the site) which will be reviewed at the end of every 5 years of the term in line with any changes in the Irish Consumer Price Index. The Council’s Solicitors shall draft the lease for approval by the Applicant’s Solicitors. The lease granted shall be known as the Master Lease (“Master Lease”). The Master Lease shall provide that the lessee shall become a member of the management company for the Business Park, and shall pay the annual service charge described in accordance with the provisions of the Master Lease and appendices thereto.
5. That the Agreement to Lease or contract for sale is not to operate as a lease and it shall not be transferable save (i) in the case of a financial institution of good standing which has entered into a mortgage with the Applicant specifically for the purposes of financing the Applicant to undertake the development of the site or (ii) to a nominee wholly owned by or under common ownership with Grange Backup Power Limited (including any reorganisation of such company).
6. That South Dublin County Council reserves the right, only to be exercised by the Council acting reasonably, to re-enter on the site and resume possession thereof should the applicants fail to commence and complete the buildings within the period specified at 4 above or in the event of the dissolution, bankruptcy or insolvency of the applicants save in the case where a Financial Institution which has entered into a mortgage with the applicants for the purposes of financing the development of the site and enforces its security against the site. South Dublin County Council shall provide written notice of any intent to exercise this right and offer a reasonable cure period of not less than 30 days for rectification of any default on the Applicant’s part, including use of mediation/arbitration, or similar third-party intercession.
7. That during the building period and pending the grant of the Master Lease, the applicant will provide all reasonably required evidence of the ‘all risks’, public liability and employer’s liability insurance cover maintained by the Applicant for the construction period. It is acknowledged that following completion of the development, the building and all insurable risks associated therewith will be included in the Applicant’s self-insurance programme. All insurance will be subject to the approval of the Councils insurance advisors, acting reasonably.

The insurance shall, be in the joint names of the Applicant and the Council, or shall contain an indemnity to principals clause, and will be for such an amount as will provide cover for the full Reinstatement Value of so much of the building as is erected at any time together with a sum for Professional Fees and removal of debris charges

The Applicant shall also indemnify South Dublin County Council against any claim for compensation which might / may be made by any party arising out of building works being carried out on the site, or any working areas or on any access points thereto.

1. That the Council is and shall be carrying out extensive construction projects in the Business Park. Both parties shall use their reasonable endeavours to ensure that any interaction between respective contractors employed to carry out any works including, but not limited to building or road works, is carried out in an open and transparent manner with engineers and liaison officers such as to ensure that no additional contract costs accrue to either party.
2. That no uncovered outdoor storage shall be permitted on the subject lands. All processing, packing, waste disposal or recycling and such like operations shall be carried out within suitable structures or equipment such as compactors located on the premises in accordance with any statutory regulations or requirements in that regard.
3. That all car and commercial vehicle parking areas, loading areas and service areas must be suitably landscaped and screened from public view. In this regard the Applicant shall carry out at the Applicant’s costs such boundary and landscape treatment works as the Council may reasonably require, bearing in mind the nature of the Park and provided that such works are not substantially more than required of any other occupiers of the Park during construction. Such works may, only where reasonable, be in addition to similar works required under a planning permission for development of the subject lands. The Applicant shall submit a copy of its landscaping and security plan to the Council’s Development Department prior to the grant of the Master Lease for approval.
4. That each party shall be responsible for their own professional (ie. legal, engineering, architects, and other required consultants’) fees in this case.
5. That the Applicant shall pay any V.A.T.(subject to receipt of a valid VAT invoice), stamp duty or taxes arising at any stage in this transaction (except where any lawful exemption or relief therefrom applies), including on the creation of a Building Licence (if any), an Agreement to Lease or contract for sale, and a Master Lease.
6. That the Councils Solicitors shall draft the agreements, contracts and leases and may include further reasonable terms and conditions as deemed appropriate to give effect to the heads of terms set out herein, including provision for use of an expert or arbitrator process to settle any disputes arising, as appropriate, in order to achieve a reasonable balance in the protection of the parties’ respective interests in the matter. In the case of disputes concerning final measurement and valuation of the site for the purposes of calculating the Purchase Price, an arbitration clause shall refer to the appointment of a Chartered Valuation Surveyor to act as arbitrator. This person to be appointed by agreement of the parties or in default of agreement to be appointed by the President of the Society of Chartered Surveyors in the Republic of Ireland. The costs of any arbitration to be borne equally by the parties.
7. That the Applicant shall satisfy South Dublin County Council (acting reasonably) prior to exchange of the agreement for lease / contract for sale, that sufficient funds are available for the payment of the sums set out in paragraph 2 above, and prior to commencement of construction on foot of the final grant of planning permission or each phase thereof, to cover the capital costs of such construction or the relevant phase thereof as appropriate.
8. That the above proposal is subject to the necessary approvals and consents being obtained in order to allow full construction activities.
9. No agreement enforceable at law is created or is intended to be created until an exchange of contracts has taken place.

**Option Agreement on lands**

1. The Option period on the 3.23 acres of land or thereabouts shall be for a period of 4 years commencing from the date of the signed Managers Order GC/20/2013 (the “Option Period”), dated 17/12/2013.
2. The Option Fee shall be €48,450.
3. Provided that the Company has obtained planning permission for the Project the Council may extend the Option Period on the lands. The extension period shall be for a maximum of 3 years (the “Extension Period”) with an annual Option Fee of €48,450.
4. In February 2017 pursuant to planning reference Number SD16A/0398 Grange Backup Power Limited was granted full planning permission on the option lands, however a decision on an EPA Licence is still awaited by Grange Backup Power Limited. The Council is agreed to the “Extension period” on the options lands as per Condition No 3 above as the original option period on the lands expired in December 2017.
5. The Option Agreement on the lands shall be strictly non-transferable (other than to a company in the same group as the Company or by way of security assignment to the Company’s lending institution) and shall be prepared by the Council’s Law Agent and shall include terms and conditions normally contained in agreements of this type.
6. Where the company exercise the Option to purchase the lands within the Extension Period the consideration payable to the Council shall be calculated on the basis of €350,000 per acre less the amount of any Option Fee already paid.
7. The Option Agreement may be terminated by either party by written notice to the other at any time if the other commits a material breach of any of the terms and conditions of the Agreement and fails to remedy such breach within 14 days of being furnished with written notification thereof.
8. If on the expiration of the Extended Option Period the Company has not exercised the Option to purchase the lands then the Council shall be released from its obligations under the Option Agreement and all Option Fees paid in full will be non-refundable.
9. The Company shall be responsible for the payment of stamp duty and VAT or Taxes, if any, arising on this agreement.
10. Within 30 days of the approved disposal the applicant shall complete the option agreement.
11. Each party shall be responsible for their own legal and professional fees in this case.
12. No agreement enforceable at law is created or intended to be created until exchange of contracts has taken place.

An application has been made by Grange Backup Power Limited to purchase a site of approx. 3.23 areas at Grange Castle Business Park. Grange Backup Power Limited intends to construct, subject to receipt of the necessary licenses and planning permission, a 965 MW Peaking Power Plant (the “Project”). In order to allow Grange Back up power apply for the necessary statutory licences and permissions for the project they have requested that the lands be reserved for purchase under an option agreement for a period of 4 years with an option to extend this period by a further 3 years as per terms set out in Managers Order GC/20/2013 dated 17/12/2013.

I recommend that the Council dispose of lands totalling 3.23 acres or thereabouts at Grange Castle Business Park to Grange Backup Power Limited (the “Company”) in respect of the lands measuring 3.23 acres or thereabouts shown outlined in red on Drawing No. 02\_028D\_148-D to include an option agreement on the lands subject to the following terms and conditions:-

The lands being disposed of form part of lands acquired from Alfred Beattie in 1997 for future development purposes.

D. McLoughlin

Chief Executive”

The Report was **NOTED** and it was proposed by Councillor P. Gogarty, seconded by D. Richardson and **RESOLVED:**

“That the proposed disposal of a plot of lands at Grange Castle Business Park Backup Power Ltd. be **ADOPTED** and **APPROVED.”**

**H8/0518 MANAGEMENT REPORT**

The following report by the Chief Executive, which had been circulated, was presented by Mr D. Mc Loughlin was **CONSIDERED:**

**Billing and Collection Statement**





**Use of overdraft facility**

Department approved overdraft facility = €25,000,000

No of days in Overdraft from 1st January to 27th April 2018 = 0

[Strategy Report](http://intranet/cmas/documents/County%20Council/2018/May/May2018CountyCouncilMeeting/7761ca8d-0e53-4222-a971-8b67f1a36b3c.pdf)

[Statistics Report](http://intranet/cmas/documents/County%20Council/2018/May/May2018CountyCouncilMeeting/8739136d-edf4-4ca7-9cd9-f1e8870df89d.pdf)

The Report were **NOTED.**

**H9/0518 LIFFEY BLUEWAY/CANAL CYCLEWAYS**

The following report by the Chief Executive, which had been circulated, was presented by Mr. Frank Nevin, Director of Services Economic, Enterprise & Tourism Development and was **CONSIDERED:**

“COMHAIRLE CONTAE ÁTHA CLIATH THEAS  
SOUTH DUBLIN COUNTY COUNCIL



MEETING OF SOUTH DUBLIN COUNTY COUNCIL

Monday, May 14, 2018

HEADED ITEM NO. 9

HEADED ITEM: ECONOMIC ENTERPRISE AND TOURISM DEVELOPMENT

LIFFEY BLUEWAY/CANAL CYCLEWAYS



The South Dublin Tourism Strategy pointed to the Tourism potential of a Liffey Valley Cluster. Accordingly, a feasibility study was commissioned and carried out in 2017. The Lucan Area Committee at its meeting on 24th April considered a report on the Liffey Valley Area Options study. The report can be viewed [here](http://intranet/cmas/documents/Lucan%20Area%20Committee/2018/April/LucanAreaCommitteeMeeting-24thApril2018/7e15dd91-1626-48e9-be78-c66ebf4f1e62.pdf). The report identifies opportunities for activities along the Liffey Valley notwithstanding the ongoing issues related to land ownership and access. Outline costings and development options were proposed and these will be further considered and proposals brought back to the Area Committee and full Council.

The Committee also considered a Waterways Ireland presentation on a linkage between the Royal and Grand Canals at Lucan. This will be an important Dublin loop between the canals on the longer greenways to the River Shannon. South Dublin County Council will lead a joint project between SDCC, Fingal County Council and Waterways Ireland to develop and deliver the loop proposal.

The Area Committee supported the following next steps:

1. Continue to deliver other sections of Dublin Canal Greenway

Waterways Ireland leading the overall co-ordination of the delivery of Dublin Canal Greenway.

1. Tourism and Technical Study of Dublin Canal Greenway

Failte Ireland have agreed to fund this study

1. Capacity Building Workshops (Identify gaps and opportunities for development What is required;

Service Providers -Cycle Hire, Canoe Trips, Paddling instructors, Walking Guides etc.

Visitor Services -Places to Stay, Eat and Go; Reasons to stay longer

4. Canal Animation Program

Canal Participation & Events Program, Canal Ambassadors Program, Canal Clean Up Program,

5. Develop Marketing and Promotional Material

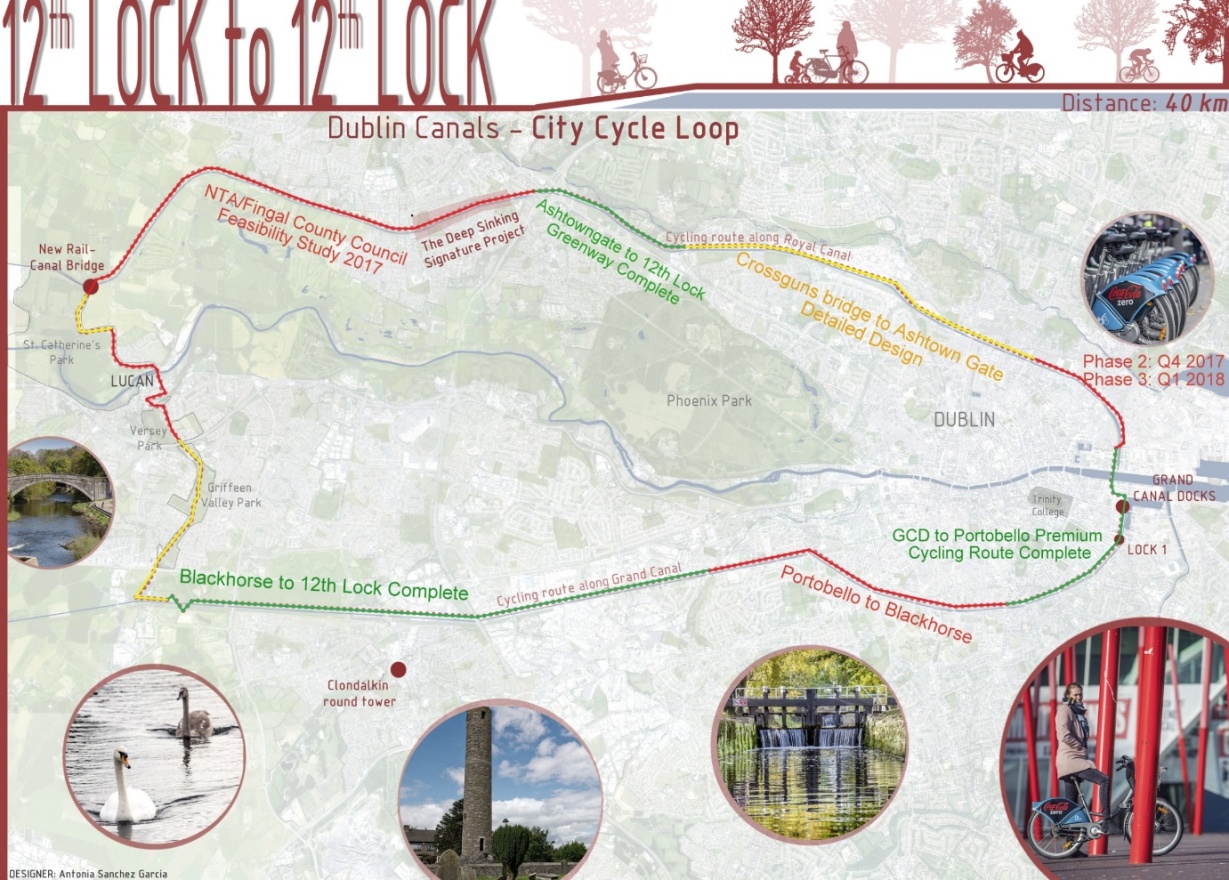
Develop Brand Identity for Dublin Canals

Develop Brand Identity for Dublin Canals Greenway

Launch June 2019 at the Velo City – World Cycle Conference (3000 International Delegates)

6. Feasibility Study on the Lucan Route

Partnership with South Dublin, Fingal, Waterways Ireland and NTA to deliver a feasibility study and preferred option on the route.”



A discussion followed with contributions from Councillors D. O Brien, P. Gogarty, M. Murphy and B. Bonner.

The Report was **NOTED**

**H10/0518 TEEN SPACE SURVEY OUTCOME AND PROPOSALS**

The following report by the Chief Executive, which had been circulated, was presented by Mr. Laurence Colleran, Senior Executive Parks Superintendent, and was **CONSIDERED:**

[Presentation of Teenager Report](http://intranet/cmas/documents/County%20Council/2018/May/May2018CountyCouncilMeeting/27538656-ce7c-45fd-bf73-868fa6b20d50.pptx)

[Appendix A Survey Results](http://intranet/cmas/documents/County%20Council/2018/May/May2018CountyCouncilMeeting/57814998-1216-49a0-80d9-62a63881c516.pdf)

[Preliminary Report and Draft Recommendations](http://intranet/cmas/documents/County%20Council/2018/March/March2018CountyCouncilMeeting/44d9d45a-9041-451f-b14e-93e37269e8e4.pdf)

A discussion followed with contributions from Councillors L. O Toole, K. Mahon, P. Kearns, C. King, B. Bonner, S. Holland, M. Murphy, G. O Connell, E. Higgins, L. Dunne, P. Donovan, P. Foley, C. O Connor, D. O Brien and P. Gogarty

Mr. Laurence Colleran, Senior Executive Parks Superintendent responded to the members queries.

TheReport was **NOTED.**

**H11/0518 SOUTH DUBLIN COUNTY COUNCIL LIBRARY STRATEGY**

The following report by the Chief Executive which had been circulated, was presented by Mr. Frank Nevin, Director of Services Economic, Enterprise & Tourism Development and was **CONSIDERED:**

[SDCC Draft Library strategy](http://intranet/cmas/documents/County%20Council/2018/May/May2018CountyCouncilMeeting/f791f715-94ee-45a5-82bc-7832377cc505.pdf)

[Library Development Plan](http://intranet/cmas/documents/County%20Council/2018/May/May2018CountyCouncilMeeting/a5a0bc7f-b704-49a6-939b-c2d54890891d.pptx)

A discussion followed with contributions from Councillors D. O Donovan, B. Bonner, F. Timmons, D. Richardson, D. Looney and P. Gogarty

The Report was **NOTED** and it was proposed byCouncillor G. O Connell and seconded by Councillor F. Timmons and **RESOLVED:**

“That the South Dublin County Council Library Strategy be **ADOPTED and APPROVED.**”

**H12/0518 300K - HAVE YOUR SAY CLONDALKIN - AGREE PROJECTS**

The following report by the Chief Executive which had been circulated was presented by Ms Lorna Maxwell, Director of Services Corporate Performance & Change Management and was **CONSIDERED:**

* 1. **“300K Have Your Say: Clondalkin - Newcastle - Rathcoole**

**Criteria for Project Submissions**

The intent of €300K Have Your Say is for local people to participate in the Council’s budget decision-making process to identify projects that that will benefit that community and that fulfil the parameters of the initiative. Hence in developing a project idea, people should be guided by the premise that their submission should be (1) a project that would benefit a significant number of people living in their community; (2) is achievable within the maximum €300,000 allocation\*, and (3) is deliverable within the Council’s subsequent budget cycle - for example, for a local initiative run in 2018 the projects voted on in 2018 will be delivered in 2019, following the adoption of the budget by the Council.

Within those considerations, all proposals that are made in the submissions stage (that is after 8pm on Tuesday 27th February and by 5pm on Monday 2nd May 2018) will be subject to a technical review and possible modification by the Council before they are considered for approval to go into the public vote. The following are the criteria that will be used by the Council to aid that technical review and shortlisting of projects:

* Is the proposed project already planned for by the Council within an existing programme of work?
* Is the proposed project within the remit of the Council, or is it the responsibility of another government department or public body and therefore beyond the scope of a Council initiative?
* Would the proposed project be considered for funding through an existing grant scheme, such as the Council’s Community Grants Scheme
* Does the project proposal raise a local issue that will or can be addressed through the Council’s existing repair and/or maintenance programmes?
* Is the proposed site of the project on land that is in public ownership or is it private property? Proposals that require land must clearly identify the proposed areas/sites within the electoral area. This land must be in public ownership.

Please note that in some cases a number of project proposals may be submitted from different people or groups that are similar in their nature or objective. Where this happens such proposals may be combined into one project for shortlisting purposes by the Steering Group.

\* Proposals that exceed €300,000 may still be deemed worthy of further investigation and funding could be allocated for feasibility studies for said proposals.”

* 1. [300K Short List](file:///F:\MEETINGS\COUNCIL\MINUTES\2018\F.%20May\May%20Full%20Minutes.docx)

c) “The consultation phase of the €300k Have Your Say - Clondalkin initiative is now complete and a shortlist of projects has been prepared for your approval today.

Following the launch event of €300k Have Your Say in The Round Tower - Clondalkin on March 8th, 2018, a number of workshops were held throughout the Clondalkin Electoral Area. These took place in Neilstown Community Centre, the Green Isle Hotel, Peamount Football Club and Rathcoole Community Centre from March 13th to the 22nd and were attended by approximately 120 people.

The communications around the initiative during this period focused first on promoting the workshops and then on obtaining idea submissions from the public through the €300k Have Your Say website. This was done through social media, local press and over 18,000 direct mail outs to households and local businesses in the area. Social media promotion included Electoral Area over the age of 13 (the minimum age allowed on those platforms). Approximately 28,000 people were cumulatively reached across three separate paid adverts. This was in addition to standard social media posts on Twitter, Instagram, Facebook and LinkedIn reaching a total of approximately 84,000 people.

Over 150 community groups, schools, places of worship, sports clubs and groups representing minorities, were also directly contacted around the process by the Council's Communications Unit. Posters and flyers were also made available to the public through the Clondalkin library, the Council's mobile libraries and Civic Office. The Council would also like to thank the elected members for their support in promoting the initiative through their own channels.

The deadline for submissions passed on April 9th with the Council receiving 230 entries, an increase of 70 on the 2017 version of Have Your Say. A series of meetings were then carried out, first between Senior Management and then with the Steering Group, and they have considered all of the submissions before putting forward. These are presented as a recommended shortlist for approval today before the voting stage commences. It was necessary to exclude quite a number of submissions based on the agreed criteria.

Voting is scheduled to open following acceptance of the shortlisted projects by the Council’s elected members and close just before midnight on Sunday May 27th. Voting will be carried out online through the Have Your Say website and in venues on specific dates and times throughout the Clondalkin Electoral Area.

Those are:

Clondalkin Civic Offices – Monday, 21/05 – 9.00am to 5.00pm

Clondalkin Library – Monday, 21/05 – 4.00pm to 7.00pm

Rathcoole Community Centre – Monday, 21/05 – 4.00pm to 7.00pm

Newcastle Community Centre – Monday, 21/05 – 4.00pm to 7.00pm

Neilstown Community Centre – Monday, 21/05 – 4.00pm to 7.00pm”

A discussion followed with contributions from Councillors F. Timmons, B. Bonner, E. Higgins, G. O Connell, D. Richardson and P. Gogarty.

The Report was **NOTED**

**H13/0518 TO RECEIVE PRELIMINARY REPORT ON THE PROPOSED CENTRAL TALLAGHT HEATING DISTRICT SYSTEM**

The following report by the Chief Executive which had been circulated was presented by Mr Eddie Conroy, County Architect and was **CONSIDERED:**

[Preliminary Report on the Proposed Central Tallaght Heating District System](http://intranet/cmas/documents/County%20Council/2018/May/May2018CountyCouncilMeeting/f8dbaebd-3280-450b-b319-9edd8b8caa18.docx)

A discussion followed with contributions from Councillors C. King, E. Higgins, D. Looney, M. Murphy, G. O Connell, M. Duff, P Donovan, P Kearns, R McMahon, B. Bonner, P Foley, B. Leech, and P. Gogarty

Both Chief Executive Mr. D. Mc Loughlin & Mr E. Conroy County Architect responded to all queries.

The Report was **NOTED.**

**H14/0518** **VARIATIONS TO THE COUNTY DEVELOPMENT PLAN – VACANT SITES LEVY AND GRANGE CASTLE WEST**

The following report by the Chief Executive, which had been circulated was presented by Ms Laura Leonard, Acting Director of Land Use Planning and Transportation and was **CONSIDERED:**

The Chief Executive spoke on the matter.

A discussion followed with contributions from Councillors C. King, M. Murphy, D. Looney, P. Foley and P. Gogarty.

It was decided that a special meeting be arranged to discuss this matter further.

The report was **DEFERRED**

**Correspondence for Noting**

**Co.1/0518 Ministerial**

Letter dated 18th April 2018 from Minister for Planning, Housing & Local Government regarding Social Housing Provision

**Co.2/0518 Ministerial**

Letter dated 17th April 2018, from Minister of Foreign Affairs regarding the current situation in Myanmar and the plight of the Rohingya Community

**Co.3/0518 Ministerial**

Letter dated the 26th March, 2018 from Office of the Minister of Foreign Affairs and Trade Simon Coveney regarding the Justice System & prison matters in Northern Ireland.

**Co.4/0518** Letter dated 23rd April 2018 from Dublin City Council regarding former Magdalene Home at Sean Mc Dermot Street

**Co.5/0518** Letter dated 6th April, 2018 from Leitrim County Council regarding National Parks and Wildlife Services

**Co.6/0518** Letter dated 29th March, 2018 from Sligo County Council asking Gaelic Athletic Association to broadcast GAA matches on free to Eir channels.

**Co.7/0518** Email dated 27th March 2018 from the Office of Minister Finnian McGrath regarding the qualifying criteria for the Primary Medical Certificate

**Co.8/0518** Letter dated 5th April 2018 from Donegal County Council regarding Community Employment Schemes

**Motions for Discussion**

**M4/0518 NATIONAL DRUGS STRATEGY**

It was proposed by Councillor M. Murphy and seconded by E. Hendrick and **MOVED** without **DEBATE.**

“That this Council calls on the Minister with responsibility for the National Drugs Strategy to provide full free GP access (through the medical card scheme) within community drug services in order to provide more holistic healthcare for the clients of these services”

**REPORT:**

If this Motion is passed, a letter will issue to the relevant Minister and when a reply is received, it will be issued to the Members.

**M8/0518 ROAD SAFETY PILOT PROGRAMME**

It was proposed by Councillor E. Higgins and seconded by M. Duff and **MOVED** without **DEBATE**

**“**To call on management to co-ordinate a pilot scheme with the Road Safety Officer to deter aggressive drivers who are endangering School Wardens and School Children in the county. Similar to Mayo County Council and Kildare County Council, the scheme Involves Go Pro Cameras being fixed to school warden stop signs, front and rear, in order to detect and record incidents or near misses”.

**REPORT:**

The Road Safety Officer will engage with local media and community groups between now and end of school term in June to highlight any dangers and when the new school term returns in September, the School Warden 'LolliCop Camera' project will be examined for a pilot in South Dublin.

Ahead of this the Road Safety Officer will seek approval from the Data Protection Commissioner drawing on the template proposal used in Kildare and Mayo County Council's which should serve to speed up a pilot scheme for South Dublin.

**M15/0518** [**CLONDALKIN NASCADH CULTÚRTHA**](http://intranet/cmas/documentsview.aspx?noinc=true&id=59922)

It was proposed by Councillor B. Bonner and seconded by M. Ward and **MOVED** without **DEBATE**

“Molann an Chomhairle seo go mbeadh nascadh cultúrtha idir Mhuintir Chluain Dolcáin agus Muintir Charna i nGaeltacht Chonamara.  Tabharfaidh sé seo aitheantas don obair atá á dhéanamh Ag muintir Chrónáin agus muintir labhartha na gaeilge i gCluain Dolcáin.

Tá suim Ag an bpobal i ngach áit Nascadh a bhunú mar tá aidhm mhaith acu ar a chéile cheana féin.  Is fíor tábhachtach é go mbéadh nascadh idir pobail nua labhartha Na Gaeilge cosúil le Cluain Dolcáin agus pobal Na Gaeltachta traidisiúnta cosúil le Carna.

This council supports the idea of a cultural link between the village of Clondalkin and the Gaeltacht community of Carna in Connemara.  This would recognise the work being done by Muintir Chrónáin and the Irish Speaking community of Clondalkin.  It would also recognise the importance of making connections between New Irish speaking areas and areas in the more traditional Gaeltacht. Both communities support the establishment of a Nascadh Cultúrtha as they already have links of friendship but would like to see those links strengthened.”

**REPORT:**

Déanann Comhairle Contae Átha Cliath Theas comhghairdeas le Muintir Chrónáin agus pobal Chluain Dolcáin ar aitheantas a fháil mar cheann de na chéad chúig phobal labhartha Gaeilge lasmuigh den Ghaeltacht in Éirinn. Tá Áras Chrónáin agus an pobal áitiúil, le tacaíocht ó Fhoras na Gaeilge, ag obair ar phlean Gaeilge chun úsáid na Gaeilge ó lá go lá a chur chun cinn i measc phobal Chluain Dolcáin, agus tá Comhairle Contae Átha Cliath Theas ag dúil le bheith ag obair le hÁras Chrónáin chun tacú leis an sprioc seo.

Cé go bhfuil fonn ar an gComhairle tacaíocht a thairiscint sa todhchaí, meastar gur chóir fanacht le haghaidh forbairt an phlean maidir le cúnamh a thabhairt do Chluain Dolcáin agus a hainmniú mar Líonra Gaeilge roimh an rún seo a chur chun tosaigh.

South Dublin County Council wishes to congratulate Muintir Chrónáin and the people of Clondalkin on their work to date in achieving national recognition as one of the first five official Irish speaking communities outside of the Gaeltacht in Ireland. Aras Chronain, and the local community, with the support of Foras na Gaeilge, are currently working on an Irish Language plan to promote the everyday use of Irish by the Clondalkin community. South Dublin County Council looks forward to working with Aras Chronain in supporting this goal.

Whilst the Council is keen to offer support in the future, it is considered that we should await the development of the plan for supporting Clondalkin's designation as an Irish # Language Network before advancing this motion.

Bottom of Form

**MOTIONS NOT REACHED**

**(M1) COMPLETING ESTATES**

**Mayors Business - Councillor P. Gogarty**

That this Council writes to the Minister for Housing, Planning and Local Government seeking stiffer penalties for developers not completing estates properly within agreed timeframes, as well as a more streamlined redress system for subcontractors who fail to get paid on time or at all, given that many of these small operators are dependent on such agreed payments and may not always be in a position to seek redress through the courts; and if the Chief Executive can make a statement on what powers the Council currently has in relation to dealing with such rogue developers.

**(M2) INTERCULTURAL CENTRES**

**Mayors Business – Councillor P. Gogarty**

That this Council writes to the Minister for Justice and Equality and the Minister of State at the Department of Justice and Equality with special responsibility for Equality, Immigration and Integration to outline our serious concerns at the proposed withdrawal of funding for the Intercultural Centres within the County and, recognising the important and valuable service these centres provide, calls for funding to be reinstated so as to allow the centres to continue in their current forms.

**(M3) HIGHER EDUCATION**

**Councillor M. Johansson**

That the Elected Members of this Council expresses its support for the students of Trinity College Dublin who have protested against a new €450 fee for re-sitting exams, and agrees to write to the Provost Patrick Prendergast informing him of the same. This Council notes that registration fees in Higher Education has been increasing dramatically during the recession creating barriers to access to education for low income families.

**(M5) SPORTS CAPITAL**

**Councillor E. O’Brien**

This County Council calls on the Minister for Transport, Tourism and Sport to immediately suspend the Sports Capital Grants scheme pending a full review of the scheme and introduction of the National Sports Policy.

**(M6) WASTE MANAGEMENT**

**Councillor R. Nolan**

Following the Motion passed unanimously by Fingal County Council, to return waste management back to the Local Authority, this Council agrees to do the same and lobby's Minister Denis Naughton on this issue.

**(M7) RECYCLING**

**Councillor L. O'Toole**

That this committee requests the Chief Executive to write to REPAK inviting them to make a presentation to the members regarding the current recycling process in Ireland including measures to improve recycling and the impact these measures may have on consumers.

To also request details on any planned future initiatives or campaigns by REPAK or any of its business members to reduce waste.'

**(M9) ELECTION POSTER CONTENT**

**Councillor S. Holland**

The Advertising Standards Agency and Referendum Commission have both washed their hands of the content of some anti=abortion posters around this district.  Some are beside schools and contain the text "License to Kill" with images of foetuses of greater than 12 weeks gestation.  In the absence of action from the designated bodies, and notwithstanding my views or anyone’s views on abortion, these images and text are offensive and disturbing and I call on this council to remove them.

**(M11) BULLYING**

**Councillor F. Timmons**

"Nicole Fox died of suicide because of bullying, in light of this and other deaths and self-harm caused by bullying That SDCC commit to writing to Simon Harris Minister for Health and Jim Daly - Minister of State at the Department of Health with special responsibility for Mental Health and Older People to introduce a new law called Cocos Law that will legislate for bullying and online social media and phone bullying and make these crimes a criminal offence. We recognise the horror and effect bullying has on individuals and call on our legislators to act immediately to have bullying treated as a criminal matter. "

**(M12) BREXIT**

**Councillor C. O’Connor**

That this South Dublin County Council calls on the Chief Executive to confirm actions he proposes to deal with the threats and challenges presented by Brexit; will he outline contacts he has had in respect of the matter, will he update members and will he make a detailed statement.

**(M13) THE 8TH AMENDMENT OF THE CONSTITUTION**

**Councillor B. Leech, Councillor M. Murphy, Councillor K. Mahon**

This Council supports the recommendations of The Oireachtas Joint Committee on The Eighth Amendment of The Constitution, which includes access to abortion up to 12 weeks of pregnancy, and writes to the Minister to express this position.”

**(M14) HOMESHARE**

**Councillor W. Lavelle**

That this Council promotes the potential of home sharing initiatives such as thehomeshare.ie which is a social enterprise based in this country.

**(M16) HOUSING CRISIS**

**Councillor G. O'Connell**

  Given the current Housing Crisis which is most severe in the Dublin Region, the elected members direct that the Chief Executive Officer formally write to the Minister for Housing with a proposition for a Pilot Housing Scheme(s) involving appropriate support from the Minister that would enable SDCC, alone or in collaboration with one or more Recognised Housing Agencies, to acquire residential land, in one or a number of plots, either by land swop or through purchase, so as to build 750 to 1000 Social and Affordable Housing units, as a matter of urgency, for persons on the current SDCC Housing list.

**(M17) CYBER BULLYING**

**Councillor C. King**

That this council calls on the minister for justice to change the laws around on line The 1997 act does not go far enough   
 we are losing too many people to suicide from on line bullying.

Section 5 of the 1997 Act provides as follows:  
 “5(1) A person who, without lawful excuse, makes to another a threat, by any means intending the other to believe it will be carried out, to kill or cause serious harm to that other or a third person shall be guilty of an offence.”

Force does not actually have to be used; merely causing an apprehension of force is sufficient for assault under the law. The apprehension must be on reasonable grounds (i.e. the victim must reasonably believe that the threat is real and imminent) so if texts, e mails, tweets etc. were to contain threats of physical violence such as “I hate you. You are going to die. I will kill you” and the recipient has reason to believe the threat is real and that death or injury will occur imminently then the person issuing the threat has committed an offence.

Meeting ended at 7.02

Signed: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Mayor

Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_