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

Minutes of South Dublin County Council July 2020 Special Meeting of County Council Meeting held on Tuesday 14 July 2020

### **PRESENT**

|  |  |  |
| --- | --- | --- |
| Bailey, C. |  | McManus, D. |
| Carey, W. |  | Moynihan, S. |
| Casserly, V. |  | Murphy, E. |
| Collins, Y. |  | O’Brien, E. |
| Costello, T. |  | Ó Broin, E. |
| Duff, M. |  | O’Byrne, C. |
| Dunne, L. |  | O’Connell, G. |
| Edge, A. |  | O’Connor, C. |
| Fay, S. |  | O’Donovan, D. |
| Hayes, A. |  | O’Hara, S. |
| Holohan, P. |  | Priestley, W. |
| Johansson, M. |  | Seery-Kearney, M. |
| Kavanagh, P. |  | Sinclair, L. |
| Lawlor, B. |  | Timmons, F. |
| McMahon, R. |  | Tuffy, J. |
|  |  |  |

### **OFFICIALS PRESENT**

|  |  |
| --- | --- |
| Chief Executive | D. McLoughlin. |
| Directors/ Heads of Function  Head of Finance | L. Maxwell, F. Nevin, T. Walsh, M. Mulhern, C. Ward.  R. FitzGerald. |
| Administrative Officer | M. Reilly. |
| Staff Officer  Clerical Officer  IT Support  Sord | L. Abbey.  D. Murphy.  R. Saiz.  A. O’Brien. |

The Mayor, Councillor E. O’Brien, presided.

Apologies were received from Councillors K. Egan, T. Gilligan, P. Gogarty, P. Kearns, C. King, L. Kinsella-Colman, K. Mahon, L. O’Toole, B. Pereppadan and D. Richardson.

### **H1/0720 DUBLIN MOUNTAINS PROJECT – PLANNING UPDATE**

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

[DMVC ABP letter](http://www.sdublincoco.ie/sdcc/departments/corporate/apps/cmas/documentsview.aspx?id=66936)

[HI 1 DMVC update](http://www.sdublincoco.ie/sdcc/departments/corporate/apps/cmas/documentsview.aspx?id=66937)

A discussion followed with contributions from Councillors A. Edge, M. Johansson, M. Duff, C. O’Byrne, E. Murphy, P. Holohan, C Bailey, S. O’Hara, R. McMahon, and E. O’Brien.

Mr. F. Nevin, Director of Economic, Enterprise & Tourism Development, responded to the Members queries.

The Reports were **NOTED**.

**M1/0720 MAYORS BUSINESS - COMMEMORATION COMMITTEE**

**It was proposed by Councillor E. O’Brien and seconded by Councillor C. O’Connor**

That this Council calls on the Chief Executive to reconstitute the Commemorations Committee mindful of the series of historic landmarks which will occur over the to ensure to those events are respectfully memorialised and celebrated.

**REPORT:**

If approved, nominations and the terms of reference for the establishment of this Commemorations Committee will be brought to the OP & F meeting for consideration by the members.

Councillor E O’Brien spoke on the Motion

The Motion was **AGREED**.

### **M2/0720 MAYORS BUSINESS - PRIVATE RESIDENTIAL TENANCIES ACT**

### **It was proposed by Councillor E. O'Brien and seconded by Councillor E. Murphy**

That this County Council calls on the incoming Government to repeal the Private Residential Tenancies Act 2004 and to introduce new legislation to govern all matters relating to tenancies or other lesser interests in private land noting the current housing crisis and its impact on tenure.

**REPORT:**

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

A discussion followed with contributions from Councillors E O’Brien. C. Bailey, J. Tuffy, W. Carey, L. Dunne, E. Murphy, and L. Sinclair.

At this point Councillor L. Dunne proposed and Councillor P. Holohan seconded an amendment to the Motion as follows:

“That this County Council calls on the incoming Government to introduce new & legislation to govern all matters relating to tenancies or other lesser interests in private land noting the current housing crisis and its impact on tenure.”

Following from this Councillor E. Murphy proposed and Councillor D. O’Donovan seconded a second amendment to the Motion as follows:

“That this County Council calls on the incoming Government to introduce new legislation to govern all matters relating to tenancies or other lesser interests in private land, including the reform of the Private Residential Tenancies Act 2004 noting the current housing crisis and its impact on tenure.”

The second Amendment to the Motion was **AGREED.**

### **M3/0720 SHANNON LIQUEFIED NATURAL GAS TERMINAL**

### **It was proposed by Councillor Liam Sinclair and seconded by Councillor P. Kavanagh**

That this Council, in line with the recently declared Climate and Biodiversity Emergency, calls on the Minister for Communications, Climate Action and Environment to remove the Shannon LNG terminal from the Projects of Common Interests List.

**REPORT:**

If this Motion is a passed a Letter will be issued to the Minister for Communications, Climate Action and Environment and a response circulated to the Members.

A discussion followed with contributions from Councillors L. Sinclair, P. Kavanagh, D. McManus, and W. Carey.

Councillor P. Kavanagh proposed and Councillor W. Carey seconded the following amendment to the Motion:

“That this Council, in line with the recently declared Climate and Biodiversity Emergency, calls on the Minister for Climate Action, Communications Networks and Transport to remove the Shannon LNG terminal from the Projects of Common Interests List and to use all powers at his disposal to bar any further new LNG terminal projects from commencing.”

The Mayor then called for a vote by way of **show of hands** on the amendment to the motion. The result of which were as follows:

**FOR: 24 (TWENTY-FOUR)**

**AGAINST: 5 (FIVE)**

**ABSTAIN: 0 (ZERO)**

The Amendment to the Motion was **AGREED.**

### **M4/0720 SCRAMBLERS/QUADS**

### **It was proposed by Councillor C. O'Connor and seconded by Councillor E. O’Brien**

That this Council calls on the Chief Executive to confirm actions he is taking to deal with the ongoing menace of Scramblers/Quads which remains a serious issue in many communities throughout our County; will he also confirm contacts he has had with Government in respect for the need of effective legislation in the matter and will he make a statement.

**REPORT:**

In 2017 South Dublin County Council convened a taskforce consisting of SDCC, Dublin City Council, Fingal County Council, Dept of Justice, An Garda Siochana, the Road Safety Authority and Motocross Ireland to examine the issue of scramblers being driven in public parks and open spaces. Some of the issues which arose at meetings of the task force in 2017 and 2018 were that the Gardai do not currently have the power to pursue scrambler bikes, to stop them, to impound them, to pursue them to other locations and to question the owners and drivers about their movements. It was felt that these issues needed to be addressed by new legislation. Equally the Council has been unable to date to identify the drivers of these vehicles and to hold them responsible for damage caused to parks and open spaces. While the Council’s taskforce is still active a period of time has elapsed in 2019 where no meetings have taken place, this was while confirmation was awaited from the government departments with regard to the legal position and the views of the Attorney General’s Office on the adequacy of existing legislation.

In parallel to the Council’s taskforce the government put in place a cross departmental group to examine the issues at hand and in particular to examine the legal position with regard to existing legislation, with the assistance of the Attorney General’s Office. The legal advice provided by the Office of the Attorney General indicated that, in the main, current road traffic and public order legislation appears to provide sufficient means to police this issue. This view is shared by both the Department of Justice and the Department of Transport, Tourism and Sport. The Department of Justice reconvened the cross-agency group in March to discuss this legal advice with members of An Garda Síochána (AGS); meeting with the Garda National Roads Policing Bureau (GNRPB), the Dublin Metropolitan Region (Tallaght District) and the Youth Diversion, Community Engagement &Public Safety Bureau and the general consensus was that new legislative powers are not required. In the absence of a need for new legislation, it is envisaged that an effective response to this anti-social behaviour will be informed by a combination of targeted enforcement measures, awareness raising, and youth engagement programmes. These measures will be progressed in conjunction with the relevant Departments and agencies. We have been assured by the Dept of Justice that both ministers and the Garda Commissioner remain committed to finding a workable solution to this problem and in this regard we have been informed that there have been some recent seizures/prosecutions under the Road Traffic Acts and that one of these was in a public park.

We remain in close contact with the Department of Justice and have provided them with some background information and background data to assist them in formulating a response.

Separate to the above a Private Members Bill on the matter was brought before the Dáil earlier this year. It is understood that this Bill has passed the second stage and that it is due to be debated further in due course.

In addition to the work of the taskforce as outlined above the Council is arranging for boundary improvement works to be carried out at locations where scramblers, quad bikes and stolen cars are gaining access to public parks. Substantial boundary improvement works have taken place at both Bancroft Park and Butler McGee Park. A tender process for works at Killinarden Park has just concluded and following appointment of the successful contractor works should start at this location shortly. Boundary improvement works are either at construction or planning stages for Jobstown Park, Quarryvale Park, St Cuthbert’s Park, Tymon Park, Dodder Valley Park as well as completion of fencing at Butler McGee Park at a total cost in excess of €500,000.

A discussion followed with contributions from Councillors C. O’Connor, M. Duff, P. Holohan, L. Dunne, S. Moynihan, W. Carey, F. Timmons, and D. O’Donovan.

Ms. T. Walsh, Director of Environment, Water and Climate Change responded to the Members queries.

Councillor W. Carey proposed and Councillor E. O’Brien seconded the following amendment to the Motion.

“That this Council calls on the Chief Executive to confirm actions he is taking to deal with the ongoing menace of the illegal use of Scramblers/Quads which remains a serious issue in many communities throughout our County; will he also confirm contacts he has had with Government in respect for the need of effective legislation in the matter and will he make a statement.”

The amendment to the Motion was **AGREED**.

### **M5/0720 MOTO CROSS**

### **It was proposed by Councillor William Joseph Carey** **and seconded by Councillor P. Kavanagh.**

That this council requests the Chief Executive to examine the feasibility of SDCC opening a motocross track at a suitable location and to liaise with any motocross clubs established within the South Dublin area in achieving this goal.

**REPORT:**

The potential of a motocross competition track has been considered on a number of occasions, particularly in the context of the Dublin Mountains. Following examination the proposal was not pursued due to concerns in relation to environmental issues, particularly noise and traffic, and the proximity to the Mountains SAC. Environmental issues will obviously form a fundamental part of the assessment of a similar proposal in any other part of the County.

However, the facilitation of alternative sports and recreation is supported both in the Tourism Strategy and in the County Development Plan which provides :

***"CI12 Objective 6:***

*To support and facilitate the development of facilities for alternative recreational activities in the County, such as BMX tracks, skateboard parks, motor-cross racing, cricket pitches, fishing, and water–based sports"*

A discussion followed with contributions from Councillors W. Carey, P. Kavanagh, T. Costello, and E. Ó Broin.

Mr. F. Nevin, Director of Economic Enterprise and Tourism Development responded to the Members queries.

The Motion was **AGREED**.

In accordance with Standing Order 74 the Mayor, Councillor E. O’Brien proposed, and the members unanimously agreed, to suspend standing orders in order to deal with a suspensory motion to be taken without debate.

**SM1/0720 SUSPENSORY MOTION – SOUTH DUBLIN VOLUNTEERS**

The following **Suspensory Motion** in the names of Councillors C. Bailey, F. Timmons, E. O’Brien, C. O’Byrne, L. Sinclair, E. Murphy, G. O’Connell, Y. Collins, L. Dunne, P. Holohan, R. McMahon, V. Casserly, M. Johansson, W. Carey, A. Edge, P. Kavanagh, A. Hayes, J. Tuffy, S. Moynihan, C. O’Connor and T. Costello seconded by Councillor L. Dunne and was **CONSIDERED:**

“That this chamber expresses a sincere and heartfelt thank you to the South Dublin Volunteer Centre, the volunteers, the medical staff and Dublin City Volunteer Centre who have all worked tirelessly throughout the public health emergency at the Covid-19 Community Test Centres in Tallaght and Lucan. We will be forever in your debt. Go raibh míle maith agaibh.”

The Motion was **PASSED**.

### **M6/0720** As Councillor L. Kinsella-Colman was absent from the Chamber the Motion **FELL** in accordance with Standing Order No. 20:

That this Council calls for the establishment of a dog pound/cat and dogs home that is within this Council's control.

What funding is available for this ?

The Chief Executive to bring a report on the feasibility of achieving this.

### **M7/0720** As Councillor C. King was absent from the Chamber the Motion **FELL** in accordance with Standing Order No. 20:

### Following the attached Sinn Féin motion that was passed in March of this year, This Council reaffirms it’s call to the Chief Executive to review the current waste collection services in conjunction with the other Dublin local Authorities and the Unions with a view to the remunicipalisation of the domestic waste service whereby the Council would take charge once again of the Service but this time in a more efficient and cost competitive manner than was previously the case

**M8/0720 LITTER FINES**

**It was proposed by Councillor Yvonne Collins and seconded by Councillor E. Murphy**

This Councils calls on the Chief Executive take appropriate steps to ensure that all litter prosecutions take place in the closest Courthouse to the community where the offence is alleged to have taken place, so as to maximise the deterrent effect of prosecution for litter offences.

**REPORT:**

All incidents of illegal dumping reported or detected in any area are investigated by the Council's Litter Warden Service and all dumped material is searched for evidence. Where evidence is found, appropriate enforcement action is taken under the Litter Pollution Act 1997, as amended. Increasingly, it is found that no personal information relating to polluters is contained within the dumped material, with this information having been removed or shredded.

The Court Service provides dedicated list dates (civil and criminal) to Local Authorities in the Dublin Metropolitan District.  In the interest of efficiency and for the proper allocation of resources, the current utilisation of court time provides for the best utilisation of the court facilities, ensures that Local Authority business is dealt with on the allocated day, and does not have to take its place behind the wide varieties of other cases dealt with by the Court.

The table below sets out the number of Litter Fines issued in each of the years 2015-2019, the number of cases referred to Law Department for non-payment, the number of new cases listed, the number of cases heard and the number of these cases that were successful.

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| Cases referred to Law Department for non-payment of Litter Fine | | | | | | |
|  | **2015** | **2016** | **2017** | **2018** | **2019** | **TOTAL** |
| Number of Fines issued | 500 | 454 | 556 | 598 | 514 | 2622 |
| Number referred to Law | 131 | 151 | 136 | 157 | 100 | 675 |
| Number of New Cases Listed | 83 | 41 | 66 | 62 | 45 | 297 |
| Number of Cases Heard | 65 | 42 | 42 | 55 | 34 | 238 |
| Number of Cases Successful | 44 | 26 | 25 | 34 | 25 | 154 |
| % cases heard successful | 68% | 62% | 60% | 62% | 74% |  |

A discussion followed with contributions from Councillors Y. Collins, L. Dunne, A. Edge, D. O’Donovan, E. O’Brien, and S. Fay.

Ms. T. Walsh, Director of Environment, Water and Climate Change responded to the Members queries.

The Mayor the called for a vote by way of **show of hands** and the result was as follows:

**FOR: 21(TWENTY-ONE)**

**AGAINST: 4 (FOUR)**

**ABSTAIN: 1 (ONE)**

The Motion **PASSED**.

### **M9/0720 PARENTAL ALIENATION**

### **It was proposed by Councillor F. Timmons and seconded by Councillor G. O’Connell**

That South Dublin County Council calls on the Irish Government Departments of Health, Justice and Equality and Children and Youth Affairs to recognise that Parental Alienation is “Substantial and sustained dissatisfaction within a caregiver-child relationship associated with significant disturbance in functioning” as coded by the World Health Organisation in the latest International Classification of Diseases version 11 and to implement recommendation 36 of the Report of the Reform of the Family Law System October 2019.

**REPORT:**

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

A discussion followed with contributions F. Timmons, P. Kavanagh, C. Bailey, Y. Collins, S. Fay, J. Tuffy, T. Costello and L. Dunne

The Mayor the called for a vote by way of **show of hands** and the result was as follows:

**FOR: 10 (TEN)**

**AGAINST: 7 (SEVEN)**

**ABSTAIN: 9 (NINE)**

The Motion **PASSED**.

**M11/0720 DOMESTIC WASTE MANAGEMENT**

**It was proposed by Councillor M. Johansson and Councillor L. Sinclair seconded that Motion No 11 be MOVED without debate.**

That the elected members of this council, recognising the importance of recycling in tackling the climate crisis, condemn increases in fees for recycling/green bins by local waste management providers, and re-iterate our support for the re-nationalisation of waste management provision which should be regarded as a public service.

**REPORT:**

The report given to Motion 1 on the agenda of the March 2019 Council meeting gave a summary of the report from the Competition and Consumer Protection Commission (CCPC) in September 2018 and summarised the recommendations and position at the time as set out below.  The position has not changed since the date of issue of the CCPC report. Further developments at a national level are awaited and this Council along with other local authorities and the regional waste management offices will respond as required.

* *Recommendation:*Establish an economic regulator for household waste collection, with consideration to be given to the function of the regulator in relation to economic licensing, data collection and analysis, market design and consumer protection.
* *Recommendation:*A review is undertaken of the Government’s 2012 policy document, “A Resource Opportunity: Waste Management Policy in Ireland”. The CCPC suggests that this review could be usefully informed by the evidence collected in the course of this study and that the review be conducted in the context of the recommendation to establish an economic regulator.
* *Recommendation:*Ensure that all of the State’s resources are co-ordinated to deliver optimal outcomes for this market. The introduction of a new regulatory regime should also have a central objective to use these existing bodies in a manner that creates efficiencies, wherever possible. Consideration should also be given to utilising and extending existing structures to create a new regulatory regime.

The recommendations which are contained in the CCPC report are being examined at national level, this Council along with other local authorities and the Regional Waste Offices will play whatever part is required of them following the outcome of a national review and recommendations.

In that regard the Department of Communications, Climate Action and Environment (DCCAE) recently held a public consultation process on the development of a new Waste Action Plan for Ireland as part of the move to a more Circular Economy where resources are kept in use for as long as possible and then recycled or reused at the end of their service life. This consultation aims to help enable Ireland develop a new waste policy / circular economy plan to meet the emerging challenges and build on the targets set out in the Climate Action Plan. Details of this public consultation process can be found at the following website; <https://www.dccae.gov.ie/en-ie/environment/consultations/Pages/Public-Consultation-Waste-Action-Plan-for-a-Circular-Economy.aspx>

The Public Consultation closed at 5pm on Friday 21st February 2020.

The Department published the Waste Action Policy Consultation Breakdown of Responses on **27th May 2020**, the breakdown of these 276 responses are available on the website at the following link; <https://www.dccae.gov.ie/en-ie/environment/consultations/Documents/26/submissions/Waste_Action_Policy_Consultation_Breakdown_of_Responses.pdf>

The chapter on Municipal Waste (Household and Commercial) received the most comments, amounting to 15.5% of the total. The chapter on Municipal Waste (Household and Commercial) received the most comments, amounting to 15.5% of the total. It is expected that a new policy document will be published shortly.

### **M12/0720 RESIDENTS ASSOCIATION HANDBOOK**

### **Councillor E. Murphy proposed and Councillor W. Carey seconded that Motion No 12 be MOVED without debate.**

### That South Dublin County Council designs and implements a Residents Association Handbook for the County which would be a go to for all new and existing associations in the County.

**REPORT:**

The Community Development team are currently researching examples of best practice to inform this process and it is intended to report to the next meeting of the Community, Social and Equality SPC in this regard, with a view to agreeing a final version of a handbook for circulation and distribution to residents' associations.

### **M14/0720 SOCIAL DISTANCING**

### **Councillor** **J. Tuffy proposed and Councillor D. O’Donovan seconded that Motion No 14 be MOVED without debate.**

That the Council will promote social distancing in the community and that in response to this motion an outline will be given as to what steps are proposed to ensure social distancing in our county in public spaces including in local parks, villages, community centres, and how the Council will help local businesses in adapting to providing goods and services while ensuring social distancing, and are social media campaigns planned.

**REPORT:**

**Transportation:**

A full presentation on proposed Social Distancing measure for urban areas has been delivered under Headed Item No 65984

The Council has been proactive in ensuring that parking within the county is carefully managed during the COVID 19 crisis.   In particular the Council continues to  take measures to minimise illegal parking which might otherwise impact negatively on the free flow of essential services at this time.

**Public Realm:**

To encourage compliance with social distancing SDCC have implemented the following Signage Strategy in relation to Covid 19 for our parks and open spaces:

* Park Entrances- large 2M wide Social Distancing corryboard signs. 250 No. placed at park entrances.
* Arrival in Parks- 2M social distancing stencils on paths. Regional Parks and busier parks marked.
* Playgrounds- signage relating to safe usage
* Notice Boards:  General Covid-19 Government advice on A4 corryboard signs.
* Cemeteries- 2M wide Social distancing signage at entrances.

In addition Public Realm staff are monitoring behaviour which allows us to respond to particular issues as they arise in our parks and open spaces. Local Community gardai are also assisting with advice on social distancing within our parks and open spaces and their assistance is much appreciated.

SDCC has published information via social media and our website regarding compliance with social distancing in parks. SDCC have designated hours to visit parks for people most vulnerable to Covid-19. In some of SDCC’s larger parks we have created some one-way walking loops; which can help people maintain social distancing. This commenced as a pilot in Corkagh Park and was rolled out to several of our larger parks subsequently with related signage.

**Community**

Community development team are examining considerations and measures required in order that community centre boards of management can reopen community centres in a safe and controlled environment and in compliance with social distancing requirements.

**EED&T / LEO**

LEO South Dublin and South Dublin County Council have responded locally to the Government plans to Businesses impacted by COVID-19 with the provision of a comprehensive range of supports which include information of Social Distancing – full details are  [https://dbei.gov.ie/en/What-We-Do/Supports-for-SMEs/COVID-19-supports/Government-supports-to-COVID-19-impacted-businesses.html#advice](https://eur04.safelinks.protection.outlook.com/?url=https%3A%2F%2Fdbei.gov.ie%2Fen%2FWhat-We-Do%2FSupports-for-SMEs%2FCOVID-19-supports%2FGovernment-supports-to-COVID-19-impacted-businesses.html%23advice&amp;data=02%7C01%7Cmarymaguire%40SDUBLINCOCO.ie%7Cf02da959cc9040211b8908d80703c676%7C6a3c00c019d0492da8de95fad8fda1d4%7C0%7C0%7C637267060081940404&amp;sdata=aWVW1aTe8esLhweOAvUV5TRTDGSQkJdG8skwUvF8oKM%3D&amp;reserved=0)

All details are also shared on the South Dublin Local Enterprise Office website and advertising / media campaigns are on-going organised nationally and promoted / shared locally.

Meeting Finished : 17:35

**Motions Not Reached:**

### **(M10) Councillor Shane Moynihan**

That this Council calls for the introduction of electronic booking systems for community centres in the County.

### **(M13) Councillor L. O'Toole**

That the members request the Chief Executive to design, install and organise for Plaques similar to the one in the photo to be placed in our parks in thanks to all our volunteers/hero’s that have helped out in so many ways during the challenging times of Covid19

### **(M15) Councillor Carly Bailey**

That this Council ensures that all future contracts entered into with private contractors to carry out works on behalf of this local authority, will ensure that a clause will be included that states that glyphosate based products can no longer be used by them or the Local Authority, in relation to any work that is carried out on our behalf.

### **(M16) Councillor Eoin Ó Broin**

This Council agrees to install two self-cleaning outdoor public toilets on the high streets of each of the seven local electoral areas of the county and to liaise with the City of Paris if any advice on the matter needed.

### **(M17) Councillor G. O'Connell**

This Council calls on the Chief Executive, in the event of there being financial restrictions as a result of the Covid-19 or for any other reason, that the funds for  the Traveller Accommodation Programme 2019-2024 for this County be safeguarded and that the planned programme be fully implemented and that in any associated discussions he or the Director of Housing have with Government Departments that they convey the determination of the elected members that the said Traveller Accommodation Programme be fully funded and resourced.

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

Mayor

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