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

Minutes of South Dublin County Council July 2021 Special Meeting of County Council Meeting held virtually through Microsoft 365 Teams on Tuesday 13 July 2021

### **PRESENT**

|  |  |  |
| --- | --- | --- |
| **Councillors** |  | **Councillors** |
| Bailey, C. |  | Mahon, K. |
| Carey, W. |  | McEneaney, S. |
| Casserly, V. |  | McCrave, L. |
| Collins, Y. |  | McMahon, R. |
| Duff, M. |  | McManus, D. |
| Dunne, L. |  | Murphy, E. |
| Donaghy, L. |  | Ó Brádaigh, D. |
| Edge, A. |  | Ó Broin, E. |
| Egan, K. |  | O’Connell, G. |
| Gilligan, T. |  | O’Connor, C. |
| Gogarty, P. |  | O’Hara, S. |
| Hayes, A. |  | O’Toole, L. |
| Holohan, P. |  | Pereppadan, B. |
| Johansson, M. |  | Sinclair, L. |
| Kavanagh, P. |  | Timmons, F. |
| Kearns, P. |  | Tuffy, J. |
| King, C. |  | Whelan, L. |
| Lawlor, B. |  |  |
|  |  |  |

### **OFFICIALS PRESENT**

|  |  |
| --- | --- |
| Chief Executive | D. McLoughlin.  |
| Directors/ Heads of FunctionHead of FinanceA/ Head of Function | L. Maxwell, T. Walsh, M. Mulhern, C. Ward. R. FitzGerald.L. Leonard. |
| Administrative Officers | M. Reilly.  |
| Senior Staff OfficerStaff OfficerAssistant Staff OfficerClerical OfficerSord | L. Abbey.A. Mallon.A. Hagan.D. Murphy.A. O’Brien. |

The Mayor, Councillor P. Kavanagh, presided.

Apologies were received from T. Costello, S. Moynihan, E. O’Brien, D. O’Donovan, D. Richardson.

At the commencement of the meeting, the Mayor, Councillor P. Kavanagh, informed the Members that members of the public will be in attendance at the meeting, he then read out the etiquette for the virtual meeting:

-Members to check that they can access the “Chat Function” before we commence the meeting.

-Members must be able to be seen, specifically for roll call, when speaking and voting.

-Mics to be on mute until invited to speak through the Chair.

-Members can indicate they wish to speak on an item through the chat function – using ‘Speak Please’.

-The ‘Chat Function’ is not to be used for comments.

-The meeting will be recorded for minute taking purposes only.

### **M1/0721 FREEPOST**

###  **It was proposed by Councillor L. O'Toole and seconded by Councillor G. O’Connell**

### To ask the Chief Executive if he will introduce a freepost system for people wishing to write to South Dublin County Council, to encourage greater participation in local democracy, for people returning official documents, such as grant applications, housing applications sending in submissions on planning applications etc.

### **REPORT:**

### A freepost service is not provided, however, departments do make every effort to ensure the needs of those more vulnerable are considered in accessing services and responding to correspondence. Examples of this in the past have been the provision of stamped addressed envelopes where this is considered helpful, however this is not done as standard and to do so would have cost implications. Work is ongoing across the Council to reduce, where possible, the need for hard copy documents and to transition towards online forms as much as possible, thus reducing the costs and dependency on post both for the customer and the Council.

###

A discussion followed with contributions from Councillors L. O’Toole. G. O’Connell, D. Ó Brádaigh, C. King, P. Holohan, L. Dunne and W. Carey. Councillors spoke in support of the motion however raised a query regarding cost implications.

Ms. L. Maxwell, Director of Corporate Performance & Change Management, responded to the Members query informing of the Council’s provision of stamped addressed envelopes to citizens in certain circumstances and also of the facility with An Post regarding “FREEPOST” on mail sent to the Council. Ms. L. Maxwell suggested that, should the motion be agreed, to carry out a costing process to bring to the OP&F.

Councillor L. Dunne proposed and Councillor W. Carey seconded an amendment to the motion as follows:

“To ask the Chief Executive **to look into the cost implications in introducing** a freepost system for people wishing to write to South Dublin County Council, to encourage greater participation in local democracy, for people returning official documents, such as grant applications & housing applications.”

The Amended Motion was **AGREED**.

### **M2/0721 CCTV**

### **It was proposed by Councillor S. O'Hara and seconded by Councillor B. Pereppadan.**

South Dublin County Council calls on the Minister for the Environment Eamonn Ryan T.D to amend the Litter pollution Act 1997 and the waste management act 1996 to provide a clear statutory framework for the use of CCTV by local Authorities to deter and prosecute litter offences within their administrative areas.

**REPORT:**

The Data Protection Commissioner (DPC) is currently auditing Local Authorities including South Dublin County Council in respect of their use of CCTV, including uses related to Law Enforcement.

The DPC issued a Draft Inquiry Report to the Council setting out issues and provisional views based on their inquiries, including several related to Litter and Waste Enforcement matters. SDCC has issued a comprehensive response to the matters raised and awaits the final report.

We understand that further strengthening of the legal basis for the use of CCTV will be included under the proposed Waste Management (Circular Economy) Bill, which is due before the Houses of the Oireachtas in the Autumn.

If this Motion is a passed letter will be issued to the relevant Minister named in the motion and a response, when received, will be circulated to the Members.

A discussion followed with contributions from Councillors S. O’Hara, Y. Collins, A. Edge, L. Dunne, L. O’Toole, L. Donaghy, C. King, W. Carey, P. Gogarty, T. Gilligan, M. Duff and G. O’Connell. Councillors all spoke in support of the motion highlighting the issues caused by illegal dumping.

Councillors K. Mahon and L. Whelan spoke against the motion and asked for their objections to be noted.

Ms. T. Walsh, Director of Environment Water and Climate Change, responded to the Members queries informing of the Council’s proactive approach to dumping highlighting the Litter Management plan.

 The Motion was **AGREED.**

At the point in the meeting, the Mayor, Councillor P. Kavanagh, advised the Members that due to the time taken to address motions 1 and 2 Members could indicate their support/non-support in the ‘Chat Function’ rather than speaking to the motion.

### **M3/0721 SCRAMBLERS**

### **It was proposed by Councillor C. O'Connor and seconded by Councillor Y. Collins**

That this Council writes to the Government welcoming the decision to introduce and progress legislation to deal effectively with the ongoing menace of the illegal use of Quads/Scramblers which has been raised many times on this Council's agenda and the Joint Policing Committee and will the Chief Executive take the opportunity to update members in respect of his efforts to deal with the matter.

**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.

SDCC has engaged regularly with the Department of Justice and provided updates to Members when they were received.

On the 16th February 2021, it was announced that the Minister for Transport will be introducing proposals to amend the forthcoming Road Traffic (Miscellaneous) Bill, aimed at tackling the antisocial use of scrambler bikes and other off road machines, such as Quad bikes, in spaces such as Public Parks.

The legislation will introduce three specific measures:

• Use of a MVP will be prohibited on public or private land, except in cases where there is permission from the landowner. This proposed new offence will cover places such as parks, green areas, waste ground, beaches and others, while the use of vehicles on private lands (such as farms) will not be affected.

• An Garda Síochána will be given powers to detain a vehicle used in a location where permission from the landowner has not been received.

• An Garda Síochána will also be enabled, on foot of a warrant, to enter a private premises and remove a vehicle suspected of having been used contrary to the new offence

A discussion followed with contributions from Councillors C. O’Connor, M. Johansson, A. Edge, C. King and W. Carey. Councillors spoke in support of the motion and welcomed the report, queries were raised in relation to the provision of a motocross facility.

Ms. T. Walsh, Director of Environment Water and Climate Change responded to the Members queries highlighting the €600,000 spent by the Council to limit entry of quads/scrambles to public spaces, and the difficulty in sourcing an appropriate location for a motocross facility.

Councillor M. Johansson proposed and Councillor W. Carey seconded the following amendment to the Motion:

“That this Council writes to the Government welcoming the decision to introduce and progress legislation to deal effectively with the ongoing menace of the illegal use of Quads/Scramblers which has been raised many times on this Council's agenda and the Joint Policing Committee and will the Chief Executive take the opportunity to update members in respect of his efforts to deal with the matter**, and that the elected members ask that the Chief Executive support local initiatives to apply for funding currently available from the Department for youth projects similar to the Moyross project in Limerick.”**

Councillors T. Gilligan, Y. Collins, C. Bailey, P. Kearns, M. Duff, F. Timmons, P. Gogarty, S. O’Hara, B. Lawlor, D. Ó Brádaigh, R. McMahon and L. McCrave also supported the motion and amendment.

The Amended Motion was **AGREED.**

### **M4/0721 DOGHNUT ECONOMIC MODEL**

### **It was proposed by Councillor G. O'Connell and seconded by W. Carey**

That this Council adopt the 'doughnut' economy as a policy to be applied, whenever possible in accordance with the principle of subsidiarity, given that the Doughnut Economy is based on the premise that "Humanity's 21st century challenge is to meet the needs of all within the means of the planet. In other words, to ensure that no one falls short on life's essentials (from food and housing to healthcare and political voice), while ensuring that collectively we do not overshoot our pressure on Earth's life-supporting systems, on which we fundamentally depend - such as a stable climate, fertile soils, and a protective ozone layer.

**REPORT:**

The ‘doughnut economics’ model is one set out by Kate Raworth in her book which identifies seven major flaws in traditional economic thinking. It provides a visual framework for sustainable development that seeks to find the balance between the capacity of the planet to sustain human actions and needs without an ecological collapse. The doughnut represent the planetary ceiling and minimum standards for all human beings. The ‘safe and just space is where it is identified our species needs to be if it wants to make poverty history without destroying the planet. The social foundation of the doughnut aligns with the UN’s 17 Sustainable Development Goals.

Since 2015, Ireland has been a signatory to the United Nations Sustainable Development Goals (SDGs). There is significant alignment between the UN SDGs and the National Planning Framework’s National Strategic Outcomes (NSOs) in areas such as climate action, clean energy, sustainable cities and communities, economic growth, reduced inequalities and innovation and infrastructure, as well as education and health.

The Council is actively pursuing measures to address climate change and, on foot of national legislation, was one of the first Council’s to publish a Climate Action Plan. This plan sets out and tracks all climate actions being undertaken by the Council by theme. The policies and provisions of the Draft Development Plan which will go on public display in July of this year, will further support the Climate Action Plan and national and EU policy. The Plan will include clear measures on climate action, compact growth and green infrastructure, amongst other measures, aligning with the National Strategic Outcomes indicated above and the relevant UN Sustainable Goals.

A discussion followed with contributions from Councillors G. O’Connell, L. O’Toole, E. Ó Broin, K. Mahon, L. Dunne, and P. Kavanagh. Councillors spoke in support of the motion and welcomed the response from management.

Councillors F. Timmons, Y. Collins, L. Donaghy, P. Gogarty, L. McCrave and S. O’Hara also supported the motion.

Mr. M. Mulhern, Director of Land Use Planning and Transportation responded to the Members.

The Motion was **AGREED**.

### **(M5) KISSING GATE**

### The following Motion which was **proposed by Councillor L. Donaghy** and **seconded b**y **Councillor P. Kavanagh** was **WITHDRAWN** at the request of Councillor L. Donaghy, with the agreement of the Members, in accordance with Standing Order No 19.

That this Council commits to a timeline for the full phase-out of 'kissing gates' from parks and public spaces in South Dublin County. These gates are intended to deter scrambler bikes and quad bikes, but also deny access to users of wheelchairs, prams and bicycles. In view of new powers available to An Garda Siochana to act on the use of scramblers and quads in public areas, kissing gates can no longer be justified as a deterrent. This Council will adapt or replace all kissing gates to facilitate universal access to our public realm.

### **M6/0721 NITROUS OXIDE**

### **It was proposed by Councillor D. Ó Brádaigh and seconded by Councillor F. Timmons**

This council agrees that SDCC conduct a pilot project to map discarded drug litter caused by the use of Nitrous Oxide AKA “silver bullets” across the County. Furthermore, that this council write to the Minister for Public Health, Well Being and National Drugs Strategy, urging that he rolls out a Nitrous Oxide 'National Awareness Programme' and to engage the industry with responsibility for this product as part of the solution.

**REPORT:**

The Council's Public Realm Section has access to information regarding locations where the disposal of Nitrous Oxide cannisters has been reported by members of the public and elected representatives.  Similar information can be obtained from Council staff and supervisors who are engaged in the clean up of these sites, and both sets of information can be combined to give an overall picture in relation to this matter.  This exercise will be carried out and it will then be decided if there are any further reporting requirements or if any further mapping is needed.

A letter can be issued as requested to the Minister responsible for the National Drugs Strategy, if this motion is passed.

A discussion followed with contributions from Councillors D. Ó Brádaigh, C. King, L. Donaghy, M. Duff, K. Mahon, and C. O’Connor. Councillors spoke in support of the motion and thanked management for the response.

Councillors F. Timmons, M. Johansson, S. O’Hara, R. McMahon, Y. Collins, L. McCrave, and A. Edge also supported the motion.

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

The Motion was **AGREED**.

### **M7/0721 REPAIR CAFÉ**

### **It was proposed by Councillor C. Bailey and seconded by Councillor L. Donaghy**

That this Council will conduct a feasibility study and work with the appropriate SPC(s) to look at the setting up of at least one Library of Things and Repair Cafe in the county.

**REPORT:**

Libraries in other countries have set up a Library of Things, where members of the public can borrow additional items from their library or have use of them in the library, for example, tools, sewing machines and other items. This idea could be explored with the joint Arts and Economic SPCs. Currently in South Dublin Libraries, in additional to books and other materials, we loan out toys, especially sensory toys and equipment for people with additional needs for both adults and children. We are also currently investing in Acorn tablets for lending to older people through the Age Friendly Programme and also residents in nursing homes. The tablets will be preloaded with access to library online resource materials.

The Environmental Awareness Office has recently started to plan for the establishment of Repair Cafés as soon as Covid restrictions have been lifted.

Working with the Rediscovery Centre and other repair professionals these events would allow members of the public to bring furniture, bicycles and clothes among other items to a central location to be repaired.

In the meantime the council continues to promote reuse through Repairmystuff.ie, an online directory of repair professionals and services across the country. We also promote and hold events as part National Reuse Month in October.

Councillor C. Bailey spoke on her motion and welcomed the response from management and raised a query in relation to the ‘Library of Things.’

Councillors A. Edge, Y. Collins, M. Duff, P. Kearns, F. Timmons, D. Ó Brádaigh, R. McMahon, and S. O’Hara also supported the motion through.

Ms. L. Leonard, A/Director of Economic, Enterprise & Tourism Development responded to the Members’ query.

The Motion was **AGREED**.

**(M8) PART V**

As Councillor D. O’Donovan was absent from the Chamber the following motion **FELL** in accordance with Standing Order No. 19:

That the Manager, wherever possible, acquires properties for social housing through Part V under all current and upcoming SHD developments, rather than agreeing to lease properties, and presents a report on the implication of Build to Rent planning permissions in relation to the delivery of social housing under Part V.

### **M9/0721 INCREMENTAL TENANT PURCHASE SCHEME**

### **It was proposed by Councillor P. Gogarty and seconded by Councillor L. O’Toole**

That the Chief Executive reports on the availability of interest-free/Islamic financing models supported by SDCC in terms of its own incremental tenant purchase schemes and Rebuilding Ireland Home Loan schemes; and, if facilitating same for residents of our county requires Departmental approval, to write to the Minister for Housing asking for such schemes to be facilitated at the earliest opportunity, with all due diligence applied.

**REPORT:**

The Incremental Tenant Purchase Scheme 2016 is the only scheme in place for a tenant to purchase a Council owned property. This Scheme requires applicants to purchase the property outright by way of a loan from a bank or building society governed by the Central Bank of Ireland or through a House Purchase Loan, (now the Rebuilding Ireland Home Loan) from the Council.  Additionally, all loans of €500 or more issued in the State, whether interest free or otherwise, must comply with the terms of the Credit Reporting Act, 2013 including inclusion of details of such loans on the Central Credit Register.

Under Section 25(1) of the Housing (Miscellaneous Provisions) Act 2014 the sale of a dwelling by the Council is discretionary.  Such discretion requires transparency together with consistency in accordance with the terms of the Act and any regulations issued thereunder.

The Council, at its meeting on 14th March 2016, resolved to exclude cash buyers from the Incremental Tenant Purchase Scheme 2016.  This was subsequently amended on 8th June 2020 following a recommendation by the Housing SPC, whereby it was provided that an assessment of source of funds in such cases would be undertaken with a view to permitting bona fide cash buyers, (for example by reason of inheritance, windfall, or personal injury award etc.). The Housing Department must undertake due diligence in verifying how such funds may originate and be satisfied as to their true source and compliance with all relevant legislative, taxation and any other requirements through appropriate documentary or other evidence as required.

Accordingly, any application under the Incremental Tenant Purchase Scheme 2016 where the proposed funding of the purchase of the property is not from a loan from a financial lending institution must provide satisfactory evidence of the source of such funds for consideration by the Council in determining the application.

A discussion followed with contributions from Councillors P. Gogarty and P. Kavanagh.

Councillors L. Donaghy, M. Johansson and M. Duff also supported the motion.

Mr. C. Ward, Director of Housing, Social & Community Development responded to the Members queries, in particular highlighting the requirement for compliance with the Credit Reporting Act for all loan activity.

The Motion was **AGREED**.

### **M10/0721** As Councillor L. Sinclair was absent from the Chamber the following motion **FELL** in accordance with Standing Order No. 19:

That this council supports expanding voting rights to include 16 and 17 year olds. Should the motion be agreed, writing to notify An Taoiseach, the Minister of State for Heritage and Electoral Reform and the Minister for Children, Equality, Disability, Integration and Youth.

### **(M11) BOYCOTT OF ISRAELI GOODS**

### The following Motion which was **proposed by Councillor C. King** and **seconded by Councillor P. Kavanagh** was **WITHDRAWN** at the request of Councillor C. King, with the agreement of the Members, in accordance with Standing Order No 19.

That this Council agrees to write to the Department of the Taoiseach, all other Local Authorities in the state and Retail Ireland calling on the Irish and International Supermarkets operating here to join the Boycott of all Israeli Goods as a response to the current and never ending Murderous Campaign against the Palestinian People including thousands of innocent Men, Women and Children.

### **M12/0721 SDCC SUPPORT FOR ALL IRELAND HEALTH SERVICE**

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### **It was proposed by Councillor M. Johansson seconded by Councillor F. Timmons**

That this council supports the aims of the Campaign for an All Ireland National Health Service, including an end to the two-tier public/private health system and making healthcare free at the point of access for everyone. If passed, a letter will be issued to the Campaign to request that South Dublin County Council is added to their list of supporters.

**REPORT:**

If this Motion is passed a letter will be issued to the Campaign for an All Ireland National Health Service requesting that South Dublin County Council is added to the list of supporters.

A discussion followed with contributions from Councillors M. Johansson, L. Donaghy, G. O’Connell and C. Bailey. Members spoke in support of the Motion.

Councillors M. Duff, A. Edge, F. Timmons, P. Kearns, and D. Ó Brádaigh supported the motion through the ‘Chat Function.’

The Motion was **AGREED**.

**M13/0721** As Councillor E. O’Brien was absent from the Chamber the following motion **FELL** in accordance with Standing Order No. 19:

That this Council agrees to write to the Minister of State with responsibility for Mental Health and requests that the Mental Health Acts be amended to ensure that family members may at all times be consulted in relation to a mental health diagnosis to allow those family members provide the assistance and support needed to treat such a diagnosis

### **M14/0721 NATIONAL MATERNITY HOSPITAL**

### **It was proposed by Councillor L. Whelan and seconded by Councillor F. Timmons**

That this Council supports that the new National Maternity Hospital will be publicly owned with a secular and inclusive ethos, including if necessary, the consideration of alternative sites, already in public ownership, such as Tallaght and Blanchardstown.

The calls for the separation of church and state where reproductive healthcare is concerned have been clearly expressed through Repeal and Marriage Equality. We call on Minister Donnelly to respond to this Council clearly outlining the plan for the new National Maternity Hospital.

**REPORT:**

If this Motion is passed, a letter will be issued to the Minister for Health. A response, when received, will be circulated to the Members.

A discussion followed with contributions from Councillors L. Whelan, F. Timmons A. Edge, and C. Bailey who spoke in support of the motion.

The following amendment was proposed by Councillor C. Bailey and seconded by Councillor W. Carey:

“That this Council supports that the new National Maternity Hospital will be publicly owned with a secular and inclusive ethos.

The calls for the separation of church and state where reproductive healthcare is concerned have been clearly expressed through Repeal and Marriage Equality. We call on Minister Donnelly to respond to this Council clearly outlining the plan for the new National Maternity Hospital”

A discussion continued with contributions from Councillors L. Donaghy, M. Johansson, K. Mahon, P. Kavanagh following which Councillor C. Bailey proposed to withdraw her the amendment, the Members **AGREED**.

A **ROLL CALL VOTE** was then called for on the original motion, the result of which was as follows:

**FOR: 23 (TWENTY-THREE)**

**Councillors C. Bailey, W. Carey, L. Donaghy, M. Duff, L. Dunne, A. Edge, P. Gogarty, A. Hayes, M. Johansson, P. Kavanagh, P. Kearns, K. Mahon, L. McCrave, S. McEneaney, D. McManus, D. Ó Brádaigh, E Ó Broin, G. O’Connell, S. O’Hara, B. Pereppadan, F. Timmons, J. Tuffy and L. Whelan.**

**AGAINST: 0 (ZERO)**

**ABSTAIN: 0 (ZERO)**

The Motion was **AGREED**.

Meeting finished @ 17:40.

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

Mayor

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