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

Minutes of South Dublin County Council June 2022 Special Meeting of County Council Meeting held on Thursday 16 June 2022

### **PRESENT**

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

### **OFFICIALS PRESENT**

|  |  |
| --- | --- |
| Chief Executive | D. McLoughlin. |
| Directors/ Heads of Function  Head of Finance Head of I.T. | L. Maxwell, J. Frehill, C. Ward, T. Walsh  R. FitzGerald. T. Kavanagh. |
| Senior Executive Officers | C. Hurson |
| Administrative Officers | M. Reilly, |
| Senior Staff Officer  Assistant Staff Officer  Sord | L. Abbey  D. Murphy  A. O’Brien. |

The Mayor, Councillor P. Kavanagh, presided

Apologies were received from Councillors L. Donaghy, T. Gilligan, C. King. E. O’Brien, G. O’Connell, D. O’Donovan, and D. Richardson.

The Mayor, Councillor P. Kavanagh, welcomed everyone and informed the Members of the etiquette for Hybrid Meetings:

Members attending remotely must check that they can access the “Chat Function” before commencing the meeting

Members can indicate they wish to speak on an item through the chat function – using “Speak please”

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 attending in person can indicate they wish to speak by signalling to the Mayor.

**WEBCASTING NOTICE**

This meeting may be filmed for live or subsequent broadcast via the Councils website. At the start of the meeting the Chair will confirm if all or part of the meeting is being filmed.

You should be aware that the Council is subject to the Freedom of Information Act 2014, the Data Protection Act 1988, General Data Protection Regulations (EU) 2016/679 and the Defamation Act 2009. Data collected during this webcast will be retained in accordance with the legislation.

Therefore, by entering the Council Chamber and using the seats around the meeting tables, public gallery etc. you are consenting to being filmed and to the possible use of those images and sound recordings for webcasting.

### **M1/0622** **THANKS TO STAFF OF SDCC**

### **It was proposed by Councillor Peter Kavanagh and seconded by Councillor C. O’Connor**

This County Council agrees a vote of thanks to the staff of South Dublin County Council for their hard work and dedication, particularly during the COVID-19 pandemic.

**REPORT:**

If this motion is agreed, its contents will be communicated to all staff.

A discussion followed with contributions from Councillors P. Kavanagh. C. O’Connor and K. Mahon.

The following amendment was proposed by Councillor K. Mahon and seconded by Councillor L. Whelan:

“To add:- We support the demands raised by workers during their recent industrial action and call on government to implement double digit pay increases to deal with the impact of inflation on workers, and the cost-of-living crisis.”

The Mayor, Councillor P. Kavanagh informed Members that if the amendment was **AGREED** then a letter would also be issued to Minister for Public Expenditure and Reform.

A further discussion followed with contributions from Councillors M. Duff, C. Bailey, V. Casserly, D. Ó Brádaigh, J. Tuffy, W. Carey, R. McMahon, P. Gogarty, and K. Mahon.

Mr. D. McLoughlin, Chief Executive responded to the Members queries.

The Mayor Councillor P. Kavanagh the proposed and the Members **AGREED** to a ROLL CALL vote on the amendment proposed by Councillor K. Mahon, the of which was as follows:

**FOR: 24 (TWENY FOUR)**

**Councillors C. Bailey, W. Carey, V. Casserly, Y. Collins, M. Duff, L. Dunne, A. Edge, L Hagin Meade, A. Hayes, P. Holohan, M. Johansson, P. Kavanagh, P. Kearns, K. Mahon, L. McCrave, S. Moynihan, E. Murphy, D. Ó Brádaigh, E. Ó Broin, C. O’Connor, L. Sinclair, F. Timmons, J. Tuffy, L. Whelan.**

**AGAINST: 5 (FIVE)**

**Councillor P. Gogarty, B. Lawlor, R. McMahon, D. McManus, S. O’Hara.**

**ABSTAIN: 0 (ZERO)**

The Motion as Amended was **AGREED**.

### **(M2) COST OF LIVING**

### The following motion in the name of Councillor C. King was **MOVED** and **RE-ENTERED**:

### That this Council calls on the Taoiseach to immediately implement a set of measures to tackle the Cost of Living Crisis that is Devastating Families across the State from both Working and Middle Class Demographics, which has seen 70% increases in Heating Oil, 30% increase in Gas, 25% increase in Electricity, 8% Increase in Rents and €1,200 average increase in petrol prices for the average driver along with increases in Groceries and other Essential Goods. This has resulted in the Highest inflation rates in 20 years of more than 5,5% and that's without the Governments scandalous proposed increases in Carbon Tax at a time of crisis. These measures at the least should include: The introduction of a living wage, the introduction of a cost of living payment based on annual income, the scrapping of Carbon Tax Increases, a ban on Rent increases for 3 years, Increase in Fuel allowance criteria, Removal of VAT on Energy Bills during winter Months, the Establishment of a discretionary utility debt Fund. These measures should form a base for tackling the crisis for struggling Families across the State.

### **(M3) IRISH NEUTRALITY**

### As Councillor L. Donaghy was absent from the Chamber the following motion **FELL** in accordance with Standing Order No. 28:

That this Council confirms its pride in, and continued support for, Ireland's traditional policy of military neutrality, and writes to the Taoiseach to declare these views

### **M4/0622 DECRIMINALISATION OF DRUG USE**

### **It was proposed by Councillor F. Timmons and seconded by Councillor P. Kavanagh**

That this Council supports the decriminalisation of drug use, meaning that people will no longer be made criminals simply because of their use of a drug: that people's drug use should be dealt with as a public health issue rather than as a criminal issue and that the resources currently used to process the 72% of drug convictions that are for personal possession should be redirected to treatment and support services and to more effective policing of the drugs trade. We commit to sending this motion to the Minister for Justice and the Minister of State for Public Health, Wellbeing and the National Drugs Strategy for their consideration and response.

**REPORT:**

If this motion is agreed, letters will be issued to the Minister for Justice and the Minister of State for Public Health, Wellbeing and the National Drugs Strategy. Responses, when received, will be circulated to the Members.

A discussion followed with contributions from Councillors F. Timmons, P. Kavanagh, M. Duff, M. Johansson, L. Whelan, V. Casserly, P. Kearns, A. Edge, P. Holohan, C. Bailey, K. Egan, L. Dunne, W. Carey, D. McManus, R. McMahon, K. Mahon, and C. O’Connor.

The Mayor Councillor P. Kavanagh the proposed and the Members **AGREED** to a ROLL CALL vote, the of which was as follows:

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

**Councillors C. Bailey, W. Carey, Y. Collins, M. Duff, L. Dunne, A. Edge, K. Egan, P. Gogarty, L Hagin Meade, A. Hayes, P. Holohan, M. Johansson, P. Kavanagh, P. Kearns, B. Lawlor, K. Mahon, S. Moynihan, D. Ó Brádaigh, E. Ó Broin, C. O’Connor, S. O’Hara, F. Timmons, J. Tuffy, L. Whelan.**

**AGAINST: 3 (THREE)**

**Councillors R. McMahon, D. McManus, and B. Pereppadan**

**ABSTAIN: 0 (ZERO)**

The motion was **AGREED.**

### **M5/0622 CARBON TAX**

### It was proposed by Councillor K. Mahon and seconded by Councillor D. Ó Brádaigh.

An increase on Carbon Taxes of €7.50 was announced in Budget 2022, from €33.50 to €41.00 per tonne of carbon dioxide emitted. The increase applies from 13 October 2021 for auto fuels and 1 May 2022 for all other fuels and is set to rise to €100 per tonne emitted by 2030.  The carbon Tax is not tackling the environmental damage caused by the producers and profiteers of fossil fuel emissions, including the approximate 14 Data Centres, and major pharmaceutical companies listed in the South Dublin County Council area. It is another tax on workers and energy that hits the poorest and those on limited incomes hardest and is exacerbating the cost-of-living crisis. It represents the opposite of a “just transition”.

This council calls for the scrapping of the carbon tax increases due from May 2022 and the reversal of 2021 increases. We call for immediate direct taxation of a national or local variety on big polluters, the implementation of increased price controls on energy for households, and a rapid shift to renewable energies under public ownership and communicates this motion to the Minister for Environment, Climate, Communication Transport, and The Minister for Local Government and Heritage.

**REPORT:**

If this motion is agreed, letters will be issued to the Minister for the Environment, Climate, Communications and Transport and the Minister for Housing, Local Government and Heritage. The responses, when received, will be circulated to the Members.

A discussion followed with contributions from Councillors B. Lawlor, K. Mahon, Y. Collins, M. Johansson, P. Gogarty, L. Dunne, L. Sinclair, D. McManus, F. Timmons, J. Tuffy, D. Ó Brádaigh, E Ó Broin, R. McMahon, W. Carey, and P. Kavanagh.

The Mayor Councillor P. Kavanagh the proposed and the Members **AGREED** to a **ROLL** **CALL** vote, the of which was as follows:

**FOR 11 (ELEVEN)**

**Councillors W. Carey, M. Duff, L. Dunne, A. Hayes, P. Holohan, M. Johansson, K. Mahon, D. Ó Brádaigh, L. Sinclair, F. Timmons, and L. Whelan.**

**AGAINST 16 (SIXTEEN)**

**Councillors C. Bailey, Y. Collins, A. Edge, P. Gogarty, L. Hagin Meade, P. Kavanagh, P. Kearns, B. Lawlor, R. McMahon, D. McManus, E. Murphy, E Ó Broin, C. O’Connor, S. O’Hara, B. Pereppadan and J. Tuffy.**

**ABSTAIN 0 (ZERO)**

The Motion **FELL.**

**M6/0622 RE-LET FUNDING**

It was proposed by Councillor P. Holohan, seconded by Councillor F. Timmons, and **MOVED** without debate:

### It was proposed by Councillor P. Holohan and seconded by Councillor

This Council calls on central government to make the funding available ASAP to complete the necessary works on all boarded up/derelict houses owned by SDCC returning them to Council stock. Considering the emergency housing crisis, the country finds itself in this matter needs to be considered a point of priority.

**REPORT:**

The Council has made significant provision of €3.5 million in the 2022 Revenue Budget for refurbishment and allocation of vacant Council-owned social homes. We have recently received initial notification of voids funding of up to €1.15 million from the Department of Housing, Local Government and Heritage in respect of 105 homes for 2022.

In 2021, expenditure on re-lets by the Council totalled €3.13 million with €1.87 million grant funding provided by DHLGH.

At the end of May 2022, 119 social housing properties were vacant and at various stages of the re-let process, representing just over 1% of Council social housing stock.

The Motion was **AGREED**.

**(M7) 40% CANDIDATE QUOTAS**

The following motion which was proposed by Councillor A. Edge, seconded by Councillor P. Kearns was **WITHDRAWN** at the request of Councillor A. Edge, with the agreement of the Members, in accordance with Standing Order No. 28:

That this Council requests the Chief Executive to write to the Taoiseach, The Minister of State for Local Government and the Minister of State for Electoral Reform requesting that legislated candidate gender quotas of 40% be introduced to apply to the local elections in 2024.

### **M8/0622 NTQS & HAP**

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

This Council calls on the Chief Executive to review and change the Councils current Housing Policy which only allows social housing/HAP applicants to access the higher homeless rate of HAP 6 weeks before the applicant's Notice to Quit is enacted. Taking into account the length of time it is taking for families/couples/individuals to find private accommodation, this change will allow for the applicants to access the higher homeless rate of HAP from the date of issue of the NTQ to the Council.

**REPORT:**

The enhanced or homeless rate of Housing Assistance Payment (HAP) was specifically introduced to support homeless households to exit emergency accommodation and is operated by the Dublin Region Homeless Executive (DRHE) in conjunction with this Council and the other Dublin local authorities.  A related homeless prevention discretionary measure, also co-ordinated by the DRHE on behalf of the Dublin local authorities, provides access to the homeless rate of HAP to households up to six weeks in advance of the termination date of a valid notice of termination of private rented tenancy.  The operation of this facility is being reviewed by the DHRE to provide earlier access to the enhanced rate where appropriate in the context of current difficulties in securing private rented accommodation while also being cognisant of related factors including the HAP Regulations, Department of Housing, Local Government and Heritage guidance, the original purpose of the homeless HAP rate and potential impacts on market rents.

A discussion followed with contributions from Councillor L. Dunne, P. Gogarty, C. Bailey, P. Holohan, D. McManus, L. Hagin Meade, P. Kearns, K. Mahon, W. Carey, E. Murphy, and P. Kavanagh.

Mr. C. Ward, Director of Housing, Social and Community Development, and Mr. D. McLoughlin, Chief Executive responded to the Members queries.

The Motion was **AGREED**.

### **M9/0622 EMERGENCY ACCOMMODATION**

### It was proposed by Councillor M. Duff and seconded by Councillor F. Timmons and **MOVED** without debate:

That this Council calls on the Chief Executive to ensure that any family that are referred /given temporary or emergency accommodation, through the SDCC Homeless Section, either in the County or the City, are placed in accommodation that is suitable to the needs of that family, that they have access to kitchen facilities, have access to bathrooms, have the basic access to the Internet to facilitate students in that family who are studying for their Junior or Leaving Cert or are attending 3rd level College and that the family are not required to leave the accommodation every day at 0.8am and "allowed" to return at 1700 hours and that he address this issue with the necessary authorities or agencies.

**REPORT:**

Where possible, families in need of temporary accommodation are placed in family hubs which provide relatively stable and appropriate accommodation that generally includes cooking & laundry facilities, communal recreation, play and study space as well as support from on-site key workers.

Ongoing support is also provided to assist families in hubs to pursue longer-term accommodation through HAP-supported private rented accommodation or social housing tenancies.

The Council, together with the Dublin Regional Homeless Executive and other external service providers, endeavour to meet the emergency accommodation needs of those who find themselves homeless and continue to examine locations for potential additional family hubs in the County.

It is acknowledged that family hubs are not a long-term solution for families but that they do provide an improved option for families who have become homeless and who may otherwise require self-accommodation options in hotels/B&Bs.  Where there is no available capacity in family hubs then approval is given for families to self-accommodate with homeless support services then working with families to progress them to family hubs as vacancies arise.

The Motion was **AGREED**.

### **M10/0622 ENERGYCLOUD**

### It was proposed by Councillor T. Costello and seconded by Councillor E. Murphy.

To call on the Chief Executive of the Council to help address fuel poverty within our local authority homes by partnering with EnergyCloud, a not-for profit organisation. EnergyCloud was established to use some of the surplus renewable energy, which would otherwise be wasted, to help tackle fuel poverty, which impacts thousands of Irish families every day and is also in line with the Government's Climate Action Plan.

**REPORT:**

Our Housing Maintenance section, together with Dublin’s Energy Agency CODEMA who work on behalf of the four Dublin Local Authorities, will investigate the potential for suitable projects to partner with EnergyCloud that may assist tenants in tackling fuel poverty.

Councillor T. Costello spoke to the Motion.

The Motion was **AGREED**.

### **M11/0622 ADVERTISING - GAMBLING COMPANIES**

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

That this council prohibits advertising from Gambling companies on and in all buildings owned by the local authority.

**REPORT:**

Businesses which advertise their goods or services have to comply with the general principle which governs all advertising – this means that all advertising must be:

* Legal
* Honest
* Decent
* Truthful

Permanent advertising signs on public roads require a licence under Section 254 of the Planning Act 2000. This includes finger post signs, advertisement structures, and hoardings.

Advertisers must have permission from the landowner on which any sign is located, and such signage cannot obscure transport signage or routes, or make them hazardous.  Accordingly, SDCC must give permission for advertising signage on / in its buildings.

In relation to Tallaght Stadium: In the event of a club sponsor having an association with gambling, the Council has no basis to prevent such advertising or incorporation of logos on club merchandise or signage during matches.

As matters stand, gambling is not illegal, and so once it is contained on approved club signage, either outside or pitch side, the Council have no basis to address.

A discussion followed by Councillors L. Sinclair, P. Kavanagh, T. Costello, E. Murphy, W. Carey, R. McMahon, K. Mahon, and Y. Collins.

Mr. D. McLoughlin, Chief Executive responded to the Members queries.

The Motion was **AGREED**.

### **(M12) HEATING RESPONSES**

### As Councillor D. Richardson was absent from the Chamber the following motion **FELL** in accordance with Standing Order No. 28

That this Council agrees to make it a priority to fix heating systems when they break down in Council owned housing.

### **M13/0622 PAUSE OF PLANNING APPLICATIONS IN CITY EDGE LANDS**

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

That this Council agrees to write to An Bord Pléanala, to the Minister of Housing Darragh O'Brien Minister of State Peter Burke with special responsibility for Planning, Local Government and Heritage to request a change in legislation to allow for pause on planning application decisions related to ongoing and future private large development within the proposed City Edge Redevelopment areas. A recent report provided to members in relation to this project, the largest new town in the whole of Europe referenced the challenges being presented to project development during this incredibly period of time. The question must be asked whether the state and local government are responsible for planning of new sustainable communities or whether we will continue to outsource this to private developers, whose only interest is in relation to their own site and their bottom line.

**REPORT:**

For the City Edge lands there is an existing County Development Plan in place for South Dublin and the new draft County Development Plan will come into effect in August 2022 which retains the land use zoning. The Council recently noted a Strategic Framework for the City Edge lands that sets a vision for the future of these lands, however, this is not a framework for development consent as it is not a statutory plan. The Council has committed to a variation to its Development Plan to support the delivery of a longer term vision of these lands. Following this variation, a more detailed plan will be prepared.

As its stands planning application must be assessed when received against the policies in place at the time of decision. New legislation would be required to pause the submission of new planning applications in any area, which would likely be a lengthy process.

As proposed this motion would also

* impact all existing businesses, residents and operations in the area and would restrict everyone’s ability to apply for planning permission to expand/change existing businesses or existing residential.
* may present circumstances where landowners could seek compensation

A discussion followed with contributions from Councillor C. Bailey, E. Murphy, M. Johansson, S. Moynihan, W. Carey, L. Dunne, and P. Kavanagh.

Mr. D. McLoughlin, Chief Executive responded to the Members queries.

Councillor C. Bailey **AGREED** to accept the Chief Executives report.

### **M14/0622 SCRAMBLER LEGISLATION**

### It was proposed by Councillor C. O'Connor and seconded by Councillor F. Timmons.

That this Council calls on the Minister for Transport to expedite the process to ensure that Legislation is passed to deal with the control of Scramblers and expresses concern at the delay in dealing with the issue which is of great concern to many.

**REPORT:**

There are currently two pieces of legislation before the Houses of the Oireachtas in relation to this matter.

The first of these is the Road Traffic (All-terrain Vehicle and Scrambler Motorbike) (Amendment) Bill 2020 which is currently at stage 2 of the 11 stage process to pass the legislation.

The second is the Criminal Justice (Public Order) (Scramblers and Quadbikes) (Amendment) Bill 2021 which is also indicated to be at stage 2 of the process.

If this motion is passed a letter will be issued to the Minister for Transport expressing the concern of the elected members in relation to the delay in progressing the matter.

A discussion followed with contributions from Councillor C. O’Connor, F. Timmons, T. Costello, M. Johansson, D Ó Brádaigh, W. Carey and L. Sinclair.

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

The Motion was **AGREED**.

### **M15/0622 ROAD SAFETY CAMPAIGN**

### It was proposed by Councillor L. Hagin Meade and seconded by Councillor P. Kavanagh

This Council agrees to run an education and awareness campaign to keep pedestrians and cyclists safe on mountain and pathway-free roads this summer.

**REPORT:**

In advance of the summer holidays, and in line with our awareness raising obligations, the Road Safety Unit will deliver a social media campaign raising the profile of pedestrians and those that cycle on our mountain and pathway-free roads during the summer months. In addition, the Council recently installed 53 cycle safe pass signs at the following locations:

Ballycullen Drive

Monastry Road/Boot Road

Brookfield Road

Castletymon Road

Cookstown Road

Fortunestown Road

Fortunestown Lane

Killinardan Heights

Killinniny Road

Kiltipper Road

Lucan Road

Old Nangor Road

Bohernabreena Road

Cruagh Lane

A discussion followed with contributions from Councillor L. Hagin Meade, P. Kavanagh and C. Bailey.

The Motion was **AGREED**.

**M16/0622 LARGE SCALE RESIDENTIAL DEVELOPMENTS**

It was proposed by Councillor Y. Collins and seconded by Councillor C. O’Connor and **MOVED** without debate:

Noting that Circular PL02-2018 predates provision for Large Scale Residential Developments, that this Council writes to the Minister for Housing, Local Government and Heritage of Ireland requesting clarification as to whether it would be appropriate for presentations to be furnished by local authorities to Area Committee Meetings in relation to Large Scale Residential Developments (LRDs) planned for their areas, similar to those done in relation to Strategic Housing Developments (SHDs), given the significance of these developments for our areas.

**REPORT:**

If this motion is agreed, letters will be issued to the Minister for Housing, Local Government and Heritage of Ireland.

Responses, when received, will be circulated to the Members.

Meeting Finished @ 18:45