

MINUTES OF ORDINARY MEETING OF CORK CITY COUNCIL
HELD ON MONDAY, 12TH DECEMBER, 2005

- PRESENT** An Leas tArdmhéara, Comhairleoir D. Murphy in the chair.
- NORTH EAST** Comhairleoirí M. Quill, T. Brosnan, D. Murphy, A. Spillane.
- NORTH CENTRAL** Comhairleoirí M. Barry, C. Clancy, G. O' Flynn, D. Wallace.
- NORTH WEST** Comhairleoirí J. O' Brien, D. McCarthy, C. Burke, M. O' Connell, T. Fitzgerald.
- SOUTH EAST** Comhairleoirí D. Counihan, C. O' Leary, D. O' Flynn, T. Shannon, J. Corr.
- SOUTH CENTRAL** Comhairleoirí C. Lynch, S. Martin, T. O' Driscoll, D. Cregan.
- SOUTH WEST** Comhairleoirí J. Buttimer, F. Dennehy, M. Shields, B. Bermingham, M. Ahern.
- APOLOGIES** An tArdmhéara, Comhairleoir D. Clune, Comhairleoirí P. Gosch, J. Kelleher.
- ALSO PRESENT** Mr. J. Gavin, City Manager.
Mr. F. Allison, A/Director of Services, Corporate Affairs.
Mr. S. Kearney, Director of Services, Housing & Community.
Mr. J. O' Donovan, Director of Services, Planning & Development.
Ms. A. Bogan, Senior Planner, Planning & Development.
Mr. P. Moynihan, Senior Executive Officer, Housing & Community.
Ms. N. Mulcahy, A/Senior Executive Officer, Corporate Affairs.
Ms. I. Madden, Communications Co-ordinator, Corporate Affairs.
Ms. U. Ramsell, Staff Officer, Corporate Affairs.

An Leas tArdmhéara recited the opening prayer.

1. (a) **VOTES OF SYMPATHY**

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

- The Kearney Family on the death of Kathleen Kearney.
- The McCarthy Family on the death of Thady McCarthy.
- The Finnegan Family on the death of Noel Finnegan.
- Mr. Jim O' Donovan on the death of his brother.
- Mr. Dermot Kelly on the death of his sister Margaret Kelly.
- The Downey Family on the death of Eileen Downey.

1. (b) **VOTES OF CONGRATULATIONS**

An Chomhairle extended a vote of congratulations to:

- St. Michael's Under 16's Football Team on winning the County Championship.
- Nemo Rangers on winning the Minor County Football Title.
- Nemo Rangers on winning their 13th Munster Football Club Championship.
- ICTU and CCTU on the National Day of Stoppage in support of Irish Ferries Workers and to all those who took part.
- Jim Forbes for his contribution to Cork GAA during 2005.
- Martin Barrett and Cork 2005 on the Journey of Light Event.

2. **MINUTES**

An Chomhairle considered and approved the minutes of the following meeting:-

- a) Ordinary Meeting of An Chomhairle held on 28th November, 2005.

3. **QUESTION TIME**

3.1 **CAR PARK NEAR MERCY HOSPITAL**

In response to question submitted by Comhairleoir M. O' Connell, a written reply was circulated which stated that the City Council have no plans to build a car park near the Mercy Hospital.

3.2 **ROAD SERVICING HOUSING DEVELOPMENT AT BISHOPSTOWN PARK, BISHOPSTOWN**

In response to question submitted by Comhairleoir M. Shields, a written reply was circulated which stated that a section of footpath from the junction at Chestnut Grove to the pedestrian entrance at Aras Leon was constructed in September/October.

The section from the pedestrian entrance to Bishopstown House is a greater undertaking and involves road widening and traffic calming. Road Design have now completed a revised layout for this section, tenders will be invited for same in early January 2006 and it is anticipated works will commence in February 2006 and be completed by March 2006.

3.3 **PROGRAMME OF WORK CARRIED OUT ON THE CURRAHEEN TO CITY CENTRE (NO. 8 BUS SERVICE)**

In response to question submitted by Comhairleoir S. Martin, a written reply was circulated which stated that the full programme of work for the Curraheen to City Centre (No. 8 Bus Service) Green Route includes:

- Installation of bus priority measures by the use of bus lanes and bus priority at traffic signals
- New traffic signals at various junctions
- Upgrading of bus stops and bus shelters
- Installation of pedestrian crossing facilities
- Improvement of road surfacing
- Upgrading of footpaths
- Installation of cycle facilities including cycle tracks and advance stop lines
- Improvement of public lighting.
- New 'slip' bus lane at Wilton Roundabout

The contract is completed. The tender price for the contract was €3.4 million and the project is fully funded by the Department of Transport.

3.4 **INSTALLATION OF DOUBLE OF YELLOW LINES – ROCHELLE PARK**

In response to question submitted by Comhairleoir T. Shannon, a written reply was circulated which stated that

- a) The double yellow lines were installed at the entrance to Rochell Park to ensure access for emergency vehicles and for general normal traffic. The request for the yellow lines came from local residents of the estate after a meeting had been held.
- b) Local Councillors were not involved in the discussions prior to the installation of the road markings.
- c) Normal consultation took place with the Gardaí and they agreed with the provision of the yellow lines.
- d) The City Council has executive powers to install signs and road markings subject to consultation with the Gardaí.
- e) Request for various signage of road markings regularly come from Council or the Roads Functional Committee. The installation of the signs/road markings then becomes an executive management decision subject to, as previously stated, consultation with the Gardaí. This does not apply to signage/road markings, which have a major traffic management function, e.g. pedestrianisation scheme for Oliver Plunkett Street. In this case, a more formal public consultation process must take place and the final decision rests with the City Council (reserved function).
- f) Disc parking controls were not appropriate for the issues concerned. The residents of Rochelle also do not want disc parking controls within the estate.

3.5 **HOUSING WAITING LISTS**

In response to question submitted by Comhairleoir M. Barry, a written reply was circulated which stated that

- (a) In November 1999 there were 2034 eligible housing applicants and 913 applicants awaiting report on Cork City Council's housing waiting list.

In November 2002 there were 2472 eligible housing applicants and 1361 applicants awaiting report on Cork City Council's housing waiting list.

- (b) There are 997 applicants on Cork City Council's affordable housing waiting list
- (c) There are 1769 local authority tenants seeking a transfer.
- (d) Six units were yielded to Cork City Council so far this year under Part V. The provision of a further 150 units are at an advanced stage.
- (e) The number of applicants on Cork City Council's housing waiting list who currently receive rent allowance is 2566 out of a total of 4528 eligible applicants.

3.6 **FIRE SERVICES IN THE CITY**

In response to question submitted by Comhairleoir J. Buttimer, a written reply was circulated which stated that the Fire Department has been in correspondence with the Department of the Environment Heritage & Local Government for the past number of years regarding the provision of a Fire Station in the Southern suburbs. Possible sites have been considered however there is difficulty in obtaining a suitable location. A Department representative inspected a possible site in 2003 however this site was not ideal especially from a traffic viewpoint. The Fire Authority continues in its efforts to identify a suitable site and in this regard is presently examining a number of options.

There is a legal agreement with Cork County Council re the provision of fire services in the County area by Cork City Fire Brigade. This agreement provides for payment by the County on the basis of:

- the total relevant expenditure by Cork City Council
- the total number of calls by Cork City Fire Brigade
- the number of calls to the County.

A Liaison Committee consisting of representatives from the City and County Fire Authorities meets on a regular basis to review all matters relating to the operation of the City County Agreement.

3.7 **CHRONIC LACK OF WATER PRESSURE**

In response to question submitted by Comhairleoir D. Wallace, a written reply was circulated which stated that the water department did not receive any poor pressure complaints for Bunkers Hill. The poor pressure complaints in St. Mary's road were as a result of a broken water main on Watercourse Road which was repaired at the time.

In St. Patrick's Arch the houses are fed from only lead joint supplies. In 2002, householders were offered new connections under the special connection scheme. Five houses took up the offer. The houses that may have problems with poor pressure are possibly still on the old supplies. However the water dept has no complaints from the area in recent years.

If there is a problem with any domestic appliance it is usually as a result of incorrect internal plumbing in the house or with the particular appliance.

If individual house holders contact Water Services directly each individual circumstance is investigated.

3.8 **NEW DEVELOPMENTS AT KNOCKNAHEENY**

In response to question submitted by Comhairleoir T. Fitzgerald, it was agreed to defer question to the next meeting of An Chomhairle to be held on 16th January, 2006.

3.9 **OWNERS OF PRIVATE RENTED ACCOMMODATION**

In response to question submitted by Comhairleoir T. Brosnan, a written reply was circulated which stated that

- (a) The general power of local authorities to levy charges is set out in Section 2 of the Local Government (Financial Provisions) Act 1983, as amended by the Local Government Act 2000, which states *inter alia* that where a premises are not owned by a Local Authority and comprise more than one dwelling, the charge is payable by and recoverable from the owner of the dwelling. This general power has been extended by Section 75 of the Waste Management Act 1996. In effect this means that the landlord or owner of a rented premises comprising more than one dwelling, (for example apartments), is the person legally responsible for the charges rather than the occupier.

Section 33 of the Waste Management Act 1996 empowers local authorities not to collect refuse where charges have not been paid. Cork City Council

does not collect refuse from premises where the account is not in order. Where such waste is presented for collection it is regarded as litter and comes within the ambit of the Litter Pollution Acts 1997 to 2003, section 6(3) of which states:

The owner of any land appurtenant to a residence that is let in two or more dwelling units (not being separate hereditaments) shall, notwithstanding the obligation of an occupier under subsection (2) in relation to land, keep the land free of litter that is to any extent visible from a public place.

This means that Cork City Council can take action either against the individual causing the litter, where evidence can be obtained, or against the owner (landlord) of rented premises as described above.

- (b) Private Rented property owners are no longer required to register with Cork City Council. This function has been taken over by the Private Rented Tenancies Board.

4. **PROPOSED DEVELOPMENTS UNDER PART VIII, LOCAL GOVERNMENT (PLANNING & DEVELOPMENT) REGULATIONS 2001**

4.1 **PROPOSED RESIDENTIAL DEVELOPMENT AT CHAPEL FIELD, GURRANABRAHER**

Comhairleoir D. Wallace declared an interest in this matter and thereafter refrained from participating in the discussion.

An Chomhairle considered the proposed residential development at Chapel Field, Gurranabraher and the report of the City Manager thereon as required under Section 179 (3) of the Planning and Development Act, 2000 dated 8th December, 2005.

Comhairleoir M. Barry proposed and Comhairleoir J. O' Brien seconded that the following resolution be adopted by An Chomhairle

“RESOLVED pursuant to the provisions of Section 179 (4) of the Planning & Development Act 2000 that the development of 36 units at Chapel Field, Gurranabraher be carried out.”

A vote was called for where there appeared as follows:

FOR: Comhairleoirí A. Spillane, M. Barry, C. Clancy, J. O' Brien, C. Burke, C. O' Leary, S. Martin (7)

AGAINST: Comhairleoirí M. Quill, T. Brosnan, D. Murphy, G. O' Flynn, D. McCarthy, M. O' Connell, D. Counihan, D. O' Flynn, T. Shannon, J. Corr, C. Lynch, D. Cregan, J. Buttimer, M. Shields, B. Bermingham, M. Ahern **(16)**

ABSTAINED: Comhairleoir T. Fitzgerald.

An Leas Ardmhéara declared the resolution not carried.

On the proposal of Comhairleoir D. Cregan, seconded by Comhairleoir M. O' Connell, An Chomhairle approved the proposed development at Chapel Field, Gurranabraher and the report of the City Manager dated 8th December, 2005 thereon and adopted the following resolution:

“RESOLVED pursuant to the provisions of Section 179 (4) of the Planning & Development Act 2000 that the proposed residential development at Chapel Field, Gurranabraher be carried out”

4.2 **PROPOSED RESIDENTIAL DEVELOPMENT AT BANTRY PARK ROAD, GURRANABRAHER**

Comhairleoir D. Wallace declared an interest in this matter and thereafter refrained from participating in the discussion.

An Chomhairle considered the proposed residential development at Bantry Park Road, Gurranabraher and the report of the City Manager thereon as required under Section 179 (3) of the Planning and Development Act, 2000 dated 8th December, 2005.

Comhairleoir D. Cregan proposed and Comhairleoir S. Martin seconded that a decision on this matter be deferred for one month.

A vote was called for where there appeared as follows:

FOR: Comhairleoirí M. Quill, A. Spillane, M. Barry, C. Clancy, J. O' Brien, C. Burke, C. O' Leary, T. Shannon, J. Corr, C. Lynch, S. Martin, D. Cregan **(12)**

AGAINST: Comhairleoirí T. Brosnan, D. Murphy, G. O' Flynn, D. McCarthy, M. O' Connell, T. Fitzgerald, D. Counihan, D. O' Flynn, T. O' Driscoll, J. Buttimer, F. Dennehy, M. Shields, B. Bermingham, M. Ahern **(14)**

An Leas Ardmhéara declared the vote lost.

On the proposal of Comhairleoir D. Cregan, seconded by Comhairleoir M. O' Connell, An Chomhairle approved the proposed residential development at Bantry Park Road, Gurranabraher and the report of the City Manager dated 8th December, 2005 thereon and adopted the following resolution.

“RESOLVED pursuant to the provisions of Section 179 (4) of the Planning & Development Act 2000 that the proposed residential development at Bantry Park Road, Gurranabraher be carried out.”

4.3 **PROPOSED RESIDENTIAL DEVELOPMENT AND CRECHE AT SHANAKIEL**

An Chomhairle considered the proposed residential development and crèche at Shanakiel and the report of the City Manager thereon as required under Section 179 (3) of the Planning and Development Act, 2000 dated 8th December, 2005.

Comhairleoir C. Burke proposed and Comhairleoir C. O’ Leary seconded that a decision on this matter be deferred for four weeks.

A vote was called for where there appeared as follows:

FOR: Comhairleoirí A. Spillane, C. Clancy, J. O’ Brien, C. Burke, C. O’ Leary, J. Corr, C. Lynch (7)

AGAINST: Comhairleoirí M. Quill, T. Brosnan, D. Murphy, M. Barry, D. McCarthy, M. O’ Connell, T. Fitzgerald, D. O’ Flynn, T. Shannon, T. O’ Driscoll, M. Shields, B. Bermingham, M. Ahern (13)

An Leas Ardmhéara declared the vote lost.

On the proposal of Comhairleoir M. O’ Connell and seconded by Comhairleoir B. Bermingham An Chomhairle approved the report of the City Manager dated 8th December, 2005 on the proposed residential development and creche at Shanakiel and adopted the following resolution:

“RESOLVED pursuant to the provisions of Section 179 (4) of the Planning & Development Act 2000 that the proposed residential development and creche at Shanakiel be carried out.”

ITEM DEFERRED FROM MEETING OF AN CHOMHAIRLE HELD ON 28TH NOVEMBER, 2005

5. **RAPID PROGRAMME AREA IMPLEMENTATION TEAMS**

Knocknaheeny/Churchfield

An Chomhairle approved the withdrawal by Comhairleoir J. O’ Brien of his resignation from Knocknaheeny/Churchfield Area Implementation Team.

6. **SCHEDULE OF MEETINGS**

An Chomhairle approved the Schedule of Meetings for January to June 2006 with the amendment of March 28th to March 27th.

7. **CONTINUATION OF MEETING**

An Chomhairle agreed to continue the meeting beyond 8p.m. and agreed unanimously that the meeting would finish at 9p.m.

8. **PLANNING & DEVELOPMENT STRATEGIC POLICY COMMITTEE – 5TH DECEMBER, 2005**

8.1 **PROGRESS REPORT ON CORK CITY DEVELOPMENT PLAN**

An Chomhairle noted the 2 year Progress Report on Cork City Development Plan.

8.2 **PROPOSED VARIATION NO. 2 TO CORK CITY DEVELOPMENT PLAN**

An Chomhairle approved the report City Manager dated 11th December, 2005 on the Proposed Variation No. 2 to Cork City Development Plan 2004.

On the proposal of Comhairleoir M. Quill, seconded by Comhairleoir D. Wallace An Chomhairle also adopted the following resolution:

“**RESOLVED** pursuant to Section 13 of the Planning & Development Act 2000 to vary the Cork City Development Plan 2004 as set out in Variation No. 2 to the Cork City Development Plan in accordance with the modifications set out in the City Managers report dated 11th December, 2005 with the exclusion of O’ Mahony’s Avenue Pocket Park.”

8.3 **MAKING OF THE NORTH DOCKS LOCAL AREA PLAN**

An Chomhairle approved the report of the City Manager on submissions received re. proposed alteration to North Docks Local Area Plan.

On the proposal of Comhairleoir J. Corr seconded by Comhairleoir D. Cregan, An Chomhairle also adopted the following resolution:

“**RESOLVED** pursuant to Section 20 of the Planning & Development Act 2000 as amended by the Planning & Development (Amendment) Act 2002 that the North Docks Local Area Plan be made to include the modifications set out in the reports of the City Manager dated 12th September 2005 and 1st December, 2005.

8.4 **REVIEW CURRENT CITY DEVELOPMENT PLAN**

On the proposal of Comhairleoir F. Dennehy, seconded by Comhairleoir D. Wallace, An Chomhairle approved the report the report of the Director of Services, Planning & Development on the following motion which was referred to the Committee by An Chomhairle:-

‘That Cork City Council conduct a review on the current City Development Plan on a ward by ward basis in a process involving local Councillors and Community representative groups where applicable, to see if the current plan is functioning to the greater benefit of our City and if it is enhancing local communities as intended.

I would also ask that the process would identify and specify the areas where residential development as opposed to high density would be acceptable.’

(Proposer: Cllr. F. Dennehy 05/382)

The report of the Director of Services stated that a two year progress report on the achievement of the objectives of the City Development Plan has just been circulated to Council, as required by the Planning and Development Act 2000. This report sets out progress on a whole range of objectives ranging from the amount of residential and commercial development which has occurred to progress on amenity provision, transportation and environmental infrastructure. This provides some information on the city sectors and will address in general terms the issues raised in the motion. More detailed analysis of different parts of the city is best addressed through local plans which address the whole range of issues in an area in an integrated way. Such plans have been carried in the last year for Cornmarket Street, the North Docks and Blackrock Village, while smaller development briefs have also been carried out for a number of other areas. The programme of local plans will continue in 2006 with resources generally targeted at areas with most potential for renewal and upgrading.

8.5 **LOCAL AREA ACTION PLAN – BISHOPSTOWN**

An Chomhairle approved the report of the Director of Services, Planning & Development on the following motion which was referred to the Committee by An Chomhairle.

‘In order to ensure a quality built environment for the future tailored to the specific needs of the locality, I am suggesting that a local area action plan is devised as soon as possible for the Bishopstown area and its environs. As part of drawing up of such a plan I would also suggest that a working group is set up consisting of Cork City Council Planners, Elected Members of Cork City Council, Community Association, Business Interests etc to discuss and study the issues involved and make recommendations.

I am proposing that the necessary funding for this project is provided for in the 2006 budget.'

(Proposer: Cllr. M. Shields 05/365)

8.6 **AREA DEVELOPMENT PLAN FOR BISHOPSTOWN**

An Chomhairle approved the report of the Director of Services, Planning & Development on the following motion which was referred to the Committee by An Chomhairle.

'In view of the ongoing and recent construction of apartment complexes, student and otherwise in the greater Bishopstown, Model Farm Road, Dennehy's Cross and Wilton area, demolition of existing properties to facilitate development, and in light of the large rental sector in the area due to the proximity of UCC, CIT and CUH that (a) Cork City Council would prepare and publish an Area Development Plan for Bishopstown, Model Farm Road, Dennehy's Cross and Wilton area and (b) that in its budget for 2006 money be set aside for the drafting, publishing and implementation of an Area Development Plan.'

(Proposers: Cllrs. J. Buttimer & B. Bermingham 05/383)

The report of the Director of Services stated that a programme of work is currently being drawn up for the Planning Policy Section for 2006. It is envisaged that this will include an Action Area Plan for Bishopstown /Wilton area. This will consider issues such as development opportunities, the public realm, urban design, amenities, and transportation. Consultation with Council Members and local community and other stakeholders will be an integral part of the process of preparing the plan.

8.7 **PASSAGE WEST RAILWAY LINE AMENITY WALK**

An Chomhairle considered the report of the Director of Services, Planning & Development on the following motion which was referred to the Committee by An Chomhairle.

'That the old Passage West Railway Line Amenity Walk (from The Marina to the Rochestown Road) would have a preservation order put in place to prevent any future developments on this walkway.'

(Proposer: Cllr. D. O'Flynn 05/392)

On the proposal of Comhairleoir T. Shannon, seconded by Comhairleoir D. O'Flynn, An Chomhairle approved that the motion be amended to read as follows:-

‘That the old Passage West Railway Line Amenity Walk including the bridges and the old Blackrock Railway Station (from The Marina to the Rochestown Road) would have a preservation order put in place to prevent any future developments on this walkway.’

(Proposer: Cllr. D. O’Flynn 05/392)

8.8 **DEVELOPMENT PLAN FOR THE GREATER MAYFIELD AREA**

An Chomhairle approved the report of the Director of Services, Planning & Development on the following motion which was referred to the Committee by An Chomhairle.

‘That Cork City Council draw up a development plan for the greater Mayfield area.’

(Proposer: Cllr. A. Spillane 05/396)

The report of the Director of Services stated that a programme of work for 2006 is currently being drawn up for the Planning Policy Section. Due to limitations on resources it is not possible to prepare local plans for every part of the city. Areas with most potential for renewal and development are generally prioritized. The proposal for a plan for Mayfield can be considered in this context having regard to resources available.

8.9 **MUNICIPAL NOTICEBOARDS IN THE CITY CENTRE**

An Chomhairle considered the report of the Director of Services, Planning & Development on the following motion which was referred to the Committee by An Chomhairle.

On the proposal of Comhairleoir J. Buttimer, seconded by Comhairleoir C. Lynch, An Chomhairle agreed that this motion be referred back to the Planning & Development Strategic Policy Committee to discuss the management of this Municipal Board further.

‘Council resolves to construct a number of municipal noticeboards in the city-centre area (not less than 8, not more than 20, with at least 2 situated in Patrick St). The noticeboards should be available to all groups and individuals who wish to display material that would normally be accepted as an advertisement or notice by any reasonable mainstream newspaper (fascist or racist material should be specifically excluded).’

(Proposer: Cllr. M Barry 05/219)

9. **ROADS & TRANSPORTATION STRATEGIC POLICY COMMITTEE – 5TH DECEMBER, 2005**

9.1 **DRAFT WORK PROGRAMME FOR ROADS AND TRANSPORTATION SPC - 2006**

An Chomhairle approved the report of the Director of Services/City Engineer dated 1st December, 2005 regarding Draft Work Programme for Roads and Transportation SPC – 2006.

9.2 **COMMISSION FOR TAXI REGULATION CONSULTATION PAPER NO. 3 – TAXIMETER AREAS AND TAXI FARES**

An Chomhairle agreed to defer consideration of the report of the Director of Services/City Engineer, dated 1st December 2005 regarding Commission for Taxi Regulation Consultation Paper No. 3 – Taximeter Areas and Taxi Fares to the next meeting of An Chomhairle to be held on 16th January, 2006.

10. **ROADS & TRANSPORTATION FUNCTIONAL COMMITTEE – 5TH DECEMBER, 2005**

10.1 **ROADWORKS PROGRAMME**

An Chomhairle noted the report of the Director of Services/City Engineer dated 1st December 2005 on the progress of ongoing Roadworks Programme for month ended November 2005.

10.2 **FOOTPATH RENEWAL – MURMOUNT CIRCLE/DRIVE/AVENUE**

An Chomhairle approved the report of the Director of Services/City Engineer dated 1st December, 2005 on the following motion which was referred to the Committee by An Chomhairle.

‘That Cork City Council include Murmont Circle, Murmont Drive and Murmont Avenue for concrete footpath renewal in the 2006 Roadworks Programme.’

(Proposer: Cllr. T. Brosnan 05/368)

The report of the Director of Services stated that Cork City Council will assess the condition of the footpaths at Murmont and will, if necessary, consider them for appropriate attention in the 2006 Roadworks Programme.

10.3 **DOUBLE YELLOW LINES – ST. VINCENTS ROAD, ST. PHILOMENA ROAD ON TO CATHEDRAL ROAD**

An Chomhairle approved the report of the Director of Services/City Engineer dated 1st December, 2005 on the following motion which was referred to the Committee by An Chomhairle.

‘That Cork City Council Roads Department would put in place double yellow lines at the entrance/exits of St. Vincents Road, St. Philomena Road on to Cathedral Road.’

(Proposer: Cllr. C. Clancy 05/386)

The report of the Director of Services stated that the junctions of St. Philomena Road and St. Vincent’s Street with Cathedral Road are on the No. 2 City Bus Green Route and will be discussed with the Gardaí. If deemed necessary, the double yellow lines at the junctions will be installed as part of the Green Route project. Construction of this scheme is due to start in 2006.

10.4 **REPLACE FOOTPATHS – MADDENS BUILDING**

An Chomhairle approved the report of the Director of Services/City Engineer dated 1st December, 2005 on the following motion which was referred to the Committee by An Chomhairle.

‘That Cork City Council Roads Department replace the footpaths in Maddens Building with a surface in keeping with the area and defines the footpath from the Road.’

(Proposer: Cllr. C. Clancy 05/387)

The report of the Director of Services stated that stated that the existing concrete footpaths at Maddens Buildings are structurally sound and do not warrant replacement. Furthermore such work would interfere with the old limestone kerbs which form an attractive edge definition of road and footpath. However the overall appearance of the footpaths is quite patchy. We have repaired a few localised defective areas during the year with a view to carrying out a thin asphaltic overlay of an appropriate colour over the entire footpath area. This work can be considered for 2006 and would provide a good uniform appearance to all the footpaths and also allow the existing limestone kerb to remain exposed thus providing a contrast between road and footpath. The roads will be resurfaced following any necessary water mains work in the interim.

10.5 **LIST OF AREAS WITH 20 MILES/31 KMPH SIGNS**

An Chomhairle agreed to defer the report of the Director of Services/City Engineer dated 1st December, 2005 on the following motion which was referred to the Committee by An Chomhairle to the next meeting of An Chomhairle to be held on 16th January, 2006.

‘That the Roads Department of Cork City Council draw up a list of areas throughout the city that should have 20 miles/31 kmph traffic signs. The designation of these zones would create a safer environment for local residents and children throughout the city.’

(Proposer: Cllr. S. Martin 05/389)

10.6 **FOOTPATH REPAIR – FRIARS ROAD**

An Chomhairle approved the report of the report of the Director of Services/City Engineer dated 1st December, 2005 on the following motion which was referred to the Committee by An Chomhairle.

‘That the footpath on Friars Road, Turners Cross between O’Connell Avenue and its intersection with Congress Road be immediately included in the footpath repair programme. This work was supposed to be carried out during the resurfacing of Friar’s Road, in places the footpaths are non existing.’

(Proposer: Cllr. S. Martin 05/390)

The report of the Director of Services stated that we propose to carry out footpath renewals both here and in other roads in the area as part of the 2006 Footpath Renewal Programme.

10.7 **PEDESTRIAN CROSSING – SILVERDALE NEAR THE SILVER KEY**

An Chomhairle approved the report of the Director of Services/City Engineer dated 1st December, 2005 on the following motion which was referred to the Committee by An Chomhairle.

‘That a signalised crossing would be provided at the entrance to Silverdale near the Silver Key Bar and incorporating the existing Pedestrian crossing.’

(Proposer: Cllr. D. Clune 05/394)

The report of the Director of Services stated that in order to provide a pedestrian crossing at the entrance to Silverdale Estate near the Silver Key Bar, the junction with Churchyard lane would have to be fully signalised. There is also an approach arm from the Old Churchyard Lane at this location.

A signalised junction at this location would not be appropriate because of the proximity of

- a) The existing pedestrian crossing at the Silver Key bar and
- b) The roundabout at the junction of Churchyard Lane/Skehard Road/Well road.

However, the pedestrian linkages to the existing pedestrian crossing facility will be examined with a view of improving the pedestrian movement facilities in the area.

10.8 **ROAD RESURFACING – SILVERHEIGHTS AVE & DRIVE**

An Chomhairle approved the report of the Director of Services/City Engineer dated 1st December, 2005 on the following motion which was referred to the Committee by An Chomhairle.

‘That Cork City Council make provision in the 2006 Roadworks Programme for the resurfacing of Silverheights Avenue and Silverheights Drive, Silversprings.’

(Proposer: Cllr. T. Brosnan 05/395)

The report of the Director of Services stated Cork City Council will consider the resurfacing of Silverheights Avenue and Silverheights Drive, Silversprings in the 2006 Roadworks Programme.

10.9 **TRAFFIC LIGHTS – JUNCTION OF TRAMORE ROAD**

An Chomhairle approved the report of the Director of Services/City Engineer dated 1st December, 2005 on the following motion which was referred to the Committee by An Chomhairle.

‘That the traffic lights at the junction of Tramore Road and Kinsale Road be adjusted to allow for a greater movement of traffic turning right form Kinsale Road on to Tramore Road.’

(Proposer: Cllr. T. O’Driscoll 05/398)

The report of the Director of Services stated that the traffic lights at the junction of Tramore Road and Kinsale Road will be examined and adjusted as necessary, to allow a greater movement of traffic turning right from Kinsale Road onto Tramore Road.

10.10 **CUL DE SAC AT GLENTHORN ROAD**

An Chomhairle approved the report of the Director of Services/City Engineer dated 1st December, 2005 on the following motion which was referred to the Committee by An Chomhairle.

‘That a cul de sac sign would be located at the entrance to Glenthorn Road, Dublin Hill.’

(Proposer: Cllr. P. Gosch 05/400)

The report of the Director of Services stated that the entrance to Glenthorn Road at Dublin Hill is not a cul-de-sac as the roadway leads onto Glenthorn Avenue, Glenthorn Drive, Glenthorn Way, etc. However, a cul-de-sac sign will be installed on the section of Glenthorn Road east of its junction with Glenthorn Avenue.

10.11 **TRAFFIC CALMING MEASURES – MELBOURN ROAD**

An Chomhairle approved the amended report of the Director of Services/City Engineer dated 1st December, 2005 on the following motion which was referred to the Committee by An Chomhairle.

‘That Cork City Council would due to high volume of traffic, and given that two school entrances exist on the Melbourn Road put in place a series of traffic calming measures on the Melbourn Road to slow traffic down and to force motorists to take cognisance of the needs of pedestrians and residents on the Melbourn Road.’

(Proposer: Cllr. J. Buttimer 05/405)

The report of the Director of Services stated that Melbourn Road is already on the list of areas where a request for traffic calming has been received. Traffic volume and speed surveys are due to be carried out to determine the extent of the problems in order to identify any possible mitigation measures that could be provided there.

Appropriate traffic calming measures will be put forward for consideration to be included in the 2006 Roads Programme.

11. **HOUSING & COMMUNITY FUNCTIONAL COMMITTEE – 5TH DECEMBER, 2005**

11.1 **MONTHLY REPORT**

An Chomhairle agreed to defer consideration of the report of the Director of Services on Housing for the month of November 2005 to the next meeting of An Chomhairle to be held on 16th January, 2005.

11.2 **DEVELOPMENT BY COPE FOUNDATION AT MONTENOTTE, CORK**

An Chomhairle approved the report of the Director of Services dated 1st December, 2005 on the proposed loan facility to the COPE Foundation in relation to development of accommodation at Springfort, Montenotte, Cork.

On the proposal of Comhairleoir S. Martin, seconded by Comhairleoir J. Corr An Chomhairle adopted the following resolution:-

“**RESOLVED** that, pursuant to the provisions of Section 6 of the Housing (Miscellaneous Provisions) Act, 1992 that a loan facility not exceeding €6,569,750.00 be granted to the COPE Foundation subject to the conditions of the Capital Assistance Scheme and the approval of the Department of the Environment, Heritage & Local Government.”

11.3 **DEVELOPMENT BY BISHOPSTOWN SENIOR CITIZENS HOUSING ASSOCIATION LTD**

An Chomhairle approved the report of the Director of Services dated 1st December, 2005 on the proposed loan facility to the Bishopstown Senior Citizens Housing Association Limited in relation to development of 25 no. units of accommodation at Bishopstown Park, Bishopstown, Cork

On the proposal of Comhairleoir J. Buttimer, seconded by Comhairleoir F. Dennehy An Chomhairle adopted the following resolution:-

“**RESOLVED** that, pursuant to the provisions of Section 6 of the Housing (Miscellaneous Provisions) Act, 1992 that a loan facility not exceeding €4,195,558.00 be granted to the Bishopstown Senior Citizens Housing Association Limited, subject to the conditions of the Capital Assistance Scheme and the approval of the Department of the Environment, Heritage & Local Government.”

11.4 **DEVELOPMENT BY RESPOND HOUSING ASSOCIATION**

An Chomhairle approved the report of the Director of Services dated 1st December, 2005 on the proposed loan facility to Respond Housing Association in relation to development at 26-28 Thomas Davis Street, Blackpool, Cork

On the proposal of Comhairleoir S. Martin, seconded by Comhairleoir D. Counihan An Chomhairle adopted the following resolution:-

“RESOLVED that, pursuant to the provisions of Section 6 of the Housing (Miscellaneous Provisions) Act, 1992 that a loan facility not exceeding €1,247,079.00 be granted to the Respond Housing Association subject to the conditions of the Capital Assistance Scheme and the approval of the Department of the Environment, Heritage & Local Government.”

11.5 **ACQUISITION OF 28 NO. HOUSES AT HOLLYHILL LANE, CORK**

An Chomhairle approved the report of the Director of Services dated 1st December, 2005 in relation to the acquisition of 28 no. dwellinghouses at Hollyhill Lane, Cork

On the proposal of Comhairleoir J. Corr, seconded by Comhairleoir D. Wallace An Chomhairle adopted the following resolution:-

“RESOLVED that in accordance with the Local Government (No. 2) Act, 1960, Cork City Council is to borrow a sum not exceeding €5,899,200 to cover all costs associated with the acquisition of 28 no. dwellinghouses at Hollyhill Lane, Hollyhill, Cork.”

11.6 **AFFORDABLE HOUSING IN KNOCKNAHEENY**

An Chomhairle approved the report of the Director of Services dated 1st December, 2005 on the following motion which was referred to the Committee by An Chomhairle:

‘That Cork City Council provide affordable houses in the green area between Kilmore Road and Dunmore Gardens.’

(Proposer: Cllr. D. McCarthy 05/366)

The report of the Director of Services stated that the Housing & Community Directorate will review the lands in the City Council’s ownership at this location to assess the feasibility of providing new housing. A further report will issue to Members when this review is complete.

11.7 **CENTRAL HEATING IN HOUSES AT ROSSALEE CLOSE**

An Chomhairle approved the report of the Director of Services dated 1st December, 2005 on the following motion which was referred to the Committee by An Chomhairle.

‘That Cork City Council would install heating in all of Rossalee Close.’

(Proposer: Cllr. A. Spillane 05/397)

The report of the Director of Services stated that the houses in Rossalee Close, Mayfield are included in the Central Heating Programme for 2005.

11.8 **ESSENTIAL REPAIRS FOR ELDERLY TENANTS**

An Chomhairle approved the report of the Director of Services dated 1st December, 2005 on the following motion which was referred to the Committee by An Chomhairle.

‘That a system be put in place to ensure that elderly tenants will have essential repairs to their homes carried out promptly.’

(Proposer: Cllr. T. O’Driscoll 05/399)

The report of the Director of Services stated that the recent Central Heating Programme had been targeted initially at elderly tenants. Repair requests for housing maintenance are categorised as emergency, urgent or routine depending on the nature of the repair request. The maintenance objective is that the necessary response, taking account of all the particular circumstances, would be affected as quickly as possible. While repairs should be categorised as above for obvious reasons the City Council does endeavour to balance all circumstances including age, social circumstances etc. when responding to repair requests.

11.9 **TENANT PURCHASE SCHEME**

An Chomhairle agreed to defer consideration of the report of the Director of Services dated 1st December, 2005 on the following motion which was referred to the Committee by An Chomhairle to the next meeting of An Chomhairle to be held on 16th January, 2005.

‘Following the recent High Court decision (Wednesday 2 November 2005), regarding the right of residents to make tenant purchases from Dun Laoghaire & Rathdown County Council at 1996 property price values, Cork City Council will:

- a. Examine to see if Cork City Council is now open to a similar High Court challenge following the precedent set by this case.
- b. Examine to see if there are tenants of Cork City Council, including those living in flats, who made applications to Cork City Council, before and during this period, still waiting to buy their homes, with a view to getting legal advice as to what is each party's situation resulting from this judgement.
- c. And that in the event of a comparable situation in Cork City Council being in place which lead to that of this High Court ruling, Council will immediately take whatever necessary steps to speedily resolve the matter.'

(Proposer: Cllr. C. Lynch 05/403)

11.10 **CENTRAL HEATING IN FLATS ON NOONAN'S ROAD**

An Chomhairle approved the report of the Director of Services dated 1st December, 2005 on the following motion which was referred to the Committee by An Chomhairle.

'That Cork City Council will as a matter of priority and urgency ensure that the flats on Noonan's Road will be included in the next phase of the Council's Provision of Central Heating' programme.'

(Proposer: Cllr. C. Lynch 05/404)

The report of the Director of Services stated that in accordance with the previously agreed priorities, all tenants over 60 yrs of age in Noonan Road are already included in the list of properties scheduled for installation of central heating in 2005. Consideration will be given to including the remainder of flats in Noonan Rd in the next phase of the scheme.

11.11 **DEMOLITION OF FLATS AT THE GLEN, CORK**

An Chomhairle approved the report of the Director of Services dated 1st December, 2005 on the following motion referred to the Committee by An Chomhairle.

'That Cork City Council expedite the demolition of the flats at Comeragh Park and Arderin Way, The Glen as in their present condition they are a serious firehazard and are in a dangerous condition and should be condemned.'

(Proposer: Cllr. T. Brosnan 05/420)

The report of the Director of Services stated that Members will be aware that the City Council recently completed the decanting of all the remaining residents in the four blocks of flats at 79-114 Arderin Way and 55-90 Comeragh Park.

The demolition of the flats is currently underway at these locations and plans for the next phase of the Regeneration Project are currently being worked on by the City Architect's Department for progression to Part 8 planning stage.

11.12. **WINDOW REPLACEMENT**

An Chomhairle approved the report of the Director of Services dated 1st December, 2005 on the following motion which was referred to the Committee by An Chomhairle

‘That Cork City Council will:

1. Ensure that double glazing is the set standard in all social and affordable housing which is built on the Councils behalf.
2. Ensure that any future replacement of windows in the present housing stock will be replaced with double glazed windows.
3. Request that the Minister for the Environment, Heritage and Local Government establish a scheme by which local councils are financially assisted to replace single glazed windows with double-glazing in its social housing stock.’

(Proposer: Cllr. C. Lynch 05/427)

The report of the Director of Services stated that:

1. Double glazed windows have been standard in all new Cork City Council housing, whether social or affordable, for the past number of years.
2. Similarly all replacement windows installed in City Council housing stock in recent years have been double glazed as standard
3. Generally the Department of the Environment will only approve funding for replacement windows as part of an overall refurbishment scheme.

11.13 **DISPOSALS**

An Chomhairle approved the following Disposals:

PROPERTY DISPOSAL

- a) Disposal of site approximately 0.222 hectares in area, situated at Leirim Street, Cork to Heineken Ireland Limited by way of exchange for two areas of ground at Leirim Street totalling 0.182 hectares in area.
- b) Disposal of property at 11, The Groves, Kilbarry Dublin Hill, Cork to Edward Murphy and Maura Murphy for the sum of €265,000.00.

SHARED OWNERSHIP

- a) Fee Simple interest in dwellinghouse and premises situated at and known as 7, Upper Lotabeg Road, Mayfield, Cork, held by Cork City Council subject to a Shared Ownership Lease dated the 15th August 2002 to Deirdre Kelleher, for the sum of €2,935.85.

FEE SIMPLE INTEREST

- a) Freehold interest in property situated at and known as “The Rosary”, 18A, Lower Friars Walk, Ballyphehane, Cork, for the sum of €101.60 plus costs of €460.00 to William Nyhan, c/o David J. O’Meara & Sons, Solicitors, Bank Place, Mallow, Co. Cork.

12. **CORRESPONDENCE**

An Chomhairle noted the correspondence.

13. **CONFERENCES**

An Chomhairle approved the attendance at the following Conferences:-

13.1 **LOCAL ECONOMIC DEVELOPMENT CONFERENCE 2005 – OWNING AND SHAPING YOUR FUTURE PROSPERITY**

An Chomhairle approved the attendance of Comhairleoir S. Martin at the Local Economic Development Conference 2005 – Owning and Shaping Your Future Prosperity on the 24th November, 2005 in the Radisson Hotel, Limerick.

13.2 **ANTI-SOCIAL BEHAVIOUR SEMINAR – THE ASBO LEGISLATION HAS IT GONE AWAY?**

An Chomhairle approved the attendance of Comhairleoir M. O’ Connell at the Anti-Social Behaviour Seminar – The ASBO Legislation has it gone away? on the 6th December, 2005 in the Wellington Park Hotel, Belfast.

13.3 **PARTNERSHIPS FOR REDUCING SUICIDE**

An Chomhairle approved the attendance of Comhairleoir M. Shields at the Partnerships for Reducing Suicide Conference on the 7th – 9th December, 2005 in Kilkenny Ormonde Hotel, Kilkenny.

13.4 **SOUTHERN REGIONAL DRUGS TASK FORCE**

An Chomhairle approved the attendance of Comhairleoir T. Fitzgerald at the Southern Regional Drugs Task Force on the 16th December, 2005 in the Ambassador Hotel, Cork.

13.5 **AMAI SPRING SEMINAR 2006**

An Chomhairle approved the attendance of Comhairleoir C. Lynch at the AMAI Spring Seminar 2006 on the 10th – 11th February, 2006 in the Clanree Hotel, Letterkenny, Co. Donegal.

14. **MOTIONS**

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

14.1 **ERECT A RAILING BEHIND LAUREL RIDGE ESTATE**

‘That Cork City Council erect a railing behind Laurel Ridge Est. Blarney Road, on the Harbour View Road side’.

(Proposer: Cllr. D. McCarthy 05/412)

Recreation, Amenity & Culture Functional Committee

14.2 **INSTALL FOOTPATH BETWEEN 26 – 28 POPHAM’S ROAD**

‘That Cork City Council install a footpath between numbers 26 – 28 Pophams Road.’

(Proposer: Cllr. D. McCarthy 05/418)

Roads & Transportation Functional Committee

14.3 **SHANNON AIRPORT AND CORK AIRPORT**

An Chomhairle approved the following motion:-

‘That Cork City Council

- (a) Notes the Irish Hotels Federation’s request to the Government to provide 50 million euro to market Shannon Airport in North America over the next five years.
- (b) Calls for any such marketing campaign to include Cork Airport and any other airports capable of handling transatlantic flights.’

(Proposer: Cllr. T. O’ Driscoll 05/432)

14.4 **2006 FOOTPATHS ESTIMATES – TRAMORE LAWN, DOUGLAS ROAD**

‘That the footpaths on Tramore Lawn, Douglas Road, would be repaired as a matter of urgency, as they are in very poor condition. Also that they would be included in the estimates for 2006.’

(Proposer: Cllr. D. O’ Flynn 05/435)

Roads & Transportation Functional Committee

14.5 **2006 FOOTPATHS ESTIMATES – ARDFALLEN ESTATE**

‘That the footpaths in Ardfallen Estate, would be repaired as a matter of urgency, as they are in very poor condition. Also that they would be included in the estimates for 2006.’

(Proposer: Cllr. D. O’ Flynn 05/436)

Roads & Transportation Functional Committee

14.6 **SEWERAGE PROBLEM – CROAGHTAMORE SQUARE**

‘That Cork City Council take immediate steps to rectify the sewerage problem at Croaghtamore Square, Denroches Cross junction.’

(Proposer: Cllr. S. Martin 05/437)

Environment Functional Committee

14.7 **TRAFFIC CALMING MEASURES – SPRING LANE, BLACKPOOL**

‘That traffic calming measures would be identified for Spring Lane, Blackpool.’

(Proposer: Cllr. D. Wallace 05/439)

Roads & Transportation Functional Committee

14.8 **FUNDING OF ALARMS OF ELDERLY PEOPLE**

‘That Cork City Council calls on the Department of Social Community and Family Affairs to review its scheme for the funding of Alarms for elderly people in order to ensure that applications are processed in a prompt and efficient manner. At present applicants can be kept waiting for up to two years although funding is not an issue.’

(Proposer: Cllr. T. O’ Driscoll 05/440)

Deferred to the next meeting of An Chomhairle

14.9 **MINUTES OF RAPID AITS**

‘That Councillors be circulated with Minutes of the Rapid AITs relevant to their wards.’

(Proposer: Cllr. T. Brosnan 05/441)

Planning & Development Functional Committee

14.10 **ROADWORKS 2006 PROGRAMME – LEYCESTER’S LANE**

‘That Cork City Council make provision in the 2006 Roadworks programme for resurfacing the northern section of Leycester’s Lane from its junction with Murmont Avenue to Old Youghal Road and the reinstatement of adjoining footpaths.’

(Proposer: Cllr. T. Brosnan 05/442)

Roads & Transportation Functional Committee

14.11 **PLANNING PERMISSION**

‘That Cork City Council would abolish the “retention” planning permission facility.’

(Proposer: Cllr. J. Buttimer 05/443)

Planning & Development Strategic Policy Committee

14.12 **CONSTRUCT A PLAYGROUND – BISHOPSTOWN AREA**

‘That Cork City Council would construct a playground / multi use games area in the Bishopstown area.’

(Proposer: Cllr. J. Buttimer 05/444)

Recreation, Amenity & Culture Functional Committee

14.13 **TRAFFIC CALMING SURVEY – MELBOURN ROAD**

‘That this Council requests the Manager to carry out a traffic calming survey on Melbourn Road (a major traffic route) report on same and make recommendations to be implemented early 2006.’

(Proposers: Cllrs. B. Bermingham, M. Shields, J. Buttimer, M. Ahern, F. Dennehy 05/445)

Roads & Transportation Functional Committee

14.14 **DEVELOPMENT AT KILMORE ROAD AND KNOCKNACULLEN**

‘To further enhance the development at Kilmore Road and Knocknacullen, that Cork City Council immediately develop the adjoining area of the Water Tower and Reservoir and put in place new railings around the Reservoir and refurbish the famous landmarks of Cork City.’

(Proposer: Cllr. T. Fitzgerald 05/446)

Recreation, Amenity & Culture Functional Committee

14.15 **CLOSE LANEWAY – FAIRFIELD CRESCENT**

‘That Cork City Council would take immediate steps to close off the laneway at Fairfield Crescent, Farranree.’

(Proposer: Cllr. G. O’ Flynn 05/447)

Roads & Transportation Functional Committee

14.16 **HOUSING ESTATES**

‘That Cork City Council take charge of housing estates once they are completed to a satisfactory standard, where they are requested to do so by a majority of the residents of housing development, or by the developer.’

(Proposer: Cllr. M. O’ Connell 05/448)

Roads & Transportation Functional Committee

14.17 **SHORT TERM PARKING – BLACK ASH, KINSALE ROAD**

‘That Cork City Council would consider the introduction of short term parking at the Black Ash, Kinsale Road Park and Ride for people using Cork Airport, and to ask Bus Éireann to extend the Bus Shuttle that serves the long term car park to include a pick up point at the Black Ash Park and Ride.’

(Proposer: Cllr. M. O’ Connell 05/449)

Roads & Transportation Functional Committee

14.18 **TRAFFIC CALMING MEASURES – CONNAUGHT AVENUE**

‘That Cork City Council will as a matter of urgency ensure that the traffic calming measures are put in place in Connaught Avenue.’

(Proposer: Cllr. C. Lynch 05/450)

Roads & Transportation Functional Committee

14.19 **HIRING OF CONTRACTORS**

‘That the elected members of Cork City Council, pursuant to section 130 of the Local Government Act 2001, hereby determine that the policy of the Council in relation to the hiring of Contractors for the provision of services to or on behalf of the Council is as set out in the Schedule to this resolution.

Schedule

- A. The general standards required of a Contractor in providing services to or on behalf of the Council have governance implications for the Council. Non-performance by a Contractor, or performance by a Contractor at less than acceptable delivery or behaviour standards, or both, has implications for the Council itself. For its own protection, the Council must have the means both to take action in such circumstances and to be seen to be capable of taking such action when required.
- B. Therefore, in the interests of good governance, when hiring a Contractor the Council shall include the following provisions in its contracts.
 - (1) The Council shall explicitly reserve the means to terminate a Contractor’s contract on grounds of either non-performance or of less than acceptable standards of performance or behaviour by the Contractor. The Council shall make explicit the level of performance and behaviour required of a Contractor and the Contractor’s management and staff in the provision of services under each particular contract.
 - (2) Each Contractor shall be obliged to make an annual ‘Governance Assurance Report’ to the Council, signed by the Chief Executive of the contracting company and dealing, at the least, with the following matters:
 - (a) adherence to the full and complete terms of the contract,
 - (b) health and safety legislation - provision of copies of compliance documentation and policies,

- (c) Fire Authority Regulations - Contractor's certificate of compliance,
 - (d) environmental protection - Contractor's certification in relation to any impact, together with full disclosure of any complaints received or investigations carried out during the year and details of any remedial action taken,
 - (e) fiscal obligations - provision by the Contractor of Revenue Commissioners' certification of full tax compliance in the year under report,
 - (f) necessary insurance - the Contractor shall inform the Council of the appropriate insurance cover carried by the Contractor,
 - (g) Contractor's certification of full compliance with employment legislation obligations, together with notification of any complaints received or investigations carried out during the year under report and details of remedial action taken,
 - (h) Contractor's certification in relation to the application of good standards in human resource management practice.
- C. The Council shall provide an Annual Report to the elected members and to its employee trade unions on compliance by Contractors with the requirements of paragraph B.
- D. The Council is not confined to the reporting requirements measures set out above and, following experience and/or advice, may extend the content of governance assurance reporting measures, as required.
- E. In appropriate cases, the Council shall have an additional term in its contracts with Contractors, providing for a random 'spot check' obligation. In such a case, a Contractor would be obliged to facilitate and co-operate with the Council if it wishes to check on the accuracy of any or all of the governance assurance reporting measures. The Council shall consider appointing a competent independent party to carry out and report back on such spot checks.
- F. While it is not appropriate that the Council be expected or requested to police the employee relationships of its Contractors, it is nonetheless responsible that the Council explicitly provide in its contracts that –
- (1) the Contractor will abide by the code of practice scheduled to the Industrial Relations Act 1990 (Code of Practice on Grievance and Disciplinary Procedures) (Declaration) Order 2000 (SI 146 of 2000) in regard to grievance and disciplinary procedures,

- (2) the employees of the Contractor will have the same right of access to the Labour Relations Commission conciliation service, the Labour Court and the Rights Commissioners service, as appropriate, as do the Council's own employees, and
- (3) the Contractor will commit to giving the determinations and/or recommendations of these bodies their due regard under Irish law and in accordance with best industrial relations practice.'

(Proposer: Cllr. C. Lynch 05/451)

Corporate Policy Group

15. **TENDERS**

The following tenders were opened:

- 3 no. tenders for Management of Non Domestic Metering.

This concluded the business of the meeting.

ARDMHÉARA
CATHAOIRLEACH