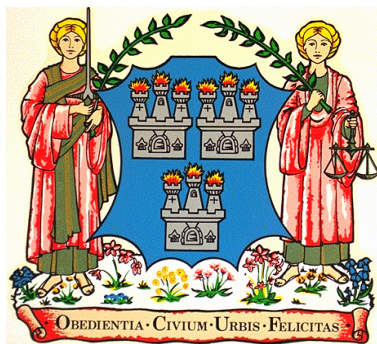


## COMHAIRLE CATHRACH BHAILE ÁTHA CLIATH



Miontuairiscí Chruinniúl Míósúil a tionóladh ar an 5 Iúil 2010 i Seomra na Comhairle, Halla na Cathrach, Cnoc Chorcaí ag 6.45 i.n.

**I Láthair an tArdmheara, An Comhairleoir Gerry Breen sa chathaoir.**

**Comhairleoir:**

Paddy Bourke  
Tom Brabazon  
Christy Burke  
Clare Byrne  
Eric Byrne  
Julia Carmichael  
Aine Clancy  
Joan Collins  
Michael Conaghan  
Emer Costello  
Pat Crimmins  
Dessie Ellis  
Mary Fitzpatrick  
Declan Flanagan  
Mannix Flynn  
Killian Forde  
Mary Freehill

**Comhairleoir:**

John Gallagher  
Deirdre Heney  
Kevin Humphreys  
Vincent Jackson  
Sean Kenny  
Dermot Lacey  
John Lyons  
Ray MacAdam  
Paul McAuliffe  
Ruairí McGinley  
Séamas McGrattan  
Marie Metcalfe  
Louise Minihan  
Rebecca Moynihan  
Eoghan Murphy  
Críona Ní Dhálaigh

**Comhairleoir**

Catherine Noone  
Jim O'Callaghan  
Aodhán Ó Ríordáin  
Damian O'Farrell  
Naoise O Muirí  
Claire O'Regan  
Mary O'Shea  
Larry O'Toole  
Maria Parodi  
Cieran Perry  
Oisín Quinn  
John Redmond  
Nial Ring  
Brid Smith  
Bill Tormey  
Henry Upton  
Edie Wynne

**Oifigigh**

John Tierney  
Philip Maguire  
Frank Kelly  
Kathy Quinn  
Ciaran McNamara

Michael Phillips  
Michael Stubbs  
Terence O'Keefe  
Seamus Lyons  
Ciaran Murray

Jim Keogan  
Vincent Norton  
Declan Wallace  
Catherine Darmody  
Oonagh Casey

1. The Lord Mayor opened the meeting by requesting the Members to be brief in their statements and to avoid repetition of previous speakers comments in the hope that as many motions as possible could be reached on the agenda so as to avoid holding a special meeting in future months to clear the agenda.
2. Ceisteanna fé Bhuan Ordú Úimhir 16 -- It was moved by Councillor V Jackson and seconded by Councillor C Burke "That Dublin City Council approves the Dublin City Manager answering the questions lodged". The motion having been put and carried, written answers to the 146 questions lodged for the City Council meeting

05/07/2010

of the were issued. The Questions and Answers are set out in **Appendix A** attached.

3. Submitted Letter dated 10<sup>th</sup> June 2010 from Irish Medical Organisation conveying the terms of a motion agreed at their AGM in Killarney, Co. Kerry on 8<sup>th</sup> April 2010 calling on local authorities to introduce a speed limit of 30 kph in all urban and residential areas. It was moved by Councillor E Wynne and seconded by Councillor R McAdam "That Dublin City Council notes the contents of this letter". The motion was put and carried.
4. Submitted Letter dated 23<sup>rd</sup> June 2010 from Monaghan Town Council referring to a motion from Dublin City Council re Veolia which was adopted at their recent meeting. It was moved by Councillor E Wynne and seconded by Councillor R McAdam "That Dublin City Council notes the contents of this letter". The motion was put and carried.
5. The minutes of the Meeting of the City Council held on the 14<sup>th</sup> June 2010 having been printed, certified by the Meetings Administrator, circulated to the Members and taken as read, were signed by the Lord Mayor.
6. Submitted Monthly Financial Statement circulated in accordance with the Local Government Act 2001. It was moved by Councillor K Forde and seconded by Councillor R Mc Adam "That the Financial Statement be entered in the minutes". The motion was put and carried. The Financial Statement is set out in **Appendix B** to these minutes.
7. Submitted Report of the Dublin City Manager in compliance with Section 138 of the Local Government Act 2001 informing the Council of works which are about to commence and in compliance with the Planning and Development Regulations 2001, Part 8: Report No. 242/2010 - Dodder Phase 2B from Lansdowne Road Bridge to Lansdowne Railway Bridge. The City Council agreed to defer consideration of this report to the Special Meeting to be held on the 26<sup>th</sup> July 2010.
8. Submitted Report of the Dublin City Manager in compliance with Section 138 of the Local Government Act 2001 informing the Council of works which are about to commence and in compliance with the Planning and Development Regulations 2001, Part 8: Report No. 261/2010 - Tolka River Pedestrian Cycle Bridge. The City Council agreed to the withdrawal of this report.
9. Submitted Report No. 233/2010 of the Executive Manager (*M. Kavanagh*) – Office for Integration/Integration Funding Support Programme 2010. It was proposed by Councillor V Jackson and seconded by Councillor C Burke "That Dublin City Council notes Report No 233/2010 and hereby approves the grants as set out therein". The motion was put and carried. In relation to Community Grants, it was agreed that local grants would be approved at Area level and that citywide grants would be submitted to the Housing, Social and Community Affairs Strategic Policy Committee for approval.
10. Submitted Report No. 235/2010 of the Chairperson of the Transportation and Traffic Strategic Policy Committee (*Councillor Andrew Montague*) - With reference to European Mobility Week Charter 2010 – Signing of Charter by the Lord Mayor on behalf of Dublin City Council. It was proposed by Councillor J O'Callaghan and seconded by Councillor R McGinley "That Dublin City Council notes the contents of Report No 235/2010 and hereby approves the signing of European Mobility Week

05/07/2010

Charter 2010 by the Lord Mayor on behalf of Dublin City Council". The motion was put and carried.

11. Submitted Report No. 259/2010 of the Assistant City Manager (*C. McNamara*) – Social Inclusion Grants Scheme 2010. It was proposed by Councillor D Lacey and seconded by Councillor E Byrne "That Dublin City Council notes the contents of Report No 259/2010 and hereby approves the payment of grants as outlined in the report" The motion was put and carried.
12. Submitted Report No. 260/2010 of the Head of Finance (*K. Quinn*) – Borrowing for Ballymore Eustace Stage 3 Water Treatment Works. It was proposed by Councillor R McGinley and seconded by Councillor B Tormey "That Dublin City Council notes the contents of Report No 260/2010 and hereby approves the borrowing requirement as set out therein, subject to the sanction of the Minister for the Environment, Heritage and Local Government" The motion was put and carried.
13. Submitted Report No. 262/2010 of the Dublin City Manager (*J. Tierney*) – Financial Review including report on Funding of Swimming Pools. It was proposed by Councillor J Carmichael and seconded by Councillor L O'Toole "That Dublin City Council notes the contents of Report No 259/2010" The motion was put and carried. The Members welcomed the report, saying they were delighted that the pools were to be kept open to the end of the year and congratulated City Council Management, the Swimming Pools Sub-group of the Arts, Culture, Leisure & Youth Affairs SPC and the local communities on the tremendous efforts that had been made by all to try to secure the future of the 3 pools. Councillor J Carmichael, Chair of the Swimming Pools Sub-group, thanked the members of that group for their hard work and commitment to trying to find a solution to this problem. The Members were reminded by the City Manager of the very difficult budgetary situation that faced the City Council in the current year and he warned that formulating the forthcoming budget for 2011 would be an even more difficult process.
14. Submitted Report No. 243/2010 of the Executive Manager (*D Wallace*) - With reference to the proposed disposal of lands adjacent to and at rear of 37, Shangan Green, Ballymun, Dublin 11. It was proposed by Councillor C Burke and seconded by Councillor D Lacey "That Dublin City Council notes the contents of Report No 243/2010 and assents to the proposal outlined therein" The motion was put and carried.
15. Submitted Report No. 244/2010 of the Executive Manager (*D. Wallace*) - With reference to the proposed grant of a lease of a retail unit at 43, Stephens Street, Dublin 2. It was proposed by Councillor C Burke and seconded by Councillor D Lacey "That Dublin City Council notes the contents of Report No 244/2010 and assents to the proposal outlined therein" The motion was put and carried.
16. Submitted Report No. 245/2010 of the Executive Manager (*D. Wallace*) - With reference to the proposed grant of a lease of a site and clubhouse at Canon Mooney Gardens, Ringsend, Dublin 4. It was proposed by Councillor C Burke and seconded by Councillor D Lacey "That Dublin City Council notes the contents of Report No 245/2010 and assents to the proposal outlined therein" The motion was put and carried.
17. Submitted Report No. 246/2010 of the Executive Manager (*D. Wallace*) - With further reference to the proposed grant of a three year licence of a building within

**05/07/2010**

the Dorset Street Flats Complex, Dublin 7. It was proposed by Councillor C Burke and seconded by Councillor D Lacey "That Dublin City Council notes the contents of Report No 246/2010 and assents to the proposal outlined therein" The motion was put and carried. It was noted that the full title of this licensee is St Mary's Play School Dorset Street Ltd.

18. Submitted Report No. 247/2010 of the Assistant City Manager (*M. Stubbs*) - With further reference to the disposal of a site adjacent to 69 Cromcastle Road, Kilmore West, Dublin 5. It was proposed by Councillor C Burke and seconded by Councillor D Lacey "That Dublin City Council notes the contents of Report No 247/2010 and assents to the proposal outlined therein" The motion was put and carried.
19. Submitted Report No. 248/2010 of the Executive Manager (*D.Wallace*) – With reference to the proposed disposal of a laneway adjacent to number 2, Drumfinn Road, Ballyfermot, Dublin 10. It was proposed by Councillor C Burke and seconded by Councillor D Lacey "That Dublin City Council notes the contents of Report No 248/2010 and assents to the proposal outlined therein" The motion was put and carried.
20. Submitted Report No. 249/2010 of the Assistant City Manager (*M. Stubbs*) - With reference to the granting of leases to the purchasers of private dwellings at Fatima Mansions, Dublin 8 (Apartment 25, 29 St. James Walk, Rialto, Dublin 8). It was proposed by Councillor C Burke and seconded by Councillor D Lacey "That Dublin City Council notes the contents of Report No 249/2010 and assents to the proposal outlined therein" The motion was put and carried.
21. Submitted Report No. 250/2010 of the Assistant City Manager (*M. Stubbs*) - With further reference to the granting of leases to the purchasers of private apartments at Fatima Mansions, Dublin 8 (Unit 19, 2 Herberton Street, Rialto, Dublin 8 and Unit 9, 13 Clarke's Terrace, Rialto, Dublin 8). It was proposed by Councillor C Burke and seconded by Councillor D Lacey "That Dublin City Council notes the contents of Report No 250/2010 and assents to the proposal outlined therein" The motion was put and carried.
22. Submitted Report No. 251/2010 of the Executive Manager (*D. Wallace*) - With reference to the proposed disposal of the fee simple in a site known as 5A New Street South, Dublin 8. It was proposed by Councillor C Burke and seconded by Councillor D Lacey "That Dublin City Council notes the contents of Report No 251/2010 and assents to the proposal outlined therein" The motion was put and carried.
23. Submitted Report No. 252/2010 of the Assistant City Manager (*C. McNamara*) - With further reference to the disposal of 1 affordable apartment at No. 23, 31 St. James's Walk, Herberton, Rialto, Dublin 8. It was proposed by Councillor C Burke and seconded by Councillor D Lacey "That Dublin City Council notes the contents of Report No 252/2010 and assents to the proposal outlined therein" The motion was put and carried.
24. Submitted Report No. 253/2010 of the Assistant City Manager (*C. McNamara*) - With reference to the disposal of 1 affordable apartment at No. 26 Park View Drive, Poppintree, Dublin 11. It was proposed by Councillor C Burke and seconded by Councillor D Lacey "That Dublin City Council notes the contents of Report No 253/2010 and assents to the proposal outlined therein" The motion was put and carried.

25. In compliance with Section 183 of the Local Government Act 2001 copies of Report No.'s 243, 244, 245, 246, 247, 248, 249, 250, 251, 252 and 253/2010 were sent to every member of Council on 23<sup>rd</sup> June 2010, not on the 28<sup>th</sup> June as indicated on the Agenda Paper.
26. The Lord Mayor requested that Councillor L O'Toole leave the Chamber at 7.56pm following an exchange with another Member. Councillor O'Toole was given permission to resume his seat at 8.40pm.
27. Submitted Report No. 241/2010 of the Executive Manager, City Manager's & Corporate Services Department (*Vincent J. Norton*): Corporate Governance. A presentation was made by Mr Kevin Prendergast of the Office of the Director of Corporate Enforcement after which he replied to questions from the floor. The Lord Mayor and the Members thanked Mr Prendergast for a very comprehensive and informative presentation. It was also suggested that an information session be arranged to address specific responsibilities of Councillors on Boards or other outside committees under legislation other than Company Law. For full presentation, please see **Appendix C** to these minutes.
28. Housing Policy Issues – a presentation was made by Assistant City Manager, Ciaran McNamara on the subject of Housing Regulations 2010 which are being introduced under the Housing Miscellaneous Provisions Act 2009. Full presentation is attached to these minutes as **Appendix D**. During the discussion that followed, Members expressed concern on the possibility of interest being charged at 6% on rent/repayment arrears and the complexities of the sale of flats/duplex accommodation. The expansion of the Tenant Purchase Scheme to include voluntary housing and RAS assisted housing was also discussed. Mr C Mc Namara said that it is a very complex piece of legislation and that the circular letter containing the detail would be circulated to the Members in the coming days and he would then answer any queries they might have.
29. As this was Mr McNamara's last attendance at a City Council meeting before his retirement, the City Council took the opportunity to pay tribute to him for his service to Dublin City over his long and distinguished career, in particular since taking over as Assistant City Manager with responsibility for housing in the city. His handling of the collapse of the Public Private Partnership agreements in relation to several housing developments was singled out for particular praise, with his honesty and ability to deal effectively with a very difficult situation being highly commended.

His involvement with the production of previous development plans was also remembered, in particular his ability to assist the Members through the various complexities of formulating these plans. Councillor E Byrne, Chairperson of the Housing, Social & Community Affairs Strategic Policy Committee, said Ciaran played a phenomenal role in housing in the City. He was wished a long and happy retirement by the Members who concluded by giving him a standing ovation. The City Manager added his comments to those of the Members and thanked Ciaran for his commitment to Dublin City Council, adding that he had been a huge support to him personally. He said that Ciaran had done a magnificent job and wished him well in his retirement.

Mr Ciaran McNamara, responding to the Members and the City Manager's comments, said although not born in Dublin, he loved the city and felt privileged to have been involved in the huge changes he had witnessed over the last 20 years.

**05/07/2010**

He said he had found the last 3 years a very exciting and rewarding time due to his involvement with housing. He praised the City Manager, saying he has a great management team in place and that he felt they and the Members of the Council were of such a calibre that they will successfully meet the many challenges ahead.

30. Submitted Report No. 234/2010 of the Chairperson of the Transportation and Traffic Strategic Policy Committee (*Councillor Andrew Montague*) – *Breviate of meeting held on 10<sup>th</sup> June 2010*. It was proposed by Councillor D Heney and seconded by Councillor P McAuliffe “That Dublin City Council Notes the content of Report No 234/2010”. The motion was put and carried.
31. Submitted Report No. 254/2010 of the Chairperson of the Arts, Culture, Leisure and Youth Affairs Strategic Policy Committee (*Councillor Julia Carmichael*) – *Breviate of meeting held on 19th May 2010*. . It was proposed by Councillor D Heney and seconded by Councillor P McAuliffe “That Dublin City Council Notes the content of Report No 254/2010”. The motion was put and carried. The City Council agreed to amend Item 4 of this breviate to add in the words ‘and also within Dublin City Council budget’. It was also agreed to circulate a report to all members on the implications of commercial groups using City Council owned parks.
32. Submitted Report No. 255/2010 of the North West Area Committee – Breviate for the month of June 2010 – *Councillor John Lyons, Chairperson*. . It was proposed by Councillor D Heney and seconded by Councillor P McAuliffe “That Dublin City Council Notes the content of Report No 255/2010”. The motion was put and carried.
33. Submitted Report No. 258/2010 of the Central Area Committee – Breviate for the month of June 2010 – *Councillor Christy Burke, Chairperson*. . It was proposed by Councillor D Heney and seconded by Councillor P McAuliffe “That Dublin City Council Notes the content of Report No 258/2010”. The motion was put and carried.
34. Submitted Report No. 256/2010 of the South Central Area Committee – Breviate for the month of June 2010 – *Councillor John Gallagher, Chairperson*. . It was proposed by Councillor D Heney and seconded by Councillor P McAuliffe “That Dublin City Council Notes the content of Report No 256/2010”. The motion was put and carried.
35. Submitted Report No. 238/2010 of the South East Area Committee – Breviate for the month of June 2010 – *Councillor Oisín Quinn, Chairperson*. . It was proposed by Councillor D Heney and seconded by Councillor P McAuliffe “That Dublin City Council Notes the content of Report No 238/2010”. The motion was put and carried.
36. Submitted Report No. 257/2010 of the North Central Area Committee – Breviate for the month of June 2010 – *Councillor Gerry Breen, Chairperson*. It was proposed by Councillor D Heney and seconded by Councillor P McAuliffe “That Dublin City Council Notes the content of Report No 257/2010”. The motion was put and carried. The City Manager, replying to a query from Councillor S Kenny, confirmed that reports by the Fire Officer and the City Architect on Priory Hall would be presented to the July meeting of this Area Committee.
37. Submitted Report No. 237/2010 of the Protocol and Selection Committee – Breviate for the month of June 2010 – *Councillor Gerry Breen, Chairperson*. . It was

**05/07/2010**

proposed by Councillor D Heney and seconded by Councillor P McAuliffe "That Dublin City Council adopts Report No 237/2010". The motion was put and carried.

38. Submitted Report No. 236/2010 of the Dublin City Joint Policing Committee – Breviate of meeting held on 31<sup>st</sup> May 2010 – *Councillor Gerry Breen, Chairperson*. . It was proposed by Councillor D Heney and seconded by Councillor P McAuliffe "That Dublin City Council Notes the content of Report No 236/2010". The motion was put and carried.
39. The City Council agreed to the withdrawal of the following Motion in the name of Councillor D Flanagan, standing at Item No 32 on the Agenda Paper, as the work had already been carried out "This Council agrees to fix the continuous water leak at St. Michael's School for the Handicapped on the Ballymun Road opposite the school"
40. The City Council agreed that a report be sent to Councillor D Ellis on the following motion standing in his name at Item No 33 on the Agenda Paper "That this Council supports the placing of the proclamation in all public buildings especially in the build up to the 2016 centenary celebrations"
41. The City Council agreed to refer the following motion, standing at Item No 38 on the Agenda Paper in the name of Councillor N Ring to the Swimming Pools Working Group (set up by the Arts, Culture, Leisure and Youth Affairs Strategic Policy Committee) for consideration "That the Members instruct the City Manager to include the cost of running the swimming pools at Sean McDermott Street, Crumlin and Northside for 2011 in the budget for that year and further agree that no attempt will be made to isolate or ring-fence the costs associated with the pools outside the budgetary process as happened this year. For the sake of clarity, the budget for the swimming pools will be included in the estimates"
42. The City Council agreed to refer the following motion in the name of Councillor P Crimmins, standing at Item No 46 on the Agenda Paper, to the Protocol & Selection Committee for consideration "That the Manager provide members with the List of Meetings schedule in the middle of the previous month"
43. The City Council agreed to refer the following motion, standing at Item No 48 on the Agenda Paper in the names of Councillors Fitzpatrick, O'Toole, Metcalfe, Carmichael and Flynn to the Swimming Pools Working Group (set up by the Arts, Culture, Leisure and Youth Affairs Strategic Policy Committee) for consideration "JC Decaux has a contract with the DCC to provide the now very successful Dublin Bikes Scheme. The citizens of Dublin have given the scheme strong support from the start. That contract also included funding for the provision of public conveniences for the City of Dublin. Three Swimming pools, under the remit of Dublin City Council, are in urgent need of capital expenditure to repair and restore the pools to modern operating standards. Recognising the fact that there is no need or demand for stand alone public toilets in the city centre, while at the same time there is clear and urgent need for the essential public pools, in the interest of public amenities, services and common good for all and in pursuit of positive social activity the elected members of Dublin City Council call on the City Manager to apply the available resources, for public conveniences in the JC Decaux contract, to the provision of public conveniences through the refurbishment of the pools and thereby facilitate Dublin citizens' needs for positive social and physical activity in Dublin City"

**05/07/2010**

44. The City Council agreed that a report be sent to Councillor J Lyons on the following motion standing in his name at Item No 49 on the Agenda Paper “That the Manager instructs BRL/Developer; whichever are responsible, to reinstate the footpath and kerb at Dane Road (adjacent 1-12 Cromlech Court) to its original condition prior to the new developments adjacent to this location. Furthermore, will the Manager provide a timeframe for this re-instatement”
45. The City Council agreed to refer the following motion in the name of Councillor T Brabazon, standing at Item No 51 on the Agenda Paper, to the Protocol & Selection Committee for consideration “That the City Manager answers only questions put down by Councillors for the use of that Councillor exclusively and that in cases of questions to Area Committee that the questions are only answered to Councillors from that Area”
46. The City Manager informed the Members that Mr Ciaran Murray, Assistant City Manager (Ballymun) was retiring in the coming weeks. He said that Ciaran had done a magnificent job in charge of the regeneration of Ballymun, which was the biggest regeneration project in Europe when it commenced. He said it was now down to manageable proportions and would be completed in the next 4 years. He said that Ciaran had built a hugely dedicated team in Ballymun Regeneration Ltd and he wanted to thank him most sincerely for all his work on behalf of the City and people of Dublin.

Tributes were also paid by Members of the City Council who expressed regret that he was leaving and who articulated their appreciation of the efforts that Ciaran had made to give Ballymun a different image and said that future generations will look back in appreciation on what has been achieved.

In reply, Ciaran Murray said that Ballymun Regeneration was a fabulous project to be associated with – that it was the ultimate challenge and he had enjoyed it immensely over the last 13 years. He said that the new Ballymun was a legacy of the Celtic Tiger and an example of money well spent. It has impacted hugely on the quality of life of so many people in one of the most disadvantaged areas of the city. He said the success of the project was not one person or one idea but rather full co-operation from all involved, the politicians, local Councillors, the staff and Management of the North West Area. He said cross-party political support had been very important. He said the North West Area had worked closely with Ballymun Regeneration Ltd on what was a huge logistical undertaking, from planning applications to construction traffic to the impact on the local community. Ciaran concluded by saying that the team was still in place to continue the work.

The meeting concluded at 10pm in accordance with Standing Orders and all items remaining on the Agenda were deferred to the next meeting of the City Council to be held on the 6<sup>th</sup> September 2010.

**Correct.**

---

**LORD MAYOR**

---

**MEETINGS ADMINISTRATOR**

## APPENDIX A: MINUTES OF CITY COUNCIL MEETING HELD ON 05/07/2010

### QUESTIONS LODGED PURSUANT TO STANDING ORDER NO.16 FOR REPLY AT THE MONTHLY MEETING OF DUBLIN CITY COUNCIL TO BE HELD ON MONDAY, 05<sup>th</sup> JULY 2010

#### **Q1. COUNCILLOR RUAIRI MCGINLEY**

To ask the Manager to set out the annual cost of the clamping contract, the activity levels on which it is based, the next renewal date and to set out the scope for cost reduction in light of changed economic circumstances.

#### **CITY MANAGER'S REPLY:**

Dublin Street Parking Services currently holds the parking enforcement contract and the company provides the Council with a clamping and tow-away service to encourage compliance with the parking regulations.

The current contract expires in October 2011 and it is envisaged that tenders for a new contract will be sought early in the New Year. The Council's 2010 budget expenditure provision for the parking enforcement function is €9,308,711.

There has been an average of some 58,000 parking enforcement events (clamping, relocation and removal) per annum over the past eight years. This level of enforcement is considered satisfactory.

The Council has successfully negotiated an 18% reduction in the contract price for the final two years of the current contract.

#### **Q2. COUNCILLOR RUAIRI MCGINLEY**

To ask the Manager to establish a list of land holdings held by Fitzwilliam Land Securities by area of the City (the company may provide information) and that the Manager would analyse these holdings as between Z9 lands and other lands.

#### **CITY MANAGER'S REPLY:**

It would be a mammoth task to trawl through the records in Land Registry Office to establish ownership of all the lands held by Fitzwilliam Land Securities. However, the Economic Development Department will make contact with Fitzwilliam Land Securities requesting that they furnish a list of lands in their ownership, (there is no onus on Fitzwilliam Land Securities to provide such list). Following receipt of such list the Planning Department will analyse and revert back directly to the Councillor.

#### **Q3. COUNCILLOR RUAIRI MCGINLEY**

To ask the Manager to advise current status of legal actions brought by residents and shopkeepers against Dublin City Council at, **(details supplied)**.

#### **CITY MANAGER'S REPLY:**

The Class action matter/s is before the High Court and is sub judice; therefore it would be inappropriate and prejudicial for Dublin City Council to comment.

However, if the Councillor wants to submit more specific information regarding the actions and time period referred to, it may be possible to provide additional responses.

#### **Q4. COUNCILLOR RUAIRI MCGINLEY**

To ask the Manager to resurface laneway at, **(details supplied)**

## APPENDIX A: MINUTES OF CITY COUNCIL MEETING HELD ON 05/07/2010

### **CITY MANAGER'S REPLY:**

There is no funding available to resurface the laneway at, **(details supplied)**, Arrangements are being made to fill potholes in this lane. Roads Maintenance Division will monitor the condition of the carriageway.

### **Q5. COUNCILLOR LARRY O'TOOLE**

To ask the Manager to report on this issue and indicate when work will commence to deal with the low water pressure at, **(details supplied)**.

### **CITY MANAGER'S REPLY:**

A reply has been issued to the Councillor.

### **Q6. COUNCILLOR LARRY O'TOOLE**

To ask the Manager to have essential repairs carried out on the front door at, **(details supplied)**.

### **CITY MANAGER'S REPLY:**

The Area Maintenance Officer has confirmed that the lock will be fitted to the door of this dwelling, within the next few days.

### **Q7. COUNCILLOR DESSIE ELLIS**

To ask the Manager to arrange for the following in the Senior Citizens Complex on Ballygall Road East:

- (a) The walls of the buildings are covered in dust and need to be washed down.
- (b) Graffiti needs to be removed in a number of areas.
- (c) A general painting programme for the doors and general area.
- (d) A general vigilance of the area as youths have been gathering in the complex.

### **CITY MANAGER'S REPLY:**

(a) Our Housing Caretaker Service cleans the complex on a daily basis. The Area Maintenance Officer and the Caretakers Supervisor have inspected the walls and have agreed to try and clean off any dust, where possible. As these flats are scheduled for demolition, no major works are being undertaken.

(b) The Area Maintenance Officer is making arrangements to have all graffiti removed from the complex.

(c) General maintenance is still being carried out but there are no plans to paint the complex, due to the demolition programme.

(d) The Gardaí have been contacted regarding this issue and Dublin City Council has requested extra patrols for this area.

### **Q8. COUNCILLOR DESSIE ELLIS**

To ask the Manager to once again arrange for the placing of road signage for, **(details supplied)**, as this has been promised and not followed up on.

### **CITY MANAGER'S REPLY:**

A sign has been ordered for the above and will be erected within the next 4-6 weeks.

### **Q9. COUNCILLOR DESSIE ELLIS**

To ask the Manager to arrange for repairs to the gate on the green area on, **(details supplied)**.

## APPENDIX A: MINUTES OF CITY COUNCIL MEETING HELD ON 05/07/2010

### **CITY MANAGER'S REPLY:**

At a recent meeting of the Finglas Safety Forum it was agreed to put a swing gate to the railings around the green on, **(details supplied)**. These works are scheduled to be completed in the next three weeks.

### **Q10. COUNCILLOR DESSIE ELLIS**

To ask the Manager to arrange for repairs to the path and dip at, **(details supplied)**, as the woman is a senior citizen and has tripped at this location.

### **CITY MANAGER'S REPLY:**

The location has been inspected by Road Maintenance Services.

The trips in front of no. 215 will be removed within the next 2 weeks when the mobile repair unit is allocated additional work in the area.

The 'dip' in front of no 217 is an illegal vehicular dishing and the resident is advised to contact Road Maintenance Services on tel: (01) 8840500 and apply for a vehicular dishing.

### **Q11. COUNCILLOR LARRY O'TOOLE**

To ask the Manager to have the trees at this location, **(details supplied)**, pruned/cut back. The very heavy foliage is blocking out most of the natural light.

### **CITY MANAGER'S REPLY:**

This request for roadside tree pruning at, **(details supplied)**, will be examined in the context of tree maintenance operations in the North Central Area for 2010/2011 and will be subject to the availability of resources for such works.

### **Q12. COUNCILLOR ANDREW MONTAGUE**

Will the Manager check the planning for Chanel College and report will it affect the wild hedge at the back of, **(details supplied)**?

### **CITY MANAGER'S REPLY:**

A reply has been issued to the Councillor.

### **Q13. COUNCILLOR ANDREW MONTAGUE**

Dublin City Council recently fixed a leak coming from the grass verge on the north side of Oscar Traynor Road between the Coolock Roundabout and the entrance to Woodlawn. However, water has started leaking again from this site. Can the Manager check the site and fix the leak?

### **CITY MANAGER'S REPLY:**

Due to the depth and size of the watermain at this location, our Maintenance crew were unable to identify the source of the leak. It has been referred to our Mainlaying section who will carry out further investigative works in the following weeks.

### **Q14. COUNCILLOR ANDREW MONTAGUE**

Will the Manager work with, **(details supplied)**, and help find a suitable location to hold their classes.

### **CITY MANAGER'S REPLY:**

**(Details supplied)**, has been contacted by Madeleine Ebbs, Senior Community Officer with regard to the above and has been advised to make contact with our local Sports and Recreation Centres to check availability. He has also been advised to place an article in the Northside People, promoting his club and their objectives with a view to generating some civic interest from property owners.

## APPENDIX A: MINUTES OF CITY COUNCIL MEETING HELD ON 05/07/2010

**Q15. COUNCILLOR ANDREW MONTAGUE**

Will the Manager examine the Clare Street/Merrion Square Junction and upgrade the facilities for buses in this area. The buses get badly stuck entering Clare Street, coming from Merrion Square as cars regularly block the bus lane in this location.

**CITY MANAGER'S REPLY:**

This area is currently being examined by the QBN office and the Traffic Division.

**Q16. COUNCILLOR PAT CRIMMINS**

Can the Manager investigate the traffic problems in Tara Lawn, Dublin 13 where large vehicles e.g. bin trucks are having difficulty entering and exiting the estate? The Greyhound bin trucks will not enter the estate if there are cars parked in their way.

**CITY MANAGER'S REPLY:**

Waste Management Services enter Tara Lawn at a later time in the morning and have not encountered any access problems with this estate. Greyhound Recycling have reported no recent difficulties but did state that parked cars can occasionally pose some difficulties.

No illegal parking was observed during a site inspection by a Traffic Engineer. Illegal parking is an enforcement issue and should be reported to the Gardaí or to Dublin Street Parking Services at (01) 6022500.

**Q17. COUNCILLOR PAT CRIMMINS**

Can the Manager request that the Roads and Traffic Department fix a bollard at the T-junction on Greendale Road and Foxfield Green close to the old Greendale Community School.

**CITY MANAGER'S REPLY:**

The traffic bollard was replaced on the 25<sup>th</sup> June 2010.

**Q18. COUNCILLOR PAT CRIMMINS**

Can the Manager ask the Paving Department to fix the broken path when a tree was removed outside 41 – 43 St. Assam's Park as this is a trip hazard? There were bollards in place but have been removed by kids.

**CITY MANAGER'S REPLY:**

The path has been repaired.

**Q19. COUNCILLOR PAT CRIMMINS**

Can the Manager ask An Post to replenish the ground where they removed post boxes from the corner of St. Assam's Road West and the Howth Road and also on the verge of Foxfield Park?

**CITY MANAGER'S REPLY:**

The Parks & Landscape Services Division has carried out soft landscape reinstatement of the location, which was the site of a post box which was removed at St. Assams Road West/ Howth Road. At this time this Division has not identified the location of the former post box site indicated on the verge of Foxfield Park. Any necessary reinstatement works will be arranged on identification of the specific location.

## APPENDIX A: MINUTES OF CITY COUNCIL MEETING HELD ON 05/07/2010

**Q20. COUNCILLOR BILL TORMEY**

Could the City Manager supply details of the contract for clamping of vehicles in the City with the costs involved included?

**CITY MANAGER'S REPLY:**

Dublin Street Parking Services currently holds the parking enforcement contract and the company provides the Council with a clamping and tow-away service to encourage compliance with the parking regulations.

The current contract expires in October 2011 and it is envisaged that tenders for a new contract will be sought early in the New Year. The Council's 2010 budget expenditure provision for the parking enforcement function is €9,308,711.

The Council has successfully negotiated an 18% reduction in the contract price for the final two years of the current contract.

**Q21. COUNCILLOR LARRY O'TOOLE**

To ask the Manager to provide clarification on the following matter, (**details supplied**).

**CITY MANAGER'S REPLY:**

This has been forwarded to Planning Enforcement, a file has been opened and the matter will be investigated.

**Q22. COUNCILLOR CHRISTY BURKE**

To ask the City Manager how much is outstanding in rent arrears in the City of Dublin DCC units.

**CITY MANAGER'S REPLY:**

As at 22<sup>nd</sup> June 2010 the outstanding rent arrears on Council properties are €20,112,061.14.

**Q23. COUNCILLOR CHRISTY BURKE**

To ask the City Manager when the cycle lane on West Road, East Wall will be completed and if the City Manager has taken on board the concerns of the local residents in the area and how much funding will be spent on this cycle lane.

**CITY MANAGER'S REPLY:**

Dublin City Council will appoint a Consultant to carry out the detailed design of the cycle track on West Road. The Consultant will review the Preliminary Design and take into account information from the public consultation meetings as well as the Part VIII Planning Conditions. The scheme shall be funded entirely by the Department of Transport. An estimation of how much funding will be needed for the section along West Road will be available once the detailed design stage is completed.

**Q24. COUNCILLOR CHRISTY BURKE**

To ask the City Manager that Dublin City Council Finance Department will include funding for the 3 swimming pools in the Dublin Area for next years budget after it is agreed by the elected members.

## APPENDIX A: MINUTES OF CITY COUNCIL MEETING HELD ON 05/07/2010

### **CITY MANAGER'S REPLY:**

The adopted budget of Dublin City Council for the financial year 2010 provides for a limited opening for part year of three swimming pools at Sean McDermott Street, Coolock and Crumlin. In order to provide funding for a full year's limited opening of these facilities, it is necessary to reduce expenditure in other areas of the City Council's services. This issue is under review at present.

The issue of funding for all services as part of the 2011 Budget will be determined as part of the Budgetary process which occurs between the prescribed period across November and December 2010 and in particular at the Annual Budget Meeting.

### **Q25. COUNCILLOR CHRISTY BURKE**

To ask the City Manager if Dublin City Council have made any progress to the request from the Moore Street Traders for Sunday Trading in Moore Street.

### **CITY MANAGER'S REPLY:**

Further to the meeting of the Arts, Culture, Leisure and Youth Affairs Strategic Policy Committee on the 19<sup>th</sup> May 2010, a sub-committee has been formed to discuss and review the Casual Trading Bye-Laws 2003. A suggested part of this review is the introduction of Sunday trading in Moore Street. The making of Casual Trading Bye-Laws is a reserved function of the City Council.

### **Q26. COUNCILLOR DECLAN FLANAGAN**

To ask the City Manager how is the mediation progressing in the Laurence Lands, can I get the background on same and timeframe as to when the site will be cleared. Can you comment on how the Department of Justice is involved also.

### **CITY MANAGER'S REPLY:**

In order to facilitate the possibility of the Gavin families being re-located to St. Dominicks' Park following execution of the Court Order for their removal from the Laurence Lands, the Department of Justice convened a meeting in mid May which was attended by the City Council. At this meeting the Department advised that they required the engagement of a mediator to assist in the smooth return by the Gavin families to the halting site at St. Dominick's. A mediator has now been appointed to work with the families and Dublin City Council continues to liaise with the Department of Justice and the mediator involved. The timeframe as to when the site will be cleared is dependent on the conclusion of these ongoing negotiations.

### **Q27. COUNCILLOR DECLAN FLANAGAN**

The following person, (**details supplied**), needs a stairlift so that he can get up the stairs. Can the Council organise this or liaise with the HSE if need be as I would not like the person to suffer any longer.

### **CITY MANAGER'S REPLY:**

It is the responsibility of a grant applicant to arrange for the supply and fit of a stairlift to their property. The above should contact an Occupational Therapist and submit the Occupational Therapist's report to a supplier to arrange for a quotation for the works. A completed application form needs to be submitted with the O/T report and quotations to Dublin City Council when the grant scheme re-opens.

It is our intention to re-open the Housing Adaptation Grant Scheme for People with a Disability on Monday 5<sup>th</sup> July 2010 and if an application is received from the applicant it will be dealt with in a prompt and efficient manner.

## APPENDIX A: MINUTES OF CITY COUNCIL MEETING HELD ON 05/07/2010

**Q28. COUNCILLOR DECLAN FLANAGAN**

To ask the City Manager can the Council contact, **(details supplied)**, as she is having serious difficulties with her neighbour.

**CITY MANAGER'S REPLY:**

An official from Dublin City Council has called to both parties and has spoken with them in relation to the difficulties between them. He has made the tenants aware of their responsibilities. He has also left his contact details with both should there be any further problems.

**Q29. COUNCILLOR DECLAN FLANAGAN**

To ask the City Manager can the Council fix the leak at, **(detail supplied)**.

**CITY MANAGER'S REPLY:**

The leak on the watermain, **(details supplied\*)**, was identified and repaired on the 13<sup>th</sup> June 2010.

**Q30. COUNCILLOR CRÍONA NÍ DHÁLAIGH**

To ask the City Manager to reply to the query below, **(details supplied)**.

**CITY MANAGER'S REPLY:**

This matter was notified to the Public Domain Officer on 21<sup>st</sup> June 2010. A request for immediate removal was passed to the local Waste Services staff on the same day.

**Q31. COUNCILLOR CRÍONA NÍ DHÁLAIGH**

To ask the City Manager to immediately have the shores and drains cleared at **(details supplied)**. Residents have endured a terrible smell for sometime now. Could also please see what can be done regarding the stale stagnant water that runs down from the derelict site above, out into the complex and could he report on who is responsible for this derelict area site as it is badly overgrown, with rats running around and used for illegal dumping. I have attached photos.

**CITY MANAGER'S REPLY:**

A reply has been issued to the Councillor.

**Q32. COUNCILLOR CRÍONA NÍ DHÁLAIGH**

To ask the City Manager to examine the dangerous broken glass erected on the boundary wall at, **(details supplied)**, and state whether this is legal or not? If it is illegal that it be removed.

**CITY MANAGER'S REPLY:**

It is not illegal to do so, but should somebody climb that wall and injure themselves on the glass they may have an action for damages against the owner of the wall. Owners of property owe a duty of care even to trespassers in respect of what may be a hidden trap or danger.

**Q33. COUNCILLOR SEAMAS MCGRATTAN**

To ask the City Manager for a detailed report into, **(details supplied)**.

**CITY MANAGER'S REPLY:**

A reply has been issued to the Councillor.

**Q34. COUNCILLOR SEAMAS MCGRATTAN**

To ask the City Manager for an update on, **(details supplied)**.

## APPENDIX A: MINUTES OF CITY COUNCIL MEETING HELD ON 05/07/2010

### **CITY MANAGER'S REPLY:**

A reply has been issued to the Councillor.

### **Q35. COUNCILLOR SEAMAS MCGRATTAN**

To ask the City Manager to consider a major revamp of the pathway outside the shops on, **(details supplied)**. Big improvements have been made in tackling antisocial behaviour here following meetings between the Gardai, the community and local business, who all feel that a revamp of the pathway would lead to further improvements.

### **CITY MANAGER'S REPLY:**

There is no funding available to revamp the pathway at this location.

### **Q36. COUNCILLOR SEAMAS MCGRATTAN**

To ask the City Manager how much money will be spent on, **(details supplied)**.

### **CITY MANAGER'S REPLY:**

A reply has been sent to the Councillor.

### **Q37. COUNCILLOR RAY MCADAM**

To ask the City Manager to arrange for the removal of the trees on, **(details supplied)**, given their overgrown nature and terrible impact they have had on the footpaths on these streets. Can he arrange for new trees suitable for the area to be planted as replacements for those removed.

### **CITY MANAGER'S REPLY:**

The street trees at this location are mature 'Hornbeam'. They are approximately 20 years old and are in a satisfactory condition, providing an important visual amenity to the area. Given the amenity value of the trees the Parks and Landscape Services Division, with the exception of one tree, does not propose to remove the remaining trees. However arrangements will be made to have the trees pruned and the footpaths surveyed for damage and repaired if found necessary. The exception to the above is the street tree outside No. 55, **(details supplied\*)**, which is considered to be over vigorous and arrangements will be made to remove this tree as part of the above work.

### **Q38. COUNCILLOR RAY MCADAM**

To ask the City Manager to provide an update on the housing status of, **(details supplied)**.

### **CITY MANAGER'S REPLY:**

I can confirm that the applicant, **(details supplied)**, is currently on the City Council's Housing Waiting List with 97 points for Area E (Ashtown, Santry, Whitehall, Finglas, Blackhorse Avenue, Cabra, Glasnevin), Area H (Ballybough, East Wall, North Strand, Phibsborough, Sheriff St., Summerhill, Dorset St./Dominick St.) and Area L (Clanbrassil, Charlemont, Dolphin's Barn, James Street, Kilmainham, Rialto, Coombe/Maryland, York St., Ushers Quay). Unfortunately, these points are low for this applicant's area of preference and it is therefore unlikely that the applicant, **(details supplied)**, will be reached with an offer of accommodation in the near future.

However, the applicant, **(details supplied)**, was nominated for Clongriffin (Voluntary Housing) but she declined to be interviewed.

## APPENDIX A: MINUTES OF CITY COUNCIL MEETING HELD ON 05/07/2010

**Q39. COUNCILLOR RAY MCADAM**

To ask the City Manager what information has been provided to him by the Department of Environment, Heritage and Local Government regarding the Department's investigation into planning irregularities in the City Council's planning policy? Does this information outline the basis for the Department's investigation and ask him to outline this to this Councillor.

**CITY MANAGER'S REPLY:**

The information requested by the Councillor was circulated to all Members of the City Council on 25<sup>th</sup> June, 2010.

**Q40. COUNCILLOR RAY MCADAM**

To ask the City Manager to investigate whether all requirements under the Planning laws were adhered to in, **(details supplied)**, local people have expressed to me concern that public notices were not put in place prior to the application being lodged.

**CITY MANAGER'S REPLY:**

A response has been provided to the Councillor.

**Q41. COUNCILLOR SEAN KENNY**

To ask the Manager to arrange that the branches of a tree on the Santry River bank which overhangs a back garden be pruned back at, **(details supplied)**.

**CITY MANAGER'S REPLY:**

The tree growing on the bank of the Santry River at the rear of, **(details supplied)**, is located on lands which are not public open space and are not in the charge of the Parks & Landscape Services Division.

**Q42. COUNCILLOR SEAN KENNY**

To ask the City Manager if he will arrange for the following works to be undertaken in Donaghmede Estate:

- (A) To have the Gullies on Carndonagh Park, Carndonagh Road, Holywell Crescent, Holywell Avenue cleaned,
- (B) To arrange for all litter bins to be emptied on a more regular basis as some bins are left for a number of days when the bins are full before being emptied,
- (C) To arrange for litter picking to be carried out on the roads and footpaths throughout the Donaghmede Estate twice weekly,
- (D) To arrange for the laneway at the back of house no 1-27 Donaghmede Road and the laneway at the back of house no 2-20 Donaghmede Avenue be cleaned and swept,
- (E) To arrange for the public lighting lamp outside house no 42 Donaghmede Road repaired as the lamp is bent,
- (F) To ask the City Manager if he will contact the Manager of Donaghmede Shopping Centre to arrange that the car-park be cleaned and swept and litter picked on a more regular basis.

**CITY MANAGER'S REPLY:**

(A) Carndonagh Park - Gullies were cleaned in February 2010 and checked on 28/6/10. 10 gullies were checked randomly and concrete removed from two gullies and jetted. All others are in good working order and in need of no cleaning.

Carndonagh Road - Gullies were cleaned in February 2010 and checked 28/6/10; 12 gullies checked randomly and all in good working order and in need of no cleaning.

## APPENDIX A: MINUTES OF CITY COUNCIL MEETING HELD ON 05/07/2010

Holywell Avenue - Gullies cleaned in February 2010 and checked 28/6/10; 3 gullies checked randomly, all in good working order and in need of no cleaning.

Holywell Crescent - Gullies cleaned in February 2010 and checked 28/6/10; 10 gullies checked randomly, all in good working order and in need of no cleaning.

(B) Waste Management Services will ensure that the litterbins in Donaghmede Estate are emptied five days per week, Monday to Friday.

(C) Waste Management Services clean the Donaghmede Estate every Monday following the refuse collection. We also provide litter picking equipment to the Donaghmede Residents Association and remove the collected waste after they have organised a clean up of their estate.

(D) Waste Management Services cleaned the laneway at the back of 1-27 Donaghmede Road on the 30<sup>th</sup> June 2010. The only problem with the laneway at the back of 2-20 Donaghmede Avenue is that there is some steel being stored there. Our litter warden will investigate this situation with the view to having this steel removed from the laneway.

(E) The pole at, **(details supplied)**, has been inspected and works will be scheduled to have it straightened in the coming weeks.

(F) A letter will be forwarded to the Manager of the Shopping Centre.

### **Q43. COUNCILLOR SEAN KENNY**

To ask the City Manager reintroduce access for vehicles with boats wishing to use the public boat slipway in Clontarf (opposite bus garage).

#### **CITY MANAGER'S REPLY:**

A lockable bollard was put in place by the Parks & Landscape Services Division, to control parking abuses of Clontarf Promade occurring from the entrance to the access path to the boat slipway. Access by agreement is available by contact with the Parks & Landscape Services Division of those wishing to use the pathway for water access purposes. Uncontrolled/ unrestricted access would result in a high level of parking abuse, which was the situation at this important public open space in late 2009.

### **Q44. COUNCILLOR REBECCA MOYNIHAN**

To ask the City Manager to have the wall between Teresa's Gardens and Darley's Terrace repainted.

#### **CITY MANAGER'S REPLY:**

This wall was painted within the past few years. There are no plans to paint this wall in 2010.

### **Q45. COUNCILLOR REBECCA MOYNIHAN**

To ask the City Manager how much was given in 2010 for overcrowding extensions? How much of this has been used so far this year? How many extension works were carried out?

#### **CITY MANAGER'S REPLY:**

Funding of €1.19m has been provided by the Department of the Environment, Heritage and Local Government, in respect of Disabled Persons extensions and adaptations, and also for the alleviation of overcrowding.

## **APPENDIX A: MINUTES OF CITY COUNCIL MEETING HELD ON 05/07/2010**

The City Council expect to construct up to fourteen extensions under this funding, of which five will be to relieve overcrowding. None of this funding has been spent to date, as the tendering process has just been completed. Work will commence on these adaptations and extensions shortly. The full allocation of €1.19m will be spent by the end of year 2010.

### **Q46. COUNCILLOR REBECCA MOYNIHAN**

To ask the City Manager to carry out a safety audit of Inchicore Road for cyclists as a matter of urgency, addressing the issue of the road surface quality and proper signage of the contra flow system for cyclists.

#### **CITY MANAGER'S REPLY:**

Roads Maintenance Division will carry out an inspection of the carriageway on Inchicore Road. We will determine if remedial action is required after this inspection is carried out.

The Traffic Department will carry out an inspection of Inchicore Road regarding road signage and markings. A separate report will be prepared for the Councillor within the next two months.

### **Q47. COUNCILLOR DERMOT LACEY**

To ask the Manager who requested the painting of new/additional double yellow lines on Bells Lane, Dublin 2 the criteria for agreeing to them and when the decision was on the TAG Report for the South East Area Committee.

#### **CITY MANAGER'S REPLY:**

Double yellow lines were provided following the required statutory procedure in 1971.

Over time lines wear off and are renewed when a Contractor is in the area doing new work or when a specific request is made.

The Traffic Officer has advised that following a request from a member of the public to renew a section of the double yellow lines in Bells Lane the crew went into the lane and renewed the lines in accordance with the original statutory approval. The renewal of the lines took place in April 2010.

If the Councillor wishes to have the lines removed this can be considered by TAG if he contacts the Area Traffic Engineer.

### **Q48. COUNCILLOR DERMOT LACEY**

To ask the Manager why an apartment has been empty for over four years in the Senior Citizens complex at Beggars Bush.

#### **CITY MANAGER'S REPLY:**

The tenant of this dwelling died in April 2007. An Illegal Occupier, who was a friend of the deceased tenant, took up occupation. Legal proceedings were instituted for repossession of the flat. In December 2009, Dublin City Council received information that the illegal occupier may have vacated the flat. Housing Maintenance staff gained access to the flat, which was found to be in a filthy condition and in need of extensive repairs. These repairs are ongoing.

## APPENDIX A: MINUTES OF CITY COUNCIL MEETING HELD ON 05/07/2010

### Q49. **COUNCILLOR DERMOT LACEY**

To ask the Manager what contact has been established with the Efficiency group established by the Minister for the Environment in relation to Council finances and to supply this Councillor with a copy of any submission made in the name of Dublin City Council or any official of Dublin City Council.

#### **CITY MANAGER'S REPLY:**

The City Manager met with the Local Government Efficiency Group on Monday 22<sup>nd</sup> February last and discussed the Local Authority cost and income bases. I am advised by the Department of the Environment, Heritage and Local Government that submissions were received from the A.M.A.I, A.C.C.C. and L.A.M.A., together with a submission from the City and County Manager's Association. No written submission was made in the name of Dublin City Council or any official of the City Council.

It is expected that the Local Government Efficiency Review Group will complete its work shortly and will then report to the Minister. Recommendations from the report will be a matter for Government in the first instance.

### Q50. **COUNCILLOR CRÍONA NÍ DHÁLAIGH**

To ask the City Manager to have the bushes at, **(details supplied)**, trimmed back in order that the residents can have some natural light and see out their window. These bushes are nearly covering all of the windows on the ground floor.

#### **CITY MANAGER'S REPLY:**

The Area Maintenance Officer is making arrangements to have the bushes at this complex trimmed within the next few weeks.

### Q51. **COUNCILLOR CATHERINE NOONE**

To ask the Manager to investigate the traffic signalling at the junction of Macken Street and Pearse Street. When the pedestrian lights are green, there are still cars driving through the filter light turning right on to Macken Street. There needs to be more of a delay between the green/ amber pedestrian light and the filter going right turning green.

#### **CITY MANAGER'S REPLY:**

The junction has been checked and the delay time before pedestrians get a green man has been increased so that cars will have cleared the junction before pedestrians cross.

### Q52. **COUNCILLOR CATHERINE NOONE**

To ask the Manager to increase the signposting on Cardiff Lane to indicate the correct lane for motorists to cross the Samuel Beckett Bridge.

#### **CITY MANAGER'S REPLY:**

The Traffic Department will examine the traffic situation for the area in question and report directly to the Councillor.

### Q53. **COUNCILLOR CATHERINE NOONE**

To ask the Manager once again to attend to the cycle lanes on the canal between Lesson Street and Ranelagh Road. The drains outside Irish Nationwide were cleared after I raised the issue previously but it appears that the problem is structural, there is no drainage in certain areas on the cycle path.

## APPENDIX A: MINUTES OF CITY COUNCIL MEETING HELD ON 05/07/2010

### **CITY MANAGER'S REPLY:**

This area will be examined during heavy rain to ascertain whether there is a need for extra gullies.

### **Q54. COUNCILLOR CATHERINE NOONE**

To ask the Manager to install a yellow box outside the Java Cafe, Sandymount Road to improve the ease of access of vehicles at the entrance and egress from Sandymount Village Centre Apartments.

### **CITY MANAGER'S REPLY:**

The matter concerned has been referred to the Traffic Advisory Group. The Councillor will be informed of the recommendations of the group when these are available.

### **Q55. COUNCILLOR MANNIX FLYNN**

Can the Dublin City Manager furnish me with an update on the proposals for the housing of sex offenders in the Dublin City Council area.

### **CITY MANAGER'S REPLY:**

Currently all applications from sex offenders are assessed on a case by case basis by the Allocations and Transfers Section in liaison with the City Council's Chief Welfare Officer.

The City Council is part of a Multi Agency Group (MAG) which was established in 2004 at the request of the Homeless Agency to respond to the identified problem of homelessness amongst sex offenders released from custody.

The project's overall aim is to co-ordinate and develop accommodation services for sex offenders at risk of homelessness in both a prison and community setting. MAG has developed an Implementation Plan which was approved by the Homeless Agency Partnership Board in March 2010.

International best practice suggests that stable housing is an important factor in managing risk posed by sex offenders. Dublin City Council are working to develop an internal policy directed at low-risk sex offenders in order to achieve our shared goal of public protection and contributing to the minimising and management of risk.

### **Q56. COUNCILLOR MANNIX FLYNN**

Can the Dublin City Manager give me a breakdown of the rent in credit i.e. how many are pensioners, how many are direct debit clients, how much is Dublin City Council holding in lieu of proper documentation as explained in last months answer to a similar question.

### **CITY MANAGER'S REPLY:**

The number of accounts in either debit or credit is constantly fluctuating.

A snapshot of the Anite Rents System on the 28<sup>th</sup> June 2010 indicated that there are 293 direct debit accounts in credit.

Information is currently being collated on assumed incomes and the number of pensioners and will be forwarded by 16<sup>th</sup> July 2010. The latter category will include the following types of pensions: contributory, non-contributory, contributory widows, survivors, blind persons and retirement pensions.

## APPENDIX A: MINUTES OF CITY COUNCIL MEETING HELD ON 05/07/2010

**Q57. COUNCILLOR MANNIX FLYNN**

Can the Dublin City Manager examine ways and means of pedestrianising the area of Temple bar as a flagship initiative as we don't have any completely pedestrianised areas of Dublin this size.

**CITY MANAGER'S REPLY:**

The majority of Temple Bar is currently pedestrianised. There is a loading window provided in the early morning to allow for deliveries.

A small number of streets are not pedestrianised and are available for access and deliveries in the area. If the Councillor wishes to propose pedestrianisation of these remaining streets the Senior Engineer in the Traffic Department is available to discuss.

**Q58. COUNCILLOR MANNIX FLYNN**

Call on the Dublin City Manager to support the call for a whistle-blowers legislation within Dublin City Council.

**CITY MANAGER'S REPLY:**

Section 170 of the Local Government Act 2001 states: *An employee or member of a local authority shall not seek, exact or accept from any person, other than from the local authority concerned, any remuneration, fee, reward or other favour for anything done or not done by virtue of his or her employment or office.*

Dublin City Council has in place an Anti-Fraud and Corruption Policy. The policy, published by the City Manager in December 2004 covers the prevention of fraud and corruption in the workplace and actions to be taken where fraud or corruption is discovered. Employees have a duty to make management aware of any concerns that they may have about the conduct of Council affairs or the use of Council assets and resources. Dublin City Council, in the interest of probity and good governance, wishes to encourage staff to raise matters so that they can be properly investigated and any concerns raised are dealt with thoroughly and confidentially.

A Code of Conduct for Employees has been issued to each member of staff dealing with conduct and standards of integrity. Employees should have regard to and be guided by the Code in performing their duties.

The Protocol & Selection Committee, at their meeting held on the 1<sup>st</sup> July 2010, agreed to set up a sub group of the committee to discuss issues surrounding the creation of a whistleblower's policy and report back to Protocol & Selection Committee in due course. The subgroup will comprise the Lord Mayor Councillor Gerry Breen and Councillor Mannix Flynn together with other members of the Protocol & Selection Committee who agree to participate. The report of the subgroup, when agreed by the Protocol & Selection Committee, will form the basis of a submission to the Minister for Justice, Equality & Law Reform.

**Q59. COUNCILLOR MARY O'SHEA**

To ask the Manager to arrange for the repair of the pavement at, **(details supplied)**.

**CITY MANAGER'S REPLY:**

Road Maintenance Services will repair said section of the footway within 4-6 weeks.

**Q60. COUNCILLOR MARY O'SHEA**

To ask the Manager when the imposition of the 2 hour limit on permit parking in the Iona Area as sanctioned at the Central Area Committee Meeting in March will commence.

## APPENDIX A: MINUTES OF CITY COUNCIL MEETING HELD ON 05/07/2010

### **CITY MANAGER'S REPLY:**

The imposition of the 2 hour limit on permit parking in the Iona area following the Central Area Committee Meeting in March is currently being processed and will be implemented in the near future.

### **Q61. COUNCILLOR MARY O'SHEA**

To ask the Manager to set out the role of the City Council in regulating the operation of Farmers Markets in both public areas and on private property.

### **CITY MANAGER'S REPLY:**

The operation of Farmer's Markets in public areas comes under the remit of the City Council. Traders operating in these public space markets must have a Casual Trading licence issued by Dublin City Council. The City Council also ensures that traders possess relevant Public Liability Insurance and food hygiene certificates issued by the H.S.E. in the case of the sale of hot food. In the regulation of markets in public spaces, the City Council also liaises with local retailers, the Gardaí and relevant State Agencies. Dublin City Council does not have any role in the regulation of Farmer's Markets on private property.

### **Q62. COUNCILLOR MARY O'SHEA**

To ask the Manager to give details of the number of female employees of the City Council who are engaged in waste management collection duties.

### **CITY MANAGER'S REPLY:**

Waste Management Services currently have no female employees engaged in waste management collection duties.

### **Q63. COUNCILLOR NIAL RING**

To ask the City Manager to comment on the following extract from a letter from the East Wall Residents' Association to the Executive Manager, Planning, Economic and Development Department of Dublin City Council dated 16th June 2010 (reproduced with the permission of the residents' association).

"Feasibility: West Road is a very narrow road, at the point where Iarnrod Eireann propose to locate the new railway bridge, the width of the road is 8.63m wide. The width of the western footpath, at the railway side of the road is 2m. DCC propose to locate a 3.5m two way cycle lane on the 2m footpath on the railway side of the road. Obviously this is not possible. The residents of East Wall have been guaranteed that neither on street parking (on the eastern side of the road) nor a traffic lane will be removed. The width of the road and the western path are a total of 10.63m. On this road DCC propose to locate:

Two 3m traffic lanes = 6.00 metres

Two way cycle lane = 3.50 metres

Remaining road width for on street parking 1.13 metres West Road is the route for the 53 bus and also most of the residents along the proposed cycle route do not have gardens to facilitate off street parking and so park on the street. We question the feasibility of the proposed arrangement and indeed the safety issues involved, the Public Consultation did not provide any feasibility studies and had not factored in the fact that Iarnrod Eireann propose to relocate the Railway Bridge at this very point on West Road. We question the safety aspect of such a proposed T-junction, facing residential properties, on such a narrow road, which will have a width of 4.63 metres, accommodating two traffic lanes and on street parking, following the placement of the cycle lane on West Road.

Removal of onstreet parking, a traffic lane or the footpath on the railway side of West Road are not feasible alternatives".

## **APPENDIX A: MINUTES OF CITY COUNCIL MEETING HELD ON 05/07/2010**

In particular, I would like the Manager to confirm the following:

- a. The accuracy of the measurements referred to.
- b. That two 3m traffic lanes and one 3.5m cycle lane is planned for the road.
- c. That there will be only 1.13m of road available for on street parking as described above.
- d. Whether, or not, Iarnrod Eireann have been consulted on the issue, and of so, what is their view on the proposed cycle lane.
- e. If, given the above concerns and the other relevant matters (as well as a viable alternative) outlined in the letter referred to (including the costing of the project), it is proposed to reconsider the plan for the premium cycle lane in its entirety.
- f. That, if the figures above are confirmed as accurate, there exists a serious safety issue which would, a separate report.
- g. The current status of the proposal and the opportunities available to residents, Councillors and other interested parties to voice concerns and objections to the proposal.

### **CITY MANAGER'S REPLY:**

It is intended to bring proposals to the next Area Committee Meeting to form the basis of further discussions with residents and the members to resolve the outstanding issues relating to the proposed cycle route along West Road.

### **Q64. COUNCILLOR NIAL RING**

To ask the City Manager the following in relation to the "LOCAL AUTHORITY SWIMMING POOL PROGRAMME - Value for Money and Policy Review Report 2007"

(A) How much, and towards which public swimming pools, has Dublin City Council availed of The Local Authority Swimming Pool Programme, administered by the Department of Arts, Sport and Tourism, which provides grant aid to local authorities towards the cost of construction or refurbishment of public swimming pools.

(B) From the recommendations of the report could the Manager comment on the following and indicate the extent to which Dublin City Council accepts, agrees with and has adopted recommendation 13.1.4 which states that the objective of the Local Authority Swimming Pool Programme should be "to provide high quality public swimming facilities on a national basis by encouraging and supporting the establishment and maintenance by local authorities, either by themselves or in conjunction with others, of high quality well managed swimming pools and associated facilities in appropriate locations, open to the public, at reasonable prices and times. Local authorities should specifically promote and maximise the usage of such facilities by children for water safety and swimming as a sport and leisure activity within a social inclusion environment".

(C) Can the Manager confirm that Table 4.1 of the report shows the profile of local authority applicants and that Dublin City Council is shown to have chosen to prioritise Ballyfermot, Ballymun and Finglas and therefore, by omission, not to make applications in respect of pools operated by it in Coolock, Sean McDermott Street, Crumlin and Rathmines. Can the Manager comment as to how why such prioritisation and omissions were decided?

(D) Can the Manager confirm that a 1999 report, by the Institute of Leisure and Amenity Management (ILAM) had clearly identified the 3 pools now under threat of closure as in need of refurbishment, and answer why the opportunity to seek funding to carry this out refurbishment was not taken by Dublin City Council at the time. Also, given that the condition of the pools has continued to deteriorate can the Manager confirm, whether, or not, he believes that the current situation would allow for "exceptional circumstances" to be considered as grounds for finances to be made available under the Local Authority Swimming Pools Programme, targeted

## APPENDIX A: MINUTES OF CITY COUNCIL MEETING HELD ON 05/07/2010

exclusively at the pools under threat and can the Manager confirm that he will now take steps to seek out these funds?

(E) The report, in the section FINDINGS FROM CURRENT ROUND states that the continued construction and targeting of new pool developments in or adjacent to RAPID areas is necessary if social inclusion objectives are to be met, and continues, "the scale and location of private pools strengthens the need to create equality in terms of public access at reasonable cost in areas of disadvantage as in, or adjacent to, RAPID areas". Does the Manager agree with this statement and is it Dublin City Council policy?

(F) Finally, to ask the Manager to confirm that funding for the ongoing operational cost of the pools will be included in the 2011 budgets of the City Council.

### **CITY MANAGER'S REPLY:**

The last round of funding for swimming pools under the wet Grant Scheme closed in the year 2000; there has been no further swimming pool funding made available over the last decade.

The pools at Finglas, Ballymun and Ballyfermot received grant aid and were prioritised for redevelopment by City Council at that time.

The pool at Coolock is part of a privately owned shopping centre and could only be rebuilt/refurbished when the whole Centre was being done; this is still part of the redevelopment plan for North Side Shopping Centre.

Sean McDermott Pool was intended to be redeveloped as part of a PPP for the whole area; this project has, unfortunately, become marooned for the present by the receding financial tide.

A project for redevelopment of Crumlin pool was brought forward; this involved City Council funds, D.A.S.T. funds, and a sum of about €6m approximately from sale of a strip of the adjoining park. The Area Committee did not approve the sale and this project is now also marooned for the present.

The continued resourcing of the three pools at Sean McDermott Street, Crumlin and Coolock to ensure they remain open until the end of 2010 will be addressed at the meeting as set out in the City Manager's report of 1<sup>st</sup> July 2010.

The continued operation of the swimming pools for 2011 will have to be considered as part of the budget process for 2011.

### **Q65. COUNCILLOR NIAL RING**

To ask the City Manager for an update on the negotiations/decision in relation to Smithfield Boxing Club being allowed use the Daisy Market site as a premises (on foot of my motion passed at the Central Area Committee) and the timescale for the conclusion of the negotiations/decision given that the club have lost their current premises

### **CITY MANAGER'S REPLY:**

The Daisy Market site has been identified in the context of the Markets Redevelopment Plan for use as a multi-purpose community facility. The achievement of the Markets Plan, however, is not feasible in the context of the current property downturn. It would not be appropriate to locate a single use facility at this site which would compromise its further potential when suitable funding becomes available. The Club were advised of this at a meeting with the Development Department on the 8<sup>th</sup> June and were also advised to approach the

## APPENDIX A: MINUTES OF CITY COUNCIL MEETING HELD ON 05/07/2010

Community and Sports Development Officer for the area for assistance in identifying alternatives.

**Q66. COUNCILLOR NIAL RING**

To ask the City Manager if he considers it appropriate to immediately write to the Minister for the Environment asking him to confirm that all statutory requirements, (including consultation with the director of the National Museum where required) in relation to remedial and proposed development works scheduled for the National Monument Site at 14 to 17 Moore Street have been complied with by the developer and, if he does write, to furnish a copy of his reply to all councillors immediately upon receipt.

**CITY MANAGER'S REPLY:**

Arrangements will be made to request the Minister to furnish the information requested. When a reply is received the contents will be made known to the local Councillors.

**Q67. COUNCILLOR JIM O'CALLAGHAN**

To ask the City Manager to outline the specific planning decisions of Dublin City Council in respect of which complaints have recently been made by the Minister for Environment and Local Government.

**CITY MANAGER'S REPLY:**

The information requested by the Councillor was circulated to all Members of the City Council on 25<sup>th</sup> June, 2010.

**Q68. COUNCILLOR JIM O'CALLAGHAN**

To ask the City Manager to clarify whether the delay in commencing the refurbishment works on Rathmines Library was caused through a failure on the part of central government to provide funding.

**CITY MANAGER'S REPLY:**

No, the City Council decided in January 2010 to carry out a review of the Rathmines Library project, including a financial review. This review was completed in recent weeks and following discussions with the selected contractor, work has now commenced on site and the construction work will be complete in early January 2011, with the library opening shortly thereafter.

**Q69. COUNCILLOR JIM O'CALLAGHAN**

To ask the City Manager whether the Council has received any reply from the Imperial War Museum in London to the Council's request for a loan of the Na Fianna Banner taken from Countess Markievicz's house on Leinster Road, Dublin 6, after the Easter Rising.

**CITY MANAGER'S REPLY:**

The terms of a motion adopted by the City Council at their meeting in May were conveyed to Mr. Mark Whitmore, Director of Collections, Imperial War Museum, London. A reply was received on 2<sup>nd</sup> July 2010 from the Collections Registrar enclosing a document entitled, "Borrowing from the Imperial War Museum", and requesting information on the exact dates proposed to borrow the banner. The Councillor is requested to liaise with Vincent Norton regarding the matter and it is suggested that it be dealt with initially through the Protocol and Selection Committee.

## APPENDIX A: MINUTES OF CITY COUNCIL MEETING HELD ON 05/07/2010

**Q70. COUNCILLOR JIM O'CALLAGHAN**

To ask the City Manager whether arrangements can be made to have two large Sycamore trees (growing in the Harbour in proximity to the Richmond Partnership/Institute of Education area of Portobello and impinging on the roof of Data Micrographics Limited) cut back.

**CITY MANAGER'S REPLY:**

The Parks and Landscape Services Division will arrange to have these two trees pruned over the coming weeks.

**Q71. COUNCILLOR VINCENT JACKSON**

To ask the Manager to please take appropriate steps to close off the Jamestown Road /Kylemore Way area of Inchicore with a permanent wall and bollards. The present situation is unacceptable to local residents with ongoing drug dealing/anti-social behaviour since this extension was made. Closing off the road would result in the elimination of these problems and give residents an opportunity to reclaim their area from a few sinister characters who now frequent the area. The road way from Kylemore Way lends itself to this type of behaviour.

**CITY MANAGER'S REPLY:**

The Jamestown Road / Kylemore Way route was closed to vehicular traffic to stop high volumes of traffic rat running through the area to avoid the Naas Road.

It is considered undesirable to permanently close off the Jamestown Road / Kylemore Way link. This route provides a pedestrian and cycle link between the Inchicore area and the Ballyfermot area / Kylemore Road industrial estates. To close the route completely with a permanent wall and bollards would result in pedestrians and cyclists having to travel in a circuitous route to their destination.

**Q72. COUNCILLOR VINCENT JACKSON**

Can the Manager please look into the following and get back to me, **(details supplied)**.

**CITY MANAGER'S REPLY:**

A reply has been issued to the Councillor.

**Q73. COUNCILLOR VINCENT JACKSON**

To ask the City Manager that Dublin City Council agree to meet with me at the Tyrconnell/Jamestown Road junction across from the Black Horse public bar to indicate what action they propose to take to stop the ongoing illegal gate/railing making business right at the first major entrance to the City. This behaviour would not be tolerated anywhere else.

**CITY MANAGER'S REPLY:**

A meeting will be arranged with the Councillor at this location.

**Q74. COUNCILLOR VINCENT JACKSON**

Can the Manager please indicate what action he proposes to take to stop the anti-social practice of scrambler bikes along the Californian Hills Park, Rossmore Road/Kylemore Road, Ballyfermot. Residents and walkers who use the park extensively tell me the quality usage of the park has become a serious problem with the ongoing problems these youths cause. We need Garda assistance, signage and mobile warden service to deter these youths.

## APPENDIX A: MINUTES OF CITY COUNCIL MEETING HELD ON 05/07/2010

### **CITY MANAGER'S REPLY:**

Parks & Landscape Services Division will arrange to have a key cut for the Gardai to access Californian Hills Park. The Park Warden Service has been instructed to patrol this area in the evenings.

### **Q75. COUNCILLOR KEVIN HUMPHREYS**

To ask the Manager the number of personal injury claims lodged against the Council due to cold spell in January.

### **CITY MANAGER'S REPLY:**

19 Personal Injury cases were lodged against the Council due to the cold spell in January 2010.

### **Q76. COUNCILLOR KEVIN HUMPHREYS**

To ask the Manager to give a full report on the possibilities of water shortage in Dublin due to the prolonged dry period currently being experienced in the city and what measures he may need to take to conserve water.

### **CITY MANAGER'S REPLY:**

Demand for water in the Dublin Region has risen in recent weeks as a result of the period of warm and dry weather being experienced. During this type of weather, much of the increase in demand arises because of garden watering, with hosepipes and lawn sprinklers being particularly high users - a lawn sprinkler or hose can use up to 500 litres of water per hour for example.

While water levels in the City Council's untreated water reservoirs at Poulaphouca, Roundwood and Bohernabreena are falling, there is, at the moment, no need for the imposition of restrictions on supply due to a shortage of untreated water. However the capacity to treat this water is limited and can barely match demand. Further increases in demand or difficulties in maintaining full output from the water treatment plants could result in a situation that would require the putting in place of restrictions on supply.

In order to minimise the risk of having to impose restrictions, all consumers are urged to conserve water and to limit their usage as much as possible. Good advice on how to save water is available on the [www.taptips.ie](http://www.taptips.ie) website.

The situation will continue to be monitored closely and the possibility of having to introduce restrictions will be assessed in response to weather and the supply/demand situation.

### **Q77. COUNCILLOR KEVIN HUMPHREYS**

To ask the Manager for the ivy on the boundary wall between 42A Seafort Gardens and Beach Avenue be removed and to clarify the ownership of this wall.

### **CITY MANAGER'S REPLY:**

The ivy in question appears to be growing over the boundary wall between two private properties and as such is not a matter for the City Council.

### **Q78. COUNCILLOR KEVIN HUMPHREYS**

To ask the Manager for an update on the investigations on the noise pollution coming from the hotel on the corner of York Street. The noise is preventing residents in York Street Apartments getting a night's sleep.

## APPENDIX A: MINUTES OF CITY COUNCIL MEETING HELD ON 05/07/2010

### **CITY MANAGER'S REPLY:**

The Air Quality Monitoring and Noise Control Unit received a complaint from a resident of the York Street Apartments that the plant serving the Mercer Hotel, Mercer Street, Dublin 2 was causing a noise nuisance. The management of the Mercer Hotel advised that maintenance engineers had examined the plant and reported that it was working effectively. Monitoring was carried out at the complainant's residence but the noise was inaudible and the noise level readings inconclusive. It is intended that further monitoring will be carried out in the coming weeks at nighttime when background levels subside to determine noise levels at this location.

### **Q79. COUNCILLOR MARY FITZPATRICK**

Is the Manager aware of, **(details supplied)**, and will the Manager provide a report on what action Dublin City Council has taken and/or will take to resolve the problem.

### **CITY MANAGER'S REPLY:**

A reply has been issued to the Councillor.

### **Q80. COUNCILLOR MARY FITZPATRICK**

Is the Manager aware of, **(details supplied)**.

### **CITY MANAGER'S REPLY:**

A reply has been issued to the Councillor.

### **Q81. COUNCILLOR MARY FITZPATRICK**

Will the Manager please advise when, **(details supplied)**, will be completed.

### **CITY MANAGER'S REPLY:**

The tenant of the above address, **(details supplied a)**, made an application for a Window Replacement Loan in July 2009. Her application is currently on hold due to lack of funding. Her application will be processed when money is made available from the Department of the Environment, Heritage and Local Government.

Housing Maintenance Section has no record of receiving an application in respect of a Disabled Persons extension from the tenant of the above address, **(details supplied b)**. The tenant has been made aware of this and has agreed to re-submit all the necessary documentation. Her application will then be processed and assessed to determine when and if it can proceed.

### **Q82. COUNCILLOR MARY FITZPATRICK**

Is the Manager aware of, **(details supplied)**.

### **CITY MANAGER'S REPLY:**

A reply has been issued to the Councillor.

### **Q83. COUNCILLOR JOHN GALLAGHER**

To ask the City Manager if he will arrange to have bicycle tie rails installed in an area, **(details supplied)**.

## APPENDIX A: MINUTES OF CITY COUNCIL MEETING HELD ON 05/07/2010

### **CITY MANAGER'S REPLY:**

The Traffic Department would refer the Councillor to the following website:

<http://www.dublincitycycling.ie/cycling-maps/consultation>

where a submission can be made for a cycle parking stand in a specific location. This location will then be reviewed by the Cycling Officer to determine suitability.

### **Q84. COUNCILLOR JOHN GALLAGHER**

To ask the City Manager if he will arrange for replacement of bins for residents in an area, **(details supplied)**; the bins were burned out and the residents should not be expected to pay for their replacement.

### **CITY MANAGER'S REPLY:**

Customers who require new / replacement bins should contact our Customer Services Centre, Tel. 222 1000 or via e-mail [customerservices@dublincity.ie](mailto:customerservices@dublincity.ie) and a bin will be delivered within 3 – 5 working days.

### **Q85. COUNCILLOR JOHN GALLAGHER**

To ask the City Manager if he will review the siting of benches at Luas stops in an area, **(details supplied)**, as there are numerous complaints about antisocial behaviour where drinking and drug taking are on-going and people are using the benches for loitering.

### **CITY MANAGER'S REPLY:**

The Area Office will write to Veolia Transport Ireland Ltd. regarding the Councillor's request. On receipt of a response from Veolia Transport, a reply will issue directly to the Councillor.

### **Q86. COUNCILLOR JOHN GALLAGHER**

To ask the City Manager the number of single men on the South Central Area Housing list; the number of suitable accommodation units that are available for such applicants; and if he will make a statement on the matter.

### **CITY MANAGER'S REPLY:**

The South Central Area includes Housing Areas J and K and parts of Housing Areas L and N.

There are currently 2,142 single male applicants included on the Council's Housing list seeking accommodation within these areas. Generally one bed or bedsit type accommodation is made available to such applicants. There are currently 7 units of accommodation at various stages of re-let that would be suitable to applicants of this type. This type of accommodation may also be offered to single female applicants and couples.

### **Q87. COUNCILLOR HENRY UPTON**

To ask the City Manager if he will clarify the status of a laneway in an area, **(details supplied)**; if he can confirm whether Dublin City Council erected gates at one end of this laneway; if he can arrange to have the laneway cleaned on a once-off basis, if it is not in the charge of Dublin City Council; and if he will make a statement on the matter.

## APPENDIX A: MINUTES OF CITY COUNCIL MEETING HELD ON 05/07/2010

### **CITY MANAGER'S REPLY:**

A reply has been issued to the Councillor.

### **Q88. COUNCILLOR HENRY UPTON**

To ask the City Manager if he will clarify the situation in relation to the green area at Field Avenue, now in the ownership of Fitzwilliam Land Securities; if he will clarify the ownership of the roadway/pathway surrounding this area; if he will explain why DCC continued to maintain this area for a number of years while the area was privately owned; if the City Council received any remuneration from the owner for this work; and if he will make a statement on the matter.

### **CITY MANAGER'S REPLY:**

The open space in question was one of a number of areas taken over from the former Dublin County Council when the City/County boundaries changed in 1985 – Parks and Landscape Services Division have maintained the area since that time as a public open space. The Corporation (City Council now) did not obtain any freehold/leasehold interest from the former Dublin County Council at that time and I am now informed that the registered owners are Fitzwilliam Land Securities. This Company now wish to develop allotments on this land and apparently were advised by our Planning Department that such a development is exempt.

Dublin City Council has no freehold/leasehold interest in the roadway/ pathway surrounding this area.

Dublin City Council continued to maintain the area as public open space following on from the former Dublin County Council who also maintained the area as public open space up to the changes in boundaries between City and County in 1985.

No remuneration was sought or received for this work.

This Company have no agreement or approval from Parks and Landscape Services Division for such a development and indeed have been so advised. However given the ownership situation and the necessary interest in allotments this Division does not propose to take any specific action. The open space because of its particular location is considered suitable for an allotment development and if the registered owners wish to pursue such a proposal I believe the City Council should let the matter proceed.

### **Q89. COUNCILLOR HENRY UPTON**

To ask the City Manager if following his response to a recent Council question where it is stated that "Additional measures are being considered along the front of Bushy Park "; if he will elaborate on these proposed measures and indicate what impact they might have on (a) traffic and parking (b) on the environmental aspects of Bushy Park (c) if he has consulted with local residents in relation to these proposed changes.

### **CITY MANAGER'S REPLY:**

Dublin City Council Traffic Department has been asked by residents and public representatives to examine options to improve traffic flow on Rathdown Avenue, along the frontage of Bushy Park, Terenure.

## **APPENDIX A: MINUTES OF CITY COUNCIL MEETING HELD ON 05/07/2010**

Residents of Rathdown Avenue experience difficulty accessing their property particularly on summer evenings and weekends when Bushy Park is in full use. In addition, traffic congestion frequently occurs on Rathdown Avenue as road width is too narrow to accommodate two-way traffic with parking on both sides. Residents are particularly anxious in relation to emergency services accessing the Avenue in the event that fire or ambulance services are required.

Following a survey of the area and meetings with residents on various options, the Traffic Department wishes to propose a southbound one-way traffic system between Rathdown Avenue / Rathdown Crescent roundabout and Rathdown Avenue / Rathdown Park roundabout. As any one-way system involves inconvenience particularly for local residents and services alike, it is proposed to consult with residents to determine the level of local support for these traffic measures. A survey of all affected residents on Rathdown Avenue and Rathdown Park will be carried out to ascertain the level of support for proposed measures.

The proposal is summarised below and an attached drawing indicates traffic flow direction:

1. All traffic flow on Rathdown Avenue would be permitted only in a southerly direction from The Crescent/Avenue roundabout to the Avenue/Park roundabout.
2. Entry onto Rathdown Avenue from the Avenue / Park roundabout would be prohibited.
3. Exit onto Rathdown Crescent from Rathdown Avenue would be prohibited.
4. Traffic wishing to access Bushy Park from Templeogue and the south turning right at Rathdown Avenue / Terenure College would be required to turn left onto Rathdown Park, right at Rathdown Crescent and right again onto Rathdown Avenue.
5. Traffic wishing to access Bushy Park from Terenure and the north would not be affected.
6. Additional parking restrictions in the form of double yellow lines on Rathdown Park will be considered if required to improve traffic flow and ease congestion.

Following the survey of the residents on the proposal, the matter will be referred to the Traffic Advisory Group for decision. As the Traffic Department has no wish to introduce traffic restrictions in this area without the support of the affected residents, a significant level of support for the proposals would be required for Traffic Advisory Group approval.

### **Q90. COUNCILLOR HENRY UPTON**

To ask the City Manager the number and location of sites, in particular public green spaces, formerly in the ownership of Dublin City Council but now in private ownership.

### **CITY MANAGER'S REPLY:**

I am not aware of any dedicated green open spaces that have been disposed of to a private owner. From time to time Dublin City Council disposes of land by means of short or long term leases for various purposes including commercial, residential, sporting and community. Public open spaces normally come within the control of

## APPENDIX A: MINUTES OF CITY COUNCIL MEETING HELD ON 05/07/2010

Dublin City Council through dedication from developers on completion of housing or industrial developments.

### **Q91. COUNCILLOR CIERAN PERRY**

Can the Manager outline Dublin City Council's role on the Multi Agency Group on Homeless Sex Offenders and provide all minutes and documentation relating to this group.

#### **CITY MANAGER'S REPLY:**

Dublin City Council is a member of the Multi Agency Group (MAG) on Sex Offending. The MAG was set up under the chair ship of the Probation Service as this issue is a key policy concern of the Department of Justice, Equality and Law Reform. The MAG has a membership comprising a range of statutory and voluntary agencies given the complex factors surrounding the issue of sex offending, of which housing is one element. The role of the City Council is to participate on the basis of matters relating to housing, housing support and community issues generally. The MAG has been for some time developing a proposal in terms of how to best respond to the integration of sex offenders while keeping matters concerning safety for all concerned a key objective. This involves the development of interagency protocols in addition to the sharing of information as well as developing the appropriate level of supports. The process is at the stage where the MAG is seeking input from and consideration of the Cross Departmental Team on Homelessness and we are awaiting a response to same. As referred to above, the City Council is a participant in the process and would not be in a position to provide the requested documentation given that this is the responsibility of another state agency - namely, the Probation Service. Given that this area is being considered by central government at this time and where we are expecting national policy to be developed at this level, it would be premature to release any documentation pending the outcome of the aforementioned.

### **Q92. COUNCILLOR CIERAN PERRY**

In relation to the motion passed at the April City Council meeting, which directed the Culture, Recreation and Amenity Department to actively seek financial and grant aid from all funding agencies for assistance in the running and maintenance of the current DCC standalone swimming pools, can the Manager supply comprehensive details of any correspondence and other communications that have taken place in relation to this instruction? Can the Manager give a detailed report on what progress has been made towards securing funding from any body external to the City Council.

#### **CITY MANAGER'S REPLY:**

The continued resourcing of the three pools at Sean McDermott Street, Crumlin and Coolock to ensure they remain open until the end of 2010 will be addressed at the meeting as set out in the City Manager's report of 1<sup>st</sup> July 2010.

The continued operation of the swimming pools for 2011 will have to be considered as part of the budget process for 2011.

### **Q93. COUNCILLOR CIERAN PERRY**

Can the Manager explain the difference between the Part 8 Planning process and the standard planning process?

#### **CITY MANAGER'S REPLY:**

Part 8 of the Planning and Development Act 2000 – 2007 refers to requirements in respect of specified development by, on behalf of, or in partnership with Local Authorities. Part 8 applications are generally lodged by the proposing department

## APPENDIX A: MINUTES OF CITY COUNCIL MEETING HELD ON 05/07/2010

within Dublin City Council. Article 80 of the Planning and Development Regulations 2001 sets out a list of the types of development prescribed for the purposes of the act.

The process is as follows:

Public Notices of the proposed development must be placed in an approved newspaper. A site notice (or notices) must be erected on the land on which the proposed development is situated – Article 81(1)(a)(b) of the Planning and Development Regulations 2001 refers.

The application, which must be submitted on the same date as the newspaper notice, must include a cover letter, a copy of the newspaper notice and site notice and 6 sets of plans/drawings (10 sets if proposed development involves works to a Protected Structure or is within the curtilage of a Protected Structure).

There is no fee payable on a Part 8 application.

The application is assigned a planning reference number and goes through a similar validation process as a normal planning application. The application is referred to internal works Departments in the City Council – (Roads, Water, Drainage). In the case of protected structures the application is referred to the Conservation Section, An Taisce, DEHLG and the Heritage Council.

If the file is invalid all documents are returned to the proposing department.

The timeframe for third party Observations/Submissions on the Part 8 application is eight weeks from the date of lodgement. This date is specified in the public notices. There is no fee charged for observations/submissions on a Part 8.

The Planning Officer completes a report for the attention of the Executive Manager of the Planning Department. The Executive Manager will make a recommendation to the proposing department on foot of this report.

A manager's report will then be compiled for a meeting of the City Council. Following consideration of this report by the City Council, the proposed development may be 'carried out as recommended, unless the local authority, by resolution, decides to vary or modify the development, otherwise than as recommended in the report, or decides not to proceed with the development' – Section 179(4)(b) of the Planning and Development Act 2000 – 2007 refers.

The main differences between the processes are:

*For a planning application* the applicant must advertise and erect site notice within two weeks before making planning application. The site notice must be kept in place for five weeks from the date of application.

*The Part 8 application* must be lodged on the same date as the newspaper notice. The site notice must be erected not later than the day of publication of the newspaper notice, and must be maintained in position for at least 6 weeks after newspaper notice published.

For a part 8 application the period for observations/submissions is 8 weeks. There are 5 weeks allowed for a normal planning application.

## **APPENDIX A: MINUTES OF CITY COUNCIL MEETING HELD ON 05/07/2010**

The making of a decision on a Part 8 application is a reserved function of the City Council, while for a normal planning application this is an executive function.

There is no fee payable for a Part 8 application.

### **Q94. COUNCILLOR CIERAN PERRY**

Can the Manager provide a report of the annual finance provided by Dublin City Council to the individual Area Partnerships over the last five years.

#### **CITY MANAGER'S REPLY:**

The South East Area Office did not provide finance for Area Partnerships located in its administrative area during the last five years.

The Northside Area Partnership does not receive any direct funding from Dublin City Council, although one payment of €6000 was received in 2006 for an Environmental Project.

The North West Area has 2 Partnerships – Tolka Area Partnership and Ballymun Whitehall Partnership. No funding is provided directly by the Area Office. An Official representing Dublin City Council sits on each board.

In the last five years, from the South Central Area Offices, no payments were made to the KWCDT Partnership Co. Ltd. The sum of €1,000 was provided to the Canal Communities Partnership Co. Ltd. in 2006.

No payments have been made to the Ballyfermot/Chapelizod Partnership Co. Ltd. in respect of the running costs and administration of the company.

Payments have been made to the company in relation to a number of projects, programmes and actions where these were undertaken on behalf of the City Council. These activities were financed on an agreed basis by the Council and administered and delivered by the Partnership. Details of these payments are being collated and will be forwarded to the Councillor.

### **Q95. COUNCILLOR BILL TORMEY**

Northwest area reorganisation is taking place due to retirements and staff reassignments in the light of current economic conditions. What role has the Board of BRL in appointing a replacement for the retiring CEO Mr Ciaran Murray? Did the Board have the power to select their own candidate? If so was the replacement post advertised? If yes! Where? What is the duty of the Board of directors of BRL with regard to the appointment of a CEO? Is current practice in line with the best practice in corporate governance? Why is the reputed new CEO a part time appointment? Is this appointment temporary? What is the position of the elected members with regard to senior management appointments at Dublin City Council? When have the Councillors the right to nominate a councillor to take a place on the interview committee for the appointment of senior staff?

#### **CITY MANAGER'S REPLY:**

Section 131 Local Government Act 2001 makes provision for reserved functions. Subsection 5 provides

“For the purposes of this section “function” does not include a function relating to the employees of a local authority or joint body or the direction, supervision, service, remuneration or discipline of such employees or any of them, other than a function referred to in section 145(1)“.

## APPENDIX A: MINUTES OF CITY COUNCIL MEETING HELD ON 05/07/2010

It follows therefore that the Councillors have no role to play in the appointment of staff to the posts referred to in the above questions or indeed to any other position. The City Manager will ensure that appointments of staff are made that meet both operational and strategic requirements of both BRL and the North West Area.

**Q96. COUNCILLOR BILL TORMEY**

Will the City Manager consider the compelling wisdom of appointing a new CEO to BRL at Assistant City Manager level and to extend the remit to include the senior management role for the rest of the Northwest area if he has the power to do this?

**CITY MANAGER'S REPLY:**

The City Manager is satisfied that the appointments of staff are being made that meet both operational and strategic requirements of both BRL and the North West Area.

**Q97. COUNCILLOR CLAIRE O'REGAN**

To ask the Manager to request the Environmental Health Officer to inspect the multi occupancy units at 1-15 Lower Sherrard Street, Dublin 1 due to poor quality of buildings and persistent dumping.

**CITY MANAGER'S REPLY:**

Illegal dumping in Sherrard Street and its environs will be targeted by a group of litter wardens for the month of July.

Arrangements will be made to inspect the addresses on Lower Sherrard Street under the Housing (Standards for Rented Houses) Regulations 2008 and the Councillor will be notified with more information within two weeks of the Council meeting.

**Q98. COUNCILLOR CLAIRE O'REGAN**

To ask the Manager to have Carnew Street, Dublin 7 assessed for pay and display parking.

**CITY MANAGER'S REPLY:**

This matter will be investigated by a member of the area traffic team and a reply will be issued directly to the Councillor. It is likely that this exercise will take approximately 5 weeks.

**Q99. COUNCILLOR CLAIRE O'REGAN**

To ask the Manager to have Carnew Street, Dublin 7 weeded, or if this is not possible at present due to budget constraints for weeding, when the weeding programme is due to recommence.

**CITY MANAGER'S REPLY:**

A contractor has been appointed and we expect to have the Central Area sprayed for weeds by the end of July, weather permitting.

Carnew Street will be sprayed as part of this contract.

**Q100. COUNCILLOR CLAIRE O'REGAN**

To ask the Manager to have traffic signals in front of St. Columbus School, North Strand changed to give increased time for children to cross, and to ask that a sign both for the school and for 'children crossing' be put in place.

## APPENDIX A: MINUTES OF CITY COUNCIL MEETING HELD ON 05/07/2010

### **CITY MANAGER'S REPLY:**

The Pedestrian Signals on North Strand are currently being examined and consideration will be given to increasing the pedestrian green time in the morning and afternoon periods when children are going to and from school. The two existing School Children Crossing signs erected on both approaches to the school are being replaced with larger 'Caution School Children Crossing' Signs. The matter of erecting a sign on North Strand to the school has been referred to our Traffic Officer for investigation.

### **Q101. COUNCILLOR EOGHAN MURPHY**

To ask the Manager for a full report regarding, **(details supplied)**.

### **CITY MANAGER'S REPLY:**

A reply has been issued to the Councillor.

### **Q102. COUNCILLOR EOGHAN MURPHY**

Could the Manager please provide a full report on the following case, **(details supplied)**.

### **CITY MANAGER'S REPLY:**

A reply has been issued to the Councillor.

### **Q103. COUNCILLOR EOGHAN MURPHY**

To ask the Manager to assist in the following matter, **(details supplied)**.

### **CITY MANAGER'S REPLY:**

The Housing Adaptation Grant Scheme for People with a Disability will open for new applications from 5<sup>th</sup> July 2010. If an application is received from the applicants it will be dealt with in a prompt and efficient manner.

### **Q104. COUNCILLOR EOGHAN MURPHY**

To ask the Manager to look in to the following, **(details supplied)**.

### **CITY MANAGER'S REPLY:**

A reply has been issued to the Councillor.

### **Q105. COUNCILLOR DAMIAN O'FARRELL**

To ask the City Manager to support the following people, **(details supplied)**.

### **CITY MANAGER'S REPLY:**

The applicant, **(details supplied 1)**, is included on the City Council's Housing Transfer List, currently with 74 points for Area B (Artane/Killester/Kilmore/Marino/Priorswood/Raheny/Beaumont/Clontarf/Coolock/Darndale/Donaghmede/Donnycarney/Edenmore/Kilbarrack) and 69 points for Area E (Ashtown/Santry/Cabra/Finglas/Glasnevin). Unfortunately, these points are low and it will likely be some time yet before the applicant is reached for an offer of alternative accommodation. If the applicant wishes to have her application considered on medical grounds she should submit medical details for assessment by the Chief Medical Officer.

The applicant, **(details supplied 2)**, is included on the Older Persons Housing List, currently with 119 points for Area H (Ballybough/Dorset St./East Wall/North Strand/Phibsborough/Summerhill) and 114 points for Areas E (Ashtown/Santry/Whitehall/Cabra/Finglas/Glasnevin) and B (Artane/Killester/

## APPENDIX A: MINUTES OF CITY COUNCIL MEETING HELD ON 05/07/2010

Kilmore/Marino/Priorswood/Raheny/Beaumont/Clontarf/Coolock/Darndale/Donaghmede/Donnycarney/Edenmore/Kilbarrack). These points are reasonable for the applicants areas of preference. The applicants preferred complexes are within Area B and she should be advised to make contact with the Kilbarrack Area Office, Tel. 2228548.

**Q106. COUNCILLOR DAMIAN O'FARRELL**

To ask the City Manager to investigate, **(details supplied)**.

**CITY MANAGER'S REPLY:**

A reply has been issued to the Councillor.

**Q107. COUNCILLOR DAMIAN O'FARRELL**

To ask the City Manager to replace, **(details supplied)**.

**CITY MANAGER'S REPLY:**

Following a site inspection by a Traffic Engineer it was established that the bollards are now in place.

**Q108. COUNCILLOR DAMIAN O'FARRELL**

To ask the City Manager to ensure a thorough cleaning of **(details supplied)**.

**CITY MANAGER'S REPLY:**

Waste Management Services Division cleaned the laneways at, **(details supplied)**, on the 29<sup>th</sup> June 2010.

**Q109. COUNCILLOR TOM BRABAZON**

Is it possible for the City Manager to arrange all three, brown, black and green bin collections in estates on the same day or would it be possible to insist in cases where for example the green bin is contracted out to have a cleansing crew following the trucks? A lot of litter in the City is caused by lack of clean up after bin collections and if they were all to be carried out on the one day it might reduce the workload for the City Council staff and perhaps costs.

**CITY MANAGER'S REPLY:**

As part of the rollout of the brown bin service to householders over the past few years, route rationalisation was implemented to bring maximum efficiencies into the overall waste collection service. Arising from this rationalisation, Waste Management Services currently collects the black and brown bins on alternate weeks on the same weekday. The green bin collection is carried out by Greyhound Recycling on behalf of Dublin City Council. They operate their fortnightly collection service as per contract and are not tied to having to collect certain areas on specific days. Since the switch over to the wheelie bin collection service from the bag collection service, spillages have been virtually eliminated. Furthermore the Litter Management Plan envisages the cleaning of residential areas once every three months. In any future rationalisation of our waste collection services consideration will be given to the Councillor's suggestion.

**Q110. COUNCILLOR TOM BRABAZON**

Can the Manager confirm the exact conditions or criteria to be met in installing cameras in housing estates to apprehend litter offenders?

## APPENDIX A: MINUTES OF CITY COUNCIL MEETING HELD ON 05/07/2010

### **CITY MANAGER'S REPLY:**

The Housing and Residential Services Department has installed a number of cctv systems in Council estates and complexes across the city. However these were installed solely for the purposes of good estate management and the prevention of anti-social behaviour, and therefore cannot be used for any other purpose, including apprehending litter offenders.

### **Q111. COUNCILLOR TOM BRABAZON**

Can the Manager explain when the 14 Million Euro additional allocation of funds for disabled and elderly grants will commence to be distributed to those eligible under the scheme announced by the Government in early March 2010 and why have Dublin City Council Staff been denying the schemes existence and would he make a statement on the matter.

### **CITY MANAGER'S REPLY:**

In 2010 Dublin City Council will approve 1,500 – 1,700 grants approximately and has made provision for the payment of €14.2 million this year.

It is the intention of Dublin City Council to re-open the Housing Adaptation Grant Scheme for People with a Disability, the Housing Aid for Older People and the Mobility Aids Grant Scheme from 5<sup>th</sup> July 2010.

### **Q112. COUNCILLOR EMER COSTELLO**

To ask the City Manager if he will have the pipe under the houses in Violet Hill Drive which goes under the adjacent park and into the Tolka River inspected as there is an ongoing problem with sewerage backing up into the back gardens.

### **CITY MANAGER'S REPLY:**

This is a private drainage connection, which is the property of the householders connected to it, not Dublin City Council. Dublin City Council is responsible for main sewers only. All private drainage connections, until they connect with the main sewer, are the responsibility of the business / householders connected to them.

The private drain will have to be repaired privately, following agreement with the Parks Division about opening the ground.

### **Q113. COUNCILLOR EMER COSTELLO**

To ask the City Manager to investigate providing a disabled parking space for a minibus outside, **(details supplied)**.

### **CITY MANAGER'S REPLY:**

This matter will be referred to the Traffic Advisory Group and a report will be presented to a future area committee meeting.

### **Q114. COUNCILLOR EMER COSTELLO**

To ask the City Manager to have the street lighting on Prospect Avenue, Phibsborough, assessed in order to provide improved street lighting for local residents which may assist in tackling anti social behaviour in the area.

### **CITY MANAGER'S REPLY:**

The lighting on Prospect Avenue (from Prospect Road to St. Theresa's Place) is considered to be satisfactory and there are no plans to upgrade it.

## APPENDIX A: MINUTES OF CITY COUNCIL MEETING HELD ON 05/07/2010

### Q115. **COUNCILLOR EMER COSTELLO**

To ask the City Manager to provide a report regarding much needed repairs to the roofs in all of the blocks in Matt Talbot Court. The residents are advising of dampness in the houses as a result. The Housing Manager has advised residents that a pilot system for repairing roofs is being used on a pilot basis in Bernard Curtis House. Can the Manager confirm if this system will be used on the roofs in Matt Talbot Court and when.

#### **CITY MANAGER'S REPLY:**

The Housing Maintenance Section are currently examining a number of new products and systems of dealing with leaks in roofs in flat complexes. A new product has been applied to one of the roofs in Bernard Curtis House but it will take some time to determine whether this product resolves the problem. In the meantime, it is intended to trial another new product on the roof of one of the blocks in Matt Talbot Court, most likely the block directly on North Great Charles Street. It is hoped that this product will be applied before the end of summer and its effectiveness will then be determined.

### Q116. **COUNCILLOR JOHN REDMOND**

Will the Manager investigate foul water entering the back garden wall at, **(details supplied)**.

#### **CITY MANAGER'S REPLY:**

Housing Maintenance identified a blockage in the sewer line some weeks ago. This blockage was cleared by the choke car. All foul smelling water has been cleared or dried up. An underground survey of the sewer pipes will be carried out in the near future. The Area Maintenance Officer is in regular contact with local residents in relation to this problem.

### Q117. **COUNCILLOR JOHN REDMOND**

Will the Manager arrange for the removal of graffiti from, **(details supplied)**, or alternatively arrange for the walls to be painted.

#### **CITY MANAGER'S REPLY:**

All graffiti from the above location will be removed by Friday 23<sup>rd</sup> July.

### Q118. **COUNCILLOR JOHN REDMOND**

Will the Manager arrange for a road to be repaired at, **(details supplied)**, as there are a number of potholes on the road that need to be filled in?

#### **CITY MANAGER'S REPLY:**

The location has been inspected by Road Maintenance Services and the potholes will be repaired by the mobile repair unit within the following week.

### Q119. **COUNCILLOR JOHN REDMOND**

Will the Manager arrange to have the footpath dished at, **(details supplied)**, to enable senior citizens who are wheelchair bound to cross the road.

#### **CITY MANAGER'S REPLY:**

The location has been inspected by the Road Maintenance Services and the wheelchair dishings at, **(details supplied)**, will be carried out within the next 6 to 8 weeks when a Road Maintenance crew is allocated additional work in the area.

## APPENDIX A: MINUTES OF CITY COUNCIL MEETING HELD ON 05/07/2010

### Q120. **COUNCILLOR JOHN LYONS**

Will the Manager arrange for the cleansing and de-weeding of the laneway opposite, **(details supplied)**, which is in an appalling condition. The area is regularly used for illegal dumping and as an illegal drinking spot. Furthermore, will the Manager bring forward long term proposals to deal with this issue, such as incorporating the laneway in question into either of the adjacent complexes.

#### **CITY MANAGER'S REPLY:**

The laneway at, **(details supplied)**, was cleaned, weeded and cleared of rubbish on 1<sup>st</sup> July 2010.

There is no funding available at present to incorporate the laneway in question into either of the adjacent complexes.

### Q121. **COUNCILLOR JOHN LYONS**

Will the Manager report on why some residents at Gateway, Ballymun have had no brown bin collection for the month of June and have had an inconsistent collection for the months previously. Furthermore, will he ensure that this issue is addressed immediately and that residents are notified with a written explanation outlining the reasons for non collection.

#### **CITY MANAGER'S REPLY:**

Over the past few months road works have been making it very difficult for us to give a proper collection service to this area. We are still not able to gain access to Gateway Place and Mews. In addition some of the brown bins in Gateway were not collected as they were contaminated with waste which should have been in the black bin. When access problems have arisen in Gateway, we have sent a smaller truck back there the next day to collect any brown bins which were missed. Our Area Inspector will keep a close watch on the future bin collections in Gateway to ensure that every possible effort is made to have every bin emptied as per schedule.

### Q122. **COUNCILLOR JOHN LYONS**

Will the Manager ensure that the illegal dumping on the BRL site adjacent to Barnwall Drive/Sillogue Road is removed immediately and that it is regularly monitored for illegal dumping. Furthermore, will the Manager spray and remove the weeds (which are now 2-3 feet high) along this section of the footpath (Barnwall Drive- Parc Ui Cuileann entrance) immediately as it is unsightly and unacceptable.

#### **CITY MANAGER'S REPLY:**

BRL has made arrangements for the removal of the illegal dumping at the above location and a clean-up and tidy of the public space at the second location is currently underway. BRL has put in place a strategy for monitoring and removal of illegal dumping on BRL sites.

### Q123. **COUNCILLOR JOHN LYONS**

Will the Manager address the residents concerns at, **(details supplied)**.

#### **CITY MANAGER'S REPLY:**

This concerns trees on private property and is a matter for the residents concerned and not for the Parks and Landscape Services.

### Q124. **COUNCILLOR DEIRDRE HENEY**

To ask the Manager to refer to tree at (a) **(details supplied)**, and dead tree at (b) **(details supplied)**, and say if he can:

## APPENDIX A: MINUTES OF CITY COUNCIL MEETING HELD ON 05/07/2010

- (1) arrange for the removal of tree at (a) as it is causing a serious hazard to resident who fears her boundary wall is about to collapse due cracking and movement as a result of heavy tree root encroaching the wall and,
- (2) remove and replace the tree at (b) which is dead; commitments were previously given by Dublin City Council to remove and replace same

### **CITY MANAGER'S REPLY:**

- (1) The Parks and Landscape Services Division has inspected the tree at this location, **(details supplied a)**. This tree is not causing any negative impact at this time. However, it is growing very close to the boundary wall. Arrangements have been put in place to carry out the removal of this young tree in the coming weeks.
- (2) Arrangements are in place to remove the dead tree at, **(details supplied b)**, in the immediate future, with consideration being given to replacement planting at this location in the 2010/2011 tree-planting season.

### **Q125. COUNCILLOR DEIRDRE HENEY**

Can the Manager refer to laneway, **(details supplied)**, which is (a) covered with graffiti and (b) in a very dirty condition and (c) partially overgrown with weeds and say:

- (1) if he can arrange to have the graffiti cleaned as it is causing offence to pedestrians using the laneway
- (2) if Dublin City Council is taking part in the recently announced Dept. of Justice Scheme whereby young offenders will clean up the public domain, (e.g. graffiti removal) as part of their Community Service
- (3) if he can arrange to have a thorough clean up done and weeds removed from the laneway and thereafter have it put on a weekly/fortnightly cleansing schedule.

### **CITY MANAGER'S REPLY:**

- (1) The laneway was inspected on the 28<sup>th</sup> June 2010 by the Environmental Liaison Officer. The graffiti is on the gable wall of one of the houses that back on to the lane and is the responsibility of the homeowner to remove.
- (2) The local Public Domain Officer, Mr. Dermot Johnson has worked with the Department of Justice and the Probation Office on the removal of graffiti in the area.
- (3) Waste Management Services Division sweeps the abovementioned laneway on a weekly basis. Following the inspection, the laneway was found to be in a very clean state. However, there are some weeds in the lane, which will be removed by our local area-based crew.

### **Q126. COUNCILLOR DEIRDRE HENEY**

To ask the Manager to refer to graffiti on wall in walkway, **(details supplied)**, and say:

- (1) if he can arrange to have same removed as it is causing offence to pedestrians using the laneway,
- (2) if Dublin City Council has as of yet taken part in the Department of Justice Scheme whereby young offenders will clean up the public domain, (e.g. graffiti removal) as part of their Community Service

### **CITY MANAGER'S REPLY:**

- (1) The walkway was inspected by the Environmental Liaison Officer who found the graffiti to be on the boundary walls of houses which makes it the responsibility of the homeowner to remove as it is private property.

## APPENDIX A: MINUTES OF CITY COUNCIL MEETING HELD ON 05/07/2010

- (2) The Public Domain Officer, Mr. Dermot Johnson has been involved with a number of projects regarding the removal of graffiti with the Department of Justice and the Probation Office.

### **Q127. COUNCILLOR DEIRDRE HENEY**

Can the Manager please refer to area of footpath at location, **(details supplied)**, which has been dug up and tarmac left on the footpath and say:

- (1) who is responsible for digging up the area, **(details supplied)**,  
(2) if he can arrange to have the area concerned re-instated and dug up tarmac removed.

#### **CITY MANAGER'S REPLY:**

(1) The path outside, **(details supplied)**, is damaged, but this is due to vehicles traversing the path. This section has not been dug up. However, works were carried out by Main Drainage opposite 103, **(details supplied)**.

(2) The area opposite 103 has been reinstated by the Roads Maintenance Division.

### **Q128. COUNCILLOR MICHAEL CONAGHAN**

Can the Manager say what progress has been made in the provision of appropriate accommodation for, **(details supplied)**.

#### **CITY MANAGER'S REPLY:**

There is no record of any application form from the gentleman, **(details supplied)**, and he is therefore not included on the City Council's Housing List. He should be advised to contact the Allocations and Transfers Section as soon as possible in order to progress the matter.

### **Q129. COUNCILLOR MICHAEL CONAGHAN**

Can the Manager say what progress has been made in the case of, **(details supplied)**, who sought assistance from City Council for the installation of a stairlift and other minor fittings to assist with safer mobility.

#### **CITY MANAGER'S REPLY:**

The applicant received a cheque from Dublin City Council under the Housing Adaptation Grant Scheme for People with a Disability on 31<sup>st</sup> May 2010.

### **Q130. COUNCILLOR MICHAEL CONAGHAN**

Can the Manager say what progress has been made in the case of, **(details supplied)**, who sought assistance from City Council for the making of a number of necessary home adaptations due to insignificant infirmities.

#### **CITY MANAGER'S REPLY:**

The applicant was sent a letter of approval awarding him a grant under the Housing Adaptation Grant Scheme for People with a Disability on 15<sup>th</sup> June 2010. On receipt of this letter the applicant should have contacted his contractor to commence the proposed works.

### **Q131. COUNCILLOR MICHAEL CONAGHAN**

Can the Manager say what progress has been made for arranging meetings with the OPW on behalf of the Chapelizod Old Village Association re: concerns about flooding and about safeguarding important industrial archaeology features locally in the Liffey basin.

## APPENDIX A: MINUTES OF CITY COUNCIL MEETING HELD ON 05/07/2010

### **CITY MANAGER'S REPLY:**

Works to clear the River Liffey at Chapelizod commenced on June 28<sup>th</sup>.

In relation to safeguarding important industrial archaeology, a condition of the planning permission granted for the development at the Island Site in Chapelizod required a management scheme for the millrace and weir etc. to be drawn up. This matter is currently with our Planning Enforcement Section for investigation.

### **Q132. COUNCILLOR CLARE BYRNE**

Can the Manager give a date as to when the cleaning of kerbs, footpaths and roads of weeds at, (**details supplied**), will be done? It is required ASAP.

### **CITY MANAGER'S REPLY:**

It is anticipated that the weed control contractor will commence spraying the weeds later this month. We are currently examining options to clean the kerbs, footpath and road of weeds following spraying. We are hopeful that this can be arranged over the coming weeks but we are not in a position to provide a date at this stage.

### **Q133. COUNCILLOR CLARE BYRNE**

Can the Manager give an update on when the "way finding" heritage signage for the following location, (**details supplied**), will be installed. Is there funding from the Department of Arts, Culture and Tourism available.

### **CITY MANAGER'S REPLY:**

A reply has been issued to the Councillor.

### **Q134. COUNCILLOR CLARE BYRNE**

Can the Manager have litter bins installed in, (**details supplied**). Also can the possibility of putting a fence along the river that runs by this location be considered to make this area safe for children.

### **CITY MANAGER'S REPLY:**

A reply has been issued to the Councillor.

### **Q135. COUNCILLOR CLARE BYRNE**

Can the Parks Department have the trees pruned at, (**details supplied**). They are overhanging the pedestrian walkway.

### **CITY MANAGER'S REPLY:**

The overhanging trees at the above location will be pruned within the next three weeks.

### **Q136. COUNCILLOR EDIE WYNNE**

To ask the Manager to review the impact of the trees on Parliament Street to the visibility of City Hall; at the moment visibility of this fine Hall is very limited.

### **CITY MANAGER'S REPLY:**

The trees on Parliament Street have been inspected and found to be growing in a healthy condition. It is the opinion of this Division that the trees frame City Hall rather than obscuring the building and, considering the difficulty in getting trees established in a city environment and the benefit trees provide in improving air quality and reducing problems from pollutants, it is not proposed to have them removed at this time. However, the trees may require pruning from time to time and we will continue

## APPENDIX A: MINUTES OF CITY COUNCIL MEETING HELD ON 05/07/2010

to monitor the impact they have on the views of City Hall and undertake remedial action as deemed necessary.

**Q137. COUNCILLOR EDIE WYNNE**

To ask the Manager to increase patrolling of the Harold's Cross Cottages area regarding littering and dog dirt.

**CITY MANAGER'S REPLY:**

Our litter warden is currently patrolling the Harold's Cross Cottages area five days a week, Monday to Friday in order to deal with the problem of litter and dog dirt in this area. We also will ensure that dog dirt is removed during the course of the cleaning of this area on Fridays after the refuse collection.

**Q138. COUNCILLOR EDIE WYNNE**

To ask the Manager for the open area at the end of Swan Grove be developed into a small play area for children.

**CITY MANAGER'S REPLY:**

The future use and design of this area is currently under review and the Councillor will be contacted when the review is complete.

**Q139. COUNCILLOR EDIE WYNNE**

To ask the Manager to extend the opening hours of some parks in the South East Area during winter months to facilitate those with working hours of 9am to 5pm.

**CITY MANAGER'S REPLY:**

Official Park Closing times are dependent on the time of year and the amount of daylight available. Normally parks are closed at dusk and December/January closing times are 5.00pm when the park is often in total darkness at the official closing time. Because there is no electrical lighting in the park it is not possible to allow the public to use public parks after official closing times.

**Q140. COUNCILLOR PAUL MCAULIFFE**

Can the City Manager provide me with a list of improvements which have been made to pavements in the Finglas area in the past 4 years. Can he outline how funds are allocated for pavement improvements in different parts of the city and how projects are prioritised.

**CITY MANAGER'S REPLY:**

Road Maintenance Services have carried out the following major improvement works in the area of Finglas in the last 4 years, the list being non-exhaustive:

Carriageway major works: Cappagh Road, Ratoath Road, Seamus Ennis Road, Ballygall Road West, Main Street, Kildonan Road, St Margaret's Road (adjacent to LIDL), North Road, Finglas Road (North and South of LIDL roundabout).

Footway major works: Sycamore Road, Fitzmaurice Road, upgraded footpath between Seamus Ennis and Main Street.

With regard to the allocation of funds and the prioritisation of projects, the process is as follows:

In the autumn, the Finance Department allocates funds to Road Maintenance Section. These funds are then reallocated by the Senior Engineer in Road Maintenance Section to the North and South City Area Engineer.

## APPENDIX A: MINUTES OF CITY COUNCIL MEETING HELD ON 05/07/2010

Depending on the amount allocated, the works programme is drawn up by the Area Engineer and then presented to the Area Councillors, where it is discussed and changes may be agreed before same is passed.

Several issues are considered when drawing up the works programme:

1. Priority is given to heavily trafficked roads, bus routes, etc.
2. With regard to footpaths, priority is given to the condition of the footpath and the number of pedestrians using same.
3. Consideration is also given to requests from Councillors over the previous year.

### **Q141. COUNCILLOR PAUL MCAULIFFE**

Can the Manager ensure that Poppintree Park is opened early on Saturday and Sunday mornings to facilitate shift workers the same access through the park as is provided to those who work Monday to Friday. Can the Manager also provide me with the official opening times operated in this park at present.

#### **CITY MANAGER'S REPLY:**

The official opening hours of Poppintree Park (as set out below), which are published on our website, are the standard opening hours city-wide.

Due to financial cutbacks and curtailment of overtime, there is no capacity to lengthen the opening times of any parks or open the parks earlier.

#### **PARKS OPENING AND CLOSING TIMES:**

The official opening time is 10.00 am. A bell will sound half an hour before official closing:

#### **Closing Times:**

<b>Month</b>	<b>Time</b>
December – January	5.00pm
February	5.30pm
March	6.30pm
April	7.30pm
May	8.30pm
June – July	10.00pm
August	9.30pm
September	8.30pm
October	7.30pm
November	5.30pm

### **Q142. COUNCILLOR PAUL MCAULIFFE**

Can the Manager arrange for the railings around the green areas on Ballygall Crescent and Ballygall Parade to be painted and in doing so to use black paint as is customary on other public parks.

#### **CITY MANAGER'S REPLY:**

The Parks and Landscape Services Division are aware that the railings need repainting but there are currently no resources to do so. However, this Division and the Area Office have been making arrangements with the Probation Services to do the re-painting which we hope will, if successful, take place this year.

## APPENDIX A: MINUTES OF CITY COUNCIL MEETING HELD ON 05/07/2010

### **Q143. COUNCILLOR PAUL MCAULIFFE**

Can the City Manager ask the Derelict Sites section to provide a determination if private landings which pose a danger to the public can be considered for action under derelict sites legislation and if not highlight the reasons why. Can he also suggest changes in legislation which may assist the Council in tackling this city wide problem.

#### **CITY MANAGER'S REPLY:**

Private landings do not normally come within the scope of The Derelict Sites Act and any problems with same are usually dealt with by an approach from the Public Domain Officer to the owner with whom the ultimate responsibility lies.

If the Councillor has a specific case in mind serious enough to warrant investigation, he may refer the matter to the Derelict Sites Section.

### **Q144. COUNCILLOR NAOISE O'MUIRI**

Can the Manager consider the installation of traffic calming measures at the corner where Donnycarney Road meets Belton Park Road.

#### **CITY MANAGER'S REPLY:**

Following a site visit by a Traffic Engineer the existing traffic calming measures are deemed to be adequate at this location.

### **Q145. COUNCILLOR NAOISE O'MUIRI**

Can the Manager install "Children At Play" signs at the junction of Belton Park Avenue and Belton Park Road.

#### **CITY MANAGER'S REPLY:**

This matter will be submitted to the Traffic Advisory Group (TAG) for a recommendation.

### **Q146. COUNCILLOR NAOISE O'MUIRI**

Can the Manager examine and adjust the "green man" phasing of the pedestrian signals crossing the Malahide Road just south of Donnycarney Cross as the time given isn't sufficient to allow pedestrians to cross safely.

#### **CITY MANAGER'S REPLY:**

This request has been referred to the Roads & Traffic Department's ITS Section for consideration.

**APPENDIX A: MINUTES OF CITY COUNCIL MEETING HELD ON 05/07/2010**

## APPENDIX B: MINUTES OF CITY COUNCIL MEETING HELD ON 05/07/2010

### LOCAL FUND FINANCIAL STATEMENT

### LOCAL GOVERNMENT ACT 2001

1st May 2010 to 28th May 2010

Balance	Debit	62,020,845
Payments during period	74,576,692	
Receipts during period	66,367,406	
Difference	Debit	8,209,286
Balance	Debit	<u>70,230,131</u>

### Reconciliation of Revenue and Capital Income & Expenditure to Payment & Receipts, May 2010

<i>Income</i>	<i>This period</i>	<i>28/05/2010</i>	<i>Expenditure</i>	<i>This period</i>	<i>28/05/2010</i>
<b>Total Revenue Income</b>	<b>35,067,891</b>	<b>562,339,003</b>	<b>Total Revenue Expenditure</b>	<b>58,011,797</b>	<b>315,556,216</b>
<b>Total Capital Income</b>	<b>11,044,299</b>	<b>129,189,985</b>	<b>Total Capital Expenditure</b>	<b>13,334,957</b>	<b>131,755,676</b>
<b>Mortgage Discharge</b>	<b>1,035,500</b>	<b>5,672,670</b>	<b>Shared Ownership Loan Repayment</b>	<b>-</b>	<b>1,365,177</b>
<b>Movement in debtors</b>	<b>19,219,717</b>	<b>-211,451,417</b>	<b>Movement in Creditors</b>	<b>3,229,937</b>	<b>54,999,690</b>
<b>Receipts during period</b>	<b>66,367,406</b>	<b>485,750,241</b>	<b>Payments during period</b>	<b>74,576,692</b>	<b>503,676,759</b>

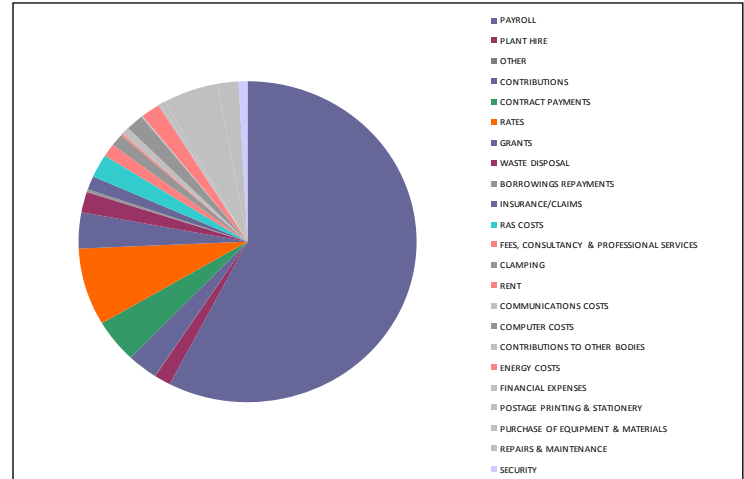
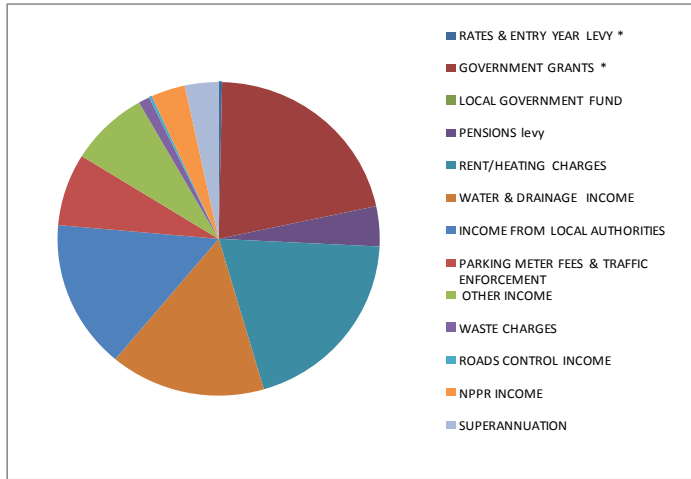
<i>Income</i>	<i>%</i>	<i>This period</i>	<i>28/05/2010</i>	<i>Expenditure</i>	<i>%</i>	<i>This period</i>	<i>28/05/2010</i>
<b>Revenue Income</b>				<b>Revenue Expenditure</b>			
RATES & ENTRY YEAR LEVY *	-0.4%	124,015	341,379,564	PAYROLL	57.6%	33,441,804	177,715,641
GOVERNMENT GRANTS *	21.5%	7,527,488	57,737,514	PLANT HIRE	1.6%	924,613	4,264,484
LOCAL GOVERNMENT FUND	0.0%	-	32,399,146	OTHER	0.0%	15,025	6,803,639
PENSIONS levy	4.1%	1,451,760	7,699,625	CONTRIBUTIONS	2.9%	1,692,335	12,094,314
RENT/HEATING CHARGES	19.8%	6,947,675	35,605,230	CONTRACT PAYMENTS	4.4%	2,535,931	12,760,617
WATER & DRAINAGE INCOME	15.8%	5,530,606	22,758,435	RATES	7.8%	4,503,579	22,067,499
INCOME FROM LOCAL AUTHOR	15.4%	5,397,841	24,485,830	GRANTS	3.6%	2,094,809	11,242,747
PARKING METER FEES & TRAF	7.5%	2,619,485	13,637,932	WASTE DISPOSAL	2.1%	1,194,912	3,710,663
OTHER INCOME	8.0%	2,800,088	12,253,403	BORROWINGS REPAYMENTS	0.3%	167,926	494,256
WASTE CHARGES	1.1%	400,381	5,849,440	INSURANCE/CLAIMS	1.4%	788,685	7,575,869
ROADS CONTROL INCOME	0.3%	102,999	542,649	RAS COSTS	2.3%	1,357,316	6,217,082
NPPR INCOME	3.5%	1,216,383	2,194,674	FEES, CONSULTANCY & PROFESSIONAL SERVICE	1.3%	753,932	8,786,542
SUPERANNUATION	3.4%	1,197,201	5,795,561	CLAMPING	1.3%	725,216	4,348,254
<b>Total Revenue Income</b>	<b>100.0%</b>	<b>35,067,891</b>	<b>562,339,003</b>	RENT	0.2%	108,459	2,291,209
				COMMUNICATIONS COSTS	0.8%	443,024	2,298,479
				COMPUTER COSTS	1.7%	987,635	2,877,848
				CONTRIBUTIONS TO OTHER BODIES	0.1%	78,427	182,890
				ENERGY COSTS	1.8%	1,053,856	5,948,658
				FINANCIAL EXPENSES	0.3%	152,712	7,810,484
				POSTAGE PRINTING & STATIONERY	0.4%	245,686	1,259,816
				PURCHASE OF EQUIPMENT & MATERIALS	5.3%	3,081,578	8,318,426
				REPAIRS & MAINTENANCE	2.0%	1,167,172	4,695,646
				SECURITY	0.9%	497,167	1,791,154
				<b>Total Revenue Expenditure</b>	<b>100.0%</b>	<b>58,011,797</b>	<b>315,556,216</b>

Government Grants of €7.5m includes Higher Education Grant of €3.3m, VEC Recoupment of €2.5m and National Roads Authority Grant of €9.5m

Negative Income for rates of €0.12m is due to write-offs and vacancy refunds. Annual Rates Income is billed in January each year

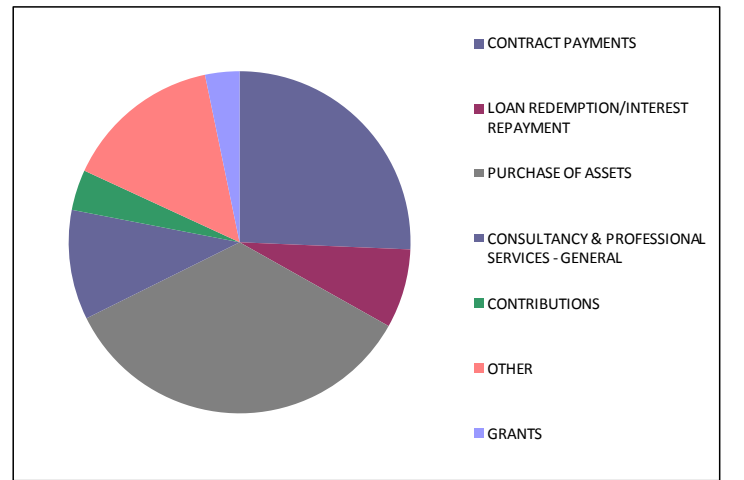
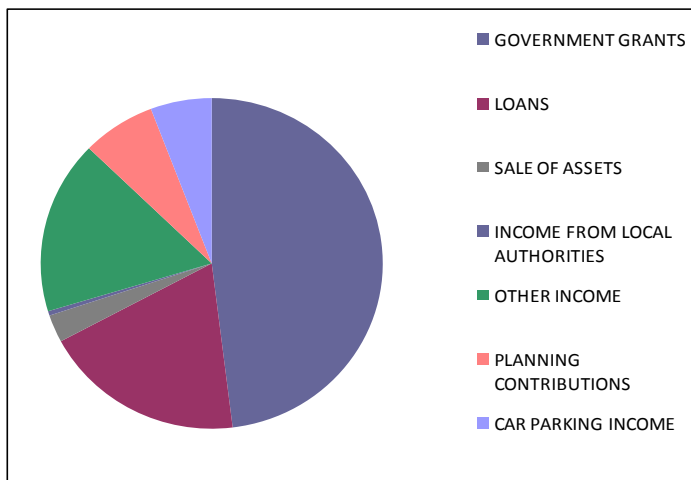
## APPENDIX B: MINUTES OF CITY COUNCIL MEETING HELD ON 05/07/2010

Capital Income	%	This period	28/05/2010	Capital Expenditure	%	This period	28/05/2010
GOVERNMENT GRANTS	55.8%	6,162,881	95,224,788	CONTRACT PAYMENTS	25.7%	3,423,089	65,119,896
LOANS	22.2%	2,456,861	10,272,157	LOAN REDEMPTION/INTEREST REPAYMENT	7.5%	1,000,750	29,620,892
SALE OF ASSETS	3.1%	345,710	4,377,928	PURCHASE OF ASSETS	34.5%	4,595,849	11,318,396
INCOME FROM LOCAL AUTHOR	0.5%	56,241	2,134,667	CONSULTANCY & PROFESSIONAL SERVICES - GE	10.4%	1,388,796	6,576,673
OTHER INCOME	19.7%	2,172,231	10,384,432	CONTRIBUTIONS	3.8%	513,124	8,633,977
PLANNING CONTRIBUTIONS	-8.1%	- 891,935	4,123,234	OTHER	14.9%	1,981,772	8,762,465
CAR PARKING INCOME	6.7%	742,310	2,672,780	GRANTS	3.2%	431,577	1,723,378
<b>Total Capital Income</b>	<b>100.0%</b>	<b>11,044,299</b>	<b>129,189,985</b>	<b>Total Capital Expenditure</b>	<b>100.0%</b>	<b>13,334,957</b>	<b>131,755,676</b>



Government Grants of €7.5m includes Higher Education Grant of €3.3m, VEC Recoupment of €2.5m and National Roads Authority Grant of €.95m

Negative Income for rates of €0.12m is due to write-offs and vacancy refunds. Annual Rates Income is billed in January each year



Government Grants relate to new treatment works for Ringsend €4.8m, and National Transportation Authority €1.3m

Purchase of Assets relates to purchase of Housing Stock

### MAJOR SOURCES OF INCOME (May 2010)

	Housing Rents	Domestic Refuse	Metered Water	Rates
<b>Debtor as @ 1/01/2010</b>	<b>19,526,762</b>	<b>19,566,287</b>	<b>23,215,804</b>	<b>44,455,944</b>
Income Raised	29,916,414	2,476,316	8,611,593	341,379,565
Receipts	29,702,258	7,389,662	8,780,655	133,412,446
Bad Debts	-	-	1,531,087	2,812,611
<b>Debtor as @ 28/05/2010</b>	<b>19,740,918</b>	<b>14,652,941</b>	<b>21,515,655</b>	<b>249,610,452</b>
% Collection	60.07%	33.52%	28.98%	34.83%

**Kathy Quinn**  
Head of Finance



## Company Law and Directors' Duties

- Company is a separate legal entity
  - Can sue and be sued in its own name
  - Holds assets and incurs liabilities separate from its members/shareholders
  - Confers limited liability on members/shareholders



Office of the Director  
of Corporate Enforcement

*Oifig an Stiúirthóra um  
Fhorfheidhmiú Corparáideach*

## Company Law and Directors' Duties

- Company is managed on behalf of members by the Board of Directors
- Duty under law to the company
- Board has collective responsibility for all actions (and omissions) by the company



Office of the Director  
of Corporate Enforcement

*Oifig an Stiúirthóra um  
Fhorfheidhmiú Corparáideach*

## Company Law and Directors' Duties

- As a member of the Board you are an officer of the company
- All company law duties apply to you personally
- You are potentially exposed to punishment under Company Law



Office of the Director  
of Corporate Enforcement

*Oifig an Stiúirthóra um  
Fhorfheidhmiú Corparáideach*

## Board of Directors and Management Boards

- Company Law does not recognise boards, committees, etc.
- Only directors have the powers under Companies Acts
- Management Board should be aligned with Board of Directors under Company Law



Office of the Director  
of Corporate Enforcement

*Oifig an Stiúirthóra um  
Fhorfheidhmiú Corparáideach*

## Shadow Directors

- Section 27 Companies Act 1990
  - “a person in accordance with whose directions or instructions the directors of a company are accustomed to act”
  - “shall be treated...as a director of the company”
  - Other than advice given in a professional capacity



Office of the Director  
of Corporate Enforcement

*Oifig an Stiúirthóra um  
Fhorfheidhmiú Corparáideach*

## De Facto directors

- Person carrying out the role of a director even if not validly appointed



Office of the Director  
of Corporate Enforcement

*Oifig an Stiúirthóra um  
Fhorfheidhmiú Corparáideach*

## Shadow Directors/De facto directors

- Companies Acts apply
- Company Law offences and sanctions apply
- However
  - Practical difficulty in using powers
  - Difficult to defend actions

**ENSURE YOU ARE PROPERLY APPOINTED**



Office of the Director  
of Corporate Enforcement

*Oifig an Stiúirthóra um  
Fhorfheidhmiú Corparáideach*

## Company Law and Directors' Duties

- What Duties?
  - Maintenance of Books and Records
    - Company registers at registered office
    - Companies Registration Office
  - Disclosures
    - Directors' details
    - Company information, websites and emails



Office of the Director  
of Corporate Enforcement

*Oifig an Stiúirthóra um  
Fhorfheidhmiú Corparáideach*

## Company Law and Directors' Duties

- Accounts and Audit
  - Proper books of account
  - Sign off of accounts
  - Accounts audited
- Board Meetings
  - No specific legal requirement, but good practice
  - Minutes are legal evidence



Office of the Director  
of Corporate Enforcement

*Oifig an Stiúirthóra um  
Fhorfheidhmiú Corparáideach*

## Company Law and Directors' Duties

- AGM's/ EGM's
  - Notice requirements
  - Rules in Articles and law
  - Ensure valid
- Annual Returns
  - Submitted on time
  - False information



Office of the Director  
of Corporate Enforcement

*Oifig an Stiúirthóra um  
Fhorfheidhmiú Corparáideach*

## Company Law and Directors' Duties

- Special Rules on Transactions with Directors
  - Loans/guarantees/security to Directors
  - Significant Transactions with Directors (or related parties)
  - Disclosures



Office of the Director  
of Corporate Enforcement

Oifig an Stiúirthóra um  
Fhorfheidhmiú Corparáideach

## Company Law and Directors' Duties

- Dealing with insolvency
  - **Criminal Offences**
    - Liquidator must report pre liquidation offences
    - Post Liquidation Offences
      - director must co-operate with Liquidator
    - Fraudulent Trading
    - Failure to keep proper books & records leading to the insolvency of the company



Office of the Director  
of Corporate Enforcement

Oifig an Stiúirthóra um  
Fhorfheidhmiú Corparáideach

## Company Law and Directors' Duties

### – Civil actions

- Restriction
  - Dishonest or irresponsible
  - 5 year order
  - Minimum paid in share capital, private company  
€3,487, plc €17,435
  - Company limited by guarantee cannot be capitalised
- Personal liability
  - Fraudulent or reckless trading



Office of the Director  
of Corporate Enforcement

Oifig an Stiúirthóra um  
Fhorfheidhmiú Corparáideach

## Company Law and Directors' Duties

- Fiduciary Duties
  - Act in good faith and in company's interest
  - Be open and transparent
  - Act with due care, skill and diligence
- Duties owed to company, members, creditors, employees.



Office of the Director  
of Corporate Enforcement

Oifig an Stiúirthóra um  
Fhorfheidhmiú Corparáideach

## Company Law, Why should you care?

- ODCE has a number of enforcement options open to it depending on circumstances. These include:
  - seeking voluntary compliance
  - initiation of investigations (directly or via the Courts)
  - civil remedies e.g. injunctions, applications for restriction, disqualification, imposition of personal liability etc.
  - criminal prosecution (summary or on indictment)
  - referral to other enforcement agencies.



Office of the Director  
of Corporate Enforcement

Oifig an Stiúirthóra um  
Fhorfheidhmiú Corparáideach

## Company Law, Why should you care?

### Criminal Prosecutions

- In general, maximum penalties under the Companies Acts are:
  - €1,900 and/or 12 months imprisonment on summary conviction, and;
  - €2,700 and/or 5 years imprisonment on conviction on indictment (any offence for which the maximum sentence is 5 years or more is an arrestable offence).



Office of the Director  
of Corporate Enforcement

Oifig an Stiúirthóra um  
Fhorfheidhmiú Corparáideach

# Company Law, Why should you care?

## Civil remedies

### Court orders

- service of notice to comply with obligations (injunctions)
  - Section 371 Companies Act, 1963
- seek restriction
- seek disqualification
- seek the imposition of unlimited liability for debts and liabilities of a company in insolvency.
- order for restraint of assets

Section 55 Company Law Enforcement Act, 2001

Office of the Director  
of Corporate Enforcement

Oifig an Stiúirthóra um  
Fhorfheidhmiú Corparáideach

## Disqualification

- Automatic disqualification
  - Breach of restriction order
- By court
  - Conduct makes them unfit to act as a director
  - Director of company struck off the Companies Register with debts owing
- For a period of five years or other such period as the courts direct:
  - Cannot act as a director (or other officer or auditor or receiver or liquidator or examiner)
  - Cannot take part in the formation, promotion or management of a company
  - Name will appear on the register of disqualified persons

Office of the Director  
of Corporate Enforcement

Oifig an Stiúirthóra um  
Fhorfheidhmiú Corparáideach

## More Common Breaches

- On the basis of information coming to ODCE attention, the following are some of the more common breaches:
  - Transactions with directors - breaches of directors' loans provisions
    - 185 reports to ODCE
  - Auditor deficiencies (accounts disclosures and non-qualified auditors)
    - 53 reports
  - Trading while struck off
    - 36 reports
  - Failure to keep proper books of account
    - 33 reports
  - Shareholder rights
    - 31 reports



Office of the Director  
of Corporate Enforcement

*Oifig an Stiúirthóra um  
Fhorfheidhmiú Corparáideach*

## What to do?

- **Advice to Directors**
  - Ask questions
  - Don't assume anything
  - Books & Records - where are they
  - Discuss issues don't avoid them
  - Seek professional advice
  - Consult your company secretary/auditors/legal advisors
  - Possibility of insurance



Office of the Director  
of Corporate Enforcement

*Oifig an Stiúirthóra um  
Fhorfheidhmiú Corparáideach*

## Sources of Information

- ODCE publications
  - Information Books and Quick Guides;
  - Specific guidance on new law.
- ODCE website – [www.odce.ie](http://www.odce.ie)
  - All publications;
  - Corporate governance best practice and access to main reports
  - public notice information e.g. civil enforcement action, prosecutions, insolvency information;
  - access to full complement of company law statutes etc.;
  - information on ODCE services.

- LO- CALL 1890 315 015, email [info@odce.ie](mailto:info@odce.ie)



Office of the Director  
of Corporate Enforcement

*Oifig an Stiúirthóra um  
Fhorfheidhmiú Corparáideach*

## Question & Answers

### Thank You



Office of the Director  
of Corporate Enforcement

*Oifig an Stiúirthóra um  
Fhorfheidhmiú Corparáideach*

## **Healthcheck checklist**

- **Where is the registered office of the company?**
- **Are your website and emails compliant?**
- **Are you a properly appointed director?**
- **Are the addresses of directors correct?**
- **What books and records do you have?**
- **Who maintains your accounts, and where?**
- **Have your books ever been audited?**
- **When was your last meeting of directors?**
- **When was your last AGM/EGM?**
- **What is your annual return date (ARD)?**
- **Are you large enough to have added responsibilities?**
- **Are you taking advantage of your power as a director?**
- **Are you in financial trouble?**



Office of the Director  
of Corporate Enforcement

*Oifig an Stiúirthóra um  
Fhorfheidhmiú Corparáideach*

# Housing Act 2009 Housing Regulations 2010

Ciaran McNamara  
Assistant City Manager  
July 2010



## Incremental Purchase Scheme Regs 2010 Effective 14 June 2010

- Provide opportunities for social housing applicants & existing tenants (public, voluntary & RAS) to buy; house must be principal place of residence
- Applies to new houses only - take up will be affected by scarcity of new houses in urban areas
- New TP scheme (houses & flats) will use same ideas i.e. cost price, discount and incremental charge
- Purchaser responsible for repairs & insurance
- Min income €15k; Lower income higher discount
- Social welfare incomes excluded – except if secondary income of principal or spouse's income

## Overview of IPS Scheme

- New houses where deemed appropriate by housing authority
- Excludes 2<sup>nd</sup> hand, senior citizen, traveller, caravans
- lower incomes = higher discounts on cost price 40%, 50%,60%
- Charge registered on property released at discretion of housing authority over periods of 20, 25 & 30 yrs.
- Interest at 6% payable on arrears of loans & on charge not paid off at end of period i.e. if withheld due to breach of terms of combined transfer & charge order.
- Housing Authority first option to “buy back” at market price less outstanding charge taking account of improvements.
- House must be sold at market price; resale can be refused if alternative accommodation not in place or anti social purchaser etc; Independent valuer can be used to verify price

## Other Issues – Tenant Purchase

- Existing tenant purchase ending in 2 yrs
- New scheme will use IPS principles as cost price, charge released over period, buy back option; good estate management
- All tenants to be informed of end of scheme
- Flat sales will be introduced later this year.
- Voluntary bodies will be included in sales scheme but will need approval of housing authority to identify units

## Other Issues

- Scheme of letting priorities to be replaced with new Allocation Scheme by 13 June 2011
- DOEHLG “Housing Means Policy” will become means assessment for all housing e.g. allocations, rent & loans
- New DOE rent scheme being developed to replace existing schemes developed by individual authorities.
- Interest will be charged at 6% for arrears of all loans & IPS charges and eventually for rent under new scheme.