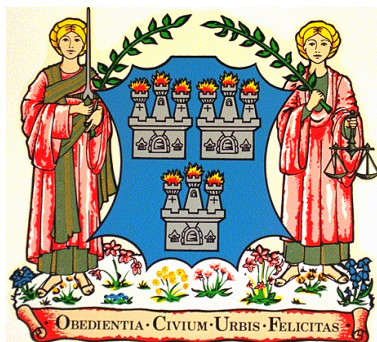


## COMHAIRLE CATHRACH BHAILE ÁTHA CLIATH



Miontuairiscí Chruinniúl Míósúil a tionóladh ar 5 Nollaig 2011 i Seomra na Comhairle, Halla na Cathrach, Cnoc Chorcaí ag 6.45 i.n.  
I Láthair an tArdmheara, An Comhairleoir Andrew Montague sa chathaoir.

**Comhairleoir:**

Gerry Ashe  
Kieran Binchy  
Paddy Bourke  
Tom Brabazon  
Gerry Breen  
Christy Burke  
Clare Byrne  
Julia Carmichael  
Aine Clancy  
Anthony Connaghan  
Emer Costello  
Pat Crimmins  
Pat Dunne  
Mary Fitzpatrick  
Declan Flanagan  
Mary Freehill

**Comhairleoir:**

Deirdre Heney  
Jane Horgan-Jones  
Sheila Howes  
Vincent Jackson  
Dermot Lacey  
Mícheál Mac Donncha  
Ray McAdam  
Paul McAuliffe  
Paddy McCartan  
Brian McDowell  
Ruairí McGinley  
Séamas McGrattan  
Marie Metcalfe  
Louise Minihan  
Rebecca Moynihan  
Críona Ní Dhálaigh

**Comhairleoir**

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

**Oifigigh**

John Tierney  
Philip Maguire  
Kathy Quinn  
Michael Phillips

Michael Stubbs  
Terence O'Keeffe  
Seamus Lyons  
Richard Brady

Vincent Norton  
Cathal Morgan  
Derek Dixon  
Elaine Fitzpatrick  
Oonagh Casey

1. The Lord Mayor opened the meeting by expressing sympathy of behalf of the City Council to the family of 14 year old Conor Hickey, from Cabra, who lost his life in a road traffic accident. He appealed to anyone who may have information in relation to this accident to contact An Garda Síochana. A minute's silence was observed as a mark of respect to the deceased.
2. Ceisteanna fé Bhuan Ordú Úimhir 16 — It was moved by Councillor L O'Toole and seconded by Councillor D Heney "That Dublin City Council approves the Dublin City Manager answering the questions lodged". The motion having been put and carried, written answers to the 120 questions lodged for the City Council meeting of the were issued. The Questions and Answers are set out in **Appendix A** attached.

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3. Submitted Letter dated 10<sup>th</sup> November 2011 from Monaghan County Council conveying the terms of a motion from their November Meeting calling on the Government and the Minister for Finance to examine other solutions that would have a more immediate impact in helping resolve the difficulties being experienced by distressed mortgage holders in a reasonable timeframe and to examine the solutions put forward by the New Beginnings Group. It was moved by Councillor V Jackson and seconded by Councillor C Burke "That Dublin City Council notes the contents of this letter". The motion was put and carried.
4. Submitted Letter dated 14<sup>th</sup> November 2011 from Donegal County Council conveying the terms of a motion from their October Meeting calling on the Government to address the serious reduction in services and benefits for people with disabilities in Donegal County and that this situation be addressed in Budget 2012. It was moved by Councillor V Jackson and seconded by Councillor C Burke "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 7<sup>th</sup> November 2011 having been printed, certified by the Meetings Administrator, circulated to the Members and taken as read, were signed by the Lord Mayor.
6. Submitted Report No. 354/2011 of the Head of Finance (*K. Quinn*) – Monthly Local Fund Statement and reports as submitted under the EU/ IMF Framework. It was proposed by Councillor D Lacey and seconded by Councillor P Bourke "That Dublin City Council notes the contents of Report No 354/2011" The motion was put and carried.
7. To appoint two Members to fill vacancies on the Protocol Committee – no nominations were forthcoming and it was agreed that this item would not be re-listed until nominations are available.
8. To appoint a Member to the Dublin Mid-Leinster Regional Health Forum following the resignation of Councillor Louise Minihan. It was proposed by Councillor P Bourke and seconded by Councillor C Ni Dhalaigh "That Councillor V Jackson be nominated to represent Dublin City Council on the Dublin Mid-Leinster Regional Health Forum" The motion was put and carried.
9. To appoint a Member to the South Inner City Local Drugs Task Force following the resignation of Councillor Maria Parodi. It was proposed by Councillor P Bourke and seconded by Councillor M Parodi "That Councillor G Ashe be nominated to represent Dublin City Council on the South Inner City Local Drugs Task Force" The motion was put and carried.
10. To appoint a Member to the Association of Municipal Authorities of Ireland (AMAI) following the resignation of Councillor Henry Upton. It was proposed by Councillor P Bourke and seconded by Councillor V Jackson "That Councillor D Lacey be nominated to represent Dublin City Council on the Association of Municipal Authorities of Ireland (AMAI)" The motion was put and carried.
11. Submitted Report No. 368/2011 of the Assistant City Manager (*S. Lyons*) – Report on Clontarf Flood Defence Project. The report was moved for consideration by Councillor B Tormey and this was seconded by Councillor P Bourke.

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The City Council agreed to take Item Nos 57 and 71, Motions standing in the names Councillors D O'Farrell, N Ring and J Horgan-Jones as they were on this subject.

It was proposed by Councillor D O'Farrell and seconded by Councillor N Ring "That this Council rejects Dublin City Council's proposed Clontarf Flood Defence Plan in its entirety and calls upon the City Manager to immediately begin planning a new Clontarf Flood Defence with full Consultation with the public. These new flood defences will protect the area from flooding and preserve the amenity that is Clontarf Promenade"

It was then proposed by Councillor J Horgan-Jones and seconded by Councillor N Ring "That Dublin City Council recognises the need for a flood defence system in Clontarf and further recognises that any such system must incorporate measures to improve the drainage system there. This Council regrets that the communication process with public representatives, community groups and residents was deficient. The reaction of the local community and beyond to the proposed plans has been one of overwhelming opposition. The plans are not tenable and they are the wrong flood defence option for Clontarf. This Council further reaffirms the right of Councillors to vote on the plans as agreed at the November City Council Meeting. We therefore reject the current proposal and call on the Manager to embark upon a new public consultation process as soon as possible, with the active involvement of all stakeholders and public representatives. We further call on the Manager to update the City Council directly of his plans for the new consultation process at the February City Council Meeting"

An addendum was then proposed to both motions by Councillors D O'Farrell, N Ring and J Horgan-Jones as follows "*This Council also calls on the Manager to obtain confirmation from the OPW that the funds budgeted/allocated/ring-fenced for this project will continue to be available for a future agreed Defence Plan. Furthermore, this Council calls on the Manager to confirm that any future Flood Defence Plan will comply with all relevant articles contained in the EU Floods Directive and that all protection afforded by Article 37 of the EU Charter of Fundamental Rights (environment protection and improvement) will be adhered to*" Both motions, including the addendum to each, were then put and carried.

12. Submitted Report No. 344/2011 of the Area Manager (C. Lowe) – HARP Community Gain Funding Applications for Minor and Major Grants – 2011. It was proposed by Councillor E Costello and seconded by Councillor G Breen "That Dublin City Council notes the contents of Report No 344/2011 and hereby approves the awarding of Minor and Major Grants under the HARP Community Gain Funding Programme 2011 as outlined in the report" The motion was put and carried.
13. Submitted Report No. 348/2011 of the Chairperson of the Transport and Traffic Strategic Policy Committee – With reference to proposal to make Bye-Laws entitled Dublin City Council Appointed Stands (Street Service Vehicles) Bye Laws 2011. It was moved by Councillor S Wrenn and seconded by Councillor S Howes "That Dublin City Council notes the contents of Report No 348/2011 and hereby resolves to make Bye-Laws entitled Dublin City Council Appointed Stands (Street Service Vehicles) Bye Laws 2011 as outlined in the report". The motion was put and carried.

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14. Submitted Report No. 350/2011 of the Assistant City Manager (*P. Maguire*) – Grants towards the Running Costs of Private Swimming pools for the year 2010. It was proposed by Councillor M O'Shea and seconded by Councillor D Flanagan "That Dublin City Council notes the contents of Report No 350/2011 and hereby approves grants towards the Running Costs of Private Swimming pools for the year 2010 as outlined in the report". The motion was put and carried.
15. Submitted Report No. 365/2011 of the Assistant City Manager (*R. Brady*) – Proposed Borrowing for Housing Purposes. It was proposed by Councillor G Breen and seconded by Councillor R McGinley "That Dublin City Council notes the contents of Report No 365/2011 and hereby approves the borrowing requirement as set out therein, subject to the sanction of the Minister for the Environment, Community and Local Government" The motion was put and carried
16. Submitted Report No. 352/2011 of the Assistant City Manager (*M. Stubbs*) – Request to Initiate the Variation Process of the Dublin City Development Plan 2011 - 2017 regarding Revised Car Parking Standards for Retail Supermarkets. It was proposed by Councillor M Freehill and seconded by Councillor D Lacey "That Dublin City Council hereby approves the initiation of the Variation Process of the Dublin City Development Plan 2011 - 2017 regarding Revised Car Parking Standards for Retail Supermarkets" The motion was put and carried.
17. Submitted Report No. 370/2011 of the Executive Manager (*V. Norton*) – Amendment to Scheme for the establishment and operation of Strategic Policy Committees 2009 – 2014. It was proposed by Councillor D Lacey and seconded by Councillor C Burke "That Dublin City Council notes the contents of Report No 370/2011 and hereby approved the revised Scheme for the establishment and operation of Strategic Policy Committees 2009 – 2014" The motion was put and carried.
18. Submitted Report No. 349/2011 of the Executive Manager (*C. Dunne*) – With reference to the disposal of the fee simple interest under the Landlord and Tenant (Ground Rents) (No. 2) Act 1978 in 5 premises. It was proposed by Councillor C Ni Dhalaigh and seconded by Councillor G Breen "That Dublin City Council notes the contents of Report No349/2011 and assents to the proposal outlined therein" The motion was put and carried.
19. Submitted Report No. 356/2011 of the Executive Manager (*D. Wallace*) - With reference to the proposed disposal of a lease of a plot of ground at St. Mobhi Road, Glasnevin, Dublin 9. It was proposed by Councillor C Ni Dhalaigh and seconded by Councillor G Breen "That Dublin City Council notes the contents of Report No 356/2011 and assents to the proposal outlined therein" The motion was put and carried.
20. Submitted Report No. 357/2011 of the Executive Manager (*D. Wallace*) – With further reference to the proposed disposal of 2 Coke Oven Cottages, Liffey Junction, Royal Canal Way, Dublin 7. It was proposed by Councillor C Ni Dhalaigh and seconded by Councillor G Breen "That Dublin City Council notes the contents of Report No 357/2011 and assents to the proposal outlined therein" The motion was put and carried.
21. Submitted Report No. 358/2011 of the Executive Manager (*D. Wallace*) – With reference to the proposed grant of a gardening lease of plot of ground adjacent to 48 Shanliss Way, Santry, Dublin 9 to Bryan Hand, 48 Shanliss Way. It was

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proposed by Councillor C Ni Dhalaigh and seconded by Councillor G Breen "That Dublin City Council notes the contents of Report No 358/2011 and assents to the proposal outlined therein" The motion was put and carried.

22. Submitted Report No. 359/2011 of the Executive Manager (*D. Wallace*) - With reference to the proposed disposal of land to the rear of 97 Brian Road, Dublin 3. It was proposed by Councillor C Ni Dhalaigh and seconded by Councillor G Breen "That Dublin City Council notes the contents of Report No359/2011 and assents to the proposal outlined therein" The motion was put and carried.
23. Submitted Report No. 360/2011 of the Assistant City Manager (*M. Stubbs*) - With reference to the granting of leases to the purchasers of private dwellings at Herberton/Fatima Mansions, Dublin 8 (Apartment 4, 6 Reuben Plaza, Rialto, Dublin 8). It was proposed by Councillor C Ni Dhalaigh and seconded by Councillor G Breen "That Dublin City Council notes the contents of Report No 360/2011 and assents to the proposal outlined therein" The motion was put and carried.
24. Submitted Report No. 361/2011 of the Executive Manager (*D. Wallace*) - With further reference to the grant of a licence for the operation of the Dance Centre at Liberty Corner, Foley Street. It was proposed by Councillor C Ni Dhalaigh and seconded by Councillor G Breen "That Dublin City Council notes the contents of Report No 361/2011 and assents to the proposal outlined therein" The motion was put and carried.
25. Submitted Report No. 362/2011 of the Executive Manager (*D. Wallace*) - With further reference to the proposed grant of a lease of a plot adjacent to 10 Hazelcroft Gardens, Finglas, Dublin 11. It was proposed by Councillor C Ni Dhalaigh and seconded by Councillor G Breen "That Dublin City Council notes the contents of Report No 362/2011 and assents to the proposal outlined therein" The motion was put and carried.
26. Submitted Report No. 308/2011 of the Chairperson of the Arts, Culture, Leisure and Youth Affairs Strategic Policy Committee (*Councillor Julia Carmichael*) – Breviate of meeting held on 28<sup>th</sup> September 2011. It was proposed by Councillor C Ni Dhalaigh and seconded by Councillor M Fitzpatrick "That Dublin City Council notes the contents of Report No 308/2011" The motion was put and carried.
27. Submitted Report No. 317/2011 of the Chairperson of the Housing, Social and Community Affairs Strategic Policy Committee (*Councillor Dermot Lacey*) – Breviate of meeting held on 26<sup>th</sup> September 2011. It was proposed by Councillor C Ni Dhalaigh and seconded by Councillor M Fitzpatrick "That Dublin City Council notes the contents of Report No 317/2011" The motion was put and carried.
28. Submitted Report No. 337/2011 of the North West Area Committee – Breviate for the month of October 2011 – *Councillor Bill Tormey, Chairperson*. It was proposed by Councillor C Ni Dhalaigh and seconded by Councillor M Fitzpatrick "That Dublin City Council notes the contents of Report No 337/2011" The motion was put and carried.
29. Submitted Report No. 322/2011 of the Central Area Committee – Breviate for the month of October 2011 – *Councillor Ray McAdam, Chairperson*. It was proposed by Councillor C Ni Dhalaigh and seconded by Councillor M Fitzpatrick "That Dublin City Council notes the contents of Report No 322/2011" The motion was put and carried.

30. Submitted Report No. 323/2011 of the South Central Area Committee – Breviate for the month of October 2011 – *Councillor Rebecca Moynihan, Chairperson*. It was proposed by Councillor C Ni Dhalaigh and seconded by Councillor M Fitzpatrick “That Dublin City Council notes the contents of Report No 323/2011” The motion was put and carried.
31. Submitted Report No. 311/2011 of the South East Area Committee – Breviate for the month of October 2011 – *Councillor Maria Parodi, Chairperson*. It was proposed by Councillor C Ni Dhalaigh and seconded by Councillor M Fitzpatrick “That Dublin City Council notes the contents of Report No 311/2011” The motion was put and carried.
32. Submitted Report No. 319/2011 of the North Central Area Committee – Breviate for the month of October 2011 – *Councillor Declan Flanagan, Chairperson*. It was proposed by Councillor C Ni Dhalaigh and seconded by Councillor M Fitzpatrick “That Dublin City Council notes the contents of Report No 319/2011” The motion was put and carried.
33. Submitted Report No. 316/2011 of the Special Meeting of the North Central Area Committee – Breviate of meeting held on 13<sup>th</sup> October 2011 – *Councillor Declan Flanagan, Chairperson*. It was proposed by Councillor C Ni Dhalaigh and seconded by Councillor M Fitzpatrick “That Dublin City Council notes the contents of Report No 316/2011” The motion was put and carried.
34. Submitted Report No. 306/2011 of the Protocol Committee – Further Breviate for the month of September 2011 – *Councillor Paddy Bourke, Chairperson*. It was proposed by Councillor C Ni Dhalaigh and seconded by Councillor M Fitzpatrick “That Dublin City Council adopts Report No 306/2011” The motion was put and carried.
35. Submitted Report No. 312/2011 of the Dublin City Joint Policing Committee – Breviate of the meeting held on 3<sup>rd</sup> October 2011 – *Councillor Gerry Breen, Chairperson*. It was proposed by Councillor C Ni Dhalaigh and seconded by Councillor M Fitzpatrick “That Dublin City Council notes the contents of Report No312 /2011” The motion was put and carried.
36. Submitted Report No. 310/2011 of the South East Area Joint Policing Sub-committee – Breviate of the meeting held on 30<sup>th</sup> September 2011 – *Councillor Edie Wynne, Chairperson*. It was proposed by Councillor C Ni Dhalaigh and seconded by Councillor M Fitzpatrick “That Dublin City Council notes the contents of Report No 310/2011” The motion was put and carried.
37. Submitted Report No. 320/2011 of the North Central Area Joint Policing Sub-committee – Breviate of the meeting held on 17<sup>th</sup> October 2011 – *Councillor Gerry Breen, Chairperson*. It was proposed by Councillor C Ni Dhalaigh and seconded by Councillor M Fitzpatrick “That Dublin City Council notes the contents of Report No 320/2011” The motion was put and carried.
38. Submitted Report No. 336/2011 of the North West Area Joint Policing Sub-Committee – Breviate of the meeting held on 17<sup>th</sup> October 2011 – *Councillor Paul McAuliffe, Chairperson*. It was proposed by Councillor C Ni Dhalaigh and seconded by Councillor M Fitzpatrick “That Dublin City Council notes the contents of Report No 336/2011” The motion was put and carried.

39. Submitted Report No. 345/2011 of the Chairperson of the Transport and Traffic Strategic Policy Committee (*Councillor Aine Clancy*) – Breviate of meeting held on 10<sup>th</sup> November 2011. It was proposed by Councillor M O'Shea and seconded by Councillor D Lacey "That Dublin City Council notes the contents of Report No 345/2011" The motion was put and carried.
40. Submitted Report No. 351/2011 of the Chairperson of the Arts, Culture, Leisure and Youth Affairs Strategic Policy Committee (*Councillor Julia Carmichael*) – Breviate of meeting held on 16<sup>th</sup> November 2011. It was proposed by Councillor P McCartan and seconded by Councillor R McGinley "That Dublin City Council notes the contents of Report No 351/2011" The motion was put and carried.
41. Submitted Report No. 363/2011 of the Chairperson of the Economic Development, Planning and International Affairs Strategic Policy Committee (*Councillor Mary Freehill*) – Breviate of meeting held on 27<sup>th</sup> September 2011. It was proposed by Councillor D Flanagan and seconded by Councillor D Lacey "That Dublin City Council notes the contents of Report No 363/2011" The motion was put and carried.
42. Submitted Report No. 353/2011 of the Chairperson of the Finance Strategic Policy Committee (*Councillor Mícheál Mac Donncha*) – Breviate of meeting held on the 17<sup>th</sup> November 2011. It was proposed by Councillor D Flanagan and seconded by Councillor D Lacey "That Dublin City Council notes the contents of Report No 353/2011" The motion was put and carried.
43. Submitted Report No. 369/2011 of the Chairperson of the Environment and Engineering Department (*Councillor Naoise Ó Muirí*) – Breviate of meeting held on the 24<sup>th</sup> November 2011. It was proposed by Councillor D Flanagan and seconded by Councillor D Lacey "That Dublin City Council notes the contents of Report No 369/2011" The motion was put and carried.
44. Submitted Report No. 366/2011 of the North West Area Committee – Breviate for the month of November 2011 – *Councillor Bill Tormey, Chairperson*. It was proposed by Councillor T Brabazon and seconded by Councillor E Wynne "That Dublin City Council notes the contents of Report No 366/2011" The motion was put and carried.
45. Submitted Report No 346/2011 of the Central Area Committee – Breviate for the month of November 2011 – *Councillor Ray McAdam, Chairperson*. It was proposed by Councillor T Brabazon and seconded by Councillor E Wynne "That Dublin City Council notes the contents of Report No 346/2011" The motion was put and carried.
46. Submitted Report No. 355/2011 of the South Central Area Committee – Breviate for the month of November 2011 – *Councillor Rebecca Moynihan, Chairperson*. It was proposed by Councillor T Brabazon and seconded by Councillor E Wynne "That Dublin City Council notes the contents of Report No 355/2011" The motion was put and carried.
47. Submitted Report No. 347/2011 of the South East Area Committee – Breviate for the month of November 2011 – *Councillor Maria Parodi, Chairperson*. It was proposed by Councillor T Brabazon and seconded by Councillor E Wynne "That

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Dublin City Council notes the contents of Report No 347/2011” The motion was put and carried.

48. Submitted Report No. 367/2011 of the North Central Area Committee – Breviate for the month of November 2011 – *Councillor Declan Flanagan, Chairperson*. It was proposed by Councillor T Brabazon and seconded by Councillor E Wynne “That Dublin City Council notes the contents of Report No 367/2011” The motion was put and carried.
49. Submitted Report No. 364/2011 of the Protocol Committee – Breviate for the month of November 2011 – *Councillor Paddy Bourke, Chairperson*. It was proposed by Councillor E Wynne and seconded by Councillor D Flanagan “That Dublin City Council adopts Report No 364/2011” The motion was put and carried.
50. It was proposed by Councillor A Connaghan and seconded by Councillor G Breen “That this Council calls on An Bord Pleanála to review its decision on the development of a Tesco Express, which will include an off-licence, at Cardiffsbridge Road. This development is at odds with the wishes of local people and businesses alike and will negatively affect local business, traffic, local employment, anti-social behaviour and community spirit as can be seen in similar experiences of many English towns which have dealt with this form of expansion to squash competition spearheaded by Tesco. We also call on the City Manager to strongly consider these kinds of developments in future and advocate for the interests of the citizens of Dublin City Council in future” The motion was put and carried.
51. The City Council agreed that Item No 45, Motion in the name of Councillor M O’Sullivan could be swapped with Item No 50, Motion in the name of Councillor R Moynihan and taken next.
52. It was proposed by Councillor R Moynihan and seconded by Councillor E Costello “This Council supports the undocumented Irish campaign in the US to introduce an earned regularisation scheme. This Council also notes with concern the high numbers of undocumented families and children living in Ireland without rights and under tremendous stress and fear. This Council supports the introduction of an earned regularisation scheme in Ireland, based on criteria set down by the Department of Justice, so that undocumented migrants living in Ireland can participate fully in the social, political and economic affairs of the country. This Council asks that the Minister for Justice be written to upon the passing of this motion to inform him of Dublin City Council’s support for an earned regularisation scheme” The motion was put and carried.
53. It was proposed by Councillor P McAuliffe and seconded by Councillor M Fitzpatrick “That Dublin City Council calls on the Government to immediately bring forward guidelines as to how local authorities can deal with those people who have borrowed from the City Council under shared ownership and other schemes and who now find themselves in difficulty as a result of arrears, changed family size or anti-social behaviour” The motion was put and carried.
54. It was proposed by Councillor D Lacey and seconded by Councillor E Wynne “In light of the close proximity of Dublin South East Area to the Irish Sea and shoreline, that this Committee expresses grave concerns of the intention of the British Government to build more nuclear energy stations on the Sellafield site which will have a detrimental impact on the Irish Sea and people. Further that we write to the British Government and relevant Ministers to express our concern and the

concerns of our people of the possibility of the Irish Sea being further contaminated by nuclear waste emissions from the Sellafield Nuclear plant facilities” The motion was put and carried.

55. The City Council agreed to defer the following motion in the name of Councillor C Burke at Item No 48 on the Agenda Paper to the next meeting of the City Council to be held on the 9<sup>th</sup> January 2012 “This Council calls on the Northern Ireland Office to grant an immediate review of the case of Mr. Gerry McGeough and that the Northern Ireland Office issue an immediate pardon to Mr. Gerry McGeough from the inhumane conditions in Magheraberry Jail”
56. It was proposed by Councillor D Heney and seconded by Councillor J O’Callaghan “The Members of the North West Area Committee call on the City Council to support the relocation of the Smithfield Horse Fair to a suitable location, within a reasonably proximate distance of Smithfield, to exclude built-up or residential areas and that the City Council continues to support the efforts of the multi-agency task force to control the existing horse fair” The motion was put and carried.
57. It was proposed by Councillor M O’Sullivan and seconded by Councillor J O’Callaghan “Dublin City Council affirms the role played by Joint Labour Committees in negotiating fair and reasonable pay rates and terms of employment for the sectors in which they operate and, as the parties involved in the JLC process continue their review of agreements already in place, this Council emphasises the need to ensure that the incomes of the lower-paid workers who are covered by such agreements are not in any way dis-improved” The motion was put and carried.
58. It was proposed by Councillor B Smith and seconded by Councillor P Dunne “In light of the clear anti-democratic executive function afforded to management to privatise the bin collection service, despite three majority votes of the Elected Members to maintain the service in public hands, this Council calls on the current Government to repeal Section 4 of the Waste Management (Amendment) Act 2001, which provides that the making of a Waste Management Plan will become an executive (management) function, a change from the Waste Management Act 1996, where the power was a reserved (Elected Member) function”

An amendment to this motion was proposed by Councillor D Lacey and seconded by Councillor P Bourke – the insertion of the following wording “*to commence an immediate programme of real Local Government reform, including the provision of independent and appropriate finance raising powers, responsibility for and authority over a broader range of Public Services, greater co-ordination and integration of local services in the Dublin area and*”

The composite motion was then proposed by Councillor B Tormey and seconded by Councillor D Lacey “In light of the clear anti-democratic executive function afforded to management to privatise the bin collection service, despite three majority votes of the Elected Members to maintain the service in public hands, this Council calls on the current Government to commence an immediate programme of real Local Government reform, including the provision of independent and appropriate finance raising powers, responsibility for and authority over a broader range of Public Services, greater co-ordination and integration of local services in the Dublin area and to repeal Section 4 of the Waste Management (Amendment) Act 2001, which provides that the making of a Waste Management Plan will become an executive (management) function, a change from the Waste Management Act 1996, where

the power was a reserved (Elected Member) function” The motion was put and carried.

59. The City Council agreed to defer the following motion in the name of Councillor V Jackson at Item No 52 on the Agenda Paper to the next meeting of the City Council to be held on the 9<sup>th</sup> January 2012 “Can the City Council please lobby the Department of Environment, Community & Local Government to introduce a plastic bottle for all alcohol sold in off-licences as this would allow for easier collection/disposal of this very prevalent waste. From the point of view of the environment, these bottles constitute a huge problem for parks, open spaces, etc. as many are broken, resulting in serious injury to people using parks etc. I have spoken to senior members of An Garda Síochána and they indicate to me that the same glass bottles inflict serious injury when young people are under the influence of alcohol. All glass/plastic & aluminium cans should carry a substantial deposit to ensure responsible return of same to approved outlets”
60. The City Council agreed to defer the following motion in the name of Councillor V Jackson at Item No 52 on the Agenda Paper to the next meeting of the City Council to be held on the 9<sup>th</sup> January 2012 “That this Council condemns the recent decision by Dublin Bus and the National Transport Authority (NTA) to abolish the 19 Bus on Saturday 27<sup>th</sup> August 2011. This decision has been taken despite the signatures of 11,500 commuters and residents and the provision of a detailed submission (*previously circulated*) to the NTA which was supported by 24 local Councillors and 13 T.D.’s representing the areas across the city affected by this decision. As outlined in the submission to the NTA, this decision will have significant ramifications for children attending local schools, students going to college in the areas affected, workers and small businesses along the route, tourists visiting local areas of cultural and social interest and most particularly the elderly, both in accessing vital health and social services and in remaining connected with their communities”
61. The City Council agreed that Item Nos 54 and 68 be taken together next as they are on related topics. It was proposed by Councillor M Mac Donnacha and seconded by Councillor B McDowell “That Dublin City Council calls on the Minister for the Environment, Community and Local Government Phil Hogan T.D. to agree without further delay to the request of the representatives of the Priory Hall evacuees for him to meet with them” and it was proposed by Councillor B McDowell and seconded by Councillor M Mac Donnacha “That Dublin City Council calls upon the Minister for the Environment, Community & Local Government to meet with the Priory Hall residents to discuss their future and to reassure them regarding same” The motions were put and carried.
62. The following motion submitted in the name of Councillor K Binchy and standing at Item no 55 on the Agenda Paper was ruled out of order and was not taken “That the City Manager, in reviewing the contract with Covanta for the Poolbeg Incinerator, accepts that the put-or-pay clause in the contract, given the current legislative framework on ownership and direction of waste, imposes a serious and unwarranted financial risk on the Council and therefore on taxpayers, and on this basis the Council must withdraw completely from the Contract”
63. It was proposed by Councillor P Dunne “That this Council calls on the Housing and Residential Services Department to introduce a code of ethics to be applied in all instances when purchasing properties on the open market and for this code of ethics to exclude property purchase of homes which come onto the market as a

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result of repossessions by lending institutions” An amendment was proposed to this motion by Councillor M O’Sullivan and seconded by Councillor J Horgan-Jones as follows “That this Council calls on the Housing and Residential Services Department to introduce a code of ethics to exclude the purchase of houses which are principal family residences and which come onto the market as a result of repossessions by lending institutions” It was agreed that the amended motion would be referred to the Housing, Social and Community Affairs Strategic Policy Committee.

64. The City Council agreed that a report be sent to Councillor G Ashe on the following motion standing in her name at Item No 66 on the Agenda Paper “Regarding the amount of legal graffiti springing up around the city i.e. on side walls of pubs etc. Recognising that this is on private property - at a recent Anti Social Behaviour Meeting in Tom Kelly Flats, this issue was raised by both residents and Gardaí. One side of wall private and legal graffiti done by pub owner, other side of wall public. Young people don’t acknowledge the difference. This poses a problem for Gardaí who are doing their best to minimise this problem but it is unhelpful with the growing amount of what is permissible”
65. The City Council agreed that a report be sent to Councillor S Wrenn on the following motion standing in his name at Item No 67 on the Agenda Paper “In view of the hardship endured by many individuals and families during the recent extreme weather, if the Council has or will examine sources of humanitarian funding from state and other sources, that could be distributed through the Community Welfare Officers to assist those who have had serious damage done to their properties and belongings”

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 9<sup>th</sup> January 2012.

**Correct.**

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**LORD MAYOR**

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**MEETINGS ADMINISTRATOR**

**05/12/2011**

**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> DECEMBER 2011**

**Q1. COUNCILLOR CHRISTY BURKE**

To ask the Manager if Dublin City Council will arrange to clean the shores and sweep the area at, **(details supplied)**.

**CITY MANAGER'S REPLY:**

A reply has been issued to the Councillor.

**Q2. COUNCILLOR OISÍN QUINN**

In view of the recent flooding from the severe weather can the Manager report on his view as to the impact and potential benefits of Rainwater Storage.

**CITY MANAGER'S REPLY:**

Dublin City Council already operates an attenuation policy for new developments in which the rainwater is stored on site and is discharged to the drainage network in a controlled manner. The City Council has also constructed a number of swales for the storage of rainwater in public open spaces prior to their discharge to the drainage network.

**Q3. COUNCILLOR RUARI MCGINLEY**

To ask the Manager to arrange to cleanup, **(details supplied)**.

**CITY MANAGER'S REPLY:**

Waste Management Services had **(details supplied)** cleaned up on the 23<sup>rd</sup> November 2011.

**Q4. COUNCILLOR GERRY ASHE**

To ask the City Manager to arrange to have an additional litter bin placed outside, **(details supplied)**, as it is becoming a litter hotspot.

**CITY MANAGER'S REPLY**

Waste Management Services had an additional litter bin installed at the above location on the 29<sup>th</sup> November 2011.

**Q5. COUNCILLOR LARRY O'TOOLE**

To ask the Manager to have the following maintenance work carried out at, **(details supplied)**:

- Kitchen
- Replace missing back gate
- Repair window
- Repair holes in bedroom walls

**CITY MANAGER'S REPLY:**

The Area Maintenance Officer reports the following in relation to this dwelling:

- A new sink unit will be fitted within the next few weeks.
- A new side gate will be fitted within the next few weeks.
- New timber double glazed windows have been ordered from our Joinery Workshop, and will be fitted when manufactured. It is not possible to give a timeframe for the installation at this stage due to the volume of orders currently on hand.
- The walls will be repaired within the next few weeks.

**APPENDIX A: MINUTES OF MONTHLY MEETING HELD ON 5<sup>th</sup> DECEMBER 2011**

**Q6. COUNCILLOR LARRY O'TOOLE**

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

**CITY MANAGER'S REPLY:**

Road Maintenance Division will include, **(details supplied)**, for assessment for inclusion in the 2012 Major Works Programme for carriageway and footpath renewal. Project selection is based on funding availability.

**Q7. COUNCILLOR LARRY O'TOOLE**

To ask the Manager to indicate when the 'walk-in-shower' unit will be installed at, **(details supplied)**.

**CITY MANAGER'S REPLY:**

Tenders will be sought from several building contractors in the near future. On examination of these tenders, one building contractor will be appointed to carry out the necessary works.

It is not possible at this time to indicate when these works will commence until an agreed schedule of works has been decided on with the appointed building contractor.

**Q8. COUNCILLOR LARRY O'TOOLE**

To ask the Manager to have the 'yellow box' markings restored at, **(details supplied)**.

**CITY MANAGER'S REPLY:**

This matter will be referred to the Traffic Officer, who will arrange to have the markings renewed, where necessary, when the schedule permits.

**Q9. COUNCILLOR EDIE WYNNE**

To ask the Manager to restore the yellow box at the junction of Morehampton Road and Brookvale Road (beside Wesley RFC), which was covered over when the road was resurfaced.

**CITY MANAGER'S REPLY:**

This matter will be referred to the Traffic Officer for his attention.

**Q10. COUNCILLOR EDIE WYNNE**

To ask the Manager to respond to the parking issues raised with me by a resident in the Ranelagh area, **(details supplied)**.

**CITY MANAGER'S REPLY:**

The complaints contained in the details accompanying this question have been examined and it is apparent that previous requests for enforcement at this location have not been dealt with satisfactorily. This has been conveyed to the Council's parking enforcement contractor.

New protocols have been put in place to resolve the outstanding parking enforcement issues which had prevented an effective response to this resident's requests and it is envisaged that any further requests for enforcement in this laneway will be fully actioned, subject to the availability of resources.

This matter will be referred to the Traffic Advisory Group (TAG) for attention and the Councillor will be advised of the recommendation of the Group in due course.

## APPENDIX A: MINUTES OF MONTHLY MEETING HELD ON 5<sup>th</sup> DECEMBER 2011

**Q11. COUNCILLOR CRÍONA NI DHÁLAIGH**

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

**CITY MANAGER'S REPLY:**

A reply has been issued to the Councillor.

**Q12. COUNCILLOR CRIONA NI DHALAIGH**

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

**CITY MANAGER'S REPLY:**

A reply has been issued to the Councillor.

**Q13. COUNCILLOR HENRY UPTON**

To ask the City Manager how projects were funded or partial funded by Dublin City Council since 2000 for the following areas, **(details supplied)**.

**CITY MANAGER'S REPLY:**

The Community Development Section has been providing financial support for many years to assist communities to start new projects and to develop existing projects. The amounts given depends on the level of activity and numbers of people involved, and the impact on the local community. Examples of projects are Promoting Resident and Tenant Associations, Community Festivals, Estate clean-ups, Community Education, Older Person's activities, Summer projects etc.

**Q14. COUNCILLOR REBECCA MOYNIHAN**

To ask the Manager to address the issues in the email, **(details supplied)**, and if he will make a statement on the matter.

**CITY MANAGER'S REPLY:**

A utility carrying out works on the public roads is required to have a permit from Dublin City Council to do so. Such a permit is issued with conditions as detailed in the current edition of The Directions for the Control and Management of Roadworks in Dublin City.

Permits are applied for, granted or refused via The Roadworks Control Online Extranet. Each year an average of 60,000m<sup>2</sup> of openings are excavated by internal and external utilities. These openings are managed by Dublin City Council (DCC) staff using the same online system.

In relation to specialised surfaces such as granite and modular paving there is a two-stage process for works in these areas.

1. The utility is required to carry out a temporary reinstatement and bring the excavated paving flags/ kerbs to the Roads Maintenance depot. This would explain the tarmac seen by **(details supplied)**. The utility is then required to return the above temporary reinstatement to Roads Maintenance in DCC for permanent reinstatement.
2. Roads Maintenance carries out the permanent reinstatement and charges the utility for doing so. The charges depend on the type of surface being reinstated and are detailed on the Roadworks Control Online Extranet.

**Q15. COUNCILLOR REBECCA MOYNIHAN**

To ask the City Manager to give an update on the Liberties Local Area plan, what stage is the plan at, what funding has been secured for the implementation of the plan and if he will make a statement on the matter.

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

The Liberties Local Area Plan has been included as part of the Dublin City Development Plan 2011 to 2017.

The proposals in the plan for residential redevelopment are long term and given the current economic climate they are unlikely to be realised in the near future.

While not strictly in the LAP area, a draft Masterplan is being prepared in the Planning/Housing Departments for future options at Theresa's Gardens and Dolphin House.

There were several proposals in the plan which have come to fruition such as the vesting of St. James's Graveyard and the Arts Office are currently working on the development of artists studios in Cork Street. It is unlikely that the Create proposal will proceed which has implications for South Earl Street and the archaeological site at the rear of the Create offices.

The Health Services Executive and the Council had discussed the possibility of the creation of a public open space on Cork Street related to the premises but this needs to be progressed by the relevant sections and has not proceeded to date.

There is no funding, at present, for improvements to the other open spaces which were identified in the plan at Park Terrace, St. Catherine's Park or Oscar Square.

On a positive note several community garden/allotment projects have been initiated at Braithwaite Street and Weaver Street.

Other positive developments, planned or taking place include the extension of the dublinbike and Wayfinding Scheme to the Liberties and the East-West Transit route from Christchurch to Kilmainham.

It is anticipated that Guinness/Diageo will shortly submit a planning application, with a Masterplan for the consideration of activity on the north Victoria Quay site.

### **Q16. COUNCILLOR REBECCA MOYNIHAN**

To ask the City Manager to address the issues in the e-mail, **(details supplied)**, and if he will make a statement on the matter.

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

Drainage Division called to the above location to investigate the recent flooding. Unfortunately access to the car park requires a key code. Drainage Division has emailed, **(details supplied)**, directly to try and arrange an on site meeting.

### **Q17. COUNCILLOR REBECCA MOYNIHAN**

To ask the City Manager to provide the following information, **(details supplied)**.

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

A reply has been issued to the Councillor.

### **Q18. COUNCILLOR CHRISTY BURKE**

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

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

A reply has been issued to the Councillor.

**APPENDIX A: MINUTES OF MONTHLY MEETING HELD ON 5<sup>th</sup> DECEMBER 2011**

**Q19. COUNCILLOR CHRISTY BURKE**

To ask the City Manager for an update as to why HGV s continue to use, **(details supplied)**.

**CITY MANAGER'S REPLY:**

A reply has been issued to the Councillor.

**Q20. COUNCILLOR CHRISTY BURKE**

To ask the City Manager as to when Dublin City Council will have, **(details supplied)**.

**CITY MANAGER'S REPLY:**

A reply has been issued to the Councillor.

**Q21. COUNCILLOR PAT CRIMMINS**

To ask the Manager to request that the Cleansing Department place a litter bin at, **(details supplied)**.

**CITY MANAGER'S REPLY:**

Waste Management Services would not be in favour of installing litter bins in a residential area like, **(details supplied)**, as experience has shown that litter bins in residential areas are regularly used to dispose of domestic refuse and can in fact become focal points for dumping with bags of refuse being left at these bins. In addition the Area Inspector inspected this area and is satisfied that there is no particular need for litter bins for this location at this time.

**Q22. COUNCILLOR PAT CRIMMINS**

To ask the Manager to request that the Cleansing Department clean the pathway on, **(details supplied)**, as this is covered with leaves and debris.

**CITY MANAGER'S REPLY:**

Waste Management Services had the pathway on **(details supplied)**, on the left hand side coming from the city centre, cleared of leaves and debris on the 23<sup>rd</sup> November 2011.

**Q23. COUNCILLOR PAT CRIMMINS**

To ask the Manager to supply details on the cost for printing the Dublin City Development Plan 2011 – 2017 and the quantity distributed which was supplied last week.

**CITY MANAGER'S REPLY:**

The cost of design, printing & packaging of 600 copies of the Dublin City Development Plan 2011 – 2017 and the creation of the DVD is €129,384.30.

The following sets of the Development Plan 2011 – 2017 were distributed:

Dublin City Councillors	52
Prescribed Bodies	41
Dublin TD's, Senator's & MEP's	42
Dublin City Libraries	30
Dublin City Council Senior Management & Staff	87
<b>Total Distributed</b>	<b>252</b>

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### Q24. **COUNCILLOR PAT CRIMMINS**

To ask the Manager to request that the Paving Department reinstate the pavement as it is a trip hazard outside, **(details supplied)**.

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

Road Maintenance Division has inspected this location. A repair has been scheduled in the coming 6-8 weeks.

### Q25. **COUNCILLOR RAY MCADAM**

To ask the City Manager whether all damaged red brick speed ramps in the Central Area have been repaired and to ask him to provide a list of where all such ramps are located within the Central Area?

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

Road Maintenance commenced a speed ramp repair contract this year, a list of which is below. Another tender will be sent out in 2012 to continue repairing the outstanding damaged speed ramps. The red brick speed ramps are now being replaced with standard black asphalt, as per Traffic Division's instruction.

#### **List of Speed Ramps repaired in the Central Area - 2011**

1. Iona Road - Iona Park roundabout
2. Capel Street outside No. 34
3. Junction of Parnell Street and Moore Street
4. Junction of Parnell Street and Dominic Street
5. East Wall Road outside No. 41
6. East Wall Road outside lamppost No. 14
7. East Wall Road outside lamppost No. 17
8. Near Junction of River Road and Ashtown Road
9. Carnlough Road outside No. 29.

A Central Area speed ramp survey was carried out in 2009 and the list is attached.

### Q26. **COUNCILLOR RAY MCADAM**

To ask the City Manager to outline when it is expected that remaining improvement works will be completed on Blackhorse Avenue.

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

At present Road Maintenance Services is unsure as to what sort of budget funding we will be receiving for the year 2012. Consequently we are not in a position to make any commitments regarding carriageway resurfacing works.

However, should funding be made available, it is intended to resurface a limited section of Blackhorse Avenue.

### Q27. **COUNCILLOR CRÍONA NÍ DHÁLAIGH**

To ask the City Manager to outline what land in Dublin is in the control of NAMA.

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

The information requested by the Councillor can be sourced at the National Asset Management Agency (NAMA) website: [www.nama.ie](http://www.nama.ie)

### Q28. **COUNCILLOR CRIONA NI DHALAIGH**

To ask the City Manager to supply this Councillor with, **(details supplied)**.

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

No reports on, **(details supplied)**, have been produced.

### **Q29. COUNCILLOR HENRY UPTON**

To ask the City Manager to have the paths beside the greens swept on the road side on, **(details supplied)**.

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

Waste Management Services had the paths at the above-mentioned location cleaned on the 23<sup>rd</sup> November 2011.

### **Q30. COUNCILLOR DERMOT LACEY**

To ask the City Manager if he will respond to the issues contained in the email attached with this question, **(details supplied)**.

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

A reply has been issued to the Councillor.

### **Q31. COUNCILLOR ANTHONY CONNAGHAN**

To ask the City Manager to arrange for the removal of present shower and replacement with power shower at, **(details supplied)**, as current shower does not work properly.

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

The Area Maintenance Officer reports that a plumber called to this dwelling over the past few days but was unable to gain access. A further call will be made to establish what the problem is with the shower. It should be noted that the water pressure in this area is low on occasion, therefore leading residents to believe that their shower is not operating correctly. If this is the case the tenant will be advised. However it is not normal policy to install power showers in City Council units.

### **Q32. COUNCILLOR ANTHONY CONNAGHAN**

To ask the City Manager to arrange for the construction of an extension at, **(details supplied)**. The extension should include bedroom and bathroom facilities and allow for more space for kitchen. Can the Manager outline whether there is a scheme where residents can contribute to the cost of build with an increase in their rent?

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

An application was received for an extension on medical grounds from this tenant in 2008 and was forwarded to an Occupational Therapist engaged by the Council for their report. The Occupational Therapist reported that such an extension was not needed at that time but he recommended a number of adaptations that would suffice. These included the provision of an over-bath shower unit and an additional handrail on the stairs. These adaptations were carried out by the Council in late 2008/early 2009.

No further correspondence has been received by Housing Maintenance from this tenant since September 2008.

If the tenant wishes to have their application for an extension reassessed, it will be necessary for them to submit detailed medical information and a full Occupational Therapy report that can demonstrate the revised need for the works. On receipt of this information, their case will be re-examined and they will be notified of the outcome by letter.

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There is no scheme in operation where residents can contribute to the cost of building works with an increase in their rent.

### Q33. **COUNCILLOR ANTHONY CONNAGHAN**

To ask the City Manager to arrange for the immediate inspection of, **(details supplied)**, on health and safety grounds. Both dwellings were constructed very poorly and are in a bad state of repair since construction finished and now they are in need of urgent attention. Pyrite has been identified in both of these houses. Is it wise to leave these families in these conditions? Can the Manager arrange for the families to be contacted and if needs be, can they be transferred somewhere while work is being carried out to alleviate these problems please?

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

Both properties were provided by Ballymun Regeneration Limited. BRL has received no notification of any damage to the first property referred to in, **(details supplied)**. Two other units in this estate have been tested for the presence of pyrite. In one property high levels of pyrite were detected and in the other the levels were below the safe threshold. BRL has been monitoring the second property referred to in, **(details supplied)**. No testing of samples from this property has been carried out by BRL. However it is showing similar cracking patterns as a similar property which tested positive for the presence of high levels of pyrite. BRL has taken further test samples from inside two other houses in this estate. In one property high levels of pyrite were detected and in the other the levels were below the safe threshold. Further testing is required to establish the extent of the works required and this will be undertaken when a funding stream is available. Pyrite is not dangerous to human health in any way and while there is structural damage to some of the houses they are not structurally unstable. The Area Office will contact the families concerned, and in conjunction with Housing Maintenance will assess whether relocation is required in either instance.

### Q34. **COUNCILLOR ANTHONY CONNAGHAN**

To ask the City Manager to outline why the Passport for Leisure scheme was recently altered and can he say whether or not this was intended as a revenue making exercise? I'm of the opinion that cutting back will not generate any further income and seems to only serve taking recreational facilities away from our elderly population. Can the Manager arrange for the Passport for Leisure scheme to be reviewed again and make arrangements for it to be extended to allow holders of the pass to use the facilities in the Leisure Centres at weekend mornings also. The scheme has been cut back to 7-11 Monday to Friday recently.

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

This matter will be referred to the Arts, Culture, Leisure & Youth Affairs Strategic Policy Committee (SPC) to be held on the 25<sup>th</sup> January 2012. In the meantime no changes will be made to the scheme.

### Q35. **COUNCILLOR VINCENT JACKSON**

To ask the City Manager to please arrange a round table meeting with representatives from the Planning and Development Department, Heritage & Conservation officer, Parks Department & local Area Manager in mid/late January 2012 to discuss, at first hand, serious issues which affect the historic value of this wonderful village. It is essential to have all the relevant partners around the table to discuss issues at first hand and an action plan be drawn up to respond to same. The meeting should take place in Ballyfermot Civic Centre or the Chapelizod area.

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

On receipt of a meeting agenda from Councillor the Area Office will arrange a meeting with the appropriate personnel in the City Council.

### **Q36. COUNCILLOR VINCENT JACKSON**

To ask the City Manager to please ensure no changes take place to the timing/operation of the Passport for Leisure Scheme. It is one of the most successful leisure schemes to get older people active. It aids a positive mind and body balance approach. I am aware in Ballyfermot of many older people who have a reason to get up in the morning to go swimming. I have heard that older people are to be restricted in usage of same. I am asking that no decision be taken until the Arts, Culture, leisure & Youth Affairs SPC and elected members review same.

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

This matter will be referred to the Arts, Culture, Leisure & Youth Affairs Strategic Policy Committee to be held on the 25<sup>th</sup> January 2012. In the meantime no changes will be made to the scheme.

### **Q37. COUNCILLOR VINCENT JACKSON**

To ask the City Manager to that serious open drug dealing at, **(details supplied)**, be addressed without delay.

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

A reply has been issued to the Councillor.

### **Q38. COUNCILLOR VINCENT JACKSON**

To ask the City Manager to please identify in what areas Dublin City Council will be assisting the Eucharistic Congress to be held in Dublin in 2012. This event will be a huge event for Dublin with many thousands visiting the city from far and near in addition will the City Council be decorating any areas of the city for the events.

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

A presentation was made to Dublin City Council by the General Manager of the 50<sup>th</sup> International Eucharistic Congress 2012, who is responsible for promoting this event in Ireland in June of this year. The City Council is committed to co-ordinating the logistics and assisting with this event, in particular with any public aspects of the Congress. However this is still a work in progress and details are still being developed in relation to the various elements of the Congress.

### **Q39. COUNCILLOR HENRY UPTON**

To ask the City Manager the estimate cost of, **(details supplied)**.

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

A reply has been issued to the Councillor.

### **Q40. LORD MAYOR, ANDREW MONTAGUE**

To ask the Manager if he will arrange to remove graffiti from the walls at Buttercup Park that is facing the houses 121 to 125 Primrose Grove.

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

The graffiti has been removed.

### **Q41. COUNCILLOR SEAMAS MCGRATTAN**

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

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**CITY MANAGER'S REPLY:**

A reply has been issued to the Councillor.

**Q42. COUNCILLOR SEAMAS MCGRATTAN**

To ask the City Manager are there discounts offered by, **(details supplied)**.

**CITY MANAGER'S REPLY:**

A reply has been issued to the Councillor.

**Q43. COUNCILLOR SEAMAS MCGRATTAN**

To ask the City Manager can the mains manhole be removed from **(details supplied)**, and be relocated on the main road.

**CITY MANAGER'S REPLY:**

As a short-term measure, Dublin City Council Drainage Maintenance will seal the manhole at this address. A detailed investigation will examine the feasibility of other long-term solutions.

**Q44. COUNCILLOR SEAMAS MCGRATTAN**

To ask the Manager does Dublin City Council own, **(details supplied)**.

**CITY MANAGER'S REPLY:**

The Traffic Department will carry out an inspection of the area in question at, **(details supplied)**, and establish if it is within the Council's charge. Following the inspection a report and recommendation will be prepared for the Councillor.

**Q45. COUNCILLOR PADDY MCCARTAN**

Could the Manager deal with the following issues in relation to the proposed Poolbeg incinerator:

What is the precise standing of the contract between DCC and Covanta for the construction of an incinerator at Poolbeg, the date on which this contract now expires, and if it is planned to further extend the end date for this contract?

To outline the mechanism within the Poolbeg Contract that facilitates repeated delays to the project start date, and if there is any absolute final date by which the contract between the parties can be extended indefinitely into the future?

What is the amount spent by DCC to date on the proposal to construct an incinerator at Poolbeg, the amount spent by the council since the contract first expired in 2010, and the projected spending on the project for 2012?

**CITY MANAGER'S REPLY:**

In order to allow discussions to continue with the PPPCo with a view to having work on site restarted at the earliest possible date, a further extension letter has been signed by both parties extending the date to 29<sup>th</sup> February 2012.

The Project Agreement allows for the extension, by agreement of both parties through the signing of an Extension Letter, of certain dates that are referenced in Schedule 02 (Conditions Precedent) of the Project Agreement. There is no final date applicable in that, if both parties agreed, such extension letters can continue to be signed indefinitely. It is not anticipated, however, that this will be the case.

The amount spent by Dublin City Council to date on the project amounts to €34.25M. This figure is the Council's percentage of the overall cost and includes land acquisition, costs of the statutory processes and all other associated costs. The amount spent by the Council since May 2010 is €6.3M and the projected spend by the Council in 2012 is €8.9M.

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### Q46. COUNCILLOR PADDY MCCARTAN

To ask the City Manager to furnish the full cost to date of eliminating the odours from Dublin's Municipal Sewage Plant at Ringsend since 2003 to November 2011:

- To break down the cost for each year
- To whom were these payments made
- How did DCC expose the taxpayer to these charges and what guarantee, if any, was given when the first payment was made that the problem could be solved?
- What legal steps have been taken to ensure that mistakes which were made in exposing the taxpayer to these costs will not be repeated?

### CITY MANAGER'S REPLY:

- (a) The Ringsend Wastewater Treatment Works were formally taken over by the City Council for the Operation & Maintenance phase of the Contract in May 2005. Prior to this date all works carried out to the odour control systems were undertaken as part of the Design Build Contract and the costs associated with these works were incorporated into the Final Account for this phase of the Contract.

Following takeover, it was found necessary to incur additional costs in order to eliminate odour sources in the plant. The total cost incurred in doing so from Takeover in May 2005 to November 2011 amounted to €17,876,278.07 (inc. VAT) and the breakdown on an annual basis is as follows:

Year	Total (incl VAT) (€)
2005	0.00
2006	5,471,357.36
2007	4,556,837.86
2008	7,586,072.39
2009	-21,739.54 (adjustment item)
2010	283,750.00
2011	0.00
<b>Total</b>	<b>€17,876,278.07</b>

- (b) The payments were made to the Contractor ABA, who had been awarded the Contract for the Design, Build and Operation of the Plant.
- (c) Prior to Takeover in May 2005, all odour control measures were undertaken as part of the Design Build Phase of the Contract. Following Takeover, independent consultants CDM were engaged to undertake a complete site wide odour survey and modelling study. Their subsequent report identified the additional odour sources which had to be eliminated and recommended what action needed to be taken. The additional works required were undertaken as Variations to the original Contract.
- (d) The success of the odour abatement measures are such that in the past year Dublin City Council has received just one odour complaint. Following an investigation of that complaint, it was found that there were no operational incidents at Ringsend Wastewater Treatment Plant for the period in question. Odour works for the proposed Extension to Ringsend Wastewater Treatment Works will be

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carried out at an early stage of the Works and will be monitored throughout the extension works to ensure their success.

### **Q47. COUNCILLOR BRÍD SMITH**

Given that the bin collection service will be still in Council control until mid January 2012, can the Manager please clarify if the usual retail outlets will still sell the tags for the bin bags. I have reports that shops are telling customers that they will not be available after December 5<sup>th</sup> 2011.

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

All Post Office branches and retail outlets displaying the PostPoint sign will continue to sell bin tags while the waste collection service is under our control.

### **Q48. COUNCILLOR BRIAN MCDOWELL**

To ask the Manager to arrange for the following works to be undertaken in Kilbarrack:

- To have the footpath repaired outside number 120 and number 15 Briarfield road
- To have the gullies at Roseglen Road and Roseglen Avenue cleaned
- To have the pathway outside number 54 and 48 Roseglen Road repaired
- To erect a no dog fouling sign on the small green at the top of Briarfield Road/Roseglen Road.

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

1. Road Maintenance Services has inspected this location. A repair has been scheduled in the coming 6-8 weeks.

2. 27 of 30 gullies were cleaned on Roseglen Road on 1/12/11. 10 of 11 gullies were cleaned on Roseglen Avenue on 1/12/11 and 14 of 16 gullies were cleaned on Roseglen Avenue on 2/12/11. Some gully repairs and jetting repairs are required. The jetting repairs will be carried out within the next week and the gully repairs will be forwarded to the Engineer for attention.

3. Road Maintenance Services inspected this location. There were no hazards identified at number 48. A footpath repair has been scheduled at number 56 Roseglen Road within 6-8 weeks.

4. The programme for the installation of anti dog fouling signs has been completed and it is not proposed to resume such a programme.

### **Q49. COUNCILLOR BRIAN MCDOWELL**

To ask the Manager what progress has been made with the Department of the Environment and Local Government on the motion passed at a City Council meeting on extending the voting right to homeless people.

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

Following the adoption of the Councillors' previous motion in relation to homeless person's eligibility to register to vote at the June 2011 monthly Council Meeting:

**“That the City Council requests the City Manager, in conjunction with the Department of the Environment, Community & Local Government, to seek to address the situation in relation to homeless persons who wish to be included on the Register of Electors”.**

Dublin City Council conveyed the contents of the above to the appropriate Minister, Phil Hogan T.D in June 2011. We requested that additional options/facilities are made available to homeless persons to optimise their engagement with the electoral/political system and requested that his Department examine the options with a view to changing/amending legislation in this regard. This correspondence has been acknowledged but to date we have not received a response. We will again write to the

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relevant Minister to request an update and inform the Councillor accordingly.

**Q50. COUNCILLOR DAMIAN O'FARRELL**

To ask the City Manager for a report on the condition of the roadway at, **(details supplied)**, please and what plans are there to repair/resurface the road way? I would like this roadway to be included in the 2012 Road Maintenance Major Works Programme. I believe it certainly qualifies relative to other roadways in the North Central Area.

**CITY MANAGER'S REPLY:**

Road Maintenance Division has inspected this location and will consider **(details supplied)** for carriageway renewal as part of the Road Maintenance 2012 Major Works Programme. Project selection is based on budget allocations. Road Maintenance Division has recently completed a number of pothole repairs at this location.

**Q51. COUNCILLOR DAMIAN O'FARRELL**

To ask the City Manager to have the drains/shores outside, **(details supplied)**, jet cleaned as a matter of urgency please.

**CITY MANAGER'S REPLY:**

The public sewers serving this address will be investigated and any necessary cleaning works will be carried out.

The Drainage division will be in contact with **(details supplied)** in the next week or two as requested.

**Q52. COUNCILLOR DAMIAN O'FARRELL**

To ask the City Manager to consider putting a continuous white line south of the junction of **(details supplied)**.

**CITY MANAGER'S REPLY:**

This matter will be referred to the Traffic Advisory Group (TAG) for consideration and the Councillor will be advised of the outcome in due course.

**Q53. COUNCILLOR DAMIAN O'FARRELL**

I very much welcome the signing of the contract for Fairview Playground and appreciate all the work DCC have done on this project. I would like to ask the City Manager the following question please. Has DCC addressed the concerns previously raised by the Fairview Playground Committee on the proposed plans, those being that the play equipment proposed at that time did not offer much challenge or amusement for the normal age range of children expected to utilise such a playground? I understand the Committee followed up with suppliers and examples of suitable play structures.

Also has the concern of the low number of swings been addressed, only 4 previously planned, Clontarf have 10?

I requested the provision of a disabled swing previously and this was rejected on the grounds that these specific swings are quite often vandalised including the lighting of fires inside the swing basket etc. Can DCC give examples of parks where such swings were vandalised please.

**CITY MANAGER'S REPLY:**

In the course of the preparation of the design of the project at Fairview Park there was interaction with many stakeholders including the group referred to in the above

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question. The views of this group were included in the considerations of the consultants preparing the design of the project. The features included in the design of this park improvement work include the playground, performance area, seasonal bedding and passive recreational area and are based on requirements identified through the course of the public consultation events and interaction with the public at the park in 2010, and subject to the availability of specific resources.

As indicated in this Division's reply to a council question for the City Council Meeting of June 2011, the playground element of the project, as with other elements of the project, is designed using universal access design principles to maximise access to children of as broad a range of abilities as possible. It is not proposed to provide play equipment for children with specific disabilities. The vulnerability of any items of play equipment to abuse and durability of equipment is also considered when deciding on specific items for inclusion in the public playground layout. This Division provided specific items of play equipment for children using wheelchairs at St. Anne's Park playground in 2010, which was vandalised shortly after its installation by way of fire. The replacement item has since been stolen from the park and the Division is investigating a further replacement. Vandalism is something that occurs in public playgrounds throughout the city.

**Q54. COUNCILLOR MICHAEL O'SULLIVAN**

Could the Manager to co-ordinate with his Local Area Offices a community response in the event of severe snow affecting snowed-in residents when salt and grit can be delivered for local community use, and will he make a statement on this request?

**CITY MANAGER'S REPLY:**

A report on the Roads and Traffic Department's plans to deal with any severe weather events over the winter was presented to the November meeting of the Transport and Traffic Strategic Policy Committee (SPC). As advised in that report it is only possible for Dublin City Council to deal with identified critical routes. The gritting routes identified for treatment are available on the Councils' website. There is a limit on the availability of grit/salt and it is not possible to provide stocks for community use within current resources.

**Q55. COUNCILLOR MICHAEL O'SULLIVAN**

Will the Manager agree to have the necessary road markings adjacent to the stop sign on the junction of Balfe Road East and Moeran Road in Walkinstown put in place as cars continue to ignore the stop sign, and it is felt that the road markings (white line) would help reinforce the need to stop at this very dangerous junction and will he make a statement on this matter.

**CITY MANAGER'S REPLY:**

The Traffic Department will instruct the Traffic Officer to install a stop line and centre line at the junction of Balfe Road East and Moeran Road, as requested.

**Q56. COUNCILLOR MICHAEL O'SULLIVAN**

Could the Manager examine the situation whereby cars in city bound lanes which are taking a right hand turn into the Coombe Hospital car park cause significant delays to traffic behind them, thereby encouraging cars to enter the bus lane in a sometimes dangerous manner; and can the Manager provide a traffic management solution to this problem.

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

The Traffic Department will examine the traffic situation for city bound cars turning right into the Coombe Hospital from Dolphin's Barn Street. A report will be prepared for the Councillor.

### **Q57. COUNCILLOR MICHAEL O'SULLIVAN**

A piece of metal from an old fence protrudes dangerously above the pavement in front of, **(details supplied)**. Could the Manager confirm if this is on Council property and, if so, could he arrange to have it removed?

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

Roads Maintenance carried out an inspection on, **(details supplied)**. There was no hazardous protruding object at the location given.

### **Q58. COUNCILLOR CLAIRE O'REGAN**

To ask the City Manager the total number of beds that are provided for people experiencing homelessness directly by Dublin City Council, including beds provided through the private or the Voluntary sector and if he will comment on the adequacy of provision.

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

There are 1542 beds available for people who are experiencing homelessness in Dublin. This includes a breakdown of bed capacity in Supported Temporary Accommodation, Temporary Emergency Accommodation and Private Emergency Accommodation.

The Pathway Accommodation Support System (PASS) confirmed that during the first two weeks in November, there were on average 11 available and unoccupied beds on a nightly basis across homeless accommodation providers.

During the second two weeks in November, there have been on average 33 beds available on a nightly basis across homeless accommodation providers.

**PASS** is an online system that generates vital information in terms of managing access to accommodation. The system provides 'real-time' information in terms of homeless presentation and bed occupancy across the Dublin region. It provides a more enhanced and up-to-date way of enumerating the number of people in accommodation services and accessing day services on a 'live' basis.

There are two structures in place that continually monitor the information from the PASS system, in terms of 'provider organisation experience', these include:

1. An Intersectoral Accommodation Coordination Group which includes senior management from voluntary and statutory homeless accommodation providers who are experts in the area of managing the level of capacity and occupancy within homeless service provision. They ensure that there is sufficient capacity in place at all times to meet presenting need. The group routinely address any operational concerns or procedural blockages that may be in place across temporary accommodation provision and ensure that there is a standardised approach in terms of policy and practice across all homeless accommodation providers.
2. The Intersectoral Accommodation Coordination Group works under the guidance of the Implementation Advisory Group (IAG), which is in place to oversee the implementation of a *Pathway to Home*. Representation includes the Dublin local Authorities, the Homeless Network and the DRHE (Dublin Region Homeless Executive).

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**Q59. COUNCILLOR JIM O'CALLAGHAN**

To ask the City Manager why the City Council is continuing to seek the payments, **(details supplied)**, in circumstances where the individual is no longer in occupation of the property and it has been returned to the ownership of Dublin City Council.

**CITY MANAGER'S REPLY:**

A reply has been issued to the Councillor.

**Q60. COUNCILLOR JIM O'CALLAGHAN**

To ask the City Manager to ensure that the five houses at Garville Terrace, Rathgar, Dublin 6 are recognised by the Council, particularly in terms of bin collection and being identified on maps prepared by the City Council.

**CITY MANAGER'S REPLY:**

Waste Management Services will ensure that the five houses at Garville Terrace receive their bin collections every Tuesday as scheduled.

Garville Terrace is a development and not a street and it has not been formally named. If the residents want to formalise the name they must apply to the Area Office to do so.

**Q61. COUNCILLOR JIM O'CALLAGHAN**

To ask the City Manager whether the person, **(details supplied)**, can be offered alternative accommodation in the immediate future because of the ongoing harassment to which she and her family are subjected.

**CITY MANAGER'S REPLY:**

I can confirm that the applicant, **(details supplied)**, is currently on the City Council's Transfer Waiting List with 120 points for Area M (City Quay, Donnybrook, Mount St., Pearse St., Ringsend, Irishtown). The applicant submitted welfare documentation to the Chief Welfare Officer but priority was not awarded under the Exceptional Social Grounds Scheme on the 2<sup>nd</sup> August, 2011. The applicant's total points of 120 are insufficient for the applicant's area of preference and it will likely be some time before the applicant is reached for an offer of alternative accommodation.

The applicant should be advised to contact Estate Management, in the South East Area Officer regarding the alleged harassment.

**Q62. COUNCILLOR JIM O'CALLAGHAN**

To ask the City Manager whether Rampart Lane, Dublin 4 which has recurring potholes can be resurfaced in 2012.

**CITY MANAGER'S REPLY:**

Given the likelihood of severe budgetary cuts in 2012, only strategic major roads into and out of the city will be considered for resurfacing. Rampart Lane does not fit this criteria and is therefore not a priority for resurfacing. All of the dangerous potholes on Rampart Lane have been recently filled by Road Maintenance staff. Should any further defects be identified on this road, we will endeavour to rectify them as soon as possible.

**Q63. COUNCILLOR MANNIX FLYNN**

Can the City Manager examine ways that would facilitate Councillors in the tracking of TAG and other queries and motions that they may have in relation to areas outside of their own Area Committees/SPCs etc. It is very difficult for a Councillor to be able to keep track of issues that are passed onto other area groups or SPC's, a method

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that would enable Councillors to be informed that they have items on these agendas etc. would be of great help as all too often Councillors miss discussion on items that they have presented outside of their own immediate groups because of the difficulty in terms of tracking.

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

**TAG:** The Roads and Traffic Department is currently transferring the TAG and similar queries/requests onto the Sharepoint system. When this process is complete the question of access for Members can be examined.

Contact: Tim O'Sullivan, Executive Manager  
Tel: 222 3793

**Other Queries:** Information is also available on Dubnet and most meetings are now webcast. Archived versions of webcasts are available on Dubnet.

The following are designated contact persons and their contact details for each individual department and Area.

### **Development Department**

Bernie Mills, Tel: 222 2330 e-mail [bernie.mills@dublincity.ie](mailto:bernie.mills@dublincity.ie)  
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### **Planning Department**

Susan Mulligan, Tel: 222 3093 email: [susan.mulligan@dublincity.ie](mailto:susan.mulligan@dublincity.ie)  
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### **Environment & Engineering Department**

Bernadette Harrington, Tel: 222 3920 e-mail [bernadette.harrington@dublincity.ie](mailto:bernadette.harrington@dublincity.ie)  
(Council queries)  
Patricia Colfer, Tel: 222 2395 (SPC queries) e-mail [patricia.colfer@dublincity.ie](mailto:patricia.colfer@dublincity.ie)  
Tom Nolan, Tel: 222 2393 e-mail [tom.nolan@dublincity.ie](mailto:tom.nolan@dublincity.ie)

### **Culture, Recreation & Amenity Department**

The people responsible for coordinating replies to councillor/T.D.'s questions and motions for the Area Committees and City Council Meetings are:

Gabrielle McClelland, Tel : 2223878 e-mail [Gabrielle.mcclelland@dublincity.ie](mailto:Gabrielle.mcclelland@dublincity.ie)  
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The Contacts for the Arts Culture Leisure & Youth Affairs SPC are:

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### **Housing Department**

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### **South East Area**

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### **South Central Area**

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### **North West Area**

[northwestarea@dublincity.ie](mailto:northwestarea@dublincity.ie) - This email address is checked periodically during the day by staff in the Admin Unit and emails are acknowledged, answered or referred on as required.

### **North Central Area**

Any correspondence emails can be sent to [north.central@dublincity.ie](mailto:north.central@dublincity.ie).  
Anyone in the North Central Area Office can be contacted at the main office number (01) 8166710 to deal with Councillor queries.

Contact names for North Central Area Committee and City Council:

Yvonne Kirwan, [yvonne.kirwan@dublincity.ie](mailto:yvonne.kirwan@dublincity.ie) / 8166712  
Dympna McCann, [dympna.mccann@dublincity.ie](mailto:dympna.mccann@dublincity.ie) / 8166711 and  
Fiona Moore, [fiona.moore@dublincity.ie](mailto:fiona.moore@dublincity.ie) / 8166735

#### **Q64. COUNCILLOR MANNIX FLYNN**

Could the City Manager examine the administration around requests under the Freedom of Information Act for information relating to the minutes of meetings of external bodies where DCC staff are appointed as directors. It would appear that in a case where DCC is the sole shareholder and owner of a company and where executive staff from DCC are appointed to these boards, that their documents are subject to FOI. If an individual makes a request for such documents for such a company Dublin City Council would appear not to have a clear copy of such documents lodged with its administration from the secretary of such a company. This creates an administrative weakness as DCC can only rely on appointed directors, agendas etc. Recently draft minutes of an external board were released by DCC under the FOI Act creating a possible conflict with regards to the accuracy of the information contained in the agenda of that document.

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

The Freedom of Information Acts (1998 – 2003) are very specific regarding the rights of any persons to request records from a public body. Section 6 of the Act leaves no room for any ambiguity in this regard.

##### *Section 6*

*“(1) Subject to the provisions of this Act, every person has a right to and shall, on request therefor, be offered access to any record held by a public body and the right so conferred is referred to in this Act as the right of access.*

*(2) It shall be the duty of a public body to give reasonable assistance to a person who is seeking a record under this Act.*

*(a) in relation to the making of the request under section 7 for access to the record, and*

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*(b) if the person has a disability, so as to facilitate the exercise by the person of his or her rights under this Act.”*

Access to records can only be refused if they attract one or more of the exemptions provided at Sections 19 to 32, or if they fall within the scope of Section 10 or Section 46 of the Acts.

It is also correct, as mentioned by Councillor Flynn, that records of a private company owned by a public body are generally deemed to be under the control of that public body. This does not necessarily mean that the public body will have these records in its possession.

When a Freedom of Information request is received it is registered by the Information Management Unit, Corporate Services Department and then forwarded to a decision maker in whatever department or section is best placed to locate the records sought. The decision maker will search out the relevant records that fall within the scope of the request and issue a response.

The Freedom of Information request in this case was specifically concerned with the period from 1<sup>st</sup> January 2010 to 31<sup>st</sup> August 2011. It sought various records including all minutes of meetings in which a member or employee of Dublin City Council was in attendance during the period in question.

The request was dealt with by the Planning and Economic Development Department who hold these records and all relevant records were released or part-released. Records created outside of the period specified by the requester were not considered in the examination of the request.

In the case of the minutes it was subsequently brought to the attention of Corporate Services Department by Councillor Flynn that inaccuracies in some of the minutes released had been clarified in later minutes recorded outside of the specified period. Following a subsequent Freedom of Information request from the same requester for similar records, the minutes referred to by Councillor Flynn for the period 31<sup>st</sup> August 2011 to 19<sup>th</sup> October 2011, were released.

City Council Directors of various Companies receive minutes of board meetings in their capacity as Directors of those Companies. In the case of Temple Bar Cultural Trust where the City Manager is the sole shareholder I will arrange that an additional set of official minutes are forwarded to him following each meeting.

### **Q65. COUNCILLOR MANNIX FLYNN**

Can the City Manager initiate a full audit with regard to DCC's grants to voluntary housing bodies and approved housing agencies and others where DCC is the provider of substantial financial grants. That this audit also includes risk assessment and value for money and robust governance and an evaluation report. This audit would assist greatly in making this growing sector transparent and open to scrutiny and accountable to the public and public representatives.

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

The Internal Audit Work Plan for 2012 has recently been finalised and approved by the City Manager and the Audit Committee. One of the audits planned is a review of grants and contributions made to various bodies, including voluntary housing and voluntary homeless bodies. The audit will examine all procedures and controls in relation to the provision and expenditure of these grants and ensure that they are fully compliant with DCC requirements.

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### Q66. **COUNCILLOR MANNIX FLYNN**

Can the City Manager furnish me with any details with regards to any public event that is taking place in the College Green/Dame St. Area on New Year's Eve that would involve the closure of this area in order to facilitate a planned event which would include the sale of alcohol.

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

In mid 2011 Fáilte Ireland approached Dublin City Council with an outline concept to promote Dublin to overseas markets and Dubliners alike around New Year. Research had shown that tourists were researching Dublin as a New Year destination but the city lacked a New Year's focus and could do more on the festival front to encourage tourists to travel to Dublin over and above other European cities.

The festival itself will include musical and cultural events culminating in a concert in College Green on December 31<sup>st</sup> 2011. The New Year's Festival is still subject to licence from Dublin City Council but we are mindful of drawing tourists to the city to support the hospitality industry and to offer a quality entertainment package to the citizens at this time of year.

The College Green event as proposed would be a ticketed event with an expected attendance of between 5,000–8,000. The event promoters have sought to sell alcohol in a controlled manner at the event and are currently applying to the District Courts for an occasional licence.

The Gardaí and City Council officials are not objecting to this application after assurances from the event promoter on the strictly controlled nature and responsible drinking element of the overall concert.

### Q67. **COUNCILLOR NIAL RING**

In light of the ongoing problem being encountered by the residents of East Wall Road with Heavy Goods Vehicles ignoring the "no entry" restrictions, and having regard to the following:

1. Report to the Central Area Committee entitled "Update on heavy goods vehicle restriction barrier - East Wall Road (May 2006)
2. The reply to a question put by me at the Central Area Committee (Q77 - November 8th CAC Meeting).
3. Correspondence from Owen Keegan, then Director of Traffic, addressed to the Vice Chairperson of the North Strand Community Action Group, dated 27th March 2003.
4. Correspondence from Owen Keegan, then Director of Traffic, addressed to the Chairperson of the Parkside Residents' Association, dated 18th July 2005.

Can the Manager:

1. Confirm that the barrier at the Alfie Byrne/East Wall Road junction will remain in place and will be repaired, upgraded and improved.
2. Arrange for temporary electronic signs to be placed at the junction of Poplar Row and Annesley Bridge Road as well as at the junction of East Wall Road and Alfie Byrne Road advising "cars only straight ahead", for all future closures of the Dublin Port Tunnel.
3. Arrange to examine the possibility of enhancing signage at Poplar Row to include advisory road markings as is already painted on the road at the junction of Alfie Byrne Road and East Wall Road and amend the two existing signs on Poplar Row so that the words "Dublin Port" straight ahead are removed from the signs as this confuses HGV drivers who see the sign and choose to ignore the three tonne ban sign.

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4. Examine the feasibility of installing a gantry/barrier on East Wall Road at or after the former Readymix site similar to the existing gantry located at the junction of Alfie Byrne Road and East Wall Road with appropriate signage indicating a HGV ban. So as to allay concerns about strikes, this gantry need not have a crossbar and therefore would not be struck).

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

1) As outlined in response to Q.77 (Central Area Committee Meeting November 2011), the sign gantry on East Wall Road at its junction with Alfie Byrne Road was erected to stop high vehicles from travelling westwards on the western end of East Wall Road due to the presence of a low height overhead railway bridge. The overhead railway bridge carries the DART and mainline rail services to Belfast. Due to the frequent number of times the bridge was struck it became critical that emergency measures be put in place. Dublin City Council, Roads and Traffic Department arranged for the erection of a temporary gantry structure to warn high vehicles of the presence of a low bridge ahead. This gantry was erected pending the design and construction of a new railway overbridge with standard overhead clearance.

A number of years ago Iarnród Éireann constructed a new railway bridge with a clearance of 5.26m. In addition to the construction of the bridge the Dublin Port Tunnel opened in December 2006 and a five axle ban was introduced in Dublin City Council area. These measures have substantially reduced the number of heavy goods vehicles in the city.

As outline above the sign gantry was erected as an emergency measure and was not designed to remain in situ indefinitely. Traffic Management and Control Section propose to remove the sign gantry due to the risk it poses to pedestrians and motorists if it is struck. The gantry has not been designed to withstand an impact load and would pose a danger to pedestrians if struck. In view of the fact that traffic conditions and the bridge structure have changed since the decision to erect the structure was taken it is considered the safer now to remove the sign gantry.

It is not proposed to rescind the regulatory signage at the location and prominent signage will remain in place to prohibit vehicles over 3 tonne using the western end of East Wall Road.

- 2) Adequate regulatory signage is currently in situ at this location advising motorists that East Wall Road has a restriction for vehicles over 3 tonne.
- 3) Traffic Management and Control are of the view that there is adequate signage in place. On the western approach on Poplar Row there are two signs advising of 3 tonne limit and, at the junction with North Strand Road / Annesley Bridge there are two further signs. Approaching from Fairview drivers are also advised in advance of junction of 3 tonne limit on East Wall Road. On the approach from Dublin Port an advance directional sign directs HGV's to Alfie Byrne Road while at and beside existing sign gantry there are three number 3 tonne limit signs. More than adequate signage is in place to advice drivers of large vehicles of the restriction and the provision of additional signage will not make any significant difference to the number of drivers ignoring the restriction. Notwithstanding the above Traffic Management and Control will review signage to see if any modifications are required which comply with the Traffic Signs Manual.

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- 4) The use of gantry signs on a two lane urban road is not considered necessary. Gantry signs are used on multi lane roads with high speeds where signs may be obscured by vehicles in a parallel lane. Standard signs erected on poles located in the footpath are clearly visible and more than adequate on a two lane road with a 50 km/h speed limit. Erecting signage near the former Readmix site would not be suitable as drivers of large vehicles would not have an alternative route to avoid breaking the 3 tonne limit restriction.

**Q68. COUNCILLOR NIAL RING**

Can the Manager arrange for the river wall (on the East Wall Road side opposite houses numbers 24-47) to be assessed by an engineer at low tide as there are a significant number of stones and blocks which have become dislodged from the wall and which no doubt have significantly weakened the fabric of the wall and therefore poses a threat that the wall may collapse if river levels are swelled in stormy weather episodes.

**CITY MANAGER'S REPLY:**

The river wall will be inspected by an engineer in the coming days and a report will issue directly to the Councillor.

**Q69. COUNCILLOR NIAL RING**

To ask the Manager to detail the cost to Dublin City Council of the recent information sessions organised in relation to the Clontarf Flood Defence Plan.

**CITY MANAGER'S REPLY:**

The Information Sessions were concluded on 23<sup>rd</sup> November 2011, just over one week ago. These sessions were held as a direct result of the level of public disquiet about the proposed flood defence project. It was considered most important to make every effort to explain the issue of flood risk, the flood defence proposals and the recent review and amendments of same. The costs include various visual displays, publicity material, public advertisements and attendances at the information sessions, together with drawing up the relevant Appendices to the Report (No. 368-2011) being presented to the City Council at the 5<sup>th</sup> December 2011 meeting.

We are satisfied that the costs have been kept to a minimum, consistent with producing the information to an acceptable standard and within the timeframe demanded. These costs have not, as yet, been finalised. A full report will be drawn up on this matter when these figures are available.

**Q70. COUNCILLOR NIAL RING**

To ask the Manager if it would be possible/feasible to arrange for sandbags to be included with the planned storage of salt at strategic points in the city and to detail such strategic sites.

**CITY MANAGER'S REPLY:**

The detailed policy on sandbags will form part the report to the Environment & Engineering Strategic Policy Committee (SPC) meeting to be held on 15/12/2011.

**Q71. COUNCILLOR SHEILA HOWES**

To ask the Manager, with regard to the recent devastating flooding along the banks of the Camac:

- i. to provide me with a report detailing the flood defences erected by Dublin City Council in 1986 (in the period of flooding) along the banks of the Camac adjacent to Carrickfoyle Terrace, Lady's Lane and Millbrook Terrace, in particular to indicate the quality, structure and technical specifications of the

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wall in question, and the engineers report on which the defences were originally designed and built.

- ii. to supply any further data or reports which the City Council has since gathered in relation to that stretch of river, and details of any proposed upgrades, enhancements or replacements to the defences which have been mooted since 1986.
- iii. to make available any information or data sought from or otherwise supplied by the OPW, or any other public office, to Dublin City Council on request, that contains additional advice or information in relation to flood defences in this same area.
- iv. In light of the devastating floods experienced by residents in this area and the wholesale damage to property, personal and household effects consequent on the recent floods in this same location, can the Manager guarantee that all necessary measures will be taken to ensure that an effective flood defence system will be erected at this location as soon as possible, based on the best possible engineering and flood mitigation advice available, so as to ensure that residents aren't unnecessarily subjected to this level of devastation from the river again.

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

The Council question is quite detailed and will require the Drainage Department to provide a detailed report for same. The Drainage Department will endeavour to provide this reply by the end of December 2011.

### **Q72. COUNCILLOR SHEILA HOWES**

To ask the Manager in respect of flooding and severe damage done to the rear of homes on the eastern side of Tyrconnell Street, Inchicore as a result of the collapse of the river's boundary wall:

- a. Have engineers investigated the site and submitted a report?
- b. When will work commence to restore the river boundary wall from river bed to ground level?
- c. What measures will the Council take in the interim period to allow residents of Tyrconnell Street to secure their property?

The collapse of this wall, the care and maintenance of which is a Council responsibility was the cause of the subsequent extensive damage to the rear gardens and rear portions of many of these homes. To what extent are the Council liable to the severe damage to the homes adjacent to this collapsed wall?

To what extent did planning decisions in recent years, including allowing the culverting of the river Camac adjacent to this location, contribute to creating debris and adding to the build-up of water which caused the damage referred to.

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

A detailed response on the flooding events of October 24, 2011 is currently being prepared for the December 2011 Environment and Engineering Strategic Policy Committee (SPC). Following that meeting and report, we will be in a position to commence the responses to individual queries submitted.

Damage to private property is a matter for each property owner and their insurance company. A Government Fund of €10m towards relief for victims of the flooding event has been established, details of which can be found on:

<http://www.welfare.ie/EN/Schemes/SupplementaryWelfareAllowance/Pages/HumanitarianAidScheme.aspx>

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### Q73. **COUNCILLOR SHEILA HOWES**

To ask the Manager to what extent did poor flood defensive features on the nearby River Camac contribute to the flooding on Faulkner's Terrace and the subsequent damage to people's homes, and if the Council intends to make any reparation.

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

A detailed response on the flooding events of October 24<sup>th</sup> 2011 is currently being prepared for the December 2011 Environment and Engineering Strategic Policy Committee (SPC) meeting. Following that meeting and report, we will be in a position to commence the responses to individual queries submitted.

Damage to private property is a matter for each property owner and their insurance company. A Government Fund of €10m towards relief for victims of the flooding event has been established, details of which can be found on:

<http://www.welfare.ie/EN/Schemes/SupplementaryWelfareAllowance/Pages/HumanitarianAidScheme.aspx>

### Q74. **COUNCILLOR SHEILA HOWES**

To ask the Manager to what extent did poor flood defensive features on the nearby River Camac contribute to the flooding on Kern's Place and the subsequent damage to people's homes, and if the Council intends to make any reparation.

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

A detailed response on the flooding events of October 24<sup>th</sup> 2011 is currently being prepared for the December 2011 Environment and Engineering Strategic Policy Committee (SPC) meeting. Following that meeting and report, we will be in a position to commence the responses to individual queries submitted.

Damage to private property is a matter for each property owner and their insurance company. A Government Fund of €10m towards relief for victims of the flooding event has been established, details of which can be found on:

<http://www.welfare.ie/EN/Schemes/SupplementaryWelfareAllowance/Pages/HumanitarianAidScheme.aspx>

### Q75. **COUNCILLOR PAT DUNNE**

To ask the Manager to give an explanation as to why the Parks Department cut down a number of trees on Cashel Road at the Kildare Road junction and outside no 67. Can the Manager also comment on other trees on this road have markings on them. Can the Manager also make immediate arrangements to have the tree stubs at these locations removed and to make a statement on the replanting of new trees to replace those cut down?

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

1. These street trees were removed because they were diseased and dying.
2. The trees that are spray painted are in a similar condition and will be removed in the near future.
3. The remaining stumps will be removed during the winter period.
4. The roads will be assessed to determine suitability for future tree planting.

### Q76. **COUNCILLOR PAT DUNNE**

Can the Manager advise what options and assistance our tenants have in improving heating systems and insulation in their rented homes. Much of our housing stock in the Dublin 12 area is over 50 years and many of our tenants have complained that

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housing maintenance is not adequately dealing with the issue of dampness, draughts and heat loss. Given that grants are available to homeowners through the HES and the Warmer Homes Schemes can the Manager seek a similar scheme for our tenants or alternatively make a statement as to how Dublin City Council is going to provide Energy Saving and insulation measures for our tenants.

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

Dublin City Council is funded by the Department of Environment to carry out Energy Improvements in line with the Department's Retrofitting Programme for all social housing. Circular SHIP 2011/05 provides for Local Authorities to submit plans to improve their housing stock from an energy perspective. The priority area for funding emphasised in this Circular was Void (empty) Social Housing. Dublin City Council has a plan in place to improve the energy efficiency of void properties in 2011. It is intended that when significant inroads are made with void properties that Local Authorities can then access further funding, in subsequent years allocations, to address energy efficiency in the wider stock.

In terms of Insulation Dublin City Council has responded to tenant's requests and provided attic insulation in the past. This has been on a basis of need and assessed by a Housing Area Maintenance Officer. The only other type of insulation work that has been carried out has been in respect of void properties.

In conclusion no funding has been allocated to date for insulation or energy improvements works to occupied units. As stated above the Department of Environment, Community and Local Government may provide funding to Local Authorities to carry out energy upgrades to occupied units when significant progress has been made in returning void properties to stock.

### **Q77. COUNCILLOR PAT DUNNE**

To ask the Manager to report on the Waste Collection Waiver Scheme as follows:

- The number of waivers issued to date for 2011
- The number of applications for 2011 waivers still awaiting decision as a result of delays in processing
- What waiver scheme will operate for 2012?

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

- 26,350 Waiver applications have been granted to date.
- A further 11,050 applications are on hand and will be processed in the coming weeks.
- All waivers granted in 2011 will be honoured in 2012.

### **Q78. COUNCILLOR PAT DUNNE**

To ask the Manager to keep the youth services in the Walkinstown Area intake, and to ask the City of Dublin Youth Services Board to reverse its decision to withdraw its 4 youth workers and a project leader from Walkinstown. These services have been a valuable resource for the young people of Walkinstown and the services must be retained.

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

This question would need to be addressed by the City of Dublin Youth Services Board, as we do not have any remit in how they manage their staff.

### **Q79. COUNCILLOR KIERAN BINCHY**

To ask the Manager what measures can be implemented by the Council to tackle the problem of businesses employing people to stand on public footpaths holding

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advertising signs. These signs are proliferating on pedestrian streets such as Grafton Street and Henry Street as well as being a hazard to pedestrians, and an obstruction to wheelchair users, they are having a severe negative impact on the visual amenity of these streets. They are adversely affecting businesses as they cheapen the image of these streets and disadvantage businesses who do not want to add to the degradation of the streetscape by having someone on the street holding a sign. If there are no current bye-laws to tackle this, can a prohibition on these signs be included in the Casual Trading Bye-laws, or do separate bye-laws need to be enacted? If separate bye-laws are needed, can that process be started?

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

The Casual Trading Act 1995 deals with sale of goods, therefore a tangible object must change hands for payment. Unfortunately no goods change hands in this process so it does not come under the Casual Trading Act and cannot be included in the Casual Trading Bye-Laws.

Section 71 Roads Act 1993 prohibits the erection, placing or retention of signs on public roads.

This will be brought to the Transportation SPC to consider making bye laws under the Local Government Act to control this practice.

### **Q80. COUNCILLOR KIERAN BINCHY**

To ask the Manager if he would consider clamping down on illegal A-frame free-standing advertising signs on the public footpath, but in conjunction with a public signage programme for small businesses to ensure that businesses remain visible.

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

The Street Furniture Section, Road & Traffic Department endeavours to keep the footpaths clear of illegally placed items that may constitute an obstacle to pedestrians. Notices of Offence under Section 71, Roads Act 1993 are issued to the owners of unlicensed items on the public footpath/roadway. Under the terms of the Act, Dublin City Council is empowered to remove such unlicensed items.

Traffic Management, Roads & Traffic Department, have advised that directional signs, indicating tourist attractions and amenities, are acceptable on a limited basis. Finger post signs for hotels, clubs, business or commercial premises are not recommended, as they would lead to unacceptable street clutter and intrusion should other community organisations, schools, colleges or businesses also request such signs.

### **Q81. COUNCILLOR KIERAN BINCHY**

To ask the Manager to explore working with the Dublin Bicycle Depot, 1a Maxwell Road, Rathmines, Dublin 6, telephone 087 0998847 as they provide a great service to private business and management companies whereby they remove and recycle abandoned and unwanted bicycles. Dublin City Council should ensure that any bicycles which are in the public realm and which are deemed to be abandoned should be recycled or at least used for parts rather than dumped or used for scrap.

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

Waste Management Services remove a small number of abandoned bicycle frames each year. They are usually attached to public railings with only a bare shell of the bicycle remaining. They are taken to our waste management depot in Collins Avenue, tel 8369226. We hold on to them for approximately a month in case their

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owners are looking for them. The above-mentioned company can certainly contact our depot if they are interested in these bicycle frames.

### **Q82. COUNCILLOR STEVE WRENN**

To ask the Manager to make funding available as a matter of urgency to address the serious problem of anti social behaviour in and around Knowth Court in Ballymun. This area is a prime location for crime and deviant behaviour and the situation is getting worse. I would also ask the Manager to ask the Local Office to liaise with An Garda Síochána to identify and prosecute offenders. I would also ask the Manager to arrange to have parts of Knowth Court blocked off as the environment lends to an easy place for groups to gather and avoid detection by the Police as there are many escape routes.

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

The main area of concern is the area to the rear of Knowth Court, leading to Doon Court. While there is reasonable CCTV coverage of the area, the lighting is not optimal for night time monitoring and may need to be improved. The bollards that were installed to prevent vehicular access have been partially removed and will be replaced. The Area Office is already liaising with An Garda Síochána in relation to this area and will continue to do so. Most of the access routes are monitored by CCTV and can be used by An Garda Síochána to follow movements of people involved in anti social behaviour. There are no cameras within the courts as this would be difficult due to privacy issues.

### **Q83. COUNCILLOR STEVE WRENN**

To ask the Manager to start flood defence works urgently on Ballygall Crescent and Fairviews Estate to protect the homes and lives of residents living there.

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

Detailed investigations and reports on the flooding events of 24/10/2011 are currently being prepared for the affected areas within the City Council. A "Report on Dublin City Flood Risk and interim report on extreme pluvial flooding event affecting East Coast and Dublin City on 24<sup>th</sup> October, 2011" was brought before the City Council on 7/11/2011. Further reports to address specific issues will be made available in due course.

### **Q84. COUNCILLOR STEVE WRENN**

To ask the Manager to supply me with the details of the funding allocated to pruning trees and drain cleaning in the city for the past 5 years and what is allocated for 2012.

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

The resources available to Parks & Landscape Services Division for the maintenance of public trees, mainly consisting of general pruning operations in the period since 2006, is as follows:

2006 €100,000

2007 €100,000

2008 €100,000

2009 €100,000

2010 € 75,000

2011 € 75,000 (Additional required due to emergency works associated with storm damage)

2012 €100,000 (proposed)

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This allocation was distributed to the 5 administrative areas, with works carried out on a priority basis arising from the general requirement for pruning operations and the age/condition of mature trees in each area. Some additional funding was supplied by the Area Offices throughout the period which permitted some additional pruning.

Dublin City Council's gully cleaning programme costs approximately €650,000 to €700,000 per annum and the Council has expended that sum annually over the past number of years.

### **Q85. COUNCILLOR STEVE WRENN**

To ask the Manager what the future plans are for the Ballymun market and what funding will be made available in 2012.

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

The following response was received from Ballymun Regeneration Limited:

A representative of BRL's Environmental Team attends the Steering Committee for the Ballymun Market and supports this as appropriate. The market has also received funding under BRL's Social/Environmental budget. BRL are in the process of finalising the budgets for 2012 and submitting them for approval to the Department of the Environment, Community & Local Government. Any future funding for the market will be dependant on that process.

### **Q86. COUNCILLOR EDIE WYNNE**

To ask the City Manager how the City Council identifies and addresses misuse of Disabled Parking disks.

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

The Road Traffic (Traffic and Parking) Regulations 1997 provide for the operation of disabled persons' parking permits. These permits are issued by the Irish Wheelchair Association and the Disabled Drivers Association. Permits are granted to eligible disabled persons and may be issued to a disabled person who is a driver or to a disabled person who is a passenger.

Only a vehicle displaying a disabled person's permit is allowed to park in a disabled person's parking bay and the vehicle must be parked for the convenience of the permit-holder. A vehicle displaying a valid disabled person's permit which is being used for the convenience of the permit-holder is also permitted to park in a pay & display parking bay without charge or time restriction.

The misuse of disabled parking permits is an ongoing issue which the City Council and its parking enforcement contractor are working to deal with in conjunction with the organisations which issue the permits and An Garda Síochána.

There are two main types of abuse: display of fraudulent permits and misuse of valid permits.

The Department of Transport introduced a new, more secure disabled parking permit with effect from 1<sup>st</sup> June 2011 and these permits will be issued to all qualifying persons as existing permits fall due for renewal and as new applications are approved. The transition to the new permits will take place over a period of two years. The new permits contain additional security features including a barcode which can be scanned by the parking enforcement staff to determine instantly if the permit is valid or not.

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It can be difficult to detect cases where valid permits are being used fraudulently. However, any instances of such abuse which come to the attention of the Council are enforced immediately.

### **Q87. COUNCILLOR CIERAN PERRY**

To ask the Manager to confirm the timescale for completion of work on the playground at Fairview Park scheduled to begin in December.

Could details be provided of exactly what works are due to take place?

Could the Manager outline lines of communication that exist (or could be created) to ensure that the local community and park users are updated on the progress of the works, possible delays and/or changes to the planned works?

While Fairview Park is situated in the North Central Area a large proportion of users live in neighbourhoods covered by the Central Area Committee. Can the Manager ensure that Councillors in the Central Area are kept fully informed of issues relating to the park, and that community groups in areas such as East Wall, North Strand and Ballybough are recognised as having a role to play in developing Fairview as a suitable amenity for all.

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

The schedule for completion of the Fairview Park Improvements project is mid May 2012. The features included in the design of this park improvement work include the playground, performance area, seasonal bedding and passive recreational area and are based on requirements identified through the course of the public consultation events and interaction with the public at the park in 2010, subject to the availability of specific resources.

The site is that area of the park north of the main avenue which was directly impacted when the open cut works of the Dublin Port Tunnel Project were located in Fairview Park. The extent of the area of works, approximately 7380 sq. metres and the main playground is approximately 2020 sq. metres. The work included in the contract consists of the supply and installation of specified play equipment, safety surface, ancillary items, and associated circulation and open space areas including Skate Area, Interactive Play Area and Open Air Performance Area, with materials, seating and lighting as included in the specifications of contract. Contact can be made with

Parks and Landscape Services Division or with the consultants supervising the contract on behalf of Dublin City Council (Brady Shipman, Martin), during the course of works. With the specification of the contract in place changes to the planned works are not currently envisaged and any modification to the schedule should it occur must be fully clarified to the project supervisors.

Councillors through the area structures for both North Central Area and the Central Area will be advised of any changes that may be required during the project as they arise. Communities from the area indicated in the council question are recognised in having a role and view with regard to improvements to the neighbourhood park of Fairview Park.

### **Q88. COUNCILLOR CIERAN PERRY**

Can the Manager outline the Fire Safety Certification process for new developments as conducted by Dublin City Council?

Can the Manager detail, on an annual basis, the number of developments requiring Fire Safety Certification over the last 5 years?

Can the Manager detail, on an annual basis, the number of developments which had a physical inspection by Fire Officer prior to occupation to ensure compliance with Fire Safety Certification over the last 5 years?

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Can the Manager list any developments which failed Fire Safety Certification and detail the resulting actions?

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

The Fire Safety Certification process is laid down under the Building Control Acts and associated regulations. The Building Control System is essentially pre-emptive. It is based on the principle of identifying problems at design stage, so that the building can be built to a set of plans, which have been approved and for which a Fire Safety Certificate is granted. Fire Safety Certificate applications when submitted are validated and assessed by the Fire Authority, and having considered the application a recommendation is made to the manager to grant the certificate, grant the certificate with conditions or refuse the certificate, as the case may be.

A fire safety certificate granted shall only be construed as certifying that the building or works, if constructed in accordance with the plans, documents and information submitted, would comply with the requirements with Part B of the Second Schedule to the Building Regulations.

There were 3,236 fire safety certificate applications received from 2007 to-date. There is no requirement in the building control system for the fire officer to be notified of either the construction, or the completion and occupation of the building. However, there were 801 inspections of building work in progress to June 2011. The building control function in connection with all buildings under construction, including the delivery of approved fire safety design, is a function of the Building Control Section. The total figures mentioned above are broken down on an annual basis as follows:

<b>Year</b>	<b>Applications</b>	<b>Inspections</b>
2007	956	251
2008	800	151
2009	560	124
2010	508	195
2011	412	80
<b>Totals</b>	<b>3,236</b>	<b>801</b>

There were 153 refusals. In cases where an application fails to show compliance with the requirements with Part B of the Second Schedule to the Building Regulations the certificate is refused. Subsequent to discussions with the designer, a new Fire Safety Certificate application may be submitted.

### **Q89. COUNCILLOR CIERAN PERRY**

To ask the Manager if the protected structure of the Shriver Bridge at Sheriff Street is structurally sound, in particular if the structural integrity of the gantry and the iron supports are maintained. Can the Manager confirm if any works are needed to maintain the structural integrity of the protected structure in particular the iron gantry.

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

An inspection and structural assessment of Spencer Bridge over Royal Canal at Sheriff Street was carried out in October 2008. In general the bridge was found to be structurally sound and capable of carrying permitted loads. There is some localised corrosion to the machinery platform but the machinery was removed some years ago and does not present a structural problem. The bridge is not a protected structure. This year the Road Maintenance Division carried out repairs to the timber footways

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on the bridge and also secured some of the palisade fencing on the bridge that was dislodged during a period of windy weather.

### Q90. COUNCILLOR CIERAN PERRY

To ask the Manager can he confirm if any commitment had been received from Central Government to provide the funding required to address the serious flooding issues in the Dublin area?

Can the Manager also provide me with a copy of the current Major Emergency Plan?

#### CITY MANAGER'S REPLY:

The Government has made available additional funding through the Department of Social Protection subject to complying with certain eligibility requirements. All applications are made via the Department of Social Protection representatives (formerly known as Community Welfare Officers). Flooding locations known to Dublin City Council have been forwarded to the Department of Social Protection to assist the Department of Social Protection representatives.

A flooding review meeting has taken place between Dublin City Council and the Office of Public Works (OPW) following the October 24<sup>th</sup> flooding. At that meeting the OPW were informed that a more detailed report will be presented to the December Environment & Engineering Strategic Policy Committee (SPC) meeting. They are aware of a number of areas where funding for schemes is required and are prepared to consider funding applications.

The Major Emergency Plan is available for download from Dublin City Council's website and from Dubnet. A hard copy is available to the Councillor, if required.

### Q91. COUNCILLOR DEIRDRE HENEY

To ask the Manager, from a planning and engineering point of view, to comment on the problems with flooding in underground car-parks during recent flooding and say:

1. what, if any, are the regulations re: design of underground car-parks, if any anti-flooding measures are conditioned in, if same can be outlined, if its in order for the entry slope to be exposed to the elements, how flooding is to be avoided in such cases and if a statement can be made on the matter.
2. what reports of underground car-parks being flooded were notified during recent flooding, how many were private, how many commercial or residential, if Dublin City Council is working with the relevant management companies to find solutions, if some of these car-parks are high risk for potential flooding, if these have been agreed with the management companies etc
3. if Dublin City Council have been involved with residents or management company of complex as per details attached and if update report can be given on same

#### CITY MANAGER'S REPLY:

A reply has been issued to the Councillor.

### Q92. COUNCILLOR DEIRDRE HENEY

That an update on solution to Clanmoyle Road flooding be given, that Manager say which other residents groups along route of Wad River are engaged in discussions with Dublin City Council, if the Manager is seeking a co-ordinated solution, if the effects of the golf club solution on residents down river can be outlined, if the Manager can confirm he is dealing with residents at, **(details supplied)**, and if not if he will include these residents in discussions on their aspect of the difficulty and if statement can be made on the matter

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

A reply has been issued to the Councillor.

### **Q93. COUNCILLOR DEIRDRE HENEY**

To ask the Manager to refer to road as per, **(details supplied)**, and say if he will include in on the list of roads for re-surfacing in the 2012 schedule as it is in very poor condition, particularly so since the acute weather conditions last year and the fact that it is a heavily used road which joins two main roads with ramps etc. disintegrating; residents complain that the road is in a dangerous state

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

Road Maintenance Division has inspected this location. A number of localised pothole repairs have been completed at this location. Road Maintenance Division will consider **(details supplied)** for inclusion in the 2012 works programme for resurfacing. Project selection is based on budget restrictions.

### **Q94. COUNCILLOR DEIRDRE HENEY**

To ask the Manager to refer to signalling patters of the pedestrian traffic lights at location as per, **(details supplied) (a)**, and say if something can be done to allow cars exit and turn right from, **(details supplied) (b)**.

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

The request regarding signal pattern will be referred to the Traffic Advisory Group (TAG) and the Councillor will be advised of the recommendations of the group in due course.

### **Q95. COUNCILLOR JOHN REDMOND**

Will the Manager arrange for an inspection of the properties, **(details supplied)** both of the houses have major cracks inside this was reported to DCC in March 2011. DCC have found pyrite in the footpaths. Can the Manager give me a time as to when the footpaths will be repaired as this was reported a year ago?

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

A reply has been issued to the Councillor.

### **Q96. COUNCILLOR JOHN REDMOND**

Will the Manager remove graffiti from, **(details supplied)**.

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

The graffiti at the above location was listed for removal. It should be removed by Monday 5<sup>th</sup> December. All incidents of graffiti in the North West Area should be reported to the Finglas Area Office on (01) 222 5496 or 222 5412.

### **Q97. COUNCILLOR JOHN REDMOND**

Will the Manager give me an update on, **(details supplied)**, as to what the owner proposes to do with the property, the house is not secured properly at present, for the last number of years the neighbour has endured great distress with anti-social in and around this house.

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

This property was entered on the Derelict Sites Register in November 2010. As the levy for 2011 has not been paid the Law Agent has been instructed to institute proceedings for the recovery of this sum. The property will continue to be monitored.

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### Q98. COUNCILLOR JOHN REDMOND

Will the Manager look at removing or covering over with soil and reseeding with grass the pathway, **(details supplied)**, this area has been identified as one area that youths have been throwing stones at buses. The pathway has a lot of hardcore that is being used as missiles to damage buses.

#### CITY MANAGER'S REPLY:

Parks have inspected the location and determined that we can remove the stones and spoil, rake, level and re-seed the area concerned. We will arrange for this service to be carried out with the support of the North West Area Office and schedule the works for December 2011 to address the safety issue.

### Q99. COUNCILLOR EMER COSTELLO

To ask the City Manager to state the number of voids in, **(details supplied)**, to state what the programme is to ensure they are ready for letting, to state what proposals he has for Precinct Improvements in the complex, and when the roof of the complex will be replaced or repaired

#### CITY MANAGER'S REPLY:

There are 17 voids in, **(details supplied)**, 10 of which are bedsit units. In accordance with policy bedsit units will only be made ready for letting when a suitable new tenant has been selected by the Allocations Section. The remaining 7 flats will be refurbished by private contractor. These flats should be ready for letting in approximately 8 to 10 weeks.

A trial to recover the roof of one block of this flat complex was carried out. This trial was with a petroleum based waterproof material which the City Council purchased and which was applied by our local area maintenance depot staff to seal the roof. Once verified as successful, the remainder of the blocks will be considered for this treatment subject to the necessary funding being available. It is not possible to give a timeframe at this stage.

Our Housing Maintenance Executive Engineer assessed the roofs of this complex and recommended the above course of action.

There is no Precinct Improvement Scheme planned for the, **(details supplied)**, complex. There is, however, a plan to refurbish the playground which has been vandalised and fallen into some disrepair recently. This plan includes the resurfacing of the play area and repairs to damaged equipment. No new or extra equipment will be installed. It is hoped works will commence over the next few weeks and will be completed before Christmas. The progress of these works will be dependant on weather conditions.

### Q100. COUNCILLOR EMER COSTELLO

To ask the City Manager to arrange a meeting with, **(details supplied)**.

#### CITY MANAGER'S REPLY:

A reply has been issued to the Councillor.

### Q101. COUNCILLOR EMER COSTELLO

To ask the City Manager to state the reason for stopping the night bus for homeless people, the number of sleeping bags given out in October and November 2011 and the number of sleeping bags given out for the same period in 2010, to state the number of DCC supported emergency hostels and beds in each of the postal districts Dublin 1,2,3,4,5,6,7,8,9,10,11, what proposals are in place for the Cold Weather

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Shelter this year, the number of bed places in, **(details supplied)**, at present, and if the commitment to residents to reduce the numbers to 40 by Christmas will be adhered to .

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

A reply has been issued to the Councillor.

### **Q102. COUNCILLOR EMER COSTELLO**

To ask the City Manager to take action to ensure that the HGV ban on East Wall Road is not breached, particularly in instances where the Port Tunnel is closed.

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

Regulatory signage is in place on the approaches to the western end of East Wall Road to advise motorists that vehicles over 3 tonne are not permitted to use the road. Dublin City Council does not have any powers with respect to enforcing this restriction this is a matter controlled by An Garda Síochána. Dublin City Council has requested that the Irish Road Hauliers Association remind their members to use Alfie Byrne Road as an access route to Dublin Port when drivers are diverting due to tunnel closures, and that a section of East Wall Road has a 3 tonne limit. We have also contacted both Local and Regional Traffic Gardaí to advise them of our concerns of vehicles using East Wall Road when tunnel closures are in operation. Finally we have requested the National Roads Authority (NRA) to use their VMS system to direct traffic to Dublin Port via Alfie Byrne Road when tunnel closures are in place.

### **Q103. COUNCILLOR AINE CLANCY**

To ask the Manager, **(details supplied)**.

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

The Traffic Department will carry out an inspection of the area in question at, **(details supplied)**, and establish if it is within the Council's charge. Following the inspection a report and recommendation will be prepared for the Councillor.

### **Q104. COUNCILLOR AINE CLANCY**

To ask Manager is planning permission needed, **(details supplied)**.

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

Permission is required. It is a change of use, residential use to commercial use. Any change of use or part change of use will require permission.

### **Q105. COUNCILLOR AINE CLANCY**

To ask the Manager can we get a report from, **(details supplied)**.

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

A reply has been issued to the Councillor.

### **Q106. COUNCILLOR JANE HORGAN-JONES**

To ask the City Manager to arrange for the following work to be done, **(details supplied)**.

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

The request for bollards will be examined by a Traffic Engineer and the Councillor will be advised of the recommendation in due course.

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**Q107. COUNCILLOR JANE HORGAN-JONES**

To ask the City Manager to arrange for the following work to be done, **(details supplied)**.

**CITY MANAGER'S REPLY:**

The request for a turning arrow will be referred to the Traffic Advisory Group (TAG) and the Councillor will be advised of the recommendations of the group in due course.

**Q108. COUNCILLOR JANE HORGAN-JONES**

To ask the City Manager the following question, **(details supplied)**.

**CITY MANAGER'S REPLY:**

A reply has been issued to the Councillor.

**Q109. COUNCILLOR JANE HORGAN-JONES**

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

**CITY MANAGER'S REPLY:**

The request will be examined by a Traffic Engineer and the Councillor will be advised of the recommendations in due course.

**Q110. COUNCILLOR MARY FITZPATRICK**

Will the Manager please provide a report on, **(details supplied)**.

**CITY MANAGER'S REPLY:**

A reply has been issued to the Councillor.

**Q111. COUNCILLOR MARY FITZPATRICK**

Will the Manager please provide a report on, **(details supplied)**?

**CITY MANAGER'S REPLY:**

A reply has been issued to the Councillor.

**Q112. COUNCILLOR MARY FITZPATRICK**

Will the Manager arrange for, **(details supplied)**.

**CITY MANAGER'S REPLY:**

A reply has been issued to the Councillor.

**Q113. COUNCILLOR NAOISE O'MUIRI**

Can the Manager please respond to the following letter from, **(details supplied)**?

**CITY MANAGER'S REPLY:**

The area was inspected on 27<sup>th</sup> November and no dumping was evident at this location.

There is some graffiti at, **(details supplied)**, which is on a private wall and is therefore the responsibility of the owner of the property to remove.

The detail referred to in the above Council Question is currently being investigated by North Central Area office with both the Parks & Landscape Services and the Roads Maintenance Divisions and we hope to be in a position to advise the Councillor within 2 weeks.

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**Q114. COUNCILLOR NAOISE Ó MUIRÍ**

Can the Manager please organise for the metal cover on the public sewer outside 21 Calderwood Avenue to be replaced - it has rusted/decayed and there is an odour emanating as a result.

**CITY MANAGER'S REPLY:**

The public sewer manholes at this location will be inspected, and any necessary repairs carried out.

**Q115. COUNCILLOR NAOISE Ó MUIRÍ**

Can the Manager please response on the following letter, **(details supplied)**? Can the Manager also make any specific recommendations in this regard?

**CITY MANAGER'S REPLY:**

A reply has been issued to the Councillor.

**Q116. COUNCILLOR NAOISE Ó MUIRÍ**

Can the Manager please respond on the fire issues relating to No. 4 Achill Court as highlighted in the attached report; can the Manager also confirm that DCC, as Fire Authority, has been aware of these issues since 2009 and what actions have been taken?

**CITY MANAGER'S REPLY:**

The initial correspondence was received by Dublin Fire Brigade on 19/03/2010, which had an attached letter dated 30/07/2009 that had been sent to the management company of Achill Court Apartment Complex. The premise was last inspected on the 18/06/2010 and correspondence was sent to the management company of the apartment complex on the 23/06/2010 outlining a number of deficiencies. It is the responsibility of the owners and the management company of the apartment complex to ensure that the premise is compliant with the Fire Services Act 1981.

**Q117. COUNCILLOR GERRY BREEN**

Can the Manager please reply to the following question, **(details supplied)**.

**CITY MANAGER'S REPLY:**

A response has been issued to the Councillor.

**Q118. COUNCILLOR GERRY BREEN**

Can the Manager please detail how the Council will deal with, **(details supplied)**.

**CITY MANAGER'S REPLY:**

**(Details supplied)**, was inspected on 29<sup>th</sup> November and no sawn telegraph poles were found at this location.

**Q119. COUNCILLOR GERRY BREEN**

Can the Manager please reply to the following question, **(details supplied)**.

**CITY MANAGER'S REPLY:**

Investigations by the Derelict Sites Section have commenced pursuant to the receipt of the Councillor's email and, when complete, a report will issue.

**Q120. COUNCILLOR GERRY BREEN**

Can the Manager please reply to the following question, **(details supplied)**.

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**CITY MANAGER'S REPLY:**

A detailed response is currently being prepared for the December 2011 Environment & Engineering Strategic Policy Committee (SPC). Following that meeting and report we will be in a position to commence the responses to individual queries submitted. We will liaise with the Area Managers in this respect.

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