

**COMHAIRLE CATHRACH BHAILE ÁTHA CLIATH**

Miontuairiscí Chruinniú Miosuil a cuireadh ar athló, a tionóladh ar an **21 Aibreán 2008** i Seomra na Comhairle, Halla na Cathrach, Cnoc Chorcaí ag 6.45 i.n.

I Láthair an tArdmheara, An Comhairleoir Paddy Bourke sa chathaoir.

**Comhairleoir:**

Maurice Ahern  
Tom Brabazon  
Gerry Breen  
Christy Burke  
Clare Byrne  
Eibhlin Byrne  
Eric Byrne  
Julia Carmichael  
Anne Carter  
Joan Collins  
Ray Corcoran  
Emer Costello  
Pat Crimmins  
Michael Donnelly  
Daithí Doolan  
Dessie Ellis

**Comhairleoir :**

Mary Fitzpatrick  
Declan Flanagan  
Mary Freehill  
John Gallagher  
Deirdre Heney  
Kevin Humphreys  
Vincent Jackson  
Sean Kenny  
Dermot Lacey  
John Lyons  
Bronwen Maher  
Sean Paul Mahon  
Ruairi McGinley  
Séamas McGrattan  
Louise Minihan

**Comhairleoir**

Andrew Montague  
Ray McHugh  
Críona Ní Dhálaigh  
Naoise O'Muirí  
Aodhán Ó'Riordáin  
Mary O'Shea  
Larry O'Toole  
Oisín Quinn  
Mick Rafferty  
Tom Stafford  
Bill Tormey  
Edie Wynne

**Apologies**

Paddy McCartan

**Oifigigh**

John Tierney  
Philip Maguire  
Matt Twomey  
Michael Stubbs  
Michael Phillips  
Ciaran McNamara

Kathy Quinn  
Jim Kelly  
Terence O'Keefe  
Jim Keogan  
Vincent Norton  
Celine Reilly

Eoghan Madden  
Eileen Quinlivan  
Catherine Darmody  
Natasha Sheehan  
Carmel Walsh

- 1 The Lord Mayor extended congratulations to the Dublin Team on their recent win and promotion to Division 1.
- 2 Submitted Report No. 78/2008 of the Assistant City Manager (*M. Stubbs*) – Proposed Draft Variation (No. 24) to the Dublin City Development Plan 2005-2011 : To show the Route of the Proposed Re-alignment of the R107 Malahide and to indicate the full extent of the new road south and parallel to the Mayne River on the Development Plan Maps.

The Lord Mayor referred to the debate and the oral hearing in relation to this Draft Proposed Variation and invited questions from the Council. Mr. Michael Stubbs, Assistant City Manager, clarified issues raised by Councillors including the culverting of the river, the impact on fisheries, the green route and the emerging preferred route. Mr. Michael Stubbs confirmed that the need for an urban design study was emphasised in the City Development Plan and was included in the North Fringe Framework Directive and will inform the detailed design of the road alignment and linear park. Mr. Stubbs emphasised that the Variation proposed details the preferred road alignment only but does not deal with design issues but it will be designed to reflect an urban street rather than a dual carriageway.

Mr. Stubbs also presented a slide which demonstrated the environmental advantages contained in the proposed route.

Mr. Eoghan Madden gave a traffic movement and management overview of the reasons for the proposed Variation.

The motion was formerly proposed by Councillor Sean Kenny and seconded by Councillor Sean Paul Mahon. A roll call vote was requested and agreed and the following is the result of the roll call vote:

29 For:

- Lord Mayor, Councillor Paddy Bourke
- Councillor Tom Brabazon
- Councillor Christy Burke
- Councillor Eibhlin Byrne
- Councillor Julia Carmichael
- Councillor Ray Corcoran
- Councillor Emer Costello
- Councillor Daithí Doolan
- Councillor Dessie Ellis
- Councillor Mary Fitzpatrick
- Councillor Mary Freehill
- Councillor John Gallagher
- Councillor Kevin Humphries
- Councillor Sean Kenny
- Councillor Dermot Lacey
- Councillor John Lyons
- Councillor Sean Paul Mahon
- Councillor Ruairí McGinley
- Councillor Séamas McGrattan
- Councillor Louise Minihan

- Councillor Andrew Montague
- Councillor Ray McHugh
- Councillor Criona Ní Dhálaigh
- Councillor Naoise O'Muirí
- Councillor Mary O'Shea
- Councillor Larry O'Toole
- Councillor Tom Stafford
- Councillor Bill Tormey
- Councillor Edie Wynne

9 against

- Councillor Maurice Ahern
- Councillor Gerry Breen
- Councillor Clare Byrne
- Councillor Joan Collins
- Councillor Pat Crimmins
- Councillor Declan Flanagan
- Councillor Deirdre Heney
- Councillor Bronwen Maher
- Councillor Mick Rafferty

2 abstentions

- Councillor Anne Carter
- Councillor Vincent Jackson

Total votes 40: 29 for, 9 against and 2 abstentions

The Lord Mayor declared the variation carried.

- 3 Submitted Report No. 133/2008 of the Assistant City Manager (*M. Stubbs*) - Addition of Central 19<sup>th</sup> Century building at St. Joseph's CBS Fairview, to the Record of Protected Structures in accordance with Section 54 and 55, Part IV, Planning and Development Act 2000. It was moved by Councillor Christy Burke and seconded by Councillor Vincent Jackson. The motion was put and carried.
- 4 Submitted Report No. 179/2008 of the Executive Manager (*P. Ayton*) – Closing of Dublin City Council Affordable Housing Panel from 21<sup>st</sup> April 2008 until 31<sup>st</sup> December 2008.

Following discussion, an amendment to the Manager's Report was proposed by Councillor Dermot Lacey and seconded by Councillor Ruairi McGinley and agreed:

"This Council adopts Report No. 179/2008 in relation to the Affordable Housing Scheme with the following amendment:

- (a) The closed date shall terminate on 1<sup>st</sup> October 2008.
- (b) That a supplementary "expression of interest in affordable housing" list be maintained by the City Council during this period".

Mr. Ciaran McNamara, Assistant City Manager, agreed to Councillor Deirdre Heney's proposal that applicants omitted from the list who subsequently

were reincluded on the list would not lose credit for their time on original listing.

- 5 Submitted Report No. 129/2008 of the Executive Manager (*C. Lowe*) - With reference to the proposed extinguishment of the Public Right of Way over the laneway to the rear of St. Anne's Road and St. Clement's Road, Drumcondra, Dublin 9. It was moved by Councillor Dermot Lacey and seconded by Councillor Tom Stafford "That We, the Lord Mayor and Members of Dublin City Council, being the Roads Authority of the City of Dublin and being of the opinion that the Public Right of Way over laneway to the rear of St. Anne's Road and St. Clement's Road, Drumcondra, Dublin 9, as shown on the attached Drawing No. RM 23695A, is no longer required for public use, extinguish the public right of way in accordance with Section 73 of the Roads Act 1993". The motion was put and carried.
- 6 Submitted Report No. 135/2008 of the Area Manager (*D. Drumm*) - With reference to the proposal to extinguish the public right of way over laneway linking Gortmore Drive and Gortmore Avenue, Finglas, Dublin 11. It was moved by Councillor Larry O'Toole and seconded by Councillor Christy Burke "That We, the Lord Mayor and Members of Dublin City Council, being the Roads Authority of the City of Dublin and being of the opinion that the Public Right of Way over laneway linking Gortmore Drive and Gortmore Avenue, Finglas, Dublin 11, as shown on the attached Drawing No. NW/EPROW/03, is no longer required for public use, extinguish the public right of way in accordance with Section 73 of the Roads Act 1993". The motion was put and carried.
- 7 Report No. 132/2008 of the Housing, Social and Community Affairs Strategic Committee – Breviate of meeting held on 25<sup>th</sup> February 2008 – *Councillor Eric Byrne, Chairperson*. It was moved by Councillor Anne Carter and seconded Councillor Kevin Humphries "That Dublin City Council notes the contents of Report No. 132/2008". The motion was put and carried.
- 8 Report No. 123/2008 of the Economic Development, Planning and European Affairs Strategic Policy Committee – Breviate of meeting held on 26<sup>th</sup> February 2008 – *Councillor Daithí Doolan, Chairperson*. It was moved by Councillor Daithí Doolan and Councillor Críona Ní Dhálaigh "That Dublin City Council notes the contents of Report No. 123/2008". The motion was put and carried.
- 9 Report No. 122/2008 of the Arts, Culture, Leisure and Youth Affairs Strategic Policy Committee – Breviate of meeting held on 28<sup>th</sup> February 2008 – *Councillor Gerry Breen, Chairperson*. It was moved by Councillor Dermot Lacey and seconded by Councillor Vincent Jackson "That Dublin City Council notes the contents of Report No. 122/2008". The motion was put and carried.
- 10 Report No. 131/2008 of the Financial Development and General Strategic Policy Committee – Breviate of meeting held on 27<sup>th</sup> March 2008 – *Councillor Michael Donnelly, Chairperson*. It was moved by Councillor Michael Donnelly and seconded by Councillor Larry O'Toole "That Dublin City Council notes the contents of Report No. 131/2008". The motion was put and carried.

Councillor Donnelly drew the members attention to Item 4 on the Financial Development and General Strategic Policy Committee Breviate on the review of net commercial valuations and the implications for the future of the city. Councillor Donnelly also referred to correspondence with the Department of the Environment, Heritage and Local Government regarding the Audit Committee and pointed out that the exclusion of members from particular roles on the Audit Committee was not in accordance with the objective of giving more power to Local Authorities. Councillor Donnelly stated he had written in a private capacity to the Minister in this regard.

Ms. Kathy Quinn, Head of Finance, responded to questions raised by Councillors on revaluations and pensions and confirmed that a submission would be made to the Commission for Taxation on a range of issues impacting on the funding of local authorities.

- 11 Report No. 130/2008 of the Environment and Engineering Strategic Policy Committee – Breviate of meeting held on 11<sup>th</sup> March 2008 – *Councillor Emer Costello, in the Chair*. It was moved by Councillor Tom Stafford and seconded by Councillor Ruairi McGinley “That Dublin City Council notes the contents of Report No. 130/2008”. The motion was put and carried.
- 12 Report No. 134/2008 of the North West Area Committee – Breviate for the month of March 2008 – *Councillor Liam Kelly, in the Chair*. It was moved by Councillor Julia Carmichael and seconded by Councillor Tom Stafford “That Dublin City Council notes the contents of Report No. 134/2008”. The motion was put and carried.
- 13 Report No. 173/2008 of the Central Area Committee – Breviate for the month of March 2008 – *Councillor Christy Burke, Chairperson*. It was moved by Councillor Julia Carmichael and seconded by Councillor Tom Stafford “That Dublin City Council notes the contents of Report No. 173/2008”. The motion was put and carried.
- 14 Report No. 136/2008 of the South Central Area Committee – Breviate for the month of March 2008 – *Councillor Vincent Jackson, Chairperson*. It was moved by Councillor Vincent Jackson and seconded by Councillor Ruairi McGinley “That Dublin City Council notes the contents of Report No. 136/2008”. The motion was put and carried.
- 15 Report No. 125/2008 of the South East Area Committee – Breviate for the month of March 2008 – *Councillor Oisin Quinn, in the Chair*. It was moved by Councillor Dermot Lacey and seconded by Councillor Oisín Quinn “That Dublin City Council notes the contents of Report No. 125/2008”. The motion was put and carried.
- 16 Report No. 137/2008 of the North Central Area Committee – Breviate for the month of March 2008 – *Councillor Bronwen Maher, Chairperson*. It was moved by Councillor Bronwen Maher and seconded by Councillor Pat Crimmins “That Dublin City Council notes the contents of Report No. 137/2008”. The motion was put and carried.

- 17 Report No. 128/2008 of the Special Meeting of the North Central Area Committee held on 11<sup>th</sup> March 2008 – *Councillor Bronwen Maher, Chairperson*. It was moved by Councillor Bronwen Maher and seconded by Councillor Pat Crimmins “That Dublin City Council notes the contents of Report No. 128/2008”. The motion was put and carried.
- 18 Report No. 127/2008 of the Protocol and Selection Committee Meeting – Breviate for the month of February 2008 – *Councillor Deirdre Heney, Chairperson*. It was moved by Councillor Gerry Breen and seconded by Councillor Edie Wynne “That Dublin City Council adopts the contents of Report No. 127/2008”. The motion was put and carried.
- 19 The following emergency motion in the name of Councillor Edie Wynne, was adopted without debate:
- “That Dublin City Council calls on the Minister for Justice to make an order stopping the proposed deportation of Pamela Izevbekhai and her two daughters, Naomi and Jemima, and grants them permission to remain in Ireland because of the danger to life of the two female children if they are returned to Nigeria”.

The following emergency motion in the name of Councillor Eric Byrne, was adopted without debate:

- “This Council calls on all members of the City Council to condemn in the strongest possible manner, the murder by E.T.A. of a Socialist Councillor and agrees to convey to the family and his Party our utter condemnation at this murderous attack”.

The following emergency motion in the name of Councillor Larry O’Toole, was adopted without debate, subject to reference to vending machines being changed to gaming machines:

- “In light of the speculation that the Minister for Justice, Equality and Law Reform is considering a change in legislation to accommodate vending machines in betting offices throughout the State, and in light of an Taoiseach’s response, this Council confirms its absolute opposition to such a development which would represent a further deepening of the already serious gambling crisis that exists”.

The following 2 emergency motions in the name of Councillor Daithí Doolan were agreed following a vote:

- This City Council notes that there has been no license granted to this local authority to operate an incinerator in Dublin and therefore Dublin City Council should withdraw from any agreement on providing heating to residential homes or offices as a result of the operation of such an incinerator.
- This City Council notes with concern the deteriorating situation in Tibet, therefore we call on the Lord Mayor to seek a meeting with the Chinese Ambassador, as a matter of urgency, to convey this Council’s opposition to the Chinese government’s response to legitimate protest in Tibet.

- 20 In the absence of Councillor John Kenny, the following motion standing in his name at Item 19 fell “Would the Council reconsider its support for the variation to the Waste Management Plan for the Dublin Region 2005 – 2010 in light of the fact that the main (though not stated) aim of this variation to the Waste Management Plan is to increase the financial viability of the proposed incinerator in the Poolbeg Peninsula?”
- 21 The City Council agreed to a request from Councillor Sean Kenny to defer consideration of the following motion standing in his name at Item No. 20 on the Agenda Paper, until the May City Council Meeting “That Dublin City Council calls on the Minister for Environment to urgently carry out a review of the Building Regulations self-certification process”.

At this point, Deputy Lord Mayor, Councillor Anne Carter, took the Chair

- 22 It was moved by Councillor Daithí Doolan and seconded by Councillor Ray McHugh “That this City Council will oppose any attempt to introduce domestic water rates in Dublin City”. Following discussion, the motion was put and declared defeated following a vote.
- 23 The City Council agreed that a report be sent to Councillor Oisín Quinn on the following motion standing in his name at Item No. 22 on the Agenda paper “The Council calls on the Manager to engage with local national schools on a co-ordinated basis with a view to developing and enhancing existing sports and recreational facilities that can be used by schools in the same area on a shared basis during school hours and school term thereafter, making the facilities available to the wider public and local community and sports groups outside of school time and to actively pursue with the Department of Education, if necessary, a policy in Dublin City of developing local municipal facilities for local national schools to share”. The City Council also agreed that a copy of the report be sent to Councillor Dermot Lacey.
- 24 The City Council agreed to a request by Councillor Paddy McCartan to defer consideration of the following motion standing in his name at Item No. 23 on the Agenda Paper, until the May City Council Meeting “That this City Council calls for the exhibits of the Natural History Museum to be displayed at an alternative venue given that the museum will be closed for anything up to four years after the collapse of the stairway in July 2007”.
- 25 It was moved by Councillor Andrew Montague and seconded by the Lord Mayor, Councillor Paddy Bourke “That the Manager complete the outbound Swords QBC by putting in a bus lane on Drumcondra Road between Binn’s bridge and Clonliffe Road.
- The motion was put and carried.
- 26 It was moved by Councillor Bill Tormey and seconded by Councillor Ruairi McGinley “For the Members of Dublin City Council to agree terms of reference to establish the facts, where possible, concerning the commercial sex industry in the city with a view to recommending changes in the law or police practices if or where appropriate or in the City Development Plan”.

Following discussion, Michael Stubbs, Assistant City Manager, agreed to update the members on the work of the Adult Entertainment Task Force which was recently established by the Department of the Environment, Heritage and Local Government to examine such issues. It was suggested that a Special Sub-committee of the Joint Policing Committee might be set up to examine the matter.

The motion was put and carried.

- 27 It was moved by Councillor Pat Crimmins and seconded by Councillor Mary O'Shea "Can the Manager put a health and safety structure in tow for Councillors in the City Hall, in particular:

- a. Fire Safety Drill
- b. Head Count
- c. Fire Assembly Points
- d. Fire Exits
- e. Fire Safety Training, e.g. how to use fire extinguishers
- f. Is there a trained first aid person on site
- g. Where are the first aid kits kept
- h. Is there a defibrillator on site
- i. How many people can use the defibrillator?"

Mr. Philip Maguire agreed to have the matter reviewed and the members updated through the Protocol and Selection Committee.

The motion was put and carried.

- 28 It was moved by Councillor Edie Wynne and seconded by Councillor Mary O'Shea "That Dublin City Manager urge the Aircoach services to consider the provision of a service from the western side of the Rathmines Electoral Area, i.e. Rathgar, Terenure and Harold's Cross to Dublin Airport in the interest of residents of the area and of minimising the number of private cars being used for airport runs (*see map attached*)".

Mr. Michael Phillips in responding to the motion acknowledged the gap in the public transport system. He also referred to the difficulties on the ground and the reluctance to implement CPO procedures. He stated that major investment will be required in the future.

The motion was put and carried.

- 29 It was moved by Councillor Mary O'Shea and seconded by Councillor Declan Flanagan "That this City Council enters into discussions with Dublin Tourism and other relevant stakeholders with a view to providing for an event in the City on New Year's Eve to mark the beginning of the New Year in a manner appropriate to a Capital City and in line with New Year's Eve celebrations in other capital cities throughout the world".

The City Manager advised the Council that the Events Unit were represented on a sub-group with Dublin Tourism. This item will be on their Agenda for next meeting for discussion.

The motion was put and carried.

- 30 The City Council agreed that a report be sent to Councillor Killian Forde on the following motion standing in his name at Item No. 29 on the Agenda paper "That this City Council fully supports and compliments the work of the Mahon Tribunal and calls on all elected representatives to co-operate with the tribunal".
- 31 In the absence of Councillor Mick Rafferty, the following motion standing in his name at Item 30 fell "That this Council initiate a system of self-imposed penalties to ensure that any maintenance complaints from tenants are responded to in a specified time and if not that tenants can bill the Council for a private contractor carrying out the necessary work".
- 32 The City Council agreed to a request from Councillor Ray McHugh to defer consideration of the following motion standing in his name at Item No. 31 on the Agenda Paper, until the May City Council Meeting "That this Council agrees that all public hospitals in the DCC area should have water charges waived".
- 33 The City Council agreed that a report be sent to Councillor Christy Burke on the following motion standing in his name at Item No. 36 on the Agenda paper "That this Committee agrees that the South and East Regional Assembly urgently calls on the Minister for Enterprise Trade and Employment, Michael Martin, to remove the cap of six years on participants over 55 years of age in Community Employment scheme so as to allow them to remain on the schemes to full retirement age in order to continue their invaluable work in their local communities".
- 34 The City Council agreed that a report be sent to Councillor Críona Ní Dhálaigh on the following motion standing in her name at Item No. 38 on the Agenda paper "That this Council calls on the Minister for Health and Children and the Minister for Finance, to remove or reduce VAT on defibrillators to encourage more voluntary, sporting and community groups to purchase defibrillators in the interest of saving lives".
- 35 The City Council agreed that a report be sent to Councillor Séamas McGrattan on the following motion standing in his name at Item No. 39 on the Agenda paper "This Council calls for a review of the application process for Home Improvements grants to make it easier for people to understand, especially elderly applicants".
- 36 The City Council agreed that a report be sent to Councillor John Lyons on the following motion standing in his name at Item No. 40 on the Agenda paper "That the Manager addresses the issue of speeding traffic at the section of Griffith Road leading into Griffith Close, as residents have safety concerns; that he outlines his plans for the closure or otherwise of this roadway and the timescale proposed and that he bring forward proposals to deal with residents concerns in the short term".
- 37 The City Council agreed to a request from Councillor Vincent Jackson to defer consideration of the following motion standing in his name at Item No. 41 on the Agenda Paper, until the May City Council Meeting "That Dublin City Council invite possible developers to investigate the possibility of Dublin/ Dublin Region having a theme park/ amusement park developed in our

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administrative area. All across Europe small parks are developed with active participation of local authorities - the potential of developing a theme park can aid urban regeneration”.

- 38 The City Council agreed that a report be sent to Councillor Emer Costello on the following motion standing in her name at Item No. 43 on the Agenda paper “That the Manager reports on the number of people removed from and added to the Register of Electors in the Central Area in 2008, and outlines the procedure for compiling the supplementary Register of Electors for the forthcoming referendum on the Lisbon Reform Treaty”.
39. The meeting concluded at 10.00 p.m. in accordance with Standing Order No. 8.

**Correct.**

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**LORD MAYOR**

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**MEETINGS ADMINISTRATOR**