

**COMHAIRLE CATHRACH AGUS CONTAE PHORT LÁIRGE
WATERFORD CITY AND COUNTY COUNCIL**

COUNCIL MEETING HELD ON 11TH NOVEMBER 2021 BY TEAMS

Present

Cllr. Donal Barry	Cllr. Jason Murphy
Cllr. Liam Brazil	Cllr. Pat Nugent
Cllr. Joeanne Bailey	Cllr. Seamus O'Donnell
Cllr. Ger Barron	Cllr. John O'Leary
Cllr. Declan Clune	Cllr. Lola O'Sullivan
Cllr. Joe Conway	Cllr. Thomas Phelan
Cllr. Tom Cronin	Cllr. Jody Power
Cllr. Conor McGuinness	Cllr. Seanie Power
Cllr. David Daniels	Cllr. John Pratt
Cllr. Declan Doocey	Cllr. Eamon Quinlan
Cllr. Pat Fitzgerald	Cllr. Frank Quinlan
Cllr. Damien Geoghegan	Cllr. Mary Roche
Cllr. Jim Griffin	Cllr. Seamus Ryan
Cllr. John Hearne	Cllr. James Tobin
Cllr. Joe Kelly	Cllr. Eddie Mulligan
Cllr. Cristiona Kiely	Cllr. Adam Wyse

Officials in Attendance

Mr. Michael Walsh, Chief Executive
 Mr. Kieran Kehoe, Director of Services, Corporate, Culture, HR & IS
 Mr. Fergus Galvin, Director of Services, Roads, Water & Environment
 Mr. Michael Quinn, Director of Services, Economic Development and Planning
 Mr. Paul Johnston, Acting Director of Services, Housing, Community & Emergency Services
 Mr. Bernard Pollard, Head of Finance
 Ms. Honor Dunphy, Meetings Administrator
 Mr. Dave Mitchell, Corporate
 Mr. Conan Power, Communications
 Mr. Jon Hawkins, Information Systems

Meetings Administrator carried out a roll call to confirm meeting attendance.

1. Confirmation of Minutes

The minutes for the meeting of 14th October 2021 proposed by Cllr. Daniels, seconded by Cllr. Wyse and agreed by all.

Cllr. McGuinness requested amendment asked for a correction relating to Item 8 on the agenda– the report from the Transport and Infrastructure SPC. The point he was making was that he saw the logic and that the issue should be considered at district level.

2. Matters Arising

Cllr. Murphy raised extending the city boundaries to include all the Metropolitan District thus increasing the city population.

K. Kehoe, (DoS), clarified that Planning were aware of the request.

3. Land Disposals

None listed for this meeting.

4. Monthly Management Report

Cllr. E. Quinlan stated that the licence for Europe's largest offshore windfarm had been granted off our coast and asked what the council's role would be in the process going forward and how might the council engage with the owners. He also asked about the confidentiality of planning enforcement given that it was subject to FOI. He asked if the Shop Eat Enjoy campaign could have Waterford added in its search criteria to enhance its visibility.

Cllr. Wyse asked about the reappraisal of the North Quays and what the current position was. He also offered his thanks to M Walsh (CEO), I Grimes (DoS) and their staff for their help in progressing the Williamstown Sports Complex.

Cllr. Barry pointed out there was a planned presentation by the SE Economic Monitor to the Economic Development SPC and asked if this should not be changed to the full plenary body. He noted that there was a 30% refusal rate on CBL and stated that to get application to that stage only to be refused was a waste of the council's resources, He asked that the European Commission's public consultation on the Bathing Water Directive be publicised by the council.

M. Quinn, (DoS), stated that the council had no direct involvement on the Wind Farm Licensing Process but that informal approaches would be made to the new licensee. Regarding FOI and Planning Enforcement he stated that there should be no issue and asked if Cllr. E. Quinlan could provide a specific example so that he could investigate. He also committed to feedback the suggestion on the Shop Eat Enjoy campaign but stated it might be too late to change it now. He stated that the North Quays Bridge Transport Hub and access roads infrastructure had progressed to the tender stage and had been approved by the Department and NTA with full Government approval expected around June/July 2022. He suggested the SE Economic Monitor presentation to the SPC should go ahead and a decision made afterwards if it would be appropriate to have presentation to Plenary council.

P. Johnston (A/DoS) pointed out that the 30% refusal rate on CBL units was not high in comparison to what it was for other offering processes. It would be discussed at the next Housing SPC, and it was likely a subgroup might be established to deal with it specifically.

F. Galvin (DoS), agreed to have the Bathing Water Directive public consultation included on the council social media platforms.

Cllr. Murphy requested confirmation that the railway station was moving on the North Quays without an external investor for the site. He asked for an improvement to the road signage on the N25 at Kilmeaden indicating that the city could be by passed for Dublin traffic. He asked if the 30% CBL refusal rate was comparable to the preceding letting schemes. He asked why there seemed to be increased bureaucracy obtaining stalls for Winterval this year now that it had to be done via a Dublin company.

Cllr. Bailey asked for the Palestinian flag to be flown at the council offices in Dungarvan and Waterford on 29th of November for the UN International Day of Solidarity with the Palestinian People. She stated that the Housing Department were updating details for people on the housing list, and some were being taken off if they exceeded the income threshold. She asked if the notification in such cases could include more information about the alternative routes open to those impacted.

Cllr. Fitzgerald asked what could be done to make the HAP tenancy comply with regulations and not fail inspections. He asked if CBL was the main vehicle for allocations now and what proportion were let using alternative means. Additionally, he asked about Long Term Lets if they were council owned properties or privately owned and using the public CBL platform.

P. Johnston (A/DoS) stated that CBL was used for 85% of allocations currently. The scheme is intended to allow applicants to express their desire to live in a particular property rather than the other schemes which told applicants that they have been allocated a specific unit without their interest being ascertained. Other schemes had a 55-60% refusal rate and CBL had significantly streamlines the whole process. He clarified that the council engaged in Long Term Leases rather than long term lets which had a duration of up to 25 years for furnished properties. The provision of extra information on communications to applicants that were no longer qualified for the Housing list would be reviewed and pointed out the income thresholds were set nationally, and no discretion was allowed. Regarding the HAP inspections failures, he clarified that very few properties nationally passed the first inspection but that the failure issues were normally minor.

M. Quinn (DoS) confirmed that the North Quays tender that was proceeding included the transport hub changes as this was integral to the infrastructure. He also agreed to get staff to look at the stall's applications process for Winterval and to clarify the situation to Cllr. Murphy.

F. Galvin (DoS), agreed to engage with TFI and the operator regarding the signage for Dublin on the N25 at Kilmeaden.

K. Kehoe (DoS) could not commit to flying the Palestinian Flag on 29th of November without checking the regulations relating to national flags.

Cllr. Hearne asked for information regarding the termination of tenancies under legislation from 2014 and 2007 together with the incidence of their use by the Council. He also asked if there was no comeback on HAP private landlords whose properties failed inspection. Additionally, he asked if the council were open to claims of discrimination given that some of its tenants were entitled to free bin collection and others were not.

Cllr. O' Leary asked about the delay in disabled persons grant applications for housing adaptation caused by the requirement for an Occupational Therapists report and if anything could be done to speed it up. Regarding the provision of EV charging points he enquired how many were currently available and if the council had a responsibility to put them in given the increasing EV numbers anticipated to 2030.

Cllr. Daniels requested an update on the National Broadband Plan in Waterford either today or for the next meeting. He also wanted to know if there were any changes to the Tenant Purchase Scheme conditions under "Housing for All". He enquired as to what could be done about houses that were disposed of by the council that had not been restored to use. Additionally, Cllr Daniels wanted the 171% Expenditure figure on the finance report explained.

P. Johnston (A/DoS) committed to report back to Cllr. Hearne on the use of legislation to terminate tenancies for anti-social behaviour in Waterford. Regarding the noncompliance by HAP landlords, he confirmed there was the option to take court proceedings which was a last resort given the costs and risks involved. The option is there to prosecute in the future. The delay with adaptation grants while awaiting Occupational Health reports is always going to be a struggle given the nature of the applications. There are currently 4 therapists engaged full time looking at both own stock and private dwellings but the restrictions of Covid can limit the work done. The Housing for All changes to the Tenant Purchase Scheme are not yet in place as legislation needs to be enacted. Mr. Johnston explained that some of these buildings had legal issues that delayed progressing them. He also agreed that there should be a level playing field with regards to tenants and all should be paying refuse collection charges.

Cllr. Kelly stated that an individual could take a case with regard to bin changes not being levied on all tenants, but it was his view that we should all pay for refuse collection.

F. Galvin (DoS) responding on the question of EV charging points stated that the council currently hosted 12 for the ESB. Other were available at private locations such as garage forecourts and hotels. He expected further points to be provided at forecourts as less petrol or diesel cars are sold. The Council would also be accessing grant assistance to put charging points at beaches and attractions that may not be viable for private sector businesses.

K. Kehoe (DoS) addressed the National Broadband rollout enquiry by stating that there would be a scheduled presentation to bring the members up to date with developments across the county. He also said he would make the current Broadband Connections list available to all the members. B. Pollard (HoF) explained the 171% expenditure figure as being the rates waiver funds and there was a corresponding impact on the revenues.

Cllr. Griffin expressed his appreciation for the assistance and approachability offered by Paul Johnston as Acting DoS. He asked what the shortest term that a long-term lease might be under CBL and if we had any feedback as a pilot. He also wanted to know how a prospective tenant might be able to view a property and what happens to the second in line potential tenant if the first one is accepted. Regarding proposed offshore windfarms he sees a need to engage in exploiting opportunities during the exploratory phase as it would happen regardless.

Cllr. Pratt stated that one bedroom housing only was offered to single people which didn't allow for family or carers to stay over. He enquired if any one or two-bedroom properties were under construction at present. Additionally, he asked about the progress on the Feasibility for the Greenway extension to Mallow. Cllr. Pratt enquired as to how to get a Clar area delegated and if there was any progress on the Airport extension. Cllr. Mulligan wanted to know the number of potential developer and funders that are currently in discussion with the council on the North Quays Development. He also wants to know the number of staff and management resources currently being dedicated to the North Quays and how long was left on its Strategic Development Zone Designation. He asked for signage on approach roads for "Waterford Best Place to Live". He also wanted to know what Section 14 directives were and what the take up was on the Reuse Campaign by schools and sports clubs for single use plastics.

P Johnston (DoS) stated that CBL was the future for housing allocations as it gave people an input and it reduced the amount of work involved in lettings by dramatically reducing the numbers of refusals. He clarified that 5 years was the shortest period for a Long-Term Lease (25 years maximum) and the Council pays the property owner for its use. Currently there was 50% need for 1-bedroom homes based on assessments of family composition. Historically it would have been for bigger units, but demographic changes mean there are more single people as family units shrink in size.

M. Quinn (DoS) stated that they were engaging with Rosslare and Waterford Ports about the opportunities offered by offshore wind farms. The extension to the Greenway to Mallow feasibility was going into an engagement phase over the next few weeks. A campaign to promote "The Best Place to Live" was in progress and he would look at the signage on approach roads.

M. Walsh (CEO) reassured the members regarding the North Quays that there was a lot of activity and the tenders for infrastructure were out. For commercial reasons he cannot say how many funders and developers they are in discussion with the council, but detailed analysis is underway. There are currently 3-4 people working full time on the infrastructure with significant management time being invested given the complexity of the project. Regarding the Airport runway extension there was no update to report since the last plenary meeting. In addressing the extension of Clar area designation the feedback from government was that there is little willingness to extend, any move to extend might result in the loss of designation for existing areas. SDZ designation should be fine for the next 1-2 years and he will check on it.

F. Galvin (DoS) stated that he would get back directly to Cllr. Mulligan regarding the number of schools that took up the plastic reuse scheme. Section 14 directives can be served on waste operators and the council can inspect and then ask them to correct defects or flaws in their operations.

Cllr. Phelan looked for clarification on the Strategic Housing Development (SHD) recently approved by An Bord Pleanála which could impact on both the County development plan and current operation and when a decision might be made on taking a judicial review.

Cllr. McGuinness stated that the income thresholds for the housing list had not been updated since 2016 which was dissuading young people in some households on the housing lists from seeking employment. He also asked that the council write to Irish Water to prioritise the Bunmahon Sewerage system which is currently low on their list.

Cllr. Ryan asked about the extension to the bus services and the recent meeting with the NTA, what the outcome and timescales were. He also asked if Kilkenny County Council could be written to regarding some of the approach roads to the city that needed maintenance. Additionally, he also asked if prospective CBL tenants could have more visibility of the properties they were bidding on.

M. Walsh (CEO) noted in relation to the suggested SHD judicial review that this could only be pursued for an issue with the process undertaken rather than the substance of the decision. He stated that there would be improvements to the flood defences for all Dungarvan in the future. He had done a preliminary review and it was unlikely that a judicial review would be pursued in this case.

F. Galvin (DoS) clarified regarding bus services that “Connecting Ireland” had been published in recent days and he had provided a link to all members. Additionally, the Draft Metropolitan Transport Strategy was due to go to public consultation in January 2022. He committed to contacting Kilkenny County Council regarding the maintenance of the approach roads to the city. Regarding the Bunmahon Sewerage System he agreed to bring it up at his next meeting with Irish Water on Tuesday 16th November and suggested that he could also write to Irish Water at a higher level to press the case.

P Johnston (A/DoS) said he could look at reason why CBL properties were refused and look at the alternatives for visiting but there were health and safety risks to be taken account of as well as the resources required. If it is an issue, he could look at providing more information. There is no discretion on the income thresholds for council tenancies and some that exceeded and were removed from the list would be eligible for other Affordable Housing supports.

Cllr. Kiely asked if there was any recourse for the council for flooding issues in the SHD that was recently given planning permission by An Bord Pleanála. She welcomed the feasibility progress on the Tramore Greenway extension. Enquired if it was possible to have monthly updates in the Management Report on Active Travel. An update was requested on the Water Sports funding from Failte Ireland. Additionally, wanted to know if any applications for on street EV Charging points were in progress or planned.

Cllr. J. Power asked about the Climate Change Action plan and retrofitting plans for council buildings or putting EV chargers in staff car parks. He asked about the value of the Monument Fund for 2022 and if Brendan Boyer, Val Doonican and Gilbert O’ Sullivan could be honoured through it. He enquired about the Traveller inter agency report promised by the end of the year. He also enquired if there was any decision on the West Waterford Windfarm from An Bord Pleanála

Cllr. S. Power added his support to Cllr. Pratt on Clar designations stating that he had raised the Clár funding with the Minister Humphries recently and hope other members would do the same.

M. Quinn (DoS) confirmed that there was no recourse to the SHD planning permission and its consequences other than the judicial review. With the Failte Ireland funding for water activity centres he confirmed that the applications were through Stage 1 and Stage 2 results were pending. They were also looking at other issues in these areas to assess what might need to be done. Regarding the Greenway extension it was confirmed that it was moving to Public Consultation via Cark County Council.

F. Galvin (DoS) stated that presentation would be made at district level regarding the grants for public street EV chargers. SEAI grants for €5,000 will be sought but there is a need to have a common standard throughout the county and to avoid being tied to proprietary equipment that might cause issues with public usage or ongoing maintenance. Decarbonising Plans had been discussed in a recent workshop which would continue next week. There were plans in progress for EV Chargers in staff car parks and decarbonising council buildings.

Cllr. Roche concurred with Cllr. Pratt on the need for larger rental properties for single families. Regarding the Housing Adaptation grants application she asked if enough resources available given the often-urgent nature of the cases. Additionally, enquired the broadcasting of council meetings on You Tube could be publicised on Council Social media platforms. She also asked if the Bryan Flynn portrait could be re hung in the Theatre Royal.

Cllr. Conway requested an update on the art gallery on O’ Connell Street.

Cllr. O' Donnell asked if the monument funding could include a statue for Nicolas Tobin in Helvick opposite Murrays Pub.

P. Johnston (A/DoS) explained that the criteria for the number of bedrooms a single person was eligible for was set by central government. Regarding the Housing Adaptation grants he did not think that extra resources would be of any benefit to processing applications. There would always be significant numbers due to the aging demographic. There were hundreds in progress, and all were high pressure due to medical needs, but many issues occur due to incomplete applications being submitted requiring them to be returned. Significant efforts had been made to streamline the processes as much as possible and there were now four occupational therapists assessing needs.

K Kehoe (DoS) committed to improving the promotion of broadcasting of council meetings on social media. He stated that the Gallery of Art was open to the public and an official opening event would be held when conditions allow. He also stated that any issues relating to monuments was going through a subgroup of the Housing Culture and Community currently.

M. Quinn (DoS) clarified that the Monuments fund was more aimed at historical commemorations like the Woodstown Viking Site rather than for contemporary figures.

The Mayor stated that the Bryan Flynn portrait issues would be looked at.

Cllr. F. Quinlan suggested that perhaps prospective CBL tenants could preview properties virtually online in the same way as people view properties that Estate Agents have advertised.

P Johnston, (A/DoS) agreed to look into the possibility of doing this.

Cllr. Tobin suggested that the council consider a Garden of Remembrance for those that passed away during the pandemic and were not able to be mourned at funerals in the normal way. He would like the SPC responsible to investigate and bring a proposal to the Plenary Council.

K. Kehoe (DoS) stated that a remembrance tree would be planted shortly and that he would review what could be done and revert to the councillor in the coming months.

Cllr. Nugent wanted to know who would be responsible for providing EV charging points across the Greenway given the aspiration to increase the number of EVs by 2030.

F. Galvin (DoS) explained that EV Charging points will replace petrol and diesel fuel pump on garage forecourts and that many people would also be charging their vehicles at home. The Council would be looking at plugging gaps, but heavy duty ESB supply would be needed for such sites.

Mayor Cllr. Kelly asked for clarity on the SDZ designation for the North Quays, M. Walsh agreed to investigate and revert.

5. Committee Nominations:

(i) Economic Development and Enterprise SPC

Request by Cllr. Kiely to be added to the SPC membership

Proposed by Cllr. Phelan, seconded by Cllr. Wyse and agreed by all.

(ii) Environment, Biodiversity and Climate Change SPC

Vacancy due to the resignation of Susan Gallagher

Cllr. Kiely was proposed by Cllr. Murphy, seconded by Cllr O'Sullivan and agreed by all.

(iii) WWETB vacancies to be filled as a result of the resignation of Cllr. Mulligan and Susan Gallagher

In order to maintain the gender balance quota, the resignation of Susan Gallagher needs to be filled by a female councillor. Cllr. Kiely proposed by Cllr. Phelan, seconded by Cllr. Pratt and agreed by all.

Cllr. Tobin proposed Cllr. Cronin to replace Cllr. Mulligan, seconded by Cllr. Wyse and agreed by all.

6. Comhairle na nÓg

A presentation was given by the Chairperson, Secretary and National Executive Representative (Shoda Ní Rathallaigh, Abby Vaianella and Chloe Lenihan) which addressed their activity during the pandemic and how they had launched their Communtreee App and succeeded in campaigning for a Travel Card for 19–23-year-olds. The presenters thanked their co-ordinator Declan O’Driscoll for all his help.

Cllrs. Pratt, Griffin, McGuinness, Ryan, Kiely, Geoghegan, Brazil, O’Leary, S. Power, Roche, Kiely, Nugent, F. Quinlan and Doocey complimented and commended the members of Comhairle na nÓg on their successes and their excellent presentation. The Mayor wished to be associated with the complimentary comments of the other members.

7. Correspondence

Proposed by Cllr. O’ Leary, seconded by Cllr. Fitzgerald and agreed by all.

Cllr. Mulligan commented on anti-social behaviour and the reply from the Minister. He noted that it was an issue on private estates as well as public ones and it required collaboration between the council the communities and the Gardai. He asked the Council to write to the Chair of the Community Safety Committee to explain the high level of anti-social behaviour in all estates in Waterford and if it could be made a priority. The Mayor agreed to do this.

Cllr. Barry spoke regarding the Mica and Pyrite campaign and if the Council would be writing to the Minister to offer its support to the campaign, supported by Cllrs. Barry and Ryan. He also asked what the council’s position would be on the boycott of Israeli goods.

K. Kehoe (DoS) stated that these proposals would have to be put through as notice of motions and be put through the CPG for consideration.

Cllr. Geoghegan proposed that they be noted, and this was seconded by Cllr. Tobin.

8. Motions

1. Motion in the name of Cllr. Declan Clune (Deferred from September & October meeting)

“That Waterford City & County Council agrees to employ the required number of addition beach lifeguards to provide this important lifesaving service for the months of June, July & August at Bunmahon, Kilmurrin & Annewstown beaches from 2022 onwards.”

Reg. No. 196 (dated, 14th July, 2021)

This motion was deferred at the request of Cllr. Clune.

2. Motion in the names of Cllr. Joanne Bailey and Cllr. Conor D McGuinness (Deferred from October meeting)

“To ask Waterford Council if they will examine land available either within existing council park area space or to identify new space and a capital and operating costs funding stream to introduce designated dog parks in Waterford City and Waterford County similar to what is in place in many areas of Dublin like St. Anne’s Park and Marley Park. The designated area would allow dog walkers to leave their dogs off the lead but still be in an enclosed area.”

Reg. No. 197 (dated, 24th September, 2021)

This motion was introduced and proposed by Cllr. Bailey and seconded by Cllr. McGuinness

Cllrs. Ryan, Phelan, Geoghegan, Murphy, O’ Leary and Griffin supported the motion.

Cllr. Mulligan put forward the view that it should be given detailed examination by the Environment SPC so that issues such as insurance, supervision, costs of maintaining and layout could be examined. Cllr. Bailey agreed that it could go to the SPC, and it was unanimously agreed to be referred there for debate.

Mayor proposed an extension of Standing Orders for half an hour, seconded by Cllr. Geoghegan and agreed by all.

3. Motion in the name of Cllr. Mary Roche (Deferred from October meeting)

“That Waterford City & County Council calls on the Government and the Minister for Health to establish a Southeast based Regional Integrated Care Organisation (RICO) under Sláintecare with appropriate levels of population-based funding and governance to function in its own right serving the 600,000 people of the South East Region and not under the control of Cork or Dublin groupings.”

Reg. No. 199 (dated, 30th September, 2021)

This motion was introduced and proposed by Cllr. Roche and seconded by Cllr. Ryan. Cllr. McGuinness stated his support and that of the Sinn Fein members. Cllrs. Kelly and Phelan spoke in favour and the motion was passed unanimously with the agreement that the relevant Minister was written to and it would also be sent to the local Oireachtas member and the other councils in the Southeast.

4. Motion in the name of Cllrs. Jody Power, Cristiona Kiely & Thomas Phelan

“That Waterford City & County Council identifies, records, map and progress Public Rights of Way to inform our new Development Plan and in compliance with the Office of the Planning Regulator (OPR) and the Land and Conveyancing Law Reform ACT 2009 and Amendment”

Reg. No. 200 (dated, 4th October, 2021)

This was introduced by Cllr. J. Power and seconded by Cllr. Kiley. Cllrs Fitzgerald, Hearne and Griffin spoke in favour and the motion was agreed unanimously.

5. Motion in the name of Cllr. John Pratt

“I am calling on Waterford City & County Council to have visual communication boards for non-verbal children installed in all public playgrounds”

Reg. No. 202 (dated, 15th October, 2021)

Cllr. Pratt introduced and proposed the motion which was seconded by Cllr. Phelan. Cllr. F. Quinlan, McGuinness, Hearne and Bailey gave their support and the motion passed. Cllr Pratt asked that it could be copied to other councils.

The remaining motions were deferred to next meeting.

9. AOB

Cllr. Fitzgerald stated that any extension to the city boundaries needed to be with the consent of those being included under the extension. He wondered if a plebiscite would be required to get consent. K. Kehoe (DoS) noted it could be examined under appropriate planning systems.

Signed: _____
Mayor

Dated: _____