

Comhairle Contae Fhine Gall Fingal County Council

Minutes of the County Council Meeting held on Monday, 8th July, 2024 in the Council Chamber - County Hall, Swords, at 5.00 pm

MEMBERS PRESENT

Councillors:

Boland, Cathal
Burtchaell, John
Butler, Darragh
Carbone-Mangan, Eimear
Coppinger, Ruth
Corkery, Luke
Dennison, Kieran
Donnelly, Angela
Doyle, Tania
Guerin, Jimmy
Hanaphy, Breda
Haughey, Cathal
Healy, David
Humphreys, James
Kelly, Darren Jack
Kitt, Tom
Leddy, Ted

Councillors:

Maguire, Grainne
McCamley, Mary
Mulligan, Dean
Mulville, Paul
Newman, Joe
O'Brien, Eoghan
O'Donoghue, Robert
Onwumereh, JK
Quinlan, Patrick
Quinn, Malachy
Ryan, Brendan
Sheehan, Gerard
Shovlin, Siobhan
Walsh, John

Apologies for inability to attend were received for Councillors Marian Buckley, Eoghan Dockrell, Corina Johnston, Brian McDonagh, Tony Murphy, Tom O'Leary and Ellen Troy.

The Deputy Mayor, Councillor JK Onwumereh presided.

OFFICIALS PRESENT

AnnMarie Farrelly (Chief Executive); Mary Egan (Director of Services/People, Corporate & Digital); David Storey (Director of Services/Environment, Climate Action, Active Travel & Sports); Mary T Daly (Director of Services/Operations); Oliver Hunt (Head of Finance); John Quinlivan (Director of Services/Economic, Enterprise, Tourism and Cultural Development); Matthew McAleese (Director of Services Planning and Strategic Infrastructure); Liam Burke (Senior Executive Officer)

Nikki Halleran (A/Senior Executive Officer); Deirdre Fallon (Senior Planner); Paul Keane (Senior Executive Engineer).

F/303/24 (Agenda Item No)

ANNOUNCEMENT

At the start of the meeting, it was **AGREED** that Deputy Mayor, Councillor JK. Onwumereh chair the meeting in the absence of the Mayor Councillor Brian McDonagh.

The Deputy Mayor, Councillor JK. Onwumereh reminded Members that Standing Orders would apply to all aspects of the meeting.

The Deputy Mayor, Councillor JK. Onwumereh advised the Members that two emergency motions were received and that both emergency motions were ruled out of order.

F/304/24 (Agenda Item No 1)

Confirmation and Re-affirmation of Minutes of Council and Annual Meetings

a **Confirmation and Re-Affirmation of Minutes of Council Meeting held on Monday 13th May 2024**

Minutes of the County Council Meeting held on Monday 13th May 2024 which had been circulated were considered.

It was **PROPOSED** by Councillor T. Kitt, seconded by Councillor J. Walsh and **RESOLVED –**

“That the minutes of the County Council Meeting held on Monday 13th May 2024 be **ADOPTED.**”

b **Confirmation and Re-Affirmation of Minutes of Annual meeting held on Friday 21st June 2024**

Minutes of the Annual Meeting held on Friday 21st June 2024 which had been circulated were considered.

It was **PROPOSED** by Councillor M. McCamley, seconded by Councillor T. Kitt and **RESOLVED –**

"That the minutes of the Annual Meeting held on Friday 21st June 2024 be **ADOPTED.**"

c Confirmation and Re-Affirmation of Minutes of Adjourned Annual meeting held on Monday 24th June 2024

Minutes of the Adjourned Annual Meeting held on Monday 24th June 2024 which had been circulated were considered.

It was **PROPOSED** by Councillor M. McCamley, seconded by Councillor T. Kitt and **RESOLVED –**

"That the minutes of the Adjourned Annual Meeting held on Monday 24th June 2024 be **ADOPTED.**"

F/305/24 (Agenda Item No 2)

Nominations

a Election of Chairperson for Balbriggan/Rush-Lusk/Swords Area Committee

The attached report by the Chief Executive which had been circulated was **CONSIDERED.**

It was proposed by Councillor A. Tormey, seconded by Councillor E. O'Brien:

"That Councillor Tom O'Leary be appointed as Area Chairperson of the Balbriggan/Rush-Lusk/Swords Area Committee."

It was then proposed by Councillor B. Hanaphy, seconded by Councillor J. Newman:

"That Councillor Malachy Quinn be appointed as Area Chairperson of the Balbriggan/Rush-Lusk/Swords Area Committee."

The Deputy Mayor then instructed that a roll call vote be taken.

It was **AGREED** that Deputy Mayor Councillor JK Onwumereh cast his vote as the Mayors vote.

The division of the voting resulted as follows:

FOR COUNCILLOR O'LEARY: 18 EIGHTEEN

FOR COUNCILLOR QUINN: 12 TWELVE

ABSTAIN: 1 ONE

FOR COUNCILLOR O'LEARY: Councillors Darragh Butler; Eimear Carbone-Mangan; Luke Corkery; Kieran Dennison; Cathal Haughey; David Healy; James Humphreys; Tom Kitt; Ted Leddy; Grainne Maguire; Mary McCamley; Eoghan O'Brien; Robert O'Donoghue; JK Onwumereh; Brendan Ryan; Siobhan Shovlin; Aoibhinn Tormey; John Walsh.

FOR COUNCILLOR QUINN: Councillors John Burtchaell; Ruth Coppinger; Angela Donnelly; Tania Doyle; Jimmy Guerin; Breda Hanaphy; Darren Jack Kelly; Dean Mulligan; Paul Mulville; Joe Newman; Malachy Quinn; Gerard Sheehan.

ABSTAIN: Councillor Patrick Quinlan.

The Deputy Mayor then **DECLARED** Councillor Tom O'Leary be appointed as Area Chairperson of the Balbriggan/Rush-Lusk/Swords Area Committee.

b Election of Chairperson of Blanchardstown-Mulhuddart/Castleknock-Ongar Area Committee

The attached report by the Chief Executive which had been circulated was **CONSIDERED**.

It was proposed by Councillor E. O'Brien, seconded by Councillor D. Butler:

"That Councillor JK. Onwumereh be appointed as Area Chairperson of the Blanchardstown-Mulhuddart/Castleknock-Ongar Area Committee."

It was then proposed by Councillor A. Donnelly, seconded by Councillor B. Hanaphy:

"That Councillor Tania Doyle be appointed as Area Chairperson of the Blanchardstown-Mulhuddart/Castleknock-Ongar Area Committee."

The Deputy Mayor then instructed that a roll call vote be taken and on a division the voting resulted as follows:

FOR COUNCILLOR ONWUMEREH: 18 EIGHTEEN

FOR COUNCILLOR DOYLE: 13 THIRTEEN

FOR COUNCILLOR ONWUMEREH: Councillors Darragh Butler; Eimear Carbone-Mangan; Luke Corkery; Kieran Dennison; Cathal Haughey; David Healy; James Humphreys; Tom Kitt; Ted Leddy; Grainne Maguire; Mary McCamley; Eoghan O'Brien; Robert O'Donoghue; JK Onwumereh; Brendan Ryan; Siobhan Shovlin; Aoibhinn Tormey; John Walsh.

FOR COUNCILLOR DOYLE: Councillors Cathal Boland; John Burtchaell; Ruth Coppinger; Angela Donnelly; Tania Doyle; Jimmy Guerin; Breda Hanaphy; Darren Jack Kelly; Dean Mulligan; Paul Mulville; Joe Newman; Malachy Quinn; Gerard Sheehan.

The Deputy Mayor then **DECLARED** Councillor JK Onwumereh be appointed as Area Chairperson of the Blanchardstown-Mulhuddart/Castleknock-Ongar Area Committee.

c Election of Chairperson of Howth/Malahide Area Committee

The attached report by the Chief Executive which had been circulated was **CONSIDERED**.

It was proposed by Councillor L. Corkery, seconded by Councillor J. Walsh and **AGREED**:

"That Councillor Aoibhinn Tormey be appointed as Area Chairperson of the Howth/Malahide Area Committee."

The Deputy Mayor then **DECLARED** Councillor Aoibhinn Tormey be appointed as Area Chairperson of the Howth/Malahide Area Committee.

d Appointment of six members to Balleally Landfill Liaison Committee

The attached report by the Chief Executive which had been circulated was **CONSIDERED**.

David Storey, Director of Services informed the Members that this project is approaching completion.

It was **AGREED** that David Storey, Director of Services will provide an updated report at September's Council Meeting. It was also **AGREED** to **DEFER** the nomination of members until the report is considered.

e **Appointment of two Members to Dublin North East Drug and Alcohol Task Force**

The attached report by the Chief Executive which had been circulated was **CONSIDERED**. The Deputy Mayor informed the members the membership of the Committee be confined to members from the Howth Malahide Area Committee.

It was proposed by Councillor P. Mulville, seconded by Councillor D. Mulligan and **AGREED**:

"That Councillor Joan Hopkins be appointed to the Dublin North East Drug and Alcohol Task Force."

It was then proposed by Councillor E. O'Brien, seconded by Councillor E. Carbone-Mangan and **AGREED**:

"That Councillor Cathal Haughey be appointed to the Dublin North East Drug and Alcohol Task Force."

F/306/24 (Agenda Item No)

QUESTIONS

It was proposed by M. McCamley, seconded by Councillor T. Kitt and **RESOLVED**:

"That in accordance with Standing Order No. 51, Questions numbered 3 to 10 be **ADOPTED**."

F/307/24 (Agenda Item No 3)

Councillor C. Boland - Enforcement Notices

F/308/24 (Agenda Item No 4)

Councillor T. O'Leary - Increased Housing Targets 2024- Variations to Fingal Development Plan 2023-2029

F/309/24 (Agenda Item No 5)

Councillor A. Donnelly - Short-term Lets registered in Fingal

F/310/24 (Agenda Item No 6)

Councillor J. Hopkins - Claims relating to inadequate footpaths in Fingal

F/311/24 (Agenda Item No 7)

Councillor J. Hopkins - Additional Revenue - Discarded Cigarette Butts and Disposable Vapes

F/312/24 (Agenda Item No 8)

Councillor J. Humphreys - Tree pruning - Obstructed footpaths and/or cycle paths

F/313/24 (Agenda Item No 9)

Councillor C. Johnston - Location of Hang-Out Spaces for teens - Space for Play- A Play Policy for Fingal

F/314/24 (Agenda Item No 10)

Councillor C. Johnston - Accessible Play Equipment in all Public Playgrounds

F/315/24 (Agenda Item No 11)

Report of Committees

a Report of Corporate Policy Group Meeting held on Monday 1st July 2024

The report by the Chief Executive, which had been circulated, was **CONSIDERED**. It was proposed by Councillor K. Dennison, seconded by Councillor R. O'Donoghue and **RESOLVED:**

"That the recommendations contained in the report from Corporate Policy Group Meeting held on Monday 1st July 2024, be **APPROVED**."

F/316/24 (Agenda Item No 12)

Financial Matters

It was noted there was no business on this item.

F/317/24 (Agenda Item No 13)

Proposed Disposal of Properties

It was noted there was no business on this item.

F/318/24 (Agenda Item No 14)

Declarations of Roads

It was noted there was no business on this item.

F/319/24 (Agenda Item No 15)

Judicial Reviews - Authorisation pursuant to 153(2) of the Local Government Act 2001

The attached report by the Chief Executive, which had been circulated, was **CONSIDERED** and all four Resolutions were **AGREED**.

Resolution 1:

"For the avoidance of doubt, where required, in order to comply with section 153 of the Local Government Act 2001 (as amended), IT IS **REAFFIRMED & RESOLVED** that the Chief Executive has (and has had as required) the express authorisation of the elected members to do all such acts, matters, and things as she may consider necessary for the defence of the following legal proceedings:-

Reynolds and McDonough v Fingal County Council
[High Court Record No. 2023/372JR]"

Resolution 2:

"For the avoidance of doubt, where required, in order to comply with section 153 of the Local Government Act 2001 (as amended), IT IS **REAFFIRMED & RESOLVED** that the Chief Executive has (and has had as required) the express authorisation of the elected members to do all such acts, matters, and things as she may consider necessary for the defence of the following legal proceedings:-

daa plc v Fingal County Council
[High Court Record No. 2023/383JR]"

Resolution 3:

"For the avoidance of doubt, where required, in order to comply with section 153 of the Local Government Act 2001 (as amended), IT IS **REAFFIRMED & RESOLVED** that the Chief Executive has (and has had as required) the express authorisation of the elected members to do all such acts, matters, and things as she may consider necessary for the defence of the following legal proceedings:-

MKN Properties Ltd. – Fingal County Council
[High Court Record No. 2023/373JR]"

Resolution 4:

"For the avoidance of doubt, where required, in order to comply with section 153 of the Local Government Act 2001 (as amended), IT IS **REAFFIRMED & RESOLVED** that the Chief Executive has (and has had as required) the express authorisation of the elected members to do all such acts, matters, and things as she may consider necessary for the defence of the following legal proceedings:-

Nicola Byrne v Fingal County Council, An Bord Pleanála, the Minister for Housing,
Planning and Local Government, Ireland and the Attorney General
[High Court Record No. 2024/342JR]"

F/320/24 (Agenda Item No 16)

Creative Ireland Grants

The report by the Chief Executive which had been circulated was **CONSIDERED**. It was proposed by Councillor P. Mulville, seconded by Councillor J. Walsh and **RESOLVED**:

"That the award of Creative Ireland Grants as set out in the foregoing report is hereby **APPROVED**."

F/321/24 (Agenda Item No 17)

Draft Strategic Policy Committee (SPC) Scheme

The attached report by the Chief Executive which had been circulated was **CONSIDERED**.

It was proposed by Councillor K. Dennison, seconded by Councillor P. Mulville:

"That the recommendations contained in the attached report be **APPROVED**."

F/322/24 (Agenda Item No 18)

2003 Arts Act Grants Scheme

The attached report by the Chief Executive which had been circulated was **CONSIDERED**.

It was proposed by Councillor K. Dennison, seconded by Councillor R. O'Donoghue and **RESOLVED**:

"That the recommendations contained in the attached report be **APPROVED**."

F/323/24 (Agenda Item No 19)

Report on Proposed Extinguishment of Right of Way at Barberstown Lane North

The attached report by the Chief Executive which had been circulated was **CONSIDERED**. A presentation was provided to the Members by Paul Keane, Senior Executive Engineer, Planning and Strategic Infrastructure Department.

It was proposed by Councillor K. Dennison and seconded by Councillor S. Shovlin and **RESOLVED**:

"That the Right of Way at Barberstown Lane North, referred to in the attached report be extinguished in accordance with the terms specified therein."

F/324/24 (Agenda Item No 20)

Marine Development - Oriel Wind Farm

The attached report by the Chief Executive which had been circulated was **CONSIDERED**. A presentation was provided to the Members by Deirdre Fallon, Senior Planner, Planning and Strategic Infrastructure Department.

Following discussion, the report was **NOTED**.

F/325/24 (Agenda Item No 21)

Marine Developments - North Irish Sea Array Windfarm

The attached report by the Chief Executive which had been circulated was **CONSIDERED**. A presentation was provided to the Members by Deirdre Fallon, Senior Planner, Planning and Strategic Infrastructure Department.

Following discussion, the report was **NOTED**.

F/326/24 (Agenda Item No 22)
Chief Executive's Report

The report by the Chief Executive, which had been circulated, was **CONSIDERED**. Following discussion the report was **NOTED**.

F/327/24 (Agenda Item No 23)
Mayor's Business - Councillor B. McDonagh

It was noted there was no business on this item.

F/328/24 (Agenda Item No 24)
Conference Report

a **MacGill Summer School 2024, Glenties, Co Donegal on the 18th to 20th July 2024**

The notice which had been circulated was **NOTED**.

b **AILG Induction Training Programme for Elected Members Post June Local Elections**

The notice which had been circulated was **NOTED**.

F/329/24 (Agenda Item No 25)
Correspondence

a **Letter from Clare County Council dated 14th May 2024 re-Reconfiguration to Health Services**

The correspondence, which had been received, was **NOTED**.

b **Letter from Monaghan County Council dated 15th May 2024 - Re -Free Education Scheme**

The correspondence, which had been received, was **NOTED**.

- c Letter from Wicklow County Council dated 20th May 2024 Re - Employment of Full time Road Safety Officer**

The correspondence, which had been received, was **NOTED**.

- d Letter from Tipperary County Council dated 21st May re- Review of support for Farmers impacted by Ash Dieback**

The correspondence, which had been received, was **NOTED**.

- e Letter from Limerick County Council dated 4th June 2024 re Allow Taxpayers one week where no tax is paid in line with Social Welfare recipients**

The correspondence, which had been received, was **NOTED**.

F/330/24 (Agenda Item No 26)

Departmental/Ministerial Correspondence

- a Letter from Senator Robbie Gallagher dated 9th May 2024 - Thanking all Elected Representatives for their work on behalf of Local Communities**

The correspondence, which had been received, was **NOTED**.

MOTIONS

F/331/24 (Agenda Item No 27)

Councillor J. Burtchaell - Council Divestment from products made by companies assisting the Israeli Military and Security Apparatus

The motion, in the name of Councillor J. Burtchaell was proposed by Councillor J. Burtchaell and seconded by Councillor R. Coppinger.

Following discussion, the Deputy Mayor then instructed that a roll call vote be taken and on a division the voting resulted as follows:

FOR: 19 NINETEEN

AGAINST: 3 THREE

ABSTAIN: 8 EIGHT

FOR: Councillors John Burtchaell; Ruth Coppinger; Angela Donnelly; Tania Doyle; Breda Hanaphy; Cathal Haughey; David Healy; James Humphreys; Mary McCamley; Dean Mulligan; Paul Mulville; Joe Newman; Eoghan O'Brien; Robert O'Donoghue; JK Onwumereh; Malachy Quinn; Brendan Ryan; Gerard Sheehan; John Walsh.

AGAINST: Councillors Kieran Dennison; Ted Leddy; Aoibhinn Tormey.

ABSTAIN: Councillors Darragh Butler; Eimear Carbone-Mangan; Luke Corkery; Darren Jack Kelly; Tom Kitt; Grainne Maguire; Patrick Quinlan; Siobhan Shovlin.

The Deputy Mayor then **DECLARED** the motion **PASSED**.

F/332/24 (Agenda Item No 28)
Councillor C. Boland - Breaches of Planning Permission - daa

It was **AGREED** to defer this item to the next meeting.

F/333/24 (Agenda Item No 29)
Councillor J. Walsh - Noise from the M50 Motorway

The motion, in the name of Councillor J. Walsh was proposed by Councillor J. Walsh and seconded by Councillor M. McCamley.

Following discussion, the motion was **AGREED**.

F/334/24 (Agenda Item No 30)
Councillor T. O'Leary - Call to acquire more land for Affordable and Social housing in Fingal

The motion, in the name of Councillor T. O'Leary was proposed by Councillor L. Corkery and seconded by Councillor A. Tormey.

Following discussion, the report was **ACCEPTED**.

F/335/24 (Agenda Item No 31)

Councillor R. Coppinger - Delivery of Social and Affordable Housing

The motion, in the name of Councillor R. Coppinger was proposed by Councillor R. Coppinger and seconded by Councillor J. Burtchaell.

Following discussion, the motion was **AGREED**.

The Meeting concluded at 8.02pm

MAYOR

DATE
