



**MINUTES OF THE SOUTH EAST AREA COMMITTEE MEETING
HELD ON MONDAY 11 MAY 2020 REMOTELY ON ZOOM**

- 1 Minutes of the South East Area Meeting held on 9th March 2020**
Order: Agreed.
- 2 Minutes of the South East Area Committee Meeting held on 29th April 2020**
Order: Agreed.
- 3 Environment and Transportation Department Matters**
 - i. Minutes of the Traffic Advisory Group Meeting held on 28th April 2020.
Order: Noted.
 - ii. Traffic Advisory Group South East Area Works Programme 2020.
Order: Noted.
 - iii. Report on District Heating System.
Order: Noted.
- 4 Planning and Property Management Department Matters**
 - i. Report on proposed disposal: Temporary convenience letting of a site at Beggars Bush, Shelbourne Road, Dublin 4 to Eir.

Order: Agreed to recommend to City Council subject to insertion of a clause allowing Dublin City Council to consider selling the site at the end of the letting term.
- 5 Culture, Recreation and Economic Services Department Matters**
 - i. Parks Works Programme South East Area 2020.
Order: Noted.
 - ii. Tree Works Programme South East Area 2020. For circulation later.
Order: Noted.
- 6 Motions**
Motion 1 from Councillor Mary Freehill
That Dublin City Council complies with its commitment to provide access to all its

buildings to people with disabilities.

This committee and the City Council on a number of occasions have agreed to provide handrails along the steps to city hall so far nothing has been done. This entrance and egress are leather for pedestrians and especially for the walking wounded. A number of people have fallen on these steps, if the Council continues to ignore their responsibility they will incur insurance claims.

City Hall and Wood quay are seriously inaccessible to people with hearing losses. It is estimated that 25% of the population have hearing loss i.e. 1 million people. The headphones that work in the council chamber don't work downstairs. There is no facility whatsoever for people with hearing loss in Wood Quay building.

This committee agrees that an acoustic assessment of both buildings is carried out and that hand rails are immediately installed on the steps to City Hall. This has been agreed by the Council in the past but nothing has been done. I ask that the City Architect attend our meeting to assure us on when the work will commence.

Order: Agreed.

Motion 2 from Councillor Mary Freehill

That this committee elect and recommend to Council two members of the South East Area Committee to the management committee of the Swan management Company Rathmines. This was agreed in the first instance when the Management Board was agreed by Council. Subsequently the Council's Legal Dept. challenged the fitness of an elected member to be a member of this board. I submitted a further legal opinion pointing out the inadequacy of this opinion. See below:

From: Cllr Mary Freehill

Sent: 25 February 2020 22:33

To: Paul Clegg <paul.clegg@dublincity.ie>

Cc: Owen Keegan <owenp.keegan@dublincity.ie>; Mary Taylor

<mary.taylor@dublincity.ie>; John MacEvilly

<john.macevilly@dublincity.ie>; Brian Hanney

<brian.hanney@dublincity.ie>

Subject: Rathmines Swan management company

Dear Paul

Further to your email regarding the nomination of councillors to the management committee of the Swan Management Company in Rathmines which was agreed at the City Council by Management and Councillors when this item was agreed. You will see from the legal advice I received that the Council legal opinion is incorrect. I will therefore put a proposal to the council to ensure that elected members are appointed to this board. The suggestion by Officials that elected members are not suitable to have oversight or capability of objective thinking is a very worrying confront to democracy and has to be challenged.

Opinion sought and received by Mary Freehill

You might ask the Council if its legal advice on the nomination of councillors takes full account of section 228 (3) and (4) of the Companies Act 2014.

Under those provisions, without prejudice to a company director's duty to act in good faith in what the director considers to be the interests of the company, a director may also have regard to the interests of a particular member of the company where the director has been appointed or nominated for appointment by that member, being a member who has been given the entitlement to so appoint or nominate under the company's

constitution.

DCC Legal Opinion

“While the nomination of a director to any company, including an owners' management company (OMC) of which Dublin City Council is a member, would appear to be a function reserved to the executive of Dublin City Council and not the Councillors we are not aware of any specific statutory provision prohibiting a City Councillor being the City Council's nominee.

It is noted that the Leisure Centre operator in Rathmines Square, Dublin City Sports and Services CLG, currently has two directors who are sitting Councillors on its board.

Notwithstanding that it may not be legally prohibited, it would appear that the appointment of a sitting Councillor to the OMC would run contrary to best governance practice for the following reasons:-

Role of a Director – The role of a director of an OMC is to act in the best interests of the multi-unit development as a whole and not for any constituent part. A sitting Councillor may be regarded as representing the City Council only or the electorate of the area.

1. Potential Conflict of interest – a City Councillor may be viewed as representing his/her electorate and issues might arise as between the local interest and the best interests of the multi-unit development (i.e. use of open space, level of services etc.). In particular, if the nominated Councillor was also one of the two Councillors who are directors of the Leisure Centre operator that would invariably give rise to conflicts of interest as that City Councillor would be a director of both the operating company for the Leisure Centre and the overall management company for the development. Invariably, conflicts will arise as to the level of services required by an operator and those considered appropriate by an OMC.
2. General Governance Principles – A director nominated by a local authority to an OMC should typically have some level of experience in the management of multi-unit developments and that is why suitably experienced former employees of local authorities are often asked to fill these roles”.

Therefore it is agreed that two members be recommended to city council from this committee and be elected at this committee and submitted to the April Council meeting”

Order: Agreed. Members asked that the matter be included in the breviato to the next meeting of the City Council.

Motion 3 from Councillor Mannix Flynn

That this area committee call on the CEO Owen Keegan to initiate a purchasing process and offer bids to buy a now for sale Aungier Street/Bishop Street DIT building, formerly Jacobs Biscuit factory. This location, site and buildings make an ideal location for public and affordable housing.

Order: Agreed.

Motion 4 from Councillor Mannix Flynn

That this South East Area Committee meeting calls on the CEO Owen Keegan, Mr Brendan Kenny and Richard Shakespeare, to initiate a pilot wash facility during the Covid 19 pandemic emergency at Markievicz Swimming pool for homeless individuals and rough sleepers. This initiative is an opportunity to engage with those individuals who are still sleeping rough. This would initially be a pilot scheme that could be administered by Dublin City Council, the Dublin Regional Homeless Executive with support from the likes of the Alice Leahy Trust.

Order: Agreed.

Motion 5 from Councillor James Geoghegan

That the South East Area meeting receive a presentation from the consultant responsible for the segregated cycle option selection report and multi criteria analysis for the Clonskeagh to City Centre cycle lane at the next area meeting.

Order: Agreed.

Motion 6 from Councillor James Geoghegan

That small businesses in the South East area forced to close from Covid-19 restrictions should not face any payment on their Commercial Rates for the period they have not been able to operate.

Order: Agreed.

7 South East Area Matters

- i. Report of the Director of Services, South City.
Order: Noted.

- ii. Nomination of a councillor to the Dublin Strategic Canals Forum. Core membership is comprised of representatives of Waterways Ireland Docklands Development and Eastern Region Management and Dublin City Council South East, South Central and Central Area Management. The meetings will be held quarterly in April, July, October and January. There will be one Local Councillor representative for each of the three areas attending every second meeting.
Order: Members rejected the Terms of Reference of the Dublin Strategic Canals Forum and agreed that all members of the committee should be free to attend.

8 Questions to the Chief Executive 11th May 2020

Order: Noted.

Councillor Dermot Lacey

Chairperson

Monday 11 May 2020

Attendance:

Due to Covid 19 restrictions members met remotely using Zoom.

Members:

Dermot Lacey (Chairperson)	Claire O'Connor	Hazel Chu
Claire Byrne	Daniel Ceitinn	Tara Deacy
Deirdre Conroy	Danny Byrne	Anne Feeney
Kevin Donoghue	Carolyn Moore	James Geoghegan
Mannix Flynn	Pat Dunne	
Paddy McCartan	Mary Freehill	

Officers

Brian Hanney	Mary Taylor	John MacEivilly
Victor Coe	Ali Grehan	Neil O'Donoghue
Jennifer Wall	Stephen Cull	James Nolan

Apologies:

Non-Members: