

**MINUTES OF SPECIAL COUNCIL MEETING  
HELD ON MONDAY, 19<sup>TH</sup> FEBRUARY, 2018 AT 2.00 P.M.**

**Chair:** David Fitzgerald

**Cllrs:** Eamon Aylward, John Brennan, Tomás Breathnach, Mary Hilda Cavanagh, Peter Cleere, Fidelis Doherty, Michael Doyle, Pat Dunphy, Ger Frisby, Pat Fitzpatrick, Breda Gardner, David Kennedy, Andrew McGuinness, Patrick McKee, Joe Malone, Michael McCarthy, Pat Millea, Malcolm Noonan, Melissa O'Neill, Maurice Shortall and Sean Tyrrell.

**Officials:** Colette Byrne, Mary J. Mulholland, Sean McKeown, Tim Butler, Martin Mullally, Eimear Cody, Joe Scully, Ted Cunningham, Margaret Comerford, Catherine Byrne Murphy, Brian Tyrrell, Denis Malone, Michael Delahunty & Anne Maria Walsh.

**Apologies:** Cllr. Patrick O'Neill & Cllr. Matt Doran.

Cllr. David Fitzgerald opened the meeting and advised Members that the Special Meeting on Housing matters will finish at 3.00 p.m. as the Monthly Meeting will commence at 3.00 p.m.

**1. Tenancy Agreement & Tenants Handbook**

Ms. Mulholland advised the Members that the legal basis for the Tenancy Agreement is the 1966 Housing Act. The Tenancy Handbook has been issued to tenants for many years. It was last reviewed in 2008. She stated that there is an expectation that all maintenance calls will be dealt with by the Local Authority. The Tenancy Agreement is a clear contract between the Local Authority and the Tenant. The Housing Section will work with all tenants on maintenance issues. Council houses are valuable assets and have to be maintained and tenants have responsibilities in the upkeep of their home. Kilkenny County Council will carry out a review of the Tenancy Agreement. The possibility of introducing a deposit system will also be considered. Mr. Martin Mullally stated that there will be a regional approach in the South East to any changes to the Tenancy Agreement. Any proposed changes will be brought to the SPC.

Contributions were received from Cllrs. Melissa O'Neill, Andrew McGuinness, Sean Tyrrell, Patrick McKee, David Kennedy, Breda Gardner, Michael Shortall, Fidelis Doherty, Pat Fitzpatrick, Pat Dunphy, Peter Cleere & Tomás Breathnach.

The issues raised by Members related to:

- Damp in houses, programme for upgrading older houses, installation of vents.
- Responsibility for plumbing and electrical repairs, need to have qualified tradesmen doing these repairs, tenants can't afford to do repairs, insurance in the event of damage to houses.
- Standards applicable to private houses should apply to all social houses.
- Local Authority Tenants should have recourse to the Residential Tenancies Board.
- Concerns regarding conditions No. 10, 14, 19 & 25 of the Tenancy Agreement.
- Can tenants paint the front of their house.
- Survey of housing stock needs to be undertaken.
- Planned maintenance programme in lieu of reactive maintenance.
- Clarification required on responsibility of tenants for certain maintenance issues.

Mr. Mullally responded to a number of issues relating to maintenance. He stated that a planned maintenance programme is essential. There are complaints in relation to dampness in houses and the retro fit for energy efficiency programme is ongoing subject to national funding. It would be preferable to have a stock survey undertaken to prepare a planned maintenance programme and use the budget provided more efficiently.

Ms. Mulholland advised that any modification to the tenancy agreement will be presented to the SPC and full Council. A new Tenancy Agreement cannot be applied retrospectively to existing tenants. She further advised that local authority tenants do not have recourse to the Residential Tenancy Board. She advised that tenants have responsibilities in their Tenancy Agreements and are required to get suitably qualified trade persons. Approval of the Council is required for any structural works by the Tenant. The Council has insurance cover on all houses. In relation to Members concerns about certain clauses in the Tenancy Agreement, these have been the same clauses since the legislation was introduced in 1966.

Cllr. Tomás Breathnach proposed that the issue of the tenants responsibilities outlined in the Tenancy Agreement and responsibility for repair should be referred to the SPC for further discussion and proposed amendments.

This was seconded by Cllr. Maurice Shortall. Cllr. Fitzgerald asked for agreement of the Members and they agreed to this.

Members raised further concerns about what repairs the tenant is responsible for. There are mixed messages being given and the Council needs to show compassion with vulnerable tenants in relation to some repairs.

Ms. Mulholland advised the meeting that the Tenancy Handbook was revised. This is an information booklet not a rule book or a policy book. The responsibility of the Tenant in relation to repairs is clearly outlined in the Tenancy Handbook as in the past. Common sense/discretion/compassion will be applied. However, the Housing Department must manage to deliver a maintenance programme within the budget allocated and there is a need for the tenants to have a good housekeeping regime.

As the time reached 3.00 p.m. Cllr. Fitzgerald advised the meeting would close.

Meeting then concluded.

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DATE