

MINUTES OF ORDINARY MEETING (HYBRID) OF WICKLOW COUNTY COUNCIL HELD ON MONDAY 1ST JULY 2024, COMMENCING 2.00 PM IN THE COUNCIL CHAMBER AND VIA MICROSOFT TEAMS

PRESENT:

COUNCILLORS P. O'BRIEN CATHAOIRLEACH, D, ALVEY, M. BARRY, J. BEHAN, S. BOURKE, M. CORRIGAN, A. CRONIN, E. DOYLE, M. DUDDY, L. FENELON GASKIN, O. FINN, P. FITZGERALD, A. FLYNN KENNEDY, T. FORTUNE, P. GLENNON, P. KENNEDY, S. LANGRELL, P. LEONARD, J. MULHALL, M. MURPHY, I. NEARY, D. O'BRIEN, , G. O'NEILL, W. O'TOOLE, G. RICHMOND, L. SCOTT, J. SNELL, P. STAPLETON, S. STOKES, E. TIMMINS AND C. WINSTANLEY (31)

APOLOGIES

CLLR. G. DUNNE (1)

IN ATTENDANCE:

**MS. E. O'GORMAN, CHIEF EXECUTIVE
MS. T. O'BRIEN, T/DIRECTOR OF SERVICES
MS. L. EARLS, DIRECTOR OF SERVICES
MR. J. LANE, DIRECTOR OF SERVICES
MR. M. NICHOLSON, DIRECTOR OF SERVICES
MR. B. GLEESON, DIRECTOR OF SERVICES
MS. H. PURCELL, SENIOR EXECUTIVE OFFICER/MEETINGS ADMINISTRATOR
MS. S. NICHOLS, A/SENIOR EXECUTIVE OFFICER
MS. L. HEALY, A/SENIOR EXECUTIVE OFFICER
MS. S. WALSH, SENIOR PLANNER
MR. M. DEVEREUX, SENIOR ENGINEER
MR. M. FLYNN, SENIOR ENGINEER
MR. J. BOWES, SENIOR ENGINEER
MR. F. KEOGH, SENIOR ENGINEER
MS. E. BERMINGHAM, SENIOR EXECUTIVE PLANNER
MS. E. O'DONOVAN, HEAD OF INFORMATION SYSTEMS
MR. M. COSTELLO, CLIMATE ACTION CO-ORDINATOR
MS. S. RUBALCAVA, ENVIRONMENTAL AWARENESS OFFICER
MS. M. CAMPBELL, COMMUNICATIONS OFFICER
MR. S. DOYLE, IS PROJECT LEADER
MR. R. NETO, TECHNICIAN GRADE 1
MS. C. CULLIMORE, A/ADMINISTRATIVE OFFICER
MR. L. CULLEN, DISTRICT ADMINISTRATOR
MR. G. MURPHY, IS TECHNICAL SUPPORT OFFICER
MS. A. ROBERTS, ASSISTANT STAFF OFFICER**

MS. T. BYRNE, ASSISTANT STAFF OFFICER

DR. A. DOYLE, KPMG

MR. P. LOHR, KPMG

SENATOR PAT CASEY

At the commencement of the meeting a roll call was taken. The Meetings Administrator advised of meetings etiquette for online meetings and that the press and some members of the public were also present.

Votes of Sympathy

Elected Members passed a vote of sympathy to the families of the late Mr. Geoff Seymour, Mr. Ger Farrelly, Mr. Michael Kinsella, Mr. Kevin Carroll, Ms. Adeline Brophy, Mr. Ger Byrne, Ms. Ena Nolan, Ms. Mary Heffernan, Ms. Nora Ruane and Ms. Orla McGrath. A minutes silence was observed for the deceased.

Congratulations were extended by the Cathaoirleach to the Elected Members who have been elected as Cathaoirleach in their respective Municipal Districts, Baltinglass, Cllr. P. Glennon; Bray, Cllr. D. O'Brien; Greystones, Cllr. T. Fortune; Wicklow, Cllr. G. Dunne; and Arklow, Cllr. P. Kennedy.

Best wishes were extended to Wicklow Pride on holding their second Pride Parade at the weekend.

Best wishes were also extended to the organisers of the Leinster Fleadh.

Congratulations were extended to Ms. Daina Marie Moorehouse who will be representing Ireland in the Olympics in boxing. Also, congratulations were extended to Ms. Lara Gillespie, who will also be representing Ireland in the Velodrome events.

Congratulations were also extended to Newcastle on their Division 4 League Final victory.

Request for Suspension of Standing Orders:- The Meetings Administrator advised that a request for suspension of standing orders had been submitted in advance of the meeting. In accordance with the protocol adopted the request was read to the meeting as proposed and seconded:-

1. Cllr. J. Behan, seconded by Cllr. P. Leonard and supported by Cllr. T. Fortune requested a suspension of standing orders to discuss the following motion:

“That this Council requests the Chief Executive to contact the Taoiseach, Simon Harris TD, and the Minister for Health, Stephen Donnelly TD, to seek Government support for Wicklow County Council to purchase 400 acres of land at Old Fassaroe , Bray.

This land is currently for sale and is zoned for mixed use development, including residential, education, recreation and employment and has the capacity to provide thousands of affordable, social and private homes as well as many other essential facilities.

It is also the original location for an extension of the Green Luas line and has the capacity to provide a park and ride facility which would relieve some of the traffic delays on the N11 currently being experienced by thousands of commuters from Greystones, Wicklow and Arklow Municipal Districts.

This Council believes that this is a once in a lifetime opportunity for a publicly led initiative to design and develop the newest town in County Wicklow which has the capacity to make life better for countless thousands of residents from all over County Wicklow.”

It was agreed by all to have a discussion on the topic at 4.30 p.m.

ITEM NO. 1

To confirm and sign minutes of ordinary meeting of Wicklow County Council held on Monday 13th May 2024.

It was proposed by Cllr. P. Leonard, seconded by Cllr. A. Flynn Kennedy and agreed by all to confirm and sign minutes of ordinary meeting of Wicklow County Council held on Monday 13th May 2024.

ITEM NO. 2

To consider the disposal of 0.43 acres of land or thereabouts in the townland of Rathdrum, Co. Wicklow by way of 18 month lease for the period 9th July 2024 to 8th January 2026 and the right to pass and repass thereto, to Mr, Noel Jacob and Ms. Helen Jacob, Jacob’s Well, Rathdrum, Co. Wicklow.

Cllr. M. Duddy disclosed to the meeting a conflict of interest in respect of this item.

It was proposed by Cllr. P. Kennedy, seconded by Cllr. P. Fitzgerald and agreed by all to consider the disposal of 0.43 acres of land or thereabouts in the townland of Rathdrum, Co. Wicklow by way of 18 month lease for the period 9th July 2024 to 8th January 2026 and the right to pass and repass thereto, to Mr, Noel Jacob and Ms. Helen Jacob, Jacob’s Well, Rathdrum, Co. Wicklow, as set out in statutory notice circulated.

ITEM NO. 3

To consider the disposal of 0.0139Ha or thereabouts in the townland of Knockanrahan Lower, Co. Wicklow comprised in Folio WW383L Co. Wicklow being the property known as 4 St. Kevin's Terrace, Arklow, Co. Wicklow by Transfer Order to Ms. Alice Breen (as Legal Personal Representative of John Breen, Deceased) of 4 St. Kevin's Terrace, Arklow, Co. Wicklow, the person entitled to the freehold interest in the property.

It was proposed by Cllr. P. Fitzgerald, seconded by Cllr. P. Kennedy and agreed by all to consider the disposal of 0.0139Ha or thereabouts in the townland of Knockanrahan Lower, Co. Wicklow comprised in Folio WW383L Co. Wicklow being the property known as 4 St. Kevin's Terrace, Arklow, Co. Wicklow by Transfer Order to Ms. Alice Breen (as Legal Personal Representative of John Breen, Deceased) of 4 St. Kevin's Terrace, Arklow, Co. Wicklow, the person entitled to the freehold interest in the property, as set out in statutory notice circulated.

ITEM NO. 4

To consider the disposal of 0.0412Ha or thereabouts in the townland of Ballinglen comprised within part of Folio WW4484 being the property known as Ballinglen, Tinahely, Co. Wicklow by Deed of Transfer and Rectification to Mr. Edward Walker as LPR of Charles Walker (deceased).

It was proposed by Cllr. J. Mulhall, seconded by Cllr. P. Stapleton and agreed by all to consider the disposal of 0.0412Ha or thereabouts in the townland of Ballinglen comprised within part of Folio WW4484 being the property known as Ballinglen, Tinahely, Co. Wicklow by Deed of Transfer and Rectification to Mr. Edward Walker as LPR of Charles Walker (deceased), as set out in statutory notice circulated.

ITEM NO. 5

To consider and adopt the following Resolution

"That the Chief Executive has the express authorisation of the elected council within the meaning of section 153(2) of the Local Government Act 2001 as amended, to act in any action and/or other proceeding, now in existence and/or in the future, relating to the exercise or performance by the local authority of a reserved function, including but not limited to the exercise of reserved functions in the context of a development plan. Such authorisation is given to do all such acts, matters, and things as the Chief Executive considers necessary and/or appropriate. The Chief Executive shall, inform the elected members of any future action or other proceeding, within the scope of this resolution at the first Monthly meeting of the elected members, after any such action or proceedings are served on the Council (where practicable or if not practicable, at the next appropriate meeting thereafter)".

A broad discussion followed. Some concerns raised by the Elected Members were:

- Handing over to the Chief Executive the authorisation to respond to any legal action in the future by a third party with regard to reserved functions.
- Key role of public representatives is to represent the public, have oversight and accountability which is not happening.
- Being asked to relinquish a power that a previous legislature in 2001 gave to Elected Members.
- Request to seek second legal opinion.
- Right as an Elected Member to be consulted in respect of legal action regarding a decision made as a public representative.
- County Development Plan – Elected Members have the right to decide how the county is going to be developed.
- Request to raise the issue with AILG.
- Eradication of powers of the Elected Members.
- Chief Executive protecting the Elected Members by getting resolution put in place.
- Concern that decision is being made too quickly – is there enough information to make an informed decision?
- The Act is enough for the Chief Executive to defend the Elected Members.
- List of live cases should be brought before the Council where express authorisation would be sought on a case-by-case basis.
- What is the number of cases that are live at present?
- Dissolution of powers – meant to strengthen powers of the Elected Members.
- Request to be kept informed at all stages and have a veto on any particular direction the Chief Executive proposes.
- What are the implications for past cases?
- What are the risks factors if resolution is rejected?
- The Cairn Homes case before court at the moment which disputes the population targets set out in the County Development Plan.
- The wish that the Chief Executive defend the decision of the Elected Members in the County Development Plan.

The following motions were proposed:

1. Proposed by Cllr. J. Snell, seconded by Cllr. T. Fortune *'that a copy of legal opinion be circulated, second legal opinion to be sought by the Chief Executive, AILG representatives to seek AILG opinion and LAMA representatives to seek LAMA opinion'*.
2. Proposed by Cllr. S. Bourke, seconded by Cllr. L. Fenelon Gaskin to insert the wording *"that such authorisation given to do acts, matters and things as the chief executive considers necessary and/or appropriate in consultation with the Members"* before the wording *'the Chief Executive shall inform the Elected Members'*.

3. Proposed by Cllr. M. Duddy, seconded by Cllr. T. Fortune *‘that a list of existing live cases in which the Council are involved be brought before the Council to grant express authorisation to those proceedings rather than the adoption of a global-style resolution’*.
4. Proposed by Cllr. P. Glennon, seconded by Cllr. P. Stapleton to delete the words *‘but not limited to’*.
5. Proposed by Cllr. T. Fortune, seconded by Cllr. O. Finn to defer this item to a later date.

Following further discussion, the Elected Members agreed to withdraw all five motions and it was agreed by all to move to Item No. 6 and return to this item later in the meeting, in order to allow the Chief Executive to revert with a re-worded resolution that deals specifically with the Cairn case.

ITEM NO. 6

To receive a presentation and note the County Wicklow Skills Strategy

Dr. A. Doyle and Mr. P. Lohr, KPMG, gave a presentation outlining the following:

- Project overview.
- Skills Development Enablers & Inhibitors.
- Recommendation.
- Wicklow Skills Strategy Timeline.
- Final Report Structure.
- Skills Development Enablers.
- Skills Attraction Inhibitors.
- Labour Market Projections & Skills Demand Summary.
- Sectoral Recommendations – Common Themes.
- Screen & Content Creation Recommendations.
- Agri-Food and Forestry Recommendations.
- Tourism & Hospitality Recommendations.
- Renewable Energy Recommendations.

Time Extension: It was proposed by Cllr. J. Behan, seconded by Cllr. A. Flynn Kennedy and agreed by all to extend the meeting to 5.30 p.m.

Following the presentation the Elected Members expressed views and raised queries which were responded to by Dr. Doyle and Mr. Lohr.

Suspension of Standing Orders

Cllr. J. Behan, seconded by Cllr. P. Leonard and supported by Cllr. T. Fortune requested a suspension of standing orders to discuss the following motion:

“That this Council requests the Chief Executive to contact the Taoiseach, Simon Harris TD, and the Minister for Health, Stephen Donnelly TD, to seek Government support for Wicklow County Council to purchase 400 acres of land at Old Fassaroe , Bray.

This land is currently for sale and is zoned for mixed use development, including residential, education, recreation and employment and has the capacity to provide thousands of affordable, social and private homes as well as many other essential facilities.

It is also the original location for an extension of the Green Luas line and has the capacity to provide a park and ride facility which would relieve some of the traffic delays on the N11 currently being experienced by thousands of commuters from Greystones, Wicklow and Arklow Municipal Districts.

This Council believes that this is a once in a lifetime opportunity for a publicly led initiative to design and develop the newest town in County Wicklow which has the capacity to make life better for countless thousands of residents from all over County Wicklow.”

A short discussion followed. It was proposed by Cllr. J. Behan, seconded by Cllr. T. Fortune and agreed by to write to the Taoiseach, Mr. S. Harris TD and to the Minister for Health, Mr. S. Donnelly TD.

RETURN TO ITEM NO. 5

The Cathaoirleach returned to Item no. 5. The Meetings Administrator, Ms. H. Purcell read the amended wording for the resolution as follows:

“That the Chief Executive has the express authorisation of the elected council within the meaning of section 153(2) of the Local Government Act 2001 as amended, to Defend the Judicial review proceedings entitled Cairns Homes Plc v Wicklow County Council, 2022 JR 0922”

It was proposed by Cllr. J. Snell, seconded by Cllr. T. Fortune and agreed by all to amend the wording to *“That the Chief Executive has the express authorisation of the elected council within the meaning of section 153(2) of the Local Government Act 2001 as amended, to Defend the Judicial review proceedings entitled Cairns Homes Plc v Wicklow County Council, 2022 JR 0922”*

ITEM NO. 8

To consider the Wicklow County Council Draft Strategic Policy Committee (SPC) Scheme 2024 – 2029

The Elected Members were issued with the Wicklow County Council Draft Strategic Policy Committee (SPC) Scheme 2024 – 2029 on 25th June 2024.

Ms. H. Purcell advised that the scheme has listed the six SPCs with the titles suggested at the annual meeting. The following comments were made by the Elected Members in relation to the draft SPC scheme:

- Housing - will it include Social and Capital elements?
- Marine would be better placed with Economic Development.
- Need to meet bi-monthly rather than quarterly. This is at the discretion of the SPC.
- Feedback to full Council required, to be included as a quarterly agenda item.
- Could members of the public be on the SPC?
- Could Chairs of SPC's advise in advance when meetings will be held.
- SPC meetings scheduled so as not to clash with MD meetings.
- Reduce the numbers of Elected Members on SPC's.
- Request for information on what the SPC's are working on currently and what their wider remits are.

It was proposed by Cllr. J. Behan, seconded by Cllr. D. O'Brien to consider the Wicklow County Council Draft Strategic Policy Committee (SPC) Scheme 2024 – 2029.

ITEM NO. 7

To consider the Chief Executive's Monthly Management Report, June 2024

Elected Members were circulated with the Chief Executive's Monthly Management Report, June 2024. Some of the issues raised included the following:

- Update on the Arklow/Shillelagh Greenway.
- Update on the Rehills Site, Bray.
- Bus lane proposal on the N11.
- Data Protection document for Elected Members.
- Hedge cutting – Boghall Road, Bray.
- Hedge cutting – rural areas.
- Old Garda Station, Ashford.
- Clarity on out-of-hours Homeless Service, Bray.
- Bank of Ireland property, Carnew.
- Update on IDA site, Greystones.
- Breakdown of the number of people with disabilities on the housing list.
- Outdoor staff – breakdown by districts.
- Are Housing understaffed?
- Baltinglass RDF.
- Public lighting.
- Re-let and Voids – availability of contractors?
- Private rented accommodation.
- Emergency accommodation figures.
- Vacant buildings, Arklow.

- Electricity outages in Aughrim.
- Community lands, Rathdrum.
- Retro-fitting - Seamount Estate, Newcastle.

Elected Members raised questions which were responded to by the Chief Executive and the relevant Director of Services.

ITEM NO. 9

Correspondence

Ms. H. Purcell advised the Elected Members of the following:

- To note circulation of Circular LG10/2024 – Local Authority Members (Gratuity) Regulations 2024; Circular LG11/2024 – Allowances and Expenses of Elected Members of Local Authorities; and Circular LG12/2024 – Revision to Increase in Annual Remuneration of Elected Members 1 Jan and 1 June.
- Induction training – 2nd, 3rd, 9th and 19th July.

THIS CONCLUDED THE BUSINESS OF THE MEETING

**CLLR. PAUL O'BRIEN
CATHAOIRLEACH
WICKLOW COUNTY COUNCIL**

**MS. HELEN PURCELL
SENIOR EXECUTIVE OFFICER/
MEETINGS ADMINISTRATOR**

Confirmed at meeting of Wicklow County Council held on Monday the 2nd September 2024