WICKLOW COUNTY COUNCIL



Wicklow County Council COMHAIRLE CHONTAE CHILL MHANTAIN

Transcript of the County Council Meeting Held on 8 September 2014 In the County Council Chamber, Wicklow



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7	Wicklow County Council Meeting, Monday 8th of September, 2014.
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9	CATHAOIRLEACH: Good afternoon members. I am going to start with votes of sympathy.
10	MS GALLAGHER: Yes Cathaoirleach, we have two votes of sympathy, one for Mr Sean
11	Byrne, father of Willie O'Neill in the law department and for John Joseph O'Connor, Carnew,
12	and native of Bray, father-in-law of Steven Howes of the roads department.
13	CATHAOIRLEACH: Any further votes? Okay, we will stand.
14	
15	(A minute's silence)
16	
17	CATHAOIRLEACH: Okay, a couple of members want to offer congratulations. Cllr Timmins.
18	Cllr TIMMINS: Briefly Chairman, thank you for giving me a minute, I would like to
19	congratulate the Baltinglass ladies senior football team for winning their first ever Wicklow
20	county championship yesterday in Aughrim, they beat a very good Arklow team and I would
21	like to congratulate them and also congratulate the camogie team who won the senior
22	championship a week ago there as well. Thank you.
23	Cllr Tommy CULLEN: I would like to second that.
24	CATHAOIRLEACH: Okay, thank you Councillor. Rut result I would like to be associated with
25	that as well.
26	CATHAOIRLEACH: Cllr Nolan.
27	Cllr NOLAN: Just very briefly as well, a couple of people and organisations, I would like to
28	congratulate. I would just like to congratulate the Newtown ladies GAA on winning their
29	second junior B championship in a row. They beat Carnew on a score of 2-5 to 5 and in the
30	second year running they've done excellently and done everyone in Newtown proud.
31	
32	I would like to congratulate also three members of East Coast Tae Kwon-do, they're from the
33	local area and they were a part of a team Ireland that competed in the World Championships in
34	Rome back in July. Alex Connolly won two bronze medals in the junior section. Killian

1 Hannon won a silver medal in the junior section as well and he is a red belt, a great achievement 2 for him and Mr Christopher McCabe won a gold medal, he is a world champion in the senior 3 section, and the senior section is for people aged 36 and over and Mr McCabe is 46, so he was fighting against guys that could have been ten years younger than him and he has won out. 4 5 Congratulations to Christopher, he is a double champion now, a European and a world champion, and I would just also like to point out that East Coast Tae Kwon-do is a not-for-profit 6 7 organisation, uses local facilities, doesn't have its own gym or anything and uses local facilities 8 throughout Wicklow and Dublin and it's been on the go since the 1980s and it's a very proud 9 achievement for everyone involved in that organisation.

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11 I would also like to just say a word, a friend of mine, Callum Jacobs from Bray, he ran over 12 1,000 kilometres around the coast of Ireland to raise funds for Pieta House and mental health 13 awareness and they raised almost €4,000 during the month they were running. And he only 14 started running professionally for want of a better expression in January of this year, and then in 15 July, he ran over 1,000 kilometres over less than a month and it was a monumental achievement. 16 And then - finally I would like to thank Harry Murphy for his services to Wicklow GAA or his 17 years of managing the senior team and I would like to wish him all the best for his future 18 endeavours. Thank you Cathaoirleach.

19 CATHAOIRLEACH: Cllr Annesley.

Cllr ANNESLEY: Thank you Cathaoirleach, I am just on the way back from the Helix where
 the Tidy Towns awards was being presented this morning. So I would like to pay tribute to the
 towns in Wicklow and the villages of Wicklow, which done very well. I myself was
 representing Arklow Tidy Towns who scored a bronze medal along with Wicklow Town.
 Aughrim came in with a gold and Blessington was also mentioned. I won't surprise any more of
 the surprises coming out in the media. Congratulations to all the Tidy Towns volunteers and the
 Committee members. Thank you.

CATHAOIRLEACH: Thanks Councillor I know you are heavily involved in the Tidy Towns
and to all the Tidy Towns people around the county, they do great fantastic work. I also would
like to pay tribute to Cllr Fortune, he has stood down as Chairman of Wicklow County Tourism
this week, and has made a huge significant contribution to tourism in the county. And I think it
has to be acknowledged.

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Okay, we will move on. Item number one - oh, there was a couple of requests for suspension of
 standing orders. Councillor Ryan?

1 Cllr RYAN: Cathaoirleach, I suppose I might actually look to change it to a simple question at 2 this stage, because basically obviously the reports in the papers on Friday and Saturday about the 3 Department of the Environment releasing the information around financials with regard to the impact of Councils reducing the property tax by 15% and the impact it would have on the annual 4 5 budget of the Councils. I really want at this stage, I know that the Council themselves are going to share with us a pack, which they're going to go through in detail all that information. I think 6 7 it's really important that information does come out, I think you are proposing a Special 8 Meeting to discuss this in detail. The sooner we can have that information so, if the circular 9 from the department could be distributed to everybody, I think I would be happy not to have a 10 full discussion at this stage, because I think people would probably be talking about it without 11 having the full information about it and I don't want to be part of having that.

12 Cllr BRADY: That email has gone out already.

13 Cllr RYAN: Okay fair enough.

14 CATHAOIRLEACH: Cllr Vance.

15 Cllr VANCE: Chairman, given that there is no full information, we have a request for a 16 suspension of standing orders in regard to the property tax in today, so we would like to 17 postpone that until the meeting, I believe it's the 22nd that it's proposed.

18 CATHAOIRLEACH: 22nd.

- 19 Cllr VANCE: The full meeting then and then we will be bringing forward the proposal that is 20 contained in that, so we are happy enough to leave it for today and get the full information, so 21 that we can go ahead with our proposal on that particular date. Thank you.
- 22 CATHAOIRLEACH: Cllr Fortune.
- 23 Cllr FORTUNE: I thought you were dealing with item one, I wanted to talk about that.

CATHAOIRLEACH: Okay. Okay, as Cllr Vance has said, we are going with a meeting on the
 22nd, 2 o'clock. And we are going to get in -- there was more circulars came from the

- 26 Department this week, so we have been drip fed a little bit of information, so we will give the 27 officials time to put it all together.
- 28
- Okay, we will move on, item number one, to confirm and sign minutes of the Ordinary Meeting
 of Wicklow County Council held on 7th of July 2014. Cllr Fortune?
- 31 Cllr FORTUNE: Thanks Cathaoirleach. I just want to address some things around that
- 32 particular meeting. First of all, what I would like to do is propose that the Department of
- 33 Environment and the Public Accounts Committee carry out a root and branch overview of how
- 34 Wicklow County Council is managed. I believe that to be in the interests of members and staff.

We are actually a laughing stock around parts of the country. I believe that what has happened
 here in the last number of weeks in one way has been organisational corruption, I am referring to
 the AGM, the meeting on the 7th of July, I am referring to meetings we have been trying to
 organise properly through the municipal district.

As you correctly said, Chairman, earlier, and I thank you for it, I resigned last Friday morning
from Chairman of Wicklow County Tourism. And do you know the funny thing about it is
within hours of me resigning, Mr Sheehy phoned the tourism office delighted that that had
happened, and also telling the tourism development officer that he had more good news for him,
that the budget for tourism going forward in the coming year would be...

- 11 CATHAOIRLEACH: Hold on now, be careful.
- Cllr FORTUNE: Hold on, hold on, I will look after myself Councillor -- would be maintained
 and in fact it might be improved. Now I think that's a most unusual way for a CEO to behave. I
 am not finished because I want to come to the minutes.
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Also in the last number of months and over time, there has been media coverage about this Local Authority, nine pages of it in a magazine over the last two months. We have had the debacle up in Wicklow Enterprise Park, the fire in Bray, the illegal dumping and the court case and all.

19 CATHAOIRLEACH: Can we get back to the minutes Councillor?

- 20 Cllr FORTUNE: Greystones Harbour, Mr Dooley's complaints and the McDonagh brothers'
- 21 complaints about a project. I believe as a Director of this Local Authority, I have no confidence

22 in the person who runs this Local Authority. A CEO does not behave the way the behaviour

- 23takes place in this Local Authority.
- 24 CATHAOIRLEACH: Councillor.
- Cllr FORTUNE: I will come to the minutes now. If we were a proper based board we would
 be...
- 27 CATHAOIRLEACH: Are you going to get to the points on the minutes?
- Cllr FORTUNE: I will get to it now. Relax, relax, relax! I will not be approving -- when you
 are all finished I will finish Chairman.
- 30 CATHAOIRLEACH: Can you stick to the item on the agenda.
- 31 Cllr FORTUNE: I have said what I wanted to say, okay. I won't be approving the minutes of
- 32 the meeting of the 7th of July because in my opinion they're not correct.
- 33 CATHAOIRLEACH: It's a matter for all the members.
- 34 Cllr FORTUNE: No, no, I am speaking for myself. I am speaking for myself.

- 1 CATHAOIRLEACH: Have I a proposer for the minutes of the 7th of July? Proposed by Cllr 2 Vance. 3 Cllr FORTUNE: I made a proposal by the way. CATHAOIRLEACH: Seconded by Cllr Casey. Okay, is that agreed? 4 Cllr Tommy CULLEN: Chairman, I would like to support Cllr Fortune's -- about his proposal 5 that this Council needs a thorough investigation into at this stage, and I have received allegations 6 7 in the post... 8 CATHAOIRLEACH: Hold on Councillor, this is nothing to do with the minutes. 9 Cllr Tommy CULLEN: Chairman, Chairman, Chairman. 10 CATHAOIRLEACH: Nothing to do with the minutes. 11 Cllr Tommy CULLEN: You have received the allegations as well as every member sitting 12 around this table have received the allegations. They're the most profound and serious 13 allegations. 14 CATHAOIRLEACH: I am not getting into discussion about this, the last Chairman decided to 15 send the allegation to the Office of Public Standards. Okay. That was the correct, in my 16 opinion, the correct thing to do. It is an office that is resourced to deal with allegations. Okay. 17 So it's up to that office to come forward with recommendations. We are not having a discussion 18 on this. 19 Cllr Tommy CULLEN: Chairman, with respect to you, more allegations have -- other 20 individuals, very senior business people, have now came forward, supplied with documentation. 21 We have had the former -- we have the present Junior Minister for Finance, Simon Harris calling 22 for an investigation in this Council, the former Minister for the Environment Dick Roche now 23 calling for an investigation; we have Nessa Childers and Mr Gerry Adams and we have had 24 various people now calling for an inquiry into what's happened. Whether people want to brush it 25 under the carpet and pretend it's not happening, something has to be done about administration in 26 this Council and I believe the only way to do it is that a proper independent investigation is 27 carried out. Now that's up to the Minister for the Environment to do it, you nor I can't do that. 28 CATHAOIRLEACH: Councillor, I have every faith that that office I mentioned will carry out a 29 full and proper investigation. If any of the people that you have mentioned have information that 30 may be relevant, I suggest that they forward it to the Office of Public Standards, okay. Item 31 number two, I am moving on. 32 Cllr Tommy CULLEN: It's not just myself, you have received it as well.
- 33 CATHAOIRLEACH: I have received correspondence.
- 34 Cllr Tommy CULLEN: What have you done with it?

1 CATHAOIRLEACH: The correspondence that I received wanted for me to take on the 2 investigation. I have said that the appropriate office to carry out the investigation is the Office of 3 Public Standards. Okay. That's my position. I don't think anybody in this Chamber is independent enough to carry out an investigation. Okay. 4 5 Cllr FORTUNE: Chairman, Chairman, I made a proposal and it's been seconded. Cllr Tommy CULLEN: Chairman, look at, I will just, I have made my statement now on that... 6 7 CATHAOIRLEACH: What's your proposal? 8 Cllr FORTUNE: My proposal, Chairman, was that the Department of the Environment and the 9 Public Accounts Committee carry out a roots and branch investigation into how this Council is 10 run in the interests of all of the members and in the interests of the staff. 11 CATHAOIRLEACH: And the relevance to the item on the agenda? 12 Cllr FORTUNE: The relevance to the item on the agenda is the organisational corruption plus 13 the items I have listed, they're all recorded. 14 CATHAOIRLEACH: It has to be circulated. You will have to submit that in writing and we 15 will circulate it and deal with it at the appropriate time. It's not going to be dealt with under 16 confirmation of the minutes. Okay. 17 Cllr FORTUNE: Why? 18 CATHAOIRLEACH: It's not relevant to the minutes. No. I am moving on, item number two, 19 confirm and sign... 20 Cllr FORTUNE: If you want to play a cover up here... 21 CATHAOIRLEACH: Do you want to submit your proposal and circulate it? 22 Cllr FORTUNE: Are you going to speak to me now or is Miss Gallagher telling you what to 23 say? MS GALLAGHER: When an elected member puts a motion on the floor, it's given to the 24 25 Cathaoirleach. It's a proposal... 26 Cllr FORTUNE: I didn't say I was making a motion. 27 MS GALLAGHER: I am trying to be helpful. 28 CATHAOIRLEACH: Are you making a proposal? 29 Cllr FORTUNE: I have made a proposal, it's been seconded by Cllr Cullen, I want it put to the 30 floor. 31 CATHAOIRLEACH: Can you circulate the proposal to all the members? 32 Cllr FORTUNE: I certainly can. 33 CATHAOIRLEACH: That's the standard procedure. Item number two, to confirm and sign the 34 minutes of the Special Meeting of Wicklow County Council held on Monday 21st of July?

- 1 Proposed? Cllr Bourke. Seconded, Cllr Casey.
- 2 Cllr Tommy CULLEN: I want to abstain on both minutes.
- 3 Cllr FORTUNE: So do I.

CATHAOIRLEACH: Noted. Item three, to consider disposal of the Council's interest and 4 5 equity in 0.016 hectares or thereabouts of land and property in the townland adjacent to 6 Baltinglass East to Shay Byrne, Ballycullane, Castledermot, Co. Kildare, previously circulated. 7 MS LYNCH: I might just come in on that first. This is a property in Baltinglass. We -- the 8 property was repossessed following default on a loan. It was one of nine properties I suppose we 9 have repossessed over the last couple of years. At the time of the default, we would have been 10 carrying about 180,000 between equity and loan arrears on the loan. The options available for 11 the Local Authority to be able to deal with this is to buy it into stock, that was one option that 12 was available. But the criteria for buying into stock, any of the repossessed houses, was there 13 would be a minimal amount of refurbishment work needed, basically painting and decorating 14 and should be readily available for re-let. This house and I know, I have the photos here and I 15 can show you the whole lot of them, would require at least 70,000 to bring it up to standards.

In that sense, it wouldn't have qualified to be bought into the stock under the scheme that was available from the Department. So we went out to tender to see if we could get an offer on it and we got an offer of 30,000. We went back out to the market again and we have an offer on the house of 40,000. And that, according to the estate agents, is as good as we are going to get on it at this stage. The house can be sold. We can then realise the loss that is still sitting on our accounts of 180,000, through -- there is a mortgage arrears process we can apply to clear that from our funds, and that's the situation with the house, as it hands at the moment.

As I said, we had gone through the whole process in terms of meeting with the owners of the property at the time, trying to agree payment plans, went through court, got an order for repossession, tried to sort it out with them, but it finally crystallised and we had to repossess the house with the effect there is 180,000 sitting on our books, so we would have to cover that, plus any refurbishment costs, as well, if we were to look to buy it into stock.

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But as I said we are not going to be in a position to buy it into stock because we won't get the sanction, because it requires everything from electrics, there is damp in the walls, there is a whole clear out required and it's a minimum of 70,000 that will be required to be spent on it. CATHAOIRLEACH: Okay. Cllr Timmins.

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Cllr TIMMINS: I have, thank you Chairman, I have spoken to the finance officer about this
 matter. I asked for it to be deferred from our July meeting. And I am satisfied that it's in the
 best interests of Wicklow County Council to dispose of this property as set out here, so I would
 be happy to propose the disposal, thank you.

5 CATHAOIRLEACH: Cllr Cullen.

Cllr Tommy CULLEN: Yes Chairman, I just noticed that even with disposal, the Council will 6 7 still owe 120,000 on this house, and so it's not like the Council are walking away from debt, we 8 will still be saddled with a debt of 120,000. This house is right in the centre of the town, near all 9 the local schools, it will cost this Council over 200,000 to replace such a house. We have 10 something like -- I think it's 700 families on the waiting list in West Wicklow that could do with 11 this house and I don't believe we were told at the last meeting that we would get figures about 12 the refurbishment figures. I am the only Councillor in this area who is actually living in the 13 town and I haven't got those figures. I have asked Lorraine there before the meeting why I 14 wasn't given these figures. She says she had them here today. But that wasn't what was agreed 15 and you stood over it Chairman that we would get the figures, what the refurbishment figures 16 are. I still haven't got them, I don't know where the 70,000 comes from, it seems an 17 extraordinary amount of money to me for the works to be done in this house, which are 18 superficial in nature, because you are not looking about putting in new doors or new windows or 19 roofs or building new walls or anything. It's a perfectly solid house, and I couldn't see where the 20 colour of 70,000 would be.

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I would oppose the sale of any Local Authority house in the present housing crisis. The Department of the Environment and The Minister for the Environment has recently said that where such houses were to be refurbished, the Department would fund such refurbishment. I would prefer before we dispose of this valuable asset, given so many families -- this is a three bedroom house in an area, very family orientated area, right in the centre of the town, right beside the schools, which is an ideal home for families.

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And you know, I will just give you an example, I was talking to a local family last night where there is a mother and two babies, one child only three months sleeping on a floor in Baltinglass. They have no house to live in. And we are talking about selling a three bedroom house for 40,000, and leaving the Council still with a debt of 120,000, as if somehow that's good business or good value for the Council. I would Chairman ask that before we make any decision on this, that we would contact the Department of the Environment and see could we draw down funds for the Department to fund the refurbishment of this house at a realistic cost. It was agreed the last day that we would get a breakdown of where the cost of the refurbishment of it. I have spoken to lots of builders in the area and nobody could think where the 70,000 to put some paint and leaving a few tiles and stuff and that in the bathroom would come from. I know the house. And you know, I mean give me a break. I know the house, I can't see where this figure is plucked out of the air of 70,000. It's a ridiculous figure.

Chairman I would propose before we go ahead and we would make any decision on this that we
would write to the Department in view of its new policies and the 100 million euro funds
allocated for the refurbishment of houses, that we would write to the Department and look to see
would they fund this particular refurbishment as a matter of urgency given the nature and scale
of the housing crisis we have in Baltinglass at the moment? Thank you Chairman.
CATHAOIRLEACH: Okay, Cllr Brady.

- 14 Cllr BRADY: Cathaoirleach, just to get some clarity on this, this is a house, it is Council 15 property, I presume there was a couple in it. The Council has at the behest of, I imagine, the 16 banks repossessed this property, and is now seeking to sell it on. I am not sure whether we can 17 get clarification on that. But I do have fundamental issues with the selling off of Council 18 property as Cllr Cullen has said. This dangerous precedent started last year with the selling off 19 of a Council house in Connolly Square in Bray and the house, again in a central location, went, 20 sold for a song.
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22 First of all, you know, in the midst of a housing crisis where we have families, I have trades 23 people, I have young people on housing lists for eleven, 12 years, telling me to give me a house 24 in any condition, we will do the work in it over an extended period of time or whatever and for 25 this to be sold off and -- at €40,000, irrespective as to how much and I would question the 26 70,000, I think it's flawed and selling off the family silver. To be selling it off in the midst of a 27 housing crisis is totally, totally wrong and certainly I will be opposing it, as I opposed the selling 28 off of the property in Bray in Connolly Square and I will oppose other ones there, particularly 29 €40,000, I would question how it was advertised. You know I think there is big issues there how 30 these properties are advertised.

- 31 CATHAOIRLEACH: I will let Lorraine back in.
- 32 Cllr BRADY: Totally, totally oppose it.
- 33 MS LYNCH: Thanks, sorry, the house, we would have lent the loan to the individuals to 34 purchase this house a number of years back. They defaulted on the repayments to Wicklow

1 County Council. The banks aren't involved. We would have been the lender. They defaulted on 2 their payments. We would have gone through the process with them in terms of trying to agree 3 payment plans, trying to get them to pay and make inroads into at least keep paying a certain 4 amount. That process was unsuccessful. And we then went through the court process in terms 5 again of trying to move things along and trying to facilitate payments, so the people could 6 remain in the house. Again it was unsuccessful.

8 We repossessed the house, and at that stage there is a deficit or a debt sitting on the house of 9 180,000 between loan arrears, what was remaining and the outstanding debt. As part of the 10 repossession of houses which is ongoing across the Local Authority, there was a scheme last 11 year for local authorities to buy these houses into stock.

13 One of the key criteria for this is that it would be a minimal amount of money required to turn 14 the house around to re-let it out. Under that, we were able to get seven houses into stock. This 15 wasn't one of them, because it requires an awful lot more than a lick of paint. It requires a 16 complete refurbishment, a new heating system, the patio doors and some of the windows aren't 17 fitting properly, it possibly needs new electrics, the stairs isn't conforming with health and safety 18 standards, it needs a new stairs, there is mold on most of the walls, if you looked at the pictures 19 and the mold is creeping through, it is -- there could be underlying structural issues there. There 20 is a hole in the ceilings there.

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It's not a matter of sending someone in for a week to do a clear out and paint it, it will cost at least 70,000. Our housing section have looked at it and have said it will cost at least 70,000. In terms of the money we are being offered for it, we went out to tender first, it came back with 30,000, at that stage we decided not to proceed. We gave it to estate agents in West Wicklow, and they had -- the highest offer they've come back with after a number of offers is 40,000. To be able to crystallise the loss on this, we have to be able to sell the house. We can sell it to the open market and crystallise the loss and reclaim the loss back that way.

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30 If we were allowed, which we are not allowed, because it wasn't included and wasn't allowed

31 under the repossessed houses that we were allowed to buy into stock last year, to buy it into

- 32 stock, we could also crystallise that loss, but we are not allowed to do that and we don't have the
- 33 70,000 to spend on refurbishing the house.
- 34 CATHAOIRLEACH: Okay.

1 Cllr Tommy CULLEN: Chairman, I am sure every Councillor here has made representations 2 about patio doors or windows not closing properly and needs repairs, that's everyday use, every 3 Councillor here, that's not structural. Mold on walls, I mean I had the engineer of the Council 4 out looking at three houses where there is mold on walls. That's air vents usually are blocked, 5 it's not a big job to put in an air vent. There is no structural problem with this house. It's a 6 perfectly good three-bedroom, sitting room and dining room and kitchen house. There is a front 7 and rear garden to the house. An ideal family home.

9 And for -- I stand -- everything that Lorraine has outlined, it's not 70,000. Putting a couple of air 10 vents is not 70,000. Tightening up a couple of windows and doors is not 70,000. It's possible 11 electrical repairs, the Council carries out electrical repairs every day of the week. Talking about 12 putting in a new heating system. Every Councillor here in this room has made representations 13 for heating systems, but we are putting heating systems into houses quite regularly. That's 14 nothing unusual or uncommon that is being done, because these houses after all were built with a 15 fireplace, fireplaces. And you put in -- it's upgrading the houses. That's common practice in the 16 Council, it's nothing unusual, it's happening every day of the week.

Chairman, I made a proposal that the Government have announced a special budget this year, it's there at the moment for 100 million euro for refurbishing, and I think such houses, and I think before we would hand over a very valuable asset of a house like that in the centre of town, for all the families on the waiting list, we should at least do the courtesy of asking the Department would they consider funding the refurbishment of this house and I don't believe it would come near the €70,000 whatsoever for the works that Lorraine has outlined, unless you are bringing in a builder from America or somewhere.

But the amount of work you are talking about there doesn't come near where anyone could reasonably say it's going to cost 70,000. I think it's a reasonable proposal to ask the Department would they fund a reasonable refurbishment of this house.

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30 It's right in the centre of the town, it's in an ideal area, and right beside the schools and three

bedrooms -- I am sure there is some families in the area would be very glad to have that home.
Thank you.

- 33 CATHAOIRLEACH: Okay. Thank you Councillor. Cllr O'Neill.
- 34 Cllr O'NEILL: My concern there would be the former occupant, is he housed, are they housed,

or what's the situation there? And I agree with Cllr Brady there, I would be very reluctant to sell
 off a Local Authority property, I understand really where Lorraine is coming from there, but
 maybe if there was -- there is so many on the housing list in Wicklow, maybe up to 4,000, and 6
 or 700 in West Wicklow, maybe someone on the housing list would be in a position to buy, if it
 was. I wouldn't like to see it going on to the open market as such you know.

6 CATHAOIRLEACH: I will let Lorraine back in.

7 MS LYNCH: Just in terms of the occupant of the house, the occupant has moved on elsewhere, 8 I think she has actually moved out of the country at this stage. So it's not an addition to our 9 housing list. I take the point in that look to be able to have the asset of the house, but the reality 10 is the house is more of a liability at this stage and I take Cllr Cullen's point, in that if we had 11 asked the Department they may fund it, the fact is under the scheme for repossessed houses, they 12 will not fund this. They'll -- it's a repossessed house. They'll look at it specifically in that regard 13 and under repossessed houses, the only additional they'll give is about 5,000 in terms of legal 14 fees having dealt with the repossession process and so on. They'll not give additional funding 15 for any refurbishment or whatever it is. In that sense, no, the Department will not agree to the refurbishment of the house. 16

17 Cllr Tommy CULLEN: Have you approached them on this house?

18 MS LYNCH: This scheme -- as I said was a scheme in terms of the repossessed house and that's 19 the criteria of the scheme, we listed out the houses we had repossessed and the ones they'd take 20 on were the ones that was minimal, and literally a lick of paint, that's all they'd take on. 21 Cllr Tommy CULLEN: I am not trying to labour the point, but this house, I can understand if a 22 house is being repossessed by banks or building societies, but this is an in-house house, it was an 23 in-Council loan house, so it wasn't like a private loan from the bank or building society. This 24 was always a Council equity property. And the Department have said that they're allocating 25 funding to refurbish 2,000 houses. I listened to the Minister only last week on that five-seven 26 programme. She is providing funds to refurbish 2,000 Local Authority houses this year. So it's 27 not unreasonable, I am taking it you haven't approached the Department to see can this house be 28 included, but I would ask you before you do this, at least the local department outlined the case 29 to them, if you go into them with 70,000 for putting in, tightening up a few bolts on a back door 30 or putting in a few air vents, of course they won't entertain it, but if you put in what I believe is a 31 reasonable figure, maybe we will have some of our own engineers look at it.

32 CATHAOIRLEACH: Okay look, it's for the members to decide. Cllr Timmins has proposed we
 33 dispose of it, Cllr Cullen has suggested otherwise, so we will take a roll call. Have we a
 34 seconder for Cllr Timmins' proposer?

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1	Cllr BLAKE: I will second it.
2	CATHAOIRLEACH: Cllr Blake. We will take the disposal first.
3	MS GALLAGHER: To dispose of the property as outlined in the disposal resolution.
4	
5	(A vote was taken)
6	
7	MS GALLAGHER: That's eleven for, 18 against, one not present and two abstaining.
8	CATHAOIRLEACH: Okay. Item number four, to consider disposal of the Council's interest
9	and equity in 50 Kilgarron Park, Enniskerry, proposed by Cllr Vance, seconded by myself. All
10	agreed? Do you want to take a roll call on it. Okay, it's agreed, okay.
11	
12	Item number five, to consider the disposal of the Council's interest in land in Kilmacanogue
13	South. Proposed by Cllr Vance, seconded by myself. Agreed?
14	
15	Item number six to nominate 15 elected members to the Wicklow County Council Joint Policing
16	Committee (copy of the guidelines are enclosed). Okay, so I met with the groups this morning
17	and we have proposals. Cllr Vance?
18	Cllr VANCE: Chairman, could I propose Cllr Casey, Cllr Annesley and Cllr Walsh.
19	CATHAOIRLEACH: Cllr Casey, Cllr Annesley, and Cllr Walsh. A seconder for that? Cllr
20	Fitzgerald. Okay, Cllr Blake.
21	Cllr BLAKE: I propose from the Fine Gael group, Irene Winters, Shay Cullen and Vincent
22	Blake. Seconded by Cllr Mitchell. Cllr Fortune.
23	Cllr FORTUNE: I propose Cllr Fortune, Cllr Kavanagh and Cllr Matthews.
24	CATHAOIRLEACH: A seconder. Yeah, Whitmore. Cllr Ruttle?
25	Cllr RUTTLE: I propose Cllr Nolan and myself.
26	CATHAOIRLEACH: Okay. Thank you. A seconder for that. Cllr Nolan. Cllr Snell?
27	Cllr SNELL: Thanks Cathaoirleach, I would like to propose Cllr O'Neill, Cllr Brady and Cllr
28	McDonald please.
29	CATHAOIRLEACH: Okay, a seconder for that.
30	Cllr LAWLESS: I will second that.
31	CATHAOIRLEACH: And I will propose Cllr Behan. Seconder? Cllr Snell to second it. Okay.
32	Any other nominations? Proposals? Okay. Thank you very much. That's 15.
33	
34	Okay, item number seven, the draft Strategic Policy Committee scheme. So this is in two parts.

1	MS GALLAGHER: The draft Strategic Policy Committee scheme, it's been on public display,
2	and there are four submissions received, the submissions have been circulated to each of the
3	elected members and considered at the CPG this lunchtime. The first part of it is to adopt the
4	Strategic Policy Committee Scheme for Wicklow County Council, so the elected members have
5	the framework. The proposal is to increase the membership of the planning and development
6	committee from six to seven. That will facilitate the election of the elected members in part B.
7	So in tandem with this, the housing and corporate estate would be reduced to five.
8	CATHAOIRLEACH: No, sorry, transport.
9	MS GALLAGHER: Sorry, transport, I beg your pardon, transport and environmental services
10	will be reduced to five. So that's one part of the framework.
11	
12	The other areas relate to the submissions that were received and I will just go down through
13	them briefly. There was four submissions, one from the Wicklow Planning Alliance, one from
14	the Environmental Pillar, one from the Simon Community and one from the PPN submission.
15	
16	A lot of what was outlined within the four submissions relate to actual operate how the
17	committees will operate into the future, places of meetings, consideration of public transport,
18	how the agendas are framed, how the minutes are put together, and put up for display. So that's
19	something that each committee can consider in its operational procedures. But in terms of the
20	framework, the Wicklow Planning Alliance has requested that a representative from the
21	environmental sector have a contribution to make to the housing committee.
22	
23	The Simon Community advises that it's imperative that the homeless agenda for the county
24	remains as part of the area of responsibility under the Housing SPC, and membership of sectoral
25	interest should consist of nominations from homelessness.
26	
27	The PPN makes a submission that it also, it requests that a member of the community voluntary
28	sector have at least one seat on every SPC and likewise a representative from the environmental
29	sector have knowledge in relation to sustainable building practices valuable to the Housing SPC.
30	
31	Having considered the submissions received by the CPG, the recommendation is that in terms of
32	the framework, that the sectoral representation on the planning and development committee
33	remain the same, the transportation water and environmental services, sectoral representation
34	remain the same.

1	
2	On the housing and corporate estate, that the social inclusion representation consist of the
3	representation from the Simon Community, as submitted, and there will still be a voluntary
4	community representation. The community and social and cultural development, their
5	representation remain the same. And for the economic development enterprise, that the
6	recommendation remain the same. But following establishments of the SPC, if it is considered
7	that it would be beneficial in providing skills and expertise from other sectoral interests, that that
8	could be considered down the road. So I need a proposer and a seconder.
9	CATHAOIRLEACH: Okay, we will take this in two parts I suppose, part A is the sectoral
10	interest.
11	MS GALLAGHER: The framework, to adopt the strategic framework.
12	CATHAOIRLEACH: To adopt the framework as recommended by the CPG. Have I a
13	proposer? Cllr Fitzgerald. Seconded, Cllr Ruttle. On the elected members.
14	MS GALLAGHER: Yeah, well
15	CATHAOIRLEACH: Just read out.
16	MS GALLAGHER: Absolutely and that's been circulated.
17	CATHAOIRLEACH: Everybody has that. So we need agreement as circulated on the
18	membership of the elected members to the various SPCs, have I a proposer? Cllr Casey.
19	Cllr BLAKE: Maybe it's just a typing error, but the planning SPC, the Chairman is between
20	myself and Sylvester Bourke.
21	CATHAOIRLEACH: That's okay, yeah. Okay, proposed and seconded. Cllr Brady. Is that
22	agreed? Agreed? Okay the LCDC membership.
23	DIRECTOR LANE: I circulated a copy for the guidelines for the establishment and operation of
24	local community and development committees, they were circulated to all of you. Basically, the
25	original guidelines, or before on the 28th of April, we came to Council at the time they were
26	under a lot of pressure in the LCDC, which we did, with 15 members. It's now recommended
27	after consulting with the CPG that we move this up to 17.
28	
29	At the time, the PPN, or the PPN body had to produce, or could produce four, they must now
30	produce five, two community voluntary, two social inclusion and one from the Environmental
31	Pillar. We must move at least one new member on. The current membership if people look at
32	page 24, that's the blue one, if people have it there. The current membership is seven from the
33	public sector, and five from the community at the moment we had four and I am suggesting
34	moving that up to a minimum five, which we have to do, our Local Community and

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3

Development Committee, they're the two partnership committee, we have two there. I am also recommending bringing an extra body in to the other local community interests.

There is a reason for this: At the moment, when we are voting at the LCDC, we must even up 4 5 the numbers. On the public sector, that's public sector authorities, Local Authority members, and Local Authority officials. There are seven on that side. They cannot be more than 49%. So 6 7 once we are considering (INAUDIBLE) social inclusion community activation programme, 8 which we have to consider next year, there are people who have to be excluded because they 9 have an interest in it. It's bordering impossible to get a quorum at the moment. So one way to 10 do it, because the people on the private sector side, which is current seven out of ten, has to be 11 reduced because of their interest in the process, they're reduced down to six. Once you do that, 12 you must take the public sector out, there must be less than the six or five. Therefore to achieve 13 the quorum, you must load the public sector, decide on the public sector at the moment. 14 CATHAOIRLEACH: Maybe answer a few questions. Cllr Kavanagh. 15 Cllr KAVANAGH: Hi Joe, I would just like to ask did you suggest that we have another 16 member on the board. I know myself and Councillor Nicola Lawless were sharing a position on 17 that, so if it is possible I would like to propose that Nicola would come on board full-time. 18 DIRECTOR LANE: No, for two reasons: One there is an area issue, because of duplication, 19 also there are people in the Wicklow and Greystones area, so another member in that scenario is 20 not possible. The second one is the loading isn't on the public sector. What's going to happen 21 for the site cap programme, if we bring another public sector in, they'll have to leave the room 22 again. The public sector isn't the problem at all. We could bring in another public sector. If I 23 was recommending public sector, the DSP is probably the next person I would recommend. The 24 difficulty is getting the balance between the public and private sector.

25

26 Your scenario creates two problems, the second problem is once the site cap is being considered, 27 somebody else has to leave the room from the public sector side. The loading is not on the 28 public sector side, if you look at the module there. I am recommending that we bring two people 29 in, one from the private sector, which I have to do, we have to do one from the PPN from the community and voluntary to bring it up to a minimum of five. If you look at that. I am 30 31 recommending we are also bringing another person in from the civic society and local 32 community interest, that will then give our balance correctly. This will be reviewed in 33 three-years time.

34 CATHAOIRLEACH: So the additional two are from the other side unfortunately okay.

- 1 Cllr KAVANAGH: That's grand.
- 2 CATHAOIRLEACH: Cllr Cullen.
- 3 Cllr Tommy CULLEN: Yes Chairman, in regards to planning SPCs -- I am no good with
- 4 technology. Chairman, I have concerns about developers sitting on planning committees of this
 5 Council.
- 6 CATHAOIRLEACH: This is not the SPCs now.
- Cllr Tommy CULLEN: I know that, I just want to say that. I am very uncomfortable that
 developers are allowed sit on planning committees with access to very critical information of
 discussions about zoning and what have you, and privilege, whatever advantage that may or may
 not give. I am very uncomfortable about that situation. And I don't think that situation, I think
 whatever bodies are nominating, any voluntary groups are nominating people, they should not be
 nominating developers on to planning SPCs as a matter of principle.
- 13
- 14 I think that's very restrictive information that are discussed at those meetings, and I think that
- 15 should be resolved. As I said, it should be kept to planners and elected members at SPCs.
- 16 CATHAOIRLEACH: Okay. I take your point, okay, but the Construction Industry Federation
 17 do have a member...
- 18 MS GALLAGHER: It's the business community nominate the member.
- 19 CATHAOIRLEACH: It's the business community now.
- 20 Cllr Tommy CULLEN: I will ask about the business community, but take into consideration the
- 21 facts on the ground so to speak. I don't think it's healthy situation where you have a developer,
- 22 or any developer sitting on a committee making zoning decisions or -- because there is
- 23 information at that SPC that's about lands that are going to be zoned maybe a year in advance,
- and there is huge commercial advantage in that information.
- 25 CATHAOIRLEACH: I will wait to see what the private sector nominate.
- Cllr Tommy CULLEN: I would like to see if the construction industry or the business put some
 person in there that's a professional person, an architect or something like that, but I think not
 any one developer.
- 29 CATHAOIRLEACH: Okay. Thank you Councillor. Cllr Snell?
- 30 Cllr SNELL: Thanks Cathaoirleach. Cathaoirleach, I would just like to propose that we would
- 31 adopt the guidelines that the Director is putting to the members here. I think he has outlined...
- 32 CATHAOIRLEACH: Have I a seconder for that? Cllr Fitzgerald. Okay, is that agreed?
- 33 Cllr BRADY: Just on a point of information there, there was a list of individuals who I think
- 34 expressed an interest. Are we proposing to allocate them from this meeting or is that at the first

1	meeting of that body?
2	CATHAOIRLEACH: Yeah, it's first for the SPC. That's to be done at the SPC.
3	Cllr BRADY: That's to be done at the SPC. Okay, that's fair enough.
4	CATHAOIRLEACH: Okay, is that agreed? Agreed. Okay. Thanks Joe. Okay item number
5	nine, the proposed extinguishment of the public right of way at Johnstown, North Arklow. Cllr
6	McDonald.
7	Cllr McDONALD: Just before we take any decision, I have a couple of questions to ask. Has
8	there been any communication with the residents in the area since April 2011? Like we got a list
9	of the questions and the issues and the responses that they got. Has there been communication
10	with the residents since then? Do they know it's actually going to happen?
11	CATHAOIRLEACH: Have you other questions for them?
12	Cllr McDONALD: No, that's it.
13	Cllr BOURKE: Cathaoirleach, I would like to propose that this be deferred until the local
14	municipal authority has discussed it, and then we can bring it back to the full Council for a vote.
15	CATHAOIRLEACH: How do you feel about that?
16	Cllr BOURKE: It hasn't been brought before the Local Municipal Council yet.
17	CATHAOIRLEACH: Have I a seconder for that?
18	DIRECTOR QUIRKE: That will be put back for the next meeting.
19	Cllr BOURKE: The October meeting of the Municipal Council.
20	DIRECTOR QUIRKE: We would like to get it done sooner rather than later.
21	Cllr FITZGERALD: Could we discuss this under any other business?
22	CATHAOIRLEACH: Okay and come back here ASAP.
23	Cllr FITZGERALD: A bit of communication from the administrator, is that okay?
24	DIRECTOR QUIRKE: Yeah.
25	CATHAOIRLEACH: Okay. Well then are you proposing both extinguishments, yeah, yeah,
26	they're both the same relevance? Yeah, okay, right. We will leave that until Wednesday, if the
27	Chairman of the South is to bring that up on Wednesday. Okay, item number - Councillor
28	Lawless?
29	Cllr LAWLESS: On the next one.
30	CATHAOIRLEACH: Press your button again there so. Item number ten, you are too quick, to
31	consider the adoption of Greystones Harbour and Marina bye-laws. Okay, Sean again.
32	DIRECTOR QUIRKE: Thanks Chairman, the report has been circulated, the bye-laws have
33	been on public display, we have had a couple of meetings with the local area members, so I think
34	a number of suggestions are coming forward as a result of that for amendment, so if the members

- 1 are happy with those amendments, we can vote on the bye-laws.
- 2 CATHAOIRLEACH: I will just let in speakers first. Councillor Lawless.
- 3 Cllr LAWLESS: Thank you Chairman, just on one of the amendments, the suggested in the
- 4 bye-laws, bye-law number 2.4, and 6.9, it's just in regards to rod fishing. With both these

bye-laws in place, there is no indication that there is actually anywhere for anyone to rod fish
down in the harbour marina, so on 2.4, kind of halfway down there is elsewhere in the harbour

for fishing, I am suggesting we put in after elsewhere maybe the north beach, it seems likely to
be the only suitable place for rod fishing to take place down in the harbour.

- 9 CATHAOIRLEACH: Okay, Cllr Whitmore.
- 10 Cllr WHITMORE: Thanks Chair, I would like to propose an amendment to paragraph 6.13 too,
- which states "commercially loaded fish is to be immediately removed from the harbour", I would
 like that to be amended to say that "the fish are to be removed within a six-hour period", to

13 enable the fishermen a bit of time to get the trucks to take their fish away.

- 14 CATHAOIRLEACH: Just that paragraph again.
- 15 Cllr WHITMORE: For it to read "commercially loaded fish is to be removed within a six-hour 16 period from the harbour", rather than "immediately", as is the current position.
- 17 Cllr BRADY: Cathaoirleach, I don't know whether there is a change with the audio, but it is
 18 very, very difficult to hear.
- 19 CATHAOIRLEACH: I know, there is a whole new system gone in.

20 Cllr BRADY: I barely heard that.

- Cllr WHITMORE: At the moment 6.13.2 states "commercially loaded fish is to be immediately
 removed from the harbour". I am proposing rather than the fish be removed immediately, that
 the fishermen be given a six-hour time period for that removal.
- 24 CATHAOIRLEACH: Okay Cllr McLoughlin?
- Cllr McLOUGHLIN: Thank you Chairman. If we go to 5.19 with regards to parking, it has, "it
 will be an offence under these bye-laws to park a vehicle within the designated parking areas". I
 would like the word "permanently" put in before "designated" so we don't charge for parking in
- 28 Greystones until the permanent car parking is got in and it's not in the temporary...
- 29 CATHAOIRLEACH: What's the paragraph number?
- 30 Cllr McLOUGHLIN: 5.19, so the word "permanently" will go in before "designated parking
- 31 areas in Greystones Harbour", and I would like section B fully omitted, so clamping will never
- 32 come into the harbour in Greystones.
- 33 CATHAOIRLEACH: Okay. Cllr Fortune.
- 34 Cllr FORTUNE: Thanks Cathaoirleach. Just three things: On a general basis, I find the absence

of the right for appeal throughout the document to be an issue for me. I think it's -- a lot of it is
 obviously things that have to be in there, but when you read through the total document, it lacks
 this kind fairness and lacks the right to appeal, and I would like that to be considered before it
 goes into it.

Also reading it, I am not happy with the fishing section of it. I think that needs more review. I 6 7 think before it's actually completed, it should, there should be a proper meeting with all of the 8 interested parties in the fishing end of it before that's done. I think that's very important. I think 9 I would be asking that it would be postponed, the approval today, to give, say three or four 10 weeks for that to happen properly. Because there has been a lot of toing and froing, and there 11 has been a meeting and there hasn't been a meeting and who has or hasn't been added. And then 12 specifically on page 19, 5.4 under where it says "no person shall" and under A, "walk", I just 13 think that needs to be better defined. There is -- the way this is written, you know, it just 14 mentions a word.

15

5

Now the problem with this is it will be down to interpretation when this is all done and dusted, and therefore that's why I feel, as I said originally, there is no right of appeal anywhere in it, but I think some aspects of it like that "walk", that needs to be defined. I know nobody can walk in the middle of the road, everyone would know that, but where can they walk, are they going to be pulled up because someone feels they can do that? The whole power around this I do have an issue with.

- CATHAOIRLEACH: We do need to put some wording to this today if we are going to agree...
 Cllr FORTUNE: No, I am saying...
- 24 CATHAOIRLEACH: You have made a valid point, but we need to get actual amendments put.
- Cllr FORTUNE: Unless there is an appeal of wording in it somewhere, I won't be approving it
 today.
- 27 CATHAOIRLEACH: Are you proposing then to put...
- 28 Cllr FORTUNE: We discussed it earlier on this morning and I made the same point.
- CATHAOIRLEACH: I know you are making a point but we need to put it into the bye-laws, so
 we need a proposal in wording.
- Cllr FORTUNE: I don't have one before me here at all, if I am not in a position to do it today, I
 will vote against it.
- CATHAOIRLEACH: Okay. I am just going to let in the Greystones Councillors first. Cllr
 Walsh.

Cllr WALSH: I would like to propose that the bye-laws be adopted with the amendments as
 proposed by Cllr McLoughlin, Whitmore, and Lawless.

CATHAOIRLEACH: I need seconders for Councillor Lawless' proposal. Cllr Brady. For Cllr
 Whitmore's? Cllr Matthews. Cllr McLoughlin's? Cllr Mitchell. So I just want to let in the
 other speakers first. Cllr Walsh has proposed to adopt them. Cllr McLoughlin.

6 Cllr McLOUGHLIN: Just something I just want to clarify. I was speaking to one of the 7 fishermen who has a trawler in Greystones. As you all probably know it has been the source of 8 much discussion and he said to me that in essence he had no problems with the bye-laws as they 9 stood. There is work that has to be done with regards to getting our fishermen into Greystones 10 and rightly so, but that's outside the scope of these bye-laws.

11 CATHAOIRLEACH: Cllr Mitchell.

12 Cllr MITCHELL: Can we just, first of all I would like to second the proposal from Cllr Walsh 13 and secondly I would like to say in terms of walking, the whole section here reads, "no person 14 shall walk, run, or otherwise occupy the harbour marina and roadway or vehicular area in such a 15 manner to endanger his own safety or cause a problem for traffic". I think that's rather specific 16 that you shouldn't get in the way and endanger your own life and I think the people who are 17 doing so should be pulled up and I think it's reasonable for that to remain here, and as I say I 18 second Cllr Walsh's proposal.

19 CATHAOIRLEACH: Okay, Councillor Lawless.

Cllr LAWLESS: Thank you Chair. I just want to mention, because it has come to my attention
in regards to swimming in the harbour, I know there is issues, and I know the dangers of
swimming in the harbour with vessels coming in and out, but just so that the public are aware, I
mean obviously swimming and paddling, as it was stated this morning, are slightly different, but
that the public actually are aware that children still can paddle at the shore's edge within reason
in the harbour. I know there is probably no way of putting it in here into the actual bye-laws, but
I just want it stated that people actually know that it isn't -- I think people are on the

understanding that they can't swim at all at the shore's edge with their children, so I just wouldlike that noted that it is possible.

CATHAOIRLEACH: Thanks Councillor. Cllr Kavanagh, thanks for your patience, I just
 wanted to let in the Greystones Councillors first.

31 Cllr KAVANAGH: I just have a concern about the statutory authority of the company

32 employees to stop, identify and search people. I know that is something that the Gardaí do under

33 the law, so I don't know about, and I would like, I suppose, clarification on it. People have

34 constitutional rights to their bodily integrity and the integrity of their cars and vessels, so I would

like clarification on that about who actually has a legal right to stop people and ask to search and
 identify, to give their name and address, because as I understand it, it's something that only the
 Gardaí can do it, but you might be able to enlighten us on that.

4

5 Just things like of 6.7.6 and 6.7 that "no person shall take part in any artistic performance, public 6 gathering or meeting". I think that could well be a breach of people's constitutional rights as 7 well. People have a right to meet in public and gather once they're not breaching any laws or 8 anything like that. So I would just -- am concerned about the wording of this, that there is an 9 impingement of people's constitutional rights to do these things. People have the right to free 10 movement within the country once they're not breaking any law and it is a public place as far as I 11 know, so I have grave concerns about it and I can't support it for those reasons.

12 CATHAOIRLEACH: Okay, thank you Councillor. Cllr Cullen.

13 Cllr Tommy CULLEN: Chairman, I don't know much about this to be honest with you, but what 14 Cllr Kavanagh has said there does concern me somewhat, that a company could stop people 15 having the right to meet or have a talk or maybe people could be out walking with their dogs and 16 some fella, I don't know whose authority someone could come up and say move on there, you 17 can't be standing here having a chat, or search people's cars. Who is giving them authority to, 18 giving them the power to search people's cars? They appear to me to be very draconian powers 19 to be given to anybody in this democracy and I think we should be very concerned about those 20 type of almost police state type of powers that you would give somebody.

21

22 I know there is a concern probably about anti-social behaviour, and maybe this is directed to 23 prevent that happening, and you can understand that, but you can't override the rights of citizens 24 in a democracy to assemble, and you can't over -- you can't say that a member, some member of 25 some private company has the right to insist on searching an individual's car, as Cllr Kavanagh 26 was referring to. These seem to be draconian powers and outside of the norm, and I think 27 probably Cllr Fortune is correct that if these types of powers are going to be in, then maybe they 28 should step back a bit and have a further explanation to the municipal members about these, 29 what seems to me to be draconian powers and explain why and on whose authority and what's 30 the legality, because simply because we pass bye-laws doesn't mean that they're legal. If they're 31 not legal and within the constitution.

32

And I would like to see a legal opinion first and foremost on the basis of the right of some
 individual person to insist on searching the car of a private citizen, or to stop people, three or

four people having a talk in a public place, to be moved on and dispersed by some person who is
 not a member of the guards.

3 CATHAOIRLEACH: Okay, I will let Sean in in a sec. Cllr Whitmore.

Cllr WHITMORE: Thank you Chair, yeah, I would like to support what Cllr Kavanagh and Cllr
 Cullen are saying in relation to 6.6, and wonder whether there is an opportunity perhaps to omit
 the words "public gathering or meeting within Greystones" from that paragraph. Or perhaps
 insert some condition of anti-social behaviour being part of the situation.

8 CATHAOIRLEACH: Okay, I will let in Sean.

9 DIRECTOR QUIRKE: Thanks Chairman. I will just maybe run back through the things that 10 have been raised. The opportunity to appeal is there through the courts, if somebody feels that 11 they've been accused of being in breach of the regulations of the bye-laws and they feel they're 12 not, so that is there. The bye-laws can be enforced by either the Gardaí or an authorised officer 13 and if you look at page 5, I think that's your concern is probably addressed there, that authorised 14 officer would be appointed in writing, so it's not just somebody can turn up and enforce the 15 bye-laws. I am not sure where you see the reference for searching cars, it's not in it.

- 16 Cllr KAVANAGH: Yeah, sorry, 6.1.1, the company acting in the exercise of their duties, has 17 reasonable cause to suspect that any vehicle or vessel in the general harbour area may give rise 18 to a security incident, he may request the person in charge of such a vehicle or vessel to be 19 searched by company personnel, either immediately or within a reasonable period of time after 20 making such a request", obviously a citizen has the right to turn that down, you as an employee 21 are not authorised, a lot of people wouldn't know they can turn it down.
- 22

If you are wearing a security guard's uniform, if you are contracted security guard. If such permission is refused, the company personnel should be entitled to contact the Gardaí and that is perfectly proper that the Gardaí can search and the Gardaí in the course of their duty, they have to invoke the law and say I am searching you under such-and-such an Act and such a category, they'd have to tell you why they're searching you. So they have the authority.

- DIRECTOR QUIRKE: The wording is quite limited. If you read it, it says, "a vehicle or vessel which may give rise to a security incident", so it would really be a matter, in the interests of public safety that any...
- 31 Cllr KAVANAGH: I can understand that.
- 32 DIRECTOR QUIRKE: So if you take out that, I would say you reduce the security.
- 33 Cllr KAVANAGH: If you just read above it as well, it says, 6.1, "where a condition or HMO
- 34 employee acting in the exercise of duty is of the opinion that a person is or may be in breach."

You see anyone who isn't fully au fait and it could be a security guard employed by the company who is patrolling the area or whatever, you get people who actually don't understand fully the bye-laws and they wouldn't have -- they'd have to have a copy of the bye-laws on them to say look this is the section under which -- it's not just that somebody makes it up or believes it. I just think the wording is flawed, and it could give rise to concerns about people's constitutional rights to move freely.

DIRECTOR QUIRKE: I don't believe there is any infringement of their rights. If somebody -if an employee is of the opinion that somebody may be in breach of the bye-laws, they'll go and
tell them that in their opinion they're in breach of the bye-laws and they can cite the bye-law to
them.

11 Cllr KAVANAGH: They'd have to cite -- I don't know what your background in law or 12 anything is, but I would like a legal opinion on this as to who can authorise to search vehicles 13 and to search people?

14 CATHAOIRLEACH: It does state in it that it's done through An Garda Síochána. If you look...
15 Cllr KAVANAGH: Only if somebody refuses to give the permission, then the Gardaí can be
16 called, which is reasonable that the Gardaí would be called. But maybe in the first instance, it
17 would be that the Gardaí would be called.

18 DIRECTOR QUIRKE: Other than that, it would be an authorised officer.

Cllr KAVANAGH: I don't know is an authorised officer entitled to search people or to stop
them and ask them their name and address either, I think that is under the law, only a Gardaí can
do that. I am not an expert on the law, but I would like to know.

- 22 DIRECTOR QUIRKE: This is not -- Waste Officers, there is nothing new really in this.
- 23 Cllr Tommy CULLEN: Chairman, what's the point of the general harbour area?

24 CATHAOIRLEACH: There is a map attached to it.

25 Cllr Tommy CULLEN: I am just trying to say, I think Cllr Kavanagh has made some very good 26 civic points about the citizens' rights, and that we shouldn't have a situation where decent law 27 abiding people who are maybe having a chat can be approached and personal information 28 demanded of them. And then to go and say well I want to search your car. Normally there is 29 harbour police, but these people wouldn't have the status of harbour police. If they were given 30 the status of harbour police, perhaps that would be one reasonable road to go, but if you 31 simply -- anyone go around with a yellow jacket, a security man says pull over there, I want to 32 look in the boot of your car. You could have a -- someone down there with some children 33 coming back from somewhere down the beach or something and some fella, maybe an 34 overzealous fella will take the authority on to himself and start searching everyone's cars.

- 1 CATHAOIRLEACH: It states you have the right to refuse.
- 2 Cllr Tommy CULLEN: I know you have the right to refuse.
- 3 CATHAOIRLEACH: And then it's done through An Garda Síochána.
- Cllr Tommy CULLEN: I think if someone is going to search your car, that person should be a
 member of the guards. That's the only person I would like to see having that authority in a
 public place. It's different if it's in a private place, if you are on someone's private property.
 This is a public property and it give somebody the right to stop and search your car who is not a
 member of the Gardaí on a public place, I think it's very questionable legally and it does appear
 to be draconian. I just feel uncomfortable giving any person, who is not a guard, that authority.
- 10 CATHAOIRLEACH: Okay, Cllr Kavanagh.
- 11 Cllr KAVANAGH: I would just like to add just about the meeting place, 6.6, "no person shall 12 conduct or take part in any gathering or meeting." Again I think that's draconian that somebody 13 who isn't a police officer has the authority to move people on, depending on who is meeting 14 there, if you had a crowd of teenagers meeting there playing guitars and not breaking any law, 15 somebody who is not a guard has the authority to move those people on and I think that's an 16 infringement of people's rights as well. Again the same with "no person shall play ball games", 17 if a few lads are kicking a ball up and down the beach or whatever, again they can be moved on 18 for doing that and they're not actually breaking the law.
- DIRECTOR QUIRKE: Can I just say this is a residential area and there is going to be more
 houses down there, so the power there under the bye-laws, you can have musical, you didn't read
 the last sentence, save with the written permission of the company. So you get permission to put
 on a performance and then everybody knows...
- 23 Cllr KAVANAGH: I am talking about a few people.
- 24 DIRECTOR QUIRKE: You are talking about the provisions of 6.6.
- Cllr Tommy CULLEN: If children have to get permission from a company to kick a ball in a
 residential area.
- CATHAOIRLEACH: We do have to remember the responsibility of looking after a harbour is a
 very, very serious responsibility.
- 29 Cllr KAVANAGH: A few kids kicking a ball along the beach, that it's quite...
- 30 DIRECTOR QUIRKE: There is nothing to prevent a ball being kicked along the ball.
- 31 Cllr KAVANAGH: No person shall play ball games within the Greystones Harbour and Marina.
- 32 Cllr Tommy CULLEN: If you read that and you have to get permission, I know why you are
- doing this and probably security risk and health and safety and all that, and I appreciate that, but
- 34 there is also an issue of common sense that if you are in a residential area and children have to

get permission to kick a ball and that means that two or three children on a Saturday morning go
 out and say we will throw our jumpers there and kick a ball, a lad comes down, no have you got
 your permit to kick a ball, I am having you up, you are in breach of bye-laws, the whole thing
 comes into dispute then. A little common sense needs to be looked into this.

5 CATHAOIRLEACH: I have given you a lot of latitude. Are you proposing something, an6 amendment?

Cllr Tommy CULLEN: I would propose that this matter, Cllr Fortune said and he lives in the
area there, the other Councillor, that I think there should be some legal opinion to interpret these
bye-laws to bring some -- I actually think probably the way around this is that they would
appoint a harbour police, so like you have in most harbours around the country, a harbour
policeman and give him certain authority.

12 CATHAOIRLEACH: Cllr Mitchell.

13 Cllr MITCHELL: I would just like to say the Harbour Master has to be able to exercise 14 discretion as to what happens here. If for instance the lads are kicking a ball on the pier, it's 15 going to be quite dangerous, because people are going to get distract and walk off into the 16 harbour chasing the ball. And I don't think anybody is going to object to anybody, and he 17 shouldn't be, kicking the ball on the beach. But that's different from doing it on the pier. The 18 Harbour Master has to exercise discretion about how to maintain order in the harbour. And like I 19 would see that they would be keen to encourage gatherings and events and festivals. It is 20 designed to be the centre of the town facility. But I think they have to have discretion as to what 21 is allowed there, and to be able to ensure that it doesn't get out of hand, and certainly playing ball 22 anywhere in this harbour isn't going to work, because it is a harbour, there is water around, there 23 is large steep drops on to other bits of concrete, etcetera, so, and there are considerable health 24 and safety issues in it, in all harbours.

25 CATHAOIRLEACH: Okay, thank you Councillor. Cllr McLoughlin.

26 Cllr McLOUGHLIN: Just very briefly, I just want to go back on something Cllr Cullen said 27 with regards to getting into cars, because it does say "if such permission is refused, the company 28 personnel shall be entitled to contact An Garda Síochána". I think that covers that. Going back 29 to what Cllr Kavanagh said and Cllr Whitmore, I think we could take out of -- I would propose 30 taking out 6.6, we will leave it as "no person shall conduct or take part in any musical or artistic 31 performance", and I think we should have "or event without written permission", but take out 32 "public gathering or meeting". We put in event, so no events go on without permission, but we 33 take out there isn't a thing that a couple of people can meet in public for a gathering or meeting. 34 CATHAOIRLEACH: Cllr Kavanagh.

1	Cllr KAVANAGH: All I am saying is I don't think you can have a bye-law that overrides
2	people's constitutional rights and I would like to have a legal opinion on this.
3	CATHAOIRLEACH: Okay, I am going to let in the Director and then we are going to a vote on
4	this.
5	DIRECTOR QUIRKE: I appreciate that not everybody might be familiar with the layout even of
6	the harbour and the proposed layout, but the harbour area itself where you are going to have
7	vehicles, vessels, launch and retrieve of boats, it's not a play area. But the rest of the
8	development includes a massive public park. You know, so it's not that there is that's included
9	in the mapped area. It's not that there isn't going to be a facility there. There will be a public
10	park there for people to play in. But what you want to do is steer people towards the public park
11	and not have them playing where there is vehicles and vessels.
12	CATHAOIRLEACH: Okay, I can't let you have the last word. Cllr Whitmore.
13	Cllr WHITMORE: I would just like to second Cllr McLoughlin's proposal to omit those words
14	from 6.6.
15	CATHAOIRLEACH: Okay Cllr Walsh, do you want to include that last amendment in your
16	proposal?
17	Cllr WALSH: I do indeed yeah, I propose it with the amendments.
18	CATHAOIRLEACH: Have I a seconder for that?
19	Cllr MITCHELL: I will second that.
20	CATHAOIRLEACH: We are adopting the bye-laws with the amendments made by
21	Cllr KAVANAGH: Is there a vote on it?
22	CATHAOIRLEACH: We are going to vote on it, yeah, and if it's defeated then, we go to a plan
23	B. Okay, to agree the draft bye-laws with the amendments made by Cllr Lawless, Cllr
24	Whitmore, Cllr McLoughlin. Okay.
25	
26	(A vote was taken)
27	
28	DIRECTOR QUIRKE: Can I get clarification, 6.6 now says artistic performance or event, is
29	that it?
30	Cllr McLOUGHLIN: Sorry, I am just quickly flicking through.
31	CATHAOIRLEACH: Yeah, event instead of meeting.
32	MS GALLAGHER: That's 25 for, two against, four not present and one abstaining.
33	Cllr McLOUGHLIN: No person shall conduct or take part in any musical or artistic
34	performance or event.

- CATHAOIRLEACH: Okay, item number eleven, consider taking in charge the following
 estates. We will take them one at a time. Do you want to say something first Des?
 DIRECTOR O'BRIEN: Just that there has been a lot of work done by the team, Gavin and
 Connor mainly in taking this in charge, with the co-operation of area engineers and other staff.
 There is an awful lot of work in getting them finally over the line and I am very, very happy now
 to recommend these today. We will be down to 71 estates. I think we had about 180 at one
 stage, so progress has been made.
- 8 CATHAOIRLEACH: Okay, Cllr Cullen.
- 9 Cllr Tommy CULLEN: I just notice here Castle Oaks, I thought that was taken in charge three 10 years ago, was there a resolution here about three years ago on that estate, Paddy Morgan was 11 involved in that estate?
- 12 DIRECTOR O'BRIEN: I am afraid there hasn't been, no.
- 13 Cllr Tommy CULLEN: What was the resolution?
- 14 DIRECTOR O'BRIEN: This is the estate that backs on to the GAA field? You might be
- 15 thinking of the one near the castle gate.
- 16 Cllr Tommy CULLEN: That's Castle View, this is Castle Oaks.
- 17 CATHAOIRLEACH: Cllr Mitchell.
- 18 Cllr MITCHELL: Thank you, my question is over Delgany Woods in Delgany, this is a large 19 estate. And there has been quite a bit of work to do to get everything up to speed and I would 20 echo your comments about the staff who have had an awful lot of detailed work in this. I have a 21 significant question over one planning condition and that is that the culvert on the road, the road 22 from Killincarrig to Delgany had to be made larger and this has been a site of flooding and what 23 happens here is that the water comes out of this stream and then runs down to Killincarrig 24 flooding other houses lower down and has also flooded some houses at this spot.
- 25
- Now this work hasn't been done, and I am just concerned that we are taking over the estate, and this usually means handing back to the bond when a very expensive and quite difficult thing, because it involves the agreement of other landowners, there maybe fibre optic cables running where this culvert needs to be enlarged and I have major concerns about handing back any money to a developer when this work has not been done. Otherwise I am happy enough to take it over, but I don't like the idea of handing back a bond when there is a substantial thing to be
- 32 done which has involved the flooding of many houses in the past.
- 33 CATHAOIRLEACH: Okay. Thank you, Cllr McLoughlin.
- 34 Cllr McLOUGHLIN: I concur with my colleague. At the last Town Council in Greystones, this

1 was discussed in great length because we had a situation where Mill Road is flooding so 2 intensively and at the time there was going to be some work or some research done into whether 3 the developer had actually completed all the works properly. We never got a report back because the Council ended. I just want to make sure any work they did in there isn't the result of 4 5 the flooding we are having now at this stage and has a full investigation taken place on it? CATHAOIRLEACH: Thank you Councillor, Cllr Fortune. 6 7 Cllr FORTUNE: Thanks Cathaoirleach. Yeah I would have similar concerns with Delgany 8 Wood. But also Iniskeen in Kilcoole, is that estate finished? I didn't think that housing estate 9 was actually complete. 10 CATHAOIRLEACH: Okay, I will let back in the Director. 11 DIRECTOR O'BRIEN: Thank you very much. Just to finish what I was saying to Cllr Cullen, 12 this wasn't taken in charge previously, I will just confirm that. On the Delgany one, yeah, the 13 culvert hasn't been carried out yet, it was part of the proposal to overcome, to mitigate the 14 impacts of this development at the time. I am not sure why it wasn't done at the beginning, but 15 people seem to think there was landowners downstream had some sort of lien on it. 16 17 As it turns out now, we have actually have to get a license from the Office of Public Works for 18 any changes to bridges on a public road, on a stream that's shown on a six inch ordinance survey, 19 work has to get a licence from the OPW. We have got that recently. 20 21 Frank McGovern, some of you might recall who retired recently actually has been working on 22 this in his retirement for us, and we have actually got the licence over the line. We have to do a 23 slip trench just to make sure that it's feasible to put it in. There is a much bigger culvert than had 24 been proposed in the planning application. And the work should be carried out in the Autumn, 25 we have the permission of the landowner actually to realign the stream so we can leave the other 26 culvert live while the new one is built and we have got great co-operation from the adjacent 27 landowner. 28 29 We have actually kept back money in the bond which will cover the provision of this, so we are 30 perfectly happy that we have -- everything is in place to either carry out this works or guarantee 31 it being carried out. The culvert itself is not part of the estate, because it's actually on the public 32 highway. So it shouldn't be something that can stop us taking the estate in charge. It does

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carried out. That's the Delgany one.

obviously relate to the bond, but we have actually retained sufficient monies to ensure this is

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Iniskeen. Iniskeen, there is two parts to Iniskeen, there is the original permission and an extra four or five houses that was in the back garden of the house that's fronting on to lot lane. The original estate is indeed finished. There is one house which is substantially complete in the extended estate. We are talking about the original Iniskeen phase, and we have actually carried out works there and it's now up to scratch.

7 CATHAOIRLEACH: Cllr Cullen.

8 Cllr Tommy CULLEN: If Mr O'Brien insists the estate wasn't, Castle Oaks wasn't taken into 9 charge but I understood it was, I have no problem, I propose that it will be taken into charge, but 10 looking at Douglas Court here in Kiltegan, there is no public lights there, the developer hasn't 11 installed any public lights, it's a black cul-de-sac, with no public lights.

12 CATHAOIRLEACH: Okay. Cllr Mitchell.

13 Cllr MITCHELL: Thank you, I would like to thank the Director for the explanation there about 14 Delgany Wood, but I'm just thinking is like this shouldn't have been presented to us without that 15 explanation which should have been in writing. This is a major issue and has been a major issue 16 which the Town Council has tried to deal with over the past more than five years, and really had 17 got nowhere.

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19 Now I appreciate that the Director has and personally I think got somewhere. But I don't think it 20 should be presented to us as a matter of taking the estate in charge when this issue has not been 21 explained to us and it's not noted about the fact there is something outstanding. I agree to take it 22 in charge provided the Director gives us an assurance that there is enough money retained to do 23 the work. I just think it was a mistake to present it without a proper explanation.

24 CATHAOIRLEACH: Okay. Are you happy?

DIRECTOR O'BRIEN: I will just answer those questions. The Douglas Court, actually, the lights are in place and we are just waiting for the ESB to connect them, all the works have been -- we actually carried out works ourselves, we got a contractor in and spent the bond money.

29 Cllr Tommy CULLEN: I have no problem with that either.

30 DIRECTOR O'BRIEN: Cllr Mitchell, I suppose in hindsight, it would have been better

31 communications if we had explained that we were taking the estate in charge and that we have

- 32 sufficient security to make sure the rest is installed and explain the amount of work that was
- done to get this tied up. And certainly we will learn from this experience, Councillor. And I can
 assure you we have enough money salted away there to ensure this is done.

1	CATHAOIRLEACH: Okay. I am going to take proposals on Avonvale Hall and Avonvale
2	Court in Wicklow. Proposed Cllr Casey, seconded Cllr Snell. Is that agreed? Castle Oaks
3	Kiltegan, proposed by Cllr Cullen, seconded by Cllr Timmins. Agreed? Corballis, Rathdrum,
4	proposed by Cllr Kennedy, seconded by Cllr Bourke. Agreed? Is that agreed? Delgany Wood,
5	Delgany, proposed by Cllr Walsh, seconded by Cllr Mitchell. Is that agreed? Douglas Court,
6	Kiltegan, proposed by Cllr Timmins, seconded by Cllr Ruttle. Is that agreed?
7	Cllr Tommy CULLEN: Chairman, I support this but on the understanding that the public lights,
8	has Mr O'Brien got any timeframe when the public lights will be in operation.
9	DIRECTOR O'BRIEN: Very shortly, I don't have the exact timeframe.
10	Cllr Tommy CULLEN: Would you be talking about a month.
11	DIRECTOR O'BRIEN: About that.
12	Cllr Tommy CULLEN: I will support it so. Iniskeen Kilcoole, proposed by Cllr Fortune,
13	seconded by Cllr Nolan. Stewart's Hall Rathdrum, proposed Cllr Kennedy, seconded by Cllr
14	McDonald. Is that agreed? The Tramway, Blessington, Cllr Ruttle propose, seconded by Cllr
15	O'Neill. Agreed?
16	
17	Okay, thank you very much, thanks to all the staff, there has great progress been made on that
18	end of things in fairness.
19	
20	Okay item number 12, ratification of nomination of Councillor Gerry O'Neill by the municipal
21	district of Baltinglass to the South western regional drugs task force.
22	Cllr Tommy CULLEN: I propose that Chairman.
23	CATHAOIRLEACH: Proposed by Cllr Brady, seconded by Cllr Cullen. Is that agreed?
24	Ratification of nomination of Councillor D Mitchell, Cllr Walsh and Cllr Whitmore by the
25	municipal district of Greystones to the Greystones Cliff Walk Committee. Proposed by Cllr
26	Fortune, seconded by Cllr Lawless. Is that agreed? There was one item we previously
27	nominated five members to the sports partnership
28	Cllr RYAN: Could I just clarify, the name of that committee is the Bray/Greystones, just in case
29	there was an attempt to own it, you know.
30	Cllr MITCHELL: We are taking over.
31	CATHAOIRLEACH: We will call it the Windgates committee so. Okay, that's noted. We put
32	forward five members to the sports partnership, unfortunately
33	MS GALLAGHER: Nominating the five members, it was acknowledged there may be a
34	difficulty in increasing the elected membership from two to five and since then a letter has been

- 1 received from Kevin Lewis, the chairperson of the Wicklow Sports Partnership advising that two
- 2 elected members. They look forward to welcoming the two members and has suggested a
- 3 rotational system with other members, but it's a decision for the Council. So we need two
- 4 members. The five nominees were Cllr Nolan, Cllr Walsh, Cllr Thornhill, Councillor Shay
- 5 Cullen and Councillor Oliver O'Brien initially.
- 6 CATHAOIRLEACH: Councillor Shay Cullen.
- 7 Cllr Shay CULLEN: I want to withdraw my name from the five for the moment, that's it, yeah.
- 8 CATHAOIRLEACH: Thanks Councillor. That leaves four, are the four remaining members
- 9 happy to rotate. Cllr Nolan?
- Cllr NOLAN: I am more than happy if a rotational system is required, I would be more than
 happy with that.
- 12 CATHAOIRLEACH: Okay, thanks Councillor. Cllr Walsh.
- 13 Cllr WALSH: I have no objection to that suggestion.
- 14 CATHAOIRLEACH: Okay, thank you. Councillor Oliver O'Brien.
- 15 Cllr O'BRIEN: I would be happy with that
- 16 CATHAOIRLEACH: Cllr Thornhill?
- 17 Cllr THORNHILL: I would agree with it, yeah, that's okay.
- 18 CATHAOIRLEACH: So the four members remaining are happy to rotate.
- 19 MS GALLAGHER: I think the first meeting is coming up quite quickly, so if you want to
- 20 advise me of the two members...
- 21 CATHAOIRLEACH: For the first six months.
- 22 Cllr VANCE: Chairman, could I suggest maybe that two members go for half the term and two 23 other members go for the rest of the term, you have to have some sort of continuity, you come in 24 for six months, somebody is out for six months, you are back for six months again, it doesn't 25 make sense as far as I am concerned, it might be better if the four members could decide among 26 themselves, two for the first couple of years, two and a half years and then two for after that, it 27 has to be better, because the working -- I have been on that board and you work for a period of 28 time, and you know what's coming down the track in various things like that, so it's very difficult 29 to know what you are going for six months, then you are off for six months and then back on for 30 six months again. It's much better if four people can get among themselves and decide who goes 31 in the first two and a half years or whatever it is, I think that would be much better.
- 32 CATHAOIRLEACH: That makes sense. Can I ask the four members to meet briefly and decide 33 that and advise the meeting's administrator as soon as possible. Okay, thank you. Okay, Cllr
- 34 Brady.

1	Cllr BRADY: Just before you move off, filling vacancies on the different committees there, I
2	think there is a vacancy there on Wicklow Tourism and rather than let it drag on to another
3	meeting, I think it may be appropriate to fill that here. I think there is a vacancy, I am not sure,
4	but I have been as Chair of the municipal district of Bray, I have been asked by former town
5	councillor, Eugene Finnegan, who was a member of Wicklow Tourism in his capacity as an
6	elected rep, I think it may have been the Bray Chamber, he has expressed an interest in taking up
7	that vacancy, but I think obviously it needs to be filled from this Chamber first and foremost and
8	if there isn't anyone seeking that position, maybe that can be looked at as an option Chair.
9	CATHAOIRLEACH: Okay, yeah. Cllr Thornhill is not in a position to fulfill the position due
10	to commitments. So it's desirable that somebody would fill the position from the chamber here
11	first and foremost, but if nobody is proposed, then we can look at somebody outside of the
12	chamber. Have I any proposals to fill the position from within the Chamber?
13	Cllr Tommy CULLEN: Chairman who is on this committee, was Councillor the fortune the
14	previous member representing the Council on this, is this because of Cllr Fortune's
15	CATHAOIRLEACH: No. No.
16	Cllr FORTUNE: Cllr Thornhill has decided not to take up his position.
17	Cllr Tommy CULLEN: I think it should be a member of the Council Chairman, it's important
18	there should be feedback to the Council there, their eyes and ears.
19	Cllr BRADY: There are a number of members on it.
20	Cllr Tommy CULLEN: Then it's fair enough.
21	CATHAOIRLEACH: There is 13 Councillors, 12 or 13 Councillors already on it.
22	Cllr Tommy CULLEN: If there is more Councillors on it, I have no problem with that then.
23	CATHAOIRLEACH: Okay, well then, Cllr McLoughlin.
24	Cllr McLOUGHLIN: I nominate Pat Casey.
25	Cllr MURPHY: I second that.
26	CATHAOIRLEACH: Cllr Casey, are you in a position to
27	Cllr CASEY: Okay Chairman, I wouldn't like to see it going out of the chamber being honest
28	with you.
29	CATHAOIRLEACH: Okay, is that agreed then? Okay, it's agreed.
30	
31	Okay, we will move on, item number 14, to consider revised standing orders of the Wicklow
32	County Council, there was copies circulated to everybody. Sorry, yeah, go ahead.
33	MS GALLAGHER: Cathaoirleach, we can either do two things, go through them individually
34	or as suggested at the last meeting refer to protocol to go through the amended version.

1 CATHAOIRLEACH: A lot of the amendments were just because of changes to people's, the 2 actual positions, so the Manager became the CEO and so forth, but maybe it is a good 3 opportunity to actually have a good review of the standing orders. One item that I think has 4 arisen when I had a meeting with the municipal chairs this morning, and if a resolution or a 5 motion comes from the municipal meetings forward to the full Council, at the moment there is 6 no facility to allow a discussion on it, only through the facility of a Notice of Motion.

8 Now it takes a month to get a Notice of Motion on to the agenda, and most meetings we don't 9 actually get to the Notice of Motion, so I would like to fast -- try and fast track a system that if 10 there was a resolution coming from a majority of an area from the municipal meetings that we 11 could get that on to the agenda of the next meeting.

Now what came out of the meeting with the chairs was that we would have an item placed on the agenda, municipal business item, on the agenda, and if there was proposals that had come from the municipal meetings, we could discuss it straight away on the agenda. Now it would have to have the majority support of the municipal area. It's not designed or envisaged that it would be something that could be done by an individual Councillor to bypass the Notice of Motion mechanism. So I think it's a good suggestion.

20 I don't think that important business from the municipal areas should be left down in Notice of 21 Motions. As you can see some of the Notice of Motions have been on the floor since March, so 22 look that's my own personal opinion, I feel that we should facilitate an item on the agenda to deal 23 with those resolutions, but I will throw it open to the members on how they feel. Cllr Casey? 24 Cllr CASEY: Chairman, I would second that motion, as I say we did speak about it earlier this 25 morning, we did stress the importance of municipal business and how we would get it on to the 26 agenda. I think it's a good suggestion to come up with a municipal business within standing 27 orders and I think if protocol could take on what you have suggested and put it into writing and 28 get it embedded in standing orders would be a way to move forward.

29 CATHAOIRLEACH: Thank you Councillor. Cllr Cullen.

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Cllr Tommy CULLEN: Yes Chairman, that begs the question of the purpose of motions at a
 municipal meeting, what authority or what standing do they have? And it's a suggestion that is
 wide open to abuse for political purposes, that you could have the agenda of the Council
 basically taken up with the agendas of the five municipal meetings every month. And you might
 get no Council business done at all for the broader county. I think that in some ways would

1 defeat the purpose of setting up the municipal councils in the first instance that local issues --2 okay there is times and we all know there is times when there is overriding issues that happen at 3 local area meetings, that would need a platform of the full Council, but I would imagine they would be few and far between, and that something -- there is nothing on the agenda virtually 4 5 today that couldn't be dealt with at an area meeting regards motions and what have you, that 6 couldn't be discussed. But if you have a situation where say for instance that there is, you are 7 going to put a special item, now there should be a special item on the agenda for municipal 8 business I can appreciate that, but if you are going to have five Municipal Councils and two 9 motions a month coming in, that's ten motions that would have to be debated, that could run 10 from an hour to three hours. How are we going to get through the Council business then if that's 11 the case?

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I would just think that that should be looked at by the protocol and teased out a bit more with regards to safeguards, that it wouldn't be open to manipulated for abuse for political purposes, people or whatever, but that it would be for very serious issues, the municipal body wouldn't have the authority to deal with or couldn't deal with themselves. I think that's something that should be looked at by the protocol and teased out a bit more detail.

18 CATHAOIRLEACH: Absolutely, I am only throwing it out there, there is already a motion in 19 from one of the municipal areas which is down in the Notice of Motions and I don't know when 20 we are going to get to it.

21 MS GALLAGHER: It has to be, because it has to go to Irish Water.

22 CATHAOIRLEACH: Okay. Cllr Vance?

23 Cllr VANCE: Chairman, it's not often I agree with Cllr Cullen, but I would agree with him on that one. Like it all really boils down the functions of the municipal authority, what function 24 25 they have, what legal functions they have, and really and truly the more I am hearing about it, 26 the less I am impressed with how little functions they seem to have. And I do feel like Cllr 27 Cullen was saying, it's bad enough trying to get through an agenda down here with the way it is 28 at the moment, then if you are going to put municipal business on it as well, I mean there is 29 going to be a great difficulty. That's why the municipal authorities were set up and why Town 30 Councils were set up in the first place, to deal with the business in their particular area. So really 31 and truly I would have grave reservations about the workings of the Council, bad and all as it is 32 at the moment down here, without bringing municipal business down here, and considering that 33 some of the municipal authorities are meeting twice and some people are even saying three times 34 in a month. And then they're talking about maybe bringing some important items down to the

1 County Council as well.

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3 It just does not make sense to me from that point of view, from a working arrangement. But really what it really boils down to, what functions the municipal authorities have and what 4 5 functions can be directed to them from the County Council in regard to their particular area. Really that's the key to this, and I mean as far as I am concerned for municipal authorities to 6 7 operate properly, they should have an awful lot stronger functions than what it seems to me is 8 proposed at the moment. Because there is no real clarification on the actual functions there at 9 all, and maybe if we got clarification on what the actual functions are, then we could take 10 decisions on what we could move from the municipal authorities to the County Council and vice 11 versa. Thank you.

12 CATHAOIRLEACH: Thank you. Cllr Timmins.

13 Cllr TIMMINS: Thank you Chairman. I would agree. I mean in so far as possible, all of these 14 issues, Notices of Motion should be dealt with at the municipal district area. I know from my 15 own experience, I put proposals down in June and a couple of them were dealt with at the local 16 municipal area, and dealt with satisfactorily. Even today I have a couple of motions down and 17 they're relating to my municipal area and I am sure the rest of the people around the Chamber are 18 not interested in them, but because it's going through Irish Water, it has to come before this full 19 Council meeting. I propose in so far as possible all Notices of Motion are dealt with at the 20 municipal district and not brought down here and with all due respect wasting other people's 21 time listening to issues that are not really of concern to other Councillors. Thank you. 22 CATHAOIRLEACH: Look I am not suggesting we bring local issues down here. In a lot of 23 cases it's County Council issues, it's policy issues. But it is of particular interest to the municipal 24 area. It will -- as it currently stands, they can be put on the clár under Notice of Motions. It's not 25 a case of you are adding, you are just prioritising. Cllr Mitchell.

26 Cllr MITCHELL: I suppose I think there might need to be some greater filtering arrangement 27 other than what you suggested, because I think we could get a lot of things from municipal areas 28 which should be dealt with entirely there. The one with which in Greystones had submitted, and others, was to do with Irish Water, and was a general issue over significant areas of North 29 30 Wicklow, and I hear that Cllr Timmins has also submitted some other ones about Irish Water. I 31 think some, because Irish Water refuses to answer questions from municipal districts, the only 32 way of getting them to force them to answer a question is to get it from this Council, so unless 33 we could have a section of these which would be dealt with quickly, questions to be forwarded 34 to Irish Water for instance, maybe that would be the most appropriate way to do it or just give

them some priority, those particular questions, because certainly in the case which is down here,
 the water shortages in North Wicklow in the spring, there is a need to get an answer from Irish
 Water, and that could well be the case for Cllr Timmins as well. Maybe the questions for Irish
 Water should be listed separately as motions and we should take them quickly in some way.
 CATHAOIRLEACH: Okay. Thank you Councillor. Cllr Casey.
 Cllr CASEY: Yeah, I just propose that we actually send it to protocol to work out and tease out

7 the options available. Regretfully as Cllr Vance said it's the lack of power the municipal 8 authorities has, has led to this problem. The next item on the agenda is one of the issues that's 9 come from the Bray Municipal. We don't have the power at municipal level to make decisions 10 and if it's a serious decision it has to come back here. The last thing you want is a serious 11 decision coming as a Notice of Motion, which we might never get to. I think the Protocol 12 Committee can look at the options available, put in control mechanisms that won't have 13 willy-nilly things coming before the Chamber. I will second your proposal, send it to protocol to 14 come back with suggested wording.

15 CATHAOIRLEACH: Well then are we happy to send it to protocol to tease it out further?16 Okay.

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18 Item 15, policy issues; Springfield Cemetery.

MS GALLAGHER: Cathaoirleach, I have a report here from Bryan Doyle, Director of Services.
"It is intended as part of the re-organisation process at the municipal districts will maintain
cemeteries in their respective areas, a budget allocation to do so will be assigned. The issue of
bye-laws and control of registrars will be administered centrally by Wicklow County Council.
In the case of policy with regard to cemeteries throughout the county, the Strategic Policy
Committee will examine the same and introduce proposals to the full Council for their
consideration. In the interim ... will continue to be enforced." (Quoted).

26 CATHAOIRLEACH: Cllr Brady.

27 Cllr BRADY: Thanks Cathaoirleach, this issue has been a big problem over the last 12 months 28 if not more, when Bray Town Council when it was there, decided to move on a policy which 29 they brought in when the cemetery was opened, I think in 1981, but never actually enforced. It 30 was supposed to be a launched in the cemetery but was never enforced up until last year. So 31 there was a lengthy period of time where family members were able to put mementos and what 32 not on the graves of their loved ones and look after it and the Council decided to move on the 33 old, the original policy, and it's caused an awful lot of upset and hurt within the community 34 there. It was thrashed out at Bray Town Council level, but I think now as the Council moves

forward, and try to enforce that, the issue is still there, there is still an awful lot of hurt and there
was a request, it came before one of the first Council meetings in the municipal district that we
would have a look at this and unfortunately due to lack of powers within the district, it's ended
up on the agenda here.

6 I would be happy to see it go before the SPC, because I think a logical compromise could be 7 made in this situation. But there is a pending difficulty there, because Steven Fox, who is 8 responsible for implementing the policy in the municipal district of Bray is in the process of 9 drafting up letters to send them out to loved ones who may have family members buried in 10 Springfield. And I think that has to be put a stop to, whilst this issue is being looked at by the 11 SPC. So he is saying he has to enforce the policy that is there. All I am asking for is whilst this 12 is at the SPC and hopefully a logical compromise can be found within the SPC and a proposal 13 brought before this Council, that that letter is not sent out from the Bray district. Because I think 14 if it is, not only will it call into question the process at the SPC, it will cause huge, huge upset 15 and torment, and that already happened last year when signs went up in the cemetery there at the 16 same time as the blessings of the graves.

I welcome the fact that it is going before the SPC, but can I ask and I am putting forward a
 proposal that no letter goes out enforcing any policy, whether it be from this Council or from the
 municipal district of Bray, until this process is thoroughly exhausted.

21 CATHAOIRLEACH: Thanks Councillor. Cllr Behan.

- 22 Cllr BEHAN: Chairman, I want to second that proposal by Cllr Brady, and I know we don't 23 want to be taking up the whole meeting on what essentially has become a Bray issue, but I would 24 ask members and members of this Council from across the county are going to be sitting on the 25 Environment SPC, and they'll have an opportunity to maybe suggest a policy in relation to this 26 matter. But I would ask all members to consider the effect on you if you had buried a very close 27 and loved member of your family in a cemetery maybe in 1985, and you put down some 28 souvenirs, mementos, some memorabilia to remind yourself of that loved person, and last year 29 you got a letter saying that the Council had decided to implement a policy that they'd never 30 implemented before, and people were given a certain amount of time to remove everything from 31 the graves. They got a certain amount of notice and then it was going to be gone. If they didn't 32 take them away, the Council would forcibly remove them instead.
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Now I cannot really think of a worse decision made by any Local Authority in this county in my

1 time since I first became an elected representative in 1985. To affect people's emotional 2 well-being in such, I thought, such a discriminatory way I just felt was wrong. Absolutely 3 wrong. I wasn't a member of the Council when the decision was made. I am a member of this Council and I'm a member of the Municipal Council. And I would appeal to members from 4 5 across the county to consider how you would feel if that was done to you or to your family. I 6 would appeal to members of the Council to take a pragmatic view of this situation, to, as Cllr 7 Brady has proposed, that no further moves be made to forcibly remove mementos from people's 8 graves in that cemetery; and that some way be found by the members of this Council to allow 9 people who were allowed put these memorabilia there in the very beginning, let's not forget the 10 Council may have had a policy, but in fact people were allowed to do this for many, many years. 11 And they were never asked not to. So it really makes a mockery of the Council and its alleged 12 interest in serving the people to turn around now and say we are going to implement a rule that 13 we didn't bother implementing 25 years ago. I think I have said enough except to say I fully 14 support Cllr Brady's proposal.

15 CATHAOIRLEACH: Thank you Councillor. Cllr McLoughlin.

16 Cllr McLOUGHLIN: Thank you Cathaoirleach. This is a very sensitive issue and it is a 17 difficult one, except there is something that has been said I think I need to clarify on. In 1994, 18 my father died and I was originally from Bray and we buried him in that cemetery. In 2001, my 19 mother died and my sister died and they are all buried together. From day one, particularly in 20 1994, we knew that was a grass cemetery. We were emphatically told it was a grass cemetery 21 and we wondered why other people weren't working with the law of the land or whatever, but we 22 knew and we went by the rules from day one. But to say that nobody was told. I don't know 23 why we were the only ones who were told because certainly in 1994 we were made fully aware 24 of it and we knew even in 2001 when unfortunately we had to bury Mum and Barbara that was 25 the case. I do understand that if people have been allowed to do things, it's very difficult and I 26 do support the idea that it goes back to the SPC and let it be sorted. But I do think people need 27 to be aware that certainly when we buried my family in that graveyard, we were told and were 28 under no illusion it was a grass cemetery and nothing else.

29 CATHAOIRLEACH: Okay thank you Councillor. Cllr Thornhill.

30 Cllr THORNHILL: Cathaoirleach, my understanding of this situation is that in 1982, when this 31 graveyard was opened, it was meant to be as a lawned cemetery. Now having spoken to an

- 32 awful lot of people about it at the time, it may have been, but it wasn't implemented as such.
- 33 And I feel this situation should be treated very sympathetically. I mean after all I think an awful
- 34 lot of these people, I wouldn't reasonably expect that there is a reasonable expectation on these

people. The analogy I would use would be like a right of way. I mean it has been left go on and
go on. I mean I think the urban Council who were in charge at the time were standing on their
feet. I mean after 29 years, I don't think it's fair on people, and I would concur with Cllr Behan
and Cllr Brady in relation, and I think the matter should be treated sympathetically. It's a very
important item you know. So I mean that's all I have to say. Thank you.

6 CATHAOIRLEACH: Thank you Councillor. Cllr Vance.

Cllr VANCE: Chairman, thank you. Just in regard to this, in 1982 I think, '81 or '82, I wouldn't
argue about the year, there was a sign put up in regard to it, informing people. My parents are
buried up there, I have one in 1999, one in 2000. My family were aware at that particular time
that it was a lawned cemetery. As a matter of a fact within a couple of months of them being
buried there, their graves were turned into lawn. For people to come and say they didn't know it
was a lawned cemetery is not right. The problem is when people did put implements on it, it
wasn't enforced for a number of years. And that has been the problem.

15 Now for people that don't know the cemetery, there is about 1,700 graves roughly give or take a 16 few, and there is less than 100 that are actually have the problem that are not in lawn. So there is 17 1,600 families complying with the lawned cemetery. 1,600 are complying. At the moment. 18 There was more than that. But when the letter went out from Bray Town Council last year, over 19 100 people complied by taking implements off the grave and adhering to what it was. There is a 20 general, I think, acceptance that the majority of people up there are quite happy to have it in a 21 lawned cemetery and they feel that they should be treated the same as everybody else in regard 22 to -- they've complied with the bye-law in regard to the lawned cemetery.

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24 Could I say that to my knowledge every modern local cemetery in the country is lawned 25 cemetery and they're done for a reason, the reason is maintenance, the maintenance reason 26 mainly is the main one in regard to, and as the cemeteries are filling up, it gets much more 27 difficult if you have implements on graves and various things like that. So there is a 28 maintenance problem. There is probably about ten or 12 years left in the graveyard up there, and 29 at the moment there has been a plan to enhance that Springfield Cemetery that was left over from 30 Bray Town Council in regard to putting in a wall, putting in an angel's plot and various 31 shrubbery around it to certainly make it an awful lot more acceptable than what it is at the 32 moment. It's okay at the moment, but certainly there could be a major improvement on it, but 33 my particular problem is that the majority of people up there are always the less vocal, and 34 certainly I have had a lot of people saying to me why can't I put stuff on my grave, why am I

treated any different than some other people? And there is probably I think to be fair to say,
probably about 50 at the moment up there that are not complying with it, out of the 1,700. And
the compromise they heard is that from people is to leave the 50 up there and let everyone else
comply with it. I don't think that's acceptable.

People have to be treated fairly in life and they have to be treated fairly in death as well. And the
general conception that I am picking up from the majority of people that have residents there,
that have people up there, that have relatives up there, that they're quite happy for a well kept
modern cemetery that's kept to the highest standards. And given that if it's allowed continue the
way it is at the moment, you won't get the type of standard that we all adhere to for our loved
ones, thank you.

12 CATHAOIRLEACH: Cllr Kavanagh.

13 Cllr KAVANAGH: Thanks Cathaoirleach. Cllr Vance has made the point and he is correct, you 14 know that modern cemeteries now seem to be lawned cemeteries, and it makes it easier for 15 maintenance and that, but I am not sure that's the reason why we have cemeteries, and why the 16 Councils look after cemeteries is just to make it easier for the councils to maintain it. These are 17 plots that people have bought, and paid for. And I do think that there should be some choice for 18 people who buy a plot as to whether or not they want a plot that they can maintain themselves or 19 one that they would like the Council to maintain. I am not so sure about the uniformity that it 20 has to be the Council's way or no way in regards to a plot which is very, you know, of 21 sentimental value to people and there is an emotive element to it as well.

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I just wonder in regards to that, and it's just about cemeteries throughout the county, that there
would be choices for people where they could maintain it themselves and put their mementos on,
or they could have a lawn plot, which they would be happy for the Council to maintain for them.

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So in regards to Springfield, I don't know what compromises have been looked at for people, but obviously it's quite an emotive thing and I think the number one priority is not the -- not that it's easy maintenance, but that it's whatever suits the families concerned who have already paid for the plot.

31 CATHAOIRLEACH: Okay, thank you. Cllr O'Brien.

Cllr O'BRIEN: I would have to agree with Cllr Kavanagh, I don't think this is a problem with numbers or how many people have co-operated. I think uniqueness is what we want in society and when you visit a graveyard, often the thing you notice is the differences of all the people. If

1 it's a lawned cemetery, you have no idea of the person that went there before. It's treating all 2 people like sheep. If people want a lawned cemetery, fine go with that, but if people want to 3 look after their graves themselves it's fine. I visited that graveyard and I tell you there is no lawn 4 in there, nothing but weeds, dandelions and rubbish. A lawn is beautiful, made of grass, I have 5 looked at a lot of the lawn in there and it's certainly not up to standard. The graves that are up 6 and look beautiful, the graves that people looked after themselves. Cllr Behan mentioned it's an 7 emotive issue. I spoke to an old lady there, she said her husband is buried there, if anybody 8 attempts to remove anything of her's, she will shoot them. I am suggesting when it goes to the 9 SPC that we allow a bit of freedom in this area, burying people in a grave is not about policy and 10 we have freedom of choice. If there is only one person that wants to do it that way, allow them 11 to do it. Let's have democracy in the grave, not a democracy of numbers where you say 16 12 co-operate and 100 don't. It's an area where that kind of democracy does not go.

13 CATHAOIRLEACH: Thank you Councillor. Councillor Ryan.

14 Cllr RYAN: Thanks Cathaoirleach. This was an issue that obviously for many years we had a 15 graveyard in Springfield which was close to an embarrassment in the way it was actually kept, 16 and probably for the first time the Council actually dealt with the issue by actually saying that 17 we need to actually make it better, and we need to be proud of where we bury people. And they 18 brought proposals forward, and as Cllr Vance says, they're quite encompassing those proposals, 19 including the angel's plot, an urn wall, a contemplation area and the like. It was also the people 20 who were in charge of the cemetery made it clear that is it was virtually impossible to maintain it 21 with the way it currently was, with people putting gravel down in front of the graves, and that it 22 would continue just the way it was. Up there, there was also a huge amount of graves that were 23 actually collapsing. So there was a discussion, it was a very difficult time in the Council where 24 there was much debate, and I think everybody there was sympathetic to the people who actually 25 were buried there and the people who were tending those graves, so I don't think there was any 26 lack of sympathy, but I think people wanted to get a solution that they believed could actually 27 work. So there was a compromise proposal put forward which actually ensured that no further 28 items would be removed from any graves until such time as the work that was proposed to 29 upgrade that cemetery was actually complete. So therefore any attempts by anybody in Bray 30 Town Council to actually send letters now, or try and remove anything now, would be absolutely 31 wrong and completely against the proposal that was voted on by the last Council, and voted 32 through. But I think it's kind of disappointing and a little bit worrying that that was voted on, it 33 was put through, the work is in progress at the moment, and now just because there is a new 34 Council in place, suddenly people want to bring this back up again and revisit it. I think that's

very worrying.

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3 If we start doing that, sure if you don't, if the vote doesn't go your way, sure we will be back next week to discuss it again. I don't think the Council can operate in that way. I do have no problem 4 5 with it go to the SPC. I think the important piece -- for me, as I said when this was debated before, there is enough inequality in life, I don't believe there should be inequality in death, and I 6 7 think everybody should actually just have a simple gravestone. I think this idea of erecting huge 8 things and putting them there, I think is personally wrong. That's just a personal opinion. So I 9 would like to see a simpler approach. I have seen other graveyards. I think the improvement 10 and most and many people have come to me and said there has been a massive improvement to 11 the look of that cemetery now that the work has been done and it's been brought back to being a 12 lawned cemetery.

14 There are a few remaining people who still have mementos, and mementos are fine, they can be 15 put around the gravestone, there is no problem with that, that's been clarified, it's just the greater 16 area of grass which causes a problem with regard to maintenance is what is being dealt with. At 17 the stage where the whole project is complete, at that stage then there is to be one-to-one 18 meetings with the people whose loved ones are buried there to see if there can be, over a time 19 period, a removal so, they can comply with the actual rule that was passed by Bray Town 20 Council. So I would hate anybody to get the idea that there is somebody there completely 21 unsympathetic hammering away and saying it has to be this way.

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This is trying to put in place a fantastic cemetery that we can be absolutely proud of and that people can be very happy to inter their loved ones in. And just to ensure that we actually get people to comply with those rules. That's all.

26 CATHAOIRLEACH: Cllr Nolan.

27 Cllr NOLAN: Just thank you Cathaoirleach, just on that, it is connected to me as well, both my 28 maternal grandparents are buried up there and obviously we go up there quite a bit. I think this 29 is an issue that is obviously very emotive for a lot of people. Could there be a compromise of 30 some description between the two, that any monument or graves that have been there for a 31 certain period of time could be left as is, because it is something that is very, very sensitive to a 32 lot of people and I think anyone that would suggest that it wouldn't be -- to try, something that's 33 been there for so long and holds a lot of memories of specific people, to try and get them to now 34 change or alter that would be unthinkable to many people.

I think Cllr O'Brien brought up a reference to a woman that a -- guarding the grave with a gun. I
think it's just not -- I couldn't fathom it myself trying to change a grave of a relative or a loved
one. And I think it should be looked at more closely by the SPC.

5 CATHAOIRLEACH: Okay, thank you Councillor. Cllr Cullen.

6 Cllr Tommy CULLEN: Sorry Chairman, yeah, I am just thinking who is the, who is the
7 individual that came up with this interference with graves? You know there is no luck for
8 anyone interfering with a graveyard or an individual grave and I wouldn't be the person who the
9 Manager is going to be sending out to remove statues or crucifixes or crosses from a grave. I
10 mean who was the genius who came up with this Nutcracker type of policy? I would say there
11 will be no luck for them, and...

12 CATHAOIRLEACH: Okay.

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13 Cllr Tommy CULLEN: Well Chairman I think Cllr Brady and Cllr Behan made a proposal here 14 as they did because it's an item on the agenda, a moratorium on any further interference with the 15 graves until the SPC had made, had looked at this matter. I think that's a very sound policy by 16 Cllr Brady and that, and I would support that resolution that Cllr Brady proposed that we would 17 have a moratorium, any further interfering with these graves until this matter is further looked at. 18 As I say Chairman, one thing I can tell you whoever has instigated this policy will have no luck 19 for it.

20 CATHAOIRLEACH: Okay, Cllr Lawless.

21 Cllr LAWLESS: I am glad this item is going before the SPC but I would also like them to 22 consider the cultural rights of people and traditions on burying their loved ones. As we all know, 23 we do have members in our society that have a certain way of honouring their dead. I mean Cllr 24 Vance is talking about fairness, so obviously this is, they have to be fair to everybody within the 25 communities. And also in regard to tradition, I don't know about anyone else, when I was 26 growing up, you never walked on people's graves, but having a lawned grave to me I think is 27 very disrespectful. Yes I can see the logic of the maintenance of it but I really think people 28 should have choice, it's a difficult time when you lose a loved one and I think people should have 29 choice the way they need to honour their loved ones. So I am just, if it goes before the SPC, I 30 really would like them to consider people's culture and tradition in this subject. Thank you. 31 CATHAOIRLEACH: Thank you. Now Cllr Brady, you have been in already. Very, very

32 quickly.

33 Cllr BRADY: Just...

34 CATHAOIRLEACH: Point of clarification.

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1 Cllr BRADY: Just a point of clarification there, firstly no letter went out from Bray Town 2 Council last September or the September prior to it. They put up a couple of signs within the 3 graveyard telling people they had to take it down or remove the items from the grave. There was no letter sent out at any stage. The first letter they're talking about sending out is the letter one of 4 5 the officials in Bray is looking at doing now at the moment. The second thing to use that 6 individual's own statistics, initially there was 379 graves involved in this. After the sign went 7 up, and I have spoke to a lot of people, an awful lot of people under duress removed their items 8 because of the wording of that sign which said the Council was going to have the stuff removed 9 and disposed of so people did have items removed, that left the figure to use the Council's own 10 statistics of 166 graves we are talking about. I agree with Cllr O'Brien, that's irrelevant, whether 11 it's 166, 266 or one, there is an issue there and as long as people are concerned about the way 12 their loved ones are being treated and respected and cared for, it's going to be an issue. Let's not 13 get bogged down in statistics. I think the logical thing to do is allow it go to the SPC, and come 14 back with a proposal. I agree with Cllr Nolan, a compromise, a logical compromise can be 15 found here. We are not looking for a free for all or anything like that, we are trying to regulate 16 an issue that the Council didn't regulate going back to 1981 and we are just looking for a bit of 17 fairness.

18 CATHAOIRLEACH: Okay, I am going to ask Cllr Mitchell as Chair of the environmental and
19 roads SPC to take a look at it, not just Springfield, it's the whole county policy of burial grounds.
20 We can't do policy in isolation from one over another, so are the members happy with Cllr
21 Brady's proposal that there will be a stay on letters until such time as the SPC ...

- 22 Cllr BRADY: And that they relay it to the official.
- 23 CATHAOIRLEACH: Okay. You are happy with that Councillor?

Cllr RYAN: That would be the case anyway because the proposal that was passed previously. Cllr BEHAN: Hold on a minute there Chairman, when Councillor Ryan is finished, Councillor Ryan needs to understand that if there is an election, people are elected then to come in to serve the people after the election. You can't just say that whatever was decided in the past has to stand no matter what. We had an election, people got elected to represent the voters, and we are doing our best to do that, he is doing what he wants to do, I am certainly doing what I feel is right.

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But there is an implication in Councillor Ryan's suggestion that when the lawn is put back or
when different work is done which needs to be done, that then the letters are going to go out.
Now we are not agreeing to. And I don't think that's what the will of this Council is either.

What we are saying is no letters are going out full stop, the SPC should consider it and come

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2 back with a report. There is a big distinction between that and what Councillor Ryan is saying. 3 Cllr RYAN: Just to clarify... CATHAOIRLEACH: Your proposal is that the letters would not go out until such time as its 4 5 SPC came back with a recommendation. Cllr BRADY: Absolutely Cathaoirleach and just to be quite clear about this. I am not against 6 7 any work going on in the cemetery, an urn wall, planting around the peripheral of the cemetery, 8 an angel's plot. Those issues should have happened years ago and certainly that work shouldn't 9 stop. The problem is at the end of it, you know, changing it all over to a lawned cemetery at that 10 stage, that certainly should not be the case, but the work, as planned, should proceed, bar the end bit, changing it all to a lawned cemetery. That's my firm view on it. 11 12 13 So all I want to see happen at this point is the letter that is in the process of being drafted, a stay 14 is put on that until the recommendation, and I don't agree that all lawned cemeteries need to be 15 looked at. This needs to be looked at specifically because of the history there, going back to 16 1981. We are dealing with an awful lot of graves there that the policy wasn't enforced. I am not 17 sure as to whether that is the case in other cemeteries, so I wouldn't like to see it get bogged 18 down in overall discussion here. 19 CATHAOIRLEACH: Cllr Vance. 20 Cllr VANCE: Chairman to be fair to Councillor Ryan, that's exactly what Councillor Ryan said 21 that I could pick up. Sorry, and if you check the proposal that Councillor Ryan made to Bray 22 Town Council a number of months ago, that was exactly it. 23 Cllr BRADY: It's not.

Cllr VANCE: It contained -- yes, but it contained that no works, no works would start until there was agreement there. That's what he said. He said that. And that was proposed. And it was seconded at that Council. And that's a matter of record. That can be checked. To be fair to him now, it's not right to take what Cllr Behan was saying there. He is absolutely totally wrong in misinterpreting what Councillor Ryan said, that that to my knowledge is exactly what he did say and that was what was agreed upon as well.

30 CATHAOIRLEACH: Okay, Councillor Ryan. Last word now.

31 Cllr RYAN: It's really frustrating when somebody misquotes you and doesn't have a clue about

32 the actual proposal that was put before Bray Town Council that was voted on. If you remember,

- 33 at the time this was brought up, Bray Town Council wanted to move at that stage and remove
- 34 everything from all graves. And the compromise at that stage was to say...

- Cllr BRADY: Not a compromise, you are still getting your way implementing a lawned policy,
 that's not a compromise.
- CATHAOIRLEACH: Through the Chair. Through the Chair. Councillor Ryan has the floor.
 Cllr RYAN: The actual decision that was made by Bray Town Council was that full work would
- progress, stop right now removing anymore things from people's graves. At the time that it's fully complete, fully complete, at that stage the Council would have one-to-one conversations with the people who owned those graves, and would encourage them. That could be even over a period of time. It wasn't a case of sending out letters. So there is absolutely nothing new in what has actually been agreed here today. It's just people trying to get one step further to sort of getting their way with regard to how they want to see their policy implemented. So please at least show respect for people who may have a different view to you.
- 12 CATHAOIRLEACH: Okay, it's going out to the SPC, and we will await their recommendation,
- 13 and have a further discussion on it then. Okay. Okay, we are moving on to correspondence.
- 14 Cllr FORTUNE: Can I just get clarification before you do that, the vote that was taken on Cllr
- 15 Casey joining Wicklow Tourism, who proposed and seconded it?
- 16 Cllr McLOUGHLIN: I proposed.
- 17 Cllr FORTUNE: I am asking the administrator.
- 18 CATHAOIRLEACH: Cllr McLoughlin.
- MS GALLAGHER: Councillor Pat Casey is proposed by Councillor McLoughlin, seconded byCllr Murphy.
- 21 CATHAOIRLEACH: Okay, correspondence.
- 22 MS GALLAGHER: Just to let the elected members know that President Michael D Higgins will
- 23 be visiting the Gaol on the 24th of December at 12.30, this will be following his visit to the new
- homeless centre on the 24th of September, starting -- for the Gaol at 12.30, so invitations will
- 25 issue. Can I have a proposer and a seconder for the minutes of the protocol meeting of the 7th of
- 26 July please as circulated?
- 27 CATHAOIRLEACH: Cllr Vance, Cllr Casey.
- MS GALLAGHER: And a proposer and seconder for the minutes of the CPG meeting of 7th of
 July as circulated.
- 30 CATHAOIRLEACH: Cllr Ruttle, Councillor Ryan.
- 31 Cllr FORTUNE: Sorry Chair, I wish to abstain on both of those for the moment.
- 32 Cllr Tommy CULLEN: So do I Chairman.
- 33 MS GALLAGHER: And there is a request from the elected members of the Greystones
- 34 Municipal District to visit the Vartry waterworks, do you want to take that with the Notice of

- 1 Motion or deal with it now under correspondence?
- 2 CATHAOIRLEACH: Have we any other correspondence? We will deal with it now.
- 3 MS GALLAGHER: Tourism was dealt with.
- 4 CATHAOIRLEACH: We will deal with it now.
- 5 MS GALLAGHER: An email came down from the Municipal District of Bray requesting that
- 6 can we please arrange to have it listed on the September meeting a visit to the Vartry
- 7 waterworks, so Irish Water have indicated that should also be channelled through the full
- 8 Council.
- 9 CATHAOIRLEACH: Okay, that's down as a Notice of Motion, is it?
- 10 MS GALLAGHER: The Notice of Motion is about...
- 11 CATHAOIRLEACH: It's slightly different.
- 12 MS GALLAGHER: It's separate to it, yeah.
- 13 CATHAOIRLEACH: Okay, so that's all the correspondence. Okay Notice of Motions. Item
- 14 number 17, first Notice of Motion is in the name of Cllr Ruttle and Cllr Fox that Wicklow
- 15 County Council calls on the Government to implement...
- 16 Cllr LAWLESS: Sorry Chair, it was the district of Greystones, not Bray, that sent that down,
 17 that proposal, was it not?
- 18 CATHAOIRLEACH: Yeah, okay. That Wicklow County Council calls on the Government to 19 implement a national deer management plan to deal with issues surrounding the control of the 20 deer population. Presently, 40% of the natural deer population reside in Co. Wicklow, and are a 21 source of great concern to farmers from an animal health point of view and also through grazing 22 farmland, road collision, destruction of forestry, fences and private property. Cllr Ruttle.
- Cllr RUTTLE: This is an example of how long it can take for a certain motion to come before a
 Council I think. You and I lodged this on the 3rd of March and we are virtually heading for six
 months after the event now, and I am glad to record there has been some progress made on this.
- Just to fill in the meeting on the issues involved here. Many of us would have attended meetings in the East Wicklow and in West Wicklow regarding the issue of the animal disease, the general threat from deer to other issues, like as you said collision with cars, destruction of forestry, destruction of fences, etcetera.
- 30

There is also a huge issue with the deer population, just to put in context, 40% of the national deer population are reckoned to reside in Wicklow. That's 32,000 head approximately. there has been a huge increase. The deer population has no natural predator against it other than mankind. There is no other animal can deal with it. So the number of deer has increased hugely. Now if you go - on your land or any landowner goes out and sees deer in other land, there could be any, at any time there could be 8, 10, 15, 20, it's like being grazed by someone else but you have no-one to complain to. If your neighbour's cattle are in, you can ring him up. If you are dealing with deer, you are dealing with a highly mobile wild animal that graze and move on and you have no natural redress on it. Then there is the issue of the potential to spread disease by TB, etcetera, and movement, deer move an incredible distance per night.

9 There are other issues involved with deer as well, like the badger, but certainly deer have the 10 mobility and the movement -- they can move through a huge number of areas in a short period 11 of time. I have a lot of representation from a different group of people, non-farming people 12 living in rural areas and the destruction of their gardens. I have had people from Ballyknockan, 13 Lackan, Manor Kilbride, Golden Hill, deer are getting in, they can jump virtually any height, 14 they'll get in, they'll eat, and they'll go. So it is a huge issue. It's a huge issue as well 15 economically to the farming community when you have a situation where you put out fertiliser, 16 which probably had an average price this year of €340 a tonne and you put it out and see your 17 cattle or sheep are being competed with by large numbers of deer in that context.

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19 The present situation is that the movement has been made since the resolution went down and a 20 scheme has been initiated by the Department of Agriculture to cull a certain number of deer and 21 test them for animal disease, etcetera.

As I said earlier, leaving aside the issue of animal disease, you have the issue of the economic question that a lot of farmers are being grazed out by deer completely. A lot of farmers on the slopes of the hills of West Wicklow and the East as well, own a hill as well as a greenland and if you vacate your hill during the summer because there is ferns on it, and when they're gone in October, you move cattle back up there, you will find after four or five months that your fences have been destroyed on that hill with the continuous movement of deer, so it's an issue.

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The good news is that the programme that's been brought in by the Department of Agriculture will try to deal with that issue, but it must be evaluated and pursued and remain in continuous contact with the members of the farming community who are the first recipients of the downside of this.

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1 The other thing is that a lot of people have experienced collisions on the Sally Gap or on the 2 Wicklow Gap or different parts of Wicklow with deer just jumping out. We have all 3 experienced this. There are areas where it's very rampant. Damage to cars, etcetera. Who do 4 you claim against then? It's not like a cow, there isn't an ear tag and a number. These are wild 5 animals that can do an awful lot of damage. That was the origin of the motion. I am glad 6 progress has been made and the Government is moving forward.

8 I know a lot of work was done by the late Minister McEntee and now it's taken on by Minister 9 Hayes. It's good to see some progress. But certainly Wicklow to say the least, they're becoming 10 semi-domesticated in the sense that in the daylight they're out grazing with cattle and in the 11 spring of the year, if you see farmers using a circular feeder, there can be deer grazing beside the 12 cattle. That has huge potential for the spread of disease. I welcome the beginning of the move 13 on the evaluation, the testing and looking at the numbers of deer, because certainly at 40% in one 14 county of a whole national herd, it's a huge number, thank you Cathaoirleach.

15 CATHAOIRLEACH: Thank you Councillor, Cllr Doran.

16 Cllr DORAN: I would just like to fully support that motion, and especially for the amount of 17 accidents that they cause at night, with the deer in the lights of the car, they're jumping into the 18 cars and there is no way you can get any compensation for them, but they are causing a number 19 of accidents, every week, in my area.

20 CATHAOIRLEACH: Okay. Thank you Councillor. Cllr Cullen.

21 Cllr Tommy CULLEN: Yes Chairman, I would like to support the resolution as well. It is as 22 Cllr Ruttle happily described, what is happening to rural areas, and I myself have been the victim 23 of these. I had a 400 yard row beech hedge literally destroyed, just ate it to nothing, I have had 24 an orchard wiped out, a new orchard completely destroyed. I have seen my neighbours are 25 suffering from the same pillage of these deer, and the deer are multiplying now, and they're 26 multiplying because they're now sharing the animal feed from cattle, and sheep. So they're 27 getting very, very well nourished, because they're eating the same diet now as the cattle and the 28 sheep are, and so that's why they're multiplying. And they're becoming a scourge.

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There is an aspect of deer they look very nice and Christmassy and that, but they have a huge economic downside, as Cllr Ruttle happily said, to this county and to agriculture in this county.

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The other thing is the roads, traffic, everyone who has driven a rural road in this county has had an experience, a bad experience with deer leaping. And if you are getting maybe a stag with maybe nearly at quarter or half a tonne jumping on top of the bonnet of the car across the gap on
a winter's night and maybe another six or seven following behind them, you would know all
about it. I do think there is a requirement now, 40% of the country's population of deer is too
much for one county to cope with, and as I said, they're multiplying now, gone out of all control.

6 I remember the time there used to be a culling of deer, and that brought the numbers under some 7 control. But something is going to have to be done now and I welcome the Department's recent 8 moves. I would like to see it going further. But I would also like to see that the victims, 9 particularly people in road traffic accidents be compensated by the Forestry is maybe the 10 department who has given the habitat to most of these deer, that they're coming out of and 11 causing very serious accidents, including many children have been injured on account of these 12 deer activities.

13 CATHAOIRLEACH: Thank you Councillor. Cllr Kavanagh.

14 Cllr KAVANAGH: Further down I have a motion about animal welfare, but as an animal 15 welfare advocate, I too would support this motion. I think a cohesive management plan 16 organised by the Government with regulated controls is far better than unregulated managing of 17 this issue, and where the Department would have statistics and they'd be able to do testing and 18 all of that, that would be involved in the management plan, it's far better than people just taking 19 the law into their own hands I suppose to deal with the problem when it becomes a problem. So 20 even as an animal advocate, welfare advocate, I would support this motion as well.

21 CATHAOIRLEACH: Thank you Councillor. Councillor Walsh.

Cllr WALSH: I would like to point out that a bi-product of this problem is the increase in poaching of deer, which I think has become lucrative in recent years. And further that deer have been coming into the vicinity of dwellings down close to the public road, you have individuals pulling up in jeeps with high powered rifles discharging shots in close vicinity to dwellings and this is a concern and an accident waiting to happen.

27 CATHAOIRLEACH: Agreed.

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Cllr Tommy CULLEN: Just Chair, that's also the bi-product of this shooting is also people now
are consuming meat contaminated by TB that's not checked and that's causing health risk as well.
These people are shooting these deer, eating the meat straight away, it's not been tested by any,

there is no clinical test and people including children are probably consuming this contaminated
 deer meat.

33 CATHAOIRLEACH: Councillor Shay Cullen.

34 Cllr Shay CULLEN: I would like to concur with everything that's been said and support Cllr

Ruttle's motion. I suppose traditionally deer were known as animals that were in the mountain
 areas, but increasingly over the recent past, they're coming into the lower lands and as I said
 earlier, the road collisions are becoming more frequent, the destruction of forestry, particularly
 Coillte land is a major issue.

6 The landowners, farmers, are having particular problems, particularly in East Wicklow and I am 7 aware of this through my speaking with the IFA, with the TB problem that are in both the cattle 8 and the deer population. And the farmers are getting increasingly frustrated, the fact that they 9 are testing their bovine animals at least once if not twice a year, and adhering to the rules set 10 down by the Department, but unfortunately with the population of deer, there is no testing 11 system in place, and it is a known fact through tests that are done on deer that they are a serious 12 carrier of the TB disease.

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So ongoing discussions are improving the problem, but it's the population of deer has completely exploded over the last number of years, and we have to continue to try and tackle this problem to take out the affected animals out of the deer population. And I just want to concur with everything that's said and ensure that the Department and the IFA and all the landowners, be it the National Park, be it Coillte, be it the farmers, all work together to get a resolution to this problem.

CATHAOIRLEACH: Okay, thank you Councillor. I think the point's been well made. So do
 you want to correspond, or propose --

Cllr RUTTLE: Because of what's happened, some movement has been made, you could say you
 welcome this motion has been passed.

CATHAOIRLEACH: Okay, so there is no need really. Okay, that's fine, yeah, it's already started. Notice of Motion in the name of Councillor Edward Timmins that Wicklow County Council extend their pipe network in Stratford to include the main part of the village on the sewage system. The system is relatively new and it is extraordinary that a large part of the village cannot avail of the system. This leads to major issues especially in the summer. Cllr Timmins.

30 Cllr TIMMINS: Thank you Chairman for facilitating the discussion of this Notice of Motion.

31 It's fairly self explanatory from what I have set out there in the wording of the motion but just to

32 expand a little. A new system was put in place in Stratford in the recent past, a little over ten

33 years ago, new modern system with good capacity and Stratford is classified as a large village,

34 doesn't have a particularly large population, but it's classified as a large village and has a new

plant put in place.

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Amazingly, when you walk around Stratford, what you would classify as maybe the centre of the village, around the church, that area, closer to where the sewage plant is located, the houses there that are in the village a long, long time and pretty much part of the fabric of the village are not connected to the sewage plant. Now I have pursued this without success, I am in correspondence with the Director of Services and at local area meetings, but I still, it's still a thing, I can't really give up on because to me it's a crazy situation.

- 10 Like you are talking about certain - installing a certain level of pipe work, there is other technical 11 challenges to be overcome for the hills in the village, it's a hilly little village, but I think it's crazy 12 that there doesn't seem to be the will at Wicklow County Council level historically or perhaps 13 now with Irish Water, that there isn't the will to try and solve this problem and basically make 14 use of an expensive infrastructure that's already been put in place. We spent a lot of money, a 15 few hundred thousand euro putting this sewage plant in place in Stratford and yet we haven't had 16 the foresight or the will to put the, all of the village on this system. And like it really gets to the 17 nub of what happens at Council level in terms of getting things done, money spent, people really 18 want to go out, the officials go out and see what's happening on the ground.
- 19
- And just I am very disappointed of the lack of will to extend this system to all of the village and there is people there years, elderly people, people with health problems, it's really pathetic what's happened there, thank you.
- CATHAOIRLEACH: Just before I let in Lorraine, do you want to touch on the other motion in
 relation to Grangecon, they're very similarly related.
- 25 Cllr TIMMINS: It's a different situation, Grangecon is a small village, a village I live in myself, 26 and it's not classified as a large village and does not have a system, it has a small system for a 27 few houses in the village, but generally there is no real functioning sewage system in the village, 28 and you know, again, you know, this is going on years and years and years, and nothing has been 29 done. Every time we have the capital investment programme I bring up about what's being done 30 about small villages and effectively nothing has been done about small villages in relation to 31 putting in sewage or very, very little has been done in terms of water, water quality has been 32 improved and they've upgraded the water plant in Grangecon, but that again only serves a small 33 number of people in the very, very centre part of the village.

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But by and large the capital investment programme in this county has ignored small villages and you come with these excuses, it's going to cost so much and often a bit of imagination could be used and come up with cheaper systems, but again it's back to the fact that there is no real will at Council level and now perhaps at Irish Water level to put these systems in place and try and move things on and let people see that something is happening.

6 CATHAOIRLEACH: Okay. Thank you. Cllr Cullen.

Cllr Tommy CULLEN: Yes Chairman, I would like to support both motions. I think the
problem with Stratford really is a matter of a pumping station, and we have had meetings in
Stratford about this issue with various engineers, and the big problem is that it is on a hill, and
there is some areas of it significantly lower going up to 60 feet lower than other areas. And that
requires then at least one pumping station in the village, a pumping station in the village to pump
the sewage up from the lower levels to facilitate the collection of sewage.

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And so I don't believe the construction of even two small pumping stations would be that enormous, and I would urge that these pumps would be installed, these sewage pumps would be installed. I mean some people happen to install these sewage pumps even now for septic tanks now, so it's not new engineering or anything, the engineering is there. I think that would resolve the issue and likewise in Grangecon I think that service should be provided. Grangecon is a matter of necessity, because they are basic health needs. Thank you Chairman.

20 CATHAOIRLEACH: Thank you, Cllr O'Neill.

- Cllr O'NEILL: Just more clarification, I am looking for on the situation of sewage plants. I know in Blessington at the moment there is a builder there, developer prepared to go ahead with up to 300 houses, which there would be social housing there also, but he had the problem who is really responsible now for sewage, is it Irish Water?
- 25 CATHAOIRLEACH: I will get you that answer now in a second. Thanks Councillor.
- Cllr O'NEILL: I think that's a major issue and it extends out into the house prices in Dublin or whatever, if Irish Water are now in (INAUDIBLE) in Blessington alone, you could say sewage is at capacity, so no matter how much money you have given for social here, there or anywhere, they won't be going ahead unless the facilities are there.
- 30 CATHAOIRLEACH: Okay, thank you. Cllr Ruttle.

31 Cllr RUTTLE: I would like to support Cllr Timmins on both these motions on Stratford and

Grangecon. I am aware of the problems of Stratford because of the shape of the village but that could be got over and the same with Grangecon. I think there was a small unit at Mallin's Wood estate, but that wouldn't serve the rest of the village, so they're worthy causes, we have problems

- 1 all over with issues like Cllr O'Neill mentioned here.
- 2 CATHAOIRLEACH: We are not going into Blessington just yet.
- 3 Cllr RUTTLE: I never mentioned, did I mention it?
- 4 CATHAOIRLEACH: Is this Stratford Grangecon related?
- 5 Cllr BOURKE: I would like to support the motion of Cllr Timmins and Ruttle there, I think it's
- 6 really important that we endeavour to get Irish Water to come here to the County Council and
- 7 explain their procedures and their priorities for Co. Wicklow and how to go about getting these
- 8 small schemes up and running because it's very important for the people living in these
- 9 communities to have those basic services installed.
- 10 CATHAOIRLEACH: Okay, we will get an answer to that.

MS GALLAGHER: Well Cathaoirleach, basically both of these motions will have to be -- as they're about infrastructural deficit, both of these motions will have to be in the first instance be referred to Irish Water. They very well may come back again to the County Council; in the first instance they'll have to go to Irish Water.

- 15 CATHAOIRLEACH: Cllr Timmins.
- 16 Cllr TIMMINS: It's not a very satisfactory response. What about the time? Who is responsible?
 17 Who is going to give us an answer? When are they going to give us an answer? Do we have
 18 names? Do you get a 1890 number to ring Irish Water and then they contact someone in
 19 Wicklow and they go back to Irish Water and I could be down here meeting the person in
 20 Wicklow dealing with it. How are we going to get an answer? How does the communication
 21 lines work?
- 22 CATHAOIRLEACH: Well look...

Cllr Tommy CULLEN: The chickens are coming home to roost now about basically removing the issue of sewage and water from Local Authority Council. It's now been handed over to this Irish Water and who don't have to come here to answer any questions, and we are totally irrelevant to them and I think the chickens is coming home to roost now about removing those vital services from this Council.

- CATHAOIRLEACH: You are absolutely right Councillor, but the reality is the staff in here can
 no longer answer the question.
- 30 Cllr Tommy CULLEN: It's terrible.
- 31 CATHAOIRLEACH: Yeah, so it begs the question we have to go, we can't ask these questions
- 32 here anymore, we have to ask the relevant authority.
- 33 Cllr TIMMINS: Could I ask that an answer is brought back here to this meeting?
- 34 CATHAOIRLEACH: Okay. Cllr Fortune.

1 Cllr FORTUNE: Just picking up on your last comment Cathaoirleach, I just think what has just 2 been said is absolutely devastating, and I think at the very minimum we owe the public is to put 3 some kind of a notice in the local papers to actually clarify what you have just said and what other Councillors have said. It's not good enough. I had a situation on Saturday morning where 4 5 a resident phoned me and they'd had no water over the last three weeks, and when they have water, it's obviously a pressure thing as well as everything else and they couldn't contact, they 6 7 didn't know who to contact. I was told, I think I reported it at a previous Council meeting here 8 that Irish Water told me on the phone when I was chasing something up for a person in 9 Greystones that number one they didn't know where Greystones was, they thought it was in 10 Kildare, but number two they didn't have a number for Wicklow.

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12 I just want to clarify, I didn't think we were discussing this in depth, do we have a contact 13 number now in Wicklow for people to contact for Irish Water? I know we as public reps have 14 been given a local support, whatever it is, that we can contact them on, but I actually think that 15 there is a need for a Special Meeting at this stage on water. Just come in here, whoever wants to 16 turn up let them turn up, but I think we should have a Special Meeting because I think what's 17 going on is an absolute scandal and while the problem then is if you ring into the Local 18 Authority, you are told we don't deal with it anymore, that's easy to say that, and that's maybe a 19 fact of life, but it's not the answer, and it isn't a proper answer, and we do need to know what 20 really is going on, and nobody seems to have a clue. So I would strongly urge maybe Chair that 21 maybe you do it yourself, that maybe we will organise a meeting where we can all come in here 22 and have a real conversation about it, but I do think if there are facts out there now, they need to 23 be put out to the public and not have the public ringing up all of us and we haven't a clue what 24 we should be saying to them because we don't know. Let's put out a statement to say what the 25 real situation is. I think it's only fair to be truthful and honest with people.

CATHAOIRLEACH: Well my difficulty with having a Special Meeting on it is we no longer
have the staff here that are able to answer the questions, and I agree, it's, the chickens are coming
home to roost.

Cllr FORTUNE: Can I just clarify. Why don't we then, if there is no staff here to discuss it, there is very intelligent people in this Chamber as public representatives, there is oodles of paper work and documentation, let's all sit down and go through it and come up with a common understanding of what's going on. What's going on at the moment is ridiculous. We were told earlier on the municipal districts no-one seems to know what we are doing, what we are not doing, what we are going to be doing. The whole thing is absolutely ludicrous. You wouldn't

run a sweet shop on that basis. It's just crazy stuff. Someone has to take responsibility. I think
 it should be the man in charge of the Council should step up to the plate here and get these things
 sorted out for us, I don't know who else is going to do with it.

4 CATHAOIRLEACH: Can I just refer to correspondence we received, there was queries at the 5 July meeting and this is a response.

6 MS GALLAGHER: Cathaoirleach, "The Director of Services in environment has provided a 7 report following on from the July meeting and again it reiterates that where there are leaks and 8 reports out of hours where they've been brought to the attention of the members that they should 9 be reported to Irish Water and contact details were given. The Director of Services is discussing 10 the necessity of out of hours call arrangements with Irish Water and any change in protocol 11 would require union approval. In relation to the Notice of Motion on the agenda in relation to 12 algae bloom on the Vartry lakes and water shortage in the North Wicklow area, the members 13 will recall that at the April meeting a Notice of Motion was passed directing the Wicklow 14 County Manager who had arranged to discuss the matters with ... The Director of Services 15 confirms the parties met with ... in his follow-up to this, a meeting was arranged in mid August 16 between the three parties involved and at that meeting a considerable exchange of data occurred, 17 identification and examination of all areas that arose during this time were discussed. A number 18 of actions were to be undertaken and it was agreed a further meeting would take place in 19 September. For the information of the members, the Notice of Motion on the agenda for the 20 September meeting in relation to the water situation has been made known to Irish Water and if 21 members require any further information in relation to this specific matter, do not hesitate to 22 contact The Director of Services of environment." (Quoted).

23 CATHAOIRLEACH: Okay, Cllr Fitzgerald.

24 Cllr FITZGERALD: Can I just say that Irish Water are dealing with the matter because I have 25 been in touch with them many times over the last few weeks, but the problem is what was 26 previously done in one or two days is now taking five days and one of the remits of Irish Water 27 was to protect our water consumption, and if we are losing hundreds and thousands of gallons 28 awaiting a decision which Irish Water to let the work go ahead, the situation at the moment is you email Irish Water or you ring them, they contact the Council here in Wicklow, they contact 29 30 the local area. That's three movements. That goes back to the person representing Irish Water in 31 Wicklow is four, that goes back to Cork is five. You have to get a contractor to give a price. 32 That goes in for approval. And I have knowledge of one that started last Sunday week in 33 Arklow, and to be fair it was done, it went on from Sunday until the following Friday. That was 34 on a public road. So the situation is it's a long-winded process, and there has to be a cost

1 involved in that, because it's like someone commuting, you go to one place, you go to the other. 2 There is about seven movements now to get work done where previously there was one and 3 water and sewage was one thing that Wicklow County Council were good at. So effectively this procedure has to be shortened, because it's taking too long to get what are urgent matters dealt 4 5 with, and that needs to be in any discussion with Irish Water sorted out to be quite honest about 6 it. It is slightly difficult to communicate maybe, emailing is probably the best way, but it's 7 slightly difficult to communicate with some of the staff as well because maybe I have an Arklow 8 lingo, I speak maybe quickly, but, and when someone says I don't understand you, I might say I 9 don't understand you either for a different reason, but I can't say why, but obviously it's difficult 10 to discuss much on the telephone. You really want to email. You get a letter back, which is the 11 total opposite of what you sent the email in about. You send one in about a leak and it comes 12 back about something else. They obviously don't read the emails to be quite honest about it. But 13 when they do the work, it's done well, after a long delay.

- 14 CATHAOIRLEACH: Thank you, Cllr Whitmore.
- 15 Cllr WHITMORE: Just back to your point where you were saying there was a meeting between 16 yourself and the Irish Water, is it possible to get a report on the - where the issues were analysed 17 and identified as to the problems in Greystones.

18 CATHAOIRLEACH: Okay.

19 Cllr Tommy CULLEN: Did you not have a delegation to go to that meeting Chairman?

- CATHAOIRLEACH: No, it was left for the County Manager to correspond with John Tierney
 wasn't it of Irish Water.
- Cllr Tommy CULLEN: I thought we passed agreement here that it was to be members of each of the groups here to go along to that meeting with Irish Water?
- 24 CATHAOIRLEACH: It was during the lifetime of the last Council. I can't...
- 25 Cllr Tommy CULLEN: When did this meeting take place, it's the first we have heard about it,
- we passed a resolution here, people nominated each group to send four members and aChairman.
- CATHAOIRLEACH: My recollection was it was the County Manager that was to correspond
 with Mr Tierney. Now I stand to be corrected on that. Or Dublin City Council.
- 30 Cllr Tommy CULLEN: No, four or five members, one from each of the groups to go on that
- 31 delegation. I am not, look at, I just think that should happen because I don't think one Councillor
- 32 carries the full weight when there is several different groups in this Council and we have a
- 33 common interest in this, and I think Chairman given that we are supplying 43% of all the water
- 34 that's been consumed by Irish Water, I think this is one Council I am a member of an area in

the Baltinglass area where we are supplying 33% of all the water going to Irish Water. We
weren't represented there. I think it's time now that this Council that's giving 43% of Irish
Water's income, has a sit down meeting with these guys because we have just had a farce here of
a sewage system in Stratford, we can't get a meeting, they won't even listen to us and yet we are
supplying 43% of all their revenue. For God's sake you wouldn't get this in Disney Land.
CATHAOIRLEACH: I will let in the manager.

MR SHEEHY: Chairman in relation to the specific issue of the algae bloom and so on, I raised it with both John Tierney, the Managing Director of Irish Water and Eoin Keegan, the Dublin City manager, and the issues were resolved. There were some issues within our own remit here in Wicklow and the algae bloom was a particular seasonal problem and has resolved itself. If there are still other problems arising from that, I would be very happy if the Councillor tells me about them and I will bring it to the attention of either Eoin Keegan or John Tierney as appropriate.

14 Cllr WHITMORE: Sorry I understand the issue, they've now identified what the problem is, but 15 as you said it's a seasonal problem and it happened last year and the year before, chances are it 16 will happen again if we get the same climatic conditions occurring. What I think would be very 17 useful is to work out exactly what the issues were and what they are doing to ensure it doesn't 18 happen again, whether it's an algae monitoring programme they bring into place, climatic 19 modelling, whatever, it would be interesting to see what they're going to do to make sure if 20 possible they can prevent it again.

21 Cllr Tommy CULLEN: I would like to...

22 CATHAOIRLEACH: Last word, very quickly, Cllr Mitchell.

Cllr MITCHELL: If we are discussing the business about the water shortages in Greystones and
 Kilmacanogue and Enniskerry which it sounds as if we were.

CATHAOIRLEACH: That Notice of Motion can remain on the clár, okay. We are going on to
 urgent questions.

- MS GALLAGHER: Cathaoirleach, there is two questions submitted for this afternoon's
 meeting, one from Councillor Pat Fitzgerald, I wish to put this question down for next week's
- 29 meeting I wish to seek an update on the 2014 local building initiative which included 8 social
- 30 houses built in Arklow. The announcement was made on 25th March 2014 and I am seeking a
- 31 progress report on the commencement of the building of the houses. And the answer is Arklow
- 32 Town Council received an allocation of 540,000 to advance the construction of phase 2 eight
- 33 units of the development in Arklow. Also under the ship allocation for the county for 2014,
- 34 Arklow Town Council was allocated an additional 300,000 for same. To date work has not yet

60

1 commenced. 2 CATHAOIRLEACH: Okay, next question. 3 MS GALLAGHER: This question is submitted by Cllr Cullen. Will the Chief Executive Officer Mr Edward Sheehy inform the Council members of the hiring of private investigators by 4 Wicklow Council or its agents during his period as manager and his current position? The 5 response to the question, no separate records are kept by Wicklow County Council of 6 7 expenditure on private investigators. The extraction of the information requested by the 8 Councillor would require a detailed examination of hundreds of thousands of payments to 9 suppliers over the last 14 years. The Chief Executive does recall that one within a few weeks of 10 his appointment in January 2001, he instructed that private investigators be hired to investigate a 11 number of sites where it was suspected that illegal dumping was taking place. 12 13 2. In 2013, as part of his examination of a number of ethics complaints which he had received, 14 he instructed the law agent to investigate the current ownership of a two acre site in Baltinglass. 15 If the Councillor supplies further details of the particular matter he is interested in, the relevant

16 file can be examined.

17 CATHAOIRLEACH: Okay.

18 Cllr Tommy CULLEN: Chairman.

19 CATHAOIRLEACH: Very quickly.

20 Cllr Tommy CULLEN: The reason I put this question down was that a -- I have been in 21 communication with the Council for nearly three months now with Lorraine Lynch and I wrote 22 three letters which I have not got any satisfactory response to, from. The Manager has 23 confirmed that he has engaged private investigators. I would want a detailed breakdown from 24 you manager or chief executive or whatever you are calling yourself this weather, what 25 investigators you hired, for what purpose, who were you having investigated? Were you having 26 public representatives investigated? And for what reason? If you were having public 27 representatives investigated. That's a very serious matter if it turns out that that was going on. 28 For instance A, who, what, and I want this in writing, the names of the private investigators you 29 hired. I want copies of their statements, their information to you. Were they in breach of any 30 data protection regulations? They're very serious things. Now manager, I am asking you now to 31 forward to me the names of those private investigators you hired. I will take it from there. 32 CATHAOIRLEACH: Okay Cllr Vance. Last one.

Cllr VANCE: Chairman just as a point of information, it's public knowledge that Cllr Cullen
 and other Councillors took a legal action against Wicklow County Council and the County

1 Manager a number of months ago and that's ongoing, I believe there is an appeal gone to the 2 court. I think is it relevant that we have Cllr Cullen bringing these issues up when he has got, 3 what I think, a very serious material interest in all this, that he has something before the courts at 4 the moment. And I think this is a very, very serious issue in regard to it, and certainly I don't -5 it's unprecedented as far as I am concerned, we never had a situation like this in the court where 6 a Councillor is raising issues like this when he is concerned in an appeal to the High Court about 7 a very serious decision that went very much against him, and his other former Councillor 8 recently in the court in Bray. So I would be very uneasy about this Chairman. 9 CATHAOIRLEACH: We are out of time. 10 Cllr Tommy CULLEN: With respect, I don't think that's relevant and particularly in light of - I 11 will take no lectures from Cllr Vance about anything in this Chamber. And if you want to go up 12 to the Ramada hotel and have another meeting with your mates, work away mate. 13 Cllr VANCE: I will tell you one thing, I will tell you one thing... 14 Cllr Tommy CULLEN: Your game is played out. 15 Cllr VANCE: You want to pay up the Council the money you owe them now in that case now.

- 16 CATHAOIRLEACH: Okay, thank you very much. Next. Protocol just a quick meeting, next
- 17 Council meeting is 22nd of September, 2pm.
- 18
- 19 <u>Meeting concluded 5.06pm</u>
- 20

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