

**MINUTES OF ORDINARY MEETING OF WICKLOW COUNTY COUNCIL HELD IN
THE COUNCIL CHAMBER, COUNTY BUILDINGS, WICKLOW ON MONDAY 7th
SEPTEMBER 2015, COMMENCING 2.00 P.M.**

PRESENT:

COUNCILLOR J. RYAN, CATHAOIRLEACH, COUNCILLORS T. ANNESLEY, J. BEHAN, V. BLAKE, S. BOURKE, J. BRADY, P. CASEY, S. CULLEN, T. CULLEN, P. DORAN, P. FITZGERALD, T. FORTUNE, C. FOX, P. KAVANAGH, P. KENNEDY, N. LAWLESS, M. MCDONALD, G. McLOUGHLIN, D. MITCHELL, M. MURPHY, D. NOLAN, O. O'BRIEN, G. O'NEILL, J. RUTTLE, J. SNELL, E. TIMMINS, P. VANCE, G. WALSH, J. WHITMORE AND I. WINTERS.

APOLOGIES:

Cllr. S. MATTHEWS AND B. THORNHILL.

IN ATTENDANCE:

**MR. B. DOYLE, CHIEF EXECUTIVE
MR. D. O'BRIEN, DIRECTOR OF SERVICES
MR. S. QUIRKE, DIRECTOR OF SERVICES
MR. J. LANE, DIRECTOR OF SERVICES
MR. M. NICHOLSON, DIRECTOR OF SERVICES
MR. T. MURPHY, DIRECTOR OF SERVICES
MS. L. LYNCH, HEAD OF FINANCE
MR. M. GEANEY, A/DIRECTOR OF SERVICES
MS. L. GALLAGHER, SENIOR EXECUTIVE OFFICER/MEETINGS ADMINISTRATOR
MS. B. McCARTHY, FINANCIAL MANAGEMENT ACCOUNTANT
MR. D. MARNANE, A/SENIOR ENGINEER
MS. M. MALONE, A/SENIOR EXECUTIVE OFFICER
MS. M. HARTNETT, SENIOR RESIDENT ENGINEER
MS. L. CASEY, ADMINISTRATIVE OFFICER
MS. J. CARROLL, ADMINISTRATIVE OFFICER
MR. D. PORTER, MUNICIPAL DISTRICT ADMINISTRATOR**

DEPUTY A. DOYLE

Votes of Sympathy

Elected members passed a vote of sympathy to the families of the late Mr. Dermot Cardiff, Mrs. Kathleen Doyle, Mr. Vincent Byrne, Mr. Eamonn Lawless, Mrs. Helen Corcoran, Mr. James O'Keefe, Mr. John Smith, Mr. Donal Hayden, Mr. David Cullen, Mr. Terence O'Toole, Mr. Conor Earley, Mr. Kevin Doran, Mr. Dion Doyle and Mr. David Keogh. A minutes silence was observed for the deceased.

Votes of Congratulations

Elected members passed a vote of congratulations to all involved in the recent Special Olympics, paying tribute to the County Wicklow participants. It was proposed by Cllr. J. Snell, seconded by Cllr. M. Murphy and agreed to host a civic reception to honour the County Wicklow Special Olympians. The Cathaoirleach advised that he would raise the matter at the Protocol Committee.

The elected members also passed a vote of congratulations to the Tinahely Senior Ladies Football panel on their recent victory in the Ladies County Senior Football Championship, to Mr. Paul Dunne from Greystones on his success in the British Open Golf Championship and to Mr. Leo Cullen on his recent appointment as head coach for the Leinster Rugby squad.

In response to queries raised the Cathaoirleach advised that there would be a special meeting to consider the setting of the Local Property Tax rate. He also advised that matters in relation to the special meeting held on the 27th of July could be raised under correspondence.

With regard to the matter of the Barracuda the Cathaoirleach advised that he would be absenting himself from the meeting before discussion commenced and that he had declared an interest in the matter to the effect that the individual concerned worked alongside him in Great Place to Work.

Suspension of Standing Orders

1. Cllr. T. Fortune requested a suspension of standing orders to discuss writing to the Minister for the Environment, Community and Local Government, to ask him to seek the advice of the Attorney General into the matter of the freehold of the Barracuda and that the Attorney General carry out an immediate review of the file. This was seconded by Cllr. P. Kavanagh.
2. Cllr. J. Brady requested a suspension of standing orders to discuss the changes to the structures of local government in County Wicklow having regard to the abolishment of the town councils. This was seconded by Cllr. N. Lawless. It was agreed that this matter would be listed on the agenda for the next Council meeting with a view to considering powers that could be devolved to municipal districts.
3. The Cathaoirleach requested a suspension of standing orders to discuss how Wicklow County Council could respond to the refugee crisis. This was seconded by Cllr. J. Snell.

It was agreed to discuss the Barracuda matter after item number 9 and discuss standing orders suspension requests number 2 and 3 at the end of the meeting (16.45).

ITEM NO. 1

To confirm and sign minutes of Annual Meeting of Wicklow County Council held on Monday 15th June 2015

It was proposed by Cllr. S. Bourke, seconded by Cllr. P. Casey and agreed to confirm and sign minutes of Annual Meeting of Wicklow County Council held on Monday 15th June 2015.

ITEM NO. 2

To confirm and sign minutes of Ordinary Meeting of Wicklow County Council held on Monday 6th July 2015

It was proposed by Cllr. D. Nolan, seconded by Cllr. J. Snell and agreed to confirm and sign minutes of Ordinary Meeting of Wicklow County Council held on Monday 6th July 2015.

ITEM NO. 3

To consider the disposal of 5.7 hectares (14.085 acres) or thereabouts of land in the townland of Rathdown Lower, Greystones, Co. Wicklow to Greystones Harbour Property Designated Activity Company, c/o Wicklow County Council, County Buildings, Wicklow

Cllr. J. Whitmore proposed *‘that the Council defer this vote, that the Council (1) details and distributes for discussion the rationale for the inclusion of the 3 acres of public parkland in the disposal notice for lands at Rathdown Lower to Greystones Harbour Property, DAC (2) that this information be made at least three weeks prior to the October Greystones district meeting for discussion at that meeting and (3) that the final disposal notice be put forward for a decision at the November Ordinary meeting of Wicklow County Council.’* This was seconded by Cllr. T. Fortune.

Cllr. G. McLoughlin, Chair of the Municipal District advised that she would call a special meeting to discuss the matter towards the end of September with a view to having it on the October agenda.

Sean Quirke, Director of Services explained the background in detail to the elected members. He advised that the contract was a PPP contract and the terms proposed the disposal notice was what the Council is contractually obliged to do. He advised that if the matter was deferred it will result in the scheme being delayed. He also asked for it to be made clear that the disposal notice is to

dispose of the land from Wicklow County Council to the Greystones Harbour Property DAC, which is a company wholly owned and controlled by Wicklow County Council.

On the proposal of Cllr. G. McLoughlin, seconded by Cllr. J. Whitmore it was agreed that the matter be deferred for consideration at a special meeting of Greystones MD in September and that the matter would be considered at the October Council meeting.

ITEM NO. 4

To consider the disposal of 1.56 acres or thereabouts of land in the townland of Victoria Road, Greystones, Co. Wicklow (field known as 'Circus Field') to Greystones United Football Club by way of lease for a period of 25 years from 1st July 2015

It was proposed by Cllr. T. Fortune, seconded by Cllr. G. Walsh and agreed to dispose of the Council's interest and equity in 1.56 acres or thereabouts of land in the townland of Victoria Road, Greystones, Co. Wicklow (field known as 'Circus Field') to Greystones United Football Club by way of lease for a period of 25 years from 1st July 2015.

ITEM NO. 5

To consider the disposal of Leasehold Folio No. 2133L – Co. Wicklow being 1 Pollards Terrace, Greenpark Road, Bray, Co. Wicklow to Thomas Kinlan, 1 Pollards Terrace, Greenpark Road, Bray, Co. Wicklow

It was proposed by Cllr. C. Fox, seconded by Cllr. J. Ryan and agreed to dispose of the Council's interest and equity in Leasehold Folio No. 2133L – Co. Wicklow being 1 Pollards Terrace, Greenpark Road, Bray, Co. Wicklow to Thomas Kinlan, 1 Pollards Terrace, Greenpark Road, Bray, Co. Wicklow.

ITEM NO. 6

To consider the disposal of Leasehold Folio No. 978L – Co. Wicklow being 60 Wolfe Tone Square West, Bray, Co. Wicklow to Peter & Carmel O'Connor, 60 Wolfe Tone Square West, Bray, Co. Wicklow

It was proposed by Cllr. C. Fox, seconded by Cllr. J. Brady and agreed to dispose of the Council's interest and equity in Leasehold Folio No. 978L – Co. Wicklow being 60 Wolfe Tone Square West, Bray, Co. Wicklow to Peter & Carmel O'Connor, 60 Wolfe Tone Square West, Bray, Co. Wicklow

ITEM NO. 7

To consider report in accordance with Part V111 of the Planning and Development Regulations 2001 (as amended), in respect of Fitzwilliam Square Public Realm at Fitzwilliam Square, Wicklow Town, Co. Wicklow as per attached reports

Report dated 1st September 2015 from Loraine Lynch, Wicklow Municipal District, was circulated with the agenda and noted. Report included part V111 updated plans and particulars (March, 2015) Fitzwilliam Square Public Realm (NTA) and Part V111 Planning report Fitzwilliam Square Public Realm (NTA). The report advised that the members of the Wicklow Municipal District recommended that the scheme as described in the part 8 planning report be put before the elected members of Wicklow County Council for approval. Following discussion on the matter it was proposed Cllr. I. Winters, seconded by Cllr. P. Casey and following a roll call the proposal was carried by a margin of 19 votes for and 7 not present viz:-

FOR: CLLRS T. ANNESLEY, V. BLAKE, S. BOURKE, P. CASEY, S. CULLEN, P. DORAN, P. FITZGERALD, C. FOX, P. KENNEDY, G. MCLOUGHLIN, D. MITCHELL, M. MURPHY, D. NOLAN, J. RUTTLE, J. RYAN, E. TIMMINS, P. VANCE, G. WALSH AND I. WINTERS (19)

AGAINST: CLLR. J. BRADY, T. CULLEN, T. FORTUNE, P. KAVANAGH, M. MCDOALD, O O BRIEN, J. SNELL AND J. WHITMORE (9)

NOT PRESENT: CLLR. J. BEHAN, S. MATTHEWS AND B. THORNHILL (3)

ABSTAINING: CLLR G. O NEILL (1)

ITEM NO. 8

To consider report in accordance with Part V111 of the Planning and Development Regulations 2001 (as amended), in respect of Baltinglass Town Centre Refurbishment at Baltinglass Co. Wicklow as per attached reports

Report dated 1st September 2015 from Sean Quirke, Director of Services, was circulated with the agenda and noted. Following a brief discussion on the matter it was proposed by Cllr. J. Ruttle, seconded by Cllr. C. Fox and agreed to defer this item until the October meeting.

ITEM NO. 9

To receive presentation from Ms. Sherry Perreault, Head of Regulation of Lobbying, SIPO Commission on Regulation of Lobbying Act, 2015

Ms. Sherry Perreault, Head of Regulation of Lobbying, SIPO Commission, made a presentation to the members covering the following areas:

- Introduction
- Lobbying regulation: Ireland's approach
- What is lobbying?
- Who is within the scope of the Act?
- Who are the Designated Public Officials?
- What are relevant matters?
- Exemptions (s.5(5))
- What is registered?
- What is returned?
- Delayed publication
- Review of legislation
- Commission role in regulating lobbying
- Commission's approach as a regulator
- Key milestones to date
- Transparency code
- Guidelines for Local Authorities
- Guidelines on Zoning and Development
- What does it all mean for you?
- Best practices for Local Authorities
- Website details

Ms. Perreault responded to the queries raised by the elected members. Cllr. J. Behan proposed a time extension to 5.30 p.m. This was agreed.

ITEM NO. 16

Correspondence

The Barracuda

The Cathaoirleach left the Chamber having declared his interest at the beginning of the meeting. Cllr. P. Fitzgerald, Leas Cathaoirleach assumed the chair.

Cllr. J. Behan advised that he had wanted an opportunity to add to the legal brief of advice sought from Senior Counsel and that asked for the following paragraph be added: - . *'That the adviser is requested to inspect all documentation regarding the granting of the initial lease, the variation in 2004 and subsequent changes and is asked to confirm that all necessary consents were received from the elected members of Bray Town Council. The adviser should be asked to confirm that every stage of the process from granting of the lease through the various changes was in order legally and that s/he has personally inspected same.'*

He advised that this had not included in the brief which in his view formed the kernel of the matter. He referred to the 1991 lease being extended from 65 years to 250 years in 2004, which he said effectively handed over the property, and that he was simply asking for evidence that the matter was carried out properly at the time. He said he was disappointed this had not been included in the brief of the independent legal advice and he requested that Senior Counsel be asked to give opinion on this matter.

The Chief Executive advised that all of the interactions had been itemised in chronological order for the elected members in relation to the request to purchase the fee simple which was brought before the County Registrar. He said that it was his recollection of events that the matter which was causing most angst among the elected members was the absence of the section 183 statutory disposal notice on file, and it was on this basis that the brief was prepared. He advised that the Council at this point was seeking to look retrospectively at events which had taken place some 25 years previous. He said that if the elected members wished to support the request put forward by Cllr Behan that Senior Counsel be asked to look back in the manner which was set out in his proposal then the Law Agent would be requested to look again at the matter and review the file.

Cllr. T. Fortune proposed *'That the Council will write to the Minister of the Environment, that he would seek legal advice from the Attorney General into the freehold title of the Barracuda property, Bray, Co. Wicklow, the subject of our recent meeting. Included with the letter enclose a copy of the full file in relation to the history of the Barracuda given the national importance and consequence for public property that the Attorney General would carry out an immediate review of the file in question.'* This was seconded by Cllr. P. Kavanagh.

In response, the Chief Executive advised that the matter had been progressed sensibly. He said that he was prepared to expand the brief as set out by Cllr. Behan if the members so decided and asked that any decision to forward to the Department be postponed pending full participatory discussion by the elected members.

Cllr. T. Cullen advised that the matter could be solved quite simply. He referred to his written request seeking copies of the notice of disposals in relation to 1998 and 2004 and that he was informed that these could not be located and that files were being searched thoroughly. He referred to the agendas for Bray Town Council meetings, which he said had disappeared and that these agendas would show that a notice of disposal for this matter had been included and put before the Council in November, 1998. He said that in his view there should be three notices of disposals required to be produced, 1998, 2004 and 2015. He referred to the letter advising of the notice of disposal which was passed by the Council in 1998 and if a copy of this notice of disposal can be presented then the matter is finished with.

In response the Chief Executive advised that based on the legal advice that he had received from the Law Agent and Senior Counsel that the matter was handled correctly.

Elected members raised the following questions:-

- Has the statutory disposal resolution been located, and have the agendas for the meetings pertaining to the leases been located?
- Does the amendment/variation of the 1991 lease in 2004 constitute an amendment or is it a separate lease.
- What is a reasonable timeframe to find the documents before reporting to the Gardai.
- The matter should have been placed on the agenda rather than considered under correspondence.
- Is the Council legally obliged to keep copies of agendas? Do the minutes of Council meetings contain all of the items on the agendas also? The minutes reflect what exactly happened at Council meetings and the impression that is given is that the agendas were destroyed.

Cllr. J. Behan advised that he was not alleging an conspiracy but was simply trying to get to the legality of the basis of the decision to dispose of the ground rent in the Barracuda and suggested that the Council revert to Senior Counsel with the paragraph for inclusion in the brief. Discussion on the matter concluded and it was agreed to include the matter for discussion as an item on the agenda to be discussed at special meeting of the 28th of September, 2015 convened to discuss the setting of the Local Property Tax rate.

Cllr. J. Ryan returned to the Chamber.

ITEM NO. 10

To consider the Taking in Charge of the following:

- **Burgage More, Blessington**
- **Keatingstown, Wicklow**
- **Milltown Gate, Blessington**

A report on this item had been circulated with the agenda and was noted.

It was proposed by Cllr. J. Ruttle, seconded by Cllr. G. O'Neill and agreed to the Taking in Charge of Burgage More, Blessington, Co. Wicklow.

It was proposed by Cllr. P. Kavanagh, seconded by Cllr. I. Winters and agreed to the Taking in Charge of Keatingstown, Wicklow, Co. Wicklow.

It was proposed by Cllr. G. O'Neill, seconded by Cllr. J. Ruttle and agreed to the Taking in Charge of Milltown Gate, Blessington, Co. Wicklow.

ITEM NO. 14

To nominate one member to the East Coast Regional Drugs Task Force

Ms. L. Gallagher advised that three nominations had been made previously to the East Coast Regional Drugs Task force, however as Cllr. B. Thornhill sits on the Bray Drugs Task Force, the East Coast Regional Drugs Task Force had requested another representative. Cllr. Thornhill has indicated that he has no objection to this request. It was proposed by Cllr. J. Ruttle, seconded by Cllr. J. Snell and agreed to nominate Cllr. D. Nolan to the East Coast Regional Drugs Task Force.

ITEM NO. 13

To consider members proposals regarding the discretionary fund Bray Municipal District

The proposals circulated with the agenda and were proposed by Cllr. J. Behan, seconded by Cllr. J. Brady and agreed

ITEM NO. 11

Update on recent Housing announcements

Mr. J. Lane, Director of Services gave an update as follows:

- Progress report on the priority listed at the previous meeting
- Murphy's land Bray – units increased to 42
- New Staff to the Housing Department i.e. Architect and quantity surveyor.
- Plans for Carrigoona Bray
- Small infill scheme at Mountainview Blessington
- Dunlavin
- Kilcoole
- Capital acquisition scheme at Newtownmountkennedy

The Cathaoirleach advised that if the members have any queries, they should discuss them directly with the Director of Services.

ITEM NO. 12

To receive update on the work of the Strategic Policy Committees of Wicklow County Council: Update on Community, Cultural & Social Development SPC

Mr. M. Nicholson, Director of Services gave a presentation covering the following areas:

- Overview of Community, Cultural & Social Development Directorate
- Strategic Policy Committee Members
- Staff Organisation Chart
- LCDC
- Arts
- Social Inclusion
- Play & Recreation
- Local Sports Partnership
- Community Development
- Outdoor Recreation
- Community Infrastructure
- Interagency
- Library Service
- Administrative Support
- Update on Critical Projects
- LCDC and LECP
- Functions of LCDC
- Local Economic & Community Development Plan
- LECP – Current Status
- Social Inclusion Community Activation Programme (SICAP)
- SICAP in County Wicklow
- Rural Development Programme – LEADER – 2014 – 2020
- Achievements to date in 2015
- Ireland 2016
- The Five Themes
- Two Key Foundation Stones
- The 7 Programme Strands
- Consultation
- The Request
- Objectives for 2015
- Key Milestones Local Authorities
- Governance
- 1916 – 2016 Commemoration Wicklow 2016 Steering Group
- Steering Group Functions
- Funding
- Steering Group Projects
- Community Grants
- Supporting the Arts – Co. Wicklow Arts Office
- Pride of Place Competition 2015
- Projects for 2016
- Rural Economic Development Zones
- Arklow REDZ Group Submission

Ms. Niamh O'Connell, CEO, Mermaid Arts Centre, made a presentation covering the following areas:

- Mission
- Strategic Intent
- We are more than just a venue
- We believe in creativity for all
- Social & Community Group Support
- Three pillars to our activity
- The value of the arts
- Education
- Society
- Health and well being
- Economy
- Culture night invitation

THIS CONCLUDED THE BUSINESS OF THE MEETING

**CLLR. JOHN RYAN
CATHAOIRLEACH
WICKLOW COUNTY COUNCIL**

**MS. LORRAINE GALLAGHER
SENIOR EXECUTIVE OFFICER/
MEETINGS ADMINISTRATOR**