

**MINUTES OF ORDINARY MEETING OF WICKLOW COUNTY COUNCIL HELD IN
THE COUNCIL CHAMBER, COUNTY BUILDINGS, WICKLOW ON MONDAY 3RD
OCTOBER 2016, COMMENCING 2.00P.M.**

PRESENT:

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

APOLOGIES:

COUNCILLORS T. ANNESLEY, G. MCLOUGHLIN AND M. MURPHY.

IN ATTENDANCE:

**MR. B. DOYLE, CHIEF EXECUTIVE
MR. M. GEANEY, DIRECTOR OF SERVICES
MR. J. LANE, DIRECTOR OF SERVICES
MR. T. MURPHY, DIRECTOR OF SERVICES
MR. D. O'BRIEN, DIRECTOR OF SERVICES
MS. D. CROMIE, A/HEAD OF FINANCE
MR. S. QUIRKE, DIRECTOR OF SERVICES
MR D. MARNANE, SENIOR EXECUTIVE ENGINEER
MS. S. WALSH, SENIOR PLANNER
MS. L. GALLAGHER, SENIOR EXECUTIVE OFFICER/MEETINGS ADMINISTRATOR
MS. B. KILKENNY, SENIOR ENGINEER
Mr. M. DEVERAUX, SENIOR ENGINEER
MS. L. EARLS, ADMINISTRATIVE OFFICER
MS. H. DENNEHY, ADMINISTRATIVE OFFICER
MS. K. BOYLE, TECHNICAL SUPPORT OFFICER**

Votes of Sympathy

Elected members passed a vote of sympathy to the families of the late Gerard O'Doherty, Patricia Conlan, Josephine McGraynor, Forbes Vigors and Seamus Dunne. A minutes silence was observed for the deceased.

Suspension of Standing Orders

Cllr. D. Mitchell requested a Suspension of Standing Orders to discuss the cancellation/postponement of the building of the Coast Guard Station for Wicklow at Greystones. It was agreed to discuss this matter at 4.45p.m.

ITEM NO. 1

To confirm and sign the minutes of Ordinary Meeting of Wicklow County Council held on Monday 4th July 2016

It was proposed by Cllr. J. Ryan, seconded by Cllr. G. O'Neill and agreed to confirm and sign the minutes of Ordinary Meeting of Wicklow County Council held on Monday 4th July 2016.

ITEM NO. 2

To confirm and sign the minutes of Ordinary Meeting of Wicklow County Council held on Monday 5th September 2016.

It was proposed by Cllr. G. Dunne, seconded by Cllr. S. Bourke and agreed to confirm and sign the minutes of Ordinary Meeting of Wicklow County Council held on Monday 5th September 2016.

ITEM NO. 3

To consider the disposal of 0.0044Ha or thereabouts of land comprised in Folio No. WW5736 – Co Wicklow to rear of 17 Beechwood Park, Kilcoole, Co Wicklow to Gerard O’Neill, 17 Beechwood Park, Kilcoole, Co Wicklow.

It was proposed by Cllr. T. Fortune, seconded by Cllr. G. Walsh and agreed that Wicklow County Council dispose of 0.0044Ha or thereabouts of land comprised in Folio No. WW5736 – Co Wicklow to rear of 17 Beechwood Park, Kilcoole, Co Wicklow to Gerard O’Neill, 17 Beechwood Park, Kilcoole, Co Wicklow in accordance with statutory notice circulated.

ITEM NO. 4

To consider the disposal of the Leasehold interest comprised in Leasehold Folio No. 3039L – Co Wicklow being 14 New Road, Kilcoole, Co Wicklow to Jason Walsh and Jennifer Walsh, 14 New Road, Kilcoole, Co Wicklow.

It was proposed by Cllr. T. Fortune, seconded by Cllr. G. Walsh and agreed that Wicklow County Council dispose of the Leasehold interest comprised in Leasehold Folio No. 3039L – Co Wicklow being 14 New Road, Kilcoole, Co Wicklow to Jason Walsh and Jennifer Walsh, 14 New Road, Kilcoole, Co Wicklow in accordance with statutory notice circulated.

ITEM NO. 5

To consider the Rectification of Title – Deed of Conveyance and Rectification of land adjacent to Seafront, Wicklow, Co Wicklow to Ship Shape Gym (formerly Beaches), Seafront, Wicklow, Co Wicklow

It was proposed by Cllr. G. Dunne, seconded by Cllr. C. Fox and agreed that Wicklow County Council agree the Rectification of Title – Deed of Conveyance and Rectification of land adjacent to Seafront, Wicklow, Co Wicklow to Ship Shape Gym (formerly Beaches), Seafront, Wicklow, Co Wicklow in accordance with statutory notice circulated.

ITEM NO. 6

To consider the disposal of Freehold Interest of 0.0123Ha or thereabouts of land at Ballynerrin (ED Wicklow Rural)(The Marlton Road, Wicklow Town) to Joseph and Sarah Cawley, 13 Heatherbrook, Wicklow.

It was proposed by Cllr. G. Dunne, seconded by Cllr. S. Cullen and agreed that Wicklow County Council dispose of Freehold Interest of 0.0123Ha or thereabouts of land at Ballynerrin (ED Wicklow Rural)(The Marlton Road, Wicklow Town) to Joseph and Sarah Cawley, 13 Heatherbrook, Wicklow in accordance with statutory notice circulated.

ITEM NO. 7

To consider the disposal of Freehold Interest of 0.008710Ha or thereabouts of land at Ballynerrin (ED Wicklow Town)(The Marlton Road, Wicklow Town) to Judy Osborne, 2 Glasheen, St. Patrick’s Valley, Wicklow Town.

It was proposed by Cllr. G. Dunne, seconded by Cllr. S. Cullen and agreed that Wicklow County Council dispose of Freehold Interest of 0.008710Ha or thereabouts of land at Ballynerrin (ED Wicklow Town)(The Marlton Road, Wicklow Town) to Judy Osborne, 2 Glasheen, St. Patrick’s Valley, Wicklow Town in accordance with statutory notice circulated.

ITEM NO. 8

To consider the disposal of Freehold Interest of 0.04025Ha or thereabouts of land at Ballynerrin (ED Wicklow Town)(The Marlton Road, Wicklow Town) to Derek Joynt and Alison Dover, St. Patrick's Valley, Wicklow Town.

It was proposed by Cllr. G. Dunne, seconded by Cllr. S. Cullen and agreed that Wicklow County Council dispose of Freehold Interest of 0.04025Ha or thereabouts of land at Ballynerrin (ED Wicklow Town)(The Marlton Road, Wicklow Town) to Derek Joynt and Alison Dover, St. Patrick's Valley, Wicklow Town in accordance with statutory notice circulated.

ITEM NO. 9

To receive presentation from the Office of Public Works: Statutory Consultation on the OPW's CFRAM's process.

In attendance for the OPW were Mr. Gerry Gallagher and Mr. Thomas Cooney. In attendance from RPS Consultants was Mr. Malcolm Breen.

Mr. Gerry Gallagher gave a presentation to the meeting covering the following areas:-

Presentation format:

1. Purpose of the Plans
2. Structure and Content of the Plans
3. Recommendations for County Wicklow
4. Implementation of Flood Risk Management Options
5. Questions & Answers

Purpose

1. The outputs of the largest study of its kind undertaken in County Wicklow, incorporating decades of rainfall and water-level data, thousands of kilometres of river and flood plain surveys, significant analysis and modelling with public and stakeholder input.
2. Puts us in a new position of having a road map of what needs to be done to manage flood risk in Ireland.
3. Still Draft – available online at www.opw.ie/floodplans or in Local Authority Offices. We are urging submissions from Local Authorities and the Public - input is critical to the success of the plans.

Plan Structure and Contents

- Volume One – Plan (Draft)
- Volume Two – Flood Maps (Final – Dec 2015)
- Volume Three – Environmental Assessments
 - SEA – Environmental Report
 - AA – Nature Impact Statement
- EXECUTIVE SUMMARY and FREQUENTLY ASKED QUESTIONS
- SECTION 1 :- INTRODUCTION AND BACKGROUND
- SECTION 2:- OVERVIEW OF THE UNIT OF MANAGEMENT
- SECTION 3:- PRELIMINARY FLOOD RISK ASSESSMENT (i.e. PFRA)

How the 300 Areas for Further Assessment (i.e. AFAs) were determined & next round.

Section 3.3 - In the second cycle, it is foreseen that there will be a greater level of assessment of rural and dispersed risk, such as for individual homes and farm properties, agricultural risk and access roads to properties.

- SECTION 4:- PUBLIC AND STAKEHOLDER CONSULTATION AND ENGAGEMENT

Details the Stakeholder Engagement & Public Consultation Undertaken

- SECTION 5:- FLOOD HAZARD & RISK

How the maps were developed and risk determined (Current & Future)

- SECTION 6:- FLOOD RISK MANAGEMENT OBJECTIVES (i.e. MCA)

How the objectives were scored (Global & Local Weightings)

- SECTION 7:- ENVIRONMENTAL CONSIDERATIONS

Identification, Evaluation, Mitigation of potential impacts

- SECTION 8:- MANAGING FLOOD RISK

- Methods of Flood Risk Management
- Process of Development and Identification of Preferred Measures
- Outcomes (ie. Measures listed per UoM, Sub-Catchment, AFAs)
- Prioritisation
- Flood Risk Management in Other Areas (i.e. Outside of AFAs)

- SECTION 9:- SUMMARY OF PROPOSED MEASURES

- List of Proposed Measures at each level
- Next Steps (Draft Plan to Final Plan)

- SECTION 10:- MONITORING AND REVIEW OF THE FRMP

- Monitoring of Progress in implementation of the FRMP
- SEA Monitoring
- Review of the FRMP

- Appendices

A:- Summary of the Preliminary Flood Risk Assrsment

B:- Stakeholder and Public Engagement and Consultation

C:- Description of the Flood Risk in Each AFA

D:- Local Weightings for the Multi-Criteria Analysis

E:- Outcomes of the Screening of the Flood Risk Management Methods

F:- Description of the Flood Risk Management options

Recommendations for County Wicklow

AFA_id	AFA Name	UoM	Preferred Option	BCR	FRMP Launch Date	Deadline for Comments (Public)	Deadline for Comments (LA)
90074	Blessington	9	Hard Defences	5.76	23/09/16	02/12/16	23/12/16
100109	Arklow		Progress Flood Relief Scheme	""			
100110	Ashford & Rathnew*		Hard Defences, Storage, Channel Conveyance	1.85			
100124	Wicklow*						
100111	Aughrim		Hard Defences	<1.0			
100112	Avoca	10	Hard Defences and Channel Conveyance	3.10	23/09/2016	02/12/2016	23/12/2016
100114	Bray		Scheme in Progress	""			
100117	Greystones & Environs		Hard Defences, Storage, Channel Conveyance	1.85			
100118	Kilcoole		Hard Defences and Channel Conveyance	<1.0			
100122	Newcastle		Hard Defence & Land Use Management	<1.0			
120132	Baltinglass	12	Hard Defences	4.81	19/08/16	28/10/16	21/11/16

* = AFAs assessed as one

Implementation of Flood Risk Management Options

PREVENTION	PREPAREDNESS
<ul style="list-style-type: none">• Sustainable Planning and Development• Maintenance of Arterial Drainage Schemes• Maintenance of Drainage Districts• Land Use Management Measures• OPW's Minor Works Programme• Flood Protection Schemes	<ul style="list-style-type: none">• Flood Forecasting• Emergency Response Plans• Individual and Community Resilience• Individual Property Protection• Data Collection

Summary

- Plans on Display at LA Offices and on-line at ww.opw.ie/FloodPlans
- Public Consultation Day:- 12th October 2016
- UoMs 09 & 10 :- **public - 5.30 pm on Friday 02nd December 2016** (by post or email draftplans@opw.ie) and **LAs – Friday 23rd December, 2016**
- UoMs 11, 12 and 14 :- **public - 5.30 pm on Friday 28th October 2016** (by post or email draftplans@opw.ie) and **LAs - Monday 21st November, 2016**

Following the presentation, elected members raised queries which were responded to by the panel which also included contribution and response of Mr. Marc Devereux, Senior Engineer, Wicklow County Council.

ITEM NO. 10

Implementation of Vacant Site Levy as provided for in the Urban Regeneration and Housing Act, 2015 – copy of C.L. PL 7/2016 dated 1st July 2016.

Circular Letter PL 7/2016 dated 1st July, 2016 Re: Implementation of the Vacant Site Levy as provided for in the Urban Regeneration and Housing Act, 2015 was circulated to the elected members. Ms. Sorcha Walsh, Senior Planner gave an overview of the provisions within the Act within the presentation and how it is intended to roll out same in County Wicklow:-

What is a vacant site?

1. In the case of a site consisting of **residential land**:
 - the site is situated in an area in which there is a **need for housing**,
 - the site is **suitable for the provision of housing**, and
 - the site, or the majority of the site, is vacant or idle,
2. In the case of a site consisting of **regeneration land**:
 - the site, or the majority of the site, is vacant or idle, and
 - the site being vacant or idle has **adverse effects on existing amenities** or reduces the amenity provided by existing public infrastructure and facilities in the area in which the site is situated or has adverse effects on the character of the area.

Need for housing?

A planning authority, or the Board on appeal, shall determine whether or not there was a need for by reference to:

- the housing strategy and the core strategy of the planning authority,
- house prices and the cost of renting houses in the area,
- the number of households qualified for social housing support that have specified the area as an area of choice for the receipt of such support and any changes to that number since the adoption of the planning authority's development plan, and
- whether the number of habitable houses available for purchase or rent was less than 5 per cent of the total number of houses in the area.

Suitable for housing?

A planning authority, or the Board on appeal, shall determine whether or not a site was suitable for the provision of housing by reference to:

- the core strategy,
- whether the site was served by the public infrastructure and facilities necessary to enable housing to be provided and serviced, and
- whether there was any thing affecting the physical condition of the land comprising the site which might affect the provision of housing.

Adverse effects on existing amenities?

A planning authority, or the Board on appeal, shall determine whether or not the site being vacant or idle has adverse effects on existing amenities or reduces the amenity provided by existing public infrastructure and facilities in the area in which the site is situated or has adverse affects on the character of the area by reference to whether:

- land or structures in the area were, or are, in a ruinous or neglected condition,
- anti-social behaviour was or is taking place in the area, or
- there has been a reduction in the number of habitable houses, or the number of people living, in the area,
- and whether or not these matters were affected by the existence of such vacant or idle land.

Register

- Every planning authority shall, beginning on 1 January 2017, establish and maintain a register to be known as the vacant sites register.
- Before entering a site on the register a planning authority shall give written notice to the owner of the site setting out the reasons for the proposed entry and the owner may make submissions in respect of the proposed entry to the planning authority in writing **within 28 days** after the date of such notice.
- Where a planning authority receives submissions it shall consider those submissions and if it is of the opinion that the site was a vacant site for the duration of the 12 months concerned and continues to be a vacant site it shall enter the site on the register.
- The planning authority shall give written notice to the owner of a vacant site when it is entered on the register.
- A notice shall notify the owner that there shall be charged and levied for each year beginning with 2018 in respect of each vacant site in relation to which a market value has been determined and that stands entered on the register a levy.
- The owner of a site that is entered on the register may **appeal** against such entry to the Board within 28 days after the date of the notice given to him or her.

Value

- A planning authority shall determine, as soon as may be after it is entered on the register, and at least once every 3 years thereafter, the market value of a vacant site by estimating or causing to be estimated the price which the unencumbered fee simple of such site would fetch if it was sold on the open market on the date of the determination in such manner and in

such conditions as might reasonably be calculated to obtain for the vendor the best market price for the site.

- The owner of a vacant site may appeal to the Tribunal against a determination made by a planning authority within 28 days after the date of the notice given.
- The Tribunal shall hear and determine appeals.
- Subject to a right of appeal to the High Court on a question of law, the determination of the Tribunal under this section shall be final.
- A planning authority, and the Tribunal on appeal may, where it considers it appropriate in all the circumstances, deem that a vacant site has a zero market value, in particular where:

(a) no market exists for the site, or

(b) the site is situated on contaminated lands and the estimated costs of remedial works necessary in order to use or develop the site exceed the market value of the site itself.

Amount of levy

- Vacant site levy is 3 per cent of the market value of the vacant site
- Where a site stands entered on the register and on the date of the determination of its market value the site is subject to a site loan, if the outstanding amount of the loan is:

(a) greater than the market value of the vacant site, vacant site levy in respect of that site is zero per cent,

(b) greater than 75 per cent, but less than 100 per cent, of the market value of the vacant site, vacant site levy in respect of that site is 0.75 per cent, and

(c) greater than 50 per cent, but less than 75 per cent, of the market value of the vacant site, vacant site levy in respect of that site is 1.5 per cent, of such market value.

Role of the members

Guidelines have been issued by the Minister. Guidelines advise that locations in which this levy **might** be applicable should be identified in the Development Plan to give a fair foundation to the fair and equitable application of the levy.

Such areas could be indicated by:

(i) designating specific “residential lands” in areas zoned primarily as residential or specific “regeneration land(s)” in areas zoned primarily for regeneration as areas in which the levy can be applied on vacant sites in those areas, or

(ii) designating all lands in an area which are zoned for residential or regeneration uses as areas in which the levy can be applied on vacant sites.

In the case of point (i) above, the target areas designated “residential land” or “regeneration land” in a development plan or local area plan for the purposes of the levy can be indicated by the insertion of a red line around the identified areas in the maps in question.

It is proposed to address this requirement by including a new objective (Proposed Amendment No. 8) in the County Development Plan.

Proposed roll out of scheme

- It is proposed to commence the role of the of the programme between now and January 2017
 - Start with the top of the settlement hierarchy and working down, including all settlements in Levels 1-5 of the settlement hierarchy. This is on the basis that these are the towns generally with the highest demand for housing, the least available stock and the highest degree of services (this assertion will be verified in due course once detailed research commences).
 - Start with ‘regeneration sites’ only i.e. sites in the town centres, before moving onto ‘greenfield’ housing land.
-

Elected members made the following contributions:-

- Proposal welcomed having regard to the difficulty around housing supply. Landowners should recognize that by holding land is depriving the provision of much needed housing for families.
- Council urged to treat this matter seriously and implement the provisions of the vacant sites levy with a view to freeing up land for housing supply
- View expressed that land cannot be developed because of the infrastructural issues in some towns and villages which has stifled development. Guarded welcome given to the legislation
- Implementation of the legislation should be constantly reviewed to ensure that it is effective and fair. How effective will the legislation be in terms of derelict sites?
- View expressed that it would be better to incentivize property owners to develop their sites rather than implement a levy as in a number of cases people may not have the funds available to develop the site.
- Will additional resources be made available to local authorities to implement the legislation. In the case of sites that have an extended planning permission, will these sites be treated the same as those without.
- View expressed that the rights of the individual to own land should be protected. Concern expressed at the proposal of the state to direct individuals what to do with their property.
- Query in relation to how the sites will be valued.

In responding to the queries raised, Ms. Walsh also advised that there were no additional resources currently and that in-house staff were putting measures in place currently.

At the conclusion of the discussion, Cllr. V. Blake, Chair of the Planning SPC asked if workshops could be arranged with the elected members in relation to the consideration of the amendments to the proposed new County Development Plan, 2016 – 2022.

ITEM NO. 11

To consider Report on Legal Fees 2015

Legal Fees Reports for 2015 broken down by Directorate was circulated to the Elected Members. The following queries were raised:-

- Reference made to the figures €80,000 and €100,000 relating to one unauthorised development. How much was paid and how much was recouped?
- Detailed breakdown of the legal costs incurred in relation to the case of Deputy John Brady requested
- Reference made to the fees incurred for enforcement. Does the Council query legal fees submitted by the relevant solicitor?
- Is there a mechanism in place as to how the Council takes these cases and does the Council know at the outset how much legal fees are going to be incurred.?
- Explanations requested for the larger amounts incurred
- Query as what unauthorised development justifies the requirement to incur the large amount of fees

- In relation to fees incurred on the collection on non payment of rates. What was the amount collected for the amount of fees incurred?
- What level of risk analysis is carried out prior to taking on the cases? At what stages does the Council decide that it is worth the risk to the Council and finances?
- View expressed that when the fees exceed a certain figure, for example €100,000 or €200,000 the Council is furnished with a summary of the courtcase advising where the money was spent and the level of risk analysis carried out.
- View expressed that the Council is 'trying to crack a nut with a sledgehammer' in some cases of planning enforcement issues and is there a means by which some arbitration can be carried out with regard to the lesser degree of planning enforcement issues, before proceeding to court, to give people an opportunity to engage.
- Breakdown requested on the large amounts incurred.
- Is the amount of €100,000 incurred for the Greystones marina recoupable?
- Council requested to do whatever it could to lower the legal fees and to try and get agreement to mitigate costs that get passed to individuals
- Recoupment of fees in relation to Whitestown welcome.
- Query as to how much of a figure is recoupable to the Council of the legal fees incurred in relation to cases won.

In response to the query raised in relation to rates, Ms. D. Cromie, Acting head of finance advised that the amount due for collection in rates for 2015 was €34.5 million of which €26.7 was collected. The collection rate has been increased from 69% to 76% in 2015 and that the €38,000 incurred in legal fees had made a return.

The Chief Executive advised that the Brady case was a 2016 case and that not all of the accounts in relation to the case had been received as yet but when the total expenditure is calculated it will be made available to the elected members.

In relation to Whitestown, Mr. Doyle advised that while the Department had recouped the Council in full but this matter was not as yet finalised as the owner had taken High Court proceedings against the Council.

In relation to the Barracuda, the Chief Executive advised that there had been quite a lot of discussion and interaction in relation to this matter and the fees incurred were for the independent legal advice which the elected members received in relation to the matter. He also advised that there are expenses within the document circulated which the Council hoped to recoup.

Des O'Brien, Director of Services advised in relation to requirements under the Planning Acts with regard to the planning enforcement process. He advised of the obligations of the Council and how legal action is embarked upon only as a last resort, following the issuing of warning letters and enforcement notices.

Mr. O'Brien explained in relation to the case where a house had been erected without planning permission in Lough Dan and that while the Council had been successful in a higher court, no costs were awarded to the Council which were the substantial costs the elected members had referred to. He also referred to another case which the Council had been successful but the Judge awarded only €12,000 of the €48,000 incurred in legal costs. Des O'Brien also advised that the Council does negotiate with the lawyers with regard to fees and while the costs are managed there is always a cost to enforcement. In response to general queries he advised that UD files are not available on line as they are generally confidential with regard to the person who has made the complaint and to preserve

anonymity but that he would be quite happy to give the members an outline of any case they queried in relation to costs incurred and costs received.

ITEM NO. 12

To consider the Wicklow County Council Joint Policing Committee Draft Six Year Strategic Plan, 2016 - 2021

Elected members were circulated with the draft Wicklow County Council Joint Policing Committee Draft Six Year Strategic Plan, 2016. L. Gallagher advised that there was a requirement on the Committee to prepare a six year strategic plan to link in with other local plans such as the LECP and the Local Policing Plan. She advised that a stakeholders consultation workshop was held on the 4th of march which was very well attended and that the key objectives were developed from the feedback from the workshop as well as public meetings.

The Chair of the Wicklow County Council Joint Policing Committee thanked all those who had made a contribution to the plan, the local agencies, community groups and An Garda Siochana and advised that it was intended to formally launch the plan in Roundwood on the 2nd of November at the public meeting. It was proposed by Cllr. J. Ruttle, seconded by Cllr. S. Cullen and agreed to adopt the Wicklow County Council Joint Policing Committee Six Year Strategic Plan, 2016-2021 as circulated.

ITEM NO. 13

To consider proposed amendment to Standing Orders of Wicklow County Council

Letter dated the 28th of September, 2016, Re; Proposed amendment to Standing Orders was circulated to the elected members:-

28th September, 2016

To: The Cathaoirleach and elected members of Wicklow County Council

Re: Proposed amendment to Standing Orders

Dear Elected Member

The protocol committee at meeting held on Monday the 5th of September, 2016 agreed that **standing order number 41** be amended and presented to the elected members for approval.

Suspension of Standing Orders number 41.

Subject to the provisions and requirements of the Act, or of any other enactment, any Standing Order, except numbers 17, 19, 44 to 46 (and 21 to 44 if so decided by Council) may at any time be suspended on a motion proposed without notice before 4.30 p.m. for the purpose of enabling any specific business defined in the suspensory motion to be considered and dealt with by the Council, subject to the requirement that at least two-thirds of the members present vote in favour.

To be amended to read:

*Subject to the provisions and requirements of the Act, or of any other enactment, any Standing Order, except numbers 17, 19, 44 to 46 (and 21 to 44 if so decided by Council] may at any time be suspended on a motion proposed **and submitted to the Cathaoirleach and/or the meetings administrator not later than 12 noon on the day of the Council meeting where the suspension of standing orders is being requested.** ~~without notice before 4.30 p.m.~~ for the purpose of enabling any specific business defined in the suspensory motion to be considered and dealt with by the Council, subject to the requirement that at least two-thirds of the members present vote in favour.*

This matter will be considered at Council meeting to be held on Monday the 3rd of October, 2016.

End

The amendment was proposed by Cllr. C. Fox and seconded by Cllr. P. Fitzgerald. Cllr. J. Behan advised that he did not agree with the proposal and proposed that it not be accepted. This was seconded by Cllr. B. Thornhill.

The proposal put forward by the protocol committee, and circulated to the elected members, proposed by Cllr. C. Fox and seconded by Cllr. P. Fitzgerald was put to a vote and following a roll call was as follows:-

FOR: CLLRS. G. DUNNE, S. CULLEN, P. FITZGERALD, C. FOX, S. MATTHEWS, D. MITCHELL, J. RYAN, P. VANCE, G. WALSH, I. WINTERS. (10)

AGAINST: CLLRS. J. BEHAN, T. FORTUNE, M. KAVANAGH, P. KENNEDY, B. THORNHILL (5)

NOT PRESENT: CLLRS. T. ANNESLEY, V. BLAKE, S. BOURKE, T. CULLEN, P. DORAN, M. MCDONALD, G. MCLOUGHLIN, M. MURPHY, D. NOLAN, O. O'BRIEN, G. O'NEILL, J. RUTTLE, J. SNELL, E. TIMMINS, J. WHITMORE.(15)

ABSTAINING: CLLRS., N. LAWLESS AND M. O'CONNOR (2)

ITEM NO. 14

To appoint 2 nominees to the Board of Wicklow County Tourism Ltd.

It was proposed by Cllr. T. Fortune, seconded by Cllr. N. Lawless and agreed that Cllr. M. Kavanagh replace Councillor T. Fortune and Cllr. B. Thornhill replace Cllr. J. Whitmore on the board of Wicklow County Tourism Ltd. Ms. L. Gallagher advised that Cllr. T. Annesley had advised that due to work commitments he too may need to resign from the Board and it was agreed to consider same at a later date. It was also suggested that the Council might have a discussion in the future around the Council's involvement with the body.

ITEM NO. 15

To appoint a nominee to the Wicklow County Council Audit Committee

Cllr. G. Walsh was proposed by Cllr. P. Kennedy and Seconded by Cllr. P. Fitzgerald. Councillor I. Winters was proposed by Cllr. S. Cullen and seconded by Cllr. J. Ryan.

Cllr. P. Kennedy advised that the position had been filled previously by Cllr. P. Casey a member of the Fianna Fail group and that he understood that the nomination rested with that grouping.

In response to a query from the members as to the numbers on the committee Mr. T. Murphy, DOS advised that the Audit Committee was established back in 2007 in all local authorities in accordance with the Local Government Improvement District Acts, 2005 and were subsequently re-established in 2014 and at that time criteria was sent down to each LA with regards to the make-up of the committee. He advised that the Council's Audit committee comprises three external representatives and two elected members. Cllr. Winters advised that she would like to serve on the committee and if there could be a third elected member she would be happy to do so.

ITEM NO. 16

To appoint a nominee to the Wicklow County Council Budget Committee

It was proposed by Cllr. G Dunne seconded by Cllr. P. Fitzgerald and agreed that Cllr. P. Vance to be appointed to the Wicklow County Council Budget Committee.

ITEM NO. 17

To consider monthly management report – August 2016 and September 2016

The report which was circulated prior to the meeting was agreed.

ITEM NO. 18

To set a date for Annual Budget Meeting 2016

It was agreed that the 2016 Annual Budget Meeting on Monday, 28th November 2016 commencing at 10.00a.m.

ITEM NO. 19

To consider the “Naming of Dunnes Lane”, Arklow Municipal District

L. Gallagher referred to report dated the 12th of July, 2016 from Ms. L. McDonald, Arklow MD which outlined the consultative process which had been undertaken in relation to the proposal to name Dunne's land and to the 35 suggestions received. It was proposed by Cllr. P. Kennedy seconded by Cllr. P. Fitzgerald and agreed to the naming of Dunnes Lane Arklow to be Dunne's Lane.

ITEM 20

CORRESPONDENCE

Minutes of protocol meetings, 3 months, June to September, 2016

It was proposed by Cllr. N Lawless, seconded by Cllr. G Dunne and agreed to confirm the minutes of protocol meetings from June to September 2016 i.e. 13th June, 4th of July and 5th of September, 2016.

Suspension of Standing Orders

Proposed Coast Guard Station for County Wicklow at Greystones

Cllr. D. Mitchell advised that this matter had been discussed at recent meeting of the Greystones Municipal District and that the Council had been informed informally during the week that the coast guard station for Wicklow in the Greystones Harbour was not going to be developed due to lack of funding and meeting the requirements. He advised that the Council has worked hard to have the harbour built over that last 15 years and there had been various discussions over a long period of time with the Coast Guard to build a station there with a special slipway. He said that this was an important facility for the entire County and to back out at this stage was not acceptable. He said that the building should proceed by way of a

simpler building and proposed that that a meeting take place between the Council and senior coast guard officials in this matter. The proposal was seconded by Cllr. N. Lawless.

Mr. S. Quirke, Director of Services outlined the background to the proposal and referred to recent discussion with the OPW who had expressed concerns with regard to the cost of the provision of the coastguard station. He had been advised by the OPW that following on from information presented to them last week from the project's team/Irish Coast Guard service, it is deemed no longer viable to pursue the development at this site due to lack of funding and meeting the requirements. He advised that he had some discussion with the OPW and the Coast Guard and that the Council on behalf of the elected members remain committed to the site which appeared logical as a location. He said that he had requested a meeting with the OPW and that a tentative date has been set for the 13th of October.

Next meeting

L. Gallagher advised that the next meeting of the Council was scheduled to take place on Monday the 7th of November and as the draft County Development Plan, 2016-2022 was up for consideration it was intended to commence the meeting at the earlier time of 11.00 a.m. , this would mean two meetings for November, with the budget meeting on the 28th . She also advised that there would be a CPG meeting at 9.30 a.m. on the 7th of November.

ITEM NO. 13

To consider proposed amendment to Standing Orders of Wicklow County Council

At the conclusion of the meeting Cllr. Joe Behan referred back to item 13 and asked for clarification as to the meaning of the vote referring to standing order 45 which he read to the meeting as follows:- *The foregoing Standing Orders shall continue in force until altered, amended or repealed on notice of motion duly given and carried by a majority of the Council of at least two thirds of the members being present.*

The Cathaoirleach advised that clarification would be circulated.

THIS CONCLUDED THE BUSINESS OF THE MEETING

**CLLR. PAT FITZGERALD
CATHAOIRLEACH
WICKLOW COUNTY COUNCIL**

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