

**MINUTES OF SPECIAL MEETING OF WICKLOW COUNTY COUNCIL HELD IN
THE COUNCIL CHAMBER, COUNTY BUILDINGS, WICKLOW ON MONDAY 14th
MARCH 2016, COMMENCING 2.00 p.m.**

PRESENT:

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

APOLOGIES:

CATHAOIRLEACH CLLR. JOHN RYAN, CLLRS N. LAWLESS. S. BOURKE

IN ATTENDANCE:

**MR. B. DOYLE, CHIEF EXECUTIVE
MR. M. NICHOLSON, DIRECTOR OF SERVICES
MR. M. GEANEY, A/DIRECTOR OF SERVICES
MR. S. QUIRKE DIRECTOR OF SERVICES
MS. L. GALLAGHER, SENIOR EXECUTIVE OFFICER/MEETINGS ADMINISTRATOR
MS. H. DENNEHY, A/SENIOR EXECUTIVE OFFICER
MS. J. CARROLL, ADMINISTRATIVE OFFICER.**

Votes of Sympathy

Elected members passed a vote of sympathy to the families of the late Mr. Stephen Moran, Avoca, and Mrs Anastasia Sutton, Greystones. A minute silence was observed for the deceased.

ITEM NO. 1

To consider the filling of casual vacancy arising from the election of former Cllr. John Brady to Dail Eireann in accordance with Section 19 of the Local Government Act, 2001

L. Gallagher advised of correspondence received from James Charlton, Cathaoirleach, Wicklow Sinn Fein dated 8th March, 2016 confirming that Mr. Michael O Connor, 71, Wolfe Tone Square, North Bray, had been selected by Sinn Fein to fill the vacancy on Wicklow County Council arising from the election of former Councillor John Brady, to Dail Eireann. She also advised that a letter had been submitted by Mr. Michael O Connor, confirming his acceptance of the nomination. The filling of the casual vacancy as submitted was proposed by Cllr. O. O'Brien, seconded by Cllr. J. Snell and agreed. Councillor Michael O Connor took his seat in the Chamber.

ITEM NO. 2

To consider the filling of casual vacancy arising from the election of former Cllr. Pat Casey to Dail Eireann in accordance with Section 19 of the Local Government Act, 2001

L. Gallagher advised of correspondence received from Sean Dorgan, General Secretary, Fianna Fail dated 11th March, 2016, confirming that Mr. Gail Dunne, 9 St. Manntans Road, Wicklow Town had been proposed for co-option to fill the vacancy on Wicklow County Council arising from the election of former Councillor Pat Casey, to Dail Eireann. She also

advised that a letter had been submitted by Mr. Gail Dunne, confirming his acceptance of the nomination. The filling of the casual vacancy as submitted was proposed by Cllr. P. Vance, seconded by Cllr. P. Doran and agreed. Councillor Gail Dunne took his seat in the Chamber.

The Cathaoirleach on behalf of the elected members and staff of Wicklow County Council welcomed both Cllr. Dunne and Cllr. O Connor to Wicklow County Council.

It was agreed that the co-opted elected members would fill the vacancies created on the respective committees held by the former Councillors Casey and Brady with the exception of the Chair of the Economic Development and Enterprise Support SPC and the Audit committee which would be coming back before the Council for filling at a later date.

Presentation to the 5 TDs of County Wicklow.

It was agreed that the meeting of the 4th of April, 2016 would commence at 10.30 a.m. to allow for the presentation to the 5 TDs of County Wicklow following the general elections and to facilitate the presentation by the County Wicklow Economic Think Tank prior to the presentation from representatives from IDA Ireland.

ITEM NO. 3

Presentation from Wicklow Cheviot Sheep Owners: *Responsible Dog Control*

The Cathaoirleach welcomed the following representatives from the Wicklow Cheviot Sheep Owners to the Chamber to make a presentation to the elected members on *Responsible Dog Control*.: Mr. Jim Fitzsimons, Secretary, Ms. Eithne Fitzsimons, Assistant Secretary, Mr. Tommy Healy, Vice President and Mr. Pat Dunne, Treasurer. He also welcomed representatives of the IFA and the Wicklow Uplands Council.

The presentation made addressed the following areas:-

- The cost of sheep, cost of dogs worrying sheep and cost to the Council in terms of lost revenue.
- Statistics
- Case Studies
- What is being done to combat attacks
- Dogs and hill walkers
- Keeping of dogs under effective control
- Calling on Wicklow County Council to introduce bye-laws to ban dogs from the hills.
- Encouraging farmers to report incidents to the Gardai.
- Circulation of leaflet '*Enjoy the Hills and the Great Outdoors, A guide for responsible dog control*'.
- Development of effective signage
- Call for effective enforcement of existing legislation.
- Call for higher visibility of dog wardens and collection of revenue for dog licences.

Elected members collectively thanked representatives from the Cheviot Sheep owners for making the presentation to the Council and made the following points:-

- Chair of the JPC intends raising the matter at JPC level.
- Reference made to the role of the ISPCA in overseeing dog control in that when the contract come up for renewal it should be reviewed to examine how certain procedures are implemented.
- The general public have a huge role to play in taking responsibility for effective dog control.

- View expressed that the legislation in this area could be stronger.
- Council should explore increasing revenue from this source to employ more dog wardens on the ground. Seems to be a discrepancy in the number of dogs in County Wicklow and the number of dog control licences issued
- The educational aspect of this matter is very important.
- Leaflet produced by the Wicklow Cheviot sheep owners Association as circulated commended.

Ms. Helena Dennehy, A/SEO, Environmental Services Department outlined the work being carried out by Wicklow County Council with various representative groups in relation to dog control. She advised that the Council had most recently met with the IFA, the Cheviot Sheep Owners Association, the ISPCA, An Garda Siochana and members of the Council's own animal welfare committee. Ms. Dennehy outlined the actions that had come out of the meeting and the main concerns raised and how these were being dealt with by Wicklow County Council.

ITEM NO. 4

To note the LCDC (Local Community Development Committee) Annual Report, 2015 (copy previously circulated)

The LCDC Annual Report, 2015, as circulated was noted by the elected members.

ITEM NO. 5

To consider proposed amendment to standing orders:

(1) Land disposals, notification of members (Section 183 of the Local Government Act, 2001) (deferred from previous meeting)

L. Gallagher advised of letter dated 1st March, 2016 circulated to the elected members. She advised that the protocol committee having considered the concerns raised by the elected members in relation to permitting questions or queries at the relevant Council had recommended the following:-

Questions or queries in relation to notices circulated should be submitted by email in writing to the meetings administrator no later than 5.00 p.m. on the Thursday preceding the Council meeting. This however does not preclude the raising of questions or queries at the meeting at which the disposal notice is being considered'

The following proposal was submitted by Cllr. J. Whitmore and seconded by Cllr. T. Fortune: 'That a subcommittee be established to review the process by which land disposals are conducted. This should include, but not limited to the valuation of land, the information provided to Councillors and the rationale/public benefit from the disposal.'

Following a lengthy discussion on the matter the proposal as put forward by Cllr. J. Whitmore, and seconded by Cllr. T. Fortune was put to a vote and was passed by a margin of 17 votes for, 10 against and 5 not present vis:-

FOR: CLLRS. J. BEHAN, S. CULLEN, T. CULLEN, T. FORTUNE, C. FOX, M. KAVANAGH, S. MATTHEWS, MMCDONALD, G. MCLOUGHLIN, D. NOLAN, O OBRIEN, M. O CONNOR, J. RUTTLE, J. SNELL, B. THORNHILL, J. WHITMORE AND I. WINTERS (17)

AGAINST: CLLRS T. ANNESLEY, V. BLAKE, P. DORAN, G. DUNNE, P. FITZGERALD, P. KENENDY, D. MITCHELL, E. TIMMINS, P. VANCE AND G. WALSH (10)

NOT PRESENT: CLLRS S. BOURKE, N. LAWLESS, M. MURPHY, G. O NEILL AND J. RYAN (5)

Following a discussion on the matter the proposal put forward by the protocol committee as set out hereunder was proposed by Cllr. V. Blake and seconded by Cllr. G. Walsh:-

Questions or queries in relation to notices circulated should be submitted by email in writing to the meetings administrator no later than 5.00 p.m. on the Thursday preceding the Council meeting. This however does not preclude the raising of questions or queries at the meeting at which the disposal notice is being considered'

Following a vote the proposal was passed by a margin of 22 votes for, five against and five not present viz:-

FOR: CLLRS. T. ANNESLEY, V. BLAKE, S. CULLEN, P. DORAN, G. DUNNE, P. FITZGERALD, C. FOX, P. KENNEDY, S. MATTHEWS, M MCDONALD, G. MCLOUGHLIN, D. MITCHELL, D. NOLAN, O O BRIEN, M. O CONNOR, J. RUTTLE, J. SNELL, E. TIMMINS, P. VANCE, G. WALSH, J. WITMORE AND I. WINTERS (22)

AGAINST: CLLR. J. BEHAN, T. CULLEN, T. FORTUNE M. KAVANAGH AND B. THORNHILL (5)

NOT PRESENT: CLLRS. S. BOURKE, N. LAWLESS, M. MURPHY, G. O NEILL AND J. RYAN. (5)

It was also agreed that if an elected member put a question in writing in relation to a disposal resolution prior to 5.00 p.m. on the Thursday that the elected member would be provided with a written response.

It was also agreed that the population of the subcommittee, the subject of the proposal by Cllr. J. Whitmore would appear as an item on the agenda for the next meeting of the Council.

(2) Order of debate: speaking time in the Council Chamber

Following a brief discussion on the matter wherein it was agreed that the Cathaoirleach could allow discretion it was proposed by Cllr. E. Timmins, seconded by Cllr. G. McLoughlin and agreed to amend standing orders to reduce the speaking time in the chamber from 5 minutes to 3 minutes. It was suggested that in expressing votes of congratulations and votes of sympathy that this should be done by one member on behalf of a party grouping.

ITEM NO. 6

Burial Ground Policy Update (previously circulated) (deferred from meeting of the 11th January, 1st February and 7th March, 2016)

Report dated 22nd December 2015 from Ms. Helena Dennehy, Senior Executive Officer, Water and Environmental Services was circulated to the elected members.

Report to Cathaoirleach & Members of Wicklow County Council – 22nd December, 2016.

Members will be aware that a review of policy in relation to Burial Grounds County wide is currently under way. The matter is being reviewed by Transportation, Water & Environmental Services SPC.

A sub committee was formed as follows:

- Cllr. Derek Mitchell, Chair SPC
- Cllr Pat Fitzgerald, Member of SPC
- Helena Dennehy, Senior Executive Officer, Water & Environmental Services
- Eilish Kelly, Staff Officer, Environmental Services

A report on various issues was presented to the SPC on 12th October 2015 and again on 30th November 2015. Following the meeting of Transportation, Water & Environmental Services SPC, on 12th October last, it was agreed that there are a number of areas that need to be reviewed and policy defined / confirmed at a County wide level:

1. Definition of Locals only -
2. Advanced Purchase – Double Graves at time of burial / purchase only
3. New Extensions – Lawn Cemetery Style
4. Headstones and surrounds – Memorial Applications
5. Part Lawn Cemetery graveyards – requirements in relation to removal of illegal surrounds etc. –
6. Pricing policy going forward
7. Signage policy – Open Graveyards
8. Capital Programme over 10 years
9. Closed Cemeteries – proposals / rights of burial (possibly 7 graveyards)
10. Health & Safety Programme – Users of graveyards – Undertakers, Grave Diggers, Community Programmes etc
11. MD minimum responsibilities for Maintenance

The areas of 1,2,3 & 8 above were prioritised as first areas to be reviewed. At the meeting of Transportation, Water & Environmental Services SPC, on 30th November last, it was agreed that the changes in policy as discussed in detail by the Sub Committee would be recommended for full approval of the SPC. All matters were again discussed and agreed by full SPC on 30/11/15.

It is the recommendation of the Transportation, Water & Environmental Services SPC that policy changes, where applicable, be adopted by this full council, and changes will be effective from date of Council Meeting.

The members Approval to these changes in policy, where applicable, is hereby sought.

1. Definition of Locals only -
2. Advanced Purchase – Double Graves at time of burial / purchase only
3. New Extensions – Lawn Cemetery Style
8. Capital Programme over 10 years

Members are further advised that following the meeting of Transportation, Water & Environmental Services SPC, on 30th November last, it was agreed that the next areas for development / clarification of policy would be 4,5,6 & 7. The sub committee will review & progress these areas and come back to SPC at end of February 2016. Following this further recommendations will be presented to full council.

- Headstones and surrounds – Memorial Applications
- Part Lawn Cemetery graveyards – requirements in relation to removal of illegal surrounds etc. –
- Pricing policy going forward
- Signage policy – Open Graveyards

The sub committee will review & progress these areas and come back to SPC at end of February 2016. Following this further recommendations will be presented to full council.

Helena Dennehy
Senior Executive Officer
Water & Environmental Services

Following a lengthy discussion on the matter it was agreed that a subcommittee be established consisting of two members from each Municipal District to discuss the matter further and make recommendations to the full Council at a later date.

ITEM NO. 7

Submission to Irish Water- Community Benefit Fund regarding payment to Wicklow County Council for supply of water (Report from Cllr. D. Mitchell, Chair, Transportation, Water and Environmental Services SPC)

A report entitled “The Need to continue the Community Benefit to Wicklow in return for supplying Dublin with most of its water” was circulated to the Elected Members. This report was prepared by Cllr D. Mitchell, Chair of Strategic Policy Committee on Roads, Transport and Environment. It was agreed defer this item the next Council Meeting scheduled for the 4th April.

THIS CONCLUDED THE BUSINESS OF THE MEETING

CLLR. JOHN RYAN
CATHAOIRLEACH
WICKLOW COUNTY COUNCIL

MS. LORRAINE GALLAGHER
SENIOR EXECUTIVE OFFICER/
MEETINGS ADMINISTRATOR