

SPECIAL MEETING OF WICKLOW COUNTY COUNCIL

HELD AT WICKLOW COUNTY BUILDINGS, WICKLOW TOWN

ON WEDNESDAY, 28TH MARCH 2018 AT 6:00 P.M.

Gwen Malone Stenography  
Services certify the  
following to be a true  
and accurate transcript  
of the stenographic  
notes in the above-named  
action.

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GWEN MALONE STENOGRAPHY

1 THE HEARING COMMENCED ON WEDNESDAY, 28TH DAY OF  
2 MARCH, 2018 AS FOLLOWS:

3  
4 CATHAOIRLEACH: Members, you're all very welcome here  
5 today and welcome to those in the audience who are 18:06  
6 attending here as well. Can you hear me?

7 FROM THE FLOOR: Yeah.

8 CATHAOIRLEACH: You're all very welcome, Members, and  
9 welcome to the members of the audience as well. I'm  
10 just going to read out, for the record, the purpose 18:06  
11 behind this meeting and the reason it was called.

12  
13 "To call a Special Meeting of Wicklow County Council on  
14 Wednesday, 28th March 2018. The following Councillors,  
15 Members of Wicklow County Council, hereby request, in 18:06  
16 accordance with Standing Orders, that the Cathaoirleach  
17 of Wicklow County Council will call a Special Meeting  
18 of Wicklow County Council to be held at 2:00 p.m. on  
19 Wednesday, 28th March in the Council Chamber, Wicklow  
20 County Council to discuss and decide on the following: 18:07

21  
22 What measures the Council will take with regard to the  
23 conduct of the Wicklow County Council meeting held on  
24 Monday, 12th March 2018, in particular" - and this  
25 seems to be the nub of it - "in particular discussions 18:07  
26 of Item 5 on the agenda and the controversial decision  
27 taken by the Cathaoirleach to disallow a formal  
28 proposal made by Cllr. Brendan Thornhill and Mary  
29 Kavanagh from being allowed to be voted on by the

1 Elected Members of Wicklow County Council, despite this  
2 proposal being directly relevant to Item 5 of the  
3 agenda.

4  
5 This refusal by the Cathaoirleach not to allow a vote 18:07  
6 to be taken in Cllr. Thornhill and Kavanagh's  
7 resolution is, we believe, in breach of Standing Orders  
8 and outside the authority of the Cathaoirleach.

9  
10 Given the issue was raised by Cllr. Thornhill and 18:07  
11 Kavanagh the motion was mandated from a serious public  
12 concern with regard to the statutory process. It is  
13 important that these issues should now be dealt with by  
14 this authority in the interest of natural justice and  
15 due process. 18:08

16  
17 Nothing to happen on this item until the outcome of  
18 this Special Meeting is concluded. Signed by 11  
19 Members of Wicklow County Council."

20 18:08  
21 So that's the purpose of the meeting. The purpose of  
22 the meeting for everyone here is to discuss whether I  
23 made a right decision or not to disallow a proposal  
24 made by Cllr. Thornhill. For everyone's information  
25 there was other proposals on the day as well and there 18:08  
26 was a proposal made which was voted on.

27  
28 Now in relation to this, I was advised at the time,  
29 directed that it wasn't legal and proper to take that

1 vote. Subsequently I asked for advice from the  
2 Council, written advice as to what the situation was in  
3 relation to allowing that vote or not and advice has  
4 been received. I haven't actually seen it. It's just  
5 been -- I'm just aware that it has actually been 18:09  
6 printed and just handed to me now and I'm now  
7 requesting that that legal advice be circulated to all  
8 the Members of the Council here today and we could have  
9 time to read through it and people could then, you  
10 know, ask questions. Lorraine will read the legal 18:09  
11 opinion into the record.

12 MS. GALLAGHER: This is the legal opinion from the  
13 Council's Law Agent.

14  
15 "I refer to this matter and to the requisition for a 18:09  
16 Special Meeting which is scheduled for today,  
17 Wednesday, 28th March 2018 at 6:00 p.m. in the Council  
18 Chamber.

19  
20 I am instructed that when this matter came before the 18:09  
21 Council meeting on 12th March, there was a lengthy  
22 debate about the Part 8 proposal concerned. The  
23 proposal is as described at Item 5 on the agenda for  
24 that meeting.

25 18:10  
26 I am further instructed that a proposal was put forward  
27 by two Councillors that the matter be adjourned and  
28 that legal advice be sought on the 'procurement and  
29 proposed demolition planning process'. I am also

1 instructed that a proposal was put forward that the  
2 Part 8 function be delegated to the Municipal District  
3 concerned with the particular proposal. There was also  
4 a proposal put forward that the house forming part of  
5 the proposal would be retained and used for emergency 18:10  
6 accommodation or other use.

7  
8 I am further instructed that ultimately there was a  
9 proposal to proceed with the matter and that ultimately  
10 a vote was taken on the Part 8 proposal before the 18:10  
11 Members and it was passed by 16 votes in favour; ten  
12 votes against, with six of the Council Members either  
13 absent or abstaining.

14  
15 During the course of this discussion the Members were 18:10  
16 advised as to the options available to them, i.e., to  
17 vote against the proposal, to amend the proposal, or to  
18 accept the proposal which was before the meeting. I  
19 understand the Meeting's Administrator also adverted to  
20 the provisions of Section 179 of the Planning and 18:11  
21 Development Act in that regard.

22  
23 The Special Meeting is called to decide: 'what  
24 measures the Council will take with regard to the  
25 conduct of the Wicklow County Council meeting held on 18:11  
26 Monday 12th March 2018' and to deal with the other  
27 matters set out in the requisition for the meeting.

28  
29 You asked me for my views which are as follows:

1 1. with regard to the motion to adjourn and to seek  
2 legal advice in relation to the 'procurement and the  
3 proposed demolition planning process', I am of the  
4 view that bearing in mind the terms of Section  
5 179(4)(b) of the Planning and Development Act 2000,  
6 such a resolution is ultra vires, i.e., outside the  
7 powers of the Council. That subsection states that  
8 following consideration of the proposed development and  
9 the Manager's Report on the proposal in question, 'the  
10 proposed development may be carried out as recommended  
11 in the Manager's Report unless the Local Authority, by  
12 resolution, decides to vary or modify the development,  
13 otherwise than as recommended in the Manager's Report  
14 or decides not to proceed with the development'.

18:11

18:11

15  
16 The resolution as submitted by Cllr. Thornhill and  
17 Cllr. Kavanagh, it seems to me is outside those terms.  
18 The motion proposed did not specify the length of the  
19 proposed adjournment. It also mentioned procurement  
20 which does not form part of the 'proper planning and  
21 sustainable development' of the area concerned and  
22 which is thus outside the terms of section 179 of the  
23 Act. The motion also referred to the 'demolishment  
24 planning process'. The actual carrying out of the  
25 works proposed in the Part 8 follows from the Members'  
26 consideration of the proposal which was approved at the  
27 meeting. The Cathaoirleach declined to take that  
28 resolution and in view of the terms of section 179 of  
29 the Planning and Development Act, I consider that he

18:12

18:12

18:12

1 was correct in that decision, as to take the motion  
2 would very likely have prejudiced the entire process.

3  
4 2. With regard to the proposal to delegate Part 8  
5 functions to the Municipal District, as I understand 18:13  
6 it, the intention of that proposal was that this  
7 particular matter be of delegated to the Bray Municipal  
8 District.

9  
10 Section 131 of the Act provides for delegation of 18:13  
11 reserved functions to Municipal Districts and Schedule  
12 14a of the Act provides that functions under Section  
13 179 of the Planning and Development Act may be  
14 delegated to any particular Municipal District or  
15 Municipal Districts generally. 18:13

16  
17 In this instance, however, the particular Part 8 was  
18 before Wicklow County Council in accordance with  
19 Section 179 and I am of the view that the process would  
20 have been invalidated if the Councillors had voted that 18:13  
21 this particular matter were to be delegated to the  
22 Municipal District midway through the process.

23  
24 The Members may, if they wish, consider the matter of  
25 delegating functions to the Municipal Districts and if 18:13  
26 they pass the appropriate resolution then such  
27 functions can, in due course, be carried out by the  
28 Municipal District Members as and when they arise.

29

1 In this case the proposal arose at the meeting 12th  
2 March when the Part 8 proposal had been advertised,  
3 submissions had ben received, the Chief Executive's  
4 Report prepared and circulated and was under discussion  
5 by the Members of the full Council at the meeting. The 18:14  
6 Council, therefore, had seisin or ownership of the  
7 matter and nowhere in Section 179 is there a provision  
8 equivalent to the delegation power contained at  
9 Section 131 of the Local Government Act. In those  
10 circumstances I consider that if the Members had 18:14  
11 decided to delegate this particular function to, in  
12 this case Bray Municipal District, such a delegation  
13 would be ultra vires being outside the terms of  
14 Section 179 of the Planning and Development Act.

15  
16 In those circumstances I consider that the  
17 Cathaoirleach acted correctly in not taking that  
18 motion.

19  
20 3. A proposal was submitted that the house proposed to 18:14  
21 demolished be as part of the proposal be retained as a  
22 house and used as emergency accommodation or other use  
23 such as Jigsaw Project. The Members were advised that  
24 this proposal would amount to a new development and  
25 after some discussion this was accepted and no vote was 18:15  
26 called for.

27  
28 In overview, the Part 8 was considered by the Members  
29 on 12th March and a roll call vote was taken after



1 approximately two hours of discussion and I am  
2 instructed that any member, who wished to, made their  
3 contribution to the meeting before the vote. The  
4 proposal was approved by 16 votes in favour and ten  
5 against the proposal, with two Members abstaining and 18:15  
6 four members absent from the meeting. Given the clear  
7 terms of Section 179 of the Planning and Development  
8 Act which sets out the process for a Part 8 it is hard  
9 to see how Standing Orders may have been breached at  
10 the meeting." 18:15  
11 CLLR. TOMMY CULLEN: Chairman, we got two. We got a  
12 solicitor's letter.  
13 CATHAOIRLEACH: Sorry, Cllr. Thornhill.  
14 Cllr. Thornhill.  
15 CLLR. THORNHILL: Cathaoirleach, may I first of all say 18:16  
16 thanks to everyone for coming here to support this very  
17 important issue in Bray. This is an issue which has  
18 caused an awful lot of confusion and it's something  
19 that, as we saw at the last meeting, that it should be  
20 cleared up. I would like to see that due process is 18:16  
21 done in this because it's a very important issue.  
22  
23 I, first of all, would like to say that in fairness,  
24 the Administrator has just read out but, also, we have  
25 legal opinion from the an eminent Senior Counsel and I 18:16  
26 would be asking the Administrator to read this into the  
27 record. Once it is read in I will just (inaudible).  
28 CATHAOIRLEACH: I mean I haven't read it, we literally  
29 just got it this minute.

1           CLLR. LAWLESS: Yeah, but the same as the other one.  
2           CLLR. TOMMY CULLEN: That's the point I was making we  
3           can adjourn for 20 minutes.  
4           CATHAOIRLEACH: I hadn't finished. Sorry, I was  
5           halfway through what I was saying. I said I haven't 18:17  
6           read it. I've just had a quick peruse of it and it  
7           doesn't seem to be dealing with the issue of the  
8           meeting. The agenda item is to discuss whether I  
9           should have taken Cllr. Thornhill and Cllr. Kavanagh's  
10          proposal. This is something completely different. 18:17  
11          CLLR. TOMMY CULLEN: Chairman, can we adjourn the  
12          meeting for 20 minutes to read both these. This is the  
13          first time I've seen these documents. I just got two  
14          documents one from a solicitor and one from a Senior  
15          Counsel just there now and I'd like 20 minutes. 18:17  
16          MS. GALLAGHER: Can I say in accordance with Standing  
17          Orders. Can I just bring attention to Standing Order  
18          number 12:  
19  
20          "In the case of a meeting convened for a special 18:18  
21          purpose, the business specified in the notification for  
22          such meeting shall be transacted, and no other  
23          business."  
24  
25          CATHAOIRLEACH: I have no issue if Members want to take 18:18  
26          time to read the opinion that we've just received. If  
27          you want to take five or ten minutes.  
28          CLLR. TOMMY CULLEN: There is a Senior Counsel's  
29          opinion and a solicitor's letter.

1 CLLR. VANCE: Chairman could I suggest 15 minutes?

2 CATHAOIRLEACH: We'll say 15 minutes. 6:35 then.

3  
4 THE MEETING THEN ADJOURNED BRIEFLY AND CONTINUED AS  
5 FOLLOWS:

18:18

6  
7 CATHAOIRLEACH: Members, you have all had time to look  
8 at the two documents. From what I see on the document  
9 from John Whelan, this was actually already dealt with  
10 as part of the Part 8 process at our previous meeting

18:34

11 in March so this item has already been addressed. It  
12 was part of the Part 8 which we dealt with at the  
13 meeting of 12th March. It is not relevant to the  
14 meeting purpose today. It doesn't have anything to do  
15 with the agenda today, it's something that was already  
16 dealt with, the submission was made as part of the Part  
17 8. The submission that was made a few weeks back, it  
18 was dealt with the Manager's Report. All those items  
19 were part of the agenda at the previous meeting on 12th  
20 March so it was dealt with then. I don't really see  
21 its relevance to this meeting as well. Cllr. O'Connor,  
22 did you want to come in?

18:34

18:35

23 CLLR. O'CONNOR: Yes, thanks, Cathaoirleach. What we  
24 have before us here is the legal opinion of the Law  
25 Agent of Wicklow County Council, Mr. Sweetman. Now the  
26 Executive is probably correct in their assertion that  
27 the opinion provided by Mr. Whelan, Senior Counsel, is  
28 not relevant to this particular meeting considering the  
29 reasons why this particular meeting was called. I

18:35

1 accept that. It's unfortunate but that's what we're  
2 stuck with.

3  
4 So we have to turn to Mr. Sweetman's opinion and that's  
5 exactly what the letter from Mr. Sweetman is, it's his 18:35  
6 legal opinion. He's a lawyer and he's presented his  
7 interpretation of the law. I'm also a lawyer and I may  
8 well have a different interpretation of the law. No  
9 doubt the Senior Counsel would have a different  
10 interpretation of the law also. 18:36

11  
12 So the Council have provided a legal opinion but those  
13 who oppose the Executive on this issue do not have the  
14 benefit of a legal opinion to present to this meeting.  
15 I think our hands are somewhat tied because of that 18:36  
16 fact. In the interests of equality of arms, and simply  
17 as a matter of equality and as a matter of fair play,  
18 I'm now asking that independent legal advice be  
19 provided by a Senior Counsel and obviously I'm not  
20 talking about the Senior Counsel who's Mr. Whelan who 18:36  
21 would not necessarily be independent. I'm asking now  
22 that legal advice by a Senior Counsel is presented, as  
23 soon as possible, on the issue of what occurred at the  
24 last meeting. I think without that our hands are  
25 completely and utterly tied. We have nothing to argue 18:36  
26 against Mr. Sweetman's letter and that's what we need  
27 to get done now. Until we get that I don't think fair  
28 procedures can be seen to have taken place. This isn't  
29 just about what happens, it's about how people see what

1 happens, how it is presented and there's a notion out  
2 there, whether it's right or wrong, that Wicklow County  
3 Council have not been doing things the right thing as  
4 far as that meeting went. Maybe to dispel that notion  
5 Senior Counsel's opinion, an independent Senior  
6 Counsel's opinion should be sought. Thanks,  
7 Cathaoirleach.

18:37

8 CATHAOIRLEACH: Cllr. Thornhill.

9 CLLR. THORNHILL: Cathaoirleach, having just heard  
10 there Cllr. O'Connor, I would like to introduce to the  
11 Chamber here a resolution that I would like to propose  
12 and put to the Chamber.

18:37

13  
14 That Wicklow County Council will seek an independent  
15 legal opinion from Senior Counsel with regard to the  
16 compliance of the Council with the statutory  
17 requirements of the planning process in connection with  
18 the Part 8 proposal, planning reference number  
19 2017/171478, as discussed under Item 5 of the agenda at  
20 the Wicklow County Council meeting on Monday, 12th  
21 March 2018.

18:37

18:38

22  
23 That this opinion will examine the issues of  
24 transparency, fair procedures, compliance with  
25 statutory provisions and obligations, and to include  
26 compliance with Standing Orders in relation to issues  
27 pertaining to the procedures adopted in the course of  
28 the discussion of Item 5 of the agenda at the said  
29 meeting, Monday, 12th March 2018.

18:38

1 [APPLAUSE FROM THE PUBLIC GALLERY]

2  
3 CLLR. THORNHILL: Cathaoirleach, I would just like to  
4 add that I can't see for the life of me, in this case,  
5 why Councillors would refuse independent legal advice 18:38  
6 because at the end of the day there is advice now on  
7 both sides. So I would like to see independent legal  
8 advice because the question I would like to ask is,  
9 Mr. Sweetman, who instructed Mr. Sweetman? But the  
10 point about it is, "independent", that's the keyword. 18:39  
11 Cathaoirleach, go raibh maith agat.

12 CATHAOIRLEACH: Could you pass us up the resolution so  
13 we can read it? I will just read this briefly. Do  
14 Members have a copy?

15 MS. GALLAGHER: Cllr. Thornhill said that he had 18:40  
16 circulated it. We'll get Gill to circulate it for you,  
17 Cllr. Thornhill.

18 CATHAOIRLEACH: Members, there's two parts to this  
19 resolution that Cllr. Thornhill has submitted and I'm  
20 just going to ask -- I'm just trying to see whether 18:44  
21 it's proper to take it or not. I'm just going to bring  
22 in the County Manager on the first part of the  
23 resolution.

24 MR. CURRAN: Just a few issues there. The first part  
25 of the resolution doesn't relate to the business of the 18:44  
26 meeting, it relates to the Part 8 process. Again, we  
27 went through this. That came in as part of the  
28 submissions and that was dealt with at the last  
29 meeting. At the last meeting we complied with

1 Section 179(4)(b) of the Planning and Development Act  
2 whereby the proposed development and the Manager's  
3 Report was put before the Members. The Members had a  
4 number of options there: not to proceed with it; to  
5 amend it; or, ultimately to proceed with it. There was 18:44  
6 vote was taken 16:10 to proceed the development. That  
7 decision was taken. That decision stands and that's  
8 the place we're in at the moment.

9  
10 Just to add, there is an urgency to this in that as 18:44  
11 people know, the construction of the Florentine Centre  
12 will commence in July. So there is a certain urgency  
13 in terms of extra spaces that will be needed when the  
14 car park there closes.

15  
16 The key point is that we've already voted on this, this 18:45  
17 Part 8 has been adopted.

18 CATHAOIRLEACH: Just on the second part of the  
19 resolution, I will just bring Lorraine in.

20 MS. GALLAGHER: Cathaoirleach, if you read the second 18:45  
21 part: "That this opinion will examine the issues of  
22 transparency, fair procedures, compliance with  
23 statutory provisions and obligations, and to include  
24 compliance with Standing Orders in relation to issues  
25 pertaining to the procedures adopted in the course of 18:45  
26 the discussion of Item 5 of the agenda at the said  
27 meeting on Monday, 12th March 2018." And it just  
28 referred to the Section 132 of the Local Government Act  
29 2001 which talks about the obtaining of a legal opinion

1 and it talks about, it speaks about "where in relation  
2 to the exercise or performance of a reserved function a  
3 legal opinion was obtained by a local authority or  
4 joint body, the Elected Council or joint body may,  
5 without prejudice to Section 153, by resolution direct  
6 that a second such opinion be obtained by the  
7 authority."

8  
9 I think the keyword there is "in relation to the  
10 exercise or the performance of a reserved function". 18:46

11 CATHAOIRLEACH: I'm not sure. What I'm going to do  
12 here is do everything proper so that the whole process  
13 is conducted properly here today, as I did, I believe,  
14 at the last meeting. I don't want to take -- I have no  
15 problem taking resolutions, votes any time, I've always 18:46  
16 done that but I don't want to take something that would  
17 compromise the process and may not be proper to take.

18 Cllr. O'Connor, you want to come back in?

19 CLLR. O'CONNOR: Thanks, Cathaoirleach, again. I don't  
20 think that's the keyword at all in that particular 18:46  
21 provision. I think the keyword in that particular  
22 provision is "may". It is entirely up to the Executive  
23 and up to this Council whether legal opinion is sought  
24 or not. As I said earlier, this is all about  
25 perception. And as was said earlier by, I believe, 18:47  
26 Cllr. Thornhill, I have no idea what anybody has to  
27 fear from a legal opinion. In terms of how people  
28 perceive this Council and how this Council does its  
29 business, I think it's in everybody's interest to put



1 any issues to be dealt with by providing legal opinion of an  
2 independent Senior Counsel. So it is "may" seek the  
3 opinion of independent legal advice is what we should  
4 be looking at here.

18:47

5  
6 [APPLAUSE FROM THE PUBLIC GALLERY]

7  
8 CATHAOIRLEACH: Cllr. Whitmore.

9 CLLR. WHITMORE: Thanks very much, Chair. I'm just  
10 taking on board all the legal advice and the  
11 documentation that's been put to us this evening and  
12 obviously it's very complex and I don't think anybody  
13 here in the room would have the, I suppose, expertise  
14 to deal with it in full. But in the advice that came  
15 from David Sweetman it said in relation to Section 179,  
16 it said:

18:47

18:48

17  
18 "That subsection states that following consideration of  
19 proposed development and the Manager's Report on the  
20 proposal in question, the proposed development may be  
21 carried out as recommended in the Manager's Report  
22 unless the Local Authority, by resolution decides to  
23 vary or modify the development otherwise than as  
24 recommended in the Manager's Report or decides not to  
25 proceed."

18:48

18:48

26  
27 So it seems that there's three options available. I  
28 think the question is when do those three options come  
29 into play and at what point can this Council no longer

1 do anything other than take those three options and  
2 decide upon them?

3  
4 It says here in this document "that the subsection  
5 states that following consideration of proposed 18:48  
6 development." My understanding from reading the  
7 transcript that the proposal of Cllr. Thornhill was  
8 actually put in during the consideration of the  
9 proposed development, not following the consideration  
10 of the proposed development and that in that case, 18:49  
11 because the 179 hadn't kicked in at that point that  
12 actually it was fully right that the Council can ask  
13 and seek legal advice and did not just have to go with,  
14 you know, Option A, B and C. I don't know if I'm being  
15 clear on what I'm saying but that seems to be the crux 18:49  
16 of it, is whether or not that proposal could be taken  
17 because it was 179, or not. There was no -- I go  
18 through the transcript. The proposal was put forward,  
19 it was seconded, it was supplied to yourselves and it  
20 was written down and it was taken at that point but 18:49  
21 then there was no further discussion about it. There  
22 was no rationale as to why it wasn't going to be heard.  
23 And, you know, I think maybe twice or three times  
24 Cllr. Thornhill came in and asked was it going to be  
25 voted on? And then there seemed to be this rush and 18:49  
26 then all of a sudden there was a vote taken. So I  
27 think there's confusion about that. At what point --  
28 because if you go to the Local Government Act that  
29 Lorraine has just read out, Section 132 says that "it

1 is the duty of every manager to carry into effect all  
2 lawful directions of the Elected Council of a Local  
3 Authority." So in that instance the fact that, you  
4 know, that this motion was not heard would imply that  
5 that particular section of the Local Government Act  
6 wasn't complied with. So it's which act has primacy I  
7 suppose is the issue?

18:50

8 MR. CURRAN: Just in relation to Cllr. Thornhill's  
9 proposal, the last day, the proposed resolution, that's  
10 covered in the legal opinion. I'll just refer to it.

18:50

11 The resolution referred "the procurement and the  
12 proposed demolition planning process". The clear  
13 view from the Law Agent is that bearing in mind the  
14 terms of Section 179(4)(b) of the Planning and  
15 Development Act 2000, such a resolution ultra vires, it  
16 is outside the powers of the Council. That subsection  
17 states that "following consideration of the proposed  
18 development and the Manager's Report", which is what  
19 we're doing at the last meeting, "and the proposal in  
20 question, the proposed development may be carried out  
21 as recommended in the Manager's Report unless the Local  
22 Authority, by resolution, decides to vary or modify the  
23 development otherwise than is recommended in the  
24 Manager's Report or decides not to proceed with the  
25 proposed development."

18:50

18:51

18:51

26  
27 The resolution as submitted by Cllr. Thornhill and  
28 Cllr. Kavanagh is outside those terms. The motion  
29 proposed does not specify the length of a proposed

1 adjournment. It also mentioned procurement, which does  
2 not form part of the planning and sustainable  
3 development of the area concerned and which is just  
4 outside the terms of Section 179 of the Act.

18:51

5  
6 The motion and also refers to the "demolishment  
7 planning process", the actual carrying out of the works  
8 in the Part 5 follows on from Members' consideration of  
9 the proposal, which was approved at the meeting. The  
10 Cathaoirleach declined to take that resolution and in  
11 view of the terms of Section 179 of the Planning and  
12 Development Act, he was correct in that decision, as to  
13 take the motion would very likely have prejudiced the  
14 entire process.

18:51

15  
16 So I think that's very clear and that was the advice at  
17 the meeting. As the Law Agent had time to consider  
18 that I think that's very clear advice in relation to  
19 that. The Cathaoirleach was correct in not taking that  
20 motion. And what happened then is at the meeting we  
21 were to consider the proposed development under  
22 Section 179. We knew what the proposed development  
23 was, which is the refurbishment of the car park and  
24 demolition of the house, et cetera. Then we had the  
25 options, as you outlined there yourself and the Members  
26 took a vote. The vote was taken, it was 16:10 to  
27 proceed with the development. That's now done and  
28 dusted and it's something that, as I say, there's a  
29 certain amount of urgency to move on with that.

18:51

18:52

18:52

1 CATHAOIRLEACH: Cllr. Kavanagh.

2 CLLR. KAVANAGH: Thanks, Cathaoirleach. On the day of  
3 the meeting Mr. Sweetman wasn't present so, therefore,  
4 this decision that he has made subsequent to the  
5 meeting, it may very well -- it's his legal opinion, it 18:52  
6 may very well not be somebody else's legal opinion, but  
7 the fact is that on the day, without any reference to  
8 Mr. Sweetman, the decision was made to ignore the  
9 motion by Cllr. Brendan Thornhill, seconded by myself.  
10 There was no discussion as to why it wasn't allowed to 18:53  
11 go forward to a vote. We were at no stage told it  
12 wouldn't be allowed. I know that Cllr. Matthews was  
13 told that there were complications with his proposal  
14 and I know that Cllr. Lawless was told that her  
15 proposal wasn't particularly anything to do with the 18:53  
16 Part 8, it was a completely different issue. We were  
17 given absolutely no reason, no excuse as to why our  
18 motion wasn't taken. Mr. Sweetman has said the Council  
19 was correct. Somebody else said that the Council is  
20 incorrect. We need independent legal advice because, 18:53  
21 you know, we just can't depend on somebody who is an  
22 employee of the Council who gives their legal opinion  
23 because it's bound to be biased. Thank you.

24  
25 [APPLAUSE FROM THE PUBLIC GALLERY] 18:54  
26

27 CATHAOIRLEACH: Just to reply to that, Cllr. Kavanagh.  
28 You said it wasn't discussed and no reasons were given.  
29 That's not correct. It was discussed and reasons were

1 given by both the County Manager and Lorraine in  
2 relation to section 179. Actually reasons were given  
3 at the meeting. It wasn't just ignored. I'm sure of  
4 that. Cllr. Thornhill.

5 CLLR. THORNHILL: Cathaoirleach, go raibh maith agat. 18:54  
6 Cathaoirleach, I would just like to say to this Chamber  
7 here now, we are all around here and we are not legal  
8 experts and that, most of us here in different jobs or  
9 whichever but I mean this is very confusing to me. I  
10 have made a few notes on this matter that you got from 18:54  
11 Mr. Sweetman. One of the questions, and I asked it  
12 already about Mr. Sweetman, and this is not independent  
13 legal advice, I would just like to ask and I asked  
14 already, who instructed Mr. Sweetman? That's one  
15 question. Now I go to the second paragraph, and it 18:55  
16 says:

17  
18 "I am further instructed that a proposal was put  
19 forward by two Councillors that the matter be adjourned  
20 and that legal advice be sought." 18:55  
21

22 It should read independent legal advice.  
23

24 Now, you were asking for views and this is down again  
25 on the first page there and you also let out seek legal 18:55  
26 advice, seek independent legal advice. Now, in one of  
27 the paragraphs, on the second page: "The Cathaoirleach  
28 declined to take that resolution." The Cathaoirleach,  
29 as Cllr. Kavanagh mentioned, about our proposal the

1 last day did not make a ruling. He simply ignored it  
2 and just moved on to the main vote. I would just like  
3 to point out at this stage that you had one hour, one  
4 hour and you were reminded over and over again about  
5 precedents that had been set in this Chamber about 18:56  
6 other matters and the Barracuda was mentioned a few  
7 times so the precedent was set. I can't see -- we're  
8 hiding behind a lot of legal jargon here but at the end  
9 of the day -- and we are not legal people but we are  
10 looking for fair play, due process and natural justice 18:56  
11 and it's something that should be -- this is a moment  
12 in this Chamber here, there's an awful lot being talked  
13 about, this Chamber here or whatever. I want to see  
14 that justice is seen to be done. Go raibh maith agat,  
15 Cathaoirleach. 18:56

16  
17 [APPLAUSE FROM THE PUBLIC GALLERY]

18  
19 CATHAOIRLEACH: I have to come back there, Brendan.  
20 You've made the same accusation that I ignored your 18:57  
21 proposal. I didn't ignore your proposal. There was  
22 comments made on the proposal in relation to  
23 Section 179 by both the County Manager and Lorraine.  
24 Cllr. O'Brien.

25 CLLR. O'BRIEN: I think, as I said, (inaudible) we're 18:57  
26 holding this meeting today, I don't think it's correct  
27 in the first place. I don't think it would be  
28 discussed at the meeting. I think what the people are  
29 worried about here is the fact that it was rushed

1 through and there's a belief here that a maybe that a  
2 lot of the Councillors haven't thought through what  
3 they're doing by voting down to knock to down, to pay  
4 almost a million euro for a house and then to knock it  
5 to down. That they say: 'Has the Council got any 18:57  
6 priorities and what are your priorities?' Surely your  
7 priorities in the modern take-up should be families  
8 that are on waiting lists to 10 and 11 years, children  
9 that don't have changing facilities, toilets and stuff  
10 like that. Sure that's where the priority should be? 18:57  
11 My worry is that the Council has no set of priorities.  
12 I didn't know that they were giving a million euro  
13 away, that it would be available to knock down a good  
14 house. God, think what you could do with that. That's  
15 more my worry. I think that's the concern of the 18:57  
16 people here is that I mean I'd ask the question there.  
17 How much profit is actually going to be made to the new  
18 development? How much is that going to benefit from  
19 knocking down a house and putting in a car park. I'd  
20 love someone to put figures on that because I'd say you 18:58  
21 would come up with -- I'd also say if you asked any  
22 businessperson, you know what I mean, to invest, to buy  
23 a house for a million euro and knock it down and you  
24 were going to get profit out of 25 car parking spaces,  
25 I think he would laugh at you. 18:58

26  
27 Now, my worry here is the lack of transparency. That  
28 when these discussions about buying St. Paul's Lodge  
29 was going on I'd say there was only a few people in the



1 room. I would think an important decision like that in  
2 relation to Bray, we should have a different process  
3 and that the ordinary people should be entitled to sit  
4 in for something when that is happening and whoever was  
5 negotiating on behalf of the Council and the developer, 18:58  
6 we need transparency. These decisions happen behind  
7 closed doors.

8  
9 Now, at the end of the day I'd always feel that  
10 business should pay for itself. That the priority of 18:58  
11 the Council should be looking after the people. I  
12 actually thought, in 1916 I thought, 2016, that  
13 something major was going to happen and that all the  
14 funds and the priority of the Local Government were  
15 going to in to look after the people. Because at the 18:59  
16 moment there is a very, very sad feeling in Bray. We  
17 did a petition on Saturday and I think there was only  
18 one person that muttered something and wouldn't sign  
19 the petition. Everybody else was totally, totally in  
20 favour of not knocking it down. They said it was an 18:59  
21 idiotic decision. I think this is the kind of issue  
22 we're talking about here. It's not about first legal  
23 opinion, second legal opinion at all, it's what's going  
24 to happen Bray in the future if this kind of -- someone  
25 called it think tank, they call it think tank policy is 18:59  
26 in place where you buy houses and you knock them down.  
27 And what amazes me as well is that there was actually  
28 two houses going to be bought which means there's loads  
29 of money. I'm looking for a few bob up in Ballywaltrim

1 for children regards their changing room and they don't  
2 have water facilities. This is going on for four  
3 years. That's where the money should be going. If the  
4 business thing is going to succeed it will succeed. It  
5 shouldn't be getting a leg up from us taxpayers to do 18:59  
6 that. And I would (inaudible) when the negotiation was  
7 going on, that what actually happened was that whoever  
8 was negotiating on behalf of the Council said: 'Okay,  
9 guys, do you know what I mean? If this is going to be  
10 successful you're going to have to put a million and a 19:00  
11 half into buying St. Paul's. The taxpayer is buying  
12 it.' I'm suggesting that there needs to be a big  
13 change here.

14  
15 I was also very, very interested to know at the last 19:00  
16 peak, fair play to Cllr. Irene Winters there, and that  
17 she voted for it. It seems to me there seems to be  
18 some sort of a mix up in thinking here. As well as  
19 that it was 16:10. There's 32 Members in this Council,  
20 do you. So we're not sure, there's obviously some 19:00  
21 people that abstained for reasons of their own that  
22 they felt they weren't fully informed of it, and then  
23 there was four of them that didn't vote at all. You  
24 could say then, on such an important issue could it  
25 have gone 16:16? What I'm asking for the people, have 19:00  
26 a rethink about it. I always think the of old two  
27 poems, the old woman down the road that was mad looking  
28 for a house and she couldn't get it all her life and I  
29 also think funding in relation to the 1916 -- I think

1 as a Council we've to make up our mind who do we  
2 actually stand with and what we as fellow Councillors  
3 are here for. Do we have priorities? Is the priority  
4 worth (inaudible) or is it to deal with the immediate  
5 problems? That's my concern with this. Go raibh míle 19:01  
6 maith agat.

7  
8 [APPLAUSE FROM THE PUBLIC GALLERY]

9  
10 CATHAOIRLEACH: Cllr. O'Connor. 19:01

11 CLLR. O'CONNOR: Thanks, Cathaoirleach. Now, we keep  
12 hearing this phrase that there's a certain urgency to  
13 matters. That doesn't mean that fair procedures can  
14 either be ignored or disregarded. The Cathaoirleach is  
15 presenting Mr. Sweetman's letter as if this was the 19:01  
16 revealed word of God. It's not. It's his legal  
17 opinion. And you really shouldn't be using a one-sided  
18 legal opinion to try and buttress your defence of  
19 particular allegations that are being made. Again, we  
20 need independent legal advice. 19:01

21  
22 There's a longstanding legal principle that one cannot  
23 be a judge in one's own cause and what we see here is  
24 the Council Executives are relying upon the legal  
25 advice of one of its own employees. That is absolutely 19:01  
26 not in compliance with fair procedures. And, again,  
27 for the fourth or fifth time, I'm demanding that  
28 independent legal advice be provided so that we can put  
29 this thing to bed. Thanks, Cathaoirleach.

1 [APPLAUSE FROM THE PUBLIC GALLERY]

2  
3 CLLR. LAWLESS: Cathaoirleach, I want to formally  
4 accept that as a formal proposal from us for that  
5 independent legal advice. 19:02

6 CATHAOIRLEACH: Do you want to right a proposal.

7 CLLR. LAWLESS: We have it written out and signed.

8 CATHAOIRLEACH: Cllr. Behan.

9 CLLR. BEHAN: Cathaoirleach, just a few points, if I  
10 could. First of all, I have absolutely no doubt about 19:02  
11 the integrity of the Law Agent of this Council and I  
12 think to suggest that he would in some way give biased  
13 advice is actually very unfair to him as a  
14 professional. I think people should be very, very  
15 careful about statements they make along that line. 19:02

16 Anybody who is involved as a legal professional knows  
17 that they have a duty to be objective in the advice  
18 that they give and I would not accept, at all, that  
19 there's anything tainted about advice he gives.  
20 However, he is the Law Agent. He's the solicitor, 19:03

21 effectively, for the Council. But in the past we have  
22 resorted, on a number of occasions, to advice of Junior  
23 or Senior Counsel when we have a controversial  
24 decision. In fairness now, there's a new Chief  
25 Executive here but there are plenty of staff here and 19:03  
26 plenty of Councillors here who can testify to the fact  
27 that Wicklow County Council has not covered itself in  
28 glory when it came to other legal battles involving  
29 this Council and the public and other agencies in the

1 County in the past. There has been a tendency, in my  
2 view, for the Executive of the Council at times to feel  
3 that they're invincible and that they always have the  
4 right answers when it comes to controversial issues.  
5 The history of this Council will show that very often 19:04  
6 the Executive did not have the right answers. In fact  
7 they were very, very badly wrong in some of the answers  
8 that they gave. And this County and the Government  
9 will be paying for some of those decisions for a long  
10 time to come. So it's not the case that the Executive 19:04  
11 has a monopoly of wisdom. That's the first point.

12  
13 The second point is that I'm on record and I'm going to  
14 put it on record again, because of the urgency of the  
15 situation where extra, not all of the spaces but extra 19:04  
16 spaces are going to be needed in the Town of Bray,  
17 sooner rather than later, I am still in favour of the  
18 proposal. But, I also think, because I'm in favour of  
19 the proposal I'm even more concerned to ensure that  
20 what has been done is legally correct and sound. And I 19:04  
21 cannot understand why the Executive or the  
22 Cathaoirleach, yourself, Cathaoirleach, would feel in  
23 any way afraid of the fact that a Senior Counsel could  
24 be asked, an independent Senior Counsel could be asked  
25 for their advice on this because it's very likely this 19:05  
26 is going to end up in the courts one way or the other  
27 anyway. And if we accept, and I think we all accept  
28 there's an urgency about the situation in Bray when the  
29 Florentine Centre closes, it's important that we're not

1 delayed further by going through further, maybe  
2 unnecessary, court cases by getting advice now. So I  
3 can't honestly see why anybody would be against getting  
4 independent legal advice if people feel everything that  
5 was done was done in order what's the harm in getting 19:05  
6 that certified by an independent legal counsel? Okay.  
7 That's the next point.

8  
9 So I'll be voting in favour of Cllr. Thornhill's motion  
10 for that reason. I want to see this matter resolved 19:06  
11 properly so that we can be sure that -- and if the  
12 decision was flawed or if the procedures weren't  
13 correct, well we're going to have go back and we're  
14 going to have do it again. But the next time we do it,  
15 if we are going to do it, the one point that hasn't 19:06  
16 been covered in the Law Agent's letter, which I'm  
17 disappointed with really, is that I asked that the  
18 residents group be given the opportunity. I proposed  
19 at the last meeting that they get the opportunity for  
20 ten minutes to give their views to the full membership 19:06  
21 of the Council and that was ruled out of order, which I  
22 really just can't understand why that had to be done  
23 because it would have taken ten minutes and we would  
24 have maybe got a lot of those issues discussed and  
25 dealt with. However, I still feel, even at this late 19:06  
26 stage, it would be a good idea to hear from the  
27 residents, the representatives of the residents, even  
28 tonight when we are all here and present, to listen to  
29 their arguments. But I accept it's not part of the

1 proposal. The proposal was formulated by  
2 Cllr. Thornhill. I was not involved in the formulation  
3 of the proposal but I was happy to sign a requisition  
4 for a meeting. But I do accept a proposal to hear the  
5 residents is not on this agenda but I do think if we 19:07  
6 agreed to it we could still do it tonight. There is  
7 still time to do it, as far as I'd be concerned. And I  
8 do think, in fairness, they came to Bray but only eight  
9 Councillors from Bray would have heard their points of  
10 view. All 32 should hear their points of view and I 19:07  
11 would ask you, Cathaoirleach, to consider that matter  
12 again. Thank you.

13 CLLR. THORNHILL: And I second that.

14

15 [APPLAUSE FROM THE PUBLIC GALLERY] 19:07

16

17 CATHAOIRLEACH: Cllr. Snell.

18 CLLR. SNELL: Thanks, Cathaoirleach. It's quite  
19 obvious that the resolution that's here before us,  
20 really we could sit here all night and we have 32 19:07  
21 Councillors coming in speaking three and four times.  
22 This was well debated the last day. It didn't go the  
23 way that I would have liked, in regards to the vote but  
24 it was a democratic vote. But it is hugely important  
25 in regards to due process and as other speakers have 19:08  
26 said in regards to transparency. I don't question the  
27 leadership role that you played as Cathaoirleach. As  
28 has been pointed out, we do need to be seen to get a  
29 legal opinion from somebody who is not directly

1 involved either for the keeping of St. Paul's or the  
2 legal opinion that was sought from the Law Agent of  
3 Wicklow County Council. I think it's quite simple that  
4 we take a vote on this resolution that's before us,  
5 otherwise we're going to be hear listening to the same 19:08  
6 stuff that we listened to before. I think it's hugely  
7 important that we get an independent legal opinion and  
8 I don't concur with the argument that it has to happen  
9 quite quickly and that if a decision is not made  
10 tonight that the sky is going to fall in on top of us 19:09  
11 at all. In regards to, we have a meeting the second  
12 Monday in April and I'm sure the legal advice could be  
13 sought and had for that meeting. I would ask you,  
14 Cathaoirleach, rather than go round the room here for  
15 another two or three hours discussing the same stuff 19:09  
16 that was discussed before, we have Members speaking who  
17 weren't at the meeting here before and while I don't  
18 question their sincerity, you know, they were reading  
19 transcripts of what was said at that meeting. There  
20 was people who didn't vote on the meeting for their own 19:09  
21 reasons and others that just wasn't in the Chamber but  
22 I do believe that everyone that's here tonight should  
23 be given an opportunity to vote on this resolution and  
24 vote now quite quickly in regards to what's happening.  
25 Otherwise, Cathaoirleach, this meeting will go on and 19:10  
26 on and on and everyone will just keep coming in and  
27 look for a round of applause from the public gallery or  
28 otherwise. We need to vote on this resolution. We  
29 need to get an independent legal opinion and move



1 forward in regards to the process.

2 CATHAOIRLEACH: I mean I hear what you're saying,  
3 Councillor, and I agree with you, but it appears just  
4 from the advice you heard earlier that I can't take  
5 this resolution, the proposal by Cllr. Thornhill. 19:10  
6 Perhaps someone could come up with a resolution looking  
7 for a second legal opinion. I'm not sure as well,  
8 Nicola, that your one complies either. Something, you  
9 know, maybe more succinct that would just say in  
10 relation to the Law Agent's opinion, you know, that 19:10  
11 that area, because you could have it for legal  
12 opinion --

13 CLLR. LAWLESS: We can amend it.

14 CATHAOIRLEACH: -- St. Paul's is a different matter  
15 that's already been dealt with. We're just talking 19:11  
16 about my decision at the last meeting to not allow  
17 Cllr. Thornhill's proposal. That's what the legal  
18 opinion that's been given and that's what we're  
19 discussing. That's the proposal to look for a second  
20 legal opinion. It would have to cover that and only 19:11  
21 that. Cllr. Fitzgerald.

22 CLLR. FITZGERALD: I'm one of the ones that wasn't at  
23 the last meeting. I missed my first meeting in 20  
24 years so for Cllr. O'Brien (inaudible) I'm glad to see  
25 you were worried that I wasn't here. 19:11  
26

27 Can I just say this as a Councillor. When a Part 8  
28 involves the Arklow Municipal District, if I'm  
29 concerned about it I make a submission or an objection.

1 I looked at this Part 8 and of the eight Councillors in  
2 Bray there was one submission beside me here,  
3 Cllr. Steven Matthews. No one else made a submission  
4 from our elected representatives. That's not criticism  
5 but it would be my view that if you were against the 19:11  
6 project you make a submission. There was none made.

7  
8 In the last few weeks the heat is on. There's all  
9 sorts of proposals, there's different things coming  
10 forward. I came here tonight: "what measures the 19:12  
11 Council would take with regard to conduct of the  
12 Wicklow County Council meeting on 12th March." I still  
13 don't know the problem with confidence. I have full  
14 confidence with the Cathaoirleach of Wicklow County  
15 Council, as has Cllr. Behan and everybody. I wasn't at 19:12  
16 the meeting. I would get back secondhand what happened  
17 at the meeting. But I certainly as a Councillor, as I  
18 did on a Part 8 in Arklow, would make a submission and  
19 ensure that the views that were given to me by the  
20 public were reflected in my submission. So it is 19:12  
21 disappointing that there was only one submission from  
22 the Bray Municipal District.

23 CATHAOIRLEACH: Cllr. Tommy Cullen.

24 CLLR. TOMMY CULLEN: Yes, Chairman. I, too, have full  
25 confidence in you and in your integrity as Chairman. I 19:12  
26 think you have been a fair Chairman and you have acted  
27 honourably. There's issues, the issues that I see are  
28 issues of whether or not there was error in  
29 advisements, not the role of Cathaoirleach but errors

1 in advisements. I have read these two, one is a  
2 solicitor's letter to the Councillors and one is a  
3 Senior Counsel's opinion and they are diametrically  
4 opposed. But one observation I would have is that at  
5 the time of Matthews', Behan's, Thornhill's and 19:13  
6 Lawless' proposals, there was no proposal for the  
7 proposed Section 179. Section 179 hadn't been  
8 activated. It wasn't activated, I think it was an hour  
9 and 32 minutes into the meeting. I think Cllr. Behan's  
10 resolution was put 12 minutes into the meeting and 19:14  
11 Thornhill's was put 18 minutes into the meeting. So  
12 therefore at the time those proposals were made there  
13 was no Section 179 proposal active before the Council  
14 and I think that may be a significant point.

15  
16 If the Section 179 had been proposed by Cllr. Fox and  
17 Cllr. Vance prior to Thornhill's other resolutions,  
18 then that may have, the situation may have been  
19 different. But the fact that they weren't and it came  
20 so late in to the meeting, after four of the 19:14  
21 resolutions had been put forward, I think the timing is  
22 critical because at the time of those resolutions there  
23 was no formal proposal. The Section 179 wasn't alive.  
24 It hadn't been in the Chamber. So I think that's,  
25 that, I think, is a critical point to be considered. 19:15  
26

27 There's issues, Chairman. I abstained at the last  
28 meeting because I really didn't know very much about  
29 it. The first document I got was last Thursday on it.

1 And I think the issues involved -- I have no -- there's  
2 two diametrically opposed legal views here tonight. I  
3 don't know which of them is correct. I don't know  
4 which of them is correct. You have a Senior Counsel, a  
5 very eminent Senior Counsel has said that the process 19:15  
6 is flawed. You have the Council's Law Agent who says  
7 that the planning process was correct. A reasonable  
8 person would say: 'well, I'll have to get some other  
9 opinion.' Chairman, I am of the hundred percent belief  
10 that you have no problem with an independent legal 19:16  
11 advice.

12 CATHAOIRLEACH: Cllr. Cullen, I have to stop you there.  
13 The two opinions are nothing to do with one another.  
14 The first opinion is in relation to the decision I made  
15 at the meeting. The Senior Counsel's opinion is in 19:16  
16 relation to the Part 8 which is history. So they're  
17 actually not related.

18 CLLR. TOMMY CULLEN: But, Chairman, with respect to  
19 you, if the Senior Counsel's opinion was that, for  
20 instance, if the Senior Counsel, from what I have just 19:16  
21 read, his main point is that there wasn't adequate site  
22 notice. The (inaudible) wasn't in place and there's a  
23 site note in the correct place and that the site notice  
24 wasn't up for a period of duration that it should have  
25 been. Now, as I understand, there was a High Court 19:17  
26 case in Bray, in Fonthill in Bray where a site notice  
27 wasn't up correctly and the High Court found that it  
28 had to be up and the application was dismissed. Now I  
29 know and you do too, Chairman, loads and loads, every

1 rural Councillor here knows that if site notices are  
2 not up properly the Planning Office will send it back  
3 and to you and say it's an invalid application. That  
4 happens virtually every week in this Chamber and every  
5 rural Councillor here knows that. Chairman, I have no 19:17  
6 problem with getting independent legal advice. I'm  
7 sure every reasonable Councillor here in this Chamber  
8 has no problem with legal advice. I believe at the  
9 meeting you did give every Councillor a reasonable  
10 opportunity to speak and I've no criticism of you in 19:17  
11 that regard. But I do think, if -- the proposal is the  
12 need to have an independent oversight because we have  
13 two separate legal documents, whatever the difference  
14 is but I think it is reasonable that we would be given  
15 an opportunity. But I do think, the thing that would 19:18  
16 concern me is at the time those resolutions were moved  
17 there was no resolution for a Section 179 active or  
18 alive in the Chamber at the time and that did not come  
19 into effect for an hour and 32 minutes into the  
20 meeting. So when Councillor, the various Councillors 19:18  
21 were moving their resolutions there was no other  
22 proposal to move so the 179. So the 179 at that time  
23 was effectively not alive. Thank you, Chairman.  
24 CATHAOIRLEACH: Cllr. Fox.  
25 CLLR. FOX: Thank you, Chairman. well, first of all, 19:18  
26 as you say the two legal opinions are not diametrically  
27 opposite. Mr. Sweetman's opinion is on how the meeting  
28 was conducted. Okay. Mr. Whelan's opinion is on the  
29 actual issues relating to the Part 8. For me,

1 personally, I was quite happy with how you handled the  
2 meeting. I thought because you dealt with the meeting  
3 fairly. I think Mr. Sweetman's opinion has borne that  
4 out. So in relation to the process, I can accept  
5 Cllr. Thornhill and others are opposed to the Part 8 19:19  
6 proceeding, essentially when you pare everything down,  
7 there are a number of Councillors which I fully accept  
8 are opposed to proceeding. Whether it is legal opinion  
9 or not, they are opposed to this Part 8 proceeding.  
10 Okay. I proposed that it proceeded. It was supported 19:19  
11 by a majority of the Councillors. Okay. So the Part 8  
12 is dealt with. So a number of speakers have  
13 effectively started to bring back up issues relating to  
14 the Part 8.

15  
16 So in my opinion and I think that's borne out by a 19:20  
17 majority of the Councillors, Part 8 is finished. It's  
18 done and dusted. Now, that is subject to a judicial  
19 review and people can do that if they wish. From our  
20 part in the process it's done. So the only question is 19:20  
21 if there are issues relating to how you handled the  
22 meeting. As I say, I am quite happy with how you  
23 handled the meeting. I think you done exceptionally  
24 well. Okay.

25  
26 So my proposal, for what it's worth, if anybody wants 19:20  
27 to second it, that we accept Mr. Sweetman's opinion  
28 that you handled the meeting effectively and correctly.  
29 I'm proposing we accept Mr. Sweetman's proposal.

1 CATHAOIRLEACH: Cllr. O'Neill.

2 CLLR. O'NEILL: Thanks, Cathaoirleach. Yeah, again, I  
3 fully understand the position of the Cathaoirleach and  
4 the decision of 12th March. I voted against the  
5 demolition of the house at that meeting on the 12th but 19:21  
6 I kind of agree with my colleague, Cllr. Snell, in that  
7 this is going to drag out a bit tonight. Maybe if  
8 there was a compromise of any description or if we  
9 could make any sense of it.

10 19:21

11 I don't know what the urgency is as regards moving  
12 ahead with the demolition for the creation of a car  
13 park. I don't know what timescale you have there. But  
14 maybe if it would be a compromise that, I understand  
15 the position you are in, Cathaoirleach, the rules of 19:21  
16 our Chamber, and in respect to the vote on 12th March,  
17 which, again, I didn't agree with but whatever, I fully  
18 understand your position. If there was a case maybe  
19 that we could put a stay of execution on it as such  
20 that if instead, I don't know whether it's three months 19:22  
21 or six months or when it's intended to move ahead with  
22 this, but instead maybe if there was a breathing space  
23 there of 12 months and that it would go back to the  
24 Municipal District in Bray as well to discuss with the  
25 local Action Group and see if there is maybe a move 19:22  
26 from there to go to the courts with this. Instead of  
27 -- I mean if the house is flattened in the morning it's  
28 flattened, it won't come back, you know. So I think to  
29 be fair to everyone, while I fully understand your

1 position, I think that there should be a little bit of  
2 breathing space here for maybe a period of six or 12  
3 months or whatever and revisit it. Go raibh maith  
4 agat.

19:22

5  
6 [APPLAUSE FROM THE PUBLIC GALLERY]

7  
8 CATHAOIRLEACH: Cllr. Vance.

9 CLLR. VANCE: Thank you, Chairman. Like what Cllr. Fox  
10 was saying, the Part 8 was done on 12th March and  
11 effectively this Special Meeting isn't about the  
12 Part 8. I think there is the fact that it isn't about  
13 the Part 8 there's an acceptance there that the Part 8  
14 is done and dusted, it's finished with. The actual,  
15 you know -- when you call a Special Meeting you have to  
16 give the reasons why you call the Special Meeting and  
17 obviously it's what measures the Council take with  
18 regard the conduct of the Wicklow County Council  
19 meeting held on Monday 12th March 2018 and whether the  
20 procedures were correct at that particular meeting or  
21 not.

19:23

19:23

19:23

22  
23 I mean I'm happy that the meeting and how you conducted  
24 the meeting was exemplary to say the least. I think  
25 you went overboard in trying to accommodate people who  
26 had different points of view. One Councillor was  
27 actually was in six times, six times, in regard to that  
28 meeting. So nobody can say they didn't get a full, you  
29 know, full whack of what they wanted to say and get

19:23



1 their particular points across. And it was a meeting  
2 that went on for over two hours. There was some very  
3 important other items on the agenda that actually we  
4 weren't, we didn't get to, which I feel deserved, you  
5 know, a meeting like today. I was very surprised that 19:24  
6 we actually had a Special Meeting today on the item  
7 that was there before us when we had the National  
8 Planning Framework was on that same agenda which is  
9 absolutely vital for the next over 20 years in regard  
10 to Wicklow and there was nobody even interested in it. 19:24  
11 They're more interested in what's happening in Bray.

12  
13 In regard to this, the Florentine Centre is due to  
14 start at the end of June early July. By today, today  
15 we have an e-mail from a trader wanting to know exactly 19:25  
16 what the Council are going to do and what they're going  
17 to have in place for when that happens because of the  
18 fact that the traders are particularly concerned  
19 because when that Florentine was closed down a number  
20 of years ago it devastated the town. The town suffered 19:25  
21 badly and it has still not recovered in regard to that.  
22 So there is an urgency in regard to this decision.

23  
24 In regard to legal opinion. When the new Manager came  
25 in last November, October I think it was, I made a 19:25  
26 statement at the particular time that I felt one of the  
27 main issues, one of the problem issues that we had in  
28 Wicklow County Council, my time here, was the amount of  
29 money that was spent on legal advice and various things

1 like that and I hope that with the new Management Team  
2 that we'd have in place that that wouldn't continue.  
3 My attitude like at that particular stage was we had  
4 spent a fortune, one won a few cases, lost a few cases  
5 and various things like that. But the amount of money 19:26  
6 that was expended was astronomical and could have been  
7 used, in my mind, could have been put to better use.

8  
9 So effectively, my attitude to legal advice is that you  
10 can get all sorts of legal advice and legal opinion and 19:26  
11 it's all over the place in lots of cases but in this  
12 case it seems to be some Members' feeling is that you  
13 seek the legal advice and you keep on seeking the legal  
14 advice until the legal advice complies with what you  
15 want it to be in the first place. 19:26

16  
17 Can I just say that I'm happy enough with the legal  
18 advice that is here today from our Law Agent. I'm  
19 happy enough that the decision that was taken on 12th  
20 March was a democratic decision. Democratic decision. 19:27  
21 A vote from this Council. We're all democrats. And  
22 I'm also happy, very happy the way you handled that  
23 particular meeting on that particular day and I would  
24 like to formally second what Cllr. Fox has proposed.  
25 Thank you. 19:27

26 CATHAOIRLEACH: Cllr. Thornhill.

27 CLLR. THORNHILL: Cathaoirleach, go raibh maith agat.  
28 I would just like to make a couple of points. In  
29 relation to Cllr. Fox. Yes, he's quite right, there

1 was a vote on Part 8. That was done, right.  
2 Democratic vote. But it was the way it was done. It  
3 was the way it was done. There was a proposal put to  
4 you and if you hadn't interfered and put it out to the  
5 reasonable Members of this Council why wasn't it done? 19:27  
6 Also, I will say in this case there's an awful word  
7 about process. Well I'll tell you now, I was 30 years  
8 in the guards, right, and I'm a retired garda but we  
9 have another retired garda here in the Chamber,  
10 Cllr. Gerry Walsh. And we all know when you go to 19:28  
11 court and if you hadn't got your Ts crossed or your Is  
12 dotted and if you don't follow the process everything  
13 falls. There's a legal obligation on the person. I  
14 took an oath at the time when I joined the guards and  
15 the same thing applies now and I will say to maybe 19:28  
16 people like Cllr. Walsh, the same should apply to  
17 Cllr. Walsh and everyone. At the end of the day we're  
18 talking about transparency. Cllr. Vance has mentioned  
19 about St. Paul's, or the demolition of St. Paul's and  
20 the urgency. The thing about it is this, are we -- 19:28  
21 there's loads of people here and they're interested in  
22 the heritage of Bray. I mean I have met people that  
23 are here from across the pond over in London and to  
24 think that they'd knock something like this over in  
25 England. That just would not happen. We must realise 19:29  
26 we just can't do things like that. I said this before  
27 but at the end of the day I will conclude and say that  
28 we are only being reasonable in asking for independent  
29 legal advice. Why would people be afraid of that? Go

1 raibh maith agat, Cathaoirleach.

2

3 [APPLAUSE FROM THE PUBLIC GALLERY]

4

5 CATHAOIRLEACH: Cllr. Lawless.

19:29

6 CLLR. LAWLESS: Thanks, Cathaoirleach. I know this  
7 meeting was called in regards to the Part 8 and the  
8 process of the Part 8 and I would just like to point  
9 out, and it's been pointed out before, the Part 8, we  
10 can either accept it, reject it or amend it and on the 19:29  
11 day mine was actually an amendment to leave the house  
12 as is and go ahead with the proposal. And we have done  
13 this before, I only done it on a Part 8 a couple of  
14 months ago on a housing project, but yet it was  
15 rejected and no vote was given on it. 19:30

16

17 Also, I know it's not contained in what Cllr. Thornhill  
18 was talking about as in today's Special Meeting, but  
19 the information from the Senior Counsel points out some  
20 very serious issues regarding the Part 8 and I'm afraid 19:30  
21 this actually cannot be ignored. And whether we  
22 discuss this here or whether we get more, as we were  
23 looking for, independent legal advice on this, I think  
24 we should do and if it requires another Special Meeting  
25 in and around this whole process of this planning 19:30  
26 application, and the Part 8 and some of the serious  
27 issues that has been raised, I think we should call  
28 another Special Meeting for this.

29 CATHAOIRLEACH: Just to come back on a point. I

1 believe that your proposal, Nicola, was dealt with and  
2 that it's on the Law Agent's opinion.

3 CLLR. LAWLESS: It was an amendment to the Part 8.

4 CATHAOIRLEACH: We were advised at the time that was a  
5 new proposal and it wouldn't be taken. Cllr. Fortune. 19:31

6 CLLR. FORTUNE: Thanks, Cathaoirleach, I'll try not  
7 repeat what was said and also (inaudible) I certainly  
8 have no issue with you, Cathaoirleach, and (inaudible).  
9 It seems to me there is gross unfairness going on with  
10 the Executives of the Local Authority who are relying 19:31  
11 on Section 179 to make their case, if you look at it.  
12 I think Cllr. Tommy Cullen has dealt with that very  
13 well.

14

15 So I think my view is that because of the way the 19:31  
16 meeting transpired and again, you would have been  
17 advised on the day, we could all see you getting advice  
18 on the day, that it took a certain direction. I think  
19 Cllr. Thornhill's proposal the last day was very  
20 reasonable and he read it into the record at the 19:32  
21 meeting. He was asked to hand it up to yourselves and  
22 it should have been voted on. Why it wasn't voted on,  
23 I just think it's wrong.

24

25 I read Mr. Sweetman's letter. Again I have no issue 19:32  
26 with Mr. Sweetman as a legal person, that's what  
27 Mr. Sweetman does. But like he says "I am instructed  
28 and "I am this and I am that", that doesn't seem fair  
29 in the whole scheme of things to me. That's part of my

1           unfairness comment.

2  
3           I'm also looking at Mr. Whelan's, Senior Counsel's  
4           submission that he made and while I know it has been  
5           thrown back, we dealt with Part 8, Part 8 is gone. But 19:32  
6           I don't think, in fairness, you can look at them in  
7           isolation. It's all part of the one cake. The last  
8           day, if you remember, when we were talking about the  
9           Florentine Centre and as I said that day and I say it  
10          again, everybody in this room is in favour of the 19:33  
11          Florentine Centre being developed but we were only told  
12          at the eleventh hour that St. Paul's had a play in  
13          that. And when you read the actual background  
14          documentation we were actually looking at buying a  
15          second house so we were going to spend quite a lot of 19:33  
16          money and I wonder why that didn't happen? I think you  
17          have to read Mr. Whelan's submission because it is  
18          related to everything we're talking about because we're  
19          saying we need St. Paul's knocked to provide 45 car  
20          park spaces. But when you read Mr. Whelan's submission 19:33  
21          it's very clear that there is proper alternatives in  
22          the town that could more than make up for it. I think  
23          that argument doesn't stack up at all.

24  
25          Really, I think, and I think very strongly, that there 19:33  
26          should be an independent Senior Counsel put in place to  
27          adjudicate on this matter, take everything into  
28          account, agreed by the Local Authority and agreed by  
29          the residents. I think, also, I more than think, I

1 believe that if the residents had been allowed to make  
2 a straightforward presentation to the 32 Members we  
3 probably wouldn't be still sitting here this evening  
4 having this conversation. Again, I don't think that  
5 was dealt with properly because my understanding from 19:34  
6 what I have seen, is that the residents requested to  
7 make an address as far back as 12th February. So as  
8 regards Standing Orders and as regards notice and  
9 everything else, they done everything right. I don't  
10 know why it is, Chairman, but for some reason and to be 19:34  
11 fair, like it's not everybody, there's certain parts of  
12 our Local Authority, for whatever reason, don't seem to  
13 want to enter into proper, what I would call fairness  
14 on issues and listen to people. At the end of the day  
15 we all in this Chamber are elected to represent our 19:35  
16 constituents and when I come in here and when I make  
17 statements and when I disagree with officials and when  
18 I make cases, I'm making it on behalf of people who I  
19 represent and that's what I'm here for. The Executive  
20 are here for their own job, but there has to be 19:35  
21 fairness. And this thing is not fair by any stretch of  
22 imagination and we can hide behind this meeting and we  
23 can hide behind this and we can throw out 179, but at  
24 the end of the day it, as far as I'd be concerned, and  
25 I don't profess to be a legal expert but I understand a 19:35  
26 certain amount of things, due process and fairness was  
27 not done, as far as I'm concerned and that should be  
28 acceptable, in my opinion, to anybody in this Chamber.  
29 And the fairness way out of it is, I think the

1 resolution that Cllr. Thornhill put forward and also  
2 Cllr. O'Connor put forward a second one, I think that's  
3 a very reasonable approach and I think it should be  
4 agreed by the Members to go and get that advice and  
5 make a call on it. And in the process of doing that 19:36  
6 allow the residents to have a say. Because when I  
7 listened here the last day, the meeting that was to  
8 happened on the 5th and then moved to the 12th, as  
9 somebody said it mightn't have been Cllr. Fox but  
10 somebody said the meeting was coming to come up in 19:36  
11 April and all of a sudden it was on the agenda for the  
12 12th. Look it --  
13 CLLR. FOX: I didn't say that.  
14 CLLR. FORTUNE: I don't think it was you but someone  
15 said it. Let's be fair here, I just think there's 19:36  
16 gross unfairness going on here. I think that's what's  
17 going on. Gross unfairness. I'm at a loss to  
18 understand why.  
19  
20 [APPLAUSE FROM THE PUBLIC GALLERY] 19:36  
21  
22 CATHAOIRLEACH: Cllr. Shay Cullen.  
23 CLLR. SHAY CULLEN: Thanks, Chairman. Just to make a  
24 few points. First of all, I didn't want to put my mic  
25 on to speak on this issue but just I think it's 19:37  
26 important that Cllr. Thornhill would clarify his  
27 comments about Cllr. Walsh. I don't know what exactly  
28 he was insinuating.  
29



1 I suppose, first of all, we have to get back to the  
2 reason we're here today and that is "what measures the  
3 Council will take with regard to the conduct of, the  
4 Wicklow County Council meeting held on Monday, 12th  
5 March 2018" and I suppose, Chairman, that has really 19:37  
6 been, I suppose, tailored towards yourself in that you  
7 didn't conduct yourself correctly. I think that  
8 couldn't be further from the truth. I mean you got  
9 whatever advice that you needed from the top table with  
10 regards to the Section 179. You conducted the 19:37  
11 democratic process with regards to the Part 8. You  
12 gave everybody ample time to have their say. The whole  
13 agenda item took well over two hours and I think nobody  
14 could suggest that they didn't get enough time to put  
15 their points forward. As has been said earlier, some 19:38  
16 Councillors got more than two or three opportunities to  
17 put their facts forward. But I think, Chairman, I just  
18 want to make the point that, you know, you handled your  
19 position extremely well. I think that has to be put on  
20 record. You couldn't have done anymore to be fair to 19:38  
21 people. And I think that has been demonstrated by the  
22 legal opinion of Mr. Sweetman and he has given his  
23 professional opinion in how you dealt with the issue  
24 and how you conducted the meeting and I think we have  
25 to take his opinion as fact. At the end of the day 19:39  
26 that's why we're here. We're not here to discuss the  
27 Part 8. As far as I'm concerned the Part 8 is done and  
28 dusted. It's voted on. Clear majority on the day.  
29 And, you know, this is the issue about how you

1 conducted yourself and I just want to reiterate what  
2 I've said is, I think you done a super job and couldn't  
3 have done anymore and got the advice that you needed.  
4 Thank you.

5 CATHAOIRLEACH: Cllr. Walsh. 19:39

6 CLLR. WALSH: Thank you, Cathaoirleach. Just in  
7 relation to Cllr. Thornhill's comments I just want to  
8 put on the record I take exception to them. I take it  
9 he's calling into question my motives and my decision  
10 at the last meeting. If the record will show I did 19:40  
11 speak at the meeting. I outlined my position. I  
12 outlined the need for the Florentine Centre, how Bray  
13 declined over the years et cetera and the need for  
14 parking.

15 19:40  
16 I did serve as a member of An Garda Síochána for almost  
17 32 years, 18 of those as a sergeant and I can assure  
18 Cllr. Thornhill I always acted in accordance with the  
19 law.

20 19:40  
21 Cathaoirleach, the request for this meeting, as I read  
22 it, you know, it was a sleight on you as Cathaoirleach.  
23 It called into question the way you conducted the  
24 meeting. We voted here, the majority of us shall we  
25 say voted here, to elect you as Cathaoirleach last 19:40  
26 year. We had confidence in you then that you would do  
27 the job and we still have confidence in you. You have  
28 only been accommodating and in your own words, you do  
29 not close down debate. As I say, we have confidence in

1 you then and we have confidence in you now. Thank you.  
2 CATHAOIRLEACH: Cllr. O'Brien.  
3 CLLR. O'BRIEN: Cathaoirleach, I'd like to second  
4 Cllr. O'Neill's proposal that we need space to be given  
5 for this to sort this thing out. We have voted on the 19:41  
6 Part 8 and that doesn't stipulate, though, when you're  
7 going to knock the building down. So I would suggest  
8 maybe a ten-year breathing space before knocking it  
9 down to see exactly how the Florentine Centre  
10 progresses and, also, it would give the opportunity to 19:41  
11 people to put forward their ideas of alternatives, if  
12 they could be put into operation because I can't see  
13 how 45 car parking spaces is going to be the death of  
14 the Florentine Centre. It couldn't be. Okay, we voted  
15 but that doesn't mean -- I would love a stay. I would 19:41  
16 say ten years but maybe Cllr. O'Neill would have  
17 something else to say. But I do think that breathing  
18 space is needed. I mean there is no proof whatsoever  
19 what benefit knocking down the house and what the 45  
20 car parking spaces is actually going to do for the 19:41  
21 Florentine Centre. None whatsoever. I haven't seen  
22 any documents putting forward saying what the great  
23 benefit would be and how you would make it so I'm  
24 seconding Cllr. O'Neill's proposal.  
25  
26 [APPLAUSE FROM THE PUBLIC GALLERY.] 19:42  
27  
28 CATHAOIRLEACH: Cllr. O'Neill, could you put your  
29 proposal in writing. Cllr. Cullen.

1           CLLR. TOMMY CULLEN: Chairman, yeah. I don't want to  
2 see this Council being accused of being architectural  
3 heritage Bulgarians and I don't want to see --  
4 I actually went and looked at this house there the last  
5 day and the architectural heritage of this house is 19:42  
6 quite unique. It's around the name sake of your own,  
7 the Edwardian time, that was a very narrow time of  
8 architectural development. It started from somewhere  
9 around 1903 to 1914. So there was very few houses like  
10 that house actually in Ireland. This is a pristine 19:42  
11 example of that very unique and very small amount of  
12 Edwardian heritage. It's very difficult to find, this  
13 house was done, as I understand, by an Edwardian  
14 architect of high renowned. I just think that a --  
15 it's something perhaps, it's something, I wouldn't look 19:43  
16 -- is it possible that this meeting could be adjourned  
17 to give the Chief Executive and Mr. O'Brien and  
18 yourself, Chairman, an opportunity to look to see can  
19 there be an alternative arrived at in Bray? And come  
20 back to us with their decision because simply because 19:43  
21 Part 8 is approved doesn't mean we have to press the  
22 button. But I just think that, I know -- I don't think  
23 there's actually anyone in this room wants to see that  
24 building demolished. I think it's a pristine example  
25 of very unique Edwardian heritage and architecture. I 19:44  
26 think we just should pause, just press the pause button  
27 for a month even and see can an alternative space be  
28 rented for a couple of years by the Council. For  
29 instance, where the Bray Wanderers' ground, there's 230

1 car parking spaces there, could the Council lease 40 of  
2 those? It's only a couple of hundred yards from the  
3 Florentine Centre. There has to be some alternative  
4 because I tell you the big thing is going to be when  
5 the bulldozer goes in and starts taking the roof off 19:44  
6 that building and they'll say what was the Wicklow  
7 County Council doing? I actually think that everything  
8 should be pulled back and that we should look to see  
9 can we press the pause button and adjourn this meeting  
10 to see can the Chief Executive and Mr. O'Brien and 19:44  
11 yourself, Chairman, go and see can we look for an  
12 alternative because I don't think any Councillor wants  
13 to demolish this house. I really don't think anyone  
14 wants to do this. It's a unique part of the heritage.  
15 I think it was only 13 years of that architectural 19:45  
16 development in all of Ireland and Bray is fortunate to  
17 have a pristine example of that Edwardian architecture.  
18 It wouldn't be touched anywhere else. I really think  
19 that the Chief Executive Officer and Mr. O'Brien and  
20 yourself, all intelligent, capable people, should go 19:45  
21 and not just simply we're going to push this through,  
22 that we should look, press the pause button for a  
23 fortnight or three weeks and come back and see can  
24 there be some alternative got in the meantime. I think  
25 that's what we should I think be looking at, not 19:45  
26 postpone the decision for a year or two years or five  
27 years, but just for a couple of weeks to see can we  
28 look for something to protect and save that house  
29 because I don't think anyone wants to be accused of

1 becoming an architectural vandal of Wicklow's unique  
2 heritage and particularly that Edwardian house which is  
3 outstanding. It's our heritage and it's everyone's  
4 heritage and I think we're all capable and grown up  
5 adults that we could work out some solution. That 19:46  
6 house, I have no problem with the Council buying the  
7 house. I have no problem whatsoever. I think it is  
8 important that the Council buy houses, but to buy a  
9 house just to demolish it, I don't think -- and such a  
10 unique house. Chairman, I would ask you to take the 19:46  
11 lead on this, of trying to save St. Paul's because it's  
12 not beyond saving because the Council's not going to  
13 lose any money by saving the house. The house is still  
14 going to be there and the capital asset will still be  
15 there for the Council so we're not going to lose any 19:46  
16 money. But I would ask the Chief Executive Officer to  
17 see could we hit the pause button on this meeting  
18 tonight and come back to us in a fortnight or three  
19 weeks and get your brains together and see can we come  
20 up with some form of a solution without rushing along 19:46  
21 with it because I think it would be dramatic to see the  
22 bulldozers going in on that house, Chairman. Maybe you  
23 might consider that.

24  
25 [APPLAUSE AND CHEERS FROM THE PUBLIC GALLERY] 19:47  
26

27 CATHAOIRLEACH: Just in relation to that, I'll just  
28 bring Lorraine in to see what's possible and what's not  
29 possible.

1 MS. GALLAGHER: Just in relation to what Cllr. Cullen  
2 has suggested and it probably pertains to  
3 Cllr. O'Neill's proposal and Cllr. O'Brien's which is  
4 that the Part 8 decision on 12th March should not  
5 proceed and the Bray Municipal engage with the Action 19:47  
6 Group regarding the legal advice and there should be at  
7 least a 12-month breathing space. I will just read out  
8 paragraph 15, motions to amend or revoke resolutions.  
9 CLLR. TOMMY CULLEN: I'm not proposing to amend or  
10 revoke. 19:47  
11 MS. GALLAGHER: Yeah, but the Members passed a  
12 resolution at the meeting on 12th March.  
13  
14 "A motion to revoke or amend a resolution can only be  
15 made on notice inserted in the agenda, and such notice 19:47  
16 shall specify the resolution to be revoked or amended  
17 and furnish the terms of the motion to be made; but no  
18 such motion should be allowed to appear on the agenda  
19 to revoke or amend any resolution of the Council within  
20 six months from the date of the adoption of such 19:48  
21 resolution, except with the written consent of not less  
22 than 16 Members of the Council. A resolution may not  
23 be revoked after the meeting at which it has been  
24 adopted. It shall be necessary for adoption of the  
25 motion to revoke or amend a resolution of the Council, 19:48  
26 that not less than 16 Members and not less than half of  
27 the total number of the Members of the Council vote in  
28 favour and subject to any statutory requirements."  
29 CATHAOIRLEACH: Cllr. Blake.

1 CLLR. BLAKE: Thanks, Cathaoirleach. Thanks for the  
2 meeting here this evening as well. I read a lot of  
3 stuff, a lot of documentation we got in regard to the  
4 Part 8 from the officials of the Council here and as  
5 Pat Fitzgerald has said there there was a lot of  
6 comments made there with regards to the development. I  
7 read them all and equally so I read all the e-mails  
8 we've been getting over the last few weeks. I got a  
9 lot of information. I read them all.

19:48

10  
11 I think this evening here, what's before us here this  
12 evening is actually a resolution as regards the conduct  
13 of yourself as Chairman at that meeting of the 12th.  
14 It's very clear, what I have heard anyway, everybody  
15 has said you conducted yourself in a proper manner.  
16 You certainly gave everybody a great opportunity to  
17 speak on the occasion and gave some people six or seven  
18 opportunities. The meeting went on for two hours.  
19 We're here this evening for almost two hours so  
20 certainly you have conducted yourself in a very, very  
21 proper manner in giving everybody an opportunity to  
22 speak hear in regards to it. I would support  
23 Cllr. Fox's resolution that we support the fact that  
24 you did conduct the meeting of 12th March in a proper  
25 manner. Thanks, Chairman.

19:49

19:49

19:49

19:49

26 CATHAOIRLEACH: Cllr. Whitmore.

27 CLLR. WHITMORE: Thanks very much, Chair. I would also  
28 like to make that point. I don't think anyone here  
29 would question, I wasn't at the meeting but I have gone



1 through the transcript in great detail and you did  
2 provide everyone with an opportunity to have their say.  
3 I do think there is confusion about what Councillors  
4 can and cannot do when a matter of Section 179 comes up  
5 on the agenda and I do think that this not only relates 19:50  
6 to the last meeting but it relates to all Part 8s going  
7 forward and I do think we're going to have some clarity  
8 on that. If we go by those rules that means that any  
9 Section 179 that comes before us that we cannot amend  
10 or we cannot provide any alternative motions, we cannot 19:50  
11 defer it. We cannot do anything other than agree to  
12 it, or agree to not go ahead with it or to amend the  
13 actual proposal. So we can't every seek legal advice  
14 on it, we can't defer the decision. I think that is  
15 something that we're going to have seek clarity on 19:50  
16 because if that is the case, us as a Council body will  
17 not have an opportunity to discuss and have a back and  
18 forward discussion and debate on any Part 8s or  
19 Section 179s and I think that's really important that  
20 we do need clarity on that. I do think, as 19:51  
21 Cllr. Cullen was saying that actually in this instance,  
22 that the motion put forward by Cllr. Thornhill was put  
23 forward prior to the sort of formal Section 179  
24 discussions and my reading is that that should have  
25 been heard. However, perhaps that's not the case and I 19:51  
26 do think that we need legal clarity on it.

27  
28  
29

I would also agree with Cllr. Cullen, I think we need  
to -- if we step back and just from the debate of today

1 and the previous weeks. The objective of the Council  
2 is, you know, there's many aspects to it. I think the  
3 primary one is that it wants to provide parking space  
4 to facilitate development and approve the retail  
5 offering of Bray and to encourage economic growth in 19:52  
6 the town. That's really valuable and it's vital that  
7 it happens. But perhaps there are alternative ways to  
8 do that other than (inaudible) this house, which is,  
9 it's a gorgeous example of a house that's in a prime  
10 area and rather than knocking it there actually may be 19:52  
11 other ways and other things that house could be used  
12 for that would actually add a huge amount of value to  
13 the Town of Bray and to the retail offering of Bray.

14  
15 I think we're going to have start getting a lot more 19:52  
16 innovative in how we deal with our retail areas and how  
17 we drive economic growth in our towns and I have spoken  
18 to the Chief Executive about this, and I've spoken to  
19 the Bray Chamber about it as well. I think there are  
20 options for that house that would be really valuable 19:52  
21 assets for the Town of Bray such as having a co-working  
22 space there, having a click and collect facility there  
23 or something like a crèche where people can drop their  
24 children in and then go shopping for an hour or two,  
25 the way they do in Dundrum. I think that's actually 19:53  
26 what we should be looking at for that house. I think  
27 there are other areas that are less valuable, where  
28 there are potential for car parking spaces but actually  
29 that house has huge value in its own right and, you

1 know, from talking from the Chamber they were keen on  
2 looking at exploring new ideas for it, and regardless  
3 of what happens with this debate I'll be doing that. I  
4 do think we need to step back and look at exactly what  
5 the objectives are because we're really caught up in 19:53  
6 this now and whether or not going ahead and knocking  
7 this building is what's best for the town.

8  
9 [APPLAUSE FROM THE PUBLIC GALLERY]

10  
11 CATHAOIRLEACH: Cllr. Thornhill. Brendan, this is your 19:53  
12 fifth time in and I'm letting you in to be fair to you,  
13 as I was the last day. Just to say to the Members, can  
14 we try and focus our minds a little bit? And let's  
15 come to some kind of vote, some kind of conclusion. 19:54  
16 Cllr. Thornhill.

17 CLLR. THORNHILL: Okay. Yes. I know it's something  
18 that people are making remarks about coming in but some  
19 people have been speaking and they can speak for hours,  
20 I might come in and only just make a few points. I 19:54  
21 would just like to clarify something in relation to  
22 Cllr. Cullen and his remark and what I said when I  
23 mentioned Cllr. Walsh and it was in this way that I  
24 meant it was, we are the only Council in Ireland that  
25 has two ex-gardaí as elected Councillors. And the 19:54  
26 point I was only making, just that we are the two  
27 people that probably would have been brought up and I  
28 mentioned the question about process, I mentioned if  
29 you go into court, nothing else, I wasn't casting

1 anything on Cllr. Walsh's character or anything, just  
2 the fact was that we should really appreciate that  
3 process should be followed. That's the reason why I  
4 keep going back, that we should be going for  
5 independent legal advice. Go raibh maith agat,  
6 Cathaoirleach. 19:55

7  
8 [APPLAUSE FROM THE PUBLIC GALLERY]

9  
10 CATHAOIRLEACH: Cllr. O'Brien. 19:55

11 CLLR. O'BRIEN: Cllr. Vance mentioned earlier that the  
12 Florentine Centre would begin in June and my question  
13 is if that's the case if it is beginning in June then  
14 somebody somewhere must know when is it intended to  
15 knock down St. Paul's? That's the first question. The 19:55  
16 second question is that Cllr. O'Neill suggested there,  
17 we're not suggesting revoking anything. We're  
18 suggesting the Part 8 has been passed but what we're  
19 saying that doesn't stipulate the time when you have to  
20 knock down the building. We're saying that a stay be 19:55  
21 put on that for I think it was 12 months to sort the  
22 thing out probably because I think in fairness to the  
23 residents that's what they're asking, they're asking  
24 for breathing space. That's what we're asking, we're  
25 not asking to revoke anything. 19:55

26  
27 [APPLAUSE FROM THE PUBLIC GALLERY.]

28  
29 CATHAOIRLEACH: We have a number of proposals here and

1 the first one of Cllr. Thornhill I already brought in  
2 the County Manager on and Lorraine and I'm not sure I'd  
3 be able to take the proposal. Could I ask maybe that  
4 Members would come up with a simple proposal looking  
5 for, you know, it seems, the spirit seems to be that 19:56  
6 you want independent legal advice in relation to the  
7 opinion offered by the Law Agent in relation to the  
8 decisions made at the meeting on 12th March. I'm not  
9 putting words in anyone's mouth but I have to get a  
10 proposal that is actually acceptable and that I can 19:56  
11 legally take. I think that's the spirit anyway of what  
12 people want to propose.

13 CLLR. TOMMY CULLEN: Chairman, could you come up with a  
14 proposal yourself?

15 CATHAOIRLEACH: You're much better at that than me. 19:56

16 CLLR. TOMMY CULLEN: Chairman, can I just say I  
17 proposed, I'm not --

18 CATHAOIRLEACH: Cllr. Whitmore is ahead of you.

19 CLLR. TOMMY CULLEN: Chairman, all I'll just say is  
20 this: I don't honestly believe that there's no 19:57  
21 official or County Councillor here tonight wants to  
22 knock that house down. I don't think none of us wants  
23 to do that. I have no problem with the house being  
24 bought but what I would suggest, for everybody's sake,  
25 is that we would adjourn this meeting tonight and that 19:57  
26 we would ask this Chief Executive Officer to come back  
27 in a couple of weeks' time, it's not going to be the  
28 end of the world, to see can we get an alternative? If  
29 we can't we can deal with it then but at least we

1 should be seen to be trying to save that house,  
2 Chairman. I think that's a reasonable proposal to see  
3 can we find an alternative. There are very brainy men  
4 here and it's not -- there's lots of alternative places  
5 -- and women of course as well. 19:57  
6 CLLR. WINTERS: One of them has the floor.  
7 Cllr. Cullen, Cllr. Whitmore has the floor and you  
8 won't let her talk.  
9 CLLR. TOMMY CULLEN: I don't think that's correct now.  
10 CLLR. WINTERS: That is. Her light's on, yours isn't. 19:58  
11 CLLR. WHITMORE: Cllr. Cullen.  
12 CLLR. TOMMY CULLEN: Chairman, I was speaking to the  
13 Chairman. I would propose --  
14 CATHAOIRLEACH: If you have a proposal put in writing  
15 and submit it to me. 19:58  
16 MS. GALLAGHER: You need to put it in writing.  
17 CLLR. WHITMORE: I have some wording. I don't know if  
18 this is correct or if it fully grasps what we're trying  
19 to do. Is that Wicklow County Council seek independent  
20 legal opinion on the ability of Elected Members to 19:58  
21 propose alternative motions other than that specified  
22 in section 179 during the consideration of agenda items  
23 relating to the same. I don't know if that gets it or  
24 not?  
25 MR. CURRAN: I think section 179 is very clear. It's 19:58  
26 actually quite straightforward: that the Members of  
27 the Local Authority - this is what happened at the last  
28 meeting - as soon as may be considered the proposed  
29 development - which in this case was the proposal of

1 the car park and the demolition of the house, et  
2 cetera, and the report of the Manager. So as soon as  
3 possible to consider that and then following  
4 consideration of the Manager's Report and the proposed  
5 development, they can recommend that the Members can 19:59  
6 vary it, decide to vary or modify development or decide  
7 not to proceed or to proceed. It's relatively  
8 straightforward.

9 CLLR. WHITMORE: But that's the thing, it says  
10 "following consideration of it". Had the consideration 19:59  
11 been complete at that point or were we still in the  
12 process of considering because I think --

13 MR. CURRAN: Two hours of debate when the vote was  
14 taken.

15 CLLR. WHITMORE: As we heard the first mention of 19:59  
16 Section 179 was an hour-and-a-half into the discussion.

17 MS. GALLAGHER: No, it was on the agenda. It was  
18 listed as an item.

19 CLLR. WHITMORE: That's the thing, is it the agenda  
20 item is 179 or is it an agenda item discussing 179? I 19:59  
21 think that's the legal thing we need to clarify because  
22 otherwise as Councillors we will never ever be able to  
23 put forward any alternative motions other referral or  
24 seek legal advice on any section 179 which to me seems  
25 to override our responsibilities and legal obligations 19:59  
26 under the Local Government Act.

27 MR. CURRAN: There's absolutely nothing at the last  
28 meeting allowing the Members not to proceed with this  
29 development. If the Members voted not to proceed.

1 Done and dusted, no issue. If members wanted to make  
2 an alternative or if Members wanted to vary or modify  
3 the development --

4 FROM THE PUBLIC GALLERY: Could we heard what the  
5 County Manager is saying please? We can't hear at the 20:00  
6 back.

7 CATHAOIRLEACH: Sorry, it's my fault. I forgot to  
8 light up his microphone.

9 MR. CURRAN: So at the last meeting the Members could  
10 have decided not to proceed with the development; they 20:00  
11 could have decided to proceed with it; they could have  
12 decided to vary the proposal as presented, that was  
13 also open, when you're dealing with a Section 179.  
14 That wasn't decided. The decision was made to proceed  
15 with the development, as proposed. That was the 20:00  
16 decision that was made.

17 CLLR. WHITMORE: They're very black and white points do  
18 you know what I mean? You know, what if the  
19 Councillors want to have a discussion on development?  
20 It just, it seems very, you know, one way or the other 20:00  
21 and I don't think that that is really the intent of the  
22 Act. Like that's my personal opinion but I think  
23 that's what we need to seek legal advice on and as a  
24 Councillor I would like clarity on. Whenever we have a  
25 Section 179 on the agenda, well what can my input be on 20:01  
26 it? If that was the case why was Cllr. Thornhill's  
27 motion, why did you request that a seconder be found  
28 and that it would be written down and handed up because  
29 it was never ever going to be eligible under Section



1 179 of the Act?

2 CATHAOIRLEACH: We had to see it in writing before we  
3 could make a decision.

4 MS. GALLAGHER: Standing Orders sets that out. It  
5 does. 20:01

6 CLLR. WHITMORE: That's my two cents on it.

7 CATHAOIRLEACH: Cllr. Vance.

8 CLLR. VANCE: Chairman, could I just be clear on this.  
9 The Part 8 is completed and has been voted on and what  
10 we have before us today is the reasons why a Special 20:01  
11 Meeting was called. Most people, a lot of people here  
12 have actually talked about the Part 8, not exactly what  
13 this meeting was called for. This meeting -- it's down  
14 very clearly what this meeting is called for. It's not  
15 about revisiting the Part 8 again. That's finished. 20:02

16 That was -- the vote was on that. That's the  
17 democratic decision. The reason we're here today,  
18 according to what we have here and what was written  
19 down when it was requisitioned at Special Meeting is in  
20 regard to the conduct at the meeting and there's a 20:02  
21 proposal from Cllr. Fox there, and it's very clear in  
22 regard to it and I seconded it and I'm asking you to  
23 take it. You know, I think it's reasonable and it's  
24 very clear and I think if you read it out and we have a  
25 vote on it. If there's a vote on that and it's passed, 20:02  
26 fine, that's it finished with. If it doesn't then,  
27 that's it that we have to do something else in regard  
28 to it. But this is not a vote on the Part 8. The  
29 Part 8 is finished and has been voted on. This is

1 about the procedure that was adopted at the particular  
2 meeting, not a Part 8.

3 CLLR. O'NEILL: Cathaoirleach, again --

4 CATHAOIRLEACH: There's someone ahead of you.

5 Cllr. Kavanagh.

20:03

6 CLLR. KAVANAGH: Thanks, Cathaoirleach. Obviously  
7 we're not going to revisit the Part 8 here at this  
8 meeting but this meeting has arisen out of the Part 8.  
9 So it's disingenuous to say that they're not related.  
10 They very much are.

20:03

11  
12 Cllr. Cullen has pointed out that the Section 179 was  
13 not actually live at the time that Cllr. Thornhill made  
14 his proposal or his motion which wasn't voted on.  
15 That's one thing. There were also a number of other  
16 issues arising out of the Part 8 which is the reason  
17 why some people are asking for the house to -- that  
18 there's a stay on knocking down the house simply  
19 because it may be visited or revisited legally because  
20 of a number of issues that arose out of the planning  
21 process. Now, we all know that if the house is knocked  
22 then there's absolutely no point trying to close the  
23 stable door after the horse has bolted. The fact of  
24 the matter is a lot of people, including legal people,  
25 have a problem with the planning process and the timing  
26 of everything and with procedures and this is all about  
27 procedures. So I think it isn't unreasonable to at  
28 least have a vote on the length of time that will be  
29 allowed before the house is knocked or even considered

20:03

20:04

20:04

1 being knocked.

2 CATHAOIRLEACH: Cllr. O'Neill.

3 CLLR. O'NEILL: Again, I think I would like to formally  
4 put my proposal there. All I'm seeking for is a  
5 12-month stay on the demolition of the house. There's 20:05  
6 talk here about next month or the month after. So if  
7 we get the 12 months there. I understand we're not  
8 revoking the Part 8, you know, so it can go back to the  
9 Bray Municipal District, with the Action Group and  
10 whatever, maybe with the CEO here, and look at the 20:05  
11 situation over a period of only 12 months. It's just  
12 to hold the horses for those 12 months. That's all I'm  
13 asking for. I think that's a sensible proposal and I'm  
14 formally asking now, I'm asking that motion to be --  
15 I'm proposing it, it has been seconded. I'd like to 20:05  
16 put that on the floor. I don't think I'm breaking any  
17 rules or regulations by putting that simple motion  
18 there what that it's a stay of 12 months.

19

20 [APPLAUSE FROM THE PUBLIC GALLERY.] 20:05

21

22 CATHAOIRLEACH: I've one more speaker. Are you  
23 finished Gerry? Are you finished? You're not  
24 finished, are you?

25 CLLR. O'NEILL: I am. Go raibh maith agat. 20:06

26 CATHAOIRLEACH: Okay. I have one more speaker and I'll  
27 then suggest that I go through the different proposals  
28 and try and make sense of them to see what we can do.  
29 Cllr. Kennedy.

1           CLLR. KENNEDY: Thank you, Cathaoirleach. I think you  
2           have just answered what I was going to say. I think  
3           you have given everybody a fair hearing tonight. This  
4           has gone on for over two hours already. You have a  
5           number of proposals and I would propose that -- I would 20:06  
6           suggest to you that we just move on with the proposals  
7           that are put up to you and we move on with the meeting.  
8           Everybody is coming in for the sake of having something  
9           to say. I think you should just move on with the  
10          meeting and with the proposals that are put forward. 20:06

11          MS. GALLAGHER: Cathaoirleach, we have four proposals  
12          that were put forward. The first one was from  
13          Cllr. Thornhill, seconded by Cllr. Kavanagh; the second  
14          one was proposed by Cllr. Lawless, seconded by  
15          Cllr. Mary McDonald and Cllr. O'Connor; the third one 20:07  
16          proposed by Cllr. Fox and seconded by Cllr. Vance; and  
17          the fourth one was put forward by Cllr. O'Neill and  
18          seconded by Cllr. O'Brien. I will start with the  
19          fourth proposal first if that's okay to get agreement  
20          on that. 20:07

21  
22          Proposed by Cllr. O'Neill and seconded by Cllr. O'Brien  
23          that the Part 8 decision on 12th March should not  
24          proceed until the Bray Municipal District engage with  
25          the Action Group regarding independent legal advice and 20:07  
26          there should be at least 12 months breathing space.  
27          Now, having regard to Standing Orders in relation to  
28          revoking a motion I think the Members will be agreed  
29          that we can't take that motion.

1 FROM THE FLOOR: Agreed.

2 MS. GALLAGHER: I think that's agreed.

3 FROM THE FLOOR: Agreed:

4 CLLR. LAWLESS: Can you explain why you can't take it  
5 again? 20:08

6 MS. GALLAGHER: Okay. The reason is that the Part 8  
7 was passed by resolution at the last meeting and  
8 Standing Orders specifically says that a motion to  
9 revoke -- you're effectively asking to revoke that  
10 motion. 20:08

11 FROM THE FLOOR: No.

12 MS. GALLAGHER: To revoke that motion or amend the  
13 resolution and that cannot be done within a period of  
14 six months unless 16 Members, and not less than  
15 one-half of the total number of the Council vote in 20:08  
16 favour and subject to any statutory requirements.

17 FROM THE PUBLIC GALLERY: Get them to vote.

18 CLLR. SNELL: Sorry, Cathaoirleach, he's not asking to  
19 revoke that. Nowhere --

20 MS. GALLAGHER: The resolution was passed. Was passed. 20:09

21 CLLR. LAWLESS: There is nowhere in his motion to say  
22 to revoke it.

23 MS. GALLAGHER: The Part 8 should not proceed. But you  
24 did vote for it to proceed at the last meeting. If  
25 Members want to come in. 20:09

26 CATHAOIRLEACH: Cllr. O'Brien.

27 CLLR. O'BRIEN: There wasn't any timeframe put on it.  
28 I asked the question which I didn't get answered I said  
29 if it's starting in June when is it proposed to knock

1 down the house?

2 CLLR. RYAN: Nothing to do with this meeting.

3 CLLR. O'BRIEN: I think that's what the people back  
4 there would be very interested to know what's  
5 happening. They don't know what's happening. We don't 20:09  
6 know when it is going to be knocked down. We're not  
7 asking to revoke anything, we're just saying don't do  
8 it for this year. I don't think there's anything  
9 unreasonable in that, considering we've waited 20 years  
10 for the Florentine Centre in Bray. 20:09

11 FROM THE PUBLIC GALLERY: Hear, hear.

12

13 [APPLAUSE AND CHEERS FROM THE PUBLIC GALLERY]

14

15 MS. GALLAGHER: Moving on then to proposal number 2, 20:10  
16 that the Executive of Wicklow County Council seeks  
17 independent legal advice on the issue of procedures  
18 carried out at the meeting of 12th March 2018 as they  
19 relate to the issue of St. Paul's in Bray, and just  
20 part B for the sake I'm calling Cllr. Thornhill's 20:10  
21 motion, that this opinion will examine the issues of  
22 transparency, fair procedures and compliance with  
23 statutory provisions and obligations, and to include  
24 compliance with Standing Orders in relation to issues  
25 pertaining to the procedures adopted in the course of 20:10  
26 the discussion of Item 5 of the agenda of the said  
27 meeting 12th March 2018. Would you agree that they are  
28 one and the same?

29 FROM THE FLOOR: Yeah.

1 MS. GALLAGHER: They are. In fairness, I'm just trying  
2 to decipher through the motions. Would you agree so  
3 we're left with two motions? So we're left with two  
4 motions. The motion put forward by Cllr. Thornhill,  
5 seconded by Cllr. Kavanagh, I'm calling them part A and 20:11  
6 part B. That Wicklow County Council seek an  
7 independent legal opinion from a Senior Counsel with  
8 regard to the compliance of the Council, statutory  
9 requirements of the planning process in connection with  
10 the Part 8 proposal, planning reference number 20:11  
11 2017/171478 as discussed under Item 5 of the agenda at  
12 the Wicklow County Council meeting on Monday, 12th  
13 March 2018 part A. And part B, that this opinion will  
14 examine the issues of transparency, fair procedures,  
15 compliance with statutory provisions and obligations, 20:11  
16 and to include compliance with Standing Orders in  
17 relation to issues pertaining to the procedures adopted  
18 in the course of the discussion of Item 5 of the agenda  
19 of said meeting, Monday, 12th March 2018. And then the  
20 second proposal submitted by Cllr. Fox and seconded by 20:11  
21 Cllr. Vance: I propose to accept Mr. David Sweetman's  
22 legal opinion that the Chairman conducted the meeting  
23 correctly and in line with legislation and Standing  
24 Orders.

25  
26 So the proposal, the part B of the proposal in  
27 Cllr. Thornhill's proposal and seconded by  
28 Cllr. Kavanagh is the direct opposite to the proposal  
29 to accept Dave Sweetman's legal opinion that the

1 Chairman conducted the meeting in line with the  
2 legislation and Standing Orders.

3 CATHAOIRLEACH: I think part A.

4 MS. GALLAGHER: So we're left then with part A.

5 CATHAOIRLEACH: I think that's already been dealt with 20:12  
6 under Part 8. I don't think we can take part A of the  
7 proposal.

8 MS. GALLAGHER: Because the Part 8 was discussed and  
9 passed at the last meeting.

10 CLLR. WHITMORE: Can I put my proposal? 20:12

11 CLLR. BEHAN: Chairman, on a point of order. On a  
12 point of order, now. What Cllr. Thornhill is saying is  
13 that we want to get an independent legal opinion on  
14 whether the process was legally sound. That's really  
15 in simple language. So we know you're saying it was 20:13  
16 passed and I voted for it, but I said already and I'll  
17 say it again, I want to know that it was legally sound  
18 when I voted for it. So it is not fair or not correct  
19 to say that that cannot be taken. It absolutely --

20 MS. GALLAGHER: We didn't say part B couldn't be taken. 20:13  
21

22 [APPLAUSE FROM THE PUBLIC GALLERY]

23

24 CLLR. BEHAN: And in relation to the second part.  
25 Cllr. Fox is accepting the legal opinion of the Law 20:13  
26 Agent and saying he agrees with it. He's right, okay.  
27 Whereas Cllr. Thornhill is saying that a legal opinion  
28 will examine the issues. So Cllr. Thornhill is not  
29 actually preordaining anything, whereas Cllr. Fox is



1 saying he has already made up his mind.

2  
3 [APPLAUSE FROM THE PUBLIC GALLERY]

4  
5 CLLR. BEHAN: Cllr. Thornhill's actually is a fairer 20:14  
6 one because it's examine the issue. What is wrong,  
7 after two and a half hours, with us just getting an  
8 independent legal advice on this? What are we afraid  
9 of?

10 CATHAOIRLEACH: Independent legal advice on what? 20:14

11 CLLR. BEHAN: On the process, as it is there worded,  
12 Cathaoirleach. I'm saying what that really means, you  
13 tried to get down to brass tacks a few minutes ago and  
14 you said, like what are we really saying? What we're  
15 saying is, was the process legally sound? Yes or no 20:14  
16 and we want an independent legal advice on that.

17 CATHAOIRLEACH: Just to be clear, let's try and thrash  
18 this out. The process of how the Part 8 was conducted,  
19 how the meeting of 12th March was conducted?

20 FROM THE PUBLIC GALLERY: How you didn't get 20:14  
21 Cllr. Thornhill's proposal.

22 CLLR. BEHAN: What I'm saying is, the process that was  
23 undertaken on the day was dependent on the process of  
24 the Part 8 being done properly. The points that  
25 Mr. Whelan made was that there was certain legal issues 20:15  
26 he saw with how the notices were displayed, et cetera.  
27 Now they were not addressed by an independent legal  
28 opinion. We got his opinion. We got Mr. O'Brien's  
29 opinion. We never got an independent opinion. Was the

1 process, from beginning to end, legally sound?

2 CATHAOIRLEACH: Are we now in danger then, that's  
3 outside the realm of this meeting? Am I not right in  
4 saying that?

5 CLLR. BEHAN: Look, I'm trying to suggest the reason 20:15  
6 for this and put it in plain English. Like, this is  
7 probably going to end up in court anyway. Can we not  
8 just get an independent view on it before we have to  
9 traipse down to the High Court again?

10 CATHAOIRLEACH: But, are we right in taking an 20:15  
11 independent view on something in a process that has  
12 already happened and is outside the realms of this  
13 meeting? That's the question I'm asking.

14 FROM THE PUBLIC GALLERY: Yes.

15 CLLR. BEHAN: The answer to that is, yes, we are 20:16  
16 looking for advice.

17 CATHAOIRLEACH: I know what you're looking for but I'm  
18 not sure I can accept that as a proposal at this  
19 meeting. Remember the purpose of the meeting.

20 CLLR. VANCE: That's right, Chairman. 20:16

21 CATHAOIRLEACH: Cllr. Cullen.

22 CLLR. TOMMY CULLEN: Chairman, I think Cllr. Behan is  
23 right, you can't take one if you can't take the other.  
24 They both cancel each other out.

25 CLLR. FOX: They don't. My proposal is on the direct 20:16  
26 requisition of the meeting that you didn't conduct the  
27 meeting properly. That's effectively what  
28 Cllr. Thornhill is suggesting. I felt you did and  
29 Mr. Sweetman has said, in his opinion, that you carried

1 out the meeting correctly. That's what my proposal is.  
2 MS. GALLAGHER: And in line with legislation and  
3 Standing Orders.  
4 CLLR. FOX: Not on the issues of the Part 8. Okay.  
5 It's on the fact that you conducted the meeting 20:16  
6 properly. That's my proposal.  
7 CATHAOIRLEACH: That's the purpose of this meeting.  
8 CLLR. FOX: Cllr. Behan is suggesting otherwise. That  
9 I didn't do that. That I had formed my opinion on any  
10 other matters on the Part 8. I am directly proposing 20:17  
11 that we accept Mr. Sweetman's opinion on what  
12 Cllr. Thornhill has suggested.  
13 CLLR. BEHAN: Well then if that's the case they're not  
14 direct opposites then. Part B is not a direct opposite  
15 of what you're saying, which is what Ms. Gallagher 20:17  
16 said. It's not a direct opposite.  
17 CLLR. FOX: Part A is not a direct opposite. Part A  
18 affects the Part 8. This in relation to the Part 8.  
19 MS. GALLAGHER: I will just read Cllr. Fox's proposal  
20 again which says: 20:17  
21  
22 "I propose to accept Mr. David Sweetman's legal opinion  
23 that the Chairman conducted the meeting of 12th March  
24 correctly and in line with legislation and Standing  
25 Orders." 20:18  
26  
27 That's seconded by Cllr. Vance.  
28 CATHAOIRLEACH: Cllr. O'Connor. I'm trying to get to  
29 an end here.

1           CLLR. O'CONNOR: Thanks, Cathaoirleach. I think the  
2           proposal that we put forward is as simple as a proposal  
3           possibly can be. All we're asking for is independent  
4           legal advice of the procedures that were carried out by  
5           this Council and by its Executive at the last meeting. 20:18  
6           That's it. By the way I should point out that contrary  
7           to how it's been painted by some individuals in the  
8           bigger parties in this Council Chamber this evening,  
9           right, this isn't about you and your chairmanship at  
10          this whole meeting. It's nothing to do with that. 20:18  
11          It's about the procedures. And the likes of the two  
12          bigger parties in this Chamber are trying to paint this  
13          as being some sort of an attack by us on you and you're  
14          a fundamentally decent man, is absolutely appalling.

15  
16          [APPLAUSE FROM THE PUBLIC GALLERY]

17  
18          CLLR. O'CONNOR: Finally, Cathaoirleach, I would ask  
19          that our proposal, which is as simple as it could be,  
20          be voted on. 20:19

21          CATHAOIRLEACH: Cllr. O'Connor, you phrased your  
22          proposal there a minute ago. Maybe write that down  
23          because that's a little bit different to what we have  
24          here. It does sound closer to what we're looking for.  
25          Cllr. Snell. 20:19

26          CLLR. SNELL: Thanks, Cathaoirleach. I agree with a  
27          lot of what's been said. But just in regards to your  
28          own opinion and I feel I must seek that clarity from  
29          you in regards to why you feel, as Cathaoirleach, that

1 you can't take the proposals in regards to seeking that  
2 independent advice that most Members seem to be asking  
3 for. Even people who had voted in support of what was  
4 put in front of them here at the last meeting are  
5 saying that independent legal advice would be the road 20:20  
6 and should be something that we should be seeking and  
7 you seem to be indicating there from the Chair that you  
8 don't think you can take that, you don't think that you  
9 can take that vote or you feel that you might be on  
10 unsound footing by seeking independent legal advice. 20:20  
11 This could have been thrashed out in the first 15  
12 minutes of this meeting.

13 CATHAOIRLEACH: You know I'm open to taking any  
14 proposals and I have never deliberately blocked any  
15 proposals. The only way -- I base my decision on 20:20  
16 what's right and correct and what's proper. Now this  
17 meeting is about the decision that was made here not to  
18 take Cllr. Thornhill's proposal on 12th March. It's  
19 not about the process in relation to the Part 8.  
20 That's not what this meeting is about. Therefore, if 20:21  
21 we're bringing up looking for independent legal advice  
22 in relation to something outside this meeting I don't  
23 believe I can take that.

24 CLLR. SNELL: So you're not against seeking independent  
25 legal advice? 20:21

26 CATHAOIRLEACH: I'm not against a proposal to seek  
27 independent legal advice that pertains to the purpose  
28 of this meeting. In other words, independent legal  
29 advice. We will see O'Connor's submission in a second

1 but it deals with the issue around whether a decision  
2 on 12th March not to allow Cllr. Thornhill's proposal  
3 was correct or not. That's -- the legal advice should  
4 be, it appears to me, should be limited to that.

5 CLLR. SNELL: Can I just follow that up on Part 2 of my 20:21  
6 question which would be in regards to proposal 4 put  
7 forward by Cllr. O'Neill and Cllr. Oliver O'Brien to  
8 have a 12-month stay. Again, it seems to have been  
9 ruled out from the top table in regards to, I don't  
10 believe that they were trying to infringe on the 20:22  
11 Part 8. It wasn't trying to change the democratic vote  
12 but they were clearly just asking for 12-month respite.  
13 Could I have perhaps, for the next Protocol meeting,  
14 where the assumption that that couldn't be taken or the  
15 legal advice from the Law Agent or otherwise that that 20:22  
16 is in contrary to moving or effecting the Part 8 --  
17 CATHAOIRLEACH: will retry and answer it now.

18  
19 [APPLAUSE FROM THE PUBLIC GALLERY]

20 20:22  
21 MS. GALLAGHER: I'll just read Cllr. O'Brien's and  
22 Cllr. O'Neill's proposal again. The first line says:  
23 "The Part 8 decision of 12th March should not proceed  
24 until the Bray Municipal District engage with the  
25 Action Group regarding independent legal advice and 20:23  
26 there should be 12-month breathing space."

27  
28 I would reiterate again that the resolution was passed.  
29 I will refer again to Standing Order which says that:

1 "In relation to resolutions, motions to amend or revoke  
2 resolutions" and basically, again, "it shall be  
3 necessary for adoption for a motion to revoke or amend  
4 a resolution of the Council by not less than 16 Members  
5 and not less than one-half of the total number of  
6 Council members to vote in favour and subject to any  
7 statutory requirements."

20:23

8  
9 And it also says that:

10  
11 "No such motion should be allowed to appear on the  
12 agenda to revoke or amend any resolution of the Council  
13 within 6 months of the date of the adoption of such  
14 resolution, except with the written consent of not less  
15 than 16 Members of the Council a resolution may not be  
16 revoked after the meeting at which it has been adopted  
17 followed by part (inaudible).

20:23

20:23

18 CATHAOIRLEACH: Do you have Cllr. O'Connor's revised  
19 proposal? Just read it out.

20 MS. GALLAGHER: So this is from Cllr. O'Connor that  
21 this Council seeks independent legal advice to consider  
22 the procedure of the meeting of 12th March 2018  
23 proposed by Cllr. O'Connor, seconded by Cllr. Lawless  
24 and Cllr. McDonald.

20:24

20:24

25  
26 Cllr. Fox has a proposal to accept that the Chairman  
27 conducted the meeting correctly.

28 CATHAOIRLEACH: It appears to me that I can accept  
29 Cllr. O'Brien's proposal. It appears to me I can.

1 CLLR. LAWLESS: Thank you, Cathaoirleach.

2 CATHAOIRLEACH: Cllr. Whitmore.

3 MS. GALLAGHER: Cllr. Whitmore has proposed that  
4 Wicklow County Council seek independent legal advice on  
5 the ability of Elected Members to propose alternative 20:25  
6 motions other than that specified in Section 179 during  
7 consideration of the agenda items relating to same.  
8 That's more general. Have you a seconder for that?

9 CLLR. WHITMORE: No. I need one.

10 CLLR. TOMMY CULLEN: I'll second it, Chair. 20:25

11 CATHAOIRLEACH: I'm not sure I can take that. Can you  
12 read it again read again.

13 MS. GALLAGHER: That Wicklow County Council seek  
14 independent legal advice on the ability of Elected  
15 Members to propose alternative motions other than 20:25  
16 specified in Section 179 during the consideration of  
17 agenda items relating to same.

18 CLLR. WHITMORE: On the date of 12th March and then  
19 it's relating to the meeting.

20 MS. GALLAGHER: Is that the same then as 20:25  
21 Cllr. O'Connor's motion.

22 CLLR. WHITMORE: It's more specific.

23 MR. CURRAN: I think that's a separate issue than the  
24 business of the meeting. The business of the meeting  
25 is the conduct of the Chair, et cetera, as is set out. 20:26  
26 This is different.

27 CATHAOIRLEACH: It's deviating a bit from it.

28 CLLR. WINTERS: Chairman. Thanks, Cathaoirleach.

29 Because we are so confined by the subject of tonight's



1 meeting, surely it would be possible at our next  
2 meeting in April to bring forward any motions or have  
3 put on the agenda the consideration of say what  
4 Jennifer Whitmore is talking about.

5 CATHAOIRLEACH: That thought crossed my mind. 20:26

6 CLLR. WINTERS: So that we can just vote on what we can  
7 vote on this evening and the rest we can actually put  
8 on the agenda in April. Other than that we're going to  
9 do something that we're not allowed to do and it will  
10 be pointless. 20:27

11 CATHAOIRLEACH: Thanks for that help, Cllr. Winters.  
12 I'm going to go to a vote now.

13 CLLR. WHITMORE: Can I just ask --

14 CATHAOIRLEACH: There's two people ahead of you,  
15 Jennifer. Guys, can I just say to you maybe one minute 20:27  
16 Oliver and John you haven't spoken.

17 CLLR. VANCE: How many times have people to get in.

18 CATHAOIRLEACH: John Ryan has spoken.

19 CLLR. RYAN: I just want to say if you take Cllr. Fox's  
20 proposal and it fails, well then you can go on to 20:27  
21 discuss, you know.

22 CLLR. LAWLESS: Our proposal is in first.

23 CATHAOIRLEACH: The way I'm thinking now is I'll take  
24 both of them because they're not diametrically  
25 opposite. 20:27

26 CLLR. RYAN: If you take Cllr. Fox's first.

27 CLLR. LAWLESS: Our proposal was in first. No way. No  
28 way.

29 MS. GALLAGHER: I will leave that to the Elected

1 Members.

2 CATHAOIRLEACH: I'm not going to argue with you. You  
3 put in a proposal and then Cllr. Fox put in a proposal  
4 and then you changed yours. If you want to take it  
5 first we can. 20:28

6 CLLR. LAWLESS: We'll go first.

7 CLLR. BEHAN: Just on a point of order. I do not  
8 accept your ruling that Cllr. Thornhill's proposal  
9 cannot be put to this meeting and I would like to put  
10 it on record that I am objecting to you not taking that 20:28  
11 proposal.

12 FROM THE PUBLIC GALLERY: Hear, hear.

13

14 [APPLAUSE AND CHEERS FROM THE PUBLIC GALLERY]

15 20:28

16 CLLR. BEHAN: What the Chief Executive has said, I  
17 don't know if everybody heard, but what he said was  
18 this is really about how the Chairman conducted the  
19 meeting on the day and nothing else. The point of  
20 Cllr. Thornhill was we want to look at the validity of 20:28  
21 everything that happened in the process. We're not  
22 being allowed a vote on that.

23 CATHAOIRLEACH: And I have already answered that.

24 CLLR. BEHAN: And you've explained. I'm just putting  
25 on record that I'm objecting to it. 20:28

26 CLLR. O'BRIEN: I'm coming back in again because the  
27 question I asked wasn't answered. The question I  
28 asked, obviously we know when the Florentine is  
29 proceeding. We also know when St. Paul's is going to

1 be knocked down and I'm asking when is it going to be  
2 knocked down? Put a timeframe on it. We could wake up  
3 in the morning and that could be knocked down. That's  
4 the problem.

5 CLLR. RYAN: That's nothing to do with this meeting. 20:29

6 CATHAOIRLEACH: I'm going to go for a vote.

7 CLLR. O'BRIEN: The question hasn't been answered.

8 CLLR. WHITMORE: Can we suspend Standing Orders to  
9 address something outside of the remit?

10 CATHAOIRLEACH: No, not at this meeting. Members, I'm 20:29  
11 going to -- it's 8:30, I'm going to deal with the two  
12 proposals. The first one by Cllr. O'Connor and then  
13 there's going to be a second proposal by Cllr. Fox.

14 MS. GALLAGHER: Proposed that this Council seeks  
15 independent legal advice to consider the procedures of 20:29  
16 the meeting of 12th March 2018. [VOTE TAKEN] That's  
17 13 for; 16 against; and 3 not present.

18 CATHAOIRLEACH: Proposal by Cllr. Fox, seconded by  
19 Cllr. Vance.

20 MS. GALLAGHER: "I propose to accept Mr. David 20:31  
21 Sweetman's legal opinion that the Chairman conducted  
22 the meeting of March 12th correctly and in line with  
23 legislation and Standing Orders" proposed by Cllr. Fox  
24 and seconded by Cllr. Fox. [VOTE TAKEN] That's 17  
25 for; 11 against; and 4 not present. 20:33

26 CATHAOIRLEACH: Cllr. Fortune.

27 CLLR. FORTUNE: It won't take long. Just a question I  
28 meant to ask you when I was talking earlier, I'm just  
29 curious why there was a security on the door tonight

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and guards? what was the rationale from the --  
FROM THE PUBLIC GALLERY: The citizens are here.  
That's one reason. And believe in democracy but it  
doesn't happen here. All them parties gang up and do  
what they like. No democracy here.

20:34

CATHAOIRLEACH: The meeting is now finished. Thanks  
everyone.

THE MEETING WAS THEN CONCLUDED

	79:15, 83:17 <b>16:10</b> [3] - 15:6, 20:26, 26:19 <b>16:16</b> [1] - 26:25 <b>17</b> [1] - 83:24 <b>179</b> [42] - 5:20, 6:22, 6:28, 7:13, 7:19, 8:7, 8:14, 9:7, 17:15, 18:11, 18:17, 20:4, 20:11, 20:22, 22:2, 23:23, 35:7, 35:13, 35:16, 35:23, 37:17, 37:22, 45:11, 47:23, 49:10, 57:4, 57:9, 57:23, 62:22, 62:25, 63:16, 63:20, 63:24, 64:13, 64:25, 65:1, 66:12, 80:6, 80:16 <b>179(4)(b)</b> [3] - 6:5, 15:1, 19:14 <b>179s</b> [1] - 57:19 <b>18</b> [2] - 35:11, 50:17 <b>1903</b> [1] - 52:9 <b>1914</b> [1] - 52:9 <b>1916</b> [2] - 25:12, 26:29	<b>3</b>	66:16, 67:8, 68:23, 69:6, 69:23, 71:10, 72:6, 72:8, 73:18, 73:24, 75:4, 75:10, 75:18, 77:19, 78:11, 78:16, 78:23 <b>8:30</b> [1] - 83:11 <b>8s</b> [2] - 57:6, 57:18	65:18 <b>account</b> [1] - 46:28 <b>accusation</b> [1] - 23:20 <b>accused</b> [2] - 52:2, 53:29 <b>act</b> [1] - 19:6 <b>Act</b> [20] - 5:21, 6:5, 6:23, 6:29, 7:10, 7:12, 7:13, 8:9, 8:14, 9:8, 15:1, 15:28, 18:28, 19:5, 19:15, 20:4, 20:12, 63:26, 64:22, 65:1 <b>acted</b> [3] - 8:17, 34:26, 50:18 <b>Action</b> [5] - 39:25, 55:5, 67:9, 68:25, 78:25 <b>activated</b> [2] - 35:8 <b>active</b> [2] - 35:13, 37:17 <b>actual</b> [6] - 6:24, 20:7, 37:29, 40:14, 46:13, 57:13 <b>add</b> [3] - 14:4, 15:10, 58:12 <b>address</b> [2] - 47:7, 83:9 <b>addressed</b> [2] - 11:11, 73:27 <b>adequate</b> [1] - 36:21 <b>adjourn</b> [5] - 6:1, 10:3, 10:11, 53:9, 61:25 <b>adjourned</b> [3] - 4:27, 22:19, 52:16 <b>ADJOURNED</b> [1] - 11:4 <b>adjournment</b> [2] - 6:19, 20:1 <b>adjudicate</b> [1] - 46:27 <b>Administrator</b> [3] - 5:19, 9:24, 9:26 <b>adopted</b> [8] - 13:27, 15:17, 15:25, 55:24, 66:1, 70:25, 71:17, 79:16 <b>adoption</b> [4] - 55:20, 55:24,	79:3, 79:13 <b>adults</b> [1] - 54:5 <b>adverted</b> [1] - 5:19 <b>advertised</b> [1] - 8:2 <b>advice</b> [79] - 4:1, 4:2, 4:3, 4:7, 4:28, 6:2, 12:18, 12:22, 14:5, 14:6, 14:8, 17:3, 17:10, 17:14, 18:13, 20:16, 20:18, 21:20, 22:13, 22:20, 22:22, 22:26, 27:20, 27:25, 27:28, 28:5, 28:13, 28:17, 28:19, 28:22, 29:25, 30:2, 30:4, 32:12, 33:4, 36:11, 37:6, 37:8, 41:29, 42:9, 42:10, 42:13, 42:14, 42:18, 43:29, 44:23, 45:17, 48:4, 49:9, 50:3, 55:6, 57:13, 60:5, 61:6, 63:24, 64:23, 68:25, 70:17, 73:8, 73:10, 73:16, 74:16, 76:4, 77:2, 77:5, 77:10, 77:21, 77:25, 77:27, 77:29, 78:3, 78:15, 78:25, 79:21, 80:4, 80:14, 83:15 <b>advised</b> [5] - 3:28, 5:16, 8:23, 45:4, 45:17 <b>advisements</b> [2] - 34:29, 35:1 <b>affects</b> [1] - 75:18 <b>afraid</b> [4] - 29:23, 43:29, 44:20, 73:8 <b>agat</b> [9] - 14:11, 22:5, 23:14, 27:6, 40:4, 42:27, 44:1, 60:5, 67:25 <b>agencies</b> [1] - 28:29 <b>agenda</b> [29] - 3:3, 4:23, 10:8, 11:15, 11:19, 13:19, 13:28,
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