

**MINUTES OF SPECIAL MEETING OF WICKLOW COUNTY COUNCIL HELD IN  
THE COUNCIL CHAMBER, COUNTY BUILDINGS, WICKLOW ON MONDAY 25TH  
SEPTEMBER 2017, COMMENCING 2.00 P.M.**

**PRESENT:**

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

**IN ATTENDANCE:**

**MR. F. CURRAN, CHIEF EXECUTIVE  
MR. B. GLEESON, HEAD OF FINANCE  
MR. M. GEANEY, DIRECTOR OF SERVICES  
MR. J. LANE, DIRECTOR OF SERVICES  
MR. T. MURPHY, DIRECTOR OF SERVICES  
MR. D. O'BRIEN, DIRECTOR OF SERVICES  
MR. L. FITZPATRICK, HEAD OF IT  
MS. D. CROMIE, FINANCIAL MANAGEMENT ACCOUNTANT  
MS. B. MCCARTHY, FINANCIAL MANAGEMENT ACCOUNTANT  
MS. L. GALLAGHER, SENIOR EXECUTIVE OFFICER/MEETINGS ADMINISTRATOR  
MS. B. KILKENNY, SENIOR ENGINEER  
MR. D. KEYES, ADMINISTRATIVE OFFICER  
MS. A. MINION, ADMINISTRATIVE OFFICER  
MR. T. HUGHES, IT SUPPORT**

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**VOTES OF SYMPATHY**

Elected members extended a vote of sympathy on the recent passing of Mr. John Cleary. A minutes silence was observed for the deceased.

**SUSPENSION OF STANDING ORDERS**

The Cathaoirleach advised that there were 3 requests for the suspension of standing orders raised at the last meeting which he intended to make time for at the end of the meeting and that there were 2 additional requests for suspension of standing orders.

1. Cllr. J. Behan requested a suspension of standing orders to request the Council to consider inviting SWAP, a body concerned with possible future flooding in Little Bray to address the Council. This was seconded by Cllr. B. Thornhill and agreed.
2. Cllr. T. Cullen requested a suspension of standing orders to discuss the provision of housing on Council owned land in Burgage, Blessington. This was seconded by Cllr. J. Behan. Following a brief discussion on the matter it was agreed that this matter would be listed on the agenda for the meeting of the 2<sup>nd</sup> of October next and that the elected members be provided with a report on the matter.

It was agreed to deal with suspension of standing orders at 4.30 p.m.

### **Welcome to Chief Executive, Mr. Frank Curran**

The Cathaoirleach welcomed Mr. Frank Curran, recently appointed Chief Executive of Wicklow County Council to County Wicklow wishing him every success in his tenure as Chief Executive.

The Chief Executive thanked the elected members for approving his appointment, that he had spoken personally with nearly all of the elected members at this stage and that he intended to meet with the remaining members over the coming months to discuss the various issues affecting County Wicklow. He said that he looked forward to working with the elected members, staff, the business groups and communities to make move forward projects for County Wicklow and that his door would be always open to the members. He referred to the priorities he would be focusing on over the next couple of years, namely housing, job creation, tourism and the provision of essential infrastructure.

The elected members joined together in collectively welcoming Mr. Curran to Wicklow County Council and that they looked forward to working on the priorities for County Wicklow over the coming years. The members also welcomed Mr. Brian Gleeson recently appointed Head of Finance.

### **ITEM NO. 1**

**To consider the variation of the basic rate of Local Property Tax and the setting of the Local Adjustment Factor in accordance with the Finance (Local Property Tax) Act 2012 (as amended) to apply for the period of one year from the next local property tax liability date 1<sup>st</sup> November 2017**

Elected members were circulated with '*Report to Members on the matters to which Wicklow County Council shall have regard in relation to the setting of the Local Adjustment Factor*' from the Chief Executive, Mr. Frank Curran dated the 20<sup>th</sup> of September, 2017 and Circular Fin 05/2017 dated the 21<sup>st</sup> July, 2017 Re: '*Provisional Local Property Tax Allocation, 2018 – Wicklow County Council*'.

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Mr. B. Gleeson, Head of Finance gave a presentation on LPT and the setting of the Local Adjustment Factor under the following areas:-

## **WICKLOW COUNTY COUNCIL - LOCAL PROPERTY TAX 2018**

**Council Chamber**

**25<sup>th</sup> September 2017**

### **Summary**

- Budgetary Process for Local Authorities
- 2018 Local Property Tax Calculation
- 2018 Estimated Income and Expenditure
- 2018 Additional Requirements
- Financial Effect on an individual
- Financial Impact on the Local Authority
- LPT Recommendation

### **2018 Budget Process**

- Local Property Tax rate variation under section 20 of the Finance Act 2012

- Municipal District Budgetary Plan - General Municipal Allocation (GMA)
  - Allocation of discretionary funding made available to municipal districts each year
- Draft & Adopt Statutory Annual Budget
- Commercial Rates
  - Determination of Base Year Adjustment
  - Rates Relief on vacant premises
- Schedule of Municipal District Works
  - Proposed level of works the budget provisions will deliver in each District

### Local Property Tax

- The Local Authority may, as a reserved function, resolve to vary the basic rate of LPT within its functional area by a maximum of +/- 15%
- Any decision to vary the basic rate of LPT must be taken by September 30th
- Decision on Local Adjustment Factor to be notified on or before 30/9/17
  - to Revenue Commissioners
  - to DHPCLG

### Provisional 2018 LPT Allocation (Fin 05/17)

		<b>2018 (Fin 05 2017)</b>
100% of LPT Income Allocations for Wicklow	<b>A</b>	17,121,937
20% to National Equalisation Fund	<b>B</b>	3,424,387
<b>80% of LPT to be retained locally</b>	<b>C</b>	<b>13,697,550</b>
LGF Baseline (2014) - Minimum req for funding	<b>D</b>	8,547,247
"Surplus"	<b>E= (D-C)</b>	5,150,303
LPT Surplus - Net Discretionary Income	<b>F=20% of A</b>	3,424,387
Amount of surplus to self fund housing	<b>G=E-F</b>	1,725,915
Amount of LPT to be provided in 2018( pending any decision to vary the basic rate)		<b>13,697,550</b>
Value of potential increase or decrease in 2018 LPT Allocation for every 1% variation implemented		171,219

### LPT - Matters to which we must have regard

Before deciding on whether or not to vary the LPT rate the Local Authority must have regard to the following matters:

1. The local authorities estimation of the income and expenditure for the period for which the varied rate is to have effect
2. The financial position of the local authority

3. Feedback from any consultation held
4. The financial effect of the varied rate

### 2018 Estimation of Income & Expenditure

<b>INCOME</b>	<b>€</b>
Commercial Rates	27,708,901
Local Property Tax	11,971,634
Grants and subsidies	22,775,231
Other income	30,391,981
<b>Total Income</b>	<b>92,847,747</b>
<b>EXPENDITURE</b>	
Payroll Expenses	44,315,402
Loan Interest and principal repaid	2,184,221
Social benefits	7,541,192
Capital Grants paid	5,316,420
Other Expenditure	41,244,675
<b>Total Expenditure</b>	<b>100,601,910</b>

#### Draft Budget – Income and Expenditure

- Current Expenditure estimate €100.6m
- Current Income estimate €92.8m
- Current Shortfall is €7.75m
- Shortfall if LPT basic rate is reduced by 15% is €10.3m

Requirement to achieve a balanced budget

#### Draft Budget 2018 – Additional Costs

<b>NON DISCRETIONARY EXPENDITURE</b>	<b>€</b>
National Pay Agreements	478,000
Pensions/Gratuities – increased costs and lumpsums	706,000
Provision for Housing Schemes Rectification	300,000
Provision for Reletting Repairs	200,000
Arklow/Wicklow Swimming Pools Funding	200,000
Creative Ireland	40,000
Rates Incentive Scheme	100,000
<b>Subtotal</b>	<b>2,024,000</b>

<b>NON DISCRETIONARY INCOME ADJUSTMENTS</b>	<b>€</b>
Pension Deductions Income	(204,000)
Pay Restorations Department Recoup '17	(378,000)
Rates	(267,000)
IPB Dividend	(471,000)
NP Route Lighting Recoupment	102,000
Irish Water Secondees transferred	(120,000)
<b>Subtotal</b>	<b>(1,338,000)</b>

<b>Service Directorate</b>	<b>€</b>
Staff Requirements all Services	988,000
Housing	938,000
Roads	378,000
Water Services	138,000
Community, Cultural and Social Development	713,000
Environment	965,000
Enterprise and Corporate Services	165,000
Finance	107,000
<b>TOTAL</b>	<b>4,392,000</b>

### LPT - Matters to which we must have regard

*The financial position of the local authority*

- Revenue Deficit of €2.9m at 31/12/16
- Ratio of Current Assets to Current Liabilities: 4:1
- Ratio of Loans Payable to Revenue Income: 86%

*Feedback from consultations held*

- Public Consultation – 1 submission received
- In favour of general reduction

*The financial effect of the varied rate:*

- On a liable person
- On the Revenue of the Local Authority
- On the Service Plans of the Local Authority

### LPT – Impact on 2018 Revenue Budget

100% of LPT 2018	80% of LPT to be retained locally	Amount available for Discretionary Purposes	Surplus to Self -Fund Housing Services	Reduction/Increase in income if LPT basic rate varied by				
				1%	5%	7.50%	10%	15%
€17,121,937	€13,697,550	€11,971,635	€1,725,915	€171,219	€856,097	€1,284,145	€1,712,194	€2,568,291

- 1% variation in the LPT base rate equates to €171,219
- Maximum adjustment to 2018 Budget is €2.6m based on 15% variation

### LPT – Potential Impact on Service Delivery

<b>Non variation of LPT in 2017 maintained/ increased our contribution towards the following in 2017:</b>		<b>€</b>
Tinahely Recycling Centre		30,000
Residents Association		40,000
Bray Greystones Cliff Walk		40,000
Arts Grants		63,000
Rates Incentive Scheme		100,000
DPG Grants		150,000
Economic Development		155,500
Tourism Promotion		165,500
Community Grants		200,000
Swimming Pools in Arklow and wicklow		200,000
Homeless Funding		230,000
Playgrounds		245,000
Recycling Centres		250,000
Library Services		300,000
Mermaid and Tinahealy Arts Centre		340,000
Municipal Districts Discretionary Funding		900,000
<b>TOTAL</b>		<b>3,409,000</b>

### 2018 LPT Basic Rate Variation

- 2018 Funding Shortfall of €7.75m
- Recommendation to maintain the basic rate of LPT for 2018
- Opportunity for continued targeting of investment in local services
- Prevent cuts to essential local services

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Elected members made the following contributions, and raised the following queries:-

- Cllr. J. Behan made the following proposal which was seconded by Cllr. O. O Brien:  
*That the LPT basic rate be reduced by 15%.*
- Cllr. S. Matthews made the following proposal which was seconded by Cllr. J. Whitmore:  
*That Wicklow County Council requests the Minister under the Act (S. 152 Finance (LPT) Act, 2012) to request the Revenue Commissioners to provide information on LPT receipts for Wicklow, 2015, 2016 and 2017 by Municipal District and to forward that information to Wicklow County Council.*
- The Council needs to have sufficient funds to provide the essential various services to the people of County Wicklow and query put forward as to what services are to be reduced in order to provide a balanced budget?
- Cllr. D. Mitchell advised that he was prepared to proceed on the same basis as 2016 only if the MD discretionary fund allocation remains the same for 2017. He proposed:  
*That the basic rate of LPT be maintained for 2018.* This was seconded by Cllr. V. Blake.

- Cllr. T. Cullen made the following proposal seconded and supported by Cllrs. J. Behan, T. Fortune, B. Thornhill and M. Kavanagh: *That Wicklow County Council requests that the Department of Finance and Local Government will create a special local government fund from residential stamp duty income of 20% to be paid into a local residential amenity improvement scheme to be organised and administered by the local authority area from which the stamp duty proceeds originated. That this fund would be used to improve community/residential projects and would be ringfenced accordingly.*
- View expressed that the equalisation fund needs to be addressed
- The Cathaoirleach gave a background to his proposal that nationally some €470m is collected in property tax, 20% of which and approximately €94m goes into an equalisation fund. He advised that it was not a huge amount of money from the Department of Finances perspective and proposed the following which was seconded by Cllr. P. Vance:- *That the Council write to the Minister for the Environment (Finance) requesting that the 20% given to the equalisation fund is retained by all Councils, this extra retained funding be allocated to the Municipal districts.*
- Cllr. P. Fox proposed an amended to the proposal saying that the legislation required that no county could be worse off than before the system was introduced and that a central fund would be required for some counties. He proposed the following amendment which was seconded by Cllr. P. Vance: *That central government would find the mechanism so that no County would be any worse off as a result of this measure.*
- Clarification sought in relation to the dividend payable from the IPB. Did the dividend increase nationwide from €15m to €25m this year.
- Clarification sought in relation to the increase in payroll expenditure
- Clarification sought in relation to the status of Whitestown and the 1.78 acres at Southern cross Bray.

Mr. B. Gleeson, Head of Finance responded to the queries raised by the elected members in relation to:

- Additional finance that would become available should the LPT rate be increased by 15% i.e. €2.6m
- The Department of Finance had been contacted by Wicklow County Council in relation to property tax figures by Municipal district area, and were advised that they had no information to release, and the same response had been received from the Revenue commissioners.
- Pay increases under the Lansdowne Road Agreement.
- The premium payable by IPB, the dividend of €25m has been paid and Wicklow County Council received €680,000 in that regard.
- Each municipal district received an allocation of €168,750 with Bray MD receiving €225,000.

The Chief Executive responded to the elected members queries:-

- It will be a struggle even with the retention of the basic rate of LPT to provide the €900,000 to the Municipal districts, this will be difficult having regard to all of the other increases in costs and it is important that the money is spent on significant projects. He referred to the general municipal allocations of €200,000 and the schedule of municipal district works in terms of the road works programme.

- It is essential that there is no change in the basic rate of the LPT in order to maintain the current level of quality of services as recommended
- There is a limit on what can be discussed in relation to Whitestown as the matter is sub judice, and the determination of costs is further into the future.
- The matter of the 1.78 acres at Southern Cross Road Bray will be listed on the November agenda for consideration.

The meetings Administrator advised that it was proposed to consider the motions not affecting the LPT process.

**Proposal put forward by Cllr. S. Matthews and seconded by Councillor J. Whitmore:** *That Wicklow County Council requests the Minister under the Act (S. 152 Finance (LPT) Act, 2012) to request the Revenue Commissioners to provide information on LPT receipts for Wicklow, 2015, 2016 and 2017 by Municipal District and to forward that information to Wicklow County Council.* The proposal was put to a vote and following a roll call was passed by a margin of 27 for, 2 against and 3 abstaining viz:-

<b>FOR (27)</b>	<b>CLLRS T. ANNESLEY, J. BEHAN, S. BOURKE, G. DUNNE, P. FITZGERALD, C. FOX, M. KAVANAGH, P. KENNEDY, N. LAWLESS, S. MATTHEWS, M. MCDONALD, G. MCLOUGHLIN, D. MITCHELL, M. MURPHY, D. NOLAN, O O BRIEN, M. O CONNOR. G. O NEILL, J. RUTTLE, J. RYAN, J. SNELL, B. THORNHILL, E. TIMMINS, P. VANCE, G. WALSH, J. WHITMORE AND I. WINTERS</b>
<b>AGAINST (2)</b>	<b>CLLRS V. BLAKE AND S. CULLEN</b>
<b>ABSTAINING (3)</b>	<b>CLLRS T. CULLEN, P. DORAN AND T. FORTUNE</b>

**Proposal put forward by Cllr. E. Timmins, seconded by Cllr. P. Vance with amendment put forward by Cllr. C. Fox, seconded by Cllr. P. Vance:-** *That the Council write to the Minister for the Environment (Finance) requesting that the 20% given to the equalisation fund is retained by all Councils, this extra retained funding be allocated to the Municipal districts. That central government would find the mechanism so that no County would be any worse off as a result of this measure.* This was agreed without vote.

**Proposal put forward by Cllr. T. Cullen seconded and supported by Cllrs J. Behan, T. Fortune, B. Thornhill:** *That Wicklow County Council requests that the Department of Finance and Local Government will create a special local government fund from residential stamp duty income of 20% to be paid into a local residential amenity improvement scheme to be organised and administered by the local authority area from which the stamp duty proceeds originated. That this fund would be used to improve community/residential projects and would be ringfenced accordingly.* The proposal was put to a vote and following a roll call was passed by a margin of 14 votes for, 11 against and 7 not present viz:-



FOR (14)	CLLRS T. ANNESLEY, J. BEHAN, T. CULLEN, T. FORTUNE, C. FOX, M. KAVANAGH, D. MITCHELL, D. NOLAN, O O BRIEN, G. O NEILL, J. RUTTLE, J. SNELL, B. THORNHILL, AND J. WHITMORE
AGAINST (11)	CLLRS V. BLAKE, S. BOURKE, S. CULLEN, P. DORAN, G. DUNNE, P. FITZGERALD, P. KENNEDY, G. MCLOUGHLIN, J. RYAN, P. VANCE AND I. WINTERS
NOT PRESENT (7)	CLLRS. N. LAWLESS, S. MATTHEWS, M. MCDONALD, M. MURPHY, M. O CONNOR, E. TIMMINS AND G. WALSH

**The proposal put forward by Cllr J. Behan, seconded by Cllr. O Brien:** To reduce the basic rate of Local Property tax for the for the period of one year from the next local property tax liability date 1<sup>st</sup> November 2017 by 15% was put to a vote and following a roll call was defeated by a margin of 9 votes for, 21 against and 2 abstaining viz:-

FOR (9)	CLLRS J. BEHAN, M. KAVANAGH, N. LAWLESS, M. MCDONALD, O O BRIEN, M. O CONNOR, G. O NEILL J. SNELL AND B. THORNHILL
AGAINST (21)	CLLRS. T. ANNESLEY, V. BLAKE, S. BURKE, S. CULLEN, P. DORAN, G. DUNNE, P. FITZGERALD, C. FOX, P. KENNEDY, S. MATTHEWS, G. MCLOUGHLIN, D. MITCHELL, M. MURPHY, D. NOLAN, J. RUTTLE, J. RYAN, E. TIMMINS, P. VANCE, G. WALSH, J. WHITMORE AND I. WINTERS
ABSTAINING (2)	CLLRS T. CULLEN AND T. FORTUNE

**The proposal put forward by Cllr D. Mitchell, seconded by Cllr. V. Blake:** To maintain the basic rate of Local Property tax for the for the period of one year from the next local property tax liability date 1<sup>st</sup> November 2017 was put to a vote and following a roll call was passed by a margin of 21 votes for, 11 against viz

FOR (21)	CLLRS T. ANNELSEY, V. BLAKE, S. BOURKE, S. CULLEN, P. DORAN, G. DUNNE, P. FITZGERALD, C. FOX, P. KENNEDY, S. MATTHEWS, G. MCLOUGHLIN, D. MITCHELL, M. MURPHY, D. NOLAN, J. RUTTLE, J. RYAN, E. TIMMINS, P. VANCE, G. WALSH, J. WHITMORE AND I. WINTERS
AGAINST (11)	CLLRS. J. BEHAN, T. CULLEN, T. FORTUNE, M. KAVANAGH, N. LAWLESS, M. MCDONALD, O O BRIEN, M. O CONNOR, G. O NEILL, J. SNELL AND B. THORNHILL

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## **ITEM NO. 2**

**To consider the disposal of the Council's leasehold interest in 26 Wolfe Tone Square North Bray from Mr. James Toomey Snr. Deceased, to Mr. James Toomey Jnr (in accordance with statutory notice circulated)**

It was proposed by Cllr. J. Behan seconded by Cllr. C. Fox and agreed to dispose of the Council's leasehold interest in 26 Wolfe Tone Square North, Bray from Mr. James Toomey Snr. Deceased, to Mr. James Toomey Jnr as set out in the statutory notice circulated.

### **ITEM NO. 3**

**To consider the Monthly Management Report; August, 2017, 2017 (previously circulated and deferred from Council meeting of the 4<sup>th</sup> of September, 2017)**

Monthly Management Report, August, 2017 was noted as circulated.

### **SUSPENSION OF STANDING ORDERS**

- 1. Suspension of standing orders proposed by Cllr. J. Behan and seconded by Cllr. B. Thornhill, to request the Council to listen to a presentation from SWAP with regard to concerns in relation to a floodplain in the future as a result of the Bray Draft Development Plan**

Cllr. J. Behan advised that the group had made a similar presentation to the Bray Municipal District and that he was requesting the elected members to give SWAP the opportunity to hear their views and the reasons they are concerned and to explain the submission which they have made to the Plan. He proposed that the Council invite the group prior to the making of a decision on the draft plan.

The Cathaoirleach advised of the legal advice received which advised as to why the group could not be invited into the Chamber.

Ms. L. Gallagher advised that at meeting of the protocol committee held on the 4<sup>th</sup> of September, the request by SWAP to make a presentation to Wicklow County Council meeting was considered. At the conclusion of the discussion it was noted that the final date for making submissions to the Bray Plan is Friday the 15<sup>th</sup> of September and that the Meetings Administrator would liaise with the Director of Planning to ascertain if there was any issue with regard to the elected members receiving a presentation while the process of preparing/adopting a new plan for Bray MD is underway, and liaise with the Cathaoirleach in this regard. The advice of the Law Agent, Mr. David Sweetman is as follows:

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The procedure for making a Local Area Plan is set out at Section 20 of the Planning and Development Acts 2000 – 2015. The steps involved are in the first instance consultation with the Minister and the public before the preparation of a plan actually begins. There is then a notification process including notification to prescribed authorities. Submissions may be made to the Local Authority and not later than 12 weeks after the giving of the notice of the proposal to make a Local Area Plan the Manager “shall prepare a report” in relation to submissions and observations received.

The report contains inter alia the opinions of the Manger in relation to the matters raised in any submissions or observations.

Then the Members of the Planning Authority “shall consider the proposal to make..... a Local Area Plan and the report of the Manager”.

It seems to me therefore that based on the extracts from Section 20 which I have quoted above, that the Members when considering whether to make a Local Area Plan are confined to the proposal to do so and the report of the Manager (now the Chief Executive of course) and it is probably ultra vires of the Members to have regard to a representation that may be made to them by way of a presentation at a Council Meeting outside of the procedure laid down in Sec. 20 of the Act. It seems to me that the procedure which provides a reasonable

mechanism for publicity and consultation, must be followed both by the Executive and indeed the Members. The group in question if they still have time are perfectly at liberty to make a submission or observation which will be included in the Manager's Report in accordance with Sec. 20.

It would seem to me that if the Members were to ask a group such as SWAP. to make a presentation to the Council in relation to a proposed Local Area Plan outside of the procedures set out in the Act, that the Local Area Plan might very well be the subject of a challenge by any person who was not satisfied with it. If the Elected Members were to adopt a procedure other than that laid out in Section 20 of the Act, this might be sufficient for a challenger to succeed in a claim that the manner in which the Local Area Plan had been adopted was ultra vires the Council and thus the plan might well be held by a Court to be invalid. This could have significant knock on consequences in terms of the validity of planning permissions granted or refused, and for enforcement .

I am satisfied that the Members would be taking a significant risk if they were to receive a submission in relation to the proposed LAP outside of the procedures laid down in Sec.20 of the Act.

End

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Cllr. J. Behan expressed the view that the presentation would not be outside of the process as the group would be repeating the submission already submitted to the Council. He advised that this was a very technical area, and he felt that the members of the Bray MD would agree with this view, having heard the presentation, he proposed that the Council allow the group to attend which was seconded by Cllr. M. O Connor. The Cathaoirleach advised that he was in agreement that the group attend and make a presentation to the elected members, however he referred to the legal advice to the contrary.

Elected members expressed the following views:-

- View expressed that the presentation would not be outside of the process as the group would be repeating what was contained within the formal submission and that it would be antidemocratic to refuse the group the opportunity to address the Council prior to a vote being taken on the matter.
- The purpose of the presentation is to simply inform the members who haven't heard the presentation of the resident's concerns in relation to residual risk of flooding in the area
- View expressed that by inviting SWAP to make a presentation will set a precedent and reference made to the large number of communications/submissions received by the Planning Department in relation to the plan.
- Cllr. O Brien suggested that the group visit the remaining four municipal districts, this was seconded by Cllr. J. Behan, if the four municipal districts were agreeable.

Des O Brien, DOS advised that the kernel of the issue is that SWAP's request is not a typical one but one which falls within the statutory process of the Town Plan. He advised of the statutory process of consultation within the legislation and considered that the law demands fairness on all sides. He concluded that he agreed with the advice and if the elected members introduced an element of unfairness it could leave the process open to judicial review. The Chief Executive referred to the risk element to the process if the group were allowed to present and to the importance of the Plan to the town of Bray. He reminded the members that the submission had already been received in writing.

At the conclusion of the discussion the elected members agreed that the group SWAP could contact the elected members individually and that Councillors could make themselves available outside of the Council meeting.

Tidy Town Awards, 2017

The Cathaoirleach advised the members of the successes in the National Tidy Towns awards; Silver medal awards: Aghrim 321 points; Stratford, 312; Wicklow 311. Endeavour awards: Newtownmountkennedy. The Cathaoirleach and elected members congratulated everyone involved and all of the tidy towns committees throughout the County.

La Touche Legacy Conference 2017

Cllr. G. McLoughlin reminded the members of the La Touch Legacy Conference which was taking place on the weekend of the 29<sup>th</sup> and 30<sup>th</sup> of September.

**THIS CONCLUDED THE BUSINESS OF THE MEETING**

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

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