

MINUTES OF THE ORDINARY MEETING OF WICKLOW COUNTY COUNCIL HELD REMOTELY ON MONDAY 11TH JANUARY 2021, COMMENCING 2PM

PRESENT:

COUNCILLORS P. KENNEDY CATHAOIRLEACH, T. ANNESLEY, J. BEHAN, V. BLAKE, S. BOURKE, M. CORRIGAN, M. CREAN, A. CRONIN, S. CULLEN, G. DUNNE, E. DOYLE, A. FERRIS, P. FITZGERALD, A. FLYNN KENNEDY, T. FORTUNE, P. GLENNON, M. KAVANAGH, P. LEONARD, G. MCMANUS, D. MITCHELL, J. MULLEN, M. MURPHY, J. NEARY, D. O'BRIEN, P. O'BRIEN, R. O'CONNOR, G. O'NEILL, L. SCOTT, J. SNELL, E. TIMMINS, G. WALSH AND I. WINTERS (32)

IN ATTENDANCE:

**MR. F. CURRAN, CHIEF EXECUTIVE
MS. L. GALLAGHER, DIRECTOR OF SERVICES/ MEETINGS ADMINISTRATOR
MR. B. GLEESON, HEAD OF FINANCE
MR. J. LANE, DIRECTOR OF SERVICES
MR. M. NICHOLSON, DIRECTOR OF SERVICES
MS. B. KILKENNY, DIRECTOR OF SERVICES
MR. C. LAVERY, DIRECTOR OF SERVICES
MR. L. FITZPATRICK, HEAD OF IS SUPPORT
MS. D. KENNEDY, LAW AGENT
MS. H. DENNEHY, SENIOR EXECUTIVE OFFICER
MS. J. CARROL, SENIOR EXECUTIVE OFFICER
MS. M. CAHILL, SENIOR EXECUTIVE ENGINEER
MS. F. FLYNN, ADMINISTRATIVE OFFICER
MS. G. LANG, ASSISTANT STAFF OFFICER**

At the commencement of the meeting a roll call was taken. The Meetings administrator advised of meetings etiquette for online meetings and that the press were present.

Votes of Sympathy

Elected Members passed a vote of sympathy to the families of the late Mr. Sean Crowley, Mr. Tommy O'Neill, Mrs. Martha Keogh, Ms. Louise Byrne, Mr. Sylvester Bourke, Mrs. Greta Lawlor, Mr. Kenneth Kamusoko, Mrs. Pamela Nolan, Mrs. Alice Doyle, Mr. Michael Cavanagh, Mrs. Nanette Barlow, Ms. Lyla Faulkner, Mr. Sean McCormack, Mrs. Janet Kelly, Mr. Anthony Wilson and Mrs. Maura Kearns. A minutes silence was observed for the deceased.

ITEM NO. 1

To confirm and sign minutes of ordinary meeting of Wicklow County Council held on 11th December, 2020.

It was proposed by Cllr. A. Ferris, seconded by Cllr. G. Walsh and agreed to confirm and sign minutes of ordinary meeting of Wicklow County Council held on 11th December, 2020 as circulated.

ITEM NO. 2

To consider the disposal of 0.0237 Hectares (0.059 Acres) or thereabouts of land situated in the townland of Templeraíney Td, Arklow, Co. Wicklow to Ms. Teresa Enright, Ballymoney, Arklow, Co. Wicklow.

It was proposed by Cllr. T. Annesley, seconded by Cllr. S. Bourke and agreed to dispose of 0.0237 Hectares (0.059 Acres) or thereabouts of land situated in the townland of Templeraíney Td, Arklow, Co Wicklow to Ms. Teresa Enright, Ballymoney, Arklow, Co. Wicklow as set out in statutory notice circulated.

ITEM NO.3

To consider the disposal of the Freehold Interest by way of transfer order in property situated in the townland of Wicklow Town, Co. Wicklow being 17 Seafield, Wicklow Town, Co. Wicklow to Mr. John Sexton and Ms. Louise Sexton, 17 Seafield, Wicklow Town, Co. Wicklow.

It was proposed by Cllr. G. Dunne, seconded by Cllr. P. O'Brien and agreed to dispose of the Freehold Interest by way transfer order in property situated in the townland of Wicklow Town, Co. Wicklow being 17 Seafield, Wicklow Town, Co. Wicklow to Mr. John Sexton and Ms. Louise Sexton, 17 Seafield, Wicklow Town, Co. Wicklow as set out in statutory notice circulated.

ITEM NO. 4

To consider the disposal of the Freehold Interest by way of transfer order in property situated in the townland of Ballygannon, Rathdrum, Co. Wicklow being 34 Centre Road, Ballygannon, Rathdrum, Co. Wicklow to Mr. James (otherwise Seamus) Driver and Ms. Helen Driver, 34 Centre Road, Ballygannon, Co. Wicklow.

It was proposed by Cllr. P. Kennedy, seconded by Cllr. P. Fitzgerald and agreed to dispose of the Freehold Interest by way of transfer order in property situated in the townland of Ballygannon, Rathdrum, Co. Wicklow 34 Centre Road, Ballygannon, Rathdrum, Co. Wicklow to Mr. James (otherwise Seamus) Driver and Ms. Helen Driver, 34 Centre Road, Ballygannon, Co. Wicklow as set out in statutory notice circulated.

ITEM NO. 5

To consider the disposal of the Freehold Interest by way of transfer order in property situated in the townland of Blessington, Co. Wicklow being 38 Mountainview, Blessington, Co. Wicklow to Mr. Eugene Tyrrell, 38 Mountainview, Blessington, Co. Wicklow.

It was proposed by Cllr. P. Glennon, seconded by Cllr. A. Cronin and agreed to dispose of the Freehold Interest by way transfer order in property situated in the townland of Blessington, Co. Wicklow being 38 Mountainview, Blessington, Co. Wicklow to Mr. Eugene Tyrrell, 38 Mountainview, Blessington, Co. Wicklow as set out in statutory notice circulated.

ITEM NO. 6

To consider the disposal of the Freehold Interest by way of transfer order in property situated in the townland of Knockanrahan, Arklow, Co. Wicklow being 37 Fernhill, Arklow, Co. Wicklow to Ms. Elizabeth Doyle, 37 Fernhill, Arklow, Co. Wicklow.

It was proposed by Cllr. P. Fitzgerald, seconded by Cllr. S. Bourke and agreed to dispose of the Freehold Interest by way of transfer order in property situated in the townland of Knockanrahan, Arklow, Co. Wicklow being 37 Fernhill, Arklow, Co. Wicklow to Ms. Elizabeth Doyle, 37 Fernhill, Arklow, Co. Wicklow as set out in statutory notice circulated.

ITEM NO. 7

To consider the disposal of the Freehold Interest by way of transfer order in property situated in the townland of Corporation Lands, Wicklow Town, Co. Wicklow being 10 Glenside Road, otherwise 10 Colley Row, Wicklow Town, Co. Wicklow to Ms. Margaret Duffy, 10 Glenside Road otherwise 10 Colley Row, Wicklow Town, Co. Wicklow.

It was proposed by Cllr. J. Snell, seconded by Cllr. G. Dunne and agreed dispose of the Freehold Interest by way of transfer of order in property situated in the townland of Corporation Lands, Wicklow Town, Co. Wicklow being 10 Glenside Road, otherwise 10 Colley Row, Wicklow Town, Co. Wicklow to Ms. Margaret Duffy, 10 Glenside Road otherwise 10 Colley Row, Wicklow Town, Co. Wicklow as set out in statutory notice circulated.

ITEM NO. 8

To consider the disposal of the Freehold Interest by way of transfer order in property situated in the townland of Arklow, Co. Wicklow being 38 Fernhill, Arklow, Co. Wicklow to Ms. Mary O'Neill, 38 Fernhill, Arklow, Co. Wicklow.

It was proposed by Cllr. P. Fitzgerald, seconded by Cllr. T. Annesley and agreed to dispose of the Freehold Interest by way of transfer order in property situated in the townland of Arklow, Co. Wicklow being 38 Fernhill, Arklow, Co. Wicklow to Ms. Mary O'Neill, 38 Fernhill, Arklow, Co. Wicklow as set out in statutory notice circulated.

ITEM NO. 9

To consider the disposal of 0.2017 hectares or thereabouts of land comprised in Folio WW4484 Co. Wicklow at Property No. 293, Plan 18 at Millands, Coolafancy, Tinahely, Co. Wicklow to Mr. Martin Hennessy and Ms. Eleanor Hennessy, Millands, Coolafancy, Tinahely, Co. Wicklow.

It was proposed by Cllr. V. Blake, seconded by Cllr. J. Mullen and agreed to dispose of 0.2017 hectares or thereabouts of land comprised in Folio WW4484 Co. Wicklow at Property No. 293, Plan 18 at Millands, Coolafancy, Tinahely, Co. Wicklow to Mr. Martin Hennessy and Ms. Eleanor Hennessy, Millands, Coolafancy, Co. Wicklow as set out in statutory notice circulated.

ITEM NO. 10

To consider the Chief Executive's Monthly Management Report, December 2020.

Elected members were circulated with the Chief Executive's Report, December 2020 on 6th January, 2021.

The Chief Executive highlighted the following:

- Having regard to the Covid 19 level 5 restrictions currently in place there is an increase in staff now working remotely
- The offices are open to the public by appointment only during current level 5 restrictions
- Library services are still operational online with a very good delivery service and recycling centres remain open, planning services continue as normal.
- Essential works only are being carried out which includes TII and NTA schemes.
- Housing construction schemes have ceased with the exception of schemes that are almost complete or will be completed by the 28th of February next.
- Funding was secured for the under the Town and Village scheme for works on the Clock Tower in Enniskerry, the Brockagh Resource Centre, Stratford on Slaney and Avoca
- Capital allocations were received for the fire stations in Baltinglass and Dunlavin

Elected Members raised questions which were responded to by the Chief Executive and the relevant Director of Services. At the conclusion of the discussion and in relation to the matter of coastal erosion at the Murrough Wicklow, the Chief Executive in responding to the query raised advised that contact would be made with Irish Rail and Arup Engineering in relation to making a presentation to the elected members. It was also noted that a presentation on Coast Erosion would be given to the elected members at the February Council meeting.

ITEM NO. 11

To receive a presentation: (a) Introduction to proposed Local Authority Climate Action Training Programme – Tuesday 29th January, 2021 (b) Climate Action update for Wicklow County Council.

(a) Mr. Alan Dunney, Eastern and Midlands Climate Action Regional Office, gave a presentation covering the following areas and answered the Elected Members queries:

- Eastern and Midlands Climate Action Regional Office
- Eastern and Midlands CARO

- Eastern and Midlands Operational Structure
- CARO work programme
- Management and Governance
- Adaptation
- Adaptation project – examples
- Mitigation
- Mitigation – CARO projects
- Communications and Citizen Engagement
- Training and Education
- Training Partners and Contributors
- Championing Leadership
- Knowledge Development

(b) Ms. Breege Kilkenny, Director of Services gave a presentation covering the following areas and answered the Elected Members queries:

- Wicklow County Council and Climate Action
- Wicklow County Council Climate Leadership
- Wicklow County Council's Action Objectives
- Wicklow's Commitments to Climate Action
- Mitigation
- Climate Action Charter Targets
- Sustainable Transport
- Carbon Sequestration
- Clean Energy : Renewables
- Energy Efficiency Measures
- Building Standards
- Waste and Circular Economy
- Adaptation – Manage Negative Impacts
- Compact and Sustainable Growth
- Flood Alleviation in Wicklow
- Coastal Protection in Wicklow
- Disaster Management and Risk Reduction
- Wicklow's Emergency Response
- Combined Mitigation and Adaptation
- Wicklow Climate Proofing All Major Decisions
- Awareness and Education
- Water Conservation
- Locally Sourced Food
- Wicklow Green Infrastructure
- Planting and Care of Trees
- Sustainable Development Goals
- Mapping the Sustainable Development Goals

Elected members made the following contributions, raised queries which were responded to by the elected members.

- More consultation with the farming sector requested
- Important to keep the public informed of the work that is being carried out in this area and can the presentation be circulated to the elected members

- Query as to whether there are plans to carry out an audit on local authority stock in relation to climate and flood risk
- Query as to the use of glyphosates outside of farming and the future use of foam stream
- Training aspect viewed as very important and request for the elected members to be kept involved and updated.

ITEM NO. 12

To ratify the appointment of Cllr. Erika Doyle, agreed by the Bray Municipal District Members, to the Mermaid Arts Centre Board arising from the vacancy created by the election of former Councillor S. Matthews to Dáil Eireann.

It was proposed by Cllr. A. Ferris, seconded by Cllr. R. O'Connor and agreed to ratify the appointment of Cllr. Erika Doyle, agreed by the Bray Municipal District Members, to the Mermaid Arts Centre Board arising from the vacancy created by the election of former Councillor S. Matthews to Dáil Eireann.

ITEM NO. 13

CORRESPONDENCE

Correspondence to the elected members from the Ethics Registrar: Elected members noted the following correspondence circulated to them:-

1. Letter dated the 4th of January, 2021 from the Ethics Registrar enclosing copy of circular F10/13 of the 16th of October, 2013 detailing the reporting requirements in relation to political donations received in the previous year by elected members and the requirement to complete these forms and return to the Ethics Registrar by 31st January, 2021.
2. Email dated the 11th of January, 2021 to the elected members from the Ethics Officer Re; Local Government Act 2001: Ethical Framework for Local Government Service - Annual Declaration Form enclosing the following documentation and requesting that the Annual Declaration Form be returned to the Ethics Registrar before the last day of February, 2021.
 - Notice requiring submission of Annual Declaration Form
 - Prescribed Annual Declaration Form, in Irish
 - Prescribed Annual Declaration Form, in English
 - Code of Conduct for Councillors
 - Copy of Circular LG 2/2015 Notes on Part 15 of the Local Government Act 2001.
 -
3. Letter dated the 24th December, 2020 from the Department of Health.

ITEM 14

Notice of Motions

1. Notice of motion in the name of Cllr. Lourda Scott (7th October, 2019).

“Wicklow County Council notes a survey of Plan International Ireland showing that 50% of Irish teenage girls find it difficult to afford period products and 61% miss school as a result. Wicklow County Council acknowledge the work of organisations such as Homeless Period in collecting donated sanitary products and distributing to those in need. Following the example of Dublin City Council and Wexford County Council, Wicklow County Council agrees to have free period products available in the toilets of all Council buildings, including swimming pools and libraries”.

Response: The issue of period poverty has been raised in the Oireachtas by the Irish Women's Parliamentary Caucus, which tabled motions relating to period poverty passed in the Dail and the Seanad in March, 2019. The Joint Committee on Public Petitions is also considering a petition seeking to have sanitary products provided free or at a reduced price in schools and colleges throughout Ireland. This petition has been referred to the Department of Health and of Justice and Equality.

The DOHJ&E has sought the views of the Strategy Committee for the National Strategy for Women and Girls on the extent of period poverty in Ireland, particularly among vulnerable cohorts (e.g. school and university students, the homeless, those in direct provision and socio economically disadvantaged individuals) and on recommendations for possible measures to address this issue.

A subcommittee has been established by the Strategy Committee, which is chaired by an official of the Department of Health and there is a representative from the Local Authority nominated by the CCMA. The subcommittee has met on two occasions and will report back to the National Strategy committee with regard to their analysis on the issue and recommendations. DLR County Council and Dublin City Council have participated in two pilot projects which will feed into the analysis and recommendation of the subcommittee. It is recommended that Wicklow County Council await the report and recommendations of the subcommittee and the National Strategy Committee on a sectoral response to the issue. In the meantime the matter can be referred to the Council Community Cultural and Social Development SPC for consideration.

Councillor Scott asked that the Council involve itself at this time and proposed that while the Council is awaiting the recommendations from the subcommittee that the Council liaise with Period Poverty Ireland and that a basket of products be made available in appropriate Council locations. L. Gallagher advised that other local authorities, had shared their experience with regard to a pilot project in Libraries and that the executive would examine the progression of this matter further.

2. Notice of motion in the names of Cllr. Anne Ferris and Cllr. Paul O'Brien (4th November, 2019).

"We note the Council's commitment to an accessible website and request that, where possible, all PDF documents on the Council's website should be original PDF's accessible to blind/vision impaired people and not just scanned copies".

Response: Wicklow County Council aims to have an accessible website and has Browsealoud installed on the site to assist blind/vision impaired but on occasion, pdf's are uploaded as flat files. Such files are primarily the signed minutes and agendas of meetings. Predominately, the files are original pdf's. Going forward we can upload unsigned minutes and agenda's to the website and staff have been requested to do this. The response was noted by the elected members.

3. Notice of motion in the names of Cllr. Grace McManus and Cllr. Dermot O'Brien (20th November 2019).

"That this Council will have 'Child Homelessness' as an agenda item for each meeting until the Child Homelessness figure for the county reaches 0".

Ms. L. Gallagher advised as follows:

Response: The data on Homelessness and breakdown of clients in Emergency Accommodation is contained within the CE monthly report and can be discussed as part of this. It is not considered necessary, therefore, to have Child Homelessness as a specific Agenda item. Standing order sets out

the following in relation to order of business, and which is agreed with the Cathaoirleach in advance of issue.

The Chief Executive also advised that it was intended to make a presentation to the elected members at the following meeting which would deal with housing matters and would deal with the homeless issues and then on the housing construction programme.

Following a discussion on the matter wherein the views of the elected members were expressed it was agreed that the item would appear as a listed item for a period of three months.

4. Notice of motion in the names of the Greystones Municipal District Councillors (12th December, 2019).

“That Wicklow County Council request Irish Water to refrain from imposing commercial connection and water charges in respect of public water fountains”.

Response : Irish water advise that these fountains are considered commercial connections, are subject to a connections application to Irish Water and will be subject to commercial water charges for those who install or make application. These connections /supply are regulated under CRU regulator. While as an organization the Council can promote the reduction of single use plastic etc. please be aware that the ongoing commercial water charges will need to be borne by relevant areas. The above position may change at some point and the Council will keep in contact with Irish water. The response was noted by the elected members and suggested that this matter be raised with Irish Water officials at Councillors Clinics.

5. Notice of motion in the name of Cllr. Mags Crean (7th January, 2020).

“That this council acknowledges the phenomenon of protests outside medical centres in Ireland and the need to ensure that women can access healthcare services safely. In doing so, that this council agrees to explore the drafting of bye-laws for the regulation and control of public roads and footpaths adjacent to healthcare facilities in Wicklow. This will ensure that patients, service providers, healthcare staff and members of the public can enter premises without fear of intimidation or harassment as evidenced by the nuisance presented in situations where such protests have taken place”.

Response: The Gardai already have powers to deal with such events. The law on public order offences is mainly set down in the Criminal Justice (Public Order) Act 1994. It deals with how people behave in public places - It is an offence if you do not comply with a Garda’s requests. The opinion of the Law Agent has been sought and a local authority can make a bye-law for or in relation to the use, operation, protection, regulation or management of any land where it is of the opinion it is desirable in the interests of the common good of the local community and

(i) that any activity or other matter should be regulated or controlled by bye-law, or

(ii) that any nuisance should be controlled or suppressed by bye-law.

But a bye-law may not be made under this subsection for a purpose as respects which provision for that particular purpose is made by or under any other enactment or may be made under such enactment.

Firstly the provision under section 199(1) excludes lands or services not under the control or management of the local authority. A gathering adjacent to a facility while possibly on the public

road is protected by the enforcement powers of the Gardaí in relation to public order matters and road safety. It is not an offence to protest and there is a constitutional right for the public to gather.

Secondly: Section 199 (20)(ii)(b) specifically provides that a bye law may not be used for a purpose that is governed by another enactment . In this case the Criminal justice (Public Order) Acts and the control is specifically within the remit of the Gardaí.

Thirdly : The Council has a duty of care to its staff and employees and the suggestion of enforcement of such a Bye Law would in my view pose a risk to those staff or agents of the Council and is not within the functions of Local Government jurisdiction to authorise.

Fourthly : Any issues concerning posters and leaflets are governed by the Litter Act 1997 as amended. Section 19 I believe covers the issues in the proposed motion on this aspect.

It was agreed that this Notice of Motion would remain on the agenda for the next meeting for further consideration and discussion.

Participants from County Wicklow in the BT Young Scientist 2021: Elected Members requested that a letter issue from Wicklow County Council congratulating the pupils of County Wicklow on their participation on the BT Young Scientist 2021 competition.

Update Sign Language facilities: In response to a query from Cllr. L. Scott earlier in the meeting L. Gallagher advised that all of the laptops in the Customer Services Hub can facilitate sign language meetings and these can be pre booked with the Customer Care Team post Covid restrictions.

THIS CONCLUDED THE BUSINESS OF THE MEETING

**CLLR. PAT KENNEDY
CATHOAIRLEACH
WICKLOW COUNTY COUNCIL**

**MS. LORRAINE GALLAGHER
DIRECTOR OF SERVICES/
MEETINGS ADMINISTRATOR**

Confirmed at meeting of Wicklow County Council held on Monday the 1st of February, 2021.