

**MINUTES OF ORDINARY MEETING OF WICKLOW COUNTY COUNCIL HELD IN
THE COUNCIL CHAMBER, COUNTY BUILDINGS, WICKLOW ON MONDAY 2nd
FEBRUARY 2015, COMMENCING 2.00 P.M.**

PRESENT:

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

IN ATTENDANCE:

**MR. E. SHEEHY, CHIEF EXECUTIVE
MR. D. O'BRIEN, DIRECTOR OF SERVICES
MR. S. QUIRKE, DIRECTOR OF SERVICES
MR. T. MURPHY, DIRECTOR OF SERVICES
MS. L. LYNCH, HEAD OF FINANCE
MR. L. FITZPATRICK, HEAD OF IS
MS. L. GALLAGHER, SENIOR EXECUTIVE OFFICER/MEETINGS ADMINISTRATOR
MS. C. FLOOD, SENIOR EXECUTIVE OFFICER
MR. M. GEANEY, SENIOR ENGINEER
MS. T. O'BRIEN, SENIOR EXECUTIVE OFFICER
MS. S. DALY, HEAD OF ENTERPRISE
MS. D. WHITFIELD, ADMINISTRATIVE OFFICER**

Votes of sympathy

Elected members passed a vote of sympathy to the families of the late Mrs. Olive Minion, Mr. James Nolan, Mr. Frank Doyle and Mr. Tom Walsh. A minutes silence was observed for the deceased.

Request for Suspension of Standing Orders:

Cllr. J. Brady requested a suspension of standing orders to discuss the Keeping Communities Safe document and specifically with regard to Section 26 which deals with the manning levels of retained fire fighters. He said that he would like a discussion on the matter and that representatives of SIPTU and IFISA be invited to attend a council meeting and outline their concerns. Cllr. J. Brady's proposal was seconded by Cllr. J. Snell.

It was proposed by Cllr. P. Vance, seconded by Cllr. J. Ruttle that the matter should be discussed under item 8, Notice of motion 6, submitted by Cllr. J. Behan calling for the Council to reject any attempt to reduce manning levels of the retained fire service currently being proposed by government.

Following a roll call on the proposal to suspend standing orders as proposed by Cllr. J. Brady and seconded by Cllr. J. Snell, the proposal was put to a vote and following a roll call was defeated by a margin of 8 votes, 16 against and 8 not present viz:-

FOR: CLLRS J. BRADY, C. FOX, N. LAWLESS, S. MATTHEWS, M. McDONALD, O. O'BRIEN, G. O'NEILL AND J. SNELL.(8)

AGAINST: CLLRS. T. ANNESLEY, V. BLAKE, S. BOURKE, P. DORAN, P. FITZGERALD, P. KENNEDY, G. MCLOUGHLIN, D. MITCHELL, M. MURPHY, J. RUTTLE, J. RYAN, B. THORNHILL, E. TIMMINS, P. VANCE, G. WALSH AND J. WHITMORE (16)

NOT PRESENT: CLLRS J. BEHAN, P. CASEY, S. CULLEN, T. CULLEN, T. FORTUNE, P. KAVANAGH, D. NOLAN AND I. WINTERS. (8)

Cllr. S. Bourke requested a suspension of standing orders to discuss the delays by Airtricity in replacing public lighting. As there was no seconder for this motion, it fell.

The Cathaoirleach advised the members of a recently published report on absentee rates in local authorities and that County Wicklow had come out on top as the best local authority in the country with an absentee rate of 8.5 days which he said compared favourably with the private sector. He paid tribute to the staff on this achievement which was echoed by elected members.

The Chief Executive acknowledged the tributes paid to staff of the Council, advising that the staff were innovative and very hard-working and as some elected members had acknowledged during the discussion, were hurt by some recent remarks which he said were unjustified and unfair. In response to a query raised in relation to the presence of security at County Building, the Chief Executive advised that the Council had a duty to protect the safety and welfare of both staff and the public using the building, and having regard to a risk assessment carried out it was felt appropriate to advise Gardai of the presence of demonstrators at County Buildings and to employ security as a precautionary measure.

In response, Cllr. O'Brien stated that he had the highest of respect for the staff of Wicklow County Council and the remarks he had made were in relation to too excessive administration in all areas of society.

Cllr. G. McLoughlin advised that the Greystones Harbour project had recently achieved best civil engineering project and congratulated Sisk and Arup who were the civil engineers on the project. The Chief Executive added that this was a very important award for the project which had received some €80m of investment in infrastructure from the private sector and congratulated all those involved in keeping the project moving and that it was a huge benefit to Greystones, the County in general and for Tourism.

ITEM NO. 1

To confirm and sign minutes of Budget Meeting of Wicklow County Council held on Monday 24th November 2014

L. Gallagher advised that an amendment to the minutes had been received from Cllr. P. Kavanagh, but as it had not been received by 1.00 p.m. in accordance with standing orders and only submitted before the Council meeting it had not been circulated to the elected members for consideration.

The amendment read as follows:- *I would like the minutes of the budget meeting to reflect my objections to the equalisation of commercial rates and rate increases for Wicklow and Arklow as expressed at that meeting.* Cllr. P. Kavanagh.

Following a short discussion on the matter it was proposed by Cllr. P. Casey, seconded by Cllr. V. Blake and following a roll call was agreed to confirm and sign minutes of Budget Meeting of Wicklow County Council held on Monday 24th November 2014 without the amendment proposed by Cllr. Kavanagh by a margin of 29 votes for, 1 against and 2 not present viz:

FOR: CLLRS T. ANNESLEY, V. BLAKE, S. BOURKE, J. BRADY, P. CASEY, S. CULLEN, P. DORAN, P. FITZGERALD, T. FORTUNE, C. FOX, P. KENNEDY, N. LAWLESS, S. MATTHEWS, M. McDONALD, G. McLOUGHLIN, D. MITCHELL, M. MURPHY D. NOLAN, O. O'BRIEN, G. O'NEILL, J. RUTTLE, J. RYAN, J. SNELL, B. THORNHILL, E. TIMMINS, P. VANCE, G. WALSH, J. WHITMORE AND I. WINTERS (29)

AGAINST: CLLR. P. KAVANAGH (1)

NOT PRESENT: CLLRS J. BEHAN AND T. CULLEN. (2)

ITEM NO. 2

To confirm and sign minutes of Ordinary Meeting of Wicklow County Council held on Monday 8th December 2014

It was proposed by Cllr. P. Fitzgerald, seconded by Cllr. P. Vance and agreed to confirm and sign minutes of Ordinary Meeting of Wicklow County Council held on Monday 8th December 2014.

ITEM NO. 3

To receive presentation from Mr. Fergal Mulligan, Department of Communications, Energy and Natural Resources; National Broadband Plan Update

Mr. Fergal Mulligan made a presentation covering the following areas:

- Trends in the market
- Future demand
- State led intervention
- Intervention strategy WIP
- High speed broadband map 2016
- Findings of mapping exercise
- Next steps

Elected members made the following contributions/raised the following issues:-

- Request that a copy of the presentation be circulated
- Broadband viewed as the single biggest issue affecting business, particularly in the rural areas. Lack of broadband in rural areas is an inhibitor to setting up business
- View expressed that the plan appeared ambitious but would be a fantastic achievement.
- Query as to what is meant by 'fast broadband', and how will progress be dealt with in the future?
- Broadband is critical for County Wicklow to attract businesses and in some cases more important than water and sewerage. Is it possible to insert into the tender document that the implementer will start in all counties in Ireland equally.
- How does County Wicklow compare with other Counties in Ireland. Programme viewed as ambitious
- Any programme that will deliver broadband is welcome
- Has the pricing structure been worked out to provide broadband in rural areas?
- How much is the additional cost to provide the service to a one off rural course or to a village cluster development, or to an urban centre.
- Can an explanation be provided for the breakdown of broadband in rural and urban areas
- Can a timescale be provided when broadband will be delivered to people in the West of Wicklow in areas such as Ballymount or Grangecon?

Mr. F. Mulligan advised that it was intended to launch the procurement stage of the project at the end of the year and criteria will have to be set as to how it is rolled out. It is intended to facilitate those in need of business first as it leads to job creation and job retention. It anticipated that counties will be worked on in batches and it is expected that it will be done rapidly probably a 3 or 4 year programme.

The Cathaoirleach thanked Mr. Mulligan on behalf of the elected members for the presentation which it was agreed to circulate to the elected members.

ITEM NO. 4

To receive presentation from Mr. Stephen Rush, Plant Manager, MSD, Rathdrum

Mr. Stephen Rush, Plant Manager, MSD gave a presentation covering the following areas:

- MSD has 8 facilities in total in Ireland, employing 2,000 people

- Over €2b invested in Ireland over 50 year period
- Some €400m contributed to the Irish economy in various ways.
- 84 acres in total in Rathdrum
- Facility is set to close in early 2016 over a number of stages
- Current head count is 240 employees
- Headcount reduction process commenced last year
- Primary focus is the welfare of the staff and a number of programmes have been implemented to maximise the opportunity for their re-employment
- MSD is working with the IDA to seek a buyer for the site and this process is well advanced.
- The emphasis is about attracting a buyer that will recreate employment for the staff in the location.
- The sale process has been ongoing since late 2013, working with the IDA and there is a dedicated MSD team based in the US to help manage the sale.
- Non confidential information has been shared with a large number of potential buyers
- MSD is a very high tech specialist manufacturing facility and it takes a long time to sell a facility like it and there are three facilities within Ireland very similar to MSD on the market at present.
- Post April, 2016 the site will be left in what is considered to be a sale ready status and these preparations have commenced.

The elected members collectively thanked MSD for the support given to the staff of the facility and the support given to the community of Rathdrum over the years. It was also welcome information that there was no asset stripping of the facility to take place and that there will be security on site and that the main objective moving forward is to try and find a replacement firm so that there will be no job displacement.

Mr. Rush advised that in the company's experience the IDA had been very supportive throughout the entire process and the process around a potential buyer is a confidential one. He advised of companies that had visited the facility that have other manufacturing locations and some with existing facilities in Ireland. He stated that the IDA had visited the site on numerous occasions over the last year and the IDA had accompanied approximately ten different companies interested in viewing the facility. Also the IDA had visited potential buyers in their home locations such as the US, Europe and Asia and regardless of where the potential buyer is coming from the IDA has been willing to meeting them in Rathdrum and also in their home location, which is very important to buyers.

He concluded by saying that the work to attract a buyer is a long drawn out process and while there has been no success so far, he was hopeful and advised of the support received from the IDA in the process.

In response to a query raised as to whether the IDA had been written to and invited to attend a meeting of Wicklow County Council the Cathaoirleach advised that not as yet.

ITEM NO. 5

- (a) To note monthly Management Report of Wicklow County Council for December 2014**
- (b) To note monthly Management Report of Wicklow County Council for January 2015**

Ms. L. Gallagher advised that the December Report had been deferred from the January meeting and both reports were circulated to the elected members. She advised that all reports had been prepared in accordance with Circular letter LG18/2014 dated 2nd July, 2014 and included the following information:

- Local Community Development Committee update
- Local Enterprise Office Wicklow – Monthly Management Report for Wicklow County Council.

- Wicklow County Council analysis of debtors
- Wicklow County Council capital account Income & Expenditure summary by service division
- Wicklow County Council revenue account Income & Expenditure summary by service division

Circulation of the reports were noted.

It was proposed by Cllr. J. Whitmore that a rolling table of all motions passed by Council be formulated and this should be included on the monthly management report or on the agenda. This was seconded by Cllr. Behan.

ITEM NO. 6

To adopt the Draft Wicklow Local Authorities Corporate Plan 2015-2019

Ms. C. Flood advised that the members had been circulated with the Draft Wicklow Local Authorities Corporate Plan which was very much a draft document. She advised that it was a high level plan which included the service delivery plans and the schedule of municipal works, and linked in with performance management and budgetary system. Ms. Flood asked that the elected members examine the document and if there are any proposal or comments that the members wished to make same could be emailed to either herself or Bryan Doyle, DOS. Ms. Flood advised that the plan would be listed as an item on the March 2nd agenda for adoption at that stage. This was agreed.

ITEM NO. 7

Correspondence

Part 15 of the Local Government Act, 20012 – Ethics – Elected members annual declaration forms

L. Gallagher advised that the members had been circulated with a notice of submission of the annual declaration form and code of conduct for elected members. She explained that the annual declaration form should be completed and returned to the Ethics Officer before the 28th February and the disclosure of donations form should have been returned by 31st January. This was noted by the elected members.

ITEM NO. 8

Notices of Motion

1) Notice of motion in the name of Cllr. J. Ryan (received 09/10/2014) (deferred from previous meeting)

'That the Council provide members with an update on improvements to address the ongoing difficulties experienced by residents in Enniskerry Kilmacanogue and Bray through reduced water pressure and cut offs.'

The Cathaoirleach advised that this had been dealt with at the Irish Water clinic held this morning and with Cllr. J. Ryan's permission, it was agreed not to discuss again.

2) Notice of motion in the name of Cllr. G. Walsh (received 11.11.2014) (deferred from previous meeting)

'I wish to move that this Council call on Minister Deenihan, the first ever Minister for the Irish overseas and Diaspora to exert all diplomatic and political efforts on U.S. President Obama in the formulation of the impending Executive Order on Immigration, due to be signed in the coming weeks, to ensure the provision for a 'humanitarian visa' that would allow the estimated 50,000 undocumented Irish living in the U.S. to leave and return if they need to be with family members in times of distress, illness or bereavement.'

Cllr. G. Walsh spoke briefly on the matter following which it was agreed that a letter would issue to Minister Deenihan and also the Minister for Foreign Affairs.

3) Notice of motion in the name of Cllr. P. Kavanagh (received 17.11.2014) (deferred from previous meeting)

'Wicklow Co Council calls on the Minister for Health to review and regulate assessment policy and procedure by the HSE, and in particular HSE Wicklow, to ensure that those assessments are fully client-centred, timely and thorough, and that the rights and wishes of the client are respected and accommodated; that therapies, mobility aids and housing adaptations are fully agreed with the client before being issued. Furthermore, that therapies, mobility aids and housing adaptations are recognised as a Right, not a luxury, and defined as such by the World Health Organisation (WHO) and Disability Act 2005 to facilitate independent living; that provision be made within the budget for therapies, mobility aids and adaptations which are of high quality and fit for purpose, and to ensure quality of service, that some form of client appraisal is factored into the assessment procedure.'

Cllr. P. Kavanagh spoke on the issue advising that she had been involved in dealing with assessments and that some of these assessments had not been client centred. She requested that the Minister re-evaluate the process and assessment process so that the client has an involvement and can participate in their own assessment thereby including the client's wishes and opinions. The motion was seconded by Cllr. M. Murphy and it was agreed to forward the motion to the Minister for Health.

4) Notice of motion in the name of Cllr. P. Kavanagh and Cllr. S. Matthews (received 17.11.2014) (deferred from previous meeting)

'Wicklow Co Council calls on the Government to reverse the Health (fluoridation of water supplies) Act 1960 and immediately cease fluoridation of the public water supply. Recent evidence suggests that the underlying reasons for enforcing what has been deemed a public health benefit for the common good no longer bears true and that fluoridation can be extremely dangerous to health. Furthermore, under the Irish Constitution, EU and International Human Rights Legislation, medication without consent is a breach of bodily integrity, and a violation of the rights of the public to make informed choices about their own health. This outdated policy needs to be brought into line with EU precedent for which not one other European Government maintain a similar policy due to health, environmental, legal or ethical concerns.'

Cllr. P. Kavanagh outlines the background to the matter and issues of debate as to whether fluoridation of water supplies is good for public health or not. Various views were expressed by a number of elected members. Following a discussion on the matter the Cathaoirleach in acknowledging that there were obvious arguments for and against the motion he suggested that the motion be referred to the Environment SPC where an appropriate and qualified person could be requested to give a scientific opinion on the motion before it is agreed to forward to central government as he felt that there was not sufficient information on the matter. Cllr. S. Bourke suggested that Cllr. Kavanagh amend the wording of the motion to change the word 'reverse' on the first line to the word 'investigates'. Cllr. Kavanagh advised that she was happy to defer to the motion to the Environment SPC and that this might highlight even more issues. This was agreed.

5) Notice of motion in the name of Cllr. J. Behan (received 24.11.2014) (deferred from previous meeting)

'That this Council supports the National Association of Regional Game Councils in their request to be fully and meaningfully consulted by any changes made to the firearms licencing system.'

It was proposed by Cllr. J. Behan, seconded by Cllr. C. Fox and agreed to circulate this motion to all local authorities.

6) Notice of motion in the name of Cllr. J. Behan (received 24.11.2014) (deferred from previous meeting)

'That this Council rejects any attempt to reduce manning levels of the retained fire service currently being proposed by government.'

Response:

"The current manning levels in all fire stations in Wicklow County Fire Service and in the associated procedures and instructions were reviewed by the Health and Safety Authority in August, 2014 and deemed to be satisfactory. Wicklow County Fire Service's current procedures in relation to manning levels results in a greater number of retained fire service personnel being alerted than is specified in guidance issued by the Department of the Environment, Community and Local Government. There are no plans to amend current staffing levels and associated procedures. It is proposed to enshrine current practice in a new draft Section 26 Plan for the fire service to be presented to the Council in the third quarter of 2015. All vacancies occurring in Wicklow Fire Service have been filled on a continuous basis.'

Cllr. J. Behan welcomed the report from Wicklow County Council but that the unions representing the retained and full-time fire services are concerned. He acknowledged that there will be a new Fire Services Plan coming before the Council some stage in the year however he proposed that the Council adopt the motion as a policy.

Cllr. J. Brady proposed that the Council extend an invitation to the representative unions to make a presentation to the elected members in the Council Chamber.

Cllr. P. Vance asked that the CE give a commitment to the Council that if there are any threats or proposed reductions to the staffing levels that he would come back to the elected members before any decision was made.

The Chief Executive advised that there were no plans to amend the staffing levels at the current time and he had no difficulty giving a commitment to the elected members that if there was any such proposal that it would be discussed with the elected members first. He referred to the moratorium on recruitment in local authorities, however, the fire service is probably the only area of the Council where staffing levels have been maintained and that he did not expect this to change. He advised that the Chief Fire Officer was working on the Section 26 report which will be submitted to the elected members in the third quarter of the year for consideration and if there are any changes there will be every opportunity for the elected members to discuss the changes before they are implemented.

7) Notice of motion in the name of Cllr. J. Behan (received 08.12.2014) (deferred from previous meeting)

'That this Council enters into discussion with the Wicklow Town and District Bridge Centre Project with a view to assisting this extremely worthwhile initiative.'

It was agreed to refer this matter to the Wicklow Municipal District.

Question submitted by Cllr. J. Brady:

"Can a break down of costs to Wicklow County Council be given in providing in providing the eastern regional control centre for each year 2007 to 2014? How many emergency calls received for each area of Wicklow, how many calls were responded to?"

Response:

L. Gallagher gave the annual statistics in relation to incidents attended as provided by the Chief Fire Officer for the period 2008 to 2014 and the payments to the ERCC for the same period. It was agreed to circulate this information to all elected members.

Question submitted by Cllr. J. Brady:

“How much funding has been made available by the Minister for Heritage, Minister Humphries to Wicklow County Council for the 1916 centenary commemorations? What plans are in place to spend the funding?”

Response:

An Ireland 2016 project team will provide support to all local authorities around the Ireland 2016 project. There is €1m allocated for all local authorities for groundwork and to facilitate engagement for the 2016 County Programme. An Ireland 2016 co-ordinator was to be put in place by the end of January and their role will be to co-ordinate public meetings at local level, put in place a steering group locally if required and to develop and prepare the draft and final plans for the local authority to celebrate and reflect on 1916. There will be a national meeting for all co-ordinators and the 2016 national steering committee will be in place by mid-February and in April the draft action plan for local authorities will be published with final programme submission by October 2015.

Cllr. J. Brady proposed that a cross-party group be established to look at this and put a provisional plan in place. This was agreed.

Protocol

The minutes of protocol meeting held on 12th January were proposed by Cllr. N. Lawless, seconded by Cllr. P. Casey and agreed.

THIS CONCLUDED THE BUSINESS OF THE MEETING

**CLLR. C. FOX
CATHAOIRLEACH
WICKLOW COUNTY COUNCIL**

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

