

**MINUTES OF SPECIAL MEETING OF WICKLOW COUNTY COUNCIL HELD IN
THE COUNCIL CHAMBER, COUNTY BUILDINGS, WICKLOW ON MONDAY 27TH
APRIL 2015, COMMENCING 2.00 P.M.**

PRESENT:

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

APOLOGIES:

CLLR. T. CULLEN, P. KAVANAGH, G. MCLOUGHLIN, J. RUTTLE AND E. TIMMINS.

IN ATTENDANCE:

**MR. B. DOYLE, CHIEF EXECUTIVE
MR. D. O'BRIEN, DIRECTOR OF SERVICES
MR. S. QUIRKE, DIRECTOR OF SERVICES
MR. M. NICHOLSON, DIRECTOR OF SERVICES
MR. J. LANE, DIRECTOR OF SERVICES
MR. T. MURPHY, DIRECTOR OF SERVICES
MR. M. GEANEY, A/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. D. MARNANE, A/SENIOR ENGINEER
MS. D. CROMIE, FINANCIAL MANAGEMENT ACCOUNTANT
MS. B. McCARTHY, FINANCIAL MANAGEMENT ACCOUNTANT
MS. S. WALSH, A/SENIOR PLANNER
MS. L. EARLS, ADMINISTRATIVE OFFICER
MS. H. DENNEHY, A/SENIOR EXECUTIVE OFFICER
MS. J. CARROLL, ADMINISTRATIVE OFFICER**

Votes of sympathy

Elected members passed a vote of sympathy to the families of the late Mrs. Kathleen Kelly, Mrs. Christina Ward and Mr. Liam Cullen. A minutes silence was observed for the deceased.

Invitation to H.E. Jianguo Xu, Chinese Ambassador to Ireland

Cllr. G. Walsh advised that the Chinese Ambassador to Ireland had expressed an interest in coming to County Wicklow to address the Council and to explore the setting up of a cultural/educational/tourism agreement with County Wicklow and Hainan Island, China. The proposal was seconded by Cllr. P. Vance and agreed.

Request for Suspension of Standing Orders:

Cllr. J. Brady requested a suspension of standing orders to discuss the refusal of planning permission for 2 new schools, St. Philomena's Primary School Ravenswell and Colaiste Raithin, Bray, by Dun Laoghaire-Rathdown County Council. It was agreed to take this suspension of standing orders at 16:45.

Request to fly the rainbow flag during gay pride festival June 29th to July, 4th, at County Buildings

The Cathaoirleach advised the protocol committee had made a proposal to fly the rainbow flag on County Buildings, during the gay pride festival which was due to take place from 29th June, 2015 to 4th of July, 2015 and asked for the agreement of the elected members. This was agreed, the Wicklow Pride Committee to provide Wicklow County Council with the flag. It was also agreed that the Municipal District Committees would deal with same at municipal district level.

ITEM NO. 1

To consider the Bray Draft Schedule of Municipal District Works 2015 as per section 103A (4) of Local Government Act 2001 (deferred from meeting of the 13th April 2015) (previously circulated)

Elected Members were circulated with Draft Schedule of Municipal District Works, 2015, dated 8th April, 2015, for the Bray Municipal District, together with reports in relation to

- The schedule of works to be carried out in the Bray Municipal District in 2015 for Roads
- Proposed allocation of extra funding €112,500
- Update for Corporate policy group 2nd March, 2015 – SMDW

Ms. L. Lynch, head of finance referred to notice of motion number 7, which referred also to the matter and advised that she had circulated a document on this matter also. Ms. Lynch explained in relation to the breakdown of income over commercial rates, water charges, property tax, rental income, development contributions, parking fees and other income streams. She advised that as the Bray Municipal District Committee had rejected the schedule of works for Bray, under the legislative provisions it was presented to the elected members of Wicklow County Council for adoption.

Elected members from the Bray Municipal District advised of their concerns in relation to the draft schedule of works and in relation of discretionary spending.

B. Doyle CE, advised the elected members of their duties under the Local Government Act, 2001 and suggested that the resolution could include a provision that the optional items within the budget be agreed by the Bray Municipal District, but that it come back to the Council for approval.

It was proposed by Cllr. J. Behan and seconded by Cllr. P. Vance that the draft Schedule of works for the Municipal district of Bray be adopted on the basis of the discretionary funding being returned to the Bray Municipal District as put forward by the CE.

Following discussion on the matter the following two proposals were put forward:-

It was proposed by Cllr. J. Behan, seconded by Cllr. P. Vance and agreed by a margin of 25 votes for, 6 not present and 1 abstaining that the draft schedule of municipal district works for the Bray Municipal district circulated on the 8th of April, be agreed viz:-

FOR: CLLRS T. ANNESLEY, J. BEHAN, V. BLAKE, S. BOURKE, J. BRADY, P. CASEY, S. CULLEN, P. DORAN, P. FITZGERALD, C. FOX, P. KENNEDY, N. LAWLESS, S. MATTHEWS, M. MCDONALD, D. MITCHELL, M. MURPHY, D. NOLAN, O. O BRIEN, G. O NEILL, J. SNELL, B. THORNHILL, P. VANCE, G. WALSH, J. WHITMORE AND I. WINTERS (25)

NOT PRESENT: CLLRS. T. CULLEN, P. KAVANAGH, G. MCLOUGHLIN, J. RUTTLE, J. SNELL AND E. TIMMINS (6)

ABSTAINING: CLLR. T. FORTUNE (1)

It was proposed by Cllr. J. Behan, seconded by Cllr. P. Vance and agreed that the discretionary funding in relation to the draft schedule of municipal district works be returned to the Municipal District Members of Bray to revert back to the elected members of Wicklow County Council. The proposal was put to a vote and following a roll call was passed by a margin of 25 votes for, 6 not present and 1 abstaining, viz:-

FOR: CLLRS T. ANNESLEY, J. BEHAN, V. BLAKE, S. BOURKE, J. BRADY, P. CASEY, S. CULLEN, P. DORAN, P. FITZGERALD, C. FOX, P. KENNEDY, N. LAWLESS, S. MATTHEWS, M. MCDONALD, D. MITCHELL, M. MURPHY, D. NOLAN, O. O BRIEN, G. O NEILL, J. SNELL, B. THORNHILL, P. VANCE, G. WALSH, J. WHITMORE AND I. WINTERS (25)

NOT PRESENT: CLLRS. T. CULLEN, P. KAVANAGH, G. MCLOUGHLIN, J. RUTTLE, J. SNELL AND E. TIMMINS (6)

ABSTAINING: CLLR. T. FORTUNE (1)

ITEM NO. 2

To receive presentation on and to adopt the Wicklow County Council Annual Service Delivery Plan 2015

Elected members were circulated with the Wicklow County Council Annual Service Delivery Plan, 2015.

Housing & Corporate Estate:

The Annual Service Delivery Plan for 2015 in respect of Housing & Corporate Estate was presented to the members by Mr. J. Lane, DOS and circulated.

Transportation and Roads Infrastructure

The Annual Service Delivery Plan for 2015 in respect of Housing & Corporate Estate was presented to the members by Mr. S. Quirke, DOS and circulated.

Water & Environmental Services

The Annual Service Delivery Plan for 2015 in respect of Housing & Corporate Estate was presented to the members by Mr. M. Geaney, A/DOS and circulated.

Planning & Development

The Annual Service Delivery Plan for 2015 in respect of Housing & Corporate Estate was presented to the members by Mr. D. O'Brien, DOS and circulated..

Community, Cultural & Social Services

The Annual Service Delivery Plan for 2015 in respect of Housing & Corporate Estate was presented to the members by Mr. M. Nicholson, DOS and circulated.

Enterprise & Corporate Services

The Annual Service Delivery Plan for 2015 in respect of Housing & Corporate Estate was presented to the members by Mr. T. Murphy, DOS and circulated.

Following the presentation elected members expressed the following views:-

- Concern expressed in relation to the 26 projects listed and view expressed that Greystones was not getting its fair share of the funding
- Reference made to the expansion of the town of Greystones and the requirement for the development of the Delgany/Blacklion Road.

- Query as to the non inclusion of targets associated with performance indicators within the plan.
- Query as to whether Wicklow County Council is to take over control of Wicklow Harbour?
- Reference made to meetings held by Irish Water with elected members and that Wicklow Municipal District members were still awaiting Irish Water to revert to them with the questions asked.

Directors of Services responded to the queries raised. Mr. B. Doyle, CE advised that the Council was looking at the possibility of taking over the Wicklow Harbour but that no decision had been made and that he would revert to the elected members sometime in September or October.

Mr. B. Doyle also advised that the plan will be presented to the National Oversight and Audit Commission who will in turn collate all of the information from all local authorities which will provide a benchmark nationally.

Elected members agreed to take the suspension of standing orders before proceeding further with the agenda.

Suspension of Standing Orders

Cllr. J. Brady referred to the refusal by Dun Laoghaire-Rathdown County Council of the recent planning application for Colaiste Rathin and St. Philomena's primary school in Bray advising that both schools has been included in a bundle of projects for public private partnership schemes following lengthy campaigns. He referred to the reasons for refusal and to the very real concern in the community that funding for the schools will be lost as the other projects within the bundle of schools progress. He advised that St. Philomena's and Colaiste Raithin are seeking assurances that both projects will be retained within the bundle.

Following discussion on the matter it was proposed by Cllr. J. Brady, seconded by the Cathaoirleach and agreed that the Council would write to the minister for Education and Skills and request confirmation that both schools will remain on the list for funding until the planning matters have been addressed.

It was also agreed that the Council would contact Dun Laoghaire-Rathdown County Council to request clarification on whether or not the CPO in relation to road widening is still current. The Cathaoirleach advised that he would be happy to contact the Dun Laoghaire-Rathdown County Council Cathaoirleach with a view to discussing issues at municipal district level.

Returning to the ordinary business of the meeting, the Annual Service Delivery Plan 2015 was proposed by Cllr. P. Fitzgerald, seconded by Cllr. P. Vance and agreed.

ITEM NO. 3

To consider the Chief Executive's Report on the Council's Programme of Capital Projects 2015 – 2017

Elected members were circulated with report dated 7th April, 2015 from Ms. Loraine Lynch, Head of Finance and Appendix 1, proposed Capital Investment Programme, 2015 – 2017. The Chief Executive's Report on the Council's Programme of Capital Projects 2015 - 2017 was proposed by Cllr. P. Vance, seconded by Cllr. J. Ruttle and agreed. Cllr. D. Mitchell requested that his opposition be recorded.

ITEM NO. 4

To consider amendment no. 13 to speed limit byelaws of 2000

Elected members were circulated with report dated 23rd March, 2015 from Ms. Theresa O'Brien, A/Senior Executive Officer, Transportation and Roads Infrastructure and Wicklow County Council Amendments to Speed Limit Bye Laws of 2000 – Amendment No. 13, Schedule, January, 2015.

Mr. S. Quirke, DOS, advised that the matter had been considered again by the Baltinglass Municipal District and while there were some reservations expressed in relation to the 80km speed limit on the road near the Garda Station, it was generally agreed that the matter should proceed rather than being referred back to the NRA. He advised that the entire N81 will most likely come up again for consideration having regard to the new Speed Limit Guidelines issued in March, 2015 for a road width under seven metres.

Amendments to Speed Limit Bye Laws of 2000 – Amendment No. 13, Schedule, January, 2015 as circulated was proposed by Cllr. V. Blake, seconded by Cllr. G. O'Neill, following a roll call was passed by a margin of 22 for and 10 not present viz:

FOR: CLLRS. T. ANNESLEY, J. BEHAN, V. BLAKE, S. BOURKE, J. BRADY, S. CULLEN, P. FITZGERALD, T. FORTUNE, C. FOX, P. KENNEDY, N. LAWLESS, M. MCDONALD, D. MITCHELL, M. MURPHY, D. NOLAN, O. O BRIEN, G. O NEILL, J. RUTTLE, B. THORNHILL, P. VANCE, J. WHITMORE AND I. WINTERS(22)

NOT PRESENT: CLLRS. P. CASEY, T. CULLEN, P. DORAN, P. KAVANAGH, S. MATTHEWS, G. MCLOUGHLIN, J. RYAN, J. SNELL, E. TIMMINS, AND G. WALSH(10)

The Cathaoirleach requested that Item No. 6 and Item No. 7 be taken next as there were a number of staff members present. This was agreed.

ITEM NO. 6

To agree a schedule of workshops for the County Development Plan process

Ms. S. Walsh, A/Senior planner advised that following consultation the following workshops were proposed if agreeable to the elected members.

1. Rural Housing and Village Housing Policy – Tuesday 5th of May
2. Landscaping and rural house design – Tuesday 12th of May
3. Public Rights of Way – Tuesday 19th of May.

Following a brief discussion on the matter it was agreed that the workshop scheduled for the 12th of May would be held on the 11th of May.

ITEM NO. 7

To consider the Arts Festival/Groups Funding 2015

Elected members were circulated with report dated 25th February, 2015 from Ms. J. Sherwin, Arts Officer, outlining details of the Arts Festival and Groups and Bursaries funding applications for 2015.

Ms. J. Sherwin gave a presentation to the members covering the following areas:

- Application process
- Support process
- Criteria
- Assessment process
- Successful applicants
- Scoring sheet sample
- Most frequent errors

- Notification and further supports

The Cathaoirleach thanked Ms. Sherwin for her very comprehensive explanation of the funding process and noted the points made by elected members in relation to the Arklow Music Festival not receiving funding this year and the allocation made to Dunlavin Arts Festival.

ITEM NO. 5

To consider Statutory Audit Report for year ended 31st December 2013

Elected members were circulated with Statutory Audit Report for the accounts of Wicklow County Council for the year ended 31st of December, 2013 and the Audited AFS.

Ms. L. Lynch, Head of Finance advised that the Local Government Auditor in reviewing the 2013 accounts had examined the accounts, which comprise the accounting policy, income and expenditure, balance sheet and related notes to ensure their presentation was up to accounting codes of practice as prescribed by the Department. Ms. Lynch advised that the audit was complete by the end of January and was presented to the Audit Committee on the 6th of March to go through the issues raised. This was noted by the elected members.

ITEM NO. 8

To discuss Wicklow County Council Data Protection Policy

Elected members were circulated with report dated the 25th of February, 2015 regarding Data Protection procedures, policy and privacy statement from Liam Fitzpatrick, Head of Information Systems.

Des O'Brien advised on the physical changes proposed to the Planning Department in relation to elected members and staff viewing files. He advised that while the input and support of elected members in planning generally is supported and valued there are obligations under the law and requirements under data protection legislation.

The Cathaoirleach advised of the concern expressed by the elected members in relation to the dynamics of getting forms signed by constituents from various parts of the county. He also advised of the issues which had been raised at the Planning SPC meeting in relation to internal reports of planning officials and asked if these documents formed part of protected data. He himself felt that these reports were public documents and that having access to the reports assisted him in his role as an elected member, particularly in trying to reach solutions to problems that may arise from time to time.

Elected members expressed the following views:-

- View expressed that access to public files enabled the elected members more insight into the decision making process and the less information made available to the public, the more suspicion is raised. View expressed that the law is far too strict in this matter.
- View expressed that this is placing obstacles in the way of elected members making public representations, that the planning area is a public area. Query as to whether all local authorities are adopting the same approach as Wicklow County Council.
- Reference made to a situation where a member of the public or an elected member may now have to drive from one end of the county to another in order to access a signature and that there must be a more accessible way of dealing with the matter.
- Reference made to the fact that an elected member can through a TD in Leinster house have a Parliamentary question raised with a Minister or the Taoiseach on individual matters in County

Wicklow and does not have to go through the same process with regard to data protection. Clarification sought on this. View expressed that it severely restricts the role of the elected members and request for a second legal opinion to be sought put forward.

- View expressed that the Planners Report is produced by Wicklow County Council and thus the elected members should have access to it. Clarification sought and view expressed that the Council is being too stringent on this issue.
- Reference made to the process followed by government departments and that the process is not as stringent as Wicklow County Council and that all that is required is a PPS number and date of birth.

Des O'Brien, DOS, advised that any elected member can look at a planning file, but they cannot have access to the technical reports of the engineer, health officer or the planner. The legal advice is that the applicant is entitled to see what is happening with their file before others. Once a decision has been made, then all reports are made available. He advised that personal data should not be available for any individual to walk into the office and view and that there should be no representations made on a person's file in the absence of the applicant's consent.

ITEM NO. 11

Correspondence

Letter from EirGrid 17th April, 2015

Ms. L. Gallagher advised that letter dated the 17th of April, 2015 had been circulated to the elected members and that EirGrid were seeking feedback on their draft strategy for the development of the transmission system entitled *Your Grid, Your Views, Your Tomorrow*, by Friday 22nd of May. This was noted.

Monthly Management Reports to the Elected Members

Mr. B. Doyle, CE, advised of the announcement by Minister Bruton the previous week that the country wide picture on employment generation of the Work of LEO is on the increase. He confirmed that with the support from the Wicklow LEO last year, a net increase of 106 jobs in the County was the result. This was noted by the elected members.

Notice of Motions

Cllr. Shay. Cullen asked from the notices of motions to be reached on the following meeting.

Homelessness

Cllr. P. Vance asked that the issue of Homelessness in the County appear as one of the first items on the next agenda after statutory business at the next meeting. This was agreed.

THIS CONCLUDED THE BUSINESS OF THE MEETING

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

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