

WICKLOW COUNTY COUNCIL



Wicklow County Council
COMHAIRLE CHONTAE CHILL MHANTAIN

Transcript of the County Council Meeting Held on 7 December 2015 In the County Council Chamber, Wicklow



Text streamed live to the web on www.seewritenow.ie



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7 Monday 7th December, 2015. Wicklow County Council Ordinary Meeting.

8
9 CATHAOIRLEACH: Good afternoon members. It gives me great pleasure as Cathaoirleach of
10 Wicklow County Council to welcome His Excellency Kevin Vickers, Canadian Ambassador to
11 Ireland. I would also like to welcome Noel Keyes, Chairman of Wicklow County Tourism and
12 Superintendent Paul Hogan with us from the back from the Wicklow division, who was born in
13 Canada and Pascal Burke who is the President of the Wicklow chamber.

14
15 Ambassador Vickers became Canadian Ambassador to Ireland in January of this year. Just to
16 tell you maybe a little bit about the Ambassador's long and illustrious career. Ambassador
17 Vickers previously served as the sergeant at arms of the House of Commons after a successful 29
18 year long career with the Royal Canadian Mounted Police, where he attained the rank of Chief
19 Superintendent. And as sergeant at arms of the House of Commons, he was responsible for
20 ensuring the security of the Parliament, and you might remember he was hailed as a hero by
21 Prime Minister Steven Harper, Canadian's Parliamentarians, and other prominent Canadians and
22 international figures for his actions in stopping the October 2014 attack at the Parliament of
23 Canada.

24
25 Ambassador Vickers is the recipient of the Queen's jubilee medal, the Canada 125 medal, and
26 the Royal Canadian Mounted Police long service medal. He has also been recognised by the
27 community of Burnt Church New Brunswick for his outstanding service to their community and
28 by the United States Drug Enforcement Agency for his outstanding contribution to drug
29 enforcement.

30
31 Ambassador Vickers was born and raised in Miramichi, New Brunswick in an area of Canada
32 with deep Irish roots where thousands of Irish people settled with 30,000 arriving during the
33 famine. The city is 600 miles across the country from Ottawa, calls itself Canada's Irish capital
34 and is home each year to Canada's Irish festival. Indeed I am delighted to report that the

1 Council's genealogy service has compiled a history of the Vickers family, placing Ambassador
2 Vickers' family roots in Arklow, County Wicklow. This family history will be presented to you
3 today, and we are honoured to welcome you Ambassador, as a Wicklow man.

4
5 I am led to believe that there may also be a possible link between the Vickers' family and Co
6 Laois, but if Moneygall in Offaly can claim Barack Obama, I think we can claim you as one of
7 our own, is that okay?

8
9 Apart from the personal connection between the Vickers' family in Wicklow, we are mindful of
10 the historic links between Wicklow and Canada. In 1866, Captain Robert Halpin laid the first
11 transatlantic telegraph cable between Ireland and Newfoundland in Canada, which has never
12 been interrupted. Another important connection is the link between Canada and the Fitzwilliam
13 Estate in Coolattin in Wicklow. Between the years of 1847 and 1856, the Fitzwilliam Estate
14 assisted almost 1,000 families living on its lands to emigrate to Canada. Thus it is estimated
15 hundreds of thousands of Canadians and North Americans trace their ancestry to southwest
16 County Wicklow. Our county archives in genealogy service has assisted countless Canadians
17 over the years in tracing their roots.

18
19 Canada Come Home was a flagship gathering event in County Wicklow in 2013. It attracted
20 hundreds of Canadian visitors, including the former Canadian Ambassador and his wife to
21 Coolattin House, former home of the Earls Fitzwilliam. The lives of all those who left County
22 Wicklow for a new life in Canada were celebrated and in particular the 1,000 families who were
23 cleared from the Fitzwilliam estate in the 1840s and 1850s. A new and exciting project has
24 begun where the records of the tenants of the Fitzwilliam estate will be digitised and made
25 searchable for their descendants in Canada and around the world. This project is headed by the
26 Courthouse Arts Centre in Tinahely, which is in the heart of the former Coolattin Estate and you
27 have met two of the Board members today, Professor Bill McCormack and Mr Frank Gallagher.
28 The Courthouse Centre's partners are Trinity College Dublin, the National Library of Ireland and
29 the Wicklow County Archive Service. Indeed it's gratifying to see the present Earl Fitzwilliam
30 among the sponsors of this project.

31
32 These bodies have come together to provide a digital resource of one of the most extensive
33 collections of records of this type in Ireland. It's hoped that the hundreds of thousands of
34 descendants from the Coolattin estate in Canada and around the world will discover their family

1 history in these records and perhaps visit the beautiful County Wicklow to reconnect with the
2 landscape of their ancestors where it all began. In fact it is easier than ever for Canadians to visit
3 the land of their ancestors with the re-establishment of regular direct flights between Ireland and
4 Canada, which was due in no small part to the lobbying of the Canadian embassy.

5
6 We hope you are enjoying your visit to Wicklow. I believe you visited Wicklow Gaol earlier
7 and I hope you found this interesting. I think you will agree it is a special time to be in Ireland
8 with the upcoming commemoration of the 1916 rising next year. As chairperson of Wicklow
9 County Council 2016 Steering Committee, I am particularly proud of the County Wicklow
10 programme of events for the coming year and Ambassador you are very welcome to attend any
11 or all of these events in your home county. I would just like if I can invite the Chief Executive
12 Bryan Doyle to say a few words before inviting the elected members in.

13 CE: I would like to join with the Cathaoirleach and you the members in welcoming Ambassador
14 Vickers to Wicklow County Council here today. Also Mr Noel Keyes, Chairman of Wicklow
15 County Tourism and Pascal Burke, President of Wicklow Chamber and all those involved in the
16 Fitzwilliam project.

17
18 I have a different tack, I am here on the beg for County Wicklow really. Wicklow County
19 Council is working hard to promote tourism, heritage, culture and economic development and I
20 am sure you will have meaningful engagement with the members of Wicklow Tourism later this
21 afternoon. With some five million Canadians claiming Irish ancestral links, or affiliations with
22 Ireland, Wicklow County Tourism is actively reaching out to the Diaspora, inviting them to visit
23 Ireland, learn more about their heritage and explore the places their ancestors came from.

24
25 Intercountry travel has been enhanced as we know by the introduction of all year round flights
26 between Canada and Ireland, which recognises the growing Irish appreciation to travel and the
27 close relationship between the Canadian and Irish people based on family ties, cultural affinities
28 and shared traditions.

29
30 Our economies are complementary. With the Irish economy stabilising and showing
31 encouraging signs of sustainable development, Irish and Canadian companies are positioned to
32 capitalise on opportunities created by both countries. Wicklow County Council would like to
33 take the opportunity to build on these links. County Wicklow has a very favourable business
34 environment, as well as a young well educated workforce and the potential to create new and

1 meaningful synergies between the business community in Canada and County Wicklow in the
2 area of investment, education, culture science and technology. We would encourage ex-pats to
3 connect with Ireland and relocate business to County Wicklow. This is something very much
4 encouraged and supported on the very widely published connect Ireland programme under the
5 auspices of the IDA.

6
7 The Council has an overall strategy to encourage economic development of the county. Over the
8 12, last 12 months, the members will be aware a high level strategic action plan has been drawn
9 up which is now at implementation stage to drive and maintain economic activity and increase
10 employment in the county. This Council will work very hard to maintain the momentum going,
11 and supporting the business community to grow new businesses and new business opportunities
12 in the area of film, tourism, retail and recreation, across the spectrum of all business initiatives.

13
14 One of the main objectives of the County Wicklow Economic Think Tank implementation plan
15 is to develop the film industry in County Wicklow and I am delighted that you will be visiting
16 Ballyhenry studios later on this evening to experience first hand the filming of the Vikings which
17 I believe is a Canadian backed film franchise.

18
19 We encourage and welcome delegations and visitors to Wicklow, to experience first hand the
20 world class facilities in the county. Wicklow is an attractive destination for the business tourism
21 sector in Canada and we would like to highlight to Canada all that County Wicklow has to offer.
22 As the Cathaoirleach has said, there is great work ongoing in the Fitzwilliam project, digitising
23 the records of the Fitzwilliam Coolattin estate. This will undoubtedly strengthen the historic
24 connection between County Wicklow and Canada. Thank you Chairman.

25 CATHAOIRLEACH: Thank you very much. Now would any member like to come in and -
26 Cllr Blake.

27 Cllr BLAKE: Thanks Chairman, and on behalf of the group, can I again say a hearty welcome to
28 you here to your own county as the Chairman has said. And the Chairman has probably stolen
29 all my good words with regards to Coolattin and the Fitzwilliam estate. Your predecessor,
30 Ambassador Ahern was here back in 2013, and had a very great visit to Coolattin. As the
31 chairman said there, there was hundreds of people, probably thousands actually came to - for that
32 week down in Coolattin, and a huge amount of Canadians also came as well.

33
34 But they came to a house that probably to them was a view of the landlord system in Ireland that

1 they seen when they came to Coolattin what. they wanted to see was the old homestead that they
2 themselves and their predecessors had came from. there may be only a small few stones maybe
3 somewhere in a corner of a field somewhere. But that was to them the importance of seeing
4 where their ancestors actually came from, rather than the big house itself. Certainly their visit
5 was very, very welcome, and you talked about the fact that the Chairman said 1,000 families
6 were quite large families, but in total about 10,000 people left what was the Coolattin estate. But
7 the estate was a huge part, thousands of acres of land of County Wicklow at that particular point
8 in time. There was a huge number of people left County Wicklow, was assisted by the
9 Fitzwilliam family but the Fitzwilliam family have been very well respected all throughout by
10 the people of South County Wicklow through the years and their house near Doncaster in
11 England today is taken over by what we call the Office of Public Works, it's the National Trust
12 in England, and it's not a one day visit, I believe it takes a number of days to actually visit that
13 particular house now in near Doncaster in England. Certainly I think the Manager there alluded
14 to the fact that we are always begging for something here and he has robbed my words there. I
15 am sure Bill and Frank and Noel Keyes would probably beg your ear this morning as well in
16 terms of what it would mean to Ireland and Wicklow in terms of tourism and to let all the people
17 in Canada know where they did come from by the digitisation of the records in Trinity College in
18 Dublin. On behalf of the group here, I sincerely thank you for coming here today, listening to
19 what we have to say about our links between Wicklow and Canada, and your own links between
20 Arklow and Canada as well. Thanks very much for your presence here and the Chairman and
21 the Chief Executive probably has said enough in terms of what it means to us in terms of your
22 visit, thanks very much.

23 CATHAOIRLEACH: Cllr O'Neill.

24 Cllr O'NEILL: Again on behalf of my colleagues here in Sinn Fein, I would like to welcome
25 Ambassador to Wicklow. I don't know whether you have ever heard of the Battle of Ridgeway
26 in Canada? I would be a proud descendant of it, rather my great grandfather's brother was
27 General John O'Neill. He led the invasion of Canada in 1866, and he had left Ireland here as a
28 young lad, and he fought on the union side in the Civil War, but when the Civil War finished up,
29 he was still mad anxious for a bit of a scrap as such! So he actually was to take part in the Battle
30 of Ridgeway, and it was interesting really, because he had been in the American army prior to
31 the war starting and that. And he had a lot of involvement with the Indians and - out in the Mid
32 West, Nebraska, whatever. He struck up a great relationship with them and even some Indians
33 actually came on board with the Fenian movement on the first of June, 1866, to cross the Niagara
34 river into Ridgeway.

1
2 And - but it was a really interesting story at the time, because as you probably know, the British
3 Government had sided with the confederates at the time, and so really the incursion of Canada
4 had the blessing of the American President, President Johnson at the time, because the British, as
5 I say, had sided with the confederates and on the union side they weren't too happy. So the
6 invasion didn't last too long, it was only a couple of days as such. But because of the British
7 intervened then, and handed over one million dollars if Johnson could put a stop to the antics of
8 the Irish republican army, which it was the first time the Irish republican army term was ever
9 used. It wasn't as we all think of 1916 or 18 or 22. It was the very first time and I was in Canada
10 on a few occasions and in Nebraska, following up the full story on General John O'Neill, and I
11 had some souvenirs back home of the emblems they used with the Irish republican army
12 emblem. But O'Neill, he hailed from Monaghan and some of the family actually settled in
13 Tinahely before more moved to Dublin, South Co Dublin and back out to where I was from
14 myself, out in Saggart in South Co Dublin. But when he finished his -- when the war finished
15 and he joined the Fenian movement with the invasion of Canada, when that finished up, he
16 actually started settlements for the Irish who had mainly settled down the East coast of America
17 and they were living in overcrowded conditions and with Bishop Connor and the Catholic
18 Church, he started working out lots of land in Nebraska and he succeeded in creating settlements
19 out in the Mid West and in fact there is one settlement there at the moment called O'Neill and I
20 was delighted a couple of years ago to be honoured by being made Grand Marshal and I know
21 Lorraine here and when Billy Timmins was on the couple, they organised some items that I did
22 present to people and the State people of Nebraska. At the moment I am trying to twin, work on
23 the twinning of part of Nebraska, which will be whole county, which has a huge Irish Wicklow
24 connection with my own area of West Wicklow. So I have a huge interest in the Canadian -
25 sorry about the Battle of Ridgeway, but ... I have a huge interest in this and again Ambassador
26 you are very, very welcome.

27 CATHAOIRLEACH: Cllr Fortune.

28 Cllr FORTUNE: Thanks Cathaoirleach. Ambassador Vickers, you are very welcome to County
29 Wicklow on behalf of the independent group here in the Council. The whole Coolattin
30 Fitzwilliam project has taken great momentum in the last couple of years. Your predecessor,
31 Loyola Hearn, was very supportive. It has fantastic potential for both Ireland and Canada and
32 when you look at the amount of people that have emigrated alone just from the Coolattin general
33 area, it's quite phenomenal. I am sure if we follow it through fully, there must be thousands and
34 thousands and thousands of Irish Canadians. And I suppose traditionally here in Ireland as you

1 are well aware, the North American market has been very, very important. But the potential
2 that's there for growth between Canada and Ireland is limitless. So I hope during your tenure
3 here that that develops further and I know Wicklow Tourism has been working very closely on
4 that as well, and you met Noel and the gang I know earlier. Brian mentioned about the
5 entrepreneurial side of how we can make things happen. I know a number of years ago, you
6 come from the area of New Brunswick, Irving Oil is the big oil magnate up in that part of the
7 world and they made efforts to come into Ireland and Europe there a number of years ago. They
8 very nearly bought a company for sale here in Ireland and were within months in fact of
9 completing the deal, but for different reasons it didn't happen.

10
11 Obviously there is potential I think for a commercial development, and Wicklow is wide open,
12 we are very well located and we would love nothing better than to be doing business between
13 Canada and ourselves which would be very important. I hope your tenure and time in Ireland is
14 very, very enjoyable. I know you have been around this morning and you are visiting other
15 places but I hope over the years that you are here maybe you would come back on a regular basis
16 to us because I think things could really be developed on a real constructive manner. It's great to
17 have you here and you are most welcome.

18 CATHAOIRLEACH: Cllr Murphy.

19 Cllr MURPHY: I would like to welcome you as well. For lots of reasons, first of all I am a true
20 Arklow woman and it's great to see someone from Arklow originally going very high profile. It
21 just shows if you work hard, you can get places, it doesn't matter where you come from. Also I
22 sit on the Board of Wicklow Tourism which I have a very, very strong passion for. For our
23 county, but also in the way of disability and access. I think it's a lot of - needs to be done in the
24 area of access in our county, in our country. But I would like to offer my services to go to
25 Canada to survey any accessibility you need me to do! And to see what's there and what we can
26 compare with. But it is really an honour to meet you and hopefully work maybe on a link for
27 Arklow, and welcome you to Arklow some day as well. Thank you.

28 CATHAOIRLEACH: Cllr Ruttle.

29 Cllr RUTTLE: Thank you Cathaoirleach, it's great pleasure Ambassador to welcome you here to
30 Wicklow on behalf of our group here. There are big connections with Canada in this group. Cllr
31 Fox's grandmother is a Canadian. Very few people came from Canada to here and my wife's
32 grandmother did the same thing, left Canada and came to Cork. And my own ancestor Barbara
33 Ruttle who founded the Methodist church in North America is buried in Kingston, Ontario, and
34 my own son at the moment lives and works in Toronto.

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I perceive Canada as really a great country with a very liberal and welcoming attitude to people. And no draconian attitudes or extremists. It's a shining light of accessibility and multi-culturalism where a lot of people from all over the world have gone and made a good life. And you can be very proud of that and what has been achieved in Canada, without some of the excesses that we could see in other parts of that continent. It's very good.

One thing that keeps coming up with people I know and their families, people who gain the two year visas in Canada, are they going to be extended? They like life there and it's a query that comes up, perhaps the Ambassador might enlighten us on that. It's great to have you here to celebrate the huge connection with the South Wicklow area, with Cllr Blake's area particularly, the Coolattin estate, the Earl Fitzwilliam and what happened there and the connections and we look forward to these connections being reforged again where people could come and see where they were from and visit their ancestral places. Thank you very much.

CATHAOIRLEACH: Councillor Walsh.

Cllr WALSH: On behalf of the Fianna Fail group and Wicklow Tourism and as a former police officer I would like to welcome you here to Wicklow today. The historic links between Wicklow and the New Brunswick St Lawrence's river basin have been stated by our chairperson. It's great to see those links, those documentations that exist and those links being documented now are being digitised and the investment being put into it, because I think the recent gathering there back in 2013 showed the interest in Canada with the Coolattin, the picturesque Coolattin area and I think we can build on that. I want to mention Canadian native Lynn Loftus, a Greystones resident who has put a lot of work into the Canada Ireland story and has researched this to a large extent and I met with her some months ago and we had a long conversation and I must say it was very informative for me.

Again just along the lines -- the CEO pointed out the advantages for both communities and the economic advantages and we can forge links and the district flights will be a big help in that regard. Again you are very welcome and we might have a chat later, thank you.

CATHAOIRLEACH: Cllr Thornhill.

Cllr THORNHILL: Thank you.

(SPEAKS IN IRISH). On my behalf and on behalf of the Wicklow County Council, I would like to bestow on you 100,000 welcomes. I know that you will succeed at your new job, and I hope that you will enjoy this country during your stay. And I'll just say just a few words in relation to

1 Canada and Ireland during 1847, around that time, the famine. I myself coming from Cork and
2 from that region, an awful lot of Irish people were very thankful to the people of Canada for their
3 welcome. It was very tough at the time and I am sure now when we are looking at the Syrian
4 crisis, we can understand what it was like at the time. And for that a thousand thanks.

5
6 Also I would just like to say that I do know that you were with the Royal Mounties and they
7 always get their man, and as a former member of the Garda Síochána myself I do understand the
8 importance of the associations between police forces and the people and I'll say no more, but
9 thank you very much and wish you the best for the future.

10 CATHAOIRLEACH: Finally Cllr Bourke.

11 Cllr BOURKE: Ambassador Vickers as the Cathaoirleach of the Arklow Municipal District this
12 year, I am delighted to welcome you here to County Wicklow and in particular if you ever would
13 like to visit Arklow in the company of any of the Local Area Councillors or the Cathaoirleach,
14 all you have to do is ask and we would be delighted to escort you and roll out a red carpet for
15 you. Thank you.

16 CATHAOIRLEACH: Do we have a red carpet? Okay, so maybe you would like to respond.

17 HE VICKERS: Lord Mayor, and Councillors, I wish to thank you for your very kind invitation.
18 I am honoured and I am exceptionally humbled to be here today. And I am very proud to call
19 myself a Wicklow man! Yes. I come from the Miramichi, but my people are from Ireland. My
20 Mum's people came from Bantry Bay in 1826, they arrived in Miramichi New Brunswick. My
21 father's people, the Vickers, I am being told I am from Portlaoise, I am being told I am from
22 Cork, and now I am being told I am a Wicklow man! But I tell you here now, that lady at the
23 back of the room, I think she has got the evidence, so I am very, very proud to call myself. I
24 went home this summer and they had me in my home town, Miramichi, it's all Irish. And you
25 have to understand when I say that. It's all Irish. There is an island in the middle of our river,
26 where about 275 of your country men are buried. In 1847 when they arrived, the ships arrived,
27 they were overcome with typhus and cholera, and so we grew up with that on the island and the
28 river in my home town, there is a Celtic cross, and the graves of the people that didn't make the
29 journey across, but as I told President Michael D Higgins, when I was presenting my credentials
30 to him this summer for this past year when I first came here, I said we are like the salmon, you
31 know, we left Bantry Bay, we left Wicklow, and we have been away a while, but we are now
32 back to the home pool, back to Ireland, and when I was talking to my home town people this
33 summer, I said I do live in a new country now, but it's very familiar to me. There is people over
34 there with names like Murphy.

1 Cllr MURPHY: Yes!

2 HE VICKERS: Walsh, Burke, Doyle, Kavanagh, O'Toole, O'Neill, and not only do they have
3 our names, they actually look like you! And not only do they look like you, they act like you!
4 And God bless them, they even drink like you!

5
6 Now the connections between our two countries are wonderful. There is a young man from
7 Montreal, he said we have got to do something. I said what, he said the lamb in Canada always
8 comes from New Zealand, how come we can't get lamb from Ireland? So that's something I am
9 going to figure out, how come land is not going from Wicklow to Canada, and maybe somebody
10 can correct me if he and I are wrong about that.

11
12 As I say, the connections are strong and true. 15% of our population in Canada claims, like I do,
13 to have a direct ancestry with Ireland. And that adds up to about 5.3 million people, which is
14 greater than the population of Ireland itself. And very happily we have this wonderful
15 relationships and the gentleman just mentioned about the travelling education visas. We have
16 been inviting 10,700 applicants, young Irish people to come to Canada each year and they've
17 been gone in minutes this. week actually we are setting up a different system, but we are keeping
18 the same numbers, 10,700 people will be able to - young Irish people, if they wish to come to
19 Canada for a working education visa, they're going to have.

20
21 So once again, Lord Mayor, and Councillors, I am so honoured to be here, and so proud to call
22 myself a Wicklow man. Thank you very much.

23
24 (APPLAUSE)

25
26 CATHAOIRLEACH: I think as well as a lot of guards as Councillors, we also have a lot of
27 farmers so we will get on to that point straight away and find out what they're doing about the
28 Wicklow lamb! I know I have a presentation here. Officially I suppose in front of all the
29 members, I would like to present this to you and wish you the very best of luck in your role and
30 please don't be a stranger to County Wicklow.

31 HE VICKERS: Thank you.

32
33 (APPLAUSE)

34

1 CATHAOIRLEACH: Cllr Fitzgerald if you just want to take the Chair while I deal with a
2 couple of photographs, and I'll be back in.

3 LEAS CATHAOIRLEACH: Just, members have we any votes of sympathies since the last
4 meeting?

5 MS GALLAGHER: I have two, Cathaoirleach, a vote of sympathy on the death of Billy Doody,
6 a former employee of Wicklow County Council and father of Noel Doody. And also Maura
7 Clarke, brother of Pat Clarke, Wicklow County Council.

8 LEAS CATHAOIRLEACH: Cllr Nolan.

9 Cllr NOLAN: A vote of think on the very sad passing of Garda David Bolger. The entire
10 community in Newtown was still in shock and mourning at this time. Garda Bolger was
11 stationed in Newtown for approximately seven years and was very well liked and respected, and
12 he was held in a very high regard by the people of Newtown and the surrounding areas. He was
13 heavily involved in many community initiatives, most notably setting up neighbourhood watch
14 programmes and newly founded Newtownmountkenedy and Newcastle Men's Shed. I think it
15 was Garda Bolger's manner and style of policing that endeared him to everyone in the
16 community. He was always professional, he was always very pleasant, and approachable. He
17 had a great rapport with the young people in the community as well and there was a great mutual
18 respect between himself and the young people. And I found it a bit ironic that on the day when
19 the terrible news broke, many people were talking to me, and it was obvious that these were
20 people that he had probably arrested, and yet they even said he was a lovely guy, so
21 approachable and so nice. I would just like to send the sincere sympathies of myself and on
22 behalf of the people of Newtown, the sincere sympathies to his family, particularly his three
23 children, Josh, Jack and Kate, his parents PJ and Julie, his siblings, friends and Garda colleagues,
24 particularly sergeant Ciaran Gormley, Garda John Whelan and Gavin Colfer who were stationed
25 with him in Newtown and everyone who knew him and he will be sorely missed by everyone in
26 Newtown and everyone who knew him.

27 LEAS CATHAOIRLEACH: Cllr Blake.

28 Cllr BLAKE: Billy Doody's sister died only two days after Billy himself. I would like to join
29 that one in as well.

30 LEAS CATHAOIRLEACH: Cllr Thornhill.

31 Cllr THORNHILL: Cathaoirleach, I also would like to be associated with Cllr Nolan's
32 comments in relation to Garda Bolger. I worked with Garda Bolger in Bray, and I also
33 considered himself a great individual and all his traits mentioned by Cllr Nolan, I would like to
34 associate myself with them.

1 Cllr Tommy CULLEN: I just want to join my condolences with the Doody family on the
2 passing of Billy Doody, a very good worker for this Council, very highly regarded as a big loss,
3 sympathies to his wife and family, thanks Chairman.

4 LEAS CATHAOIRLEACH: We will stand for a minute's silence.
5

6 (A minute's silence was held)
7

8 LEAS CATHAOIRLEACH: Just, members I am aware that there is a suspension of standing
9 orders at 3.30, but if the members agree, there are a lot of disposal notices on there, so if we
10 could go through them while awaiting the Chairman to come back if that's agreed. So the first
11 disposal notice, sorry, yeah? I am just going to come on to -- you are ready to propose it, are
12 you?

13 Cllr THORNHILL: Just a word of congratulations to the Wicklow ... on the 2nd of December at
14 Dublin City Hall from 300 nominations which was whittled down to 30, it included five
15 volunteers from Wicklow. Amongst the people from Wicklow was there was a Hilary Sharp
16 who was involved in the Arklow Community Resource Centre, Frank Byrne for the local
17 charities in Bray, Jennifer Kavanagh, old Kilbride cemetery in Arklow, a Terry Kavanagh from
18 Roundwood who was a community councillor, and a Paul Garrigan from Baltinglass GAA. I
19 just like to say that Leah Kinsella, manager of the Wicklow Volunteer Centre, just mention that
20 Ireland which is ranked as number one for volunteering in the world and these people are a
21 shining example. Only for these people, this country really depends on the volunteers and I
22 think they should be well recognised. Thank you.

23 LEAS CATHAOIRLEACH: Thank you Councillor. Cllr Blake.

24 Cllr BLAKE: When you are taking congratulations, can I join in seconding that proposal to
25 congratulate those people who are volunteers. Can I just add a congratulations as well at the
26 moment? It's in relation to the Young Entrepreneur Awards of the Year held in the Google
27 offices in Dublin yesterday. And we had a representative from Wicklow there in James Keogh
28 from Rathwood. He won the best established business, I think they're talking about people under
29 30 years of age qualifies for it. So he represented County Wicklow. There was I believe
30 somewhere in the region of 1,400 participated in this from the outset, got down to the last 24
31 yesterday in the three categories, and James Keogh as I said from Rathwood won the best
32 established business of the year and representing County Wicklow in that. So just I spoke to him
33 yesterday evening in regards to congratulating him. He just as well would like to say from his
34 own point of view he was very grateful from the support he got from Síle Daly from the

1 Wicklow enterprise office and equally so here from Wicklow County Council in that regard as
2 well. He is a small business employing somewhere in the region of almost 70 people on a daily
3 basis and at this time of the year, that increases to well over 100 people. It's a significant and
4 important business in a rural area of South County Wicklow and I just take the opportunity since
5 he himself is thanking both the Wicklow Enterprise and Wicklow County Council, on behalf of
6 Wicklow County Council, can I say well done to him as well, congratulate him, it's a great
7 achievement to get down to the last three of actually winning the overall award. I think a fella
8 from Cork won the overall award but he won his section of it, on behalf of County Wicklow.

9 LEAS CATHAOIRLEACH: Cllr Cullen, is it?

10 Cllr Shay CULLEN: I just want to be associated with the comments from Cllr Thornhill with
11 regards to the Volunteer of the Year Awards. But in particular I want to mention a person who is
12 in my own Municipal District area, Terry Kavanagh who has done Trojan work over the years
13 for the community of Roundwood, in particular raising in the region of half a million euro
14 through the local lottery which has benefited the local school, and the athletic club. He is also
15 heavily involved in the Tidy Towns and is just a really, really good community worker for the
16 area and I would just like to acknowledge his contribution. Thank you.

17 LEAS CATHAOIRLEACH: Just I attended that event with Cllr Bourke who was there as well,
18 and I mean the support the Wicklow people had there and to see Hilary Sharp who is connected
19 with the group there which includes herself, it was a tremendous achievement and for everyone
20 else, Paul Garrigan from Baltinglass who also in his category was number one and it was great to
21 see so many from the county there. So - are you coming in there Cllr Kennedy

22 Cllr KENNEDY: I want to congratulate Carmel O'Toole Murphy who has produced a book on
23 the history of Glenmalure and she lodge TD on Saturday and there was over 500 people at that.
24 She has put five years work into this book and she should be congratulated on that.

25 LEAS CATHAOIRLEACH: Are you coming back in again Councillor? You need to put out
26 your light there, you are not coming in.

27 Cllr THORNHILL:

28 LEAS CATHAOIRLEACH: You are coming in again, are you?

29 Cllr THORNHILL: Yeah.

30 LEAS CATHAOIRLEACH: We need to get on with it will.

31 Cllr THORNHILL: Just a point of order, I would just like to propose that an item that's at
32 number 20 on the agenda, it be moved up to number two. This is a very important item, and I
33 think it has been on the agenda before but we have never got around to it properly, so I would
34 propose that it be moved up the agenda to number two Cathaoirleach

1 LEAS CATHAOIRLEACH: Can I just say there is a lot of - from number two to number 12
2 need to be dealt with very quickly, so I propose we go ahead with the disposal notices, because
3 they are important to some of the people. And I think we need to go ahead with them first to be
4 quite honest about it.

5 Cllr BRADY: Chairman could I make a proposal, even if we get through all of this, we have a
6 suspension of standing orders at 3.30 to deal with Notices of Motions and I know there is an
7 event after the Council meeting at a quarter past five so, even if we get to item number 20, we
8 are going to be very, very tight for time and in fairness this issue has been on the agenda, we
9 have been discussing it for months and months now and realistically the only way to deal with
10 this is convene a Special Meeting of this Council with one item on the agenda and it being this.
11 Can I propose that we convene a Special Meeting of the Council, purely to deal with this issue?
12 We have the legal advice back from different individuals and that, so I think the files have been
13 made available to members as well, so I think it warrants a lengthy discussion as opposed to
14 trying to cram it into half an hour or 45 minutes. Can I propose that we convene a Special
15 Meeting of Wicklow County Council for next Monday at 2 o'clock Cathaoirleach?

16 LEAS CATHAOIRLEACH: Okay, Councillor, just are you coming in there.

17 CE: Yes Cathaoirleach. I think we have listed it on the agenda today where a view to
18 continuing on this evening to allow for a discussion on this matter. I just want to point out that
19 the situation is that this agreement has to be signed by next Monday and passed over. If not, the
20 County Registrar will refer it to a legal process and it will be automatically signed over. So
21 that's just to let the members know that in any discussion that they're talking about deferring.
22 Like to be fair, the vast majority of the information has been available for a considerable amount
23 of time, the legal advice hasn't really changed that the members have received, and I think it
24 would be a more appropriate to stick at it for a while here this evening and discuss it.

25 Cllr FOX: Can I suggest we...

26 LEAS CATHAOIRLEACH: Sorry, Cllr Cullen was coming in ahead of you.

27 Cllr Tommy CULLEN: Chairman,

28 Cllr WINTERS: Chairman, she can't - unless you use the microphones...

29 LEAS CATHAOIRLEACH: I understand that, I have the wrong glasses on me.

30 I can't see Tommy through the mist there.

31 Cllr Tommy CULLEN: You are not missing a whole lot. Chairman, I took the time and I am
32 sure every other Councillors in the chambers read it as well, I have read the file and I think the
33 file is certainly at strong variants of what we were informed here at the Council in our meeting in
34 July.

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I am not going to go into the details of what I read but it's very alarming what I read. And I think you should expedite this, if it's going to be signed over next Monday, I think this should be dealt with immediately after these other statutory notices here on the agenda. These notices you have. Because I am sure Chairman, I understand you read the file as well and you must be alarmed with what you read as well. As I said, it's in stark conflict what we were told at the Council, and you know, just read the local papers this week, what happened recently when people come into the Chamber and say one thing and I have read the Act and it says any false communications, knowingly false communications, it's a very serious matter and you as Chairman, now you are aware of the facts the same as I am, so I say any Councillor who hasn't read them files, hop upstairs and read them quickly.

LEAS CATHAOIRLEACH: I take your views, I think really Cllr Brady I think we should finish this tonight. I think everyone is of the opinion we have to run through on this.

Cllr BRADY: Can I just say, I am on foot of what the CEO said, this decision will have to be made by next Monday, certainly it needs to be dealt with at today's meeting. We crack on.

LEAS CATHAOIRLEACH: I think if we crack on.

Cllr BRADY: If we extend time.

Cllr Tommy CULLEN: Whereabouts is it going to be put on the agenda now?

Cllr VANCE: Can I suggest that we cancel the Notice of Motion and discuss this instead of the Notice of Motion. When we get rid of the disposals here. Disposals will only take five minutes.

LEAS CATHAOIRLEACH: I think we should do that.

Cllr VANCE: Why can't we put back the Notice of Motion, this is an important issue, let's deal with it. Some of those motions are months and months old, they're irrelevant at this stage. Deal with it under that.

Cllr BOURKE: That's a good idea Cathaoirleach.

LEAS CATHAOIRLEACH: Okay, I have no issue about that, so I think we should go ahead with whatever disposal notice we can do and when we arrive at which ever one it is - at number 13. Is that okay?

Cllr WHITMORE: Can I just say item number 19 is the launch of the text messaging service, and I understand that there is a lot of very important things to deal with but just in light of the weather conditions we have at the moment, if we could make sure that's on the schedule today and it is discussed, so we don't have to wait another month before it's in play.

LEAS CATHAOIRLEACH: Okay. We will go ahead with the disposal notices anyway and the first one is disposal notice 2, to consider disposal of land in the townland of Corballis, upper

- 1 Rathdrum, to PJ O'Neill.
- 2 Cllr BOURKE: I'll propose that.
- 3 Cllr FITZGERALD: I'll second that.
- 4 LEAS CATHAOIRLEACH: Is that unanimous? Number three, there is an error there, what we
5 were sent out is correct.
- 6 MS GALLAGHER: It's a typographical error, the decimal point should be 1.0 is (INAUDIBLE)
7 is correct and it says 1.00.
- 8 Cllr DORAN: Proposed.
- 9 Cllr Tommy CULLEN: I second it.
- 10 LEAS CATHAOIRLEACH: Agreed, is it? Number four to consider disposal of the Council's
11 interest in equity of land in the townland of Knockananna. Could I have a proposer and
12 seconder.
- 13 Cllr BRADY: I'll propose it.
- 14 LEAS CATHAOIRLEACH: Again, everybody agreed it.
- 15 Cllr BLAKE: Second.
- 16 LEAS CATHAOIRLEACH: Number five, to consider disposal of the Council's interest and
17 equity in the freehold interest and leasehold folio number 377L County Wicklow, being St
18 Brigid's Terrace, Arklow, to Christine Downey. I would like to propose that myself.
- 19 SPEAKER: I'll second it.
- 20 LEAS CATHAOIRLEACH: To consider disposal of the Council's interest and equity in the
21 freehold interest 132 Fernhill, Arklow, to Ann and James Brennan. Proposer?
- 22 Cllr BOURKE: Proposed.
- 23 LEAS CATHAOIRLEACH: All in agreement. It's very hard to pick up when we don't know.
- 24 CATHAOIRLEACH: If you press your buttons when you are seconding. Number seven to
25 consider disposal of the Council's interest and equity in the freehold interest in 35 James Everett
26 Park, Bray, County Wicklow.
- 27 Cllr VANCE: I propose that.
- 28 LEAS CATHAOIRLEACH: Cllr Vance, seconder? Cllr Behan, is it?
- 29 MS GALLAGHER: All agreed?
- 30 LEAS CATHAOIRLEACH: Number eight, to consider disposal of the Council's interest, being
31 331 Connolly Square, Bray, to Anthony Jackson, Breffini Jackson and Penny Jackson as tenants
32 in common of equal shares. I need a proposer and a seconder.
- 33 Cllr VANCE: I propose.
- 34 LEAS CATHAOIRLEACH: Cllr Vance. Seconder. Cllr Matthews. Agreed? Yeah. Number

- 1 nine to consider disposal of the Council's interest and equity in the freehold interest in leasehold
2 number 786L knock then ran...(Quoted).
- 3 Cllr BOURKE: I propose that Cathaoirleach.
- 4 LEAS CATHAOIRLEACH: Cllr Bourke and Cllr Annesley.
- 5 MS GALLAGHER: All agreed?
- 6 LEAS CATHAOIRLEACH: Number ten, to consider disposal of the Council's interest and
7 equity in land at Cranagh Redcross to Mr Ricky Scales and Mrs Mary Doyle Scales, Redcross, in
8 Wicklow. Proposer and seconder? Cllr Annesley. Seconder, Cllr Cullen.
- 9 MS GALLAGHER: Agreed?
- 10 LEAS CATHAOIRLEACH: Number eleven, to consider disposal of the Council's interest in
11 equity in 0.52 hectares or thereabouts of land in Newcastle County Wicklow to Ms Ann Young.
12 Proposer and seconder.
- 13 Cllr NOLAN: Proposed.
- 14 Cllr Shay CULLEN: Seconded.
- 15 LEAS CATHAOIRLEACH: Agreed. The next one is a bit complicated looking. To consider
16 disposal of the Council's interest and equity -- is that why you are looking to leave it, because I
17 might be Chairman? Has everyone read number 12?
- 18 Cllr MITCHELL: I propose that.
- 19 Cllr McLOUGHLIN: Could I second it.
- 20 MS GALLAGHER: Is that agreed?
- 21 LEAS CATHAOIRLEACH: All right just, what do the members want to do at this stage, we can
22 go on to 13...
- 23 Cllr BLAKE: I propose we go on to 13, this is something we brought up here in the Council
24 chamber ourselves regarding a child being killed in Kilkenny. We have discussed it at our own
25 district meeting, the Baltinglass district never approved it anyway. If the members have
26 objections to it well and good but I would propose we adopt it.
- 27 Cllr MATTHEWS: I second that.
- 28 MS GALLAGHER: Proposed by?
- 29 Cllr WINTERS: I'll second it.
- 30 LEAS CATHAOIRLEACH: You all agree with it, yeah? Just to get rid of number 14, to note
31 the Annual Report 2014, we got a CD on that. Okay?
- 32 MS GALLAGHER: You might as well do nominations.
- 33 LEAS CATHAOIRLEACH: I intend to. Number 15 to consider nominations to the Kildare and
34 Wicklow ETB.

1 MS GALLAGHER: It's just one.

2 Cllr CASEY: Male or female?

3 LEAS CATHAOIRLEACH: Cllr Annesley was the previous nominee, but he is appointed now
4 as a Kildare and Wicklow ETB nominee, so there is a vacancy.

5 Cllr Tommy CULLEN: I propose Cllr Doran.

6 Cllr DORAN: I am not into music really

7 LEAS CATHAOIRLEACH: Councillor advance? You have your light on there?

8 Cllr VANCE: Sorry I had it for the disposals there Chairman.

9 LEAS CATHAOIRLEACH: Cllr Blake you have your light on.

10 Cllr BLAKE: I can't sing either.

11 LEAS CATHAOIRLEACH: You have your light on, I thought you wanted to sing there for a
12 few minutes! Is there anyone at all?

13 Cllr ANNESLEY: Louis Walsh couldn't sing either, but look how famous he is now.

14 Cllr RUTTLE: Councillor Daire Nolan, a young man, well known for the performances at the
15 Parkview in Newtown.

16 LEAS CATHAOIRLEACH: That's fine, all agreed? Number 16 to note the monthly
17 management report for Wicklow County Council for June, July, August, September, October, no
18 issues? Number 17 to discuss the reserved functions of the Municipal Districts, previously
19 circulated and deferred from November 2015?

20 MS GALLAGHER: This will take a little time. Do you want to defer it?

21 LEAS CATHAOIRLEACH: I think we will defer that.

22 Cllr BRADY: Cathaoirleach, just on that, because I propose we have this and maybe if we get a
23 full report along with that, it was actually also supposed to cover the whole shortage of staff,
24 because it's a huge issue and indeed the members in Bray, we passed a resolution at our last
25 Municipal meeting, unfortunately the motion isn't here, so maybe that motion will coincide with
26 the discussion on this, because it's a big issue in all of the districts there as well. So maybe if
27 that can be incorporated in the next agenda.

28 LEAS CATHAOIRLEACH: 18 is to consider amendment of standing orders of Wicklow
29 County Council, land disposals, notification of members. So ... do we want to do that now or
30 defer it?

31 Cllr VANCE: Sure do it, that's been agreed?

32 MS GALLAGHER: The proposal, this came from a Council meeting and it was the Protocol
33 Committee were asked to consider it, so the proposal there for "To amend standing orders by
34 inserting the following paragraph which basically means that Section 81B provides that the first

1 meeting of the Local Authority held at the expiration of ten days after the day in which notices
2 are sent or delivered, the Local Authority may resolve the disposal shall not be carried out
3 ...(Reading)... no later than 5pm following the sixth day after the day in which such a notice was
4 sent or delivered or five pm on the Wednesday." Basically it means that if there is any questions
5 or queries in relation to a Notice of Motion, it will appear on the agenda on Monday, they're
6 submitting to the meeting administrator on the Wednesday, the middle of the ten days.

7 Cllr VANCE: I'll second that.

8 CATHAOIRLEACH: Agreed?

9 Cllr Tommy CULLEN: Chairman, what happens information comes to a member on the 6th
10 day? Or the 7th day or the 8th day or the 9th day or the 10th day, does the member not have the
11 right to raise that information that he or she would have got in the last five days before it would
12 come before the Council?

13 MS GALLAGHER: Absolutely, it's not to deter any type of information, it's basically to put a
14 process in place so that if there are queries and a disposal resolution, that it would be helpful that
15 the executive have them a previous couple of days, so they could be answered rather than trying
16 to deal with them blindly at a Council meeting, so it certainly doesn't deter anybody...

17 Cllr Tommy CULLEN: Chairman with due respect, if it's in place of standing orders, it would
18 be deterring, and the Chairman could rule any questions out of order because the person may
19 have got the information on the 6th day, or the 7th or 8th or 9th or 10th day, therefore that
20 information could not be brought into the debate, because it would be ruled out of order by the
21 Chairman if it's included in standing orders.

22
23 Now I think that actually goes against the Act. The Act gives ten clear days notice to the elected
24 Councillors and what this amendment would in effect mean is the Council will only have five
25 clear days notice, five days and you know yourself that you get the agenda in the door, it may not
26 - for a meeting the following, something ten days on, might not be your immediate focus, maybe
27 when you get around to looking at it, you pick something on the 6th day onwards, you make a
28 call, get something back. I think it's a very dangerous precedent to set and I think we should
29 leave the Act as it stands that the elected members would be given ten clear days notice, that's
30 why ten clear days notice is in the Act. I think we would be going against the Act. The act
31 didn't say that you give the elected members ten clear days notice or nothing, because it's not
32 unreasonable for you to look at the file or maybe ring up about something or ask some Council
33 official about something, they could be on holidays. But you come in on the 6th day and say
34 your query is out of order, you should have wrote in. That's going against the spirit of the Act.

1 The Act says ten clear days notice. That's not in the Act for nothing. And I think we should
2 leave the act as it stands and not try to meddle with changing the law. It's not in our authority to
3 change the law.

4 MS GALLAGHER: It's clearly a decision for the elected members. The elected members asked
5 for the Protocol Committee to decide on a protocol for...

6 Cllr Tommy CULLEN: I would like it to be referred back to the Protocol Committee.

7 LEAS CATHAOIRLEACH: Sorry, just a minute, Cllr Whitmore was in there I think first.

8 Cllr WHITMORE: I am just wondering where the decision to come up with this originally, I
9 know at one point I asked for the procedures to be looked at in relation to the section 183s, is this
10 as a result of that?

11 MS GALLAGHER: It's to have the information, so if elected members require important
12 information in relation to the disposal, to be more productive, that you have those questions in
13 advance to the County Council meeting so you have a more productive answer.

14 Cllr WHITMORE: I suppose when originally I was talking about having a look at the
15 procedures it was also to look at things like whether section 183s, whether contracts be signed in
16 the absence of 183s being approved by the Council, so there was - I suppose a much wider remit
17 than the timelines, and I am wondering whether the Protocol Committee will also be looking at a
18 wider review of the processes rather than this. I agree with Cllr Cullen, I think four or five days,
19 there may be instances where you don't get a chance to...

20 MS GALLAGHER: It completely a matter for Protocol Committee.

21 CATHAOIRLEACH: Cllr Fox I think is just in there.

22 Cllr FOX: Thank you Chairman I agree with the thrust of what's being proposed to amend the
23 standing orders, because when I am voting on a disposal, I would like all the information to
24 hand, and the problem with the system at the moment is that often a Councillor can raise queries
25 on the day which the staff to be fair can't answer on the spot. Just can't be done. And then we
26 are asked to make a decision with a deficit of information. Now I would suggest maybe an
27 amendment that if -- Cllr Cullen has made a valid point, that if there is something comes late in
28 the day, that maybe Wednesday is too much of a stretch, but certainly prior to the day of the
29 meeting, so for example it could be submitted on the Friday that might be some way to find some
30 middle ground. I certainly don't like voting on disposals where there is a debate on the day and it
31 invalidates pretty much all the information you have been given ten days previous. It doesn't
32 allow the officials any opportunity to clarify queries made. So I would propose that we amend
33 the standing orders that it would be submitted prior to the day of the meeting so maybe Friday.
34 But I don't know how the other members feel about that

1 CATHAOIRLEACH: Okay Cllr Winters.

2 Cllr WINTERS: Thanks Cathaoirleach, I think I actually asked for this to go to protocol to be
3 looked at and I think actually it was Christopher, or Cllr Fox who seconded it. It is ridiculous to
4 come in here and have Councillors asking questions on disposals that there aren't the answers to
5 on the day and I would like as Cllr Fox has said, a procedure in place, where the officials are
6 given an opportunity to give us the best available information. I accept what Cllr Cullen is
7 saying, sometimes information comes late, but it's never going to come so late that the only time
8 you can raise it is at the meeting. I mean you should probably know the day before the meeting
9 at least. That you can come in here or ring up here at nine o'clock on a Monday morning and say
10 this is going to come up at the meeting this afternoon, and these are the questions I am going to
11 raise. At least it gives the possibility and fits a thing that it's such a large issue that's been raised
12 that the officials don't have the answer to it, then we can defer the item but to just walk into a
13 meeting and ask a question and hope people have the answers is no way to conduct our business.

14 LEAS CATHAOIRLEACH: Thanks. Cllr Blake.

15 Cllr BLAKE: At protocol we were asked to have a look at how we could not alone assist the
16 staffing in giving us more information on issues of this nature, but to have the Councillors as
17 well here to make up a decision in relation to voting on particular issues of a serious nature.

18
19 Look, the wording here is must submit it, so in order maybe to address the issue, could we
20 change the word "must" to "should", that would probably lessen the strength of the thing as such,
21 that rather than say we must submit it before Wednesday, if they could, rather than use that
22 word, can we use the word "should submit it" before Wednesday or Thursday if the case may be.

23 LEAS CATHAOIRLEACH: Cllr Vance is ready to come in there.

24 Cllr VANCE: Chairman, the Protocol Committee was asked to look at this because of a problem
25 that arose with a disposal and not having the full information on the particular day. Simple as
26 that. This is designed to try and give Councillors as much information as possible and to give
27 officials as much time as possible to investigate if there is a problem with a disposal or not. As
28 simple as that. It's not to try and stifle anyone's information that they have in regard to this.
29 Now, I mean, Cllr Fox say, move it on to Friday, move it on to maybe 12 o'clock on Friday or 10
30 o'clock on Friday, I don't mind. We can go back to the old way of doing business I don't mind
31 but this is strictly to give Councillors as much information as they possibly could get on the
32 particular day. That's all this was designed for and I can't see anything wrong in it myself, let's
33 give it a time to work on, and if there is a problem with it, we can always adjust it again, and it's
34 not breaking the law or anything like that in this - this is only standing orders as such, it can be

1 changed at the whim by the members of the Council anyway. It's not a major issue out there one
2 way or the other but it was specifically asked by the members of the Council to have a look at it,
3 that was the proposal that came back, it was discussed at some length and I think it's reasonable
4 and sensible at this stage.

5 LEAS CATHAOIRLEACH: Well obviously we have different -- sorry Cllr Cullen, again you
6 are there.

7 Cllr Tommy CULLEN: If for instance I have no problems with a Notice of Disposal, I come
8 into the Chamber and I don't know much about the Notice of Disposal. But maybe Cllr Doran
9 here raises a query about it and he brings up an interesting point and then he has - and then I
10 want to - I say well that's interesting and maybe I should ask a question about that point would I
11 then be prohibited from ask that supplementary question because I didn't raise it as a primary
12 question in the first instance before Friday? And I think it's - you are taking away the freedom of
13 Councillors to raise issues. For instance a weekend is a long time. Somebody comes into you
14 and says I hear this thing is going up and this part is infringing on my garden or my road or
15 something is happening here and you go into the Chamber on Monday and oh sorry you didn't
16 raise it before Friday you can't raise it here today. I am sorry Councillor. You are going to have
17 row after row in the Council because people feel they're entitled to raise the issue. I think you
18 should go back to the protocol and relook at it. We have a procedure here where amendments to
19 minutes have to be put in before 12 o'clock on Monday, isn't that what we agreed about the
20 amendments to the minutes of meetings?

21 MS GALLAGHER: Correct.

22 LEAS CATHAOIRLEACH: Certainly there is divided views on this. I mean Cllr Fox's proposal
23 I think is a good proposal.

24 Cllr VANCE: I'll second that Chairman.

25 LEAS CATHAOIRLEACH: I propose we take a vote on it.

26 Cllr Tommy CULLEN: That's taking the weekend away from Councillors, you can get a lot of
27 information on a Friday morning.

28 Cllr VANCE: I'll second that.

29 LEAS CATHAOIRLEACH: I am proposing we take a vote on Cllr Fox's...

30 Cllr DORAN: What are you...

31 LEAS CATHAOIRLEACH: Cllr Fox will outline it there.

32 Cllr FOX: I am just saying if you have queries on a disposal notice which on the Friday you will
33 have probably a week at that stage, you will have had the disposal notice information a full week
34 by the Friday, that you would submit it by 12 o'clock on Friday before a Council meeting to

1 allow the opportunity of - to allow the officials an opportunity to answer our queries in a suitable
2 fashion because as most Councillors have said, it's not desirable that we would have unanswered
3 queries on the day of the vote.

4 LEAS CATHAOIRLEACH: We have come in here before and questions have been asked on
5 the day and the officials weren't able to answer them because they came out at the meeting in
6 fact.

7 Cllr Tommy CULLEN: If you are going to bring in Notice of Disposal of Council property, they
8 should be able to answer questions in the meantime. What Cllr Fox and the other proposal is
9 reducing the statutory notice of ten days down to six. I actually don't think this Council has the
10 power to do that. I think ten days is not put there by accident. It's there so Councillors can
11 examine it. Because sometimes if you want to get information somebody, some member of staff
12 is on holidays, they can't give it to you, they'll be back on Monday morning, then you are out of
13 time to answer your question.

14 LEAS CATHAOIRLEACH: Cllr Vance.

15 Cllr VANCE: A practical issue, somebody in a Council house selling their property, they have
16 to wait for a disposal to come through from the Council here in regard to selling their property.
17 That could actually - the sale of the property could happen a day after a previous Council
18 meeting, so it could arrive at the Council meeting nearly two months after that. Then if the
19 situation - this is designed that all the information is available to allow something like that to go
20 ahead. If somebody raises something on the day, and the information isn't there on the day,
21 effectively that has to be put off and it has to be put off for another month. So effectively we are
22 asking somebody they could go almost three months before a sale of their property. You know
23 what I mean, for the sale of their property to go through, because it cannot go through without it
24 being approved by Wicklow County Council. That's all it is designed for, to make it easier for a
25 loft people out there and most of the disposals on this are actually on our own properties. It's just
26 to make it easier for our own customers to dispose of their - to dispose of their particular
27 property and move on with their lives. That's all it's designed for.

28 Cllr WHITMORE: Can I just - I think there is both sides, there is validity to, if there is a
29 statutory timeframe, we should be work, in that, but I also see the officials, you don't need time
30 to answer questions and address questions. Is there any opportunity for us to make sure any
31 disposal notices are sent out to the Councillors ten days before the Friday prior to a meeting, do
32 you know what I mean, it extends that period, so we still have our ten statutory days but the
33 disposal notices are still coming every month and the officials are being given time to actually
34 answer the questions?

1 Cllr Tommy CULLEN: That sounds reasonable.

2 LEAS CATHAOIRLEACH: Cllr Doran, we will come back to that.

3 Cllr DORAN: I think Cllr Cullen is right for the simple reason -- maybe it's different now when
4 I get used to my computer, but I usually get my hard copy on a Thursday, and that leaves you
5 one day to have a look at it and start ringing Wicklow County Council and I honestly believe it's
6 too short a notice.

7 Cllr VANCE: That's only the agenda.

8 Cllr SNELL: The disposal comes out ten days before the meeting, all of us.

9 Cllr DORAN: You must get different post to me. You must come in here and collect it.

10 LEAS CATHAOIRLEACH: Cllr Behan.

11 Cllr BEHAN: Chairman I propose we leave it as it is. I think to interfere with a statutory
12 process is going to cause all sorts of potential problems down the line, if a third party or a
13 member of the public wanted to appeal a decision made by the Council, if we invented our own
14 statutory process without reference to the law of the land I don't think that would be acceptable.
15 I propose it should be left as it is.

16 LEAS CATHAOIRLEACH: Cllr Walsh.

17 Cllr WALSH: Just before we come to a vote, I feel there should be some degree of flexibility in
18 the process and if there is a question that somebody has on the Monday - maybe the officials
19 would have the answer to the question and obviously that should be allowed, so we need - we
20 don't want it cast in stone, we need some degree of flexibility.

21 LEAS CATHAOIRLEACH: We have two proposals now, one to leave it as it is and Cllr
22 Whitmore's, I think you are happy with that.

23 MS GALLAGHER: I don't think we can do Cllr Whitmore's because that's saying you have to
24 give 13 days and that might be a problem if you are trying to make a Council meeting when you
25 are statutorily obliged give ten.

26 LEAS CATHAOIRLEACH: Just a second there Cllr Cullen, would you put your light on there.
27 We are going to talk about this all day, I think we should go back to the Protocol Committee. If
28 the members are in agreement.

29 Cllr DORAN: I'll second Cllr Behan's proposal to leave it as it is.

30 LEAS CATHAOIRLEACH: I think we should go back to the Protocol Committee, if we want
31 to take a vote on it fine, but I think we should, just to clarify everything. All right? Cllr Fortune
32 there.

33 Cllr FORTUNE: I think maybe it's a protocol issue as well, members just get the stuff they need
34 to get at the bare minimum. If the system says it's six days, you will get it six days, where my

1 crib and I have mentioned this several times before in the chamber, that you tend to get
2 information not with enough notice generally speaking. I think that whole area needs to be
3 looked at and indirectly it came up at the JPC meeting when Sergeant Conway was talking about
4 the JPC and the protocols around that, there was a similar vein coming through that about notice.
5 So I think it's an area that has been a problem for a long time and my inclination would be rather
6 than go chopping and changing it, go with Cllr Behan is saying and leave it as it is for now.

7 LEAS CATHAOIRLEACH: I have suggested there that we go back to the Protocol Committee,
8 we can take a vote on it if we like, it's up to the members.

9 Cllr BEHAN: I am proposing we leave it as it is, I don't see the point in going back to the
10 protocol, the issues are clear, people have heard the discussion.

11 LEAS CATHAOIRLEACH: Then we will just take a vote on it, are you still going ahead with
12 your proposal Cllr Whitmore.

13 Cllr WHITMORE: Yeah, I'll.

14 LEAS CATHAOIRLEACH: Sorry, you can't with 13 days.

15 Cllr Tommy CULLEN: This is exactly what Cllr Behan said and he is right, Cllr Winters (sic)
16 has now said you cannot put her proposal is because she would be extending the ten days to 12
17 days which would be illegal. Cllr Whitmore, sorry, and yet what's being proposed then by Cllr
18 Fox effectively is that you would reduce it from ten days to six days? So is it not also illegal to
19 go from ten days down to six? You can't rule Cllr Whitmore's proposal out and then not rule out
20 Cllr Fox's. One is reducing it and one is extending it. Therefore, I think Cllr Behan is right, this
21 is open up to a -- especially when you are dealing with property, open up to a lot of problems.
22 There is a statutory Act out by the Oireachtas for ten days notice and it doesn't have any
23 conditions in it that Councillors must write in within five or six days. There is none of that in the
24 Act, it's quite clear. Why are we meddling in an Act of the Oireachtas where we have no
25 authority or power or business to be interfering with it?

26 CATHAOIRLEACH: Cllr Vance?

27 Cllr VANCE: Could I just say this arose because the members of the Council asked the Protocol
28 Committee to have a look at this because there was a problem with one disposal a number of
29 months ago. That's because of the members of this Council asked the protocol to have a look at
30 this. The members of protocol had a look at it and made a recommendation on this and it was
31 all -- all it was designed to do was provide as much information on the day as possible to the
32 members of the Council. Nothing else other than that. Nothing else other than that. And that's
33 all it is. And a big issue of -- it's making a big issue over absolutely nothing in regard, I don't
34 care actually if it stays the same or not, because it was only one disposal, but it was particularly

1 the members of this Council that asked that it's looked at and see if we could clarify matters and
2 clean it up so we could get more information on the particular day. It's as simple as that, if
3 Councillors don't want any more information on the particular day, that's fine if they want to vote
4 for that.

5 CATHAOIRLEACH: Are you looking to come in again Cllr Cullen?

6 Cllr Tommy CULLEN: I am not disputing that the Protocol Committee have acted in good faith,
7 I am sure they have, I have no problem with that. But I do think that we shouldn't be interfering
8 with laws, changing laws that we have no power - the Oireachtas says ten clear days notice and
9 effectively de facto, what Cllr Fox is proposing is reducing that to six in reality. We don't have
10 that authority or power. Now to do that. And I think with all the best will in the world from
11 every side we don't have the power. And I think certainly - I would have no problem with it
12 going back to protocol and having another look at it, but I think probably the most sensible
13 proposal of the day has been made by Cllr Behan on this matter.

14 CATHAOIRLEACH: Cllr Behan has made a proposal, Cllr Whitmore's proposal it looks like...

15 Cllr WHITMORE: I am happy, if it goes back to protocols and is left as it is in the interim and
16 protocol has come forward with a recommendation and we have discussed it and it's not a
17 recommendation we all can agree on. So if it now goes back to them again to relook at it. I am
18 happy with that. Ultimately we all want the same thing, the information but we have to abide by
19 the statutory obligations so if it's a case that suggesting the protocols have come forward with are
20 going to fulfil those criteria, maybe protocols can look at it again and we will have another
21 discussion about it but in the interim we will leave it as it is until we find a solution for a better
22 way of dealing with it.

23 Cllr VANCE: I am happy enough with that, can we move on with the agenda.

24 LEAS CATHAOIRLEACH: We will move on, is everyone happy with that?

25
26 We were to suspend standing orders, is it 3.30.

27 MS GALLAGHER: The text alert system

28 LEAS CATHAOIRLEACH: We have a launch of the text message and I think you want to say
29 something on that Cllr Whitmore.

30 Cllr WHITMORE: I am delighted to see this on the agenda today when I initially put it as a
31 Notice of Motion that the Council implement a text messaging system that it was in response to a
32 water shortage in Greystones and the fact that a lot of the community weren't aware that it was
33 happening, and that I thought that the Council needed some way of actually quickly and
34 efficiently contacting members of the community in instances of emergency. Such as water

1 shortages.

2
3 So I am delighted to see this on the agenda, and I thank the officials for progressing it and
4 actually getting it to a point where we can get it up and running. I think it's - the timing is
5 particularly good seeing as we have had four very bad storms over a number of - a couple of
6 months and it seems like we could be potentially facing into another one. I think I would
7 encourage the people of Wicklow to sign up to this text messaging service and I think it will get
8 a lot of use particularly over winter months. So thank you to the officials for getting this online,
9 and, yeah, that's ...

10 LEAS CATHAOIRLEACH: Cllr McLoughlin.

11 Cllr McLOUGHLIN: Thank you Cathaoirleach. I would agree with Jennifer. However it
12 wasn't, isn't something that just happened in the last year, actually I think it was 2012 or 2013, I
13 had it as a Notice of Motion and at the time we were looking to Carlow who had invented it or
14 Kilkenny. So I am delighted it's in, and it should have been in two years ago but at least we have
15 got the wheels move slower than people might think really but well done, thank you.

16 LEAS CATHAOIRLEACH: Just in the absence of the Cathaoirleach, Wicklow County Council
17 has launched a text alert system which will warn people about emergency situations in various
18 areas of the county. In an effort to keep the public informed of emergency situations that
19 inevitably occur from time to time, and have an impact on our day-to-day lives, the Council has
20 developed a short messaging system, text alert for a range of County Council areas. Important
21 information on severe weather alerts, emergency road works and closures, instances of flooding
22 an planned water disruptions can be communicated through SMS. Members of the public are
23 invited to sign up and receive alerts based on geographic locations, that's the five Municipal
24 Districts. This means that timely text alerts will be audience specific and content relevant.

25
26 The text alert initiative has been designed to improve the quality and reach important and
27 relevant information from the Council to the consumer in the following areas: 1, emergency
28 road works and closures following scheduled road works, fuel spills and diversion advice. 2,
29 weather warnings in conjunction with Met Éireann, location of fallen trees and areas where
30 traffic signals are out. 3, instances of flooding. 4, planned disruption to public water supply in
31 conjunction with Irish Water. 5 general alerts advising of change in opening times and bathing
32 water alerts. 6, community notices in relation to public consultations, processes such as local
33 area plans, Local Property Tax and Council events. To sign up and receive text alerts simply log
34 on to www.Wicklow.ie and submit the information requested. You will then be texted with

1 important information in relation to a range of services by Municipal District area.

2
3 Launching the text alert service on Monday, the Vice Cathaoirleach of Wicklow County Council,
4 Pat Fitzgerald, said this is an extremely valuable and worthwhile service that the Council will be
5 providing. It is in the public's interest to sign up and avail of text alert warnings and information
6 in relation to emergency situations and other important service announcements.

7 Can I just say from the weather we had last Thursday and Friday, particularly in the South of the
8 county in Arklow, it's very important that we have a text alert system. Because when the
9 weather came in on Thursday, and Friday, I think it was probably the worst rain we have had in
10 years in our end of the county. There was a lot of people looking for information. It's difficult to
11 get that information at times and certainly this will be a huge bonus to people throughout the
12 county. Thank you.

13
14 Now we have agreed to suspend standing orders, but the members asked that we go ahead to
15 number 20 on the agenda, which is the update on the Barracuda deferred from the 5th of October
16 2015 meeting. And there is two motions there which are relevant to that, it's motion 12, a
17 resolution passed at the Special Meeting of Bray Municipal District on the Monday 5th to
18 discuss the Barracuda lease and the purchase of the Fee Simple. That the Chief Executive
19 Officer be requested to defer signing off on the land transfer until such time as all relevant
20 information is provided to the Council and a discussion has taken place with the Councillors and
21 the second one is resolution passed at a meeting of Bray Municipal District held on Tuesday 6th
22 of October that members of Bray Municipal District request the CEO to appeal the termination
23 or draft termination of the County Registrar regarding lands at the Barracuda, Bray. The appeal
24 is based on the failure to preserve the covenants contained in the 1991 and 2004 leases pertaining
25 to the building use and sale of alcohol. The members request that the order is revisited and to
26 confirm that the covenants have been recorded in the order.

27
28 So that's the two motions, and we are on to the Barracuda, okay. So do you want to come in here
29 Brian? Des?

30 DIRECTOR O'BRIEN: I think you have got further Senior Counsel opinion from which deals
31 with the questions of the restricted covenants. I think you got further senior counsel opinion on
32 the question of restrictive covenants. Grounds of appeal and timescale. Which basically the --
33 have re-enforced what was said previously to the members.

1 So really there is not really much to add to that at present. I mean I think the basic thing on this
2 Cathaoirleach is that a lease was given in 1991. It was proposed on the day it was given to
3 extend it to 65 years and that stage the dye was cast. Everything that's happened since then is
4 irrelevant. The extending the lease to 50 years, a long lease or any other type of lease is not
5 relevant. When the lease was granted for more than 50 years, a right was given to those who had
6 the lease to get the Fee Simple under the 1978 Act. And really everything else is irrelevant. The
7 Senior Counsel has given her clarification of what this means, what it entails, and what can be
8 done with the covenants, etcetera. She has given the most strong advice that there is no grounds
9 for an appeal. She has also hinted at the costs that follow the event. So there would be a great
10 risk, if you want to take a principled appeal.

11
12 So I think it's fairly clear at this stage, I think all the advices that have been sought from the
13 members have been put to Senior Counsel. We now have five counsel's opinions on this, and I
14 don't think there is much to be added beyond that.

15 LEAS CATHAOIRLEACH: Thanks. Cllr Matthews.

16 Cllr MATTHEWS: Thanks Chairman. I submitted further questions on the 24th of November
17 and we got a response to them pretty quick and so I would like to thank the Manager for that.

18
19 It's been on the agenda a couple of times and I am sure Councillors from outside of the district
20 are probably bored with it at this stage and wonder where this is going, but I just want -- I will be
21 very brief with this and just ask you to bear with me, that our policy for that area is to protect the
22 amenity value of the area. That's our policy as a Council. I want you to just bear this in mind as
23 you think of other areas, such as the Murrough or the Blessington greenway or other areas and
24 that's the reason I am doing this, to protect the amenity value of our area. If you just consider my
25 views in relation to your own area like that.

26
27 In the previous leases, there were covenants included to restrict the uses of the leaseholder there
28 and they were quite wisely put in by the members of Bray Town Council in '91 and 2004. The
29 primary one I am concerned with and I have been concerned with this in the very, very
30 beginning, and it's my only concern and I made it quite clear to the manager and the Chairman,
31 my concern is with protecting the covenants that protect the amenity value of that land down
32 there. That's where I am coming from on this.

33
34 Now recently the applicant, the tenant was before the court to look for a full licence and the full

1 licence was refused on the basis of the covenants that were contained in the lease. So the reason
2 I am suggesting is that - now the purchase for the freehold is to remove those covenants and
3 thank then that opens up the possibility and I think it's a very, very strong possibility that we will
4 be looking at a full licensed premises on the promenade down there which is completely
5 contradictory to our policy for the area. The response from the Senior Counsel, I am happy with
6 the ones I got in the previous months, so I'll refer to the ones received last week. Covenants can
7 transfer with land and there are exceptions. The Council comes back, Senior Counsel comes
8 back and says that the covenant to which I am referring doesn't come under this section 28A.
9 What I am suggesting that you could argue strongly that it does. I think it can be included. The
10 reason for it is because - she asks whether this is a covenant that affects the land? I would argue
11 it is a covenant that affects the land, that's our adjoining land, because it restricts the use to one
12 that enhances our enjoyment and our policy and our maintenance of the area, of the land that we
13 still own around it. So I think we can argue quite strongly that the covenant should -- meets that
14 exception of that section 28.2A and should be carried forward.

15
16 The second argument she makes is that it shouldn't carry forward because there is no
17 independent covenants it was intended for successors. But this is a 250 year lease. And I am not
18 sure that you would need to include it in a 250 year lease being a lease of such long duration, I
19 would like to argue that point. I am not arguing with them. Go back to them and ask them for
20 clarification on it and suggest it's reasonable grounds for making that argument.

21
22 The third point she comes back on is even if we could overcome that hurdle as it's put here that
23 we can show that it does affect the land and I think we can show it does affect the land, my point
24 on this, sorry, I made that point already. She also makes the point that we don't make the case
25 that we occupy the adjoining land. I think it's quite obvious we do occupy the adjoining lands.
26 Covenants is what I want to protect, primarily the covenant restricting the use of alcohol so we
27 can maintain our policy on the seafront down there. I think it would be really detrimental to the
28 area if we were not to argue very, very strongly this side of it and I would ask that we include
29 this covenant in the deed of transfer that needs to be signed next week. Thank you Chairman.

30 LEAS CATHAOIRLEACH: Thanks Councillor. Anyone else looking to speak. Cllr Behan?

31 Cllr BEHAN: Okay Cathaoirleach and again like Cllr Matthews, I would apologise to members
32 from other parts of the county who have had to listen to a very long series of debates about this
33 issue, but as he rightly said this could be any of your areas and it could be an area you might be
34 trying to protect in the future. There is also a fundamental issue of protection which is protection

1 of the rights of elected members to make decisions that in law should be made by us, rather than
2 being made for us by officials of this Council. So there is a principle at stake here and it's a very
3 important principle as far as I am concerned. And in all of these matters, there has been a lot of
4 legal advice to and fro and so on. But even at the end of the last independent legal advice which
5 we received last week, Miss McDonagh says, "as indicated in my previous advices, the time for
6 the doing of any act can be extended by the Circuit Court, and such an application could be made
7 in this case." Now she does go on to say, as the Director has said, there is the question of
8 whether we would be liable for costs if for some reason it wasn't found in our favour. But I do
9 think it is possible where there is still a week left when an application could be made to the
10 Circuit Court for a time extension to allow matters such as what Cllr Matthews has raised and
11 other members might raise here today. And I think we have to seriously consider that option. I
12 would add that I have no desire to be adding to the costs of the taxpayer of this county by going
13 on spurious missions, but I do think there are fundamental issues and judging from what people
14 certainly in Bray are saying about this, there is a lot of deep disquiet about this whole business
15 from beginning to end. And as elected representatives, I think we have a duty to take on board
16 that disquiet.

17
18 Now a couple of issues, I want to thank Lorraine Gallagher and the staff of the Council for
19 facilitating Councillors who wanted to read the files and I have certainly taken the opportunity to
20 read the files at some length last week. And again I want to put on record my gratitude to the
21 officials for facilitating that, and putting everything before us so that we could read it.

22
23 And the one point I suppose that occurs to me or that seems to me is when, as Cllr Matthews
24 says, the application was made for the full drinks licence on this site and it was turned down
25 effectively because there wasn't full ownership of the site by the applicants; it seems to me at
26 that point the Council Executive saw it as their duty to facilitate this.

27
28 Now it may be that as the Director says that he saw or the staff here saw there being no
29 alternative. But it would appear from reading the files that over the last couple of months there
30 has been an unquestionable degree of support for this provision of a full ownership, if you like,
31 for the sum of 10,000 pounds to this applicant. And I want to quote something that was said by
32 the law agent and it could well be a relevant matter when it comes to considering whether we
33 take an appeal. I certainly wasn't aware that there were mapping inaccuracies with regards to
34 this transaction and in fact on the 4th of October, the law agent said and I quote, "The applicant

1 is taking two additional open areas to the North and South of the premises. It is omitting to the
2 West of the premises a small open space which formed part of the lease originally." Now that to
3 me is very important information. We weren't aware of it. We also weren't aware he, when I
4 raised it here at the estimates at the end of November, that in fact there has been another hearing
5 at the Circuit Court on the 9th of November, where in fact the order was, as they say, perfected.
6 We weren't told before the 9th and we haven't been told since that in fact that particular decision
7 was made on the 9th of November. Which I found incredible, that no-one in the executive
8 thought it necessary or worthwhile to inform the public representatives given all that we have
9 said about this, that this had happened.

10
11 I also want to quote something else that Mr Sweetman said, "The other thing that should be said
12 is that if the County Registrar issues a determination which we find unfavourable, our Council
13 members will without doubt be made aware of it. And this may in fact give grounds for some
14 sort of appeal or challenge. Personally I don't have any great appetite for such an appeal, but it
15 will adversely affect Mr Flynn's position and if sense were to prevail, the matter can resolve
16 itself quite quickly and satisfactorily." The date of that comment is the 4th of November. Which
17 is a few days before the final decision was made by the county registrar.

18
19 To me Mr Sweetman is entitled to think what he wants but there is a fundamental point here at
20 stake: This is a disposal of public property which in all other cases in my experience down
21 through the years as a public representative would have to come before the members of the
22 Council, and to my mind it appears that the executive of the Council were at every step of the
23 way trying to ensure that it would not come before the members. And that we would not have
24 the power to make a decision or a determination on this issue. It could well be that if this had
25 come to us in the beginning, Councillors would have accepted the arguments and the thing
26 would have been done, the sale would have gone through. But I certainly want to know from the
27 Chief Executive now is that comment reflective of his view, that in some way if Councillors get
28 hold of this information about mapping inaccuracies, it could lead to an appeal and this is
29 something you want to avoid as an executive? I would have thought if there was leave to appeal
30 or the possibility of leave to appeal, it's something that we should actually have been informed
31 about, and we should be making a decision about, to try and defend our rights and defend public
32 property. So it doesn't give me any great pleasure to be having to say all this, I had no spite for
33 any official or anything like that, but I do think that there is an issue of principle at stake here
34 and we have to defend it. Thanks Cathaoirleach.

1 LEAS CATHAOIRLEACH: Thanks Councillor. Cllr Fortune.

2 Cllr FORTUNE: Thanks Cathaoirleach. Again can I say I appreciate the opportunity given to us
3 to review the files, which I did and rather than going over stuff that Cllr Behan has done, there is
4 one letter in particular I would like some kind of an address on and it kind of I suppose feeds
5 back into the proposal that's still before the Council that we refer this matter to the Attorney
6 General, which is being proposed and seconded. And it's a letter again from the law agent dated
7 13th of July, 2015. And basically I'll just comment on the relevant paragraph, he is basically
8 expressing the view that it will be necessary to have a disposal resolution passed under the Act
9 and he quotes the Act, by our members at the next meeting. The next meeting would have been
10 the meeting of the 7th of September, whenever it was. And if you recall that whole Notice of
11 Disposal has been a big discussion item at many of our meetings. And that's - it led to a great
12 extent into us looking for to have it referred on to have an independent review of the whole
13 situation because based on the comments on the covenants and the comments that Cllr Behan has
14 brought up, the whole thing just doesn't sit right. But I think that's a very clear indication that the
15 legal view in here was that the disposal resolution should have come before the members, and
16 that hasn't happened. So I think to me, having looked - you would have needed to spend days
17 and days up there maybe with a legal advice at your arm, but just looking at common sense, just
18 interactions, letters, communications, that to me jumps out of the files and does need to be dealt
19 with and does need to be explained, and I think it puts in context a lot of what we are talking
20 about.

21 LEAS CATHAOIRLEACH: Thank you Councillor. Are you coming in Cllr Cullen?

22 Cllr Tommy CULLEN: Yes Chairman, I read that letter myself on the file this morning. Three
23 days before we had our Special Meeting, the Council's law agent was advising the solicitor for
24 the purchaser that he would need to bring a Notice of Disposal before the Council. The same
25 gentleman came in here, when I asked him that very question at the Special Meeting, he said we
26 didn't. And he says "the matter is academic Cllr Cullen." It was a barefaced untruth. He was
27 writing to a solicitor, an agent of - an officer of the court, informing him that he needed a Notice
28 of Disposal. He came before his own Council and told us we didn't. I am not sure does the CEO
29 know this. But there has been a recent court case in Bray on the exact same principle of bringing
30 false and misleading information. This is about public - this is about up to four million euros
31 worth of public funds. Mr O'Brien told me that in - there was - in September's meeting that there
32 was no Notice of Disposal for the 250 year lease. Yet there was a lease signed for 250 years.
33 How did that come about? People here are saying that this should go to the Attorney General. I
34 believe the only place this is going is to the guards. And I'll ask the CEO now in light of this

1 information to seriously consider referring this to the guards in Bray for urgent examination. We
2 were told here that there was no derelict site notices issued, that they were threatened. I read on
3 file this morning three derelict site notices, signed by an official of the Council. There has been
4 untruth, untruth, and avoidance of the truth on this. And I don't think it's any longer a matter for
5 - it's no longer a matter for legal advice. I think it's a matter for a Garda investigation. Because
6 we have to rely on what we are told here. And if we can't rely on what we are told here, what
7 can we rely on? Now Cllr Fortune has read out that letter there, that the law agent wrote to the
8 solicitor representing the purchaser, stating that he would require a Notice of Disposal. That
9 Notice of Disposal was never brought before - I don't even know if the requirement was that, was
10 ever brought before the attention of the registrar in the court of such.

11
12 So my view and I would ask the CEO to seriously consider referring this matter now in light of
13 this to the guards for investigation as a matter of urgency because I think that's where it has to go
14 now.

15
16 Just one final question for Mr O'Brien: Mr O'Brien, I'll ask you this directly: Are you aware of
17 any certificates of compliance of planning permission being issued by your office without the
18 required planning levies having been paid? And I am not referring to the recent episode in the
19 courts.

20 LEAS CATHAOIRLEACH: Thank you Cllr Cullen. Are you finished at that stage? Anyone
21 else want to say anything? Cllr Thornhill.

22 Cllr THORNHILL: Thank you Cathaoirleach. I would just say I would concur with everything
23 that has been said, and it would be remiss of me just not to say a few words. But there is no
24 doubt about it, there is an awful lot of disquiet about this matter in Bray and maybe to the other
25 municipalities, maybe they're a little bit bored listening to it now, but it could impinge on other
26 districts and I think it's something like - especially when you look at the seafront and to have
27 something go for 10,000 euro and maybe there is a value of 4 million, people just can't get their
28 heads around this and especially in the current climate of things coming to the fore at the
29 moment, we are the custodians of the town, and the thing about it is that we should be seen that
30 there should be transparency, but certainly everything that's been said I would concur with and I
31 think we should look at it very carefully.

32 LEAS CATHAOIRLEACH: Thanks, Cllr Vance.

33 Cllr VANCE: Chairman just a few questions: First of all I would like to know how many
34 people read the files, is that information available?

1 LEAS CATHAOIRLEACH: I am sure it is.

2 Cllr VANCE: How many?

3 MS GALLAGHER: Five.

4 Cllr VANCE: Five out of 32 members read the files. Okay, that's fine. Could I ask whose
5 responsibility is it in regard to deciding to appeal this or not? Is it the reserve function of the
6 members or is it an executive function? Effectively if it's an executive function, that decision
7 has been made. I just wonder if it's the reserve function of the members, that's a different matter
8 all together. And I would like that clarified as well please.

9
10 Just in regard to give people who aren't aware of this, I was on the Council at the time, I think
11 Cllr Behan is the only other member that's on this Council as well that was on the Council at the
12 time when decisions were taken in regard to the lease. In 1991, when this came about, we had a
13 derelict, an almost derelict building, a Michael Scott building on Bray seafront. An application
14 came in from I think it was an academic in regard to putting in the national centre for - you
15 know, Sealife there and an opportunity was to clean up what was already there and replace it
16 with the national Sealife and a restaurant facility there. Now there was an awful lot of
17 experienced Councillors, much more experienced than I was at that particular stage on the
18 Council, and really and truly it got a thorough grounding in regard to what we felt was best for
19 the seafront at that particular stage. And the decision that was taken was that we would support
20 this, it was a tourist related product, it was ideal for the seafront and it was going to bring in new
21 toilet facilities to replace the existing ones that had been there.

22
23 So effectively the go ahead was given. I think it was unanimous from the Council, of all parties
24 at that particular stage and development did take place and planning permission was got and it
25 did take place. And over the next few years there was problems with the various things, the
26 building and everything else. And after a couple of years, we were left with a sort of a
27 semi-derelict type of building. There was leaks in it and various other things in it as well. And
28 then just before 1998, we had an opportunity when other people came in that had the funding and
29 wanted to complete the building, and we had a decision to make in regard to increasing the lease
30 or not at that particular stage. At no stage was it ever said to anyone that was on the Council that
31 effectively the lease could be bought out at that particular stage. We certainly don't - didn't know
32 then that we know now that from the 1978 bill, that effectively once a lease was over a certain
33 period of time, commercially, that that could be bought out. So we didn't know that. But the
34 decision that was taken in 1998, and it was on the agenda and it was discussed, I can tell

1 members absolutely thoroughly discussed, nothing in Bray was discussed more than the seafront
2 and the future of the seafront. It was something that everyone got involved in. And everyone
3 had a say in regard to that. And that was passed by ten votes to two at that particular stage.
4

5 So effectively then we had this situation that gives people a grounding of where we came from at
6 that particular time. And it has evolved over the period of time in regard to that. And I think
7 there have been several people that have taken over restaurant facility since then and most of
8 them have moved on. Some have owed significant funding in rent and various things like that,
9 that I believe hadn't been paid for a number years. So I mean - and I don't have a problem, I can
10 stand over everything as far as I was concerned that I - every decision they took at that particular
11 stage in regard to the Barracuda. Because it was taken in what I believe was the best interests of
12 the town and seafront at that particular stage.
13

14 So I mean what hasn't been a success there, Sealife is a -- I think it brings up to 100,000 people
15 on to the seafront every year, the restaurant on and off has been quite successful in its time and
16 it's still operating quite well there. And certainly the condition of the building is an awful lot
17 better than what it had been previous.
18

19 The big issue that I take in all of this, and other members that have been quite critical of this
20 have been right in the sense that there is people in the town, including myself, that are unhappy
21 with the Fee Simple being sold for €10,000. I am not happy about this at all. And I didn't know
22 that the decision that we were taking in regard to giving long leases would result in this. But I
23 mean, I have to take -- like the issue that I take issue with primarily is that the lack of
24 communication from the executive in the Council and the members, particularly the Bray
25 members, in regarding to keeping them up-to-date on what was happening in the courts in regard
26 to this. I don't think anyone in their right mind wants a super pub that's been said that's going to
27 go down there. I don't know if that's the case or not, I haven't got a clue. But my beef with the
28 whole thing is the fact that members - and I mean all members of the municipal authority were
29 not kept informed of what was happening to a very valuable asset that the Council had. And that
30 is my big problem in regard to this. I can do nothing about the law in regard to this. If
31 somebody comes in and decides they want to buy out the Fee Simple there, and the law says it
32 can be done, I can't - I don't have an issue with that. I don't like it, but I don't have an issue with
33 that. If we go over it and over again and go back to Senior Counsel and same information is
34 coming back saying listen, they have a right to do this, and if we went and we appealed it, we

1 would lose, and there would be consequently, there would be very significant losses in finance to
2 the Council as well. So really my issue is that really do we throw good money after bad in the
3 sense that do we go down this route that the likelihood is we are going to lose out and pay very
4 significant legal costs. This is the people's money. And we have bad history in this Council, a
5 very bad history of Councillors taking legal action against the Council, and it's costing a bloody
6 fortune in regard to this. The Red Cross issue was one of them, need I mention. It cost only the
7 people that lost a very small amount of money. But it cost this Council I would say up to half a
8 million in regards to legal fees and various things like that. I am just saying Councillors getting
9 involved in legal issues when they do not have the expertise to - it doesn't warrant decisions like
10 this. I don't have the expertise. I don't have any legal expertise in regard to this so I mean what I
11 have to do is to assess - I have read all the information. I didn't read the files by the way, but I
12 read all the information that I could in regard to this. The legal position is very clear to me in
13 regard to this, we can't win this case if we go down this route and I fear going down this route,
14 we will lose and then it will cost significant money in regard to paying our own fees and paying
15 the opposition fees as well in regard to this. and I regret that we are in a situation like this, and
16 it's a legal quagmire that I certainly wasn't aware of when we entered into all these agreements in
17 the first place, but as far as I am concerned, I can speak as a member of the Council at that
18 particular time: There was nothing to my knowledge untoward or illegal in any decisions that
19 was made by that Council at that particular time or the Council that was taken in 1991 either in
20 regard to this.

21 CATHAOIRLEACH: Cllr Brady.

22 Cllr BRADY: I have sat back and listened to members' contributions and certainly what I have
23 listened to here today certainly adds to a feeling I have had since the outset of this issue arising
24 during the summer and that's complete unease with the whole process and I am a firm believer if
25 something walks like a duck and quacks like a duck, it is a duck! This is no different, and it's
26 certainly setting off alarm bells in my head.

27
28 The members have touched on - and I am not going to go over everything that has been said
29 there, but I think there is two clear possibilities and certainly I am not one to shy away from
30 taking a legal case if it's in the interests of the public, and in the interests of the members within
31 this Chamber, and when I hear people talking about protecting the finances of the Council and
32 shying away from legal action, I didn't hear some of them Councillors talk about the wastage of
33 tens of hundreds upon thousands of taxpayers money on this Council taking cases to defend itself
34 in totally indefensible cases relating to the deaths of two employees of this Council, two firemen.

1 A complete and utter waste of taxpayers money when the Council inevitably and ultimately
2 pleaded guilty. So I think anyone using that now as an excuse not to go down that road I think
3 certainly has questions to answer.

4
5 But I think there is two clear issues here: One is as to whether we should apply for a time
6 extension on this as has been outlined. We clearly have that as an option.

7
8 And the second is to appeal it, and I think Cllr Behan touched on some very, very important
9 points there, that there is serious - I would suggest very serious mapping errors that have been
10 highlighted and in my mind, gives serious grounds to appeal this whole process.

11
12 And so I think and Councillor Vance asked the question as to who has the final say, is it an
13 executive function or is it a function of the Councillors here to initiate legal proceedings on
14 either regard? Because I think both are options that certainly we definitely should be looking at
15 because Cllr Matthews talked about the covenants and in fairness to Cllr Matthews he spoke
16 about this in great detail at one of our Municipal District meetings in Bray, and touched on all of
17 those and I looked over all of those covenants and they're all common sense issues that have
18 been attached to the lease going back. And certainly the ones that he mentioned there, the
19 specific ones, I think again are common sense ones that should be attached to it to protect the
20 public amenity. So I think we need those questions around as I see it the two possible legal
21 issues: One is extending the period of time that we don't have to sign off on this next Monday to
22 give us I suppose more time to look at the other legal issues, and the second is, and I think it
23 should be given very, very serious consideration, about appealing the whole process.

24 LEAS CATHAOIRLEACH: Cllr Winters.

25 Cllr WINTERS: Thanks Cathaoirleach. I suppose I think that, well from my understanding
26 from listening to what people have said over the last couple of months, if the situation that the
27 Council now find themselves in of doing this disposal had been, I suppose, seen when all of the
28 various documents were being signed over the years, we probably wouldn't be here. But it
29 would appear that from the legal advice that we have received as well, that unfortunately this
30 building site has to be sold, and I suppose I am concerned that, from what Mr Doyle said at the
31 beginning of the meeting, that we will incur significant - well that a process will be entered into
32 where the sale will go ahead and taken out of our hands and I assume at that stage we will
33 actually be found liable for all the expenses to date. I am just wondering is that such a good idea
34 for us to spend people's money like that? I think maybe more foresight years ago would have

1 been a better thing. Unfortunately that didn't happen, but I do believe we are caught in a bind
2 now whether we like it or not, where we must dispose of this site and do what we have to do.
3 And it's unfortunate. But that's the way it is. Thanks.

4 LEAS CATHAOIRLEACH: Anyone else? We will go back to yourself Des please.

5 DIRECTOR O'BRIEN: Thanks Cathaoirleach. Cllr Matthews, I gather the policy you had to
6 protect amenities in the area is a planning policy in the Development Plan, is that correct?

7 Cllr MATTHEWS: Overall Council policy.

8 DIRECTOR O'BRIEN: As expressed in the Development Plan and the development plan is
9 what planning applications and a planning transgressions are based on and that will continue to
10 be the case in the planning sphere.

11
12 The - I suppose just a few points, you hinted that there was a move by the owner to remove the
13 covenants to open a pub. I think what he wanted to do was as the lease stood, he didn't have the
14 right to apply for a licence, except in one corner. But what I am saying is we can't really here as
15 a Council decide what was in the mind of anyone. All we can say with certainty is there is a
16 legal right for him to do this and I suggested during these periods by his counsel and our counsel
17 also actually advised us and this existed at the time, and that's all we can sort of say. That's all I
18 can say as an official. I can't decide what's in his head.

19
20 I accept you feel you can argue quite strongly that the covenant can be carried forward.
21 Obviously the Senior Counsel feels we wouldn't have a case to get this put into an agreement,
22 and then that's the sort of advice we are taking. I would add though that the rider she had at the
23 end of her thing, end of her advice on that section was the further point about section 28 is that
24 even if this view is not correct and section 28.2 does apply, this arises by operation of law. So
25 what she is basically saying then is that the purpose of section 28 is if a covenant falls within its
26 terms, such a covenant continues in full force and effect and is enforceable by any person
27 aggrieved by breach of the covenant. So if what you are saying is true, then it is open to anyone
28 to take an action against it if it's breached. We are saying our advice is that it doesn't apply and
29 if we go to do that, then we are - her advice is we would fail. So I just want to clarify that much.

30
31 I think again the clarification there is because the lease is 250 years, that gives it more strength. I
32 am afraid it doesn't because this applies from the '91 lease regardless of the extension. Any lease
33 greater than 50 years, this is what happens. So what we are talking about here is a law rather
34 than anything else.

1
2 Cllr Behan brought his - up first of all the principle that members make decisions, not officials
3 and I think this probably, Councillor, is where you have actually got it wrong. Because in this
4 particular case, neither officials nor the members make the decision. This decision was made in
5 the Oireachtas. It is law. It applies. It's not for us to pick the little bits and pieces of the law that
6 we like and to leave out the other bits or to say I am going to make this decision over the
7 Councillors' heads. It's not. The law is very, very clear. You get a building lease, you are
8 entitled to buy out the Fee Simple.

9
10 This happened when the members proposed and seconded and passed this in Bray in 1991. Now
11 I wasn't an employee of Bray at the time. I had no idea this actually went through Council. I
12 don't know what advice the members had when they decided to go from 35 years to 65 years.
13 But that act is when the dye was cast. Officials are obliged to obey the law. We can't actually
14 go out and propagate any other course of action. I accept an application can be made to the
15 Circuit Court to extend the time. However, the making of any appeal is a function for the
16 executive. And the executive have to be responsible in anything they do. I can be quite frank
17 with you and if we thought we were getting a very, very bad judgement, and we have got a few
18 bad planning judgments recently, we have gone off and appealed them because we know we
19 have a very, very good case. And we have generally won those. In this particular case, all the
20 advice and you have got the advice we have got, it's very stark in what it says, so by our
21 reckoning, it would be irresponsible to make an appeal having that advice.

22
23 I must say I find it very insidious saying there was huge support by officials to ensure this
24 transfer goes through. And I think it's a selective reading of individual documents. And I have
25 to defend the law agent on this. It's one thing to give advice and to see what the odds are. But
26 the law agent is protecting our corner. We don't want to be going into court to fight a case...

27 Cllr BEHAN: Whose corner?

28 DIRECTOR O'BRIEN: The Council's corner.

29 Cllr BEHAN: The Council meaning you or the Council?

30 DIRECTOR O'BRIEN: The Council. And I would argue very strongly the law agent is
31 protecting the Council's view. Because to expend money on a hopeless adventure is not in the
32 Council's interest. The whole question about a mapping discrepancy, and this certainly was
33 noted by Dominic Gillen in fact who probably has the most history in Bray, stating that the map
34 wasn't as was on the ground. Unfortunately, what has happened over the years is that planning

1 has been granted on a certain footprint that was outside the original lease. My view on that was
2 that we would take that land back, part of it is on the southern end of the site where there is an
3 outdoor terrace at present for tables. And I thought that would be easy enough to just take that
4 back ourselves and to put that, if they wanted to use it, we could licence them under the Planning
5 Act.

6
7 In the interim, there was a case from the last century in fact which made it clear we didn't have
8 the right to do that. Anyone squatting, and literally squatting on land belonging to the landlord,
9 in time gets rights to it to be included in the lease. And that was why the mapping discrepancies
10 had got included into the lease in the end. As it turns out, we are also getting some land back
11 from the front of the site which would be used for the cycle track when it's designed. Or
12 certainly be available for it. but again this is law. Law as is made by the Oireachtas. It's also as
13 decided by judges. It's not always the simplest thing to understand. I certainly didn't know
14 about it. But obviously once the law agent was informed of this particular case, that's what he
15 had to do. I don't think there is anything that was quoted there about the law agent that would
16 show we are going out of our way to ensure that the owner gets this brought through as fast as
17 possible.

18
19 I accept we didn't tell the members when the order was perfected.

20
21 And again, you think the law agent's letter of the 4th of November that there was no stomach for
22 an appeal, well there is no stomach for an appeal when the advice is your appeal will fail. I can't
23 see how that is insidious or anything else.

24
25 Cllr Fortune, you mentioned law agent's letter of the 13th of July that a disposal notice of needed
26 and I was told this as well at the time. And I was asking the law agent, this makes no sense to
27 me, because if we are obliged by law to do it, and the members don't pass the motion, then what
28 happens? And he said well there is a mechanism then if the landlord doesn't transfer something -
29 doesn't sign the agreement, I am not sure was it an agreement or what it is, but he doesn't sign the
30 order, then the registrar can appoint someone to sign it on their behalf. Subsequently Carol
31 O'Farrell, and I think it's - I think it was in papers given to you, clarified it; that there was
32 precedent on this, that it didn't need - because it was actually a right in law, then you didn't need
33 the disposal motion to put this.

1 In fact this was dealt with as well in the report that Lorraine would have sent to you that I would
2 have prepared most of it, at the end of September as in paragraph Roman XI and XII. And I
3 think the legal opinion by the Senior Counsel also re-affirmed this point so there is no smoking
4 gun there I am afraid.

5 Cllr Tommy CULLEN: Depends on which end you are on.

6 DIRECTOR O'BRIEN: Councillor, there is no smoking gun in this whatsoever, and really it's
7 hard to stomach when some Councillors are all the time trying to get at staff and saying they
8 infer this, actually going into their head, and attributing motives. The law agent said something
9 that he believed. He was actually informed of the right course afterwards. And then he changed
10 his opinion.

11 Cllr FORTUNE: Just a point of clarification, this particular matter has been discussed for a long
12 time, there have been lots of debates and issues around it, we were invited to look at the files, I
13 took up the opportunity to look at the files, in the file there is that letter they quoted to you, it's
14 very clear what's in it. It's the - it's an opinion of the law agent. It's quite legitimate for me to
15 come and ask that question as a public representative having read the file. So there is nothing
16 insidious or - it's black and white, it's a letter that's on the file, it's a matter of record, and it's
17 there.

18 DIRECTOR O'BRIEN: I wasn't referring to you Councillor, I was referring to some people...

19 Cllr FORTUNE: You said it in the context of commenting on the letter.

20 DIRECTOR O'BRIEN: I am saying in the context of Cllr Cullen coming in.

21 LEAS CATHAOIRLEACH: Hold on a minute Cllr Cullen.

22 Cllr Tommy CULLEN: I asked a question.

23 LEAS CATHAOIRLEACH: You will get the answer, but you can't keep coming in and out like
24 that. Just hold on a second, Mr O'Brien is still speaking. Thank you.

25 DIRECTOR O'BRIEN: And Cllr Cullen, he also refers to the letter of the 13th of July and he
26 refers to barefaced untruths. Now Cllr Cullen are you getting inside the head of officials and
27 staff members here? Because really I have had enough of this.

28 Cllr Tommy CULLEN: I am sure you have.

29 DIRECTOR O'BRIEN: I have had enough of this where you are actually taking one letter of
30 what was actually fact of the time, ignoring all the other stuff that was given to you, and you
31 have been given an awful lot of stuff here and you do purport to read these things, you actually
32 stated that yourself. And you cannot say it's an untruth. You cannot say it's an untruth
33 Councillor and...

34 Cllr Tommy CULLEN: I would refute it's an untruth.

- 1 LEAS CATHAOIRLEACH: Cllr Cullen.
- 2 DIRECTOR O'BRIEN: It's not an untruth.
- 3 LEAS CATHAOIRLEACH: Cllr Cullen, you will get your opportunity, there is no cross talk
4 here.
- 5 DIRECTOR O'BRIEN: You also then stated next that Mr O'Brien told you there was no
6 disposal motion for the 250 year lease. That was not the case. And it's been written in the report
7 you got at the end of September again on this. There was always a disposal motion. There was
8 actually one passed by the Council.
- 9 Cllr Tommy CULLEN: For 250 years?
- 10 DIRECTOR O'BRIEN: There was one for a long lease.
- 11 Cllr Tommy CULLEN: I asked you for 250 years, was there a Notice of Disposal for 250 years.
- 12 DIRECTOR O'BRIEN: I said a long lease.
- 13 LEAS CATHAOIRLEACH: Cllr Cullen.
- 14 Cllr Tommy CULLEN: You are telling me a barefaced lie.
- 15 DIRECTOR O'BRIEN: No.
- 16 Cllr Tommy CULLEN: Then the transcript people are telling me a barefaced lie.
- 17 DIRECTOR O'BRIEN: You are playing games, you know for a fact the long lease included 250
18 years.
- 19 Cllr Tommy CULLEN: I see no document of a Notice of Disposal for 250 years. You said...
- 20 DIRECTOR O'BRIEN: I am not here to play games with you as you try to undermine the
21 credibility of this Council. You also added then after, you were told there were no derelict site
22 notices issued and there was an untruth and an avoidance of truth and you said this several times.
23 Yet in the report given to you in September, it stated clearly there were derelict site notices
24 issued.
- 25 Cllr Tommy CULLEN: Issued, yes, but what were we told at the Special Meeting. Go and read
26 the transcripts of the Special Meeting in July.
- 27 DIRECTOR O'BRIEN: All I can tell you Councillor is you got a report from me and it stated all
28 of that.
- 29 Cllr Tommy CULLEN: Read the transcripts because I actually have them in the car.
- 30 LEAS CATHAOIRLEACH: Just a second, let the Director continue please.
- 31 DIRECTOR O'BRIEN: Again, untruth and avoidance of truth, really Councillor, I would look a
32 little closer to yourself now when you are saying these things.
- 33 LEAS CATHAOIRLEACH: I would prefer if them comments weren't made by either party.
- 34 Cllr Tommy CULLEN: I asked a question there.

1 DIRECTOR O'BRIEN: Finally, you seem to be getting excited about this, a bit like the Trocaire
2 ad with the goat, "are we there yet", but you are coming very, very close Councillor and I'll be
3 able to advise you.

4 Cllr Tommy CULLEN: I would just like to hear you explain yourself.

5 DIRECTOR O'BRIEN: You asked me was I aware of certificates of compliance of levies being
6 paid by the Council.

7 Cllr Tommy CULLEN: No, I asked you were you aware of letters of compliance being issued
8 by the Council when the levies for those developments were not paid and I accepted the case the
9 other day. I just asked you are you aware...

10 DIRECTOR O'BRIEN: I am not aware.

11 Cllr Tommy CULLEN: You are not aware?

12 DIRECTOR O'BRIEN: No.

13 Cllr Tommy CULLEN: You are not aware that on any development the levies weren't paid, but
14 the certificates of compliance were issued?

15 DIRECTOR O'BRIEN: No.

16 Cllr VANCE: What's this got to do with it?

17 LEAS CATHAOIRLEACH: I don't know what.

18 Cllr Tommy CULLEN: It's got a lot to do with it.

19 DIRECTOR O'BRIEN: Again Cllr Brady says alarm bells and again I fail to see where it walks
20 like a duck or looks like a duck really and again it's one of these vague sort of accusations that
21 really undermine the Council and the staff of this Council. He also talks, proposed a time
22 extension and I think the Chief Executive can appeal. He supports Cllr Behan on that. The
23 serious mapping errors don't justify an appeal. They're not actually mapping errors actually, the
24 building was actually built on - outside the terms of the lease. But I have explained that already.
25 I think that deals with most of the issues that were raised but I am available...

26 LEAS CATHAOIRLEACH: I'll let Cllr Matthews come back there.

27 Cllr MATTHEWS: Just on the question of can that covenant that restricts the sale of alcohol,
28 can that be included in the -- I don't know if the Chief Executive referred to it, something that
29 has to be signed next week, is that the deed of transfer and can that covenant be included in it?
30 Because the Senior Counsel says that she believes that covenant is extinguished on acquisition of
31 Fee Simple. We haven't actually got to the stage of acquisition of Fee Simple yet, so therefore
32 that covenant is still valid so I am asking can we include it in the deed of transfer of lands next
33 week?

34 DIRECTOR O'BRIEN: My understanding Councillor is you can't, that's advice is that the order

1 is perfected and that's not included in it.

2 LEAS CATHAOIRLEACH: Thanks. I would just like to see - Brian to come in now.

3 CE: Thanks Cathaoirleach. I really don't have an awful lot to add. I have consistently referred
4 to the legal advice. Senior Counsel again confirms she does not believe that the covenant with
5 regard to the drinks licence falls within the section to be included, and de facto we are in a
6 situation where the lease is de facto finished, complete. If we don't do any action, the County
7 Registrar will appoint an officer of the court to sign the conveyance. So the conveyance is as is.
8 And the whole reason that you would imagine that the reason they sought to buy out the lease
9 and had the legal authority to buy out the lease was to give it that comfort. I think we have all
10 looked around this as best we could. I would have to say if something seriously came up that
11 would suggest that we should have appealed this or there was a way that we would get more
12 funds for the Local Authority with regard to the conveyance, I would certainly have done so.
13 We have been patient with regard to the situation. We have gone through everything. There is
14 tos and fros, the members got a good insight into the interaction between the parties. If you go
15 back a little bit further, there was step-in agreements, other agreements that tried to change
16 things earlier in play. The law agent fought those. And they brought their legal team to bear on
17 the situation which put us where we are today. We got legal advice to say we had - they had a
18 statutory right for the conveyance, and everything was coloured on that basis.

19
20 I appreciate it's not what the members want to hear. It is an executive function with regard to
21 appeal. And I see no reason put forward by the members that is supported by any of the
22 utterances of the Senior Counsel to support that. And there is a cost involved which he has on
23 every occasion pointed out that to us.

24
25 I do take the point that Cllr Brady says we do this, that and the other. I don't think anything can
26 be judged together, certainly not a conveyance can be compared to the Council being charged
27 and we not in a position to defend itself with regard to the unfortunate death of the two fire
28 fighters, where the DPP sought the charge did include as a consequence they caused the death of
29 the two fire fighters, so there was a successful defence of that and I don't think any apology
30 should be made to that. We put up our hands that we had health and safety problems but to
31 compare the two, I don't think they're in the same ballpark.

32
33 I don't - I have nothing more to add Cathaoirleach. I think we are in a situation where we don't
34 want to be in that the members have a view on something, we have gone out of our way to

1 provide all the detail, all the background. It is difficult when you get so much information to
2 come back in and sometimes start to recall what we did send out. But I think in the - all the detail
3 of all the correspondence that we sent out, prior to the meeting, whereby we itemise all that
4 correspondence, made it easier for members to follow the file, it is easy to say something
5 happened on such-and-such a day. But there was follow-on correspondence as well of the there
6 is a continuity on it, and Cllr Behan spent a significant amount of time going through the file and
7 there is a lot of stuff in the file, it just shows you how over a short period of time when
8 something takes a traction of its own, the amount of detail that's in it. I think as officials, we
9 have put our best foot forward to provide that information in a manner that was sufficient for the
10 members, the legal advice because of the nature of landlord and tenant legislation is hard to read
11 I have to say. But I thought that the legal advice the members received over the weekend was
12 the clearest and cleanest that we have seen to date to the point, thanks mainly to the interaction
13 of the members and the type of questions that were being raised.

14 LEAS CATHAOIRLEACH: Thanks. Cllr Behan.

15 Cllr BEHAN: Cathaoirleach, just on a point of record, I never used the word insidious in
16 relation to any official of - in case Mr O'Brien thought I was describing any behaviour as
17 insidious. I was giving facts as I saw it.

18
19 Just in relation to the advice that was given by the Council's own legal advisor with regard to the
20 price of the land, and don't forget that on the day when this actually started or when it came to
21 court, the law agent of this Council as I understand it, moved the particular motion to the County
22 Registrar on behalf of the applicant. Now I presume it was out of courtesy that the other party
23 weren't there. But he made a lot of the fact that it was 10,000 euro and he had negotiated a great
24 price. But in fact Carol O'Farrell who would have been the official's selected legal advisor, made
25 the point that under section 7.3 of the Landlord and Tenant Amendment Act, the purchase price
26 to be fixed is the sum which in the opinion of the arbitrator, that is the County Registrar, a
27 willing purchaser would give and a willing vendor would accept for the fee at the relevant date.
28 And also she said the market value of the Fee Simple interest in land is simply the amount of
29 money that can be obtained for it on a particular day from a person able and willing to buy it.
30 Now that was advice that the officials had and so they accepted and in fact the law agent said
31 10,000 euro was a great price for that, but in fact the advice to the officials from their own
32 selected legal advisors, they probably could have got an awful lot more. And at the very least, if
33 this had come back before the members I am sure many people in this Chamber would have
34 asked the question is that all it's worth? Can we not look for further money for the taxpayer of

1 Bray if we are in this bind and we have to accept that this disposal has to go ahead? That would
2 have been one of the values of bringing it to the members. I am baffled as to why anybody
3 would think that 10,000 euro is a great price for such a magnificent location on publicly owned
4 property. And the sad reality of it is that it looks like what we are going to have there in the
5 jewel of the crown of Bray if not Wicklow, is some sort of super pub on the promenade in Bray.
6 That looks like it's going to be the end result of this process and we have the sum of 10,000 euro
7 which has already been eaten up in the legal fees. So effectively the taxpayer will have zero and
8 will probably owe money, and again I have not heard from the officials at all why they feel it
9 was so necessary not to even out of courtesy come back to the members of this Council to get
10 their opinion, even if we didn't have the legal right to do it. I just don't understand why we
11 couldn't have been told and I don't understand also and I accept Mr O'Brien's admission or
12 acceptance, sorry not admission, acceptance, that we were not notified about the case being
13 discussed on the 9th of November. Would somebody like to tell us why we were not notified
14 about that?

15 LEAS CATHAOIRLEACH: Thanks, Cllr Cullen.

16 Cllr Tommy CULLEN: Chairman, I read in the Irish Times there about five or six weeks ago,
17 Dublin City Council were proposing the sale of their commercial leases similar to the Barracuda
18 at Temple Bar. I think there was 36 properties. And they had been on a lease and what they
19 were proposing was - they were putting them for public sale and that they were allowing
20 everybody, everyone, members of the public, to make a bid for these public leases. These leases
21 were initially issued I think in 1988, 89. So Dublin City Council and their legal advisors decided
22 to put all their freehold titles from the leaseholders that are there in Temple Bar for public sale,
23 then why didn't Wicklow County Council? I am sure I'll get some highfaluting reply and
24 convoluted reply as to why Wicklow County Council couldn't. That's a point. But it beggars
25 belief that on the 13th of July, after the court case the law agent wrote, he didn't issue a memo to
26 himself, he wrote a letter to an officer of the court, saying I'll have to get a Notice of Disposal, a
27 resolution of disposal of the elected members. The same individual comes before the Council at
28 a special meeting few days later and says quite the opposite. And in a response to a question
29 about me, he says that issue about a Notice of Disposal is just academic Cllr Cullen, I quote his
30 words, it's just academic. Yet as he was telling me it was academic, the solicitor in the other side
31 of the country was representing the person who was reading this letter from the same Mr
32 Sweetman saying we will need a Notice of Disposal. I had to go before the Council for a Notice
33 of Disposal. Now you know, if you add two and two and you get 100 or you get 70, you better
34 go back to school. If you are writing a letter to an officer of the court telling them one thing and

1 coming before an elected Council and telling quite the opposite, it is not unreasonable for the
2 elected members when he reads this on file to be very concerned. And if he wasn't concerned
3 having read that, he shouldn't be on this Council in the first place.

4
5 Now I see Mr Fergal Keogh here in the public - in attendance at this meeting, I wonder would it
6 be possible for Mr Keogh to take a question from me Chairman, just a brief question?

7 LEAS CATHAOIRLEACH: I mean the understanding is the question should be given in
8 advance of the meeting, so I don't think that's possible.

9 Cllr Tommy CULLEN: It's a very important question I would like to ask Mr Keogh Chairman.

10 Cllr VANCE: Surely the Councillor wants to ask any official a particular question, he can go
11 into the office like any other Councillor and get...

12 Cllr Tommy CULLEN: If you are saying Chairman Mr Keogh doesn't have to come and answer
13 the question, that's fair enough.

14 LEAS CATHAOIRLEACH: Okay. Cllr Mitchell.

15 Cllr MITCHELL: Thank you Cathaoirleach. I haven't really said anything on this, we have been
16 discussing it for at least five Council meetings. At all times we have been told the legal advice is
17 that we must proceed and sign this lease, the sale or whatever it is. We as Councillors need to
18 plan for the future of Wicklow. And I mean we seem to be spending all our time looking
19 backwards and even worse, getting the staff of the Council to spend loads of time looking
20 backwards instead of planning for the future to try and make the place better. And I think we
21 have had enough discussion of this. The advice seems very, very clear, that we must go ahead
22 with this and I think we should do so and I think we should accept that. And move on quickly.

23 LEAS CATHAOIRLEACH: Thank you, I think you wanted to come in again.

24 DIRECTOR O'BRIEN: I'll answer Mr Behan's question, it's a very good question. It has been
25 represented from an outsider that the Council's law agent moved the motion on behalf of the
26 applicant. That actually wasn't the case. The - after the agreement on the quantity of
27 compensation had been agreed, then the Council didn't go along to the registrar's office. It was
28 just the valuer. Their valuer, and the law agent turned up. And at that, because the Council
29 neither supported nor was against this because at all stages this was surely something that the
30 law required and that we would have to do whatever the law required of us. So we weren't
31 actually proposing this or actually fighting it. What happened at the registrar's office is that the
32 valuer for the other side wasn't getting to the point and the law agent just said agreement has
33 been reached in the matter of registrar. It wasn't a matter of moving the motion or proposing it,
34 it was just moving it on to get out of the office. I asked the law agent about that on the foot of it.

1
2 On the purchase amount, again I agree that Carol O'Farrell's advice in that was very rambling
3 and all over the place and to be quite honest I couldn't really follow it either. But I did ask the
4 Council's valuer for it what his basis of agreeing the compensation, and coming to a settlement
5 of 10,000. And in that section 7.3, the very first thing it says, because it basically is what a
6 willing purchaser will give a willing vendor, but having regard to it says the rent payable for the
7 land, the person acquiring the Fee Simple, in this particular case the rent is 100 pounds a year.
8 That was the extent of our interest. In fact it says elsewhere in the Act, it's not actually what the
9 value would be if you actually got the property back. It's actually the value of your interest in
10 the land. And that was the main, that's the main parameter. Now there are other parts put into it,
11 that temper that. But my advice is that's the main parameter. What the valuer did was to get
12 equivalent valuations done by registrars on these type of transactions. And that's where they got
13 this figure of so many times the annual rent. And that was on the basis of the other registrars
14 who had made these decisions would have used the terms of section 7 of that Act, and that was
15 the easiest way to do it. And again he is very, very insistent that he got the higher end of
16 compensation that was available. But I do accept that advice wasn't crystal clear, I certainly
17 couldn't find it.

18
19 Cllr Cullen brings up Dublin City selling 36 properties, I think he said, for public sale and these
20 were advertised. I presume Councillor that probably it wasn't the same reasons. Maybe they
21 were doing it as a commercial sale. Because in our particular case where the law requires us to
22 actually sell it to one person, that is the lessee, it wouldn't make an awful lot of sense if the
23 corporation had the same situation and went and expended money on advertisements when they
24 could only sell it to one person. So I can only assume that what they're selling isn't the same as
25 the forced sale we are obliged to do in this particular case.

26
27 You brought up again about the Notice of Disposal. Now I already explained to you that the law
28 agent first of all thought it had to be done that way. I told you our own conversations. And I
29 think it's very, very unfair if you are trying to imply, as I can only imagine, certainly your words
30 imply, that the law agent was saying one thing to someone else, knowing the opposite to be the
31 fact. What actually happened there was he was convinced of this and I told you my own
32 anecdote, I thought well what's the point. He said there is this clause that if a landlord doesn't do
33 it, the registrar can appoint someone to sign it. But subsequently the junior counsel in this case
34 said there was law on this in a case law. And after that, he obviously, his advice would have

1 changed. I think that's a very reasonable explanation that. I think it's very, very unfair of you
2 having been told the explanation to repeat it again in your supplementary questions.

3 Cllr Tommy CULLEN: Chairman...

4 LEAS CATHAOIRLEACH: Cllr Vance had his light on first. Thanks Cllr Vance.

5 Cllr VANCE: Cllr Mitchell was proposing we accept the legal advice that's there and that we
6 move on, I would second that. Could I just say, could I add to that as well that it's something
7 that I don't think anyone is happy about this situation at all, and a lot of people were talking
8 about writing the Attorney General and that, I had reservations about that, but given that people
9 have reservations about it, could I also have that if Cllr Mitchell proposes that, I'll second that.
10 But could I add to that that we would write to the Attorney General and ask the Attorney General
11 to review the current landlord tenant legislation, so as to allow local authorities carry out their
12 community functions and where appropriate retain control over leased premises. Could I ask the
13 members' support in regard to that as well. We can't do, in my opinion, with the legal advice we
14 have, we can't do anything about the situation we have at the moment. But maybe we can do
15 something about in future in regard to premises that are controlled by the Council, and I think
16 that motion there, if it's supported, could go to the AGM and maybe we could get a reply from
17 the Attorney General in regard to whether that would be legal to do that or not. But I think that's
18 the most we can do at this particular stage and I would like to second Cllr Mitchell's proposal...

19 LEAS CATHAOIRLEACH: Before we go ahead to that, Cllr Cullen wants to come in.

20 Cllr VANCE: With this amendment Chairman.

21 LEAS CATHAOIRLEACH: Cllr Cullen.

22 Cllr Tommy CULLEN: All what Mr O'Brien, I think he is dancing through the fields of daisies,
23 everything was so pleasant. But when Mr Sweetman gave -- he wrote to the solicitor for the
24 purchaser on the 13th of July, Mr Sweetman saying I'll need a Notice of Disposal, and he came
25 back in here as I reiterate and told us a couple of days later that he didn't. But Mr Sweetman had
26 counsel's advice as early as March of this year. So it wasn't like Mr Sweetman was writing a
27 letter to the other solicitor for the other side without counsel's advice. He had already received
28 counsel's advice and as Mr O'Brien said, Mr Sweetman shared that view with him that we would
29 need a Notice of Disposal, so the question is why between the 13th of July, and the date we held
30 our Special Meeting, did Mr Sweetman change his mind? And that goes to the corner of why
31 this needs to be looked at. And if we are talking about referring this case, not some cases, to the
32 Attorney General. Because let's face it, if this judgement in the court of registrar sticks, stands,
33 then Wicklow County Council will be making new case law for every Local Authority in
34 Ireland. So that means that every Local Authority in Ireland can quote the Wicklow case law

1 and say Wicklow County Council, in June 2015, disposed of property to X, without having to
2 comply with section 183 of the Local Government Act.

3
4 And so therefore Wicklow will be creating new case law. So therefore because of the national
5 implications for every Local Authority in the country, this should be referred, this particular case
6 should be referred to the Attorney General, who after all is the national law agent of the Council,
7 it will not cost this Council a single red cent and we should look for a response of an urgent
8 matter and if it is a case of going into court at the cost of a few hundred euro, and getting the
9 case adjourned until the Attorney General comes back with the opinion, then that's not an
10 unreasonable thing to do. But if there is a rush to close this before the Attorney General gets to
11 read it, and understands the national implications of this, then there is a case of concern. But you
12 cannot come along to this Council, make new law that's going to change - that any leaseholder in
13 Kildare, Kerry or Cork or anywhere else, can quote this case, and say Wicklow done it, so
14 therefore it's case law.

15
16 Now this barrister...

17 Cllr O'NEILL: Is there any way at all of deferring this thing...

18 LEAS CATHAOIRLEACH: Can I just say, can I just say Councillor...

19 Cllr VANCE: I made a proposal. It's two minutes to five.

20 LEAS CATHAOIRLEACH: To be fair, just a second.

21 DIRECTOR O'BRIEN: All this...

22 Cllr O'NEILL: All this stuff is thrown into the one barrel, going back to the 1996 when
23 Councillors were selling themselves lands here. Put it all in, get it all out at the one time, and that
24 will be the end of it.

25 LEAS CATHAOIRLEACH: Councillor O'Neill I did suggest we take the vote. Cllr Matthews
26 wants to -- and then we will take the proposal. Cllr Matthews.

27 Cllr MATTHEWS: Cllr Vance made an important point that the AG needs to look at this but I
28 propose that we include that (INAUDIBLE) we do believe it's being seen in full force, that
29 section 28 of the Act and let the applicant challenge that then, that gives the AG an opportunity
30 to have a look at it.

31 MS GALLAGHER: I didn't get that.

32 Cllr MATTHEWS: Propose that the Council includes the covenant restricting the sale of
33 alcohol, transfer of land to continue in full force as per section 28.2C of the Act as in the
34 Council's advice.

1 LEAS CATHAOIRLEACH: Cllr Matthews, this is the last one, Cllr Fortune.

2 Cllr FORTUNE: Just as a matter of protocol or correctness whatever way you want to describe
3 it, there is already a motion sitting for the last number of meetings, which was proposed and
4 seconded to refer the matter to the Attorney General to have a look at. Now I suggest - I suggest
5 before you go to another motion that you either accept that one or reject it or whatever the
6 meeting decides. That motion is there and it has been here. And it hasn't been removed.

7 LEAS CATHAOIRLEACH: We agreed to continue the meeting. Right we can take the two, we
8 can vote on a resolution 12 and 13 if you like.

9 Cllr FORTUNE: I am sorry?

10 LEAS CATHAOIRLEACH: Resolution 1 and 13 you are talking about there, or two motions 12
11 and 13.

12 Cllr FORTUNE: No I am talking about the one, the one that says - it was proposed and
13 seconded, it wasn't decided on because we wanted to get the legal opinion, and that's gone on, all
14 I am simply saying is that I suggest you can't take another proposal now before you deal with
15 that one. That's all.

16 Cllr BRADY: Cathaoirleach, can I just say - it's nearly 5 o'clock and I am conscious that any
17 decisions taken after that are null and void.

18 MS GALLAGHER: No. There is an extension.

19 CE: I have to come back in on Cllr Matthews and he has been very helpful in the way he formed
20 his suggestions. I think that suggestion is a total non-runner.

21 Cllr VANCE: Chairman I made a proposal, Cllr Mitchell made a proposal, I seconded it, can we
22 have a vote on that please?

23 LEAS CATHAOIRLEACH: I am proposing we take a vote.

24 Cllr FORTUNE: There is already a proposal in before that.

25 Cllr VANCE: Not at this meeting there is not.

26 LEAS CATHAOIRLEACH: I am proposing to take that - I am suggesting we take that proposal.

27 Cllr RUTTLE: Cllr Mitchell and Cllr Vance's proposal?

28 LEAS CATHAOIRLEACH: What's the proposal you have sent in?

29 Cllr FORTUNE: Miss Gallagher will read it out to you. Are you telling me now again Chair
30 that you are ignoring what I am saying to you.

31 LEAS CATHAOIRLEACH: I am not ignoring nothing, it's very difficult. Just show me the
32 motion, would you please.

33 Cllr BRADY: I think in fairness to Cllr Fortune, his was deferred pending this meeting.

34 LEAS CATHAOIRLEACH: Okay, okay. It's not on the list here actually, is it, but I am just

1 looking - Cllr Fortune proposed "That this Council will write to the Minister of the Environment
2 that he would seek legal advice from the Attorney General into the freehold title of the
3 Barracuda property, Bray County Wicklow, the subject of our recent meeting, including with the
4 letter enclosing a copy of the full file in relation to the history of the Barracuda given the
5 national importance and consequence for public property that the Attorney General will carry out
6 an immediate review of the file in question." This was seconded by Councillor Pat Kavanagh.

7 That's what you are saying Councillor?

8 Cllr FORTUNE: Correct.

9 LEAS CATHAOIRLEACH: That's the one. So we have two motions. The first motion is that
10 the Council includes the covenant restricting the sale of alcohol - that's another motion, there are
11 motions coming from everywhere.

12 MS GALLAGHER: The first one, it was proposed we accept the legal advice, I am just reading
13 out - Cllr Mitchell proposed accepting the legal advice, which was seconded by Cllr Vance and
14 Cllr Vance asked that we also write to the Attorney General to review the landlord and tenants
15 legislation to allow the Council to carry out the community function while at the same time
16 retain control over leased premises. Is that it?

17 Cllr VANCE: And where appropriate retain control over leased premises.

18 LEAS CATHAOIRLEACH: Look at, just to get everything, I am proposing to put your motion
19 first, right. So you have Cllr Fortune's and we will go through the process. All right.

20 MS GALLAGHER: I'll read it again. This was proposed by Cllr Fortune on the 7th of
21 September and seconded by Councillor P Kavanagh, "That the Council write to the Minister for
22 the Environment that he will seek legal advice from the Attorney General into the freehold title
23 of the Barracuda in Bray, a subject of our recent meeting, include with the letter enclose a copy
24 of the full file in relation to the history of the Barracuda, given the national importance and
25 consequence for public property that the Attorney General would carry out an immediate review
26 of the file in question."

27 Cllr VANCE: With due respect, that's irrelevant given the time factor Chairman.

28 LEAS CATHAOIRLEACH: I know that, we will take the motion.

29
30 (A vote was taken)

31
32 MS GALLAGHER: That's seven for, 15 against, and ten not present.

33 LEAS CATHAOIRLEACH: Sorry, we have to take two motions there, 12 and 13, to be fair
34 they're on the agenda in relation to the Barracuda, rather than coming back to them, we will just

1 take them now. Resolution passed that the Chief Executive be requested to defer signing of the
2 land transfer at such time as all the relevant information is provided to the Council and
3 discussion has taken place with the Councillors.

4 CE: It's a moot Notice of Motion now, the members have discussed it here today Cathaoirleach.

5 LEAS CATHAOIRLEACH: It's the Bray Municipal District put the motion in.

6 Cllr MATTHEWS: Chairman the Council - is that appeal, that resolution, and it was to be
7 placed on the failure to preserve the covenants.

8 CE: That's the next resolution. The second one.

9 Cllr MATTHEWS: Is that the one we are talking about?

10 CE: The first one.

11 Cllr MATTHEWS: 12 you are on.

12 LEAS CATHAOIRLEACH: Just to get everything finished with.

13 CE: 12 is moot at this stage.

14 LEAS CATHAOIRLEACH: "13, resolution, the members of Bray Municipal Council request
15 the CEO to appeal the termination or draft the termination of the county registrar regarding lands
16 at the Barracuda Bray. The appeal is based on the failure to preserve the covenants contained
17 ...(Reading)... the members request that the order is revisited and to confirm that the covenants
18 have been recorded in the order." Okay, another vote.

19 Cllr VANCE: Chairman...

20 Cllr BEHAN: Chairman, we haven't had a discussion on this one. We need to discuss the
21 merits, I would have reservations about an appeal here. I mentioned about seeking an extension
22 of time.

23 LEAS CATHAOIRLEACH: We have it sure. We have an extension of time. I beg your
24 pardon, I know what you are saying.

25 Cllr BEHAN: This is a different matter, it's a question of an appeal, there is a lot of legal advice
26 saying we shouldn't appeal it. I don't want to see the Council ending up wasting money on this,
27 so I wouldn't be supporting that. I didn't support it in Bray either, as Cllr Matthews knows for
28 that reason. But we haven't really discussed the feasibility of an extension of a time extension in
29 the Circuit Court. I understood there was a motion coming from Cllr Mitchell and Cllr Vance, is
30 that going to be voted on?

31 LEAS CATHAOIRLEACH: We are going to take a vote on it yeah.

32 Cllr FOX: In fairness Chairman before we voted on Councillor Fortune's, because if we were
33 getting a time extension, it would have allowed the Attorney General an opportunity. The
34 deadline on this is Monday. There was absolutely no way that Councillor Fortune's resolution or

1 motion was feasible without a time extension, that's why it couldn't be supported because
2 Monday would have rolled around.

3 CATHAOIRLEACH: We will go ahead with Cllr Vance's proposal.

4 Cllr VANCE: Cllr Mitchell's proposal.

5 CATHAOIRLEACH: Sorry and Cllr Vance seconded it. If you could read it out.

6 MS GALLAGHER: Proposed by Cllr Mitchell and seconded by Cllr Vance "That the Council
7 accept the legal advice and proceed with an amendment that the Council write to the Attorney
8 General to review the landlord and tenancy legislation and where appropriate to - while carrying
9 out our community functions to retain control over leased premises." That's the thrust of it. Is
10 that okay?

11 LEAS CATHAOIRLEACH: Okay.

12

13 (A vote was taken)

14

15 MS GALLAGHER: That's 15 for, seven against, eight not present and two abstaining.

16 LEAS CATHAOIRLEACH: The bursary award is outside, if we could take a break and then
17 come back.

18 MS GALLAGHER: What time are you...

19 Cllr Tommy CULLEN: Chairman, I just want to say I have no problem Chairman with Fianna
20 Fail or Fine Gael or independents voting for how they like in this Chamber, but I don't think we
21 should be abused by officials.

22

23 Meeting concluded

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