

# WICKLOW COUNTY COUNCIL



Wicklow County Council  
COMHAIRLE CHONTAE CHILL MHANTAIN

## **Transcript of the County Council Special Meeting Held on 26 September 2016 In the County Council Chamber, Wicklow**



Text streamed live to the web on [www.seewritenow.ie](http://www.seewritenow.ie)



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6  
7 Wicklow County Council 26th September 2016:

8  
9 CATHAOIRLEACH: Good morning, sorry for, we're five minutes late, so we'll go ahead into  
10 the meeting, starting with item number one.

11  
12 "To consider the variation of the basic rate of Local Property Tax and the setting of the local  
13 adjustment factor in accordance with the Finance (Local Property Tax) Act 2012 (as amended) to  
14 apply for the period of one year, from the next Local Property Tax liability date 1st November  
15 2016." And I think Debbie you're going to give us a presentation, is that right?

16 MS CROMIE: Yeah. Good morning everybody. I'm sure everybody knows me, my name is  
17 Deborah Cromie, I'm acting Head of Finance, I've just been asked to give a quick presentation in  
18 relation to the Local Property Tax, you all have got your report, so I just want to talk about a few  
19 points.

20  
21 Okay so Budget 2017 the key tasks, the first one is Local Property Tax variation, which we're  
22 considering now this morning. Then we have the Municipal District budgetary plan, this is the  
23 general municipal allocation, so this is a pool of discretionary funding made available to  
24 Municipal District members, how it's calculated, following the determination of the available  
25 number and overall fixed, semi fixed and non-discretionary costs.

26  
27 Then we're going to do our draft and we adopt our statutory annual budget probably towards the  
28 end of November, we also have to look at the commercial rates and to determine the date of your  
29 adjustment for 2017 and the rates on vacant premises (rates relief) and schedule of Municipal  
30 District works level of service for budget provisions will deliver in each MD, that goes out  
31 probably early January.

32  
33 So I alluded to this last week, probably at CPG, about this acute financial matters group. So it  
34 was established by the CCMA finance committee. Now it was tasked with identifying,

1 documenting and discussing the acute finance matters that are having, or will have, an  
2 unacceptable impact on the finance of local government.

3  
4 So they've issued 7 reports to date. So compensation 2016, commercial rates, Haddington  
5 Road/Lansdowne road agreement, non-domestic water billing and collection, Irish Water rates  
6 exemptions, non-HFA related loans, local authority funding of the HAP scheme -- I'm just  
7 saying this, I want to put the whole budget 2017 in context for everybody.

8  
9 So compensation 2016 looked at the impact of global revaluations on local authority, Irish Water  
10 rates exemptions, looked at pension related deductions and pay and pension. Now we've already  
11 said the impact on global valuations here in Wicklow has affected us last year and the full effect  
12 is taking place now for 2017. Irish Water rates exemptions, Irish Water have been made  
13 exemptions from paying rates, however the Department of Environment actually compensates  
14 Wicklow, we're one of a number of local authorities who had our water network rated. That's  
15 worth 2.1 million to us. Pension related deduction and then pay and pension.

16  
17 The second report they issued was commercial rates. At May 2016 the total revisions on hand  
18 with the valuation office for Wicklow were 190, if you take off 10% for delist, i.e. properties that  
19 are probably not commercial anymore, that leaves 171. There's an estimated value of rates  
20 income based on those 171 properties of €752,400 that we are not able to access at the moment  
21 because the valuation office have told us that budget 2017 they will only value 50 of our  
22 properties, 26 of those properties will be for the individual rates payer who wants their valuation  
23 changed, 24 is what we would prioritise, we prioritise them on the basis that we hope to get  
24 income from them.

25  
26 So then we had Haddington/Lansdowne Road agreement. So the cumulative costs for Wicklow  
27 between 2016 and 2018 is 9.5 million at an average cost of 3.1 million per year. So this acute  
28 financial matters group are lobbying the Department on behalf of all local authorities to say that  
29 Haddington Road, the Lansdowne Road will have an impact on us.

30  
31 The fact is in years gone by when we lost -- when we had reduced our staff numbers, our general  
32 purpose grant was actually reduced in line with that, now we are saying this is coming back in to  
33 force, we need to be compensated. And they've done four other reports, non-domestic billing,  
34 for us the fact, as everybody knows, our non-domestic billing migrated over to Irish Water over a

1 week ago, but that is costing us on staffing alone of 250,000, because we're not billing those  
2 staff, we can't recoup the costs of those staff.

3  
4 Again as I said earlier on Irish Water rates, we are being compensated by the Department for  
5 them at the moment, that's 2.1 million, if the Department ever decided that they weren't going to  
6 fund that. The HFA water related loans, non-HFA don't affect us. Then local authority funding  
7 of staff for HAP is 231,000 for us, that's 2.6 million.

8  
9 Again as I'm saying, I'm putting into context, we are not sitting down, we're not being quiet  
10 about it, there are people out there trying to lobby the Department to highlight how local  
11 authorities are funded, or the lack of funding I should say.

12  
13 So budget 2016, the maintenance of LPT, maintenance of the LPT ensured the following, so  
14 150,000 to homeless, 250,000 to community grants, 200,000 to DPG, playgrounds 195,000,  
15 recycling centres 250,000, library services 300,000, Rates Incentive Scheme 250,000, economic  
16 development 275,000, Municipal District discretionary funding 580,000 and the  
17 Bray/Greystones cliff walk 50,000. That was 2.5 million.

18  
19 Now I'm just going to talk myself because I know about it, Rates Incentive Scheme, now we  
20 brought that in for Budget 2016, so we're offering 5% discount to rate payers who had properties  
21 valued at 10,000 euro or less and who had no arrears, up to a maximum of 250, they got a grant.  
22 Now I suppose it's anecdotal at the moment, and we have changed the way -- we've changed the  
23 way we do rates, but our collection at the moment is 4% up from this time last year, and that is  
24 definitely helped by the Rates Incentive Scheme.

25  
26 The Local Property Tax is critical, okay? It's a reserved function, we're here today. To resolve  
27 to vary the basic rate of LPT within in its functional area by a maximum of plus or minus 15%,  
28 we have to make the decision before September 30th, must be notified to the Revenue  
29 Commissioners and to the Department of Housing, Planning, Community and Local  
30 Government.

31  
32 Our allocation. So 100% of the LPT income allocation for Wicklow is 17 million, that's what  
33 Revenue Commissioners reckon they are going to get for Wicklow. 20% automatically goes to  
34 the equalisation fund, we don't see it, feel it, nothing, it's gone. 80% of the LPT to be retained

1 locally is 13.6 million.

2

3 The Department say our baseline, i.e. minimum requirement we need for funding is 8.5 million,  
4 that's the minimum they reckon Wicklow needs. They say right well you actually have a  
5 surplus, a surplus of 5 million, and of that surplus what you have to do is 20% of the total of the  
6 17 million is net discretionary income, you can do with it what you like, basically that's going  
7 towards funding all our services. And the difference, the 1.6 million has to be used to self fund  
8 housing.

9

10 Now this self fund housing we probably would have received it in years gone by in the form of  
11 capital grand, that's gone. We have to fund 1.6 million. So no matter what happens here today  
12 we're funding 1.6 million, 1.68 million towards our housing. So the amount of LPT to be filed in  
13 2017 pending any decision to vary the basic rate is 13.6 million. And every 1% variation is  
14 170,563.

15

16 So in varying the rate the local authority must have regard to the following matters, the local  
17 authority's estimation of the income it will receive and the expenditure it will incur for the period  
18 for which the varied rates is to have effect, the financial position of the local authority, the  
19 financial effect of the varied rate and feedback from any consultation held. Now this is all in the  
20 report, but I'm just highlighting it.

21

22 So we contacted all the departments, sections in the, in Wicklow here and we asked them to  
23 submit your draft budgetary plans and they did so after much cajoling last Friday week. So they  
24 have told us, we totted all them out, got the calculator out, we totted everything, we're looking at  
25 spending 98.2 million in 2017. Now what I am saying to you is there has been no critical  
26 analysis of this done by Finance, this is literally what the departments or sections in Wicklow  
27 have returned to us, we reckon our current income is 91.9 million for 2017.

28

29 So if the rate remains unchanged we are still short 6.35 million. And if we reduce it by 15%  
30 we're going to be 8.9 million short.

31

32 Now as I said we've done no critical analysis, that's going to happen between the last -- well after  
33 today and the end of November when we probably will hold our Budget Meeting.

34

1 So that's how it's looking at the moment, the draft revenue budget. 18.2 million for housing,  
2 18.7 for road transportation and safety, 6.1 for water services, 9.3 for development management,  
3 10.8 environmental services, 6.4 recreation and amenity, 1.4 agriculture, education, health and  
4 welfare, miscellaneous is 11.5 and then central management costs 15.3. Again I'm emphasising,  
5 this is it warts and all, Finance have to get down, look at every section, look at every line and  
6 come back to a balanced budget before the end of November.

7  
8 Our income, looking at the moment our income, 21.2 million is going to come from grants and  
9 subsidies, 30.8 goods and services, LPT if we maintain the rate 11.9 and rates 27.8.

10  
11 So the financial position of the local authority at the end of December 2015, we have a deficit of  
12 3.43 million and we also have capital deficits and we have requested both Auditor and  
13 Department undertake a review of unfunded balances and to agree a plan to tackle the deficits. I  
14 would also say in relation to revenue deficits it's one of our service indicators that we have to  
15 send to the National Oversight Audit Committee every year and we have to report on our deficit.  
16 And we are under pressure now to make sure that we address it, if not reduce it, maintain it and  
17 in this case we don't want to increase it.

18  
19 So we had to go out to consultation in relation to LPT and an ad was put in the local newspaper  
20 around 20th July, it had until 26th August to come back to us, we did text alert, did the website,  
21 we e-mailed yourselves, so we got 23 submissions. 14 were in favour of a 15% reduction, five  
22 were in favour of maintaining the basic rate and four were others like abolish it! So now to look  
23 at the financial effect of the varied rate on the individual and on the local authority.

24  
25 There's that great slide there, so Revenue, according to Revenue there's 52,100 properties liable  
26 for LPT in the county. And they've broken it down by bands, so there's 12% in valuation bands  
27 0 to 100,000, 18 percent of the properties are 100,000 to 150, 27 of 150 to 200,000 and then  
28 towards the end there's 300,000 -- that's slightly wrong it's 300,000 and more, not just up to  
29 350,000, that are 14% of housing in that value band.

30  
31 So if we take the top one, 0 to 100,000 the standard rate is €90, if you reduce that by 15% that's a  
32 reduction of €14 per annum, 1.17 per month and 27 cent per week. I won't go down through the  
33 others, you can see, it's actually in the report, there is some analysis done in the report.

1 I suppose I'm going to just jump, if we reduce the LPT by 15% it's going to affect Wicklow  
2 County Council by 2.5 million. So if I just go back right, so 0 to 100,000, if we reduce it by  
3 15% it's €4 per annum, if I reduce it by 15% the effect it will have on Wicklow County Council  
4 is 2.5 million.

5  
6 So the LPT, it's a reserved function of Wicklow County Council, it's an opportunity to provide  
7 targeted investment in services, it's also an opportunity to prevent cuts in services. That's it,  
8 thank you.

9 CATHAOIRLEACH: Thanks Debbie. I'm sure -- I don't see any lights on yet but I'm sure  
10 they'll start. Cllr O'Brien.

11 Cllr O'BRIEN: Looking at the report here, I must say it convinces me more than ever that we  
12 should reduce it by 15%. When we look at page 4 of it and see the amount of tax that is taken  
13 out of the pockets of the people in Wicklow, look at the commercial rates there, then when you  
14 consider all the tax going out for the central government, you know what that is, it's an amount,  
15 all we're looking for is a reduction of something very small indeed.

16  
17 If you look at page 5 there and you look at what is spent last year, now I understand at the  
18 moment that we're in a crisis in relation to housing and homelessness and stuff like that, you  
19 look at it there and you see 150,000 -- now I wonder if my fellow colleagues are happy that that's  
20 the way you spend the Local Property Tax. There are lots of things I see there that I would see  
21 in this particular time, emergency housing where you have children and families on waiting lists  
22 for ten or 11 years, they are actually inappropriate and I would be suggested we need a major  
23 overhaul of the budget, both here in Wicklow and centrally and then set about sorting the major  
24 crisis we have, which is housing.

25  
26 When you go on to look at the liability there, page 8 and if you just point out there that the  
27 middle ground 200,000, that it would cost a reduction, 15% is costing €4 a month and 92 cent a  
28 week, I was hoping using that mathematical wizardry if you went back far enough that the  
29 property tax might disappear altogether, the real figure you need to look at is the first one there,  
30 the 90 for the basic and 585, you are looking at the 15%, not the 85% that the ordinary Wicklow  
31 people are forced to pay, that's where the focus needs to be put, people -- the 585 for the top  
32 there.

33  
34 There are a lot of people that can do with that 51,100 properties there, mortgages I assume they

1 are paying, there's a lot of elderly people living in those houses as well, I would like to see those  
2 factors put into play as well.

3  
4 I was going to state at the start there's probably 13 million reasons why we should reduce the  
5 property tax. When you look at the -- you pointed out 20% of the Local Property Tax goes to  
6 central government funds, yet they can't collect tax of 13 million of their own, there's something  
7 seriously wrong with a situation like that.

8  
9 I would say the least we can expect is our colleagues would back the reduction by 15% as I say, I  
10 did point out that the budget needs to be looked at overall, thank you very much.

11 CATHAOIRLEACH: Cllr Ryan.

12 Cllr RYAN: Thanks a lot Cathaoirleach. No shock there that Sinn Fein would go for the  
13 populist line on this, that's what they do which is fine. I think it's important to recognise straight  
14 away that last year the counsellors who made the non-populist decision to actually not reduce the  
15 property tax invested money in homelessness, in funding, so you're saying that's not a good idea.

16  
17 In DPG grants, 200,000, in -- there's, in playgrounds 195,000 -- I think the biggest problem I  
18 have here today is I don't think the Council has done a good job in actually talking about these  
19 things. Just putting them up there, I'd like a presentation from the different departments talking  
20 about the impact that our decision last year, not to reduce by 15% has had on people across this  
21 county.

22  
23 Because to me that's the story. The people around this table who made the decision and the  
24 people across Wicklow who paid that extra amount of money are the ones who have actually  
25 delivered on homeless funding, on community grants, on playgrounds, on recycling centres, on  
26 library services, on the rate incentive schemes, and given 580,000 to Municipal Districts to  
27 spend in their own areas. Since the property tax was brought in, that's above us decisions are  
28 made, but the thing is people of Wicklow want to see delivery on the ground. I think the area  
29 they want to see it is in the Municipal Districts in civic spaces and making the places we live in  
30 better places. I think that's really, really important. So I think before decisions are made like  
31 that, just to say let's go populist and let's reduce it, people should think long and hard about the  
32 impact that this actually has, this decision we make today has on the people of this county.

33  
34 Just some questions I have that I'd love you to answer, just with regard to, that confuses the hell



1 out of me, that we no longer do non-domestic water billing but we're still being charged, our  
2 budget is impacted by 250 grand? I really just don't understand that. Can we not just throw that  
3 back to Irish Water and say you pay this, it's your job to bill, so that just confuses the hell out of  
4 me.

5  
6 I agree completely that when we were reducing staff because of the crisis our budget went down  
7 from central government because of that, now that we're increasing it, the fact that they don't  
8 actually support us in that regard I think is absolutely crazy.

9  
10 And the other thing that drives me nuts is this global revaluation of utilities, can you please tell  
11 us -- that's over half a million that that's actually, we get a hit. Last year the decision was made  
12 by the government actually supported us in that regard, it doesn't make sense to me, I can't get  
13 my head around it. What form -- actually which are the big utilities, I take it it's ESB must be  
14 the biggest in the country I know Irish Water is dealt with separately, but in terms of this, what  
15 actually drove the decision to reduce the amount of money that those utilities are paying?  
16 Because in effect they are taking away funding from local government which make it is  
17 incredibly difficult for us to deliver on what we're supposed to do as better things for the people  
18 of this county. Thank you.

19 Cllr KENNEDY: Thank you Cathaoirleach and thank you Debbie for the presentation. Just two  
20 things Debbie I'd like to ask you. One was the Rates Incentive Scheme, how many businesses  
21 got notification of this scheme? And what was the uptake of the incentive scheme and how was  
22 it promoted? I know a number of businesses they have told me they got no notification of the  
23 incentive scheme. That would be question number one I have.

24  
25 Question number two would be under the homeless funding, with 150,000 put in there, did the  
26 government fund this through central funding and if so where did the 150,000 go? Because I  
27 was of the understanding last year if central government funded that, 50,000 will come back to  
28 the community, cultural and social development department and the five Municipal Districts  
29 would get 10,000 each from that fund, that was my understanding last year during the budget. I  
30 know definitely in the Arklow Municipal District we did not get that 10,000 back of our share of  
31 the money. My understanding is the government did fund that, maybe you can clarify both of  
32 those please.

33 Cllr LAWLESS: Thank you Cathaoirleach. I know it's already been said here today that Sinn  
34 Fein are taking the populist line by reducing the Local Property Tax by 15%, but the thing is we

1 don't actually believe in this tax, we want this tax abolished.

2  
3 The Irish people as we although were taxed on absolutely everything and people just don't have  
4 any more money. I think asking people in Wicklow to give more is just very, very unfair. I  
5 know Cllr Ryan was saying well you're taking from the homeless service, there was money  
6 given in to it last year, yes that is true, but if there's a shortfall it's not up to the people of  
7 Wicklow to make up that shortfall, the people of Wicklow are actually paying their taxes. All  
8 your tax is going back to central government. It's up to the government then to allocate that  
9 accordingly. If there's a shortfall the government have some cheek to come back down to the  
10 people of Wicklow and say hang on a second, we haven't got enough money here to help the  
11 homeless people, we'll ask you for more money out of people's pockets. And people do not have  
12 it. So I'm formally proposing that Sinn Fein are putting forward a proposal for the reduction of  
13 the 15%. If we had our own way we would abolish it, but we can't, so the best we can do for the  
14 people of Wicklow is reduce it by the 15%.

15  
16 When we were speaking to people on the doors, people do not like this tax, it is a very, very  
17 unfair tax. I'm in absolute no denial here that Wicklow is short of income. I can clearly see it.  
18 I'm well able to read the figures. But I don't believe in this tax and I cannot, cannot support an  
19 increase on the people of Wicklow. We are taxed to the hilt and we are getting absolutely  
20 nothing in return from this government. They just take, take, take and take. We need money for  
21 this, we need money for that. So let's just tax the people of this country. That's all this  
22 government seems to do but we never seem to see anything much in return. They need to stop  
23 this, because what's happening is the economy is not going to grow because people don't have  
24 money to spend. The money you take off people the less they have to spend back in our local  
25 communities.

26  
27 So I will stand very firm and Sinn Fein stands very firm that we'll reduce, we want the property  
28 tax reduced by 15% here today. Thank you.

29 CATHAOIRLEACH: You are making a formal proposal, is that it?

30 Cllr LAWLESS: I am yes.

31 CATHAOIRLEACH: Can I have a seconder for that please? Cllr McDonald.

32 Cllr WALSH: Debbie in your presentation there you referred to the draft budgetary plans you  
33 got from various departments to deliver services, 98 odd million there, you said there would be,  
34 at the moment you're looking a shortfall of 6.35 million -- if just what are proposed to meet that

1 shortfall and how does it compare with the previous years? And also the commercial rates  
2 figures you say 171 properties there with the valuation office with an estimated value of 752,400  
3 and only 50 odd being valued at the moment, is there any way we can bring pressure to bear on  
4 the valuation office, I know the staff shortages and stuff there, to address those issues thank you.

5 Cllr BOURKE: First of all I'd like to call on Sinn Fein to spell out where they're going to make  
6 the cuts because they're taking 2 and a half million out of the budget but the Council will have to  
7 cut services, it's logical the money won't be there.

8 Cllr LAWLESS: That's not my job.

9 Cllr BOURKE: It's very disingenuous of Sinn Fein's spokespersons or any member of this  
10 Council to propose cutting it by 15% without coming along with proposals of where those cuts  
11 are going to land and what effect it will have on the people in this county for the next 12 months.

12  
13 I don't like the property tax any more than anything. But I believe that I should pay my fair  
14 share to fund services. And I just think it's very disingenuous to go for the populist catch-all  
15 line, reducing the property tax by 15%, it sounds like great people, but you are not going to do  
16 this county any service by doing it. And it's putting it back on central government, who are  
17 already taxing the people of this country to the hilt, we're paying the highest rates of tax in  
18 Europe. You're going to make it worse for the people that are paying all the middle income  
19 groups that are paying, that are funding the services in the State, so just think carefully about  
20 that. You talk about going after the rich, well the rich people are probably going to disappear,  
21 Michael O'Leary has stated the more go after them the more of them that will disappear out of  
22 the country. You're chasing an empty promise.

23  
24 Just going back to last year, we were told that Councils, I'm not sure if it was Cllr Vance,  
25 suggested, or some councillor, maybe the manager, was suggesting Councils who reduce by 15%  
26 can go whistle if they want to get extra funding from central government for special projects,  
27 was that threat real or empty? Did we get extra funding during the year for any special projects  
28 because we were good boys and girls and went for the base rate, by staying on the base rate,  
29 have we actually benefited as a county? I'd like to ask the Director of Services, of Finance, have  
30 we benefited as a county by holding that line and to what extent? Because that's really important  
31 as well, to know what Councils were penalised that did reduce. Were they penalised, did they  
32 fail to get extra funding during the year for the special projects? Thank you Cathaoirleach.

33 Cllr MATTHEWS: Thanks Chairman, just a question for Debbie on the presentation, difference  
34 from last year and this year is around 7 or 8 million. It seems to be made up of a reduction in

1 grants and subsidies of 1.5 million, we have an increase of 4.4 down to other expenditure, 0.3  
2 social benefits and 2.3 million payroll -- so just to start with the grants, is that, have we definite  
3 confirmation that that's the grants cuts we're looking at and what grants does it refer to and from  
4 what departments in government? The 2.3 million increase in payroll, is that going to provide us  
5 with more staff because we've spoken about many times down here the Municipal Districts and  
6 the staffing problems that we have, staff that are there are currently over worked, they really  
7 need assistance in that, so if that's to provide more staff I don't have a problem with that. If you  
8 could just explain what the 0.3 in social benefits expenditure and maybe briefly outline the 4.4.  
9

10 And just I think Cllr Bourke said, I'd like if somebody is proposing to cut property tax that they  
11 also follow that up with the responsibility thing to say, what services they're planning to cut,  
12 because I can't vote for something unless I know the full thing.

13 Cllr FOX: Thank you Chairman, first of all, can I say I'm disappointed, a motion that Cllr  
14 Murphy, Cllr Nolan, Cllr Ruttle and myself put forward supported by all sides of this chamber,  
15 in relation to the equalisation fund, that the department have dragged their heels on our request  
16 to meet with them, because it is one of the most unjust elements of the property tax, and I would  
17 agree with Cllr Lawless insofar as this tax is unfair, it is not an equitable tax, and people in  
18 Wicklow, because of their close proximity to Dublin, have high house values.

19  
20 It's not a real cash value, it's just a value because of their location and therefore are paying more  
21 than the rest of the country who are in similar houses but with lower values. So then to take 20%  
22 of Wicklow's tax and give it to other local authorities, and I know I'm rehashing this and beating  
23 a drum on this for a while as are my three colleagues here beside me, but to say that we have not  
24 got any response and it goes back to what Cllr Bourke says, we kept the rate at 100% last year,  
25 we were good boys and good girls, and it gave us a bit of leverage to go to the Department and  
26 say look we kept the property tax, despite it being high, we kept it at 100% and we need to look  
27 at the equalisation end of things. We got no response of any note from the Department on that.  
28

29 On varying the LPT rate, I fully understand councillors who are looking to reduce it by 15%, I  
30 can see where they're coming from. There are people out there who have a lot of financial  
31 commitments and are finding it hard to meet those commitments and I have a lot of sympathy for  
32 those people. However, the financial reality is that this authority would be totally hamstrung  
33 financially with a reduction of 15%. And I can't support a reduction on that principle, because I  
34 believe in what Cllr Ryan said at the start, that we do have to provide services and all the various

1 programmes that he outlined, we cannot cut back on these services to a level where we're not  
2 providing any service at all.

3  
4 And sometimes the popular decision is not the right decision and I know by not reducing 15% is  
5 an unpopular decision, but I'm prepared to maintain the LPT, because when I go into all the  
6 various departments in this building and I ask for traffic calming or I ask for housing  
7 maintenance, or I ask for central heating funding, I do so knowing that I have provided the  
8 funding to do that. I feel I would be a hypocrite to propose to reduce the funding by 15% and  
9 then continue at municipal meetings and full council meetings, asking for programmes to be  
10 funded, it just doesn't tally. So I certainly will not be supporting the motion to reduce the LPT  
11 by 15%. Thank you.

12 CATHAOIRLEACH: That's there's a couple of councillors looking to come back in again but I  
13 want to go to councillor that is haven't. Cllr Winters.

14 Cllr WINTERS: I would agree with Cllr Fox and Cllr Ryan, it would be extremely easy to say  
15 let's cut it, but I look at our own Municipal District and see what we've done with the  
16 discretionary spend that we as the six councillors have had the option to spend over the last two  
17 years, and on both occasions we have chosen to provide projects that wouldn't have funding  
18 from anywhere else, they are things that the residents and citizens of this county want. We put in  
19 lighting in Newtownmountkennedy, we would never have got that lighting publicly funded only  
20 that we have the Local Property Tax, same with the footpaths, we put in a footpath in Rathnew  
21 this year, that wouldn't have happened without the discretionary fund, and the fund wouldn't  
22 happen without the Local Property Tax. So we have no optional really, except to say we as a  
23 Council if we want to provide services to our community, how we fund it is through Local  
24 Property Tax and I think a lot of people will actually say yes it's €36 or maybe €48 that I could  
25 save, it's 4 euro a month or I can have a library, I can have recycling and for the services they get  
26 for that €4 a month, I think people will be happier to pay it and to have the quality of services.  
27 The quality of the services could always be improved an that's something that we're going to  
28 have to look at in the budget and see what are we providing with the money and are we making it  
29 work the best way possible for constituents, but that's a totally different thing. This is about  
30 making the decision to provide the services, I believe that we have to not reduce the Local  
31 Property Tax, thank you.

32 Cllr BEHAN: Chairman I don't deny the genuine sense for people who are arguing for  
33 maintenance of the property tax at the increased rate, which was increased last year by 15%, and  
34 I don't doubt their goodwill and I don't doubt their good intentions, but I think we have to stand

1 back just for a minute or two and look at what happened with property tax not only in Wicklow  
2 but throughout this country. Which is that the rates support grant that used to be paid to  
3 Councils was effectively ceased when the property tax began. But the people's tax burden  
4 centrally didn't reduce, it increased with the introduction of USC. So the ordinary family in this  
5 county, their central tax burden has not decreased, it's increased, but the money that would have  
6 in the past, the proportion that would have gone to local authorities, was just stopped, and the  
7 councillors of the country were then asked to implement or to go with the finance that comes  
8 from property tax. And the only element of discretion we're being given is that we can reduce  
9 the burden by a maximum of 15%.

10  
11 Now people might say that it doesn't matter and 15% is nothing and people don't mind paying  
12 for the service. I don't know who they are talking to, these councillors who say that, because  
13 certainly the people I talk to are absolutely incensed about the property tax overall, about the  
14 burden that it places on them and they are doubly incensed when local public representatives  
15 who have one chance every year to reduce that burden, even by a small amount, they  
16 consistently refuse to do it. Sorry not consistently, we did it two years ago, we didn't do it last  
17 year and it looks like already we're not going to do it this year and I think it's going to be a  
18 major, major disappointment for people of the county.

19  
20 The reality of it is that according to all the Department rules we have enough money to run this  
21 county as it stands without having a 15% additional increase. That's why we're being allowed  
22 the opportunity to reduce by 15%, so I reject the argument that's put forward here that there are  
23 going to have to be cuts because we might reduce the property tax by 15%. If there were going  
24 to be cuts in basic services we wouldn't have been allowed by the Department to cut it in the first  
25 place. So that's a myth.

26  
27 Another myth is councillors who vote for 15% reduction today have in some way to come up  
28 with what they are going to cut or replace, that's not the function of this meeting, that's a matter  
29 for the estimates meeting when the time comes, councillors should understand, I'm sure they do  
30 understand that. The decision we make today is whether we are going to give the people of this  
31 county a break, even a small break, even a small reduction, the reduction that we are allowed to  
32 make and I personally think we should make it, thank you.

33 Cllr VANCE: Chairman, thank you very much, as a public rep for a long time people would  
34 remember that over the years we've always had these problems in regard to water taxes and

1 various issues like that. And if you go out to the public and ask them do they want to pay tax,  
2 they'll tell you no. Nobody wants to pay taxes. But everyone wants services, and it's amazing  
3 that the main issue in the last general election was not about paying taxes on the various items  
4 that none of us like paying, but was actually in services, people regarded the most important item  
5 in the last general election was improvement of services, and in an awful lot of cases people  
6 were prepared to pay even a little more for the improvement in the services that are necessary  
7 nationally, with health, education, social welfare and various things like that.

8  
9 Now it's the easiest thing in the world for people to come in here and say we'll reduce by 15%  
10 and it's up to somebody else to do this. But it's easy enough to say 15%, but that's going to affect  
11 everybody. It's very hard for people to come in and vote for something, a reduction of 15% if  
12 you actually don't know what that is going to mean and how it's going to affect the budget  
13 because it's very significant reduction in what is there at the moment. And effectively I think  
14 people have to say they have the responsibility to say, or the executive up there have a  
15 responsibility to tell all the other members here that if we're going to vote for something that's  
16 been proposed and seconded for a reduction of 15% exactly where the likelihood is that these  
17 reductions are going to be made.

18  
19 Now people have said one of the priorities this Council has, only rightly so I've been saying it for  
20 five years before anyone else was saying it in regard to housing, effectively if you're saying you  
21 are going to cut by 15% one of the largest budgets that we have in the Council at 19%, I think  
22 we said there if memory serves me right, effectively you're going to have to have to look at  
23 cutting across the board, there will be significant cuts in this area as well.

24  
25 Really we're talking about and I fully support and have always supported improvement and more  
26 finance in regard to housing. I've never ever supported a reduction, and this time if there's a  
27 reduction there, people are proposing a reduction of 15%, I will not vote for a reduction in  
28 housing as one of the main priorities that this Council have and it's something that we should be  
29 prioritising and something we should be agreeing on as well. So as I say, it's very fine for people  
30 to say reduce by 15% willy nilly, it's not going to affect anyone and we're going to keep the  
31 services as they are or improve services as they are, my attitude to that is that I'd like to hear  
32 from either the people who are proposing this, Sinn Fein, or other people, where they expect the  
33 money to be saved for this, and certainly I'd be in favour, if they can produce something that can  
34 provide all the services and reduce by 15%, I'll certainly give it my consideration in regard to

1 voting for a reduction of 15%, I don't know if it can be done or not, I suspect it can't, but I think  
2 there is an obligation on people who do that, to go down that particular road, and I look forward  
3 to hearing from them in regard to that. Thank you.

4 Cllr FORTUNE: I think by any stretch of the imagination a Local Property Tax is totally  
5 unsustainable, the fact that people cannot afford it, we're charged rates, if you travel 45 miles  
6 inland the rates change, that's just crazy and unfair, we're told that there's a 5 million surplus, so  
7 a 5 million surplus, I'd like to hear a bit more about that. Also on the grants and subsidies, that's  
8 basically reduced by 1.5 million, why is that, what's the make up of that? And also the other  
9 income, it's just a figure, I'd like a breakdown of that to see should that be he -- what should it  
10 be, how is it made up? Also Debbie said in her presentation that they haven't had a chance yet to  
11 do a critical analysis by finance, that being the case, we're kind of playing -- it's possible when  
12 Debbie and the team do a critical analysis that the funding will be sufficient.

13  
14 I would agree with everything that Cllr Behan said and I think also the emotional bullying that  
15 goes on in the chamber when we discuss something like this should stop. Everybody should  
16 make a contribution, don't be putting an emotional bully across to people who have a different  
17 view, the last time I checked we operated in a democracy. I'm surprised at others coming out  
18 with that stuff. I think we have an awful lot of questions, I think looking at it just in the quick  
19 snapshot of it, I think there is a logic here to reducing this by 15%, but the key point I would  
20 make to it is, I believe this passionately, the Local Property Tax is unsustainable. And it's going  
21 to have to be faced up to sooner rather than later, and the fact that every time we put a negative  
22 our funding is cut from central government, that's what's going on here, we are more and more  
23 asked to fund ourselves, there isn't a proper business approach to this either, which is  
24 concerning. They're shooting in the dark. But I think we should be reducing by 15%.

25 CATHAOIRLEACH: Cllr Mitchell, followed by Cllr Tommy Cullen.

26 Cllr MITCHELL: Thank you Cathaoirleach. Cllr Fox has mentioned again the 20% taken from  
27 the fund and spread to other counties, but actually the situation is worse than that. There's  
28 another 10% called self-funded housing adjustments, which is taken from the money from  
29 Wicklow and goes back essentially to the Department of the Environment, so the total amount  
30 that's taken out of ours is 30%, this latter figure, this 10% is something to do with the amount of  
31 money that was originally paid to the Council under the old grant system, so about nine counties  
32 are affected by this, so it is worse than was said and the unfairest bit is that 10%.

33  
34 The various people here have suggested that the property tax should be reduced, but it is



1 important to remember what we managed to do during the past year with the funding from last  
2 year, for instance we spent 600,000 on various municipal projects all over the place to the  
3 considerable benefit of public of the county, the cliff walk, library services, playgrounds  
4 200,000, community grants 250,000 and significant amount for homelessness and DPG grants,  
5 all of these things were funded last year, when they would not have been and all of these things  
6 will have to be cut back if the LPT is not kept the same as last year, so each one of those  
7 councillors who is supporting a reduction in the property tax from what was raised last year is  
8 voting for a very substantial cut in all of these services and I think that's wrong.

9  
10 Now there are a number of things that I think we should be, a number of funding issues which  
11 have been mentioned such as LEO ones and to do with the HAP where various administrative  
12 staff seem to be landed on the Council budget which were not landed before, those should be  
13 changed. I also think we should pursue more vigorously getting some money for the fact that  
14 County Wicklow supplies Dublin with its water, this is a unique feature of the county, one which  
15 is if money was granted to the county because of this would not have to be granted to other  
16 counties. So that's important.

17  
18 Also I do have a concern that in the budgeted figures which the other areas are getting 50% more  
19 money per resident than Greystones and this is badly affecting the services provided there. Now  
20 in this year I'm happy to support keeping the property tax as it was last year, but not prepared to  
21 continue to do so unless the funding for Greystones area is increased towards that which other  
22 areas get to account for various population, massive population increases which there have been  
23 in the area, thank you.

24 CATHAOIRLEACH: Cllr Tommy Cullen followed by Cllr Shay Cullen.

25 Cllr Tommy CULLEN: Thanks Chairman, I want an abolishment of property tax, I don't want a  
26 reduction. My own view is to say we're going to vote for 85% of property tax you're still voting  
27 for property tax, I want them abolished, I don't want messing around with the fringes saying  
28 we'll cut by 15%, if you vote that you're still voting for the principle of property tax, I want  
29 property tax abolished I think they are a double taxation and the people in this country are  
30 already paying the highest taxes in Europe and a lot of it stealth taxes along with that, that the  
31 government are taking from people. This Mickey Mouse and carry on about reducing by 15% is  
32 only trying to disguise the fact that people will still be vote willing for property tax, 85% or  
33 100% it's still the principle they're voting for, I don't agree with property tax, I want it abolished.

1 People have been saying here there's property tax, Cllr Behan outlined succinctly, if you look at  
2 the rates support grant and all that cut back, Wicklow County Council is running to standstill,  
3 there's no advantage to this county from property tax. If the property tax goes up our rate  
4 support grant goes down by a similar amount, so when I hear them talking about we're going to  
5 spend this money on libraries, we've been spending money on libraries since I was on the  
6 Council and it always came from direct funding of the Council. So this nonsense that I hear as  
7 excuse that we'll have to cut services if this is not in -- this is an additional tax on the people.

8  
9 Now there would be some argument for a local contribution fund based on community  
10 requirement and needs that was guaranteed that every penny was kept in-house in the county of  
11 Wicklow based on equalisation, not necessarily capitation principle for local projects of maybe  
12 playing fields, public swimming pools, stuff that people otherwise would not necessarily be  
13 funded by the Council. But that's not what we're talking about here. We're talking about simple  
14 taxes. I looked at the property price index here for Wicklow last week, particularly in the  
15 Greystones area, Cllr Mitchell's area, and this in effect will mean 250 to 300% increase in  
16 property tax in north Wicklow in the year 2018 and will affect other areas of the county as well.  
17 And is that what people are being asked to vote for here today? Whether it's 85% or 100%  
18 you're still supporting the principle.

19  
20 I think we are the only country in Europe that front loads property tax and it's called stamp duty.  
21 People are paying thousands of euro up front, even as we speak today families are paying  
22 thousands of euro property tax on stamp duty, front loaded, no other country is doing that, in  
23 Britain for instance you don't pay stamp duty until the first million and a half.

24  
25 And what if they do pay rates in Britain they're getting free health service, national health  
26 service. They're getting free books, free schools, free meals in schools, bins are collected, you're  
27 getting free water, free medicine. We're getting absolutely nothing. Every penny in property tax  
28 collected in this county, if it goes up wherever it is, it's then the Department cuts their grant to  
29 Wicklow. So we're running to standstill like headless chickens.

30  
31 I have a view that if you keep voting for property tax you're going to get more of it, you're going  
32 to get more and more. I stood for election against property tax. Any form of property tax, Sinn  
33 Fein did the same. Independents did the same -- sorry Chairman I'll just finish, I have been  
34 consistent. I have been coming along here -- in fairness Fine Gael they did say they were for

1 property taxes, I will give them that, they haven't said one thing at the election box and come in  
2 here in this chamber and do another, like the other parties have done. And other independents  
3 have done. Now it's time people started honouring their commitments that they gave the public  
4 when they went for election in 2014 and not reneging the minute they got in the door when the  
5 ink was hardly dry on the ballot papers.

6 CATHAOIRLEACH: Is that it councillor yes? Cllr Cullen then Cllr Snell. Shay Cullen, the  
7 real Cullen, you're right.

8 Cllr Shay CULLEN: Chairman, the first thing I'd like to say is nobody likes a property charge  
9 on their home, but unfortunately we're in a situation where we need this money for services for  
10 our county. It's as simple as that. Anyone that says we don't I think they're in cuckoo land, we  
11 can't take 2 and a half million out of the budget for 2017 and not have serious effects on services  
12 we supply for our county.

13  
14 Now I have a few questions for Debbie, one would be the expenditure, other expenditure in your  
15 figures seems to be up by 4 million, I'd like an explanation on where that came from, and also  
16 the whole area about the money we supply the 3.4 million we supplied to non-variation of  
17 property tax in 2016, I would have certain issues and I know it's probably for budget day, but on  
18 value for money. It's something that probably nobody has spoken about here today, there is a  
19 question over are we getting value for money with the actual money we're putting into these  
20 services? I'll just give a quick example, in our own municipal area we upgraded a footpath, it  
21 was mentioned earlier, in Rathnew which was cost in the region of €60,000, we got a private  
22 contractor to price that particular job at €15,000, so I have a serious issue with the value we're  
23 getting for the money we're spending in this Council. But as was said earlier, improvement of  
24 service is paramount for our county, that's what people talk to me -- what are we getting for our  
25 property tax? If we can point to items that are done in our municipal areas, in public realm,  
26 playgrounds, promotion of tourism, homeless funding, I can go on and on, but these items are  
27 important to the citizens of County Wicklow and we need to provide these for value for the  
28 property tax, and the two and a half million that we're talking about is essential to this authority  
29 and I think we have no choice but to maintain the rate of 15%, thank you.

30 CATHAOIRLEACH: Cllr John Snell.

31 Cllr SNELL: Thanks Cathaoirleach again it's hard to know where to start really to be honest,  
32 because I accept the Cathaoirleach's direction, and everyone else should, this is not a budget  
33 meeting, this section of today's special meeting is exclusively to deal with Local Property Tax  
34 and our role and our function, and while I listened to Cllr Tommy Cullen in regards to he wants

1 to get rid of this property tax, I concur with that, as do my colleagues and I'm sure everyone in  
2 the chamber does, but unfortunately we have to deal in the real world and the real world says  
3 none of us here today can abolish the Local Property Tax.

4  
5 What we do have in our remit is to reduce it, leave it as was for last year or increase it. And I  
6 know which I'll be going for Cathaoirleach. I have just a few questions in regards to the overall  
7 Local Property Tax.

8  
9 Debbie's figures are showing that with everyone through all the local directors of each service  
10 that if they all had their wish list, that to fund the local authority for Wicklow next year would be  
11 98 million and that based on the figures from last year there's 91 million, so there's a deficit there  
12 of just under 7 million. If we actually go and look at what's happening here, last year Wicklow  
13 County Council, through the citizens of Wicklow paid 17 million in Local Property Tax, but yet  
14 3.4 million of that was squirrelled off into an equalisation fund for other local authorities, and  
15 here's where I have an issue in regards to other local authorities, and other citizens in other parts  
16 of the country, who are benefiting off the backs of the people of Wicklow.

17  
18 A number of these other local authorities reduced the Local Property Tax, as is their remit, their  
19 power, the little power they have, some have reduce it had throughout the state, some are still  
20 going to vote on it coming into the future. For example Dublin City Council, Fingal County  
21 Council, all reduced it by 15%. Monaghan County Council reduced it by 7.5% of a reduction, so  
22 the citizens of Monaghan pay less than the citizens of Wicklow, yet we end up in a situation  
23 where 3.4 million of the money that's raised by the people of Wicklow potentially can end up in  
24 the coffers of Monaghan County Council, and I find that hard to swallow to be honest.

25  
26 I feel that we're here haggling about spending money at local level, which will be our job in a  
27 month's time when the budget meeting comes up, we're here now, it's my belief that central  
28 government should be funding the big infrastructure in County Wicklow. This tax is very unfair  
29 as a lot of people have said, because even if the property tax remains, as I have a feeling it  
30 probably will be, listening to previous speakers, if it remains the same, there's still a deficit of  
31 6.35 million to be found within this local authority, for to give our directors of services what  
32 they believe they need, to function correctly for the next 12 months.

33  
34 If it was increased, if the members here decided to increase the property tax by 15% there still

1 would be a shortfall of 2.9 million, even with an increase, yet the government take 3.4 million  
2 away and give it to other counties who decide to reduce the hardship on their own citizens while  
3 we're asked to burden the people of County Wicklow with further increases.

4  
5 I just want to if I could have the figures on the collection rate, if you have that Debbie? I know it  
6 was 94% of people in 2014, throughout the State, but if you have figures exclusively for  
7 Wicklow in regards of the collection rate of Local Property Tax? And just to bear in mind to all  
8 the members here, in 2014, 14 local authorities reduced the Local Property Tax. One of which  
9 was our own Council Chambers here in Wicklow and I would remind some of the members who  
10 asked the question of my party, Sinn Fein, that in 2014 at the Fine Gael Ard Fheis Enda Kenny  
11 said that people going forward to represent Fine Gael in the local elections that they would go in  
12 and oppose an increase in the commercial rates and the property tax. So just bear that in mind.

13 CATHAOIRLEACH: Thank you councillor, you have a good memory. Cllr Walsh.

14 Cllr WALSH: Thank you Cathaoirleach, might I just make a point at this stage, we have over  
15 4300 Council tenancy homes across the county, who I believe are exempt from paying the LPT  
16 tax. So if we agree to cut the tax by 15% as has been suggested then obviously the services that  
17 will be cut as a result will affect these people who are, some are in disadvantaged areas in the  
18 county, such as the maintenance and repair of our local housing stock. So I think we need to  
19 bear that in mind, I don't think we'll be thanked by those particular residents if we do cut their  
20 services.

21  
22 Also just on Cllr Snell's last point of the equalisation fund and other counties benefiting from it, I  
23 believe if that is the case, I have no reason to doubt him that should not happen, it shouldn't be  
24 allowed and steps should be taken to prevent that happen in the future.

25 Cllr BLAKE: Thanks Chairman and thanks Debbie for the presentation, I too would very much  
26 support Cllr Fox's proposal with regards to the fact that 20% and the 3 and a half million that we  
27 are giving to the equalisation fund is unfair to the people of Wicklow. We do need the services,  
28 certainly I think we need to continue to ensure that that 3 and a half million remains in County  
29 Wicklow to provides the service that is Cllr Vance said, the last election there was people  
30 demanded greater services, this is our opportunity to provide services and that 3 and a half  
31 million could go a long way towards that as well.

32  
33 We must also remember that nearly 7 million of a difference between what the Council and the  
34 officials of the Council want to put into the budget for the coming year, a lot of that 98 million is

1 what we looked for, our various different meetings and district meetings when we talk about  
2 additional money for housing, for looking after and improving our own local authority houses,  
3 looking after roads, improving quality of the roads as well, these are issues we discuss on a  
4 monthly basis at our local meetings, demanding additional services to roads, houses and so forth.  
5 And at the end of the day in order to balance the budget there's still almost 7 million of a  
6 difference between what we have been looking for, we are the ones looking for improved  
7 services, improved roads and housing, obviously at the end of the day we have to balance our  
8 budget, there's already 7 million difference in that as well. Equally we have seen the staff over  
9 the years cut back in the salaries as well and there is something like 2 million there, just over 2  
10 million of increase in cost of salaries based on Lansdowne Road agreement, that's something we  
11 have to honour, so if we get additional money from central government well and good, but  
12 certainly every meeting I have been at for the last number of years when we cut back in staff, we  
13 have been asking for, outdoor staff in particular as well, we have been looking at every meeting  
14 for additional outdoor staff, it has to be paid for some way, somebody has to pay and we want  
15 those workers out there as well. So there is an increase in there in terms of the cost factor  
16 towards the local government in that regard.

17  
18 As far as myself is concerned, we need the services, we need to provide those services, I'm  
19 delighted that Cllr Snell watched the Fine Gael Ard Fheis anyway, two things in relation to that,  
20 we have honoured the aspect of the Local Property Tax, it hasn't been increased, we have also  
21 honoured the rates, there has been no increase in rates since 2008 in this county, so we've  
22 honoured those particular commitments. But certainly we do need to provide services in the  
23 county for the people that we are out there, it is our responsibility. People mightn't say it's not  
24 our responsibility to look after the people of Wicklow, it is our responsibility. We don't want to  
25 be just spenders of the taxpayer's money, government collect it and hand it to us, there's no need  
26 nor us, County Manager can do the same thing, he can take in the money from central  
27 government and distribute to various engineers or directors of services, but there is a  
28 responsibility on us as local authority members here, to ensure that we play our part in ensuring  
29 it. Thanks Chairman.

30 Cllr KAVANAGH: When I look at new taxes I look at what we're supposed to represent,  
31 already we have a very burdened citizenship in this country, we have income tax, we have PRSI,  
32 we have universal social charge, people have to pay very high rates, sometimes people barely  
33 able to keep their heads above water and businesses closing down, we have numerous businesses  
34 around the town in Wicklow itself just to pick one town, that have closed down because they

1 can't pay exorbitant rates.

2  
3 On top of that we also have now a situation where people have to pay their own bin charges, they  
4 have to pay their own water charges, these used to be all covered by general taxation, so there's  
5 already a massive burden of tax on the ordinary citizens of the country. We now have something  
6 called Local Property Tax, when that was first mooted I looked at it, I work with tax law and  
7 know a little bit about it, I understood it was going to fund local services. Now all it seems to be  
8 doing is subsidising central taxation, we should now for Local Property Tax people should be  
9 able to have their bins collected, they should have bins put around the town. I can't even get bins  
10 in areas around the town because there's no money for them. So I'm thinking what are we paying  
11 Local Property Tax for? It's being used to subsidise something it was never intended to do. So  
12 if there's an opportunity to reduce this massive tax burden on people of this county then I would  
13 say they wouldn't be offering 15% if they couldn't actually afford to lose 15%, so why not pass it  
14 on to the overburdened taxpayer, give them 15% more money in their pockets to go out and  
15 spend in their own communities and support their own businesses. Because I think they pay  
16 more than their fair share of tax, thank you.

17 CATHAOIRLEACH: Two other people to come back in. Cllr Kennedy.

18 Cllr KENNEDY: Thank you Cathaoirleach I won't hold you up too long, sorry Debbie I asked  
19 two questions, I've a further three questions. As Cllr Blake said we do have a responsibility on  
20 behalf of the people to ask questions on figures presented to us here today also, on page 6 the  
21 national pay agreement, we have to provide 420,000 there, should that not be provided by central  
22 government? Because I think it should. That's question number one. On page 10, under water  
23 services, is that not being funded through the development contribution scheme? It's my  
24 understanding that there is a percentage included there for surplus water that's another 200,000.  
25 Maybe you can just clarify something for me. Under the Economic Development Fund we  
26 provided 275,000 last year, we've been asked to provide an additional 145,000 for that this year  
27 brings to a total of 420,000, I don't see much economic development, certainly not in my area  
28 there isn't any, maybe you can clarify that for me as well.

29 ARBITRATOR: Okay thank you councillor. Cllr O'Brien has your light on again.

30 Cllr O'BRIEN: Just two points they were asking where would Sinn Fein get money. I propose  
31 this Council send a letter to the relevant department demanding that 20% of the robbing us of the  
32 tax, that be put back in straight away, that would immediately mean that you would be 5% up.

33  
34 The second thing I would like to point out is about the submissions sent in to us, 23 submissions

1 sent in, that's the people speaking, 14 requested to reduce the rate, 5 requested to leave it  
2 unchanged and four put down to abolish, that seems to be the people talking, I'm wondering  
3 where does that factor come into influencing the Council here at all? Was it a worthwhile  
4 exercise at all? Because obviously it costs money to go through the submissions, if we're going  
5 to ignore it, was it worth while to do at all?

6 Cllr VANCE: Just briefly I'm amazed when you went out for questions in regard to property tax  
7 that 23, only 23 submissions out of 129,000 people in Wicklow, it seems extraordinary people  
8 are saying there's such huge support for, not reduction but elimination of the property tax. Just a  
9 clarification, if I got clarification from Debbie in regard to what Cllr Tommy Cullen said, made a  
10 statement that if the property tax was up the rates from government come down, I am not aware  
11 this happens, I don't think that's correct. Maybe then when I hear Debbie and various  
12 explanations there you'd let me back in, I want to make a proposal, I suspect a lot of the  
13 questions that we've answered will not be met by the people proposing the 15% reduction  
14 anyway. So I think we should bring this whole system to an end at this stage because there's  
15 only a lot of play acting going on here this morning.

16 Cllr O'NEILL: Just briefly there, just to go back in on what councillors from Fianna Fáil and  
17 Fine Gael have been slagging off Sinn Féin and what would we do, I accept there's a broader  
18 issue, we do take our role seriously, Cllr Fox mentioned the equalisation fund, we haven't even  
19 had a reply from government on that, to hand out 20% of the property tax in that. Also the, I  
20 believe the 6 million due from Irish Water, the other issues there being -- there's plenty of money  
21 wasted and misspent in the country, there's millions we spend every year here in legal fees in the  
22 course of evictions, there's huge money in salaries, ministerial salaries and also a lot of money  
23 after two years as a Minister you're entitled to a pension. In Japan is he moment we're reading  
24 news here that the ambassador, the Irish ambassador to Japan, just to rent his house for a month  
25 costs 46,000. 46,000 a month to rent your house. That's apart from salary or anything else. So  
26 there's plenty of money there -- but Cllr Tommy Cullen is proposing another local way of  
27 collecting

28 Cllr CULLEN: I didn't make any such proposal.

29 CATHAOIRLEACH: Cllr Cullen. Proceed.

30 Cllr Tommy CULLEN: Chairman I never made any such proposal, I'll make that clear.

31 Cllr O'NEILL: Listening to Tommy Cullen talking about Sinn Féin, you are the man that walked  
32 the streets of Blessington in the 80s with Liam Kavanagh asking the people to pay water charges.

33 Cllr Tommy CULLEN: I certainly did not.

34 CATHAOIRLEACH: You have a good memory. Please just stick to Local Property Tax. Cllr



1 Cullen and Cllr O'Neill.

2 Cllr Tommy CULLEN: Cllr O'Neill is trying to weasel out of the fact that he's now proposing  
3 an 85% property tax on the people of Blessington and he can't weasel words out of that.

4 CATHAOIRLEACH: Councillor you're finished are you?

5 Cllr O'NEILL: I'm being interrupted by Cllr Cullen.

6 CATHAOIRLEACH: That's all right then you're finished. I want to just let Debbie -- there's a  
7 lot of...

8 Cllr Tommy CULLEN: I want to just respond here. If you don't mind.

9 CATHAOIRLEACH: Well if it takes ten minutes I mind. 30 seconds.

10 Cllr Tommy CULLEN: Chairman I have a view and I stick to the point, I respect everyone's  
11 right to vote which way they want to this, but I have a principled view that we should not be  
12 paying property tax when we are already paying stamp duty and I want to make quite clear, I  
13 never made any proposal for any property tax in this chamber, never will. But I'm not going to  
14 support property tax by the back door via 85% property tax that Sinn Féin is proposing, at least  
15 Fianna Fáil have the principle to stand for it.

16 CATHAOIRLEACH: Just a second. Just a minute that's it. Thank you councillor. Debbie just  
17 come in there. We're going over to Debbie now.

18 MS CROMIE: I hope I got everybody's questions. I'm going to start with Cllr Ryan, Irish Water  
19 rates, just in relation to staffing in January 2014 Irish Water came into being and then we entered  
20 into a service level agreement with them, up to two weeks ago we issued the non-domestic water  
21 bills on their behalf and they actually funded us our staff costs.

22

23 Two weeks ago the billing migrated over to Irish Water, therefore for 2017 they are saying to us  
24 well we're doing the billing now, so we're not refunding you the cost of the staff and that's where  
25 the cost is coming in. Now we are arguing that point with them, because the staff involved just  
26 -- didn't just issue bills, because we're keeping the metering within the County Council there is a  
27 link between organising the meter reads and uploading into the system in order for Irish Water to  
28 bill. So we are arguing that you will still need those staff to do that. But for the moment they  
29 are saying they are not funding us in 2017 and that's where the 250,000 is coming from.

30 Cllr RYAN: So are those staff unable to work elsewhere? Just relating to that.

31 MS CROMIE: Oh yeah, absolutely I suppose the chief executive will have his eye on those  
32 staff, but I am saying to him they are still needed to actually liaise with Irish Water and they still  
33 need to be funded by Irish Water, that is my argument.

34

1 Just in relation to your other question about the globals, what are the globals, I suppose globals  
2 are the Telecoms, so 3, Vodafone, Eircom, BT, Meteor, energy, ESB networks, Eirgrid, Gas  
3 Networks Ireland, Iarnrod Eireann, RTE, so there are 11 national regional public utilities, valued  
4 every five years, total value in January 2016 of those utilities of 703.68 million, so just going to  
5 talk about how do they value it.

6  
7 There are no comparisons, between any other rateable property. They use two methods they tell  
8 us, contractors method of valuation is that they estimate the replacement cost of the network,  
9 depreciation for age and obsolescence, add for site value and then the receipts and expenditure  
10 method where they look at the potential revenue and estimate associated costs arising from  
11 occupying the relevant property, they use annual accounts, so they'll ask for utilities for their  
12 annual reports of the previous four financial years, ask details of their income, their operating  
13 expenses, the annual expenditure relating to maintenance of operational network, annual  
14 expenditure on renewal and upgrading of existing network, annual expenditure on additions to  
15 the network, numbers of subscribers, number of mobile broadband users, percentage market  
16 share by subscribers and revenue, the physical assets like masts, exchanges, their land and  
17 buildings, their cable network, their acquisitions and disposal and from there then they work out  
18 what the valuation is.

19 Cllr RYAN: But all of those things would have gone up in the last five years, I don't understand  
20 how we're losing out by half a million in terms of valuations.

21 MS CROMIE: It's normally the percentage of population in each area relative to population of  
22 all areas within the assets, that is -- I'm reading from the presentation they gave us, it's  
23 complicated and as you see I don't fully get it myself, all I know is every local authority, it's not  
24 just Wicklow, every local authority the global valuations went down.

25 Cllr RYAN: I just think it's crazy and we should make representations at the highest level, the  
26 idea these utilities get a lower amount and this is shifted on to local authorities to fill the gap is  
27 wrong.

28 MS CROMIE: I don't disagree. Cllr Kennedy, the Rates Incentive Scheme, so we issued  
29 approximately 5,000 rate demands in February this year and attached to all those rate demands  
30 was a leaflet in relation to the Rates Incentive Scheme and we explained it and how people  
31 would get it. So every rates customer in the county would have received that.

32  
33 Central funding for homeless section I don't know, Joe, does Joe want to talk about that? I don't  
34 have the answer yet to that. The pay agreement, you mentioned another question about the pay

1 agreement of 420, what was that, Pat, follow on question? Your follow on question about the  
2 pay agreement?

3 Cllr KENNEDY: That's a national pay agreement of 420,000 should that not be funded through  
4 central government?

5 MS CROMIE: Absolutely, as I just said earlier in the slide presentation it's part of the acute  
6 financial reports that we are the CCMA are lobbying the Department in relation to that, but so far  
7 there's no word, so prudence would indicate, would tell me that I actually have to include that as  
8 an additional cost in my budget until I hear otherwise.

9 Cllr KENNEDY: So technically we may have that 420,000 coming back, am I right in saying  
10 that?

11 MS CROMIE: People are lobbying the Department but there's -- I have heard no word, and as  
12 far as I'm concerned I have to include that in my budget as an additional expenditure.

13 Cllr KENNEDY: Just if I get back to the rates for a second, how many people availed of that  
14 incentive? That was part of my question.

15 MS CROMIE: I don't have the figures straight off Pat, I can give them to you, no problem there.

16 Cllr KENNEDY: But it's right to say collection rate has only gone up by 4%, is that right?

17 MS CROMIE: Yeah, but I would think 4% is quite good to be honest. But it's anecdotal  
18 evidence again, it's hard to measure what the Rates Incentive Scheme, until probably towards the  
19 end of the year.

20

21 The water services funding that through development levies, development levies are normally  
22 for new infrastructure, this is just really maintaining old infrastructure. And economic  
23 development the 145k would be additional expenditure.

24

25 Cllr Walsh the draft budget plan 98.9 shortfall of 6.3 this time, yeah it was 4.4, I suppose let's be  
26 honest we are a month out from Halloween, I don't want to be going with scare tactics, but at the  
27 moment yeah we are 6.35 million, but that's including all the wish lists from all the other  
28 departments, and between tomorrow and the end of November we have to, in finance, critically  
29 analyse all the submissions we received from the department in relation to their submissions and  
30 try and find savings or just say no, that that is not being included.

31

32 Just in relation to Cllr Bourke you referred maybe to Louth. Louth is one of the examples I sent  
33 out in the e-mail the other day in relation to that they are a net beneficiary from the equalisation  
34 fund, but as I showed in the example they went with the reduced rates and they actually, their

1 income, their minimum required funding was reduced, the same would be for Monaghan and  
2 Louth now for 2017 have voted to maintain the rate, so they got punished and they learned their  
3 lesson.

4  
5 Cllr Matthews, yeah the difference in grants and subsidies just in the way we've treated the  
6 pension levy, that's what that difference is. And the social benefits, so that table is how the  
7 Department want us to report on our finances, so the social benefits, that includes homeless  
8 service, community employment scheme, RAS, mortgage allowance and shared  
9 ownership/affordable housing subsidy, that's what that figure makes up.

10 Cllr MATTHEWS: Payroll?

11 MS CROMIE: Payroll, sorry. The national pay agreement of 420k we have the pension of 600k  
12 and then the additional staff that the directors or divisions would like of 1.2 million, so that  
13 really makes up all the figures.

14  
15 I suppose just generally somebody asked about the Department, they recognise we live in a  
16 democracy and they are allowing the members to have some power over how we fund our  
17 county. I think ...

18 CATHAOIRLEACH: Can we just let Joe go ahead there.

19 DIRECTOR LANE: Just on the homeless value, what services, this time last year there was a  
20 particular difficulty if you remember, regarding the homeless funds, one of the funds that were  
21 available, section 10, the money in Wicklow wasn't available we -- also there was a supported  
22 housing officer, on the counter, -- people are very familiar with the service, she has done in  
23 supporting the homeless office at the time we were being swamped, we were able to get a little  
24 bit of control over that, we also have a number of supported accommodation units, again you are  
25 familiar with some of them, where we're contributing to the supported accommodation,  
26 particularly challenging cases that needed support in addition to accommodation. So they are the  
27 main -- mainly support side, and the Sonas money is what you got available from the monies.

28 CATHAOIRLEACH: Thanks Joe. Obviously all the members that wanted to contribute have  
29 contributed. There's just -- you were looking Pat just quickly please?

30 Cllr VANCE: Chairman just I didn't, can I just say I didn't expect to get answers to a number of  
31 those things and certainly I didn't expect the people who were proposing the 15% reduction to  
32 come in and say where they were going to make the particular cuts on it, so I think we should  
33 bring this charade to an end now at this stage for the simple reason that this is the situation where  
34 people who want to reduce by 15% are not prepared to say where they want to make the cuts in

1 regard to this and you've got another group of people who feel that they want to provide the  
2 services and improve the services to people that we represent on the other side and are prepared  
3 to leaving the property tax as it is. I want to formally propose that we leave the property tax as  
4 is, without any reduction or without any increase from last year Chairman. Cllr RYAN: I'll  
5 second that, but I'd like to see a significant amount of that money brought back to the local  
6 districts so that there can be discretion in terms of how its used to improve the civic spaces  
7 particularly and on capital infrastructure.

8 Cllr VANCE: I'd agree with that Chairman.

9 CATHAOIRLEACH: Two proposals then.

10 Cllr VANCE: That's the second proposal we have one from Sinn Féin.

11 CATHAOIRLEACH: This is your third time you're looking to come in, just make it 30 seconds.

12 Cllr O'BRIEN: I thought we did explain the money, I made a proposal that every member in the  
13 house here, send a letter, put your signature and tell the government to give us back the 20%.

14 CATHAOIRLEACH: All right we'll go ahead, we have two proposals, take the second one first.

15 Cllr BEHAN: There was one proposal first by Cllr Lawless.

16 CATHAOIRLEACH: We'll do it however you want.

17 Cllr BEHAN: In the order it was made Chairman.

18 CATHAOIRLEACH: That's fine. No use losing...

19 Cllr BEHAN: No use losing anything, only the people of Wicklow will be losing.

20 CATHAOIRLEACH: That's fine, we'll take the first one first then.

21 Cllr VANCE: Chairman, I particularly asked Debbie where the likelihood is that cuts would be  
22 made to make up the 2 and a half million, she didn't address that.

23 Cllr FORTUNE: That's not the purpose of this meeting.

24 CATHAOIRLEACH: Sorry Cllr Vance that's a budget issue, we're not discussing this.

25 Cllr VANCE: But Chairman in the documentation we got today, we got where it was spent last  
26 year.

27 CATHAOIRLEACH: I understand that. But we're...

28 Cllr VANCE: I assume if it was spent in those areas last year...

29 CATHAOIRLEACH: Look I'm saying we're proceeding with the vote. Cllr Lawless.

30 Cllr VANCE: Why would you be taking that first?

31 Cllr LAWLESS: Because I proposed it first.

32 MS GALLAGHER: They are two different proposals, they are not amendments.

33  
34 (Vote taken)

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Cllr CULLEN: It is a proposal to keep 85% of the property tax, I'll abstain Chairman, I have been consistent when others haven't.

CATHAOIRLEACH: We'll proceed with the vote.

(Vote continues)

MS GALLAGHER: That's nine for, 20 against, two not present and one abstaining.

So proposal number 2, proposed by Cllr Pat Vance and seconded by Cllr John Ryan to leave the LPT adjustment factor as it is.

(Vote taken)

MS GALLAGHER: That's 20 for, nine against, two not present and one abstaining.

CATHAOIRLEACH: Okay. Just rather than go into the housing presentation, I think if we adjourn now and come back at 2 o'clock.

Cllr FOX: Chairman can I ask you to renew your efforts on getting some correspondence back from the Department in relation to the equalisation fund?

CATHAOIRLEACH: No problem, I'll do that. I'll sign it. When we come back at 2 o'clock, if that's all right.

#### Luncheon adjournment

CATHAOIRLEACH: If the members are ready, we'll go ahead. Item 2 on the agenda, to receive a presentation on housing Wicklow County Council, so I'd ask Mr Joe Lane.

DIRECTOR LANE: Okay this presentation is based on the last couple of meetings people wanting to deal with the -- we're going to concentrate on supply side, weeks ago we concentrated on the work programme and also the estimates to concentrate on maintenance and other schemes, so this is concentrating on supply side of units and some of the demand that drives that.

We are as also to going to try and frame in the national context and link to that and see where these programmes are going to come from, they are not just coming from, being pulled out of the sky.

1  
2 The Rebuilding Ireland was built on five pillars addressing homelessness, accelerate social  
3 housing, build more homes, improve rental sector and utilise existing stock. What we'll do is  
4 we'll concentrate in the main on accelerate social housing and Jackie will deal with some of the  
5 others particularly homelessness and also she'll come across building more housing and  
6 improving rental sector and I'll finish up by detailing other schemes not just what we're doing,  
7 but also the approved housing body part 5 and acquiring stock.

8 JACKIE: Good afternoon, what we've outlined on this slide is all the projects that we have  
9 achieved, stage one approval from the Department, and when I put up the flip chart I'll go  
10 through the four separate stages of the Department approval, but in essence this is approval in  
11 principle and some funding to start the process. Basically they've established these projects are  
12 worthy of going forward.

13  
14 So the top two are the ones that you are aware of, Kilbride Lane and Avondale Heights was to  
15 your knowledge Brewery Bends, so because we've advanced it so far we need to have a proper  
16 address for the location, so this is going to be the title of this estate called Avondale Heights, that  
17 was 42 units and 20 units that we were given approval for last year.

18  
19 Over the summer just at the end of July you heard there was 11 further projects announced for  
20 Wicklow that was the work in the background where we visited all Municipal Districts trying to  
21 establish based on Council land, which projects could be most viable to get moving fastest. So  
22 you'll see we have, we actually achieved down at the Arklow Municipal District, we were trying  
23 for 17, but achieved stage one approval for 17 units and phase 2 in Arklow for 20 units, on top of  
24 that we've got approval again in principle for Sugarloaf in Kilmacanogue for 20 units, I'll just  
25 caution on that, when I was out on site myself, I noticed there's a lot of fill material on that site,  
26 so when I talk to you about stage approvals from the Department you will see that this is  
27 considered an abnormal cost because you can't build normal foundations on this site, it will have  
28 to be a pile foundation, but given that we already own the land, the overall cost as opposed to the  
29 site in Bray, costs a lot of money and still got approval of consistently 42 units, they may also  
30 given approval. Given Kilmacanogue the north end of the county we're stretched in terms of the  
31 number of people on the housing list.

32  
33 Farrankelly we had approval for, one of the first on the housing list never understood why we  
34 didn't get it now we have it. Then the FCA hall in Wicklow for eight units, old library in

1 Arklow, take that building and convert to 7 units, Kilmantan place in Bray, this is a four unit  
2 development so that will need to go for planning, but it's the top end of Bray. Chapel Lane in  
3 Aughrim another four units, Ard na Mara, the others are smaller we decided to use the land, we  
4 said to the Department we'll try and get even one or two units to just get them up and running, so  
5 that's a total, the original programme from 2015 to 2017 we now see that's extended out to 2018,  
6 so this is the programme for 2018 only, and as you know the pressure on government and  
7 housing crisis is such that there will be probably more units delivered by other methods and Joe  
8 will fill you in on that.

9  
10 Now the reason why I brought this chart, as you can see that, you can't really see it, so this is the  
11 biggest I could get to show you what's involved the Department approval process.

12  
13 Originally this was a 7 stage process and we were given a chart like this, so I'm still challenged  
14 as to how this works, but there were 7 stages along here and there was different stuff on this side  
15 and this side, so most of the local authorities were complaining in relation to this chart, so the  
16 Department prepared this one to reduce down the number of 7 stages down to 4, to be fair to the  
17 Department, it was originally coming from the Department of Public Expenditure and Reform,  
18 which their remit at that stage was to really control as much public spending as possible. So the  
19 more stages they put into the process the longer it would be to get approval.

20  
21 But at the same time the Department still have to work within it and their reasoning behind this  
22 is that they say it's to try and attain cost certainty at a very early stage, so they're not going to be  
23 hit with high bills for construction development as the units are in place.

24  
25 However on that, at the moment you'll see there's four stages, stage 1, 2, 3, 4 and this is where  
26 our contractors start on site. This is where we're at, at the moment, we've got approval for all 14  
27 projects at present, that's basically approval in principle. The next stage to approval is they ask  
28 us to - at least we've got some expenditure for design at this stage, but we have to move it  
29 forward and they want this very detailed cost plan going up to them, this is way before it's  
30 supposed to go for planning.

31  
32 On the two projects we got last year because we're really keen on getting them expedited as  
33 quickly as possible, we went straight to part 8 which is approve both of those, those stage 3 and  
34 the Department were not happy with us for doing that, but they wanted us to go through this very



1 detailed analysis before that. That's what we are at.

2  
3 So in the meantime let's say for what's now Avondale Heights in Rathdrum we have had to  
4 submit at this stage two cost proposals, the first cost proposal the Department felt was too  
5 expensive, they asked to go back and cut the design. It's gone up again and we are awaiting  
6 stage 2, a lot of people are asking why aren't we seeing stuff on the ground? This is the reason.  
7 We can't proceed until we get the stage 2 approval. Once we have stage approval on those, on  
8 the Bray site and Rathdrum site, because we already have stage 3 through our part 8, we can then  
9 proceed to stage 4, which is to tender.

10  
11 So I just wanted to show to you that there's a lot of work involved in getting through the stages,  
12 we were trying to pre-empt it and do as much as we could in advance of the formal process. As  
13 you are aware the part 8 process, there's notification, time limits, statutory time limits that need  
14 to be put in place, we have to follow the timetable, so for all the other projects we are told from  
15 Department we are not to proceed to part 8 until we get stage 2 approval.

16  
17 So on the next slide I will show you where we are with those. We have now sought from the  
18 Department -- all these projects are with the Department at the moment and we're not moving  
19 forward with them, we can't bring them to part 8 until we get this approval, so Avondale Heights  
20 is one, FCA Hall in Wicklow, Kilmantan Place, Chapel Lane, the smaller units, they are fairly  
21 easy to move.

22  
23 On the next slide is projects that have yet to be sought, because if you remember Kilbride Lane  
24 being an extensive project, that's gone out to outside consultants -- all the other ones we're doing  
25 in-house. This one, Kilbride Lane, that has to be prepared, a very detailed cost summary to be  
26 sent up to pass this stage, that's the team of consultants will have a team of quantity surveyors  
27 who will give them the detail of costs they are looking for, for the units. The same with  
28 Emoclew Road these again we are putting out to consultants, we have approval to do that, we'd  
29 say it's a little more advanced because all that design is pretty much tied up when we originally  
30 got part 8 way back. Sugarloaf, the reason we haven't gone forward with that to seek stage 2  
31 approval is because of the ground conditions and I want certainty or reasonable certainty on that  
32 of what the extra cost will be to put in the non-standard foundations. And then Farrankelly is a  
33 big project that we'll do, big for us in-house, so getting that whole design process up and  
34 running. So those are -- out of our 14 those are the only ones we haven't sought approval for, all

1 the other ones are with the Department. I think that might be me, is it. Thank you very much.  
2 SPEAKER: I'm going to concentrate on the actual demand, social housing need, applicant for  
3 social housing support, rental accommodation scheme, housing assistance payment, addressing  
4 homelessness and capital assistance scheme.

5  
6 The first slide there the members are aware that we are in the middle of social housing  
7 assessment, there's 3,886 on the Council's list, it's quite sizable as you can see. We're nearly  
8 finished the social housing assessment 2016, 3,641 forms and as you can see over 1,000 forms  
9 not yet returned. We're actually chasing up these forms, but there is a distinct possibility that a  
10 thousand people could lose their place on the list, so it's in everybody's interest to get their forms  
11 back in. It's a huge body of work, we end up closing the counter at lunchtime, everybody was  
12 working extra hours, but we did manage to maintain.

13  
14 Then the rental sector, the RAS, we have over 500 properties in the scheme at the moment, this  
15 is part of the moving from direct provision to (inaudible) delivery, you have to be in receipt of  
16 rent supplement for 18 months plus, tenant pays differential rent to the Wicklow County  
17 Council, we pay the market value less a percent, standard of accommodation have to be  
18 improved, we have an inspection regime and we serve notice if standards have to be improved.  
19 There's over 500 properties presently in the scheme. Now when you are housing under RAS  
20 your housing needs are deemed to have been met, because you are availing of social housing  
21 support, but you are eligible to private transfer, if you lose your house under RAS we do have an  
22 obligation towards you.

23  
24 Next, improve the rental sector, Housing Assistance Payment, this is a new form of housing  
25 support, we haven't implemented as yet, we are in the final wave and resources permitting we  
26 hope to be rolling it out between October and December, so the difference is I suppose that we  
27 don't have to be 18 months in receipt of rent supplement, it's instant acceptance once you are on  
28 the housing list, basically the mechanism is very much the same, it's the transfer of responsibility  
29 to recipients of rent supplement of long-term housing need, it's another form of housing support,  
30 they will source their own accommodation and we'll pay the landlord market rent. Tenant will  
31 again pay differential rate to the Council, against your housing need is deemed to have been met.  
32 We're looking at this possibly as a pilot project in Greystones it would be, we're putting in place  
33 extra support work to deal with the families there to assess their needs and see are they eligible  
34 for social housing support.

1  
2 Homelessness is big on the agenda at the moment, there are some stats, it's important for these,  
3 what people see is the headlines in the paper, a guy in a tent or all the media attention on one  
4 particular individual, this is the reality of what we see every day in the week. From 1st of  
5 January to end of August we had 120 individuals and 217 families presenting at Wicklow  
6 County Council at risk of homelessness or homeless. And of them we have dealt with all them,  
7 offered advice and support and prevented them becoming homeless, that's the reality of those  
8 statistics. Emergency accommodation is absolutely last resort.

9  
10 We work in partnership with approved housing bodies and Housing First, Housing First as you  
11 know is where we provide accommodation and then put in wrap-around supports for the  
12 individual. We have a number of properties in Bray and Arklow at the moment which provide  
13 low to medium supported accommodation and it's targeted to particular support needs of the  
14 clients. Kilmantan Hill, Wicklow, you are all familiar high support transitional unit, ten  
15 individuals are housed at any one time. Now there's always an exit strategy with this, of the ten  
16 individuals, for example, there originally in May 2015, nine are now to non-supported  
17 accommodation or low support, so it shows the success of the model.

18  
19 Castle Street is our more recent supported units we put in review with Simon on the Capital  
20 Assistance Scheme, so again we have low supported tenancies, four individuals and one family  
21 will now be housed with low support needs.

22  
23 So Capital Assistance Scheme, we recently called for proposals under the Capital Assistance  
24 Scheme, this caters for priority groups, so targeted at specific groups that approved housing  
25 bodies can't provide accommodation for, for example, homeless, elderly, this year money was  
26 ringfenced for particular emphasis on moving people from congregated setting or institutions  
27 into community living, so we have received a number of proposals and we're prioritising them  
28 on the basis of need at the moment. So hopefully we'll get that as well. So back to Joe then.  
29 DIRECTOR LANE: Just another few small things, under the build more homes platforms we  
30 have also streamlined recently part 5 policy as people are familiar, there was a change in criteria  
31 with the Act in 2015, it went from 20% to 10%, units are preferred and the option of land off site  
32 is no longer suitable, no longer available, we have a clear policy agreed with SPC and also  
33 approved housing bodies who can operate if people want to work with approved housing bodies  
34 rather than local authority, important thing is units and we'll provide units.

1  
2 Under the utilise existing stock, we are better managing our social housing and turning them  
3 over quicker. One of the things from, particularly from purchasing houses, is as we purchase in  
4 our case we use transfer list and we have significantly increased the re-letting of vacant housing,  
5 people are familiar especially with new standards, a lot of the vacant houses we are bringing  
6 back in are not in great condition, and letting them back out is challenging both to municipal  
7 areas and ourselves, we'll include that in the budget next year, so I am assuming you'll all pay  
8 attention to that particular line.

9  
10 As Brid said it's a rolling programme now up to 2021, local authority unit is just the first phase  
11 2016 to 2018 we'll be moving along, most of those units with the exception of in-fills were the  
12 priority we all agreed last year, we met with the Department, they went through options for some  
13 priorities, including housing bodies, to are all local housing bodies they have an expression of  
14 interest process that would satisfy procurement law has been challenging, but we'll be  
15 advertising in the near future.

16  
17 Some of the lands the local authority have that we'll be asking approved housing bodies are they  
18 interested in progressing it, because we won't get them for a few years unless they progress  
19 them. People are familiar with the part 8 we did recently in Ballybeg, that was one of those.

20  
21 So on top of the local authority supply and the supply through, in conjunction with approved  
22 housing bodies, you also have acquisitions, the very bottom, also acquiring properties, there are  
23 properties beginning to now come in under part 5 process. We also have PPP, which is the  
24 national initiative where they are putting a whole series of units together and they are trying to  
25 leverage monies from the private sector to give a 25 to 30 year lease, so there's a whole lot of  
26 solutions in the medium term. Short-term will be challenging. Thank you Cathaoirleach.

27 CATHAOIRLEACH: Thank you. I'm sure members have questions to ask? Cllr Blake.

28 Cllr BLAKE: Thanks for the presentation, two quick questions, first of all the number of houses  
29 certainly is welcome, but primarily they are on the east coast from Arklow to Bray, where the  
30 biggest population is, but west of the east coast only four houses proposed for Aughrim, none  
31 anywhere else in the west of that particular area, I have on numerous occasions brought up here  
32 as well, there's a number of properties out there that are available, to be available to the local  
33 authority for purchase at a realistic price, each time I've brought it up I've been told that either  
34 the property is unsuitable, a lot of occasions maybe the BER rating of the property was

1 unsuitable as well. Therefore the property wasn't suitable for purchase. They are still out there,  
2 a lot of those still available to the local authority and still a lot of people in those, that are still  
3 looking for housing. The officials have another serious look at the possibility of purchasing  
4 some of those available properties and vacant in some cases.

5  
6 The second thing is in regards to the chart here, we had a meeting with the officials from the  
7 Department at our one-hour training programme recently, the whole issue of the delay in getting  
8 shovels into the ground and certainly the Department officials were lambasted at that meeting  
9 from numerous councillors with regards to delay and we felt that the Department were the ones  
10 who were holding up the whole process of getting local authority projects off the ground. They  
11 rejected it out of hand needless to say, but -- and they did acknowledge the fact that there was a  
12 lot of work attached to getting all of the processes and different stages completed. But they said  
13 there was no delay on their side in terms of when the local authorities submitted each section,  
14 they said four sections or whatever it is, there would be no delay in the Department for  
15 processing the projects onto the next stage. There was a lot of discussions, a lot of comments  
16 made to the official that is it wasn't in the local authority the delay was, but it was in the  
17 Department for funding and actually delaying each particular process of it, but they rejected it,  
18 but nevertheless we're there, berating you and the officials in the Department and people out  
19 there are berating us for the facts that shovels are not in the ground in terms of providing local  
20 authority housing, thank you Chairman.

21 Cllr O'NEILL: Thanks Cathaoirleach, there's 3,939 on the housing list, I'd like to know how  
22 many of those are in the Baltinglass Municipal Area? Also what's the progress on the court case  
23 with the builder in Glending? There was this one on the illegal occupation of houses, how many  
24 housing are illegally occupied and where would we be, in the Municipal District? And again as  
25 Cllr Blake pointed out, both himself and myself are the only two of the six councillors from west  
26 Wicklow who met Irish Water and we know the problems are with Irish Water for the last, as far  
27 as Blessington with the infrastructure for sewerage and then we have, the sewerage is adequate  
28 in Dunlavin, but the water is a problem there. But reading there of the 97 units, not one is going  
29 to the west, and that's a huge disappointment and frustration. I know even the housing section,  
30 I'm dealing with them day in day out, they feel more frustrated about this than anyone, there's  
31 nothing happening in the west, it's a dead duck. But could I say too that I asked the question  
32 here before about 1,900 houses there, they have been repossessions and are going back to local  
33 authorities, about 1,900, how many of those are there in Wicklow? It's a really sad state of  
34 affairs too when you think of the people that work hard all their life, that lost their home to the

1 bank and then they are going back onto the market to local authorities. I know people on the  
2 scheme will be delighted with any house, but I really feel sorry for those people that have lost  
3 out, I know some people who left in the bad times to Australia and elsewhere, now they are back  
4 having lost their home, they are back here, trying to get back onto the housing list, back onto the  
5 ladder, to buy housing and being a second time buyer they're caught with 20% of deposit, which  
6 puts it out of reach altogether. It's bad enough a first time buyer with even 10%. So just on  
7 those, but just you know, I'd like to again point out that there's huge disappointment in west  
8 Wicklow, nothing is happening. I know I suggested a letter to the Department on the demands  
9 of Irish Water to at least report on the situation in Blessington.

10 Cllr FOX: Thank you Chairman. Thanks to Jackie and Joe and Brid for the update. I think it's  
11 fair to say that we would all welcome the fact that the construction of houses is starting to move  
12 in the right direction again and I for one and others I know were never a big fan of relying on the  
13 private rented sector to solve housing crisis, and certainly there has been a mind shift in the  
14 Department and at government level, so we would welcome -- well I would welcome the fact  
15 that construction is deemed now to be the appropriate way forward, although obviously the  
16 rented sector does still have a role to play when it comes to supply, because with just a little  
17 under 4,000 on the housing list we're not going to be able to construct enough houses to deal  
18 with that in the short or medium term.

19  
20 Just in relation to RAS, are there any -- what sort of supply is coming in relation to the houses? I  
21 know we've had difficulty securing, particularly in the north, houses for the RAS scheme. We're  
22 also now taking responsibility for the rent supplement. And people that are in the RAS on these  
23 capped schemes, they are deemed -- their housing need is obviously deemed to be met, but are  
24 they on the list? Are they removed in both circumstances, both circumstances they are removed  
25 from the list? And if it is the case where they are looking to get into their own home and out of  
26 those schemes, some people find that that can be a difficulty for them, and perhaps the list is  
27 larger than the 3,900 odd people that are on the list.

28  
29 And finally, just is affordable sites, affordable housing on the radar in any shape or form?  
30 Because I know affordable sites was done in certain parts of the county many years ago and was  
31 very successful and it allowed people who are on low incomes, given that we have quite a large  
32 land bank, it allowed people to construct their own homes at an affordable rate and while they  
33 wouldn't have the income to get a mortgage to buy a house, with assistance through an  
34 affordable scheme, particularly on sites they were able to build their own houses and I for one

1 thought that was a very successful scheme and I wondered is it in the mindset of the housing  
2 section here at all or is that just a non-runner? Thanks Chairman.

3 Cllr WALSH: Thanks to Brid and Jackie for the presentations. Just in relation to Jackie  
4 mentioned the HAP scheme to be rolled out before the end of the year and there's to be a pilot  
5 project in the Greystones areas, as you know there is huge demand for units in Greystones and  
6 surrounding areas with difficult to get units, so does this -- is it envisaged this scheme will  
7 improve the situation or is it envisaged more units will come on stream? I know it's hard to say,  
8 but generally will it improve the situation? Also before I finish up, would it be possible to have  
9 a copy of the presentation circulated?

10 Cllr WHITMORE: Thank you chair. Thanks for the presentation and I just have a couple of  
11 questions. First with Farrankelly it seems the only one of the projects that is being one of the  
12 larger projects done in-house, I would imagine that because of that it's going to take a lot longer  
13 to get done because your resources will be going to the first stage projects, so has any  
14 consideration been given to actually putting it out to consultants in order to speed the process  
15 up? Because as we all know the quicker these houses get built the better.

16  
17 Also in relation to Farrankelly, there's a proposal to use the rocks valley as an infill, as a result  
18 that have -- there's only potentially 250,000 tonnes of in-fill going into that site, I would imagine  
19 that having, building the houses in Farrankelly and also having that happening, if it does go  
20 ahead, what are the impacts on the house build, will it be planned that all this will happen at the  
21 same time? Which I think will probably cause and exasperate a very difficult situation. So I was  
22 just looking for your opinion on that.

23  
24 Then also in relation to -- it was mentioned that there was going to be a pilot scheme, can we  
25 have an update with what's happening with Fairfield Park and the discussions regarding the  
26 housing with residents there and what's proposed by the Council?

27 Cllr BOURKE: Thank you Cathaoirleach, first of all I'd like to pay tribute to the housing section  
28 for the hard work they are doing, particularly in relation to dealing with the homelessness and  
29 threats of homelessness that many of our community are experiencing. I think they are doing a  
30 very good job over the past year and a half or two years since the crisis really developed into  
31 such a serious situation.

32  
33 Also I'd like to commend our director, Joe Lane, and Brid Kilkenny for the hard work and  
34 ensuring we have asked for very significant amount of funding and been promised at the stage 2

1 level, as you know already that we're going to get 160 houses up and running in the near future.  
2 It's like going back to the good old days when we were elected to the Council first, we were  
3 delivering 100 houses per annum, it would be nice to be in a position where over the next  
4 number of years we would be handing out the keys to a hundred houses plus per annum to  
5 people in need of housing in the county. I think it's a shame that this crisis has evolved into what  
6 it has become, I really -- being on the housing SPC several years ago with Cllr Nicky Kelly as  
7 the chair, we were very concerned, we could see this coming when the previous government, I  
8 won't say, it wasn't a Fine Gael government, I think it was Fine Gael brought in the policy of  
9 discontinuing funding for social housing nationwide. We could see, and all the members of the  
10 SPC could see that this was going to be a major issue for us here in Wicklow particularly, the  
11 excuse at the time was there were ghost estates all over the country and housing wasn't needed,  
12 but we pleaded the case that Wicklow was an exception, we didn't have ghost estates in Wicklow  
13 which was true, but we were ignored, that's the frustration of sometimes being on the Council as  
14 a councillor and member of the SPC and probably any SPC, the frustration of not being listened  
15 to by officials. I remember being Cathaoirleach of the County Council, probably the last  
16 Cathaoirleach to handover keys to new homes in Avoca, I remember pleading publicly with one  
17 of the officials who came down from the Department of the Environment, housing directorate, to  
18 re-commence funding for construction of social housing projects, as we had in Avoca a beautiful  
19 scheme of about 20 or so houses, which are the pride and joy of the Municipal District,  
20 unfortunately it fell on deaf ears. Then we had a change of government and the crisis and no  
21 more money was available. But I'm glad finally we've turned the corner and we'll be in a  
22 position to solve this problem over the next two years I hope, with a significant amount of  
23 housing will be delivered between part 5 process and the construction of our own social housing  
24 programme and I certainly open that -- and I recall actually, in the past we've had government  
25 Ministers here slating officials for not drawing down money, well I hope and extort the  
26 directorate here, Joe Lane and Brid Kilkenny not to take their foot off the pedal and accelerate  
27 the housing programme to ensure that we don't receive criticism ever again for failing to  
28 drawdown. When Minister Roche was in the Department he never stopped criticizing the  
29 directorate here for not drawing down money and being inefficient. I reject that, because I see  
30 how hard Joe is working and how committed he is and Brid, to ensuring that we deliver for the  
31 people of Wicklow, thank you Cathaoirleach.

32 Cllr McDONALD: Thank you Cathaoirleach, firstly to say it's a snippet of good news, the  
33 amount of houses countywide is from 97 to 160, albeit we need ten times that amount, just three  
34 quick questions, general questions. Joe alluded to some of the houses we're getting back into



1 stock following transfers, into other houses, I was just wondering do we have any projects for  
2 this, the upcoming budget regarding maintenance of our stock? There's people, the rents, in the  
3 majority of cases have been increased since June and the condition of some of the houses is just  
4 atrocious. I understand there's not a lot of money going around, but I just want to ask are we  
5 putting pressure on the Department, are we looking for more money to maintain our housing  
6 stock? I know there's a standard that RAS houses and possibly now the HAP houses and houses  
7 in receipt of social welfare payments in the rent allowance, there's standards that have to be met,  
8 if we are not keeping our own stock up to standard we are going to be facing a bigger problem  
9 coming down the line, so just if there's any projects or anything in the budget coming up to put  
10 more money into maintenance.

11  
12 The next question is just on the scheme of lettings, I wonder could we be furnished with the  
13 actual scheme of lettings or how are the allocations made? I know Bray have their own Housing  
14 Department, is their scheme of letting the same as the Wicklow County Council or is there a  
15 difference between the two? Is it one scheme for example if you go to Dun Laoghaire/Rathdown  
16 Council, you can go in as an applicant and check where you are on the list. It would save a lot of  
17 work for a lot of people if an applicant was to come in and say can I see where I am on the list,  
18 they were number 321, they could be told it's going to be a number of years before you are  
19 housed, they are not going to be ringing up administration every week, every month asking are  
20 there houses available, have I gone up the list? So it would save work for the Housing  
21 Department as well if we had some sort of consistent allocation system, I understand there are  
22 extreme circumstances in some cases and they have to get priority, nobody doubts that at all.

23  
24 The third question is -- not a question, it's a request, the rolling programme to 2021 Joe talked  
25 about, we have a programme in Arklow in the line of the sewage plant we're looking at 2020 or  
26 2021 for completion, until that happens we can't lay a brick in Arklow anywhere, of any sizable  
27 amount, because we don't have a sewage treatment plant. When we met with Irish Water down  
28 on the 5th of September we put to them that if there was a scheme of houses that has been put  
29 through all these loops we need to jump through before we can get houses built, if there was a  
30 scheme of houses for Arklow that was at the stage of being at the same time the treatment plant  
31 was, would that be an option, if we wait till 2021 and then apply to build a substantial amount of  
32 housing it will be another two or three years before we get through the loops again before we  
33 build a house, so I don't claim to speak for anybody, but I would imagine that everybody in the  
34 Arklow area would be grateful of a commitment from the Council that following the completion

1 of these particular schemes that there will be a scheme looked at to be provided in Arklow that  
2 will coincide with the opening of the sewage treatment plant. That's it thanks.

3 Cllr MATTHEWS: Thank you Chairman, I'm just wondering has the Department expressed any  
4 preference for green field sites or larger brown field sites or are they open to in-fill, like  
5 imaginative in-fill sites or change of use or living over shop type of initiatives which would  
6 probably be slightly more costly and awkward to build, but do provide more, better social  
7 benefits as well. So have we actually, will they look at those kind of applications? Thank you  
8 Chairman.

9 Cllr RUTTLE: First of all I'd like to thank all those for the presentations on the issues, and as  
10 the speakers said to compliment the staff over the difficult time we've had over the years, I find  
11 them very good and very sympathetic and deal kindly with people in fairly desperate situations  
12 on many occasions. It's an indication I suppose of how things go. The situation in the western  
13 half of the county would be pretty dreadful considering we're not in a position because of  
14 sewerage in one particular town, to even avail of any opportunity from that.

15  
16 Now also as regards the meeting with Irish Water, I think that day I was chairing the SPC here, I  
17 met Cllr O'Neill beforehand and I certainly felt that himself and Cllr Blake would represent our  
18 interests very well in that meeting. (Inaudible) In the case of the Blessington sewerage plant or  
19 issues being explored that needed investigation.

20  
21 On a broader front, for the county and the country, we are facing a situation unless we get a grip  
22 on this housing issue, both public and private, that we could be bringing up a generation, the first  
23 generation less well off than the previous one and in a much more precarious position, because  
24 they can't get into full-time ownership of houses in many cases, renting is an absolute fortune  
25 and the public housing programme is very weak. And that creates huge social problems in  
26 society. And we can't allow that to happen, that's a longer thing but it's an awful scenario, it  
27 creates a situation, those who have houses and those unable to get them one way or another, it is  
28 very bad for society, as it is for the individual.

29  
30 As regards the presentation, this new scheme of 500 million I'd like to know the distribution and  
31 allocation of that, how would it be done because depending, is it based on need, is there an  
32 allocation per local authority, on figures submitted or what is it? Because we have to use  
33 everything we can until we get to an actual building programme to alleviate problems for people,  
34 I'd just like more information on that, how it works in terms of what County Wicklow can get

1 out of it. Thank you very much.

2 Cllr O'CONNOR: Thanks Cathaoirleach, first of all I welcome the (inaudible), obviously that's  
3 something that we would all welcome, the question is, is there enough, but there's other  
4 questions too, I would hope this would signal a move away, hopefully from the notion that, of  
5 privatisation of social housing. I don't think that's something that serves anybody in the State  
6 well. (Inaudible). Joe Lane in his very informative piece there said that the situation in the  
7 short-term is challenging. Now obviously Joe and everybody here knows that there are families  
8 in very difficult situations at the moment in the county, they need housing now, none of the  
9 proposed housing is available for these families, obviously I'm not blaming anybody for that,  
10 that's just the way these things are, they take a long time to come through.

11  
12 So these families are left with a situation whereby they will be asked to go and look for their  
13 own housing to see if they can source their own housing. We've all looked on My Home and  
14 Daft, there's hardly anything there. If there is anything there then it might be at the other end of  
15 the county. If a family is living in Bray for example and they have kids at school, they might  
16 find a house which might be affordable, it might be in Arklow and it needs to be recognised that  
17 children have to move schools because of housing issues is absolutely tragic, these kids have a  
18 right to be with their friends, to be in their communities and the schools they wish to go to, I  
19 would urge the Council to recognise that and I'm sure the absolute centrality of keeping kids in  
20 their own communities.

21  
22 The HAP scheme, again I recognise that this is another effort to try and sort out difficulties for  
23 families, to a certain extent I welcome it, but it's yet another effort at as I said earlier I'd hope to  
24 move away from it at the privatisation of social housing (inaudible). I'd like to urge that this is  
25 stopped (inaudible).

26 Cllr BEHAN: Thanks Cathaoirleach. It's been a long day, I won't drag it out too much longer,  
27 but I do think there are a number of points that need to be made. I fully agree with what Cllr  
28 O'Connor said and Cllr Ruttle, who has a lot of experience as a member of the local authority  
29 and indeed member of Seanad Eireann. When they both identified the fact that the provision of  
30 housing in quantity and in bulk is what we actually need in this country, in order for people who  
31 can't house themselves on the social housing list, or young people trying to get in anyway on the  
32 housing ladder, so we need a vast increase in supply. I would agree very much with Cllr  
33 O'Connor when he talks about the fact that the trend has been for the last 20 years I'm sure and in  
34 fact it's been reinforced by this present government, has been to subsidise the provision of

1 private housing by giving rent supplement and HAP and RAS to landlords, but the State never  
2 owns the property, they are continually providing rent to landlords, but we the people will never  
3 own the houses. If you cast your mind back to the history of this country back in the 40s, there  
4 was very little money going, very little finance available, fledgling State and so on, the huge  
5 house building programme that happened in this country, where estates and there are many of  
6 them in this county, talking particularly about Bray, places like Wolfe Tone Square and Palermo,  
7 huge communities built on slender resources, I can't understand why this government and  
8 politicians in Dáil Eireann cannot agree to institute a five-year plan of direct provision of social  
9 housing built by local authorities with direct labour schemes where the local authority would  
10 employ the building, the block layers, plumbers, electricians, all of the staff that you need to  
11 actually build these houses and get them built quickly and allow private developers to build  
12 private estates, private developments and so on to allow people that want to go that route. It  
13 seems to me completely ridiculous to allow the private sector effectively to dictate what the  
14 provision of social housing in this country in the future. It's good that we have the opportunity to  
15 discuss it here today and perhaps those who have influence at government level might actually  
16 think about this and see is it the right way forward for this country, because I don't think it is.

17  
18 I'd also agree with comments made already, I said this at the SPC meetings, the praise given  
19 today to the staff of the housing section, led ably by Joe Lane as director, every single member  
20 of that housing office I am concerned are working way over and above the call of duty, they are  
21 responding to the emergency situation in the county and responding extremely well and  
22 extremely professionally. And in one area in particular and we have all had the experience of it  
23 is when they deal with people who are homeless, in very distressed conditions, the humanity, the  
24 dignity with which these people are treated is exemplary and I congratulate sincerely everybody  
25 for the work done by the Housing Department at the moment. I do think, the chief executive is  
26 maybe not listening, but I do think it's important that there should be

27 CE: He can't see you.

28 Cllr BEHAN: They can do so much, but there's no doubt in my mind they are the busiest  
29 department in the Council it's the one that should have highest priority as far as people are  
30 concerned and I'd like to see them having adequate staffing levels in the future.

31  
32 There's another headline that should come from this discussion, it's a shocking one, which is that  
33 at the moment there is a risk that almost one in three people on the housing list will be taken off  
34 the housing list within the next couple of weeks. I certainly don't believe that one in three or one

1 third of the people on the housing list have suddenly got housed, I think many of them may have  
2 moved address or may not be in contact directly with the Council. I would appeal, obviously  
3 Jackie has already done it, but we should all appeal to people out there on the housing list or  
4 unaware of this to make sure the Council know where they are living at the moment and the fact  
5 they want to remain on the list. But I can also say that there are people and I have come across  
6 one particular case in west Wicklow, an elderly couple who have been on the housing list for the  
7 last ten years, who have been told they are being removed from the housing list. Which I cannot  
8 understand, I presume we'll get some kind of response to it, but I would like to see particularly  
9 elderly people being treated, particularly carefully when it comes to a decision whether to  
10 remove them from the housing list or not. These people are very, very distressed with that  
11 situation at the moment. Thank you Cathaoirleach.

12 Cllr FORTUNE: Thanks to Joe and Brid and Jackie for the presentation. I agree with the  
13 sentiments that the Housing Department do a great job. A lot of the stuff I want to ask has been  
14 asked, I won't go over it, where are we in relation to people who find themselves in a situation  
15 where all of a sudden they have no home or they are being told by a landlord you're out the door  
16 in the next two or three weeks? Are we at this stage able to cope with that or is there still  
17 situations where we can't do anything? That's an area in the whole scheme of things that causes  
18 a lot of frustration and stress for people. So that's something to add to everything that's been said  
19 already.

20 Cllr DORAN: Thank you, I'm glad at long last we seem to be getting somewhere, because I've  
21 heard at least half a dozen announcements over the last six or seven years of all the houses we're  
22 going to build and we haven't built one yet, I'm glad it looks as if we're getting nearer to. I was  
23 at the same meeting as Cllr Blake was at the other day and the Department was blaming the  
24 County Council and the County Council was blaming the Department, I don't know who it is.  
25 But it's nearly time we got a few houses built. I also agree with Cllr O'Neill, west Wicklow  
26 hasn't been mentioned for one house. Now I can tell you three or four places, villages in west  
27 Wicklow that has all the services there and we don't seem to be getting any house. Thank you.

28 Cllr O'BRIEN: They say good things take time, great things happen overnight. I was very  
29 impressed with what the remarks of Cllr Behan and I would say it would be even one day on the  
30 housing list is too long. And that we should do something to try and address this problem. I was  
31 the one that asked the question -- going on the housing list how long before the 3,886 people will  
32 be off the housing list? There's something drastic to be done here, I mentioned the lovely 13  
33 billion earlier on, I am saying if the government were collecting that, just think what 13 billion  
34 could do for particularly I'm talking about children of this country, I think it's wrong that

1 anybody is any time on a housing list. I think every child deserves equality, we seem to have all  
2 forgotten about 2016, this is the year we should make a major change and engage on a massive  
3 house building programme, the electricians are there, plumbers are there, all the trades people  
4 you need to do it are there lying idle a lot of them, I am saying all we need is a bit of will and  
5 leadership from our central government and this can be sorted out overnight. I have to thank the  
6 staff, I know the wonderful work they do, in very trying circumstances, they do their best, they  
7 have hearts of gold in trying to sort out the homeless and people like that. It can be done if we  
8 just get about doing it, put a proper scheme in place and get it up and running like it was in the  
9 40s.

10 Cllr SNELL: I'd like to concur with previous speakers in regard to thanks Brid, Joe and Jackie  
11 for their presentations. Just a number of issues I would like to pick up just in regards to the  
12 construction programme and part 8, obviously I'm glad to hear that everyone's welcomed the  
13 announcement of what's happening, but I would urge a word of caution in regards to the 7 stages  
14 have been reduced to four stages through the Department. Four stages are still time consuming  
15 and while it's very positive to see this is happening, we also have to depend on other streams, to  
16 address the issue overall. While we may not all agree in regards to the approved housing body,  
17 it's a fact of life that that's a stream that we also have to depend on.

18  
19 Approving housing bodies, go and talk to the 40 families in Newtownmountkennedy that were  
20 housed recently in two different projects, go and talk to the 7 families in Greystones housed  
21 recently, another four in Blessington in west Wicklow and four in Rathnew who was purchased  
22 through acquisitions. There were 24 acquisitions in the year to date, throughout the whole  
23 county, throughout the five Municipal Districts and each and every one of them are a number on  
24 the housing list. While it's a small number of allocations, of people turning keys in doors, it's an  
25 important number and important fact to them. That they have a roof over their head.

26  
27 I would like to say in regards to the private construction industry, thanks to the members of the  
28 Housing SPC that an important piece of documentation has been put in place in regards to part 5,  
29 and I think it will have a huge benefit going forward, we all see through the planning section that  
30 live applications are on the rise in regards to the building sector.

31  
32 Wicklow County Council will be partaking and receiving their 10% of all these buildings and  
33 they will be acquiring their 10% within the developments. Wherever the development is taking  
34 place is where the 10% will come from, it won't be first off down into the corner of a field or

1 otherwise or given land in an area which is not sought for, that will start to address some of the  
2 issues as well, by taking the 10%, to just look from Bray to Arklow, there's a number of projects  
3 underway as we speak and we look forward to taking our 10% of them housing units.

4  
5 I would issue a word of caution in regards to, if we were to listen to everything that was put here  
6 today in regards to in parts of the county, Irish Water told members that there's no issue go  
7 ahead, get your project together and we'll see, we'll fund it. In other parts of the county the  
8 Department of the Environment are saying put your plan together we'll fund it with no issue.  
9 But to get your project to that stage it means that you have to put your resources into architects  
10 and quantity surveyors in-house here, it means them spending weeks, if not months, putting a  
11 project together, such as what happened in Dunlavin where 30 housing units we were told would  
12 be built in Dunlavin, occupied the staff's time and resources here, needless to say the waste of  
13 funding. Then to be told by Irish Water it wouldn't take place. Same Irish Water told us we  
14 couldn't proceed with a small project of four houses in Blessington in west Wicklow. So do you  
15 really believe that's a good use of resources for the staff here to go and put their time into  
16 projects that we know the end result already? I don't think it makes any sense whatsoever.

17  
18 So through the Housing SPC we'll be endorsing, not on a geographical spread, not because of  
19 favouritism or parochialism, it's based on practicalities of delivering units for people on the  
20 housing list.

21  
22 If I could just say in regards to the housing report up as far as August, was sent out to every  
23 member of the Council, and if you want to have a look at that and maybe touch base with some  
24 of the housing staff. I know they are very busy, I know they have been assessing the 3,900  
25 applications on the housing needs assessment forms, I would at this point put out a call to the  
26 thousand people out there that it is through no fault of anyone in here if they don't get back to  
27 Wicklow County Council. There may be people who have gone back to other jurisdictions, there  
28 may be people who no longer have a housing need. But they still should get in contact with the  
29 office here and let people know. But for the thousand people who haven't, maybe through the  
30 media sitting up there at the back, if you can put something in the paper to get it out there to let  
31 people know that they will be removed if they don't get in touch.

32  
33 I'm totally opposed to the HAP scheme, unfortunately it's a national scheme, something that's  
34 coming in and the something we have no say in. The reason I'm totally opposed is because

1 there's 100,000 families in the State receiving, on the housing list, out of that there's 75,000 in  
2 receipt of rent allowance, technically them 75,000 will be removed off the housing list  
3 throughout the country, I think that's only playing with figures. But unfortunately it's the scheme  
4 that we're left with and I'm glad the previous speakers brought up in regards to the staff of that  
5 section, we all know the hard work that goes into the housing section here and the huge amount  
6 of diversity of issues that they deal with on a daily basis. Now we as a local authority are going  
7 to have to set up a whole new section and I've already spoken to the chief executive as recently  
8 as this morning and raised the issue in regards to the staffing of that section, I don't want to see a  
9 situation where we remove three or five staff from the housing section to run a HAP scheme,  
10 which is being forced on us by central government, and therefore our own housing section and  
11 some of the functions that they run are neglected due to lack of staff. At this moment in time I  
12 believe we should have more staff in there, without looking at the HAP scheme.

13  
14 But I put it on public record Cathaoirleach, I know you concur with me because you yourself  
15 took a huge interest in this section in regards to homelessness, we at this moment in time through  
16 the Cathaoirleach of Wicklow County Council, Pat Fitzgerald, housing section and myself as  
17 chair of the Housing SPC are in the process of setting up a meeting with the five TDs for  
18 Wicklow, we believe that the real negotiations, the real issues will be dealt with in Dáil Eireann,  
19 we need the five of our TDs all wearing the one jersey in Dáil Eireann to bring the best back to  
20 this county. And when you look at the homeless figures, it's very easy to jump in there and say  
21 120 individuals, 217 families are homeless, and that's not the true case. These are people who  
22 were given at one stage or another they were in fear of homelessness, given a letter to state that  
23 their tenancy is coming to an end or otherwise, given the statutory 112 days notice and through  
24 the good work of the people in this building here, a lot of them never actually ended up in a  
25 situation of spending a night homeless, because the staff in this Council of which they have  
26 come in for a lot of criticism at times in regards to cheap headlines, but came in on a daily basis  
27 and sit down and see the reality of what goes on out there. Talk to the people who actually get  
28 helped. Thanks Cathaoirleach.

29 Cllr MURPHY: Just I'd like to say as well, the presentation, it's an eye opener and we need to  
30 keep it refreshed in our heads the work behind the scenes. Just like to say, ask a question, on all  
31 the proposals on the table, will there be a percentage of those houses allocated to people with  
32 disabilities? And also for the last two years there has been a National Disability Strategy for  
33 housing for people with disabilities and Wicklow County Council have a committee for that, and  
34 I can't, I haven't heard for a while, is that in completion or will that be presented here to the



1 members? Again the funding for the DGBs, are we lobbying for more funding -- I think there's  
2 always a waiting list, there's always lack of funding. Some of the jobs are very minor, but they  
3 mean accessibility and independence for the people who are on that list.

4  
5 And you know, maybe we can have a specific breakdown at the next presentation of housing of  
6 how many people with disabilities, families are on that housing list? I think it needs to be on the  
7 list all the time as a separate section, not just covered in the middle of it. Because I think we as  
8 members here all need to know exactly the need out there for that section and that we all have a  
9 voice in lobbying for that.

10 CATHAOIRLEACH: Thanks. Cllr Lawless.

11 Cllr LAWLESS: Thanks, I won't keep you too long, a lot of the questions I want to ask have  
12 already been asked, thank you as well to the housing staff for the presentation and like Cllr  
13 Ruttle I would appreciate a copy sent over to us as well. I want to acknowledge the hard work of  
14 the housing staff done under extreme circumstances. Especially around homelessness. I was  
15 reading the report, it's great to see the figures and the amount of people supported through in the  
16 situation, I want to commend Jackie and her staff on that.

17  
18 Joe, I don't know whether you mentioned in the presentation or not, there has been a lot of talk  
19 going on, just in regards to CPO and vacant properties, I presume we have been looking at that,  
20 do we have any idea how many vacant properties we have in the county and are we able to do it  
21 or do we have the funding to do this? Another thing that came up, it's a little more, I don't know  
22 whether it is or isn't -- the differential rent scheme, it came to my attention in the Bray area,  
23 there's two houses, one sits in Bray housing section, Bray area and the other sits in Wicklow and  
24 they are neighbours, both on the same income but paying different rent for the same house, I am  
25 just wondering is this a true fact? And I would presume that the differential rent scheme should  
26 be cohesive right across the county, or is there a difference between Bray and Wicklow  
27 allocation? And that's my two main questions. Thank you Cathaoirleach.

28 CATHAOIRLEACH: Did you want to come in again Cllr O'Connor?

29 Cllr O'CONNOR: An announcement was recently made for expressions of interest (inaudible),  
30 how does this fit in the plans of housing section in Wicklow and if money is freed up by this  
31 funding from the money that's then saved for the provision of housing.

32 CATHAOIRLEACH: Do you want to come back in there Joe please?

33 DIRECTOR LANE: I'll answer most of them and then Brid and Jackie will answer one or two  
34 more, we just won't answer the rest!

1  
2 The list, it has 12 housing schemes, -- we went to the Department with that, that is still our  
3 priorities some of those because of the structure of our questions they haven't moved on, but  
4 number one and number two, the old Brewery Lane, (inaudible) that's number two, they are  
5 done, we still have the schemes as our priorities and number 3, which is in Bray, we were told to  
6 consider that for an approved housing body, we'll move shortly. Ballinahinch, number 5,  
7 Mountainview was mentioned by John Snell, we spent time on that at a design, and Irish Water  
8 said no. Then we said we're not spending time on building, we can't build and concentrated on  
9 build. When we went up to the Department in those schemes they also told us for in-fill or  
10 brown field sites we were pushing an open door, that's where those in-fills are coming in from,  
11 they are saying also small schemes, so we have the main scheme priority which we all agreed  
12 last year, we also have been picking off small schemes becoming available. The one in  
13 Kilmacanogue we initially started small in-fill, we now think it could serve more units, that's  
14 why it snook up to 20, it may not be able to go depending on the site, but that's where they came  
15 from, that's why you have it loaded towards the east, it's what we agreed last year on current  
16 priorities and what we think can be built in short-term.

17  
18 We'll look on smaller schemes if we can at all if possible, that's where Aughrim came from, there  
19 was an in-fill type unit. Brid will go through again the process, but just to make it clear, April  
20 2016 this year we sent up a scheme to the Department, we sent a copy in John, we augmented it  
21 with the Arklow one, we got our approvals back in August, late August and we have four or five  
22 of them agreed, we went back in in September, so I don't see where the local authority so-called  
23 delay is on this one. Again all those are -- we forwarded to you, 29th of April, 6th of June to  
24 you, got approval back in August, some back in September, so I don't know where we can look  
25 at delays on our side on that one.

26  
27 Brid will also deal with that -- there are a number of houses within the -- I believe rental market  
28 -- in some cases approved housing bodies or Housing Agency have purchased units that are  
29 suitable, we get queries on a regular basis regarding units that are vacant should they be local  
30 authority, approved bodies and we get back to them as quickly as possible.

31  
32 RAS, we are getting replacement plus 20 or 30 units last year, I can't remember exactly, but  
33 there are units out there, as they are social leasing. It's unlikely we'll, we don't have too much  
34 land, the Department made it clear affordable housing units will not be an option, they don't see

1 that as an option. Income related rental scheme will be brought in in the near future and that  
2 will, rental houses for a lot of people in the 30 to 350 thousand where they are above the band  
3 with social housing, but struggling with houses. Jackie will deal with the next one -- Farrankelly  
4 houses, we're going to stick with the work programme we have, if there's another issue that  
5 comes in regarding it, we are not going to delay, we'll stick with the programme, seeing the  
6 jumps we're pushing -- yeah, look, part of this is there wasn't an investment in the last couple of  
7 years, we are only picking that up now, so there will be delays.

8  
9 John stole my thunder, what I was going say, the challenges, there have been a few in  
10 Greystones and Newtownmountkennedy, again the support from the homeless unit -- a few  
11 people, the sooner people think they are in trouble the sooner they get back to us. We really  
12 struggle with people coming in and saying on Friday I'm in trouble, that poses severe difficulty  
13 for us. We have lists of people, properties coming back, we have the place in two or three  
14 months time that gives us a great opportunity. The sooner people come in and make contact  
15 with the homeless section the better, because what's happening is they are coming in in an  
16 emergency situation poses a challenge to all of us, and also danger, it takes other units that we  
17 have in our head out of sync, so getting people as quickly as possible is better.

18  
19 In the estimates or the budget we'll have increased provision sought for maintenance, 10%  
20 increase in the budget for housing maintenance and also capital fabric, we'll look for support for  
21 increase of those. Anybody can see -- this is a reserve function what they can't see is -- they can  
22 see where they are, they can't see anybody else, that's private data for everybody else.

23  
24 Disability action plan, yeah we'll be relooking at it, we have change of staff, it will be  
25 re-prioritised and we'll be having a meeting in the near future. There was up to five units, when  
26 we talk to people in part 5, that was developers we knew, we had in particular a development --  
27 we look for ground floor units of particular demand, we are cognisant but we'll revisit the action  
28 plan and keep you up to date.

29  
30 CPO on vacant property, no, sorry but we have priority, we have limited staff, we have priority  
31 last year, I'm not starting to see -- we have land, in the short and medium term I don't think we  
32 have CPOs, it may or may not yield houses in the short and medium term. But what's included  
33 in the part 5 policy, we left it up to the private sector stating that you must provide new units or  
34 you bring older units that are not habitable at the moment back into stock, we'll listen to a

1 proposal, but I haven't got resources at the moment to spend on CPOing what may or may not  
2 yield units in the near future.

3  
4 I might have misunderstood the differential rent question, two next door will automatically have  
5 different rent depending on the income of the house, but in the Bray area there is a new  
6 differential rent scheme is part A, part B. Part A is all the county, part B -- because Bray is so  
7 inherently different there would be massive winners and losers, part B is people formally in  
8 Bray, so nobody lost in that regard, but there is part of Bray that is part B of the scheme, I think  
9 that might be the answer to the question. But all rents are different.

10 Cllr LAWLESS: I know all rents are different. Yeah.

11 DIRECTOR LANE: Okay, Brid is going to deal with the scheme and Jackie will deal...

12 SPEAKER: I'll stand over here. I suppose the first thing I will say is the last thing people of  
13 Wicklow want (inaudible). The purpose of showing the chart is that there is an approval system  
14 that needs to go forward and to highlight delays associated with that. All that being said, just to  
15 give you an indication of where we were with Rathdrum, as soon as we got our part 8 approval  
16 on the 13th of June we applied, that was our stage 1, once we got part 8 we applied for stage 2  
17 approval. The next week we got a whole new set of forms to reapply, which we did, in two  
18 weeks we had submitted to the Department on the 29th of June, we got our non-approval on the  
19 25th of July, because basically what they were saying was the cost was too high. The  
20 Department have an overall county figure of a ceiling of what they think each unit should cost,  
21 we are in a rural area, it's a sloping site, there's enabling works to be done, they look at the  
22 overall cost, from their point of view it was too high, so they gave them non-approval for stage  
23 two and told us to go back and make cuts.

24  
25 It went out again and the detail required and the next submission for stage 2, this is what I talked  
26 about, detail on the cost plan, they wanted size and widths of the doors indicated on drawings,  
27 that's the level of detail of the costs that we had to submit. But we rose to the occasion, it went  
28 in on the 8th of September and we are awaiting approvals at stage 2.

29  
30 Just on stage 1, we met the Department in April, all those projects that we set up, we made our  
31 submissions for stage 1 on the 28th of April and got approval on the 22nd of August, four  
32 months, and some of those projects were one and two-bed units. So again as I say the  
33 Department are working in constraints of the Department of Expenditure and Reform, they have  
34 come up with this chart, but to me it is a bit unwieldy and putting in delays that are not

1 necessary. I think stage two and stage three could be compiled in some form or another to  
2 quickly move us down to getting it out to contractors.

3  
4 The other thing is the level of detail as I indicated, needing the actual dimension of doors before  
5 planning before any aspect of that when it will be the market who determine the price of these  
6 things, the longer we delay and the upturn of the economy, it will be such a waste of exercise  
7 because it becomes more expensive, we won't have the people. That's all I'll say in terms of the  
8 approval, but we just want to park that, we're not interested in the spat with the Department, I  
9 can see where they're coming from, we just want to get on with the job. But these stage  
10 approvals are putting in an extra delay. We cannot go for part 8, we can't even advertise it until  
11 we get stage 2, we've got no stage 2 at the moment.

12  
13 On Glending, the situation is there that anyone that's been involved in the proceedings, as soon  
14 as the legal people get their hands on stuff it just goes on and on. Despite all of that, we've  
15 parked that and we're working with that in the background, but we're still moving on remediating  
16 the houses in Glending. We are now on the fourth phase of this work, 1 to 12 on Glending Road,  
17 that's the next stage. Once we have got those done, we have close to 60% of the houses  
18 remediated to a pretty good standard, I don't know if anyone has been out there recently, from  
19 what I originally started with in 2011 to that estate, it's a much nicer place to drive into now.  
20 And as I was saying to some of the legal people involved, when I started on Glending I didn't  
21 need glasses and now I do need glasses, that's how long it's going on. Thank you very much.  
22 SPEAKER: There's a few particular questions about social housing assessment, as regards the  
23 1,000 applicants that haven't sent in their forms, we are making every effort to contact them, it's  
24 in our interests as well not to let them slip off the list, they are going to lose their years on the list  
25 and it will take us longer to put them back on the list and interview them, we don't have the  
26 resources, so it's in everyone's interest.

27  
28 Baltinglass Municipal District, again credit to the staff that ran out and got the figures for me, so  
29 in that particular district overall one-bed need 230, two-bedroom 252, 3-bedroom need 165 and  
30 four-bed need 41, so anyone else that needs figures for the county they can come to me.

31  
32 As regards HAP and RAS, we're depending on the rental sector, unfortunately that's where we're  
33 at, the whole rental sector has changed (inaudible). It was mentioned about how we're going to  
34 house 3,886, we're never going to house 3,886 because I would say two thirds of those availing

1 of housing support will never look for social housing, they are never going to want a Council  
2 house or go into the category, that's the difference of demand versus need, we need to look at  
3 that in the context of the list, need isn't necessarily what the demand is, so that's how we look at  
4 that, but we'll chase up the forms outstanding.

5  
6 RAS and HAP, yes if you go on to My Home and Daft -- we have relationships with landlords  
7 that don't advertise, we move people on all the time, there is progression throughout RAS, we get  
8 RAS vacancy and we have lists waiting for social RAS houses, so there is good movement there  
9 at the moment. HAP, it's unknown to us, we're going in the final wave of another group of  
10 authorities in December, 1st of December is the launch date. We'll have a special HAP unit  
11 working hand in hand with RAS.

12  
13 As regards Greystones, I said about the scheme, I was saying this is a particular project that we  
14 can use for pilot for rolling out of HAP, just to clarify that. We'll be looking at the support  
15 worker (inaudible), their main job is to source properties and build up relationships with estate  
16 agents and landlords, they have homeless (inaudible).

17 Cllr FORTUNE: Just a quick question. When you do all the trawling on the list and say you  
18 give it two months grace and people still don't respond, if a person was to come back after that  
19 time, in the future and could establish that they were, they do need a house and were genuinely  
20 in need of a house, could they not just be put back on the list?

21 SPEAKER: Generally if we've given them six months grace, if we've rang them, e-mailed them,  
22 spoken to councillors which we do, they can lose their years, they are in danger of losing their  
23 years on the list, no doubt about that, but obviously we'll look at each application.

24 Cllr FORTUNE: That's my point.

25 SPEAKER: Someone ten years on the list and hasn't returned their form, that's the problem, they  
26 are in danger of losing the ten years on the list.

27 Cllr FORTUNE: If they come to us and make a case.

28 SPEAKER: We'll certainly talk to them, we're not in the business of making it harder for them.

29 CATHAOIRLEACH: All right. Can I just say something myself as Chairman of the County  
30 Council, as Cathaoirleach. I have the height of admiration for the work that's happening in the  
31 housing section over many years and particularly in the last few years with the difficulties we  
32 have encountered, and I want to thank the SPC and housing for their efforts. I live in an area that  
33 has been decimated by unemployment and other matters, as Cllr McDonald said we've no  
34 sewage treatment plant, a lot of our private houses are being rented or bought by people not from

1 Wicklow, because there seems to be a movement from south county Dublin down to Wicklow,  
2 but I was just thinking there, there was an announcement about Emoclew, a man more famous  
3 than me announced it in 2007, a politician, and nine years later we're going to get an  
4 announcement for 54, I think back in 2007 when we were opening the recycling centre in  
5 Arklow, a former colleague, but anyway, look this time it's going to happen. I'm realistic enough  
6 that Wicklow County Council can't provide the number of houses themselves, we are going to  
7 have to get support from the approved housing bodies, from the Housing Assistance Payment,  
8 it's ironic that in 2013 there was one social house provided in Wicklow, I don't think there is any  
9 going to happen this year, none last year, not our fault I might add, none in 2014. There is 65  
10 social houses being built in Ireland this year to date, that's the fact of the matter. So I think we  
11 went out in 2011, so five years later it hasn't improved.

12  
13 So look, I have no doubt that we're on the right road, 140 houses, it's 140 families being housed  
14 and it's very hard to see that that's going up to 2019, so great efforts have been made, and as I say  
15 I want to thank everyone, because there's not a day that I'm not onto the housing section, as some  
16 of you may know Jackie, but I'm on every single day with problems, every time you get a  
17 response, you mightn't like the response, but certainly there's a lot of hard work going on in that  
18 department, as there is in other areas of Wicklow County Council. If we work together, please  
19 God this time next year we'll be here in a better situation, there will be some of the developments  
20 on stream and I want to thank, I think Cllr Fortune brought it to our attention in the last meeting  
21 looking for debate, maybe it's something we should have on in a few months time, maybe after  
22 Christmas, things move on. So if there's no other comments or inquiries I think we'll move on to  
23 item 3, discuss Wicklow County Council data protection protocol. Do you want to come in Cllr  
24 Lawless?

25 Cllr LAWLESS: Thanks Cathaoirleach and thanks for allowing this on the agenda today for the  
26 Special Meeting, just in regards to the data protection, it's the data protection waiver forms, we  
27 have had them for quite some time as councillors, I'm not sure how other councillors feel about  
28 them, they are providing quite a difficulty trying to get them to people, get them back, get them  
29 signed, get them down to Wicklow, it's more work on everyone's behalf. On this, we contacted  
30 the Data Protection Commission on it and they have actually -- I got an e-mail back, which  
31 actually says Wicklow is doing more than is required under, having these waivers that they are  
32 not actually necessary for us as representatives to have them.

33  
34 Now I'm not in dispute in any way, shape or form with the data protection protocols put in place

1 here in Wicklow, I feel it's very appropriate, I don't think it is right that any councillor or  
2 anybody can just walk into any office and access any file without permission. And I do  
3 acknowledge that. The issue that I would have is with the actual waiver forms we have to get  
4 sent.

5  
6 So I would like to put a proposal if that was okay today, and the proposal I would like is that  
7 Wicklow County Council seize the requirement of the data protection waiver forms from all  
8 public representatives making a representation on behalf of constituents in line with the  
9 conditions laid down in the guidance note for data controllers on the release of personal data to  
10 the public representatives, which states where a public representative makes a written  
11 representation on behalf of a constituent, the organisation can generally assume that the  
12 constituent has given consent for the release of the personal data necessary to respond to the  
13 representation.

14  
15 So I'm hoping, I don't know what the feeling is from my fellow councillors here today, how they  
16 feel about the actual forms, and it really is just the forms I would like reviewed please. I will  
17 give you a copy of the proposal.

18 CATHAOIRLEACH: We just want to circulate it to members.

19 Cllr LAWLESS: Absolutely thanks.

20 CATHAOIRLEACH: Just in the meantime if Christine can come in there please.

21 CHRISTINE: If I could preface my remarks by saying I was asked to chair a committee  
22 reviewing the data protection procedures in 2014, this is following the Local Government  
23 Reform Act and generally in the interest of good governance. There was a committee formed  
24 which represented all of the sections within the local authority, we reviewed the suite of  
25 documents based on legal advice, and procedures and protocols were legally vetted, if you like,  
26 and we also introduced a comprehensive training programme.

27  
28 The happening -- I want to stress that this is in no way intended to undermine the  
29 representational role of the councillors, or to make their lot any more difficult than it actually is,  
30 I fully appreciate the part-time nature of the role of the elected member and realise how difficult  
31 it is and this is another layer of bureaucracy if you like. I also refer to the guidance note  
32 circulated by Cllr Lawless and would like to say that the -- under data controllers, the second  
33 paragraph goes on to say as the organisation is accountable for the personal data it has chosen to  
34 release, it should be satisfied that it's reasonable to assume that the individual whose personal



1 data is being released would have no objection to the release to a public representative. And it  
2 further goes on to say, however there will be cases where it would be appropriate for the  
3 organisation to check with the public representative or the individual whose personal data is  
4 being released that such release is not going to give rise to later complaints.

5  
6 And then on under the role of the public representatives, it stresses the need to be satisfied that  
7 they are acting with consent of the individual and that the representative should understand the  
8 obligations on the organisation to keep personal data confidential. Particularly in the area of  
9 housing and planning, we're dealing with sensitive data, while I totally accept it is a pain in the  
10 neck to have these forms filled in, I think it is a requirement that we as custodians of the personal  
11 data of so many, if you add that to the tenants and all of the other classes of records in housing  
12 alone -- it's significant. Similarly there are quite a lot of sensitive data in the area of planning  
13 and again we would have significant records going into the tens of thousands, if not hundreds of  
14 thousands of records. So there is an onus on us to protect that data, but if we can find a more  
15 streamlined way, but we must be satisfied that the actual applicant or data subject has consented  
16 to the representations and unfortunately in some instances, for example in planning, people have  
17 expressed surprise when they have been contacted by Planning Department to find an elected  
18 representative has accessed the file, similarly there have been issues where a number of  
19 councillors -- I know this is not intended to cause confusion, but it has happened where a number  
20 of people would make representations on behalf of an individual.

21  
22 So it's really thinking of our clients and how best we can manage their data. I'd also like to add  
23 in relation to housing, if you look at the housing application form, we undertake to mind that  
24 data, and indeed with our privacy statements, our statements up on our website, we undertake to  
25 our clients that we're going to mind that data to the best of our ability and within the  
26 requirements of the data protection laws, so we do take that responsibility.

27  
28 I'm advised by the director of housing that it is an issue nationally and the directors of housing  
29 are meeting with the Data Protection Commissioner or have requested a meeting with the Data  
30 Protection Commissioner to address this issue.

31  
32 And finally if I can just alert the councillors to the fact that there's new data protection legislation  
33 due to come into force, actually on foot of EU directives which came into force in April of last  
34 year, and it becomes new law in 2018, that puts further requirements on the local authority and

1 indeed on all organisations dealing with data and deals with things like sharing data between  
2 organisations, mandatory breach notifications and things like the right to compensation and  
3 financial penalties. So sorry to say it could get worse before it gets better. Thank you  
4 Cathaoirleach.

5 CATHAOIRLEACH: Cllr Shay Cullen.

6 Cllr Shay CULLEN: Thanks Chairman. I would certainly have issues with the whole data  
7 protection forms that we have to get filled out, I accept protocols are important for data, but  
8 particularly for sensitive data, obviously this is new to the public as well, we have applicants  
9 looking for planning permissions or looking for reps on housing, but they even ask why do I  
10 need these forms? And you go through the rigmarole, but I suppose as was alluded to earlier,  
11 this is effectively a part-time job and travelling the four corners of the county to get forms  
12 signed, I think there could be easier ways to deal with this issue.

13  
14 There is certainly issues, I've had it myself where we've had multiple applications by a particular  
15 applicant with regards to planning proposals and you have to get multiple forms signed, which to  
16 my mind is a bit ludicrous.

17  
18 There is also issues surrounding if there's controversial projects in a particular area and maybe  
19 the public would like to know what is happening, we as public representatives can't officially  
20 look at those projects unless you have consent by the actual applicant of the project, and maybe  
21 it's something that we would like to relay to our constituents, so again there's issues there. So I  
22 would be asking that we would have a look at the whole area around the procedure of this, I  
23 think we can improve it, I think we can make it easier on public representatives and I think it's  
24 important we have a full look, full and thorough look at it. Thank you.

25 Cllr RUTTLE: Certainly I can see where Cllr Lawless is coming from on this, as Cllr Cullen has  
26 outlined it's becoming a very arduous and difficult thing, particularly if you live in a big rural  
27 constituency where you are dealing with people that can't scan stuff in, don't do this, you could  
28 drive a solid 70 or 80 mile round trip to get a form signed and or something else, it creates a lot  
29 of hassle. There is another way of dealing with this, which is probably simpler even than this  
30 way, I know of one local authority that does that. The person when they make a planning  
31 application, they put in writing that they authorise Cllr X to be on the file, that's from them, and  
32 then when Cllr X's name is put on there's no further need after that. But the applicant put that in  
33 with his or her application. I know of a another authority adjoining this one, that works on that  
34 basis. So I think that makes it simpler again. You don't have to get involved -- you can be in

1 that position.

2  
3 But something has to be done I certainly find it very frustrating, and as Cllr Cullen said for  
4 multiple applications people think you are on anyway, but you are not, you may catch up with  
5 that, you are not on the next one -- it becomes, it annoys people. And certainly -- but that's  
6 another way around it, but the applicant places it on file.

7 CATHAOIRLEACH: It would be better than what happened here previously where people were  
8 putting their names on files without being asked. Or ringing people that they got them planning  
9 permission when they were never asked and we don't know where it came from.

10 Cllr RUTTLE: But Cathaoirleach this is where the applicant...

11 CATHAOIRLEACH: I know, but people were writing their name on the file and they were  
12 fairly good at it.

13 Cllr RUTTLE: Sometimes two days before a favourable decision.

14 CATHAOIRLEACH: Which was overturned! Sorry, Cllr O'Connor.

15 Cllr O'CONNOR: Thanks. In requiring these forms to be filled is one way of protecting data,  
16 that's the way that the Council has decided its data should be protected, as Nicola said earlier we  
17 recognise that the data has to be protected everybody understand that, it's just about how it's  
18 done. We also know that this is by no means an effort to try and get in the way of councillors  
19 making representations. The point is that this level of bureaucracy is not necessarily required,  
20 and that's our difficulty with it. I think that Cllr Ruttle pointed out the difficulty in trying to  
21 make round trips to far flung areas in the county to try and get these forms filled in, that's not  
22 helping anybody out, not helping us, not helping constituents or councillors, it's very clear from  
23 the guidance note for data controllers, on the release of personal data to public representatives,  
24 that we advise our public representatives that make a written representation on behalf of the  
25 constituent, the organisation can generally assume the constituent has given consent of release of  
26 personal data necessary. Now I think it says there "generally assume", unless the Council  
27 officials in question have some sort of feeling that there mightn't have been or there might be  
28 something missed there, they can look further into it, but this is the legal advice from the office  
29 and I think that really is what the councillors should be going along with, unless they think  
30 there's something untoward about it.

31  
32 The forms basically are not necessary, if they were necessary we'll just have to put up with it,  
33 and the issue of EU regs coming down the line is something we'll have to deal with in the future.

34 Cllr LAWLESS: Just to come back in, thanks for that, I do appreciate the work you have done

1 on it, but I do feel that there has to be a better and easier way to do this without these forms, I do  
2 strongly believe it. I know for a fact if I do representation for housing for example, I've never  
3 once went in and asked to look at anybody's actual file, I've no need to look at anybody's file,  
4 that's just my personal view, I would send in my representation and if there's correspondence  
5 come back that's fine. If you really insist that we need something, we need to look at some form  
6 of an e-mail or something that's more streamlined, but the forms really, really are a hindrance  
7 rather than a help. As I say data protection, it does -- we need it, we're not denying that, but I  
8 really think the forms need to go at the moment, and what the Data Commissioner has said in the  
9 e-mail is it's not -- it's also not a requirement under the data protection legislation is what I got  
10 back, that was one of the lines in the e-mail. So I'm only going by what I have been told from  
11 that office themselves in and around that. So I'll leave it to my fellow councillors here if they  
12 want to support my proposal or somebody else wants to suggest something else.

13 Cllr RUTTLE: And this letter still costs us all €20 a shot.

14 CATHAOIRLEACH: Christine wants to come in here. When you're finished. I think Cllr  
15 Behan is next.

16 Cllr BEHAN: I don't think I was, I think Cllr Annesley and Cllr Matthews were before me.

17 Cllr ANNESLEY: Thank you very much Cllr Behan.

18 CATHAOIRLEACH: That's not what the technology says Cllr Behan, sorry about that.

19 MS GALLAGHER: Now you're gone.

20 CATHAOIRLEACH: If you snooze you lose. Press it again Joe. Cllr Annesley.

21 Cllr ANNESLEY: Thank you Cathaoirleach, I can see for and against this form, first of all I  
22 think because my name's Annesley I'm top of the list, I get a phone call from Bray, a person  
23 looking for a house, obviously she's contacting the 32 councillors. Now I'm not going to drive to  
24 Bray, but I say I have to send out a form before I speak to you, I send a form in the post, nine  
25 times out of ten that doesn't come back, so he or she's phoned 32 councillors, so they don't send  
26 back the form, that's how I get the forms out to people, I post them. The second point I make is  
27 that on Friday evening half past 3 and someone comes in, in a desperate state I ring the office  
28 and nobody ever asked me Tommy have you signed a protection data form, nobody, it's never  
29 been said when it's an emergency. The final point I will make, two points to make, two of them  
30 happened on Saturday, first of all 10 o'clock a gentleman came to see me, asked could he speak  
31 to me for example with a problem, he was applying for a Council mortgage, he had a file this  
32 thick, if anyone applied the paperwork is unbelievable, you have to be turned down by the bank  
33 you have to -- there's a heap of things you have to have, but salary, his wife's salary, his own  
34 salary, rent and bank, I said hold on, I have to get you to sign this form. He said for what? He

1 couldn't believe it, he was giving me the information to look through, I said no I have to get to  
2 you sign it, he signed it and I advised him on the matter. Then later on Saturday afternoon a  
3 woman rang me, she wanted me to bring up in housing today about she is sick her husband had a  
4 serious operation, she had a letter from the doctor and in rented accommodation and it's not  
5 suitable. I said I have to get to you sign a form. Then two people said why, we want to give  
6 you this information, they couldn't believe that I had to get them to sign this form. So I can see  
7 the for and against, definitely Nicola, Cllr Lawless I would agree with you, sometimes getting  
8 the form out to people and getting it back is a problem, but there is ways and means around it.  
9 As Cllr Ruttle said if you're living in the far west it is hard to see people, but 55 or 70 pence  
10 stamp will solve a lot of problems as well. Thank you.

11 Cllr BEHAN: First of all can I say to Cllr Annesley just tell her to go to the next one on the list  
12 for the next person on the list, save you the price of a stamp.

13  
14 I think it's very important and I compliment Cllr Lawless for bringing this up for discussion,  
15 because it's something that didn't apply in the time when I was a member of the Council in the  
16 past, I'm sure other members who were here from the 80s would be quite surprised that this new  
17 rule was brought in, but I do see that data protection is a huge issue now for people who work in  
18 any organisation and it's the same in school, the same in any commercial organisation, as well as  
19 any public body. So as Cllr Annesley said there are two sides to the argument.

20  
21 I think what's important is the spirit in which the rules are implemented and I was impressed in  
22 Christine's approach, I do believe for once there isn't a conspiracy by the management against  
23 the members that in this case it's a requirement put on the management of the Council and we  
24 have to genuinely recognise that. But I think we should work together to try and find a solution  
25 that will satisfy the law, but will also allow us to do our fundamental job of representing the  
26 public.

27  
28 Now one starting point might be to ascertain what is the practice in the other local authorities in  
29 the country because one of the difficulties is that in different areas there are different  
30 requirements, so I welcome the fact that the director of housing is going to be meeting with the  
31 Data Protection Commissioner to discuss this issue and I think before we make any definite  
32 decision on this today we should at the very least find out what is the general practice on all local  
33 authorities. I don't think so we should be disadvantaged in how we are treated but, I also feel we  
34 should be consistent with other local authorities.

1  
2 But I'd also make the point, if you look carefully at the form we're asking people to sign, and  
3 Cllr Lawless mentioned this point, it's people giving permission to the Council officials to give  
4 us access to detailed reports and so on that are on the file. I don't remember ever having seen  
5 that it's actually required in order for us to make representations though. There's one side of the  
6 story is getting information that's confidential, that's personal data, but if we're only making a  
7 representation as in writing a letter to the housing officer recommending that somebody's case  
8 should be considered for housing, I don't see how we're getting any information from that, and I  
9 don't see how that would in any way effect the person's right to have their data kept confidential.  
10 So that might be one way around it.

11  
12 The other issue Cllr Ruttle mentioned about planning matters, and the fact that in the past and  
13 he'll remember this, in the good old days, Cllr Fox's late father Johnny Fox would certainly have  
14 been a past master at this particular situation, that we had planning committee meetings, area  
15 meetings every month where every member of the local authority in the particular area could  
16 request a planning file of people they wanted to support and they were discussed at a meeting  
17 and discussed very effectively by people like the late Johnny Fox and others, in order to have a  
18 discussion of the planners that might bring up a point that may or may not be known by the  
19 planners, it was probably a nightmare for officials and planners, but certainly was helpful from  
20 the point of view of public representatives. No data protection issue in that and I know the law  
21 has been introduced since. I do think as part of this review if councillors want to make  
22 representations in relation to a planning file, there should be a mechanism for us to be able to do  
23 that, that's a streamlined mechanism, whether it's writing in, or having an appointment with the  
24 planner to discuss it, or to have a protocol in place that we understand clearly what our rights are  
25 in relation to that issue, because I think that's also part of the whole discussion, or should be  
26 anyway Cathaoirleach.

27 Cllr MATTHEWS: Thanks Chairman. Cllr Behan has said most of what I was going to say  
28 about levels of access to information and to ring up and make representations probably doesn't  
29 need consent, but to look at data does, so if we can have clarification on that, but also I would be  
30 concerned you would be putting an official in a position where they have to make an assumption  
31 and that assumption might come back to bite them at some stage. I think they will be happy to  
32 have a piece of paper or some other verifiable way of confirming that permission was given, so  
33 could it be done through a texting system, through an e-mail system? We would have e-mails  
34 and mobile numbers probably of the person that we were making representations for, it could be

1 streamlined in that way to certainly reduce the burden on people travelling around the county  
2 with a piece of paper in the hand. I'm wondering if the executive have suggestions on how to  
3 streamline it, I'm sure we're willing to go along with it, to make it more streamlined I suppose.  
4 Cllr SNELL: Thanks Cathaoirleach, I suppose it's quite simple in regard to the proposal, just to  
5 have the requirement of the data protection waiver form, we could be here all day discussing  
6 whether it's a housing issue, plannings, roads, whatever, it covers every section of Wicklow  
7 County Council. The data, there's a rule there for the Data Protection Commissioner, local  
8 authority is the controller, there's also a section too in the Act for public representatives, which I  
9 know each and every person here takes it very seriously, and I really feel that it's being taken out  
10 of our hands to a certain degree in regards to not being trusted with the information that our  
11 constituents are giving to us, because in a lot of the cases we're giving the information to the  
12 local authority, we're inserting information, we're bringing forward what I would call public  
13 representatives reps to put in on files. I don't believe that any person in this chamber is entitled  
14 to look at a housing file in the housing section, under no shape or form do I believe that anyone  
15 should take out a housing file, nor do I believe they should have a waiver form to put in  
16 representation to support that application, the same with planning.

17  
18 I feel that we need to go back to the basics and look at the legal advice coming from the  
19 organisation, which represents each and every one of us, LAMA is stating the legal opinion  
20 received indicates strongly that elected members are entitled to information on housing policy,  
21 housing provision and housing allocation, irrespective of data protection. Now that poses a  
22 bigger question for Christine and her staff in regards to information that we were given here 12  
23 months ago, and again I have no real issue with regards to the information we were given, but  
24 this is contradicting what was given there. This local authority back in 2010, Labour tried to  
25 introduce a thing through the chambers here where we want to keep people off the housing list  
26 who had convictions for various different crimes and the then Tanaiste, Eamon Gilmore,  
27 reprimanded them individual Labour Party members, along with this Council Chamber and it  
28 brought up the whole issue of public representatives getting the information on the allocation of  
29 housing, and Cllr Behan touched on it there earlier in regards to what used to happen, in the past  
30 you would get representation showing you that people were being considered in a particular area  
31 and if you had concerns you could raise it with officials. That was in the old days when  
32 councillors could work with officials, it seems all that is taken out of our hands. That's why I say  
33 I don't want to get into a housing issue or planning issue, it's a waiver form. I get phone calls  
34 from all over the county in regards to making representations, and I think it's impractical to

1 expect us to drive around the county to get a form signed. I would point out the form can be  
2 signed, but officials in here who are actually the data controllers don't know who signed that  
3 form. Joe Blogs down the road can sign that form in the name of the person and you as the data  
4 controller don't know that, I don't want to put any more obstacles in the way, but that's why I  
5 believe that the evidence produced throughout the State shows we as a local authority are  
6 overdoing it, in comparison to our colleagues throughout the country. I feel that we should vote  
7 on this today and therefore if evidence comes forward through your negotiations with LAMA or  
8 their legal advice or the Department, then we can readdress it, but I think we need to take the  
9 hurdles out of our way at this moment, and the waiver form I don't believe is adding, I don't  
10 know one member who goes into the housing section and asks to look at files, they wouldn't be  
11 given them, and in regards to the planning section, a member of the public can come in and  
12 request to look at the planning file, a member of the public can get it quite easily and we can't,  
13 but I do accept there is sections of the planning file which can be kept back, I agree with that, it  
14 should be kept back from public representatives as well.

15 Cllr KAVANAGH: I wanted to suggest on Cllr Lawless's proposal today, if there are a number  
16 or a lot of County Councils up and down the country who aren't using these data protection  
17 forms, why don't we get the facts before we vote. Why don't we find out if we are in the  
18 minority. It should be a simple enough exercise and then we can be fairly sure we're covered if  
19 we decide to do away with them, because they really are an absolute nuisance factor when it  
20 comes to dealing with the public, trying to get forms to them, forms back from them, as Cllr  
21 Snell said the next-door neighbour could have signed then, we don't know. Why are we making  
22 things difficult for everybody, let's get the figures on the table and take it from there.

23 Cllr FOX: Thank you Chairman. Certainly it's my experience that the data protection forms  
24 have created difficulties, now I am also realistic insofar as data protection is now a very live  
25 issue and the climate that we're in I think the officials can actually be charged under data  
26 protection, but I can never understand, there is a housing application form to get on the housing  
27 list, there's also a planning application form when you apply for planning, can these application  
28 forms not be adjusted to include a line do you wish your information to be given to a public  
29 representative if he or she requests it? And a simple yes or no. So when the planning  
30 application is made, it's quite clear that if the public rep wants to make a representation on it,  
31 they have indicated yes or no, because in planning anyway there are privileges to a person who  
32 applies that has a public representative on their file. They are given the option of a time  
33 extension, they are given the recommendation of the planner, so it is actually a very helpful thing  
34 to have a public representative on your file, and a lot of people don't realise that until they



1 actually apply for planning, but I can't see why it can't be put onto the actual application form,  
2 because going to the planning office with this desk with nothing on it and a seat that has three  
3 legs is just a farce, an absolute farce.

4 Cllr WALSH: Thanks Cathaoirleach, it's obvious has been stated the Council are custodians of  
5 sensitive data, it's obvious from comments we've heard so far that the data protection form  
6 system is not working and we need another mechanism to replace it, such as Cllr Fox's  
7 suggestion, so maybe we should wait until after the meeting with the Data Protection  
8 Commissioner, I don't know, but we need to come up with a new formula to address this issue,  
9 but the forms need to go, I think we are all in agreement with that. There is examples there  
10 where who knows who signs the form, I think it was Cllr Snell mentioned it, he said anyone  
11 could sign that form. You have a situation where people are ringing every councillor in the  
12 chamber in relation to a particular issue, so it's not working.

13 Cllr THORNHILL: Cathaoirleach, in relation to these forms I personally, I have no problem  
14 because as some of the councillors mentioned earlier on, we are living in a climate now of data  
15 protection and it's very important that we're seen to be serious and when you are dealing with  
16 something sensitive and people will say well this has been taken up seriously and they are going  
17 through protocol, but by the same token I appreciate what other speakers have said about going  
18 around the country and getting signatures or whichever, as Cllr Snell said, a signature could be  
19 signed by someone else. But maybe I haven't got too many of these cases on my hands, but  
20 when I do meet the person and speak to them, you can have it there on hand, so maybe we  
21 should look at the situation, what pertaining -- what happens in other areas, definitely it's  
22 something that should be seriously looked at.

23 CATHAOIRLEACH: Can I just say myself I contacted 7 counties, Carlow, Kilkenny, Wexford,  
24 Monaghan, Louth and different -- there's different things happening in different counties, one of  
25 them is now concerned taking what you are suggesting Cllr Behan, they want to find out, County  
26 Monaghan, what's happening in the other counties. I think really the housing directors are  
27 meeting later this year with the Data Commissioner, and I think really we should find out what's  
28 happening elsewhere to be honest about it, to be consistent. I know what Cllr Snell is saying  
29 there, I mean I take the point that anyone can sign a form and write a name on it, I can write  
30 left-handed or right-handed, that's neither here nor there, we don't know who is signing some of  
31 the forms.

32 Cllr DORAN: And two Biros yeah.

33 CATHAOIRLEACH: But I really think, look it does need a review. I think we should have a  
34 review and I take on board what Cllr Behan has said and we should contact other counties and

1 leave it maybe to Christine to do some further work on it, because she's done work on it  
2 previously. I know Cllr Snell you are looking for a vote today, I don't know what Cllr Lawless  
3 thinks, I want to see what is happening elsewhere. Cllr Fortune?

4 Cllr FORTUNE: Thanks Cathaoirleach, I think the whole thing is a mess, in simple language I  
5 think it's silly, it's basically all it really is, is a barrier for public reps to do their job properly, I  
6 can't understand why if someone contacts you, you send an e-mail and say Joe Blogs contacted  
7 me, that should be good enough. I think in principle we should take a vote on it today, because  
8 at least by doing that, we're taking a stand and as someone said earlier, depending if we have to  
9 change that in the future we can still do it inside here in the chamber, but taking a stand on this  
10 as public reps, if we don't we're letting ourselves down, we should take a vote and put it up to  
11 them, because to me there doesn't seem to be any uniformity across the country at all. Perhaps  
12 maybe here in Wicklow we're more, how will I put it, we're more paranoid -- I really think we  
13 should take a vote on it.

14 CATHAOIRLEACH: So we've seconder for -- you're seconding Cllr Snell's proposal are you,  
15 Cllr Lawless, whichever?

16 Cllr LAWLESS: Can I just come back in, I would agree, I would like a vote today, just that the  
17 forms are gone. I mean certainly if we feel we need some form of other data protection we can  
18 also have a look at it in protocol, we can look at different ways of streamlining it, but all I'm  
19 asking today is that the waivers are gone now. Because I know history from being here, these  
20 things take a long time, we say we'll do it at such and such a date, we have budgets coming up,  
21 the County Development Plan, we have motions sitting on the agenda, I don't want this to get  
22 lost, so I would appreciate a vote today whether it's passed or not, just as I say it is only the  
23 waiver forms I'm asking for today. Thanks very much.

24 CATHAOIRLEACH: Christine you want to come in again please?

25 CHRISTINE: Thank you Cathaoirleach. Just to, a general response, obviously we're very happy  
26 to work with the elected members to come up with a more streamlined approach. And the  
27 solution proposed by Cllr Fox and Cllr Ruttle may be workable, certainly I'm more than happy,  
28 we have actually contacted some of the other local authorities and I'm more than happy to come  
29 back to the members with the results of that survey.

30  
31 I have a problem with this guidance document and I think Des probably wants to come in from a  
32 planning point of view, but this statement that the organisation can generally assume that a  
33 constituent has given consent, I think it's very dangerous to refer to that as a legal document, it's  
34 simply guidance, it goes on to qualify that statement, so whether we have the forms or whether

1 we don't have forms, we still as officials have to satisfy ourselves that it's okay to release the  
2 data. Now I fully accept there's a difference between information and records and there's various  
3 things that can be released and the general pro forma letter can probably be released without data  
4 protection, but we have to look at that in more detail, but as I said I'm more than happy to work  
5 with the elected members. I think Des wants to say something.

6 DIRECTOR O'BRIEN: I didn't really want to say anything!

7 CATHAOIRLEACH: I thought you were anxious to come up.

8 DIRECTOR O'BRIEN: All I will say about planning, I think Joe is right, whoever said it, if you  
9 want to make a rep on a file you can make a rep on a file, the deal in Wicklow used to be  
10 members would come in they would see the planner's report before anyone else would, they can  
11 discuss the entire file with them. Our advice is that when someone makes an application for a  
12 service in the Council, the results of that are their business and no-one else's business, so we can  
13 go out and tell people this is what's happening with the application, they are in trouble here, they  
14 are not there. This is why we asked for it to be signed off, because councillors now get the  
15 information in advance of the applicant, that's the only reason. You can actually put your name  
16 on a file that's no problem, you can come in and see a file like anyone else can. We can try and  
17 make it easy for you as possible, give you your own office and desk and people bring the file to  
18 you, that's the only difficulty we have. That's why we look for it. If we can streamline it by  
19 e-mail or some other way, if we take time extensions we'll take that by e-mail, we normally ask  
20 the agent whose signature we have on file to witness the signature, so we have a chain of  
21 signatures that we can recognise, because that can end up a High Court case, so there must be  
22 some way around this, but that's our bottom line, that you aren't entitled to get information ahead  
23 of the applicant. The applicant has, avails of a service from us and they are entitled to it, that's  
24 the advice we got all along, not -- even that is protected data. That's where we're coming from.  
25 Any way around that, yeah we'll go for it. Councillors in Wicklow have always had probably  
26 much more access to files than anyone else in the country in fact. At any stage in the process,  
27 we worked together on it, there was no problem, there is a problem now, but we want that level  
28 of knowledge and I don't think you get that in a lot of counties, that members used to actually see  
29 proposals in the past. But if you want that we have to sign them, that's the basis.

30 Cllr FOX: Very quickly, thanks Chairman. The system we do have in place allows for  
31 minimum contact between the planner and applicant, the public representatives are trying to help  
32 in the process, trying to work with the planner's recommendation, so other counties have a  
33 different system where there is much more access to planners from the applicants, we have a  
34 more restrained system, there is not as much engagement between applicants and planners, that's

1 why public representatives have a bigger role in Wicklow, because of that we are now frozen out  
2 of that a little bit, and I feel strongly about this. I have a very good working relationship with all  
3 the planners and the senior planners, but I do feel that before we were playing our part to help  
4 the system, now it has become more difficult and part of the problem is that the applicants don't  
5 have that access to the planners. That's part of the -- maybe that's part of the solution.

6 CATHAOIRLEACH: Okay.

7 Cllr MATTHEWS: Chairman, could I ask are we voting to remove a legal requirement from  
8 data protection here? Would it not be wiser to defer this or amend the proposal to say we'll cease  
9 the requirement when a more streamlined acceptable approach is adopted and give ourselves a  
10 month or two months breathing space, put it before protocol, we don't want to leave a gap in the  
11 system, if someone is leaving themselves open to not complying with data protection, I would be  
12 concerned we're removing a legal requirement...

13 Cllr LAWLESS: The data protection office said it's not required under data protection  
14 legislation to have what we have. I don't know whether that satisfies.

15 Cllr MATTHEWS: Would you accept the amendment to say we cease the requirement for forms  
16 when we adopt and we do that within 60 days?

17 CATHAOIRLEACH: Just a second, let the director back in again please.

18 DIRECTOR O'BRIEN: Cllr Lawless, if you read down that thing it says that quite boldly yeah,  
19 if you read down then it basically says it's up to you to be sure, basically I'm responsible, you  
20 can pass whatever motion you like here today, but I am going to have to follow the law. We got  
21 legal advice, the same person gave you all training on it, you can ask them questions every time.  
22 But at the end of the day, if there's a legal requirement, I'm not going to go out, because there's a  
23 motion, that's not going to stand for me in court.

24 Cllr LAWLESS: This is the e-mail I received, it's not this, this is actually from...

25 DIRECTOR O'BRIEN: Maybe if you give me the email we can write back, because I find when  
26 you ask these people very set questions.

27 Cllr LAWLESS: I am only relaying the information I have. Obviously if there is legalities  
28 around it we don't want anybody getting in trouble, but Steve what was the amendment...

29 CATHAOIRLEACH: Just a second we are going around here again. Cllr Blake is looking to  
30 come in for a while.

31 Cllr BLAKE: When we had a presentation from a girl here a while, a year or so ago...

32 MS GALLAGHER: No, that was lobbying Cllr BLAKE: Sorry, somebody gave us one, some  
33 girl gave us -- somebody gave us a presentation back about a year ago, we got a presentation, it  
34 was a very serious issue at the time, and maybe the system we have in place at the moment isn't

1 the best system, now I asked a number of occasions in the past that the form would be included  
2 in the pack that's going out to an applicant for an application. I thought it was still part it have. I  
3 thought it did go out with the pack. Equally so when somebody is applying to go on the housing  
4 list it should be included in the pack as well. That's what Christine is saying, in some form or  
5 another, whether coming in by e-mail or in the pack itself, we need to actually do that. But to  
6 abandon the whole thing I think is probably a retrograde step, maybe illegal as well, I don't know  
7 if we can do it legally or not in this case. So I think we need to tease it out in the long-term. Not  
8 do something that's illegal, but do something that's beneficial to the applicant and beneficial to  
9 the officials in here as well, that we have -- and beneficial to the public reps that we have  
10 something in place that can satisfy all of us.

11 Cllr MATTHEWS: I was going to suggest along the lines of that, that we'll amend to say when  
12 we have a more suitable system, adopt it, and do that within an acceptable time period, so  
13 maintain the system until we do find something that's easier for councillors and applicants, but  
14 we have to put some sort of timeframe to address it.

15 MS GALLAGHER: Are you proposing that as an amendment?

16 Cllr MATTHEWS: I like the spirit of it, I just don't want to leave a gap here for data protection.

17 CATHAOIRLEACH: Can I let Cllr Shay Cullen in, he is there for a while.

18 Cllr Shay CULLEN: The sense I'm getting from the members is that there's merits to the form,  
19 but it's the unnecessary hassle that it causes public representatives having to go around the  
20 county getting these forms signed. So I think if we come up with some sort of a system that  
21 maybe Cllr Fox was suggesting that it's included in the pack from the point of view of planning  
22 or housing reps that we come at it a slightly different way, it's the unnecessary hassle that it's  
23 putting on members, I get that's the sense that's the issue here.

24 Cllr SNELL: Cathaoirleach, we have members in the chambers who represent us on LAMA and  
25 can I suggest we get, maybe get them to touch base with senior management, because the legal  
26 opinion received from them indicates strongly that elected members are entitled to information  
27 irrespective of data protection, that's legal opinion. So we want to know where do we get the  
28 legal opinion, who from, but they are people who represent each and every one of the 32 here.  
29 Just in regards to if there was an issue, this is not a requirement for the Data Protection  
30 Commissioner, it's a requirement by Wicklow County Council, Steve.

31 Cllr MATTHEWS: Does that protect officials though?

32 Cllr SNELL: The third section of the data controllers, third paragraph states "However there  
33 will be cases where it would be appropriate for the organisation to check with the public  
34 representative or the individual whose personal data is being released, that such release is not

1 going to give rise to later complaints about breach of the Data Protection Act." Now I am not for  
2 one second insinuating that every single representation made that the staff have to ring up and  
3 check, but maybe if a public representative is asking for something which would be disclosing  
4 information, I imagine 99% is just submitting information, in that case the data controller has the  
5 option to ring the individual and also check with the public representative are they sure that they  
6 have consent of the individual? I think it's quite clear there, paragraph 3 of data controllers.

7 Cllr WALSH: As there appears to be some uncertainty about the legalities of the proposal of  
8 what we have just heard, can I suggest the matter be referred to Protocol Committee at next  
9 month's meeting in order to come up with a solution or compromise and we all agree the system  
10 is not workable, so we can refer to protocol to come up with a solution to be brought forward to  
11 the following month's meeting.

12 CATHAOIRLEACH: Thanks. Cllr Ruttle.

13 Cllr RUTTLE: We have to bring it to some sort of conclusion, what Cllr Walsh said would have  
14 a lot to recommend it, speedily, but I still think that the proposal that I made earlier on, close to  
15 what Cllr Fox said when it comes in and the applicant sends a letter that they authorise such a  
16 body to operate on a file, it's simpler for us, it comes in in the application, it's in the pack.  
17 There's an architect on it, it's verifiable. It's straightforward. We are not running around the  
18 country or scanning letters or anything like that.

19 Cllr FORTUNE: Clarification on that, are you saying that that file entitles any public rep?

20 Cllr RUTTLE: No the one nominated by the person.

21 Cllr LAWLESS: That only lasts five years.

22 CATHAOIRLEACH: Look, we're going around in circles here. Cllr Lawless proposed, you are  
23 going ahead with the proposal?

24 Cllr LAWLESS: Yeah, I would like a vote on the proposal here today as I put it forward, I am  
25 very happy then for any further discussions to go to protocol.

26 MS GALLAGHER: That's seconded by Cllr Fortune and then Cllr Matthews amended when we  
27 have a more suitable and verifiable system adopted. Is that all right?

28 CATHAOIRLEACH: Cllr Matthews?

29 Cllr MATTHEWS: Yeah, more or less.

30 Cllr WINTERS: I'll second that.

31 CATHAOIRLEACH: All right.

32 Cllr BLAKE: So going to protocol meeting next Monday as well.

33 Cllr CULLEN: What is Cllr Matthews' proposal there?

34 Cllr MATTHEWS: If we proceed with this the way it's worded we are actually voting to cease

1 the requirement for the form, therefore leaving a gap in the system.

2 Cllr LAWLESS: We're not.

3 Cllr MATTHEWS: It might be we are, and I don't have any advice, I appreciate you have legal  
4 advice, but I want everybody to be covered legally here. So I am just saying we would cease the  
5 requirement of the data protection forms when a more suitable and verifiable system was  
6 adopted, so we still remain with the forms until...

7 Cllr Shay CULLEN: Is there a timeframe?

8 Cllr MATTHEWS: I think to be fair to the proposer we should put some sort of timeframe...

9 MS GALLAGHER: That's...

10 Cllr MATTHEWS: Would you let it go to protocol and then?

11 Cllr SNELL: If it was put to the members and voted on, the proposal that was passed, it can still  
12 go to protocol next Monday as suggested by Cllr Walsh, I do believe officials will come back  
13 with their homework done and legal advice if we're proven to be wrong, quicker than if we don't,  
14 this could go on for six months.

15 Cllr FOX: I think Cllr Matthews and Cllr Walsh's proposals are pretty much one and the same, I  
16 think they are compatible, Cllr Matthews and Cllr Walsh's proposals are compatible.

17 Cllr MATTHEWS: I'll agree to my amendment being incorporated with Cllr Walsh's.

18 CATHAOIRLEACH: You are seconding his proposal are you? Sorry Cllr Winters. We'll go  
19 ahead with that again.

20 MS GALLAGHER: Okay we're voting on the proposal as circulated with the amendment first,  
21 when we have a more suitable and verifiable...

22 Cllr LAWLESS: Can my proposal not be taken first?

23 MS GALLAGHER: The amendment first. So that's what we're voting on.

24

25 (Vote taken)

26

27 MS GALLAGHER: That's 14 for, four against 11 not present and three abstaining.

28 CATHAOIRLEACH: Motion passed. Could I just say the next meeting is next Monday, the  
29 Ordinary Meeting.

30 MS GALLAGHER: Yes, that's the first Monday.

31 CATHAOIRLEACH: It's proposed to hold the meeting on the 7th starting at 11am -- sorry  
32 meeting on the 7th of November will be discussions on County Development Plan and starting at  
33 11 o'clock. That's next Monday and then the 7th of November, is that all right?

34

1 Meeting concluded at 5pm

2





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