

# WICKLOW COUNTY COUNCIL



**Wicklow County Council**  
COMHAIRLE CHONTAE CHILL MHANTAIN

## **Transcript of the County Council Meeting Held on 7 September 2015 In the County Council Chamber, Wicklow**



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



Telephone ..... (0404) 64355  
Fax ..... (0404) 64354  
Email ..... [info@pcr.ie](mailto:info@pcr.ie)  
Website ..... [www.pcr.ie](http://www.pcr.ie)

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5 *accurate as is possible, some errors may and do occur.*

6  
7 CATHAOIRLEACH: Okay members, good afternoon, it's just gone 2 o'clock, so we will kick  
8 off as we have a busy agenda. I just want to start with votes of sympathy, is it with regard to  
9 sympathies? You can't hear me, can you not. It looks like it's on up here. It seems to be  
10 working okay to me. Can you hear that okay? Yeah, okay. That's grand. So we will start with  
11 votes of sympathy.

12 MS GALLAGHER: Diarmuid Cardiff, mother-in-law of Breege Kilkenny of housing, Kathleen  
13 Doyle, mother of Mick Doyle, overseer and Martin Doyle driver Tinahely area, Vincent Byrne,  
14 father of Anto and Willie Byrne, Greystones fire station, Eamon Lawless father-in-law of Clare  
15 Lawless, Helen Corcoran, sister of Michael Heggarty, James O'Keefe, father of Hazel Clinton.  
16 John Smith, father of Joyce O'Reilly; Donal Hayden, nephew of Mary Hayden.

17 CATHAOIRLEACH: Okay other Councillors wanted to come in. Cllr Kennedy.

18 Cllr KENNEDY: Thank you Cathaoirleach, David Cullen from Rathdrum, David was the  
19 founding member of the Rifle and Pistol Club in Rathdrum founded in 1964. As well as his role  
20 with the club, he was a very talented competitor, he took part in many national competitions and  
21 indeed competitions around the world. He was an excellent coach and mentor to the younger  
22 members of the Rifle and Pistol Club. He was a businessman in Rathdrum and a member of  
23 Rathdrum Fire Brigade over 30 years, he received a Fire Brigade long service medal. I would  
24 like to extend sympathies to his family.

25 CATHAOIRLEACH: Cllr Fox.

26 Cllr FOX: Thank you Chairman, we had a terrible tragedy last month in Kilmacanogue, the  
27 death of a -- sudden tragic death of Terry O'Toole. Terry's father Kevin worked for this  
28 authority for many years and I would like to extend my sympathy to Terry's family and his three  
29 lads in particular on a terrible loss.

30 CATHAOIRLEACH: Okay, thank you. Cllr O'Neill.

31 Cllr O'NEILL: I would like to extend my sympathies to the family of Connor Early, he was only  
32 a young chap from the village in Blessington, and he just died tragically the other day, and he  
33 was a member of the local Boxing Club that I coach, and he is only 19 years of age; he was a big  
34 supporter of the Blessington Youth Project, which was run by Fr Tim Murphy, but it's a terrible

1 tragedy for the whole town and especially for his family and all his young friends. So I would  
2 like to offer my sympathy to the family.

3 CATHAOIRLEACH: Cllr Behan.

4 Cllr BEHAN: It's not a vote of sympathy.

5 CATHAOIRLEACH: Cllr Blake.

6 Cllr BLAKE: Thanks Chairman, just the family of Kevin Doran, he was the third member of the  
7 family to pass away within the last ten months, his brother Gerry was outdoor staff here for quite  
8 a number of years and the sister also died. The Doran family on the death of Kevin Doran.

9 CATHAOIRLEACH: Cllr Nolan.

10 Cllr NOLAN: I would like to express sympathy to the family of Dion Doyle, a young man 16  
11 years of age who passed away very tragically earlier in the month; and this follows the passing  
12 of his mother Linda, again when Dion was only six months old, a number of years ago. So I  
13 would like to express family to the Doyle, Healy and Connors family on the tragic passing of  
14 Dion.

15 CATHAOIRLEACH: Cllr Lawless.

16 Cllr LAWLESS: I would like to extend my sympathy to the Doyle family, Dion Doyle, I know  
17 it affected a lot of our young members in Greystones, Bray and Newtown. But I would also like  
18 to extend my condolences to the recent tragedy of David Keogh who sadly died in Portugal. His  
19 mother Breda would be a member of the centre where I work, so I would like to extend my  
20 sympathies to them.

21 CATHAOIRLEACH: Cllr Ruttle.

22 Cllr RUTTLE: Yeah Cathaoirleach, I would like to be associated with the previous vote of  
23 sympathy on the passing of Connor Early at Blessington, an awful tragedy, a young man a pupil  
24 at the Blessington Community College where I am Chairman and Tallaght IT. A heartbreaking  
25 event in the family and the town.

26 CATHAOIRLEACH: Cllr Snell.

27 Cllr SNELL: Cathaoirleach, it's a vote of congratulations actually since the last time...

28 CATHAOIRLEACH: Can we just deal with the sympathies first.

29 Cllr SNELL: Are you finished there?

30 CATHAOIRLEACH: No. Cllr Walsh.

31 MS WALSH: Just to express the sympathies to the family of David Keogh who died tragically  
32 in Portugal last week.

33 CATHAOIRLEACH: There is nobody else showing so can we just stand.

34

1 (Minute's silence)

2 CATHAOIRLEACH: Okay, just any congratulations then, so Cllr Snell?

3 Cllr SNELL: Thanks Cathaoirleach, yeah since we last met, we have had wonderful results from  
4 the Special Olympics, in particular in our own area, but all over the county and I am sure you as  
5 Cathaoirleach will join in with me and all the other members in congratulating the participants  
6 who come back, most of them with medals, but even the ones without medals, they all  
7 contributed to what was a wonderful world games, in particular to the Blue Dolphin members  
8 here in Wicklow Town, my own fellow village man in Rathnew, John Rowan, Laura Reynolds  
9 and Leo O'Brien. I know there is other members who want to come in and congratulate their  
10 members too. I would like if this Local Authority would recognise the fine contribution that not  
11 just the participants but also the people who coach and take part in fundraising to make sure that  
12 the games run smoothly for the participants. I do think we as a Local Authority could have a  
13 civic reception to honour these people and their wonderful achievements. So thanks  
14 Cathaoirleach.

15 CATHAOIRLEACH: Thank you. Cllr Murphy actually came to me a few weeks ago, so Cllr  
16 Murphy, I don't know if you want to come in here.

17 MR MURPHY: John has echoed every word I was going to say. I think it's a very proud  
18 moment for all Co Wicklow participants. They just put so much love and passion in for their  
19 sport, and their skill, and also the background team, to the athletes. And I would propose and  
20 second what Cllr Snell said about a civic reception, because I think they truly, truly deserve it.  
21 They put Wicklow on the map, they put their clubs on the map and I think they need to be  
22 recognised.

23 CATHAOIRLEACH: I am happy to have a civic reception to do that and I'll be bringing it to  
24 protocol at 5 o'clock. On this particular one, is it? Did you press your button?

25 Cllr FORTUNE: I did, yeah.

26 CATHAOIRLEACH: Maybe you are coming up as Tommy Cullen.

27 Cllr FORTUNE: Don't say that, we will go down a different avenue if you want! I love saying  
28 it, so don't encourage me! I too would totally endorse what Cllr Snell and Cllr Murphy said. It's  
29 a fantastic achievement and I think, Chair, as you have agreed, having a civic reception is totally  
30 justified and in particular if I can be parochial, I would like to congratulate Dom O'Mahony from  
31 Kilcoole who won a gold medal. We had a reception for him in tandem with that. I was in the  
32 Bray Lakers last Monday night, there was a fantastic turnout there as well. It's a wonderful,  
33 wonderful achievement and well worth our support and we should encourage it. The civic  
34 reception is a lovely way of doing it, I'll endorse what Cllr Snell and Cllr Murphy said.

1 CATHAOIRLEACH: Cllr Blake.

2 Cllr BLAKE: It's great to see the success that the participants had and the fact that they're doing  
3 the county proud and the country proud in that regard as well. I would also like to add the  
4 congratulations to what is every aspect of sport is important and the ladies had their day last  
5 Sunday in Wicklow, and I would like to just take the opportunity of congratulating, Clara,  
6 Baltinglass and Tinahely on a wonderful sporting evening of entertainment. The girls certainly  
7 are doing the county proud and doing their clubs proud as well. Just to congratulate the winners  
8 of the two matches, but above all to congratulate all associated with the ladies sport in Co  
9 Wicklow.

10 CATHAOIRLEACH: Cllr Kennedy, is it, congratulations too.

11 Cllr KENNEDY: I would concur with all my fellow members and the good wishes they're  
12 sending to all the athletes, but I want to acknowledge Leo O'Brien who took part in the Special  
13 Olympics where he brought back a silver medal. To sum it up, the Chairman of the Rathdrum  
14 Development Association at a recent reception said he did himself proud, he did Rathdrum proud  
15 and most of all he did Wicklow proud. It was about 600 people turned up in Rathdrum to  
16 welcome him home. It was a huge night in Rathdrum. I think all the athletes did Wicklow  
17 proud and I would fully endorse a civic reception for these athletes.

18 CATHAOIRLEACH: Okay great. In case members are wondering, the screens aren't showing  
19 the transcript of what is being said here, but seemingly it is going out on the internet, so we are  
20 trying to figure out what is wrong that it's not showing up there, we will try and get that fixed as  
21 quickly as we can. Cllr Behan.

22 Cllr BEHAN: I just have a question with regard to the agenda of the meeting. I had a discussion  
23 with Lorraine but I wasn't really happy with the explanation. Why is the item that was the  
24 subject of the Special Meeting during the summer not on the agenda today? We were to receive  
25 independent legal advice, the matter was crucial from the point of view of the members who  
26 attended. On a separate issue about the advice, the way the brief, or what was in the brief, but  
27 we will come to that when I get a chance hopefully. I just want to know why it's not on the  
28 agenda as a separate item, given that quite a number of Councillors attended the meeting. We  
29 made a request for independent legal advice. We are now six weeks on, apparently there isn't  
30 going to be another meeting until October. And this is the only way that I have of making sure  
31 that we get to discuss this today.

32  
33 Can I secondly ask why the item in relation to the possible reduction in the local property tax is  
34 not on the agenda? Newspapers at the weekend have reported that we are one of, I think, only

1 seven local authorities in the country that could reduce the property tax by another 15% this year  
2 without affecting overall financing of the Local Authority. Again I was given to believe there  
3 isn't going to be another meeting in September, but The Revenue Commissioners have to be  
4 notified by the end of this month if we propose to reduce the property tax. I would have thought  
5 therefore that at the very minimum it should be an item on the agenda. If we are going to have  
6 another meeting that's fine, but my understanding from last week was that we weren't. If we are  
7 that's great and I presume it will be on the agenda. They're my questions.

8 CATHAOIRLEACH: Just to clarify the second one first, we are going to have another meeting  
9 on the 28th, because we have to as a Council make the actual decision as to whether or not we  
10 leave the Local Authority property charge as is, reduce it by 15% or increase it by 15% or do  
11 some construct in between that. That decision has to be made. We are also going to have a  
12 workshop so that members can go through the details of this and the implications it will have in  
13 terms of what it will mean to the Council finances and the like. So I think it's only right that  
14 workshop should take place. We haven't got a date yet, we are working on that, but the meeting  
15 where we will make the decision will be on 28th of this month, because it has to be notified to  
16 the Revenue Commissioners before the end of this month.

17  
18 In terms of your second item, your first item, which was the subject of the Special Meeting, that  
19 actually is going to come up under correspondence, so I suppose it was a choice of taking it  
20 under correspondence or putting it as a separate item and correspondence was -- I deemed to be  
21 the best place for it. When we get to that point, I want to be clear, I know the individual who  
22 owns the Barracuda, so to be absolutely clear, I am going to step out of the meeting. I have  
23 declared there is a potential conflict of interest, even though I have no interest in it at all, but I  
24 know the individual because he works in It's A Great Place To Work, where I do as it happens.  
25 If you are okay with that under correspondence, that we take it as an item then.

26 Cllr BEHAN: Correspondence is item number 16 at the end of a very busy agenda. I don't think  
27 that's giving it enough priority and I propose we discuss it a lot earlier than that. Sorry, I don't...

28 Cllr FORTUNE: In light of the discussion we are having I am proposing a suspension of  
29 standing orders that - and basically the tenure is I am looking for agreement - I brought this up at  
30 the last meeting that the Council will write to the Minister of the Environment, that he will seek  
31 advice from the Attorney General into the freehold of the Barracuda, and include with the  
32 letter -- enclose the full file with the history of the Barracuda, and that the AG would carry out  
33 an immediate review of the file in question. I am proposing...

34 CATHAOIRLEACH: You want a suspension of standing orders?

1 Cllr FORTUNE: Yeah.

2 CATHAOIRLEACH: Okay, there is another -- just one second, there is another request for  
3 suspension of standing orders too.

4 Cllr BRADY: Just a couple of things, firstly on the property tax, I sent in a question there last  
5 week to Lorraine, just on the property tax, because there is supposed to be an element, well full  
6 public consultation around the process of either reducing or increasing the property tax. And I  
7 asked for a status as to where we are in terms of that public consultation. That's a statutory  
8 process that has to be undertaken. I haven't seen any public announcements in any of the local  
9 media around that process.

10

11 Last year, I was very critical of the process which we undertook here within the county. I don't  
12 think sticking an advertisement in the back of any of the papers, local papers, no disrespect to the  
13 papers, gives it any justice whatsoever. And I proposed last year that we carry out a number of  
14 public meetings on that particular issue as to whether we should increase or decrease it. I would  
15 like to get an update on that, as to where we are in terms of the public consultation process. It's  
16 all well and good us sitting around here making a decision...

17 CATHAOIRLEACH: I'll update you on that.

18 Cllr BRADY: I would like to propose a suspension of standing orders Cathaoirleach. We are  
19 just over a year now into the very, very radical and in my mind wrong changes to the structures  
20 in local democracy here in Wicklow, the abolition of Town Councils and that. And I think it's  
21 now timely that we would have a review here within the county as to how those structures are  
22 working out, both in terms of staffing levels, in terms of structures that we have left...

23 CATHAOIRLEACH: You want to have a suspension of standing orders to discuss that?

24 Cllr BRADY: In terms of what we have left within the Municipal Districts, but more  
25 importantly what powers that could be devolved back to the Municipal District. I want to have a  
26 discussion around it here today.

27 CATHAOIRLEACH: Do I have a seconder here for that?

28 Cllr LAWLESS: I'll second it.

29 CATHAOIRLEACH: Cllr Walsh.

30 Cllr WALSH: Just before we commence, I would like to take the opportunity to wish  
31 Greystones golfer Paul Dunne all the best as he represents Britain and Ireland in the Golfing  
32 World Cup next week. And we would like to acknowledge his wonderful achievements in the  
33 British Open. As you all probably know now, going into the last day of the competition, he led  
34 the field and I think the world's sporting media descended on Greystones on that Monday, and it

1 was a very exciting time for Wicklow and Greystones Golf Club in particular.

2 CATHAOIRLEACH: Okay. Cllr Kavanagh.

3 Cllr KAVANAGH: I would like to second Cllr Fortune's proposal for a suspension of standing  
4 orders.

5 CATHAOIRLEACH: That's fine. Cllr Fox?

6 Cllr FOX: I actually think there is quite a lot of merit in what Cllr Brady has proposed but I  
7 don't think the end of a meeting gives it enough time to consider all - it's quite a...

8 CATHAOIRLEACH: Would you be happy if I put that as an item on the agenda in October?

9 Cllr BRADY: I would like to touch on it because there is certain areas I would like included on  
10 it, so if we could have just five minutes to discuss it at the end of the meeting, certainly I would  
11 like to have a full discussion at the next Council meeting but I would like to touch on it first  
12 before - I agree...

13 CATHAOIRLEACH: It's up to the members. I would say if we are going to put it as a full item  
14 on the agenda in October, we deal with everything then, but as I say it's up to the members.

15 Cllr BRADY: I have no problem with that, there is specific areas I would like to touch on, I  
16 mean we had a municipal meeting in Bray the other night and it's become apparent that there is  
17 going to be issues around the Part 8s, they can be devolved back to the municipal areas, in Bray  
18 the eight members make a decision around houses.

19 CATHAOIRLEACH: You are right, there is a lot of issues, we will put it as on item on the  
20 agenda.

21 Cllr BRADY: There is two items on the agenda here today to do with Baltinglass and Wicklow  
22 Town that should be made at a local level instead of being brought before the Council here. It's  
23 my information that we have the powers to devolve that back to the Municipal. I want a full  
24 breakdown as to what powers can be given back to the Municipal District. If we can have that  
25 included on the agenda for the next meeting.

26 CATHAOIRLEACH: Cllr Cullen.

27 Cllr Tommy CULLEN: I want to send a letter of congratulations to Leo Cullen for the  
28 appointment as coach of the Leinster Rugby team, he has been a great ambassador for sport and  
29 rugby in Ireland and particularly Wicklow.

30 CATHAOIRLEACH: I would personally also like to suspend standing orders to discuss how  
31 Wicklow County Council should respond to the migrant crisis, to see if the Council themselves  
32 feel there is a message we could send in terms of how we could play our part in dealing with  
33 that. Cllr Fortune.

34 Cllr FORTUNE: I don't want to cut across, are you finished what you are wanting to say there?

- 1 CATHAOIRLEACH: Yeah.
- 2 Cllr FORTUNE: Just on a housekeeping matter?
- 3 CATHAOIRLEACH: Is there a seconder?
- 4 Cllr WHITMORE: Yeah.
- 5 Cllr FORTUNE: Could I just ask once and for all, that we sort out the mics. Is there someone  
6 out there trying to get me or something?
- 7 CATHAOIRLEACH: Okay, so could we just - is everybody okay...
- 8 MS GALLAGHER: If you go back to the first suspension of standing orders, are the members  
9 be all agreed, if not take a vote.
- 10 CATHAOIRLEACH: Are we agreed that we discuss Cllr Fortune's proposal?
- 11 Cllr BEHAN: Cllr Fortune has made a valid point about getting these discussions in the last 15  
12 minutes of the meeting. The Barracuda issue is very important, so much so we spent two hours  
13 discussing it in the summer. The suspension of standing orders is happening at 4.30 or a quarter  
14 to five and there is three very big items, how is that going to work? I want to have a discussion  
15 on it yes, but is it possible to have the suspension coming in earlier, perhaps four o'clock?
- 16 CATHAOIRLEACH: Let's just deal with the first one first, if we are going to put the - Cllr  
17 Brady's item as a full item on the agenda in October, do the members still think we should  
18 suspend the meeting to discuss that? I am just wondering, I would like - or do you think it's okay  
19 to just put that as a full item?
- 20 Cllr BRADY: The areas that I touched on there.
- 21 CATHAOIRLEACH: If they can be covered in October you are happy with that?
- 22 Cllr BRADY: I am happy with that.
- 23 CATHAOIRLEACH: That's fine, so then Cllr Whitmore?
- 24 Cllr WHITMORE: In relation to Cllr Behan's suggestion, the agenda item number three in  
25 relation to Greystones Harbour, there may be some synergy with that and be the Barracuda, the  
26 issue of the Barracuda, so that may be a good place to bring in, if we are going to move the  
27 Barracuda up the agenda, that might be a good place to bring that in.
- 28 CATHAOIRLEACH: I am just aware that we have got a couple of people who are external who  
29 are going to be giving presentations, so let's work on that. Cllr Kavanagh.
- 30 Cllr KAVANAGH: You did mention that under correspondence item number 16 that the  
31 Barracuda issue could be discussed. I wonder is it possible to bring that item forward?  
32 Correspondence to bring it higher up on the agenda?
- 33 CATHAOIRLEACH: Yeah, that's what we are talking about here. Could we do it after -- so  
34 kind of a 9A, just after 9, so that we can get to the statutory business and the SIPO presentation.

1 Not the full presentation, just your one about the Barracuda, and we suspend standing orders at  
2 the end of the meeting to discuss the migrant crisis and how we deal with that. Are members  
3 okay with that? Are you agreed? Okay, great.

4  
5 Okay, item number one, to confirm and sign the minutes of the annual meeting of Wicklow  
6 County Council held on the 15th of June 2015. Do I have a proposer? Sylvester and Pat Casey.

7  
8 To confirm and sign the minutes of the Ordinary Meeting with the County Council held on  
9 Monday the 6th of July 2015? Can I have a proposer and seconder please. Proposed by Cllr  
10 Nolan, seconded by John Snell.

11  
12 Item number three, to consider the disposal of 5.7 hectares or thereabouts of land in the  
13 townland of Rathdown Lower, Greystones, Co Wicklow, to Greystones Harbour Property  
14 Designated Activity Company. So there is -- a report has been circulated on this, I would just  
15 like to bring in Cllr Whitmore.

16 Cllr WHITMORE: Firstly I am glad to see there is some activity down at the harbour, the  
17 clubhouses are being finalised now as we speak and this disposal notice would indicate the  
18 residential side of things is going to be moving shortly, which is good because we have had a  
19 building site at the harbour for too long.

20  
21 Specifically in relation to this disposal notice, I do have concerns about the extent of the land  
22 that's included in the notice. The disposal notice is in relation to 14 acres of land at the harbour,  
23 and included in that 14 acres is three acres of land that had originally been part of the public  
24 park. Now -- and I think that that matter primarily should have gone to the Municipal District  
25 for discussion. Now the District Council members were not aware of this disposal notice, we  
26 have had no discussion on it and I suppose now is the opportunity that we have been given to  
27 bring it up.

28  
29 For the members who aren't familiar with the harbour, I suppose as a background in 2007  
30 planning permission was granted for the harbour, and that planning permission was for 341  
31 apartments, a marina, an 18 acre public park, and also some commercial development and a  
32 public plaza and some other things. Shortly afterwards, the economic crisis happened and there  
33 was a downturn in the property market. And as a result the development at the harbour stalled,  
34 and it had stalled to the extent that in 2010 there was indications that the development wouldn't

1 be completed at all. My understanding is as a result of that, the Council granted a Part 8, and  
2 that Part 8 made some changes to the original planning permission. And those changes included,  
3 including a primary care centre, and importantly, actually, increasing the number of residential  
4 properties in the harbour from 341 to 375. The rationale given at the time was that the  
5 development wasn't financially viable for the developer, and if -- in order to make it financially  
6 viable and for the development to be completed that these extra residences had to be given for  
7 development. This, as you can see, if you look at the - if you have the diagram there, the extra  
8 properties that were given planning permission for encroaching into what was originally the  
9 public park. It isn't a small concise area of three acres from the public park, it actually spreads  
10 across the top of the public park, so what essentially it has done is semi-privatised a huge  
11 component of the public park. If you are going to be in the public park with your children or  
12 whatever, you will have a whole row of houses looking down on you, you will feel like you are  
13 in someone's estate. The value of this property is -- at the moment is quite significant, we are  
14 talking tens of millions potentially in profits to whoever does actually sell them.

15  
16 This Part 8 went to An Bord Pleanala, it was appealed to An Bord Pleanala, and at the time, so  
17 this was in 2012, the inspector in An Bord Pleanala in relation to the public park said that, "The  
18 introduction of Terrace 12 into the parkland with its associated structures, roads and parking  
19 significantly erodes the quality of that public space and obviously the quantity of public space,  
20 thereby reducing the functioning, public use and quality of this amenity space. This space has to  
21 be seen as a most important attribute in the selling of this scheme to the community and it's a key  
22 component of the overall development and an essential component to gain community support."

23  
24 Now at the time the inspector's report, he recommended the approval was refused. However he  
25 was overruled by the Board, so the Part 8 stood.

26  
27 Now in 2010, we were in a very different economic situation that we are in now. So I think the  
28 rationale given at the time was that we needed to make this development economically viable in  
29 order to get it completed. That I believe no longer stands. The price of houses in 2010, and they  
30 were continuing on a downward trend at that stage, has been reversed and there is no longer, in  
31 my opinion, no longer -- that rationale does not stand any longer because the value and the  
32 potential value of those properties are enormous. There is also the consideration that it's my  
33 understanding that all public private partnerships have a developer guarantee, and essentially  
34 what that means is if something like a property crisis happens and there is a crash, that the

1 developer has essentially taken out an insurance, so that he can continue to build and build out  
2 that development, so that you are not left with a building site. So the developer in this case has,  
3 my understanding is, a developer guarantee to make sure no matter what happens to the property  
4 prices that he can still build that out and it's still profitable for him.

5  
6 In addition, the primary care centre is no longer being built. That was another part of the  
7 rationale. So from my perspective, the rationale given in 2010 no longer applies, so my concern  
8 is, I am concerned that this land is still being included in the land that is to be given over for a  
9 development, and I am -- I suppose I fail to understand why that's happening. I think we need to  
10 make sure that there is no perception that we are giving over land for to facilitate profits for a  
11 private company. There is -- potentially there might be things happening in the background that  
12 I am not aware of.

13 CATHAOIRLEACH: Cllr Whitmore, you have a specific proposal?

14 Cllr WHITMORE: I am just about to get to that now. Because there hasn't been a discussion on  
15 this, I think as a Council we are not fully aware of what's happening and why we are doing it. So  
16 my proposal is that we defer this vote, that essentially, so it's a long convoluted proposal,  
17 essentially that, "Wicklow County Council details and distributes for discussion the rationale for  
18 the ... (READING) ... three weeks prior to the October Greystones district meeting for a  
19 discussion at that meeting and that the final disposal notice be put forward for a decision at the  
20 November Ordinary Meeting of Wicklow County Council." (Quoted). That's to ensure if we are  
21 signing off on it, we all understand why we are signing off it and what it means to be signing off  
22 on it.

23 SPEAKER: Cllr Fortune, your microphone will be fixed by the next meeting I have been told.

24 Cllr FORTUNE: I have countersigned that proposal with Cllr Whitmore and as the background  
25 and the history that Cllr Whitmore has put forward makes sense, so I am not going to repeat it  
26 all. We have already discussed it, the two of us, but essentially what it comes down to is there  
27 was three acres of land handed over and the rationale was that it was done for economic reasons,  
28 which we would argue strongly that doesn't apply anymore. Before we proceed and put all these  
29 things in place, we need to sort that out. So what we are asking is as proposed before you, that  
30 this just be taken off the floor today, defer it. It should come back to District Council in the first  
31 place, let us discuss it, and then bring it back in a format we can all agree on.

32  
33 Also in tandem with the background letter that has come out to us, there is issues that need to be  
34 discussed in that as well, for example with the new company that's being put together, it's

1 basically saying that the PP configuration can transfer the land over, I know that comment relates  
2 to the housing, but there is questions that need to be clarified. It gets back to the point again that  
3 Cllr Whitmore made. We need to understand this fully before we allow it proceed. I think  
4 indirectly, in a way, it maybe ties into the discussion we are going to have later on in relation to  
5 the Barracuda and properties that the Local Authority own and the set-up of them and how  
6 they're structured and what should happen with them. I think it's all related, I think it would be  
7 fool hardy to proceed with this at this moment and time. The other question we would like to  
8 ask and will ask at the district when it comes back, does that give the company for example the  
9 ability to change the planning going forward or we would say that would have to come back to  
10 the Chamber here before they could do that? Maybe that horse has bolted and I want to make  
11 sure it hasn't because I think it's a relevant point. I do think we need to have a better  
12 understanding, we need to be better informed about the various properties that the Local  
13 Authority has ownership of, in whatever guise, before we allow this happen, and so I think it's  
14 essential today that we take this off the agenda and allow it to have full discussion so we can  
15 make a proper discussion in the interests of the public on this.

16 CATHAOIRLEACH: Cllr Mitchell.

17 Cllr MITCHELL: Thank you Cathaoirleach. Yep, I have no problem with a discussion on it.  
18 This project has been ongoing for about 15 years and has been very, very complicated.  
19 However, I think people have portrayed it in a very negative light. What's happened here is that  
20 we have got, put Greystones very firmly on the marine map of Ireland, something it hadn't been  
21 on since the harbour collapsed in 1895. And this Council completely ignored Greystones  
22 Harbour since 1895 when it collapsed and I think it's a disgrace what this Council did in terms of  
23 ignoring it and letting it fall into rack and ruin. Now we now as a result of this contract, we have  
24 had this developer spending 70 million or so building the sea walls, he is also currently spending  
25 about ten million building clubhouses for the Sea Scouts, rowers, anglers, divers, sailors, five  
26 different clubs and has provided a site for the Coastguard station. So this is a very positive  
27 development and one of the most valuable public facilities there, apart from the creation of a  
28 major marine environment for the town of Greystones, is the creation of a very large public  
29 square, something about the size of Smithfield in Dublin which will be constructed by around  
30 the summer of next year. And that is in hand at the moment. So the - that to me is one of the  
31 most valuable public spaces there is in this. The public park, at the north end of the town which  
32 is being referred to here is useful, but it's always been a very cold place, anybody who played  
33 soccer up there would know that. It's not particularly useful as a public park, nothing compared  
34 to the public square which is set up for town events and to make it a town focal point. So there

1 is enormous number of benefits for the town of Greystones in this.

2  
3 Of course not everybody wants to see the 375 or whatever it is homes, but there is also a  
4 considerable need. The developer has probably spent in the region of 80 million. It's cost the  
5 taxpayer nothing to produce this, and I would estimate -- even with the rise in houses, which has  
6 happened in recent years, there is still nowhere near for apartments what they were in the boom.  
7 If you ask anybody in Charlesland, a very large estate in Greystones, they'll tell you there are  
8 serious problems of negative equity there. The developer is still going to lose a very large  
9 amount of money on this and I think we should be very careful to implement the agreement and  
10 keep the project moving. It did slow down, we made a little bit of progress every year, but it has  
11 kept moving every year, a lot slower than we had hoped and I think we need to keep this project  
12 moving in. In the most recent months, it's been moving at great speed but I don't think we  
13 should be delaying this project and if there is a risk of delay. It stopped as I say, nearly stopped  
14 for a good bit, and I think we should pass this after a proper explanation on some of these issues.

15 CATHAOIRLEACH: Great, thank you. Cllr Lawless.

16 Cllr LAWLESS: Thank you Cathaoirleach, I am in agreement with Cllr Whitmore and Cllr  
17 Fortune. Again we are going back to public space, there has been a lot of controversy about the  
18 harbour and about public use and elitism down there, who can use it and who can't. And there is  
19 going to be an absolutely fantastic plaza square that Cllr Mitchell has mentioned, but a park is  
20 very essential. Houses are starting to sell again, it needs to be re-looked at. We can't just be  
21 handing over chunks of land willy-nilly without having a full look at it again. And as far as the  
22 park being cold and on the Cliff Walk, I know Cllr Mitchell you have mentioned this before and  
23 at a local level, hats and scarves are quite essential, so that shouldn't be a problem. I do think  
24 that this should go back to the Municipal District, that we can just have another look at it, make  
25 sure we have the correct information before we actually make a decision on this. Because it's  
26 prime location, prime property, and again we don't want situations where stuff is just being  
27 handed over without thought being put through it. So I would agree with Cllr Whitmore and Cllr  
28 Fortune on this decision.

29 CATHAOIRLEACH: Cllr McLoughlin.

30 Cllr McLOUGHLIN: I am happy enough for it to go back to the Municipal District to be  
31 discussed. Listening to what people are saying, it obviously needs to go back to be discussed  
32 because I think there might be a little bit, I wouldn't say misinformation, but non knowledge of  
33 the situation would be better. I think it needs to be said, there was never ever stated in  
34 Greystones that the whole project was going to be stopped in 2010. It was various residents of

1 Greystones who brought that up in the public media, but the Sisk, or Wicklow County Council  
2 never ever said it was going to be halted and there was never any situation where it was going to  
3 be halted and I just want to put that on the record.

4  
5 Having said that, as Cathaoirleach of Greystones Municipal District, I do think it should have  
6 come to us, Sean, before it came to us for the Council, so we wouldn't be having this  
7 conversation back and forth and I am happy to bring it and maybe even have a Special Meeting  
8 about it, but we can discuss that after.

9 CATHAOIRLEACH: Cllr Walsh.

10 Cllr WALSH: Just a question for the Director, have contracts been signed or -- we have to be  
11 careful not to delay the project. There has been -- as Cllr Mitchell pointed out, there has been  
12 significant movement in the development over the last two years in particular, so just as to where  
13 we stand legally with contracts, etcetera.

14 CATHAOIRLEACH: And I'll bring in the Director.

15 DIRECTOR QUIRKE: Thanks Cathaoirleach. Look I think it's very important, if you look at  
16 the map in front of you, there is three different processes involved, a planning process, which has  
17 gone through An Bord Pleanala which granted revisions to the scheme that included the houses  
18 to the north of the scheme, which is that line of houses there. Cllr Whitmore is incorrect in  
19 saying that the number of houses has gone up to 375, it's currently at 358. I have stated that  
20 publicly, I have stated it at the Municipal District Council meeting which you attended. She is  
21 also incorrect to say there is tens of millions of profit to be made out of these houses. That's just  
22 not the case. Those figures are wild. There are three different processes as I have said. There is  
23 the planning process and the planning for the housing on the map that you see in front of you is  
24 what's granted. We cannot revisit that planning process. It's gone through An Bord Pleanala and  
25 we can't second-guess that.

26  
27 The second process is the Section 183, which is before you at the moment. The Section 183  
28 didn't go to the Municipal District meeting because it's a function of the full Council. It had no  
29 business being on the Section 183 - or on the Municipal District agenda. We have been - I  
30 would safely say and any of the members are open to contradict me, that Greystones Harbour has  
31 taken up more time on the Greystones Municipal District meetings than any other item. I fail to  
32 understand how anybody could have a lack of information on it at this point and time.

33  
34 Cathaoirleach the third and important element of this is the PPP contract. What's proposed here

1 today is what we are contractually obliged to do. I know there is some discussion about the  
2 park, but you have to bear in mind, there is no park, and you also have to bear in mind what pays  
3 for the park. What pays for the park is the residential development? So if a decision is deferred  
4 here today, let me be quite clear, 100% clear about it: This will delay the scheme. We are  
5 finalising revisions to the contract at the moment to bring in a new partner for Sisk. We are  
6 required to do this as part of the contract and the new partners wanted this in place so they could  
7 have confidence that the scheme can proceed in the manner that we are contractually obliged to  
8 do.

9  
10 Cathaoirleach other thing to be clear about here today is what is happening: The disposal notice  
11 is to dispose of the land from Wicklow County Council to the Greystones Harbour Property  
12 Designated Activity Company. That is a company wholly owned and controlled by Wicklow  
13 County Council. The members in May nominated two members to go on to that as directors,  
14 Cllr Walsh and Cllr Mitchell. So this isn't transferring land to anybody else. The function of  
15 this is to allow for the completion of sales when the houses are developed, and that Section 183s  
16 are not coming back here in front of the Council every time a disposal of a house needs to  
17 happen.

18  
19 Cathaoirleach as I said to you, we are contractually obliged to do this. This is not optional. If a  
20 decision here is made not to do it, then I have to advise you that we will be -- we won't have  
21 complied with the terms of the contract. That's my advice to you. I would say to you we need to  
22 get on with this, we need to start the housing development, which it's hoped to do in the next  
23 couple of months. If this is deferred, that won't happen.

24 CATHAOIRLEACH: Okay. Cllr Whitmore?

25 Cllr WHITMORE: Can I just come back on that? The stats or the figures I used of 375, I took  
26 that from An Bord Pleanála, from the inspector's report. Now every month we have an update  
27 on Greystones Harbour, and there is updates on dog bins and benches and everything else. This  
28 issue, the issue of the disposal notice, was not raised at any of the monthly updates. I am open to  
29 be corrected on anything that I said, but if we had had the discussion and if we had been  
30 informed at the last district meeting, we wouldn't be having this discussion now.

31  
32 Cathaoirleach suppose I have a question, you are completely right that the residential  
33 development is paying for the park, but in 2007 when the planning permission was granted for  
34 the original development, at that stage the cost of the park would have been factored into that.

1 Now I fail to understand why we are nearly ten years later when the property prices are  
2 essentially back to where they were when the discussions had started, not to the peak, well in  
3 2002 when discussions about the harbour had started, we would be back roughly to around that  
4 time. We are certainly back to above where it was in 2010. So I don't see why we are now  
5 giving additional houses in order to pay for a park that had been agreed to in 2007.

6  
7 Cathaoirleach again I stand to be corrected and what I am looking for is for the Council to  
8 actually come up with the rationale for this, and to explain it to us and justify it so that we are all  
9 comfortable in signing off on this disposal notice. None of us want a delay on it, but we need to  
10 be comfortable in signing off on this thing.

11  
12 Cathaoirleach you say that we are not transferring this land to the developer, we are transferring  
13 it to a company that's been set up by Wicklow County Council and that's absolutely correct.  
14 However, that company is being -- has been set up to facilitate the development of those  
15 properties and for the sale to the public. So once it goes into that company, us as a Council have  
16 absolutely no say in what happens in that. And that's my concern that we need to address this  
17 matter now before it gets sent over.

18  
19 I have a question for the Director, following the 2010 Part 8, was there a change in the contract  
20 at that time to make sure that this land was part of it? I mean that's a genuine question, I am not  
21 sure if that was the case and again if that's the case, then obviously we may not have as much  
22 flexibility in signing this off but I think it's something we need to address.

23 CATHAOIRLEACH: Thank you, Cllr Fortune.

24 Cllr FORTUNE: Thanks Cathaoirleach, the -- I would like to come back on a couple of points,  
25 I'll support again what Cllr Whitmore is asking. There is no negativity about the particular  
26 questions we are asking at all. What everyone wants in the area now is the project finished, but  
27 at the same time we as public representatives have responsibilities and the first responsibility is  
28 we need to be clear and have an understanding, and I would be concerned about a comment that  
29 the Director passed and he is probably correct, but it ties back into what Cllr Brady said earlier;  
30 and roughly what Sean said was this particular item has no business at the District Council, it has  
31 to come to a full Council. I think that's ridiculous. The District Council has six members who  
32 are fully in the area, most of the Councillors here probably don't know the history, don't know a  
33 lot about the whole project, so I think it's absolutely anti-democratic, wrong in every sense of the  
34 word, not Sean's fault at all, that this isn't discussed at the thing. And all we are asking is that it

1 be deferred. Not delayed.

2  
3 Continually, the history of the project is when you raise a question, you are seen as being  
4 negative and delaying things. That's unfair, that project has been delayed for a number of years  
5 and we could go into all the reasons and have big debates about who is right and who is wrong.  
6 The facts are there is a simple request here being asked, that this be brought back to the District  
7 Council so we can have a proper discussion. There is absolutely no doubt that when this land,  
8 three acres was handed over, the plain language rationale for it was that because of the economy,  
9 the way it was gone, we had to make the project viable. We could debate with the Director  
10 whether there is -- what profits are coming out of it, but the simple solution to all of this at this  
11 stage is also for the contract that's there to be made public.

12  
13 We as public representatives should know at this stage of the game what the contract is all about,  
14 what the details are, what's in it. We should no longer be told it's confidential, it's secret. That's  
15 part of the problem. At the end of the day, speaking for myself, I have no interest in coming into  
16 this Chamber and nodding off something, or signing off something that I believe I don't have all  
17 the information. If that's wrong, it's not wrong as far as I am concerned. I am doing this in the  
18 public interest. If someone comes and asks me a question, like someone did recently and I wrote  
19 to Mr Murphy about it, they come and ask you a question, my responsibility is to get that  
20 question answered whatever way I can. What Cllr Whitmore is saying is fair, it's open, and I  
21 totally throw back at Cllr Mitchell, don't keep throwing at us when we ask a question that we are  
22 being negative. We want things done right. We want to know what's being done.

23 CATHAOIRLEACH: Cllr Fox.

24 Cllr FOX: My only difficulty here is there is 32 members here going to make the decision on  
25 this, yet the discussion is going to be with six. I would like to have the facts myself personally.  
26 I have no problem with the Greystones Councillors having the discussion at the Greystones  
27 municipal level, but the decision comes back here under the legislation, so in effect, you are  
28 going to have six councillors fully informed, and 26 not. But apart from that, just on the actual  
29 timeline, it's obviously -- the scenario here is this is going to delay it slightly. Maybe there is a  
30 Greystones meeting in September, Tom, I think. If it could be squeezed into the October  
31 meeting, instead of November, that the Greystones Councillors could have their discussion at the  
32 end of this month at municipal level and we will come back in October, we're talking a three or  
33 four-week delay, that wouldn't be the end of the world, Sean, would it?

34 CATHAOIRLEACH: Let me just go on here before we ask that question, Cllr Cullen.

1 Cllr Tommy CULLEN: Sorry Chairman, yeah, just listening to what Mr Quirke was saying  
2 there, how did you sign a contract that would pre-empt the decision of the elected members to  
3 dispose of property?

4 CATHAOIRLEACH: That's it? Yeah.

5 Cllr Tommy CULLEN: It's an important point, you say that we are legally bound, how can we  
6 be legally bound? How can you sign a contract that will guarantee to a developer that the elected  
7 Councillors will sign this site to the developers without it first having come to the elected  
8 members for a vote? Wasn't that surely putting the cart before the horse?

9 CATHAOIRLEACH: Cllr McLoughlin.

10 Cllr McLOUGHLIN: I am just looking at the diary here, I think we probably could call a  
11 Special Meeting before the end of September and therefore have it back on the agenda at the end  
12 of October. That wouldn't delay too much.

13 CATHAOIRLEACH: Okay, Sean.

14 DIRECTOR QUIRKE: I'll maybe deal with the last question first. This scheme as Cllr Cullen  
15 would probably recall was debated long before the contract was signed and it's in the  
16 Development Plan as an objective, that the developer will provide the public amenities, which  
17 are the park, the break waters, clubs, a site for the coastguard station and the marina. And under  
18 that, in the Development Plan, it provides that he can do that with, and fund it through the  
19 construction of up to 375 housing units, together with commercial development. So to say that it  
20 hasn't come before the members before just doesn't wash. This goes back to 2003, that's 12  
21 years ago at this stage. It's still in the Development Plan as an objective. If you take the  
22 Development Plan as being a contract between Wicklow County Council and the public, there is  
23 your first contract. I think it's important to go back in relation to Cllr Whitmore's comments  
24 about the number of units.

25  
26 When the contract was signed which was 2007, it was signed on -- or when the proposal first  
27 came, there was 375 units in it. An Bord Pleanala wanted an amendment which brought it down  
28 to 341. So it was 341 units in December 2007. Now the decrease in the value of housing that  
29 happened subsequent to that made the scheme entirely unviable from a commercial point of  
30 view, but that really I suppose wasn't our concern in that we were insisting that the contract be  
31 built out. It was still open to the developer, to our partner, and it's a legal partnership, it was still  
32 open to our partner to come in with proposals to bring the residential units back up to 375,  
33 because that's what the Development Plan provides for. In the event, they're now at 358, they're  
34 still below the level of development that is catered for in the Development Plan, and that's open

1 to them to apply for. So I am not sure -- you are saying that the value of the houses in 2003, 375  
2 houses was in excess of what it is now, yes, but it was already reduced in 2007 by An Bord  
3 Pleanala and has now just been brought back up to -- or in 2011 was brought back up to 358.  
4 You have taken the figure out of An Bord Pleanala's report, but you haven't taken into  
5 consideration the conditions that were attached to the permission, which provided for a rejig of  
6 the apartment blocks and a consequent reduction in the number of residential units. You haven't  
7 taken that into account.

8  
9 Cathaoirleach look from the point of view of -- it can go back into the Municipal District. It will  
10 delay the process that's going on at the moment. Let me be quite clear about that. We are  
11 hoping to finish negotiations with Sisk Par in the next couple of weeks. It's on the critical part,  
12 the decision of the members here today. That will consequently delay the construction of the  
13 housing units.

14 CATHAOIRLEACH: But if we delay this by a month and put it on to the October agenda, does  
15 that mean we are going to delay the project by a month or a bigger delay?

16 DIRECTOR QUIRKE: It will delay the project by a month, at least.

17 CATHAOIRLEACH: From a sense of what people around are saying, even though it's not  
18 officially necessary to put on the Municipal District agenda, maybe legally, I do think it's  
19 important that these things are thrashed out at Municipal District level, that's the way it should  
20 operate and when it comes here there won't be these kind of discussions. In terms of trying to  
21 move it on then, is that right, in terms of what I am hearing, that members would like to call a  
22 Special Meeting of the Municipal District. Can I have a proposer for that?

23 Cllr WHITMORE: I'll propose.

24 CATHAOIRLEACH: And seconded that there is a Special Meeting of the Municipal District in  
25 Greystones called and that then based on the result of that, we put it on the agenda in October for  
26 a decision. Is that okay Sean?

27 DIRECTOR QUIRKE: That's your decision.

28 CATHAOIRLEACH: Is there anything crazy that we may not fully understand the implications  
29 of is really the question I am asking you?

30 DIRECTOR QUIRKE: The implication is that it will delay the signing of our agreement with  
31 Sisk Par and the construction of the housing.

32 CATHAOIRLEACH: By a month?

33 DIRECTOR QUIRKE: At least.

34 CATHAOIRLEACH: Okay. Okay, would it be okay if we just leave it there then as we have

1 made that decision. Okay, great. Thank you Sean. Item number four, to consider the disposal  
2 of 1.56 acres of land in the townland of Victoria Road, Greystones, County Wicklow to  
3 Greystones United football club by way of lease for the period of 25 years from the 1st of July.  
4 Okay, Cllr Fortune.

5 Cllr FORTUNE: I would propose that we would proceed with that.

6 CATHAOIRLEACH: Cllr Walsh.

7 Cllr WALSH: I would like to second that, it's an amalgamation of two existing clubs,  
8 Greystones AFC and Greystones United, they're amalgamating, which is a sensible arrangement.

9 CATHAOIRLEACH: Are we all agreed with that? Great, thank you. Number four, to consider  
10 the disposal -- number five, to consider the disposal of leasehold folio, 1 Pollards Terrace, Green  
11 Park Road, Bray to Thomas Kinlan. Any proposals for that? Cllr Fox proposed. A seconder  
12 please? I'll second that. All agreed?

13  
14 Number six, to consider the disposal of leasehold Co Wicklow, being 60 Wolfe Tone Square  
15 West to Peter and Carmel O'Connor of 60 Wolfe Tone Square West. Proposed Christopher Fox,  
16 seconded John Brady. All agreed? Thank you.

17  
18 Number seven, to consider the report in accordance with Part 8 of the planning and development  
19 regulations 2001 in respect of Fitzwilliam Square public realm, Fitzwilliam Square Wicklow  
20 Town. Cllr Kavanagh?

21 Cllr KAVANAGH: I hope people have had a chance to look at this because it's been ongoing  
22 for a number of years, the proposals for Fitzwilliam Square and I am asking the Councillors  
23 today not to approve of this proposal. The background to this is that back in -- a few years ago,  
24 at least 2012 anyway, proposals were put forward and at that time the people of Wicklow Town  
25 marched on the Town Council and presented a petition with 1,100 signatures to the mayor of the  
26 day asking that this process wouldn't go forward. I am not sure if people are aware of it,  
27 Fitzwilliam Square is a triangular green area in the centre of town and the proposal is to close off  
28 one of the roads there to make it into a pedestrian area. Now the Main Street of Wicklow Town  
29 is an area of architectural conservation, and it is my opinion that a modern plaza in a Victorian  
30 square is not conducive with an area of architectural conservation, and while I appreciate that  
31 some people in the town want to change it, there are mixed feelings, there are a sizeable number  
32 of people who don't want to change it either. They do want to see the park opened. They do  
33 want to see a nice garden area there. And seating area. But they don't want a modern plaza. We  
34 already have a modern plaza at the Market Square in Wicklow Town which has been a disaster

1 and we have had to live with the consequences of that for a number of years, so bearing in mind  
2 that a sizeable percentage of people don't want it and they're the people I am representing here  
3 today; bearing in mind there is the ACA there; and the third point is the traffic management  
4 layout for that area, I believe is not the most effective traffic management plan that could be  
5 there. I foresee problems, a pinch point at Phil Healy's hill where traffic will have to go up and  
6 down that narrow road, which is to be narrowed even further by a wider footpath. I think we are  
7 going to have a lot of traffic problems there with cars coming in from the Port Road and getting  
8 on to the Port Road. So I am advocating that we don't approve this plan, thank you.

9 CATHAOIRLEACH: Cllr Winters?

10 Cllr WINTERS: Thanks Cathaoirleach. Cllr Kavanagh is correct, this has been I suppose a  
11 contentious issue within the town over the last couple of years. Certainly the original proposal  
12 put forward for the Part 8 for Fitzwilliam Square was literally a concrete jungle, and that was  
13 discarded and then we had option two, which was certainly much more sensitive to the period of  
14 the time, but we felt wouldn't address the traffic concerns that -- some of which Cllr Kavanagh  
15 has just mentioned. This is option three, where we have introduced more one-way roads to  
16 allow for free movement of the traffic. I know that there are still probably some finer design  
17 details and I do agree with Cllr Kavanagh, I don't think the footpaths outside Phil Healy's should  
18 be widened any further, they are amply wide enough at the moment and we do need the space on  
19 the road to allow two lanes of traffic to operate freely. But I would actually like this to be passed  
20 by the members today. I feel that it -- certainly all of the businesses in the centre of the town  
21 have approached me and looked for support for this, they feel that it will bring business to the  
22 town.

23  
24 One of the things that we actually spoke about at the Municipal District meeting when this was  
25 brought up was to ensure that people could use it properly, that we would actually remove  
26 residential parking and long-term parking from the Church Street car park, so that people who  
27 come into the town can find parking close to what will be a pedestrianised area. And I actually  
28 think it will be a benefit to the town and I would like to ask the members to support it.

29 CATHAOIRLEACH: Thank you, Cllr Casey.

30 Cllr CASEY: Equally, I'll be supporting this measure here today. And I equally too was aware  
31 of the issues that were raised on the previous time when this was discussed at Town Council  
32 level, which I wasn't a part of, but I was aware of. One of the major issues at that time was the  
33 heritage and the protection of the railings around the monument, and the opening up of the  
34 monument and that's been addressed in this plan. Almost 90% of the railings are being kept and

1 put back in exactly the same position that they are in today. And in relation to the trees, whether  
2 we do this proposal or not, the trees have to be removed one way or another because they're  
3 damaging the walls, they're damaging the footpath and they're damaging the road, so the trees  
4 have to come out. In relation to creating a civic open space, I think this is critical for the  
5 Wicklow Town moving forward if we are going to attract people into the centre of our towns,  
6 that we have areas like this, that we can sit out in the open and have your cup of coffee in this  
7 civic open space. While I know there might be marginal issues in relation to widths of footpaths,  
8 that can be dealt with in the process once we adopt it here today. But I think the overall thrust of  
9 this, I think it's a very worthwhile project for the town, it shows a future vision of how the town  
10 could look in years to come. I think the concerns in relation today heritage and the heritage of  
11 the monument have been dealt with in this proposal and I'll have no problems in seconding the  
12 Cathaoirleach's proposal in relation to this today.

13 CATHAOIRLEACH: Thank you, Cllr Cullen? Yeah, it is sorry.

14 Cllr Shay CULLEN: Thanks Chairman, I too would like to support the Part 8 that's in front of  
15 the members. We have had extensive discussion on this over the last few months, and certainly  
16 the way the area of Fitzwilliam Square is at the moment, it is in a dilapidated condition. The  
17 walls are crumbling away. The railings need attention. The trees need to be cut. They're not  
18 sufficient for that area of the town. And I think the work that would be -- is proposed in front of  
19 you would be a huge addition to the town, I think it would bring a renewed energy to the town  
20 that is badly needed at the moment. And I certainly do believe with the addition of maybe the  
21 road changes that are proposed here, that it would enhance and improve the traffic situation  
22 through the town, so for those reasons, I'll be supporting what's in front of the members.

23 CATHAOIRLEACH: Okay, thank you. Cllr Snell?

24 Cllr SNELL: Thanks Cathaoirleach, yeah, I suppose through the Municipal District, we have  
25 debated it at length. Prior to our time, it would have been discussed through the old Town  
26 Council, where the members actually voted against this, and I do accept that it was a totally  
27 different plan than the plan that's presented here today. I myself have major concerns in regards  
28 to the smoothing irons and the historical value and the heritage that's involved in Fitzwilliam  
29 Square, and I raised it, but I would like to put it on record that the officials, Margaret Hartnett,  
30 David Porter, Lorraine Lynch, in fairness at every issue we brought up, they tried to address it,  
31 so the plan that's presented here today is vastly different than what has gone before the public in  
32 the past. But having said that, I take my lead from members of the public who thankfully put me  
33 in here to represent them, and the vast majority that are coming to me who actually want this to  
34 remain as is, I do accept. And Councillors have spoken about the trees would have to come out

1 anyway and I do agree with that, it would take an awful lot of work in regards to the walls. I  
2 think it's not -- the plan as a whole isn't the worst plan I have ever seen, but having said that, the  
3 people of Wicklow Town are the ones that's going to be left with this legacy after the decision is  
4 made. It's ironic that in 2013, the year of The Gathering, that the Town Council in conjunction  
5 with Wicklow County Council put out a postcard which was to be sent throughout the four  
6 corners of the world to encourage our Diaspora back to Wicklow Town in particular, and in that  
7 postcard was a photograph of what Fitzwilliam Square looked like in 1913 and what it looked  
8 like in 2013. And the changes were very slight to say the least. And I think that's the way the  
9 people of the town like it, that's what they wanted.

10  
11 Having said that, there has been options given to people to make submissions for and against.  
12 There certainly was a turn out of people who did make their feelings known back in 2014 to the  
13 Town Council, but unfortunately I won't be supporting the Part 8 today Cathaoirleach.

14 CATHAOIRLEACH: Cllr Cullen.

15 Cllr Tommy CULLEN: Yes Chairman, I think they call it architectural vandalism and I just see  
16 in the last few years in Wicklow that there seemed to be absolute disregard for the architectural  
17 heritage and park lands of the county. If you go into any town, any villages, it seems to be all  
18 about paving it with this cheap Chinese granite pavements imported 15,000 miles from China,  
19 stuck down with a couple of geeky lights in the pavements, and a couple of stainless steel silver  
20 benches and a couple of plastic trees and it's supposed to look wonderful. And we are throwing  
21 out hundreds of years, and decades of the heritage of our towns and villages. And there was a  
22 time that would have been called -- this type of proposal is called plastic heritage. And it's like  
23 these nameplates here, we had wooden nameplates here and they were there for 20 or 30 years  
24 and someone said we better put them in plastic. Everyone says that seemed to be a great idea,  
25 but either we show respect for heritage or we don't, either we show respect for our open spaces  
26 or we don't, or either we show respect for wildlife and fauna or we don't. And it just seems to  
27 me to be another example of somebody saying there is a budget, draw up a plan by some  
28 consultants, they draw up some plan, spend 100,000 on it and tell the people it's good for them  
29 and give it to them with a plastic spoon and a plastic tree. And they'll all clap their hands and  
30 say isn't that great, progress is great. It seems to me to be a version of the 1960s when we  
31 destroyed half of Georgian Dublin and replaced it with some glass and steel and horrendous  
32 looking obstacles. When we are looking back at this here, it's late Victorian Edwardian type of  
33 development and that's going to be destroyed and we are going to say replace it with Chinese  
34 granite and some plastic lights and plastic trees that will die in a year or two and say it's

1 wonderful, but it will look an obscenity. I think we should preserve the heritage we have, and  
2 not simply making employment for these town consultants, these so-called town planners. The  
3 only people who wants this are these people who are making money by drawing up these plans.  
4 I would agree with Cllr Kavanagh and Cllr Snell and that, we have to protect other heritage,  
5 either we are serious about it or we are not.

6 CATHAOIRLEACH: Cllr Casey.

7 Cllr CASEY: Just maybe a few points of clarification, we are talking about the scheme in front  
8 of us today. In relation to the public objection was to the first scheme, which was put before the  
9 Town Council. This scheme, as the two Councillors who are not supporting this today have  
10 clearly identified, this is a completely different scheme than what we were looking at two years  
11 ago.

12  
13 Cathaoirleach relation to architectural vandalism, I think Cllr Cullen is stretching the  
14 imagination a bit, I would say he doesn't know what's going on in Fitzwilliam Square to make  
15 that statement in the first place. Every single piece of iron and wrought-iron in relation to that  
16 whole square is being kept intact to protect the heritage of Wicklow Town. I just want to make  
17 them points clear.

18 CATHAOIRLEACH: Before we go for a vote, Cllr Kavanagh.

19 Cllr KAVANAGH: It's not an entirely different scheme, the only difference is that the railings,  
20 or 90% of the railings are being kept now, where they were to be done away with. In actual fact,  
21 the road heading down towards the beach is being closed off and turned into a plaza itself. That  
22 hasn't changed since the first plan that was always in the plans. That element which is the major  
23 component of it has not changed. The only thing that's changed is that the railings are being left,  
24 unfortunately I do agree that the trees have to go because they are causing damage, but that's not  
25 really in the equation here and I would like to thank Cllr Cullen for his support, because I do  
26 agree with him that we are destroying the heritage of our town.

27 CATHAOIRLEACH: Okay, all right, thank you very much, members. A good discussion. I  
28 think we should go for a vote on this now. Do you want to come in Lorraine.

29 MS GALLAGHER: This is a scheme that's come before the Town Council on a couple of  
30 occasions and the Municipal District, and there has been changes to the scheme as mentioned by  
31 Cllr Winters and Cllr Casey. It is a scheme that does, has changed and has done an awful lot of  
32 work. The change has been made to protect the architectural heritage that's there. It's also a  
33 scheme that's devised to address a certain amount of traffic management and accessibility issues  
34 around be that square and it goes a long way to do that.

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The scheme as presented and has been recommended by the Municipal District does address a lot of the concerns that were there, if we take the submissions that were received when it went out on public display, the majority of those submissions were in favour of the scheme and substantially different response than what would have been there 12 months or the previous occasion. As district manager, I would be recommending.

CATHAOIRLEACH: Okay, let's go for a vote.

(Vote taken)

MS GALLAGHER: That's 19 for, nine against, three not present and one abstaining, so it's passed.

CATHAOIRLEACH: Okay, item number eight to consider the report in accordance with Part 8 of the planning and development regulations in respect of Baltinglass town centre refurbishment. Cllr Ruttle.

Cllr RUTTLE: I would ask that this matter be deferred until the October meeting?

CATHAOIRLEACH: Okay, and a particular reason for that?

Cllr RUTTLE: Just for a bit of consultation on the ground, that's all.

CATHAOIRLEACH: How long have you been discussing this, about two and a half years, is it?

Cllr RUTTLE: I know that, but I am just giving it a month, okay.

CATHAOIRLEACH: Do you have a seconder for that? Sorry just so I get the seconder.

Cllr FOX: I'll second it.

CATHAOIRLEACH: Christopher Fox okay. Cllr O'Neill.

Cllr O'NEILL: I was just going to second that, I know it's kicking the can down the road a little bit on this one again, but I would be anxious we would come to a conclusion here, because in general I think it's a good plan for the town and as you all know the Lawlor Centre is situated in the town, which means there is a lot of people around with disabilities and whatever, wheelchair, and the footpaths on the roads in Baltinglass, hopefully we will avail of this money, this funding, it would be a shame to lose the money and I know the people of Baltinglass would not like to lose the funding. So hopefully this meeting will go off well tomorrow with towns people and we will move on.

CATHAOIRLEACH: Is that unanimous amongst the members of the -- Cllr Timmins.

Cllr TIMMINS: Thank you Chairman, I have no issue with this being postponed for another month, it's gone on two and a half years. I find it quite extraordinary because at the local area

1 meeting, I raised a couple of really serious concerns about the plan and I was opposed to add my  
2 concerns, by the officials and some members. And they stated that this goes through as quickly  
3 as possible. I want it to go through quickly, but I wanted my concerns dealt with. They weren't  
4 accepted. I was -- I lost the vote on that along with two other members. I just find it  
5 extraordinary that now it's being postponed again when it was actually in my view pushed  
6 through with haste at our local area meeting towards the end of July, 27th of July. I have no  
7 issue with this being postponed to October, but I just find it ironic that when I raised concerns, it  
8 was "no let's get it on to September and get it over with." And now people have changed their  
9 mind, they want to put it back another month. Anyway, so be it, let's hope we get it resolved in  
10 October.

11 CATHAOIRLEACH: Just, through the Chair please, Cllr Vance.

12 Cllr VANCE: I would like to know when is this Council going to start making decisions on  
13 anything? Everything that's on the agenda like we put it back for another month, being  
14 discussed. Even when the municipal authorities have discussed it and it comes here, we put it  
15 back to municipal authorities again. The one in Greystones was because it hadn't been discussed  
16 at the municipal authority, so it goes back to the municipal authority again. It's absolutely  
17 ridiculous, no business done here at all. 25 minutes today before we even started the meeting  
18 because all the various other things they were on about. When are people going to start doing  
19 what they're paid to do down here and start making decisions? It's a ridiculous situation we have  
20 here.

21 Cllr O'NEILL: I do tend to agree with Cllr Brady here. We have those responsibilities at  
22 Municipal District. It is a bit ironic. We in West Wicklow, we know what's going on, we know  
23 what the ins and outs of it.

24 CATHAOIRLEACH: Okay, so is it agreed that we are putting this off until the October  
25 meeting? Is that agreed or do we want a vote? Agreed, okay fine. Could I ask that you have all  
26 the issues resolved so when we bring it back we do have a decision on it. Item number nine, to  
27 receive a presentation, this is the Standards in Public Office representative from that, Ms Sherry  
28 Perreault, this is to do with the regulation of the Lobbying Act 2015, so it's an important Act that  
29 we are hugely involved in and I think it's important that we know what, if any, our  
30 responsibilities are, or the people that we might be interacting with.

31 MS PERREAULT: Thank you very much. Thank you for the opportunity to be here today. I  
32 wanted to take advantage of the invitation that I received to come and speak with you Local  
33 Authority members regarding the regulation of the Lobbying Act. The purpose of my  
34 presentation today is to provide you with an overview of the Act's provisions, what the Standards

1 Commission's role is in regulating lobbying and most importantly what will be the impact be on  
2 local authorities?

3  
4 Cathaoirleach first I would like to start by saying that lobbying is a legitimate and essential part  
5 of the democratic process. The regulation of lobbying and the introduction of this legislation is  
6 not meant in any way to impugn lobbyists or the act of lobbying, nor is it meant to discourage  
7 designated public officials from meeting with lobbyists. What the register proposes to do is  
8 make transparent what is already happening, to enhance public confidence by shining a light on  
9 lobbying activities. The regulation of lobbying does not and should not affect day-to-day  
10 interaction with elected and appointed representatives. And designated public officials, such as  
11 Local Authority members, are going to play a very important role in helping support the  
12 regulation of lobbying.

13  
14 I would like to just give you a very quick overview of what the approach is to doing this. The  
15 first is that the Lobbying Regulation Act requires the registration of lobbyists. Lobbyists, people  
16 who are conducting lobbying activities and I'll get to who they are in a moment, will be required  
17 to submit regular returns of their lobbying activities on the basis of three times a year. The  
18 registry itself will be web based, it will be free for the public to access, and of course anybody  
19 else that might be interested in viewing lobbying returns. There is an independent lobbying  
20 registrar which has been named as the Standards in Public Office Commission and I am the  
21 Standards Commission representative as the Head of Lobbying Regulation. The approach is one  
22 based on promoting compliance, although there are investigation and enforcement provisions  
23 built into the regular legislation. And we have to report regularly to Parliament. There are post  
24 employment restrictions put in place for some public officials; that really only applies to  
25 Ministers, Ministers of State, special advisors and the civil service.

26  
27 What that means practically for you is that it will include all Local Authority management, so  
28 the Chief Executive, the Director of Service and the Head of Finance in all local authorities, but  
29 it would not include the elected local councillors.

30  
31 So under the legislation what is lobbying? Lobbying can be many things to many people, what it  
32 is for the purposes of the Act is communication by people within the scope of the legislation on  
33 what are called relevant matters to specifically designated public officials. So the people that fall  
34 within the scope of the Act are employers with more than ten employees, representative or

1 advocacy bodies that have at least one full-time employee, any third party lobbyists paid by a  
2 client either in money or kind to lobby on the client's behalf, if that client fits one of the previous  
3 categories. So the client would have to be an employer of ten or more, or a representative or  
4 advocacy body with one or more employees. It also and this is probably the most interesting for  
5 all of you, applies to anybody who is lobbying been the development and zoning of land. So that  
6 means it applies to individual citizens, not just professional lobbyists, not just advocacy bodies.

7  
8 However it only matters if the communications are with designated public officials and relate to  
9 relevant matters. The designated public officials are exactly who you think they should be:  
10 Ministers and Ministers of State, members of the Dáil and Seanad, Members of the European  
11 Parliament for Irish constituencies, we don't have jurisdiction outside the State. Members of  
12 local authorities, the elected officials, special advisors and the senior most civil and public  
13 servants. Within the civil service that includes secretaries general and assistant secretaries  
14 within a department. It also includes at the Local Authority level, the chief executives, the  
15 directors of service and the heads of finance.

16  
17 The Minister of Public Expenditure and Reform, Brendan Howlin, has indicated that he intends  
18 to expand the scope of this provision to include principal officers within the civil service within  
19 the first 12 months of operation, that will expand pretty significantly the number of people that  
20 will be considered designated public officials.

21  
22 So matters include the initiation, development and modification of any public policy or any  
23 public programme. It also includes the preparation of enactments, that means legislation, Acts,  
24 regulations, bye-laws, any sort of statutory instrument. It includes the award of any grant or loan  
25 or financial support, anything to do with public funds really; it excludes however matters that  
26 relate only to implementation and technical issues, such as policy or programme, or of a  
27 technical nature.

28  
29 There are some exemptions to this. So for example, if you are talking about your own private  
30 matters. If a citizen goes in and talks to their local councillor because they need some help  
31 trying to understand the planning application process, or they go to see their TD because they'd  
32 like to get a passport and they're not sure how to go about it or they're trying to sponsor a family  
33 member for immigration purposes and they need assistance with that. Those are private matters  
34 and would not be considered lobbying.

1  
2 Also excluded would be diplomatic relations from country to country, trade union negotiations  
3 for example, anything where there is an imminent threat to life or safety, anything that's between  
4 public officials, and matters that are within the proceedings of an already public institution such  
5 as an Oireachtas Committee.

6  
7 So what gets registered? If you are lobbying and you meet all of that, you are an employer of ten  
8 or more, you are meeting with a TD and talking to him about a regulatory change that would  
9 help your business, you would have to register as a lobbyist and submit returns. You would have  
10 to put in the name of your organisation and business address, identify the person with the  
11 primary responsibility for lobbying within your organisation and identify your main business  
12 activities. Then three times a year, you will have to submit returns of your lobbying activity,  
13 disclose who it was your lobbying, the identity of any designated public official, what was the  
14 subject matter, was it policy, legislation, was it a programme? What specifically -- in which area  
15 was it, environment, transport, heritage and so forth? What sort of results were you intending to  
16 secure? And what was the type and extent of activity? Was it one to five emails, one to five  
17 meetings, was it a grass-roots communication or a targeted communication? You have to  
18 identify who it was that was primarily responsible for conducting that lobbying activity and you  
19 submit those returns as I say three times a year.

20  
21 The Standards Commission has the authority to delay publication if you want to put in an  
22 application and say that you are making your return, but you have to delay publication on a  
23 specific ground. So it has to be that it's commercially sensitive, so you are lobbying for a  
24 regulatory change to benefit your business but you don't want that disclosed immediate because  
25 it may actually give your competitors the advantage or they'd know what you are talking about  
26 or what you are working on. It would be in the financial interests of the State to delay  
27 publication, or it has to do with the Government's ability to manage the economy.

28  
29 So the Standards Commission can grant that request for a period of up to six months, this is  
30 actually renewable, so if a business needed for example to delay publication for a year and a  
31 half, they could just reapplying every six months to do that.

32  
33 The legislation has a built-in review period, so it will be reviewed at the end of the first year of  
34 operation, so next September, it just came into force this past Tuesday, so it's still brand

1 spanning new as we would say. There will also be subsequent reviews subject to Dáil approval  
2 every three years.

3  
4 The role of the Commission in regulating lobbying is to act as the registrar and maintain the web  
5 based public registry itself. They can also make decisions on the information that's contained in  
6 the register, so if somebody contacts us and say there is some inaccurate information or  
7 something is out of date or misleading, then we would look into that. We can make  
8 determinations for delayed publication and also we can make decisions as to whether to waive or  
9 reduce a post employment cooling off period.

10  
11 The Commission also has the authority to develop a code of conduct for lobbyists, which won't  
12 be done within the first year or two, we want to get some experience administering the new  
13 legislation before we start developing a code. The Commission also has a role to provide  
14 guidance and promote understanding of the legislation and is doing so by producing guidelines  
15 for people who may have obligations under the legislation or who may be impacted, including  
16 for example Local Authority members. The Commission has the power to investigate and to  
17 levy fixed payment notices for delays in meeting your requirements. So if you file a late return,  
18 you may be subject to a penalty. There are offences provisions for more significant breaches of  
19 the legislation and those are anywhere from a more significant financial penalty all the way up to  
20 and including imprisonment for the more grievous failures to meet obligations. The  
21 Commission also is responsible for making annual reports to the Oireachtas on the legislation.

22  
23 The Commission has been doing this for a number of years. They already have the authority to  
24 administer the ethics legislation and the Electoral Act, so they've been regulating ethics based  
25 frameworks for a number of years. Their approach tends to be one of assisting compliance  
26 through information and guidance and advice, rather than taking a punitive approach. However,  
27 there are enforcement mechanisms in place and they are used when necessary to achieve  
28 compliance. In terms of preparing for the coming into force of the legislation which happened  
29 this past Tuesday, the Commission has taken a number of steps, the first was to establish a  
30 regulatory unit within the Standards Commission Secretariat, which I head up. And we have  
31 also established a public private sector advisory group which has helped us in terms of getting  
32 ready for implementation. They've helped with user acceptance testing of the Register itself and  
33 provided some guidance on the education materials that we have developed. We have designed  
34 and developed the website and be the online registry itself, which has been in place since the end

1 of April and has been active.

2  
3 We're implementing an ongoing communications and outreach plan and published some  
4 guidance and information material.

5  
6 Under the Act, Section 5.7 provides that the Minister for Public Expenditure and Reform can  
7 prepare a transparency code which by which public bodies may operate, rather than having to  
8 register and report their lobbying activities, if they are communicating within certain relevant  
9 bodies. This basically applies to advisory bodies established by a Minister for advice and there  
10 may be interaction between designated public officials and members of the private sector or  
11 members of a lobbying community. The deal is though that if they choose to abide by the  
12 transparency code, they must publish their terms of reference, their membership and minutes of  
13 meetings to ensure there is transparency around those interactions.

14  
15 And now what I think might be the most interest to all of you, the guidelines for local authorities  
16 which the Standards Commission has published. They're available on our website which is  
17 [www.lobbying.ie](http://www.lobbying.ie). You would go under help and resources and information for public bodies.  
18 The guidelines provide an overview of some of the information I have already just given you,  
19 definitions of what constitutes lobbying, what constitutes relevant matters and exemptions, how  
20 the registry will identify designated public officials and lobbyists.

21  
22 For example, if you are lobbied and a lobbyist registered and identifies you as someone they've  
23 lobbied, then it will be the Local Authority member's name that will appear on the register. It  
24 identifies which communications will be accepted, talks about the post employment cooling off  
25 period and that former DPOs may be identified in lobbying terms if they are lobbying on behalf  
26 of a client. We have produced guidelines on zoning and development.

27  
28 As I mentioned zoning and development is kind of the unusual bit of the legislation. It is where  
29 an individual may actually have obligations to register as a lobbyist and submit a return. What  
30 this means is that under the planning regulations, the planning process is already public. If  
31 someone submits a planning application, there is a process in place to deal with that. Just  
32 submitting a planning or zoning application is not lobbying. If someone then picks up the phone  
33 and contacts their local councillor, and says "I have submitted a plan, I could do with your  
34 support on it." That's lobbying, they will have to submit returns. That's the individual level,

1 which means we will be relying on the support of elected and appointed officials to help educate  
2 people about that. It's a very wide ranging piece of legislation, it will obviously impact at the  
3 individual level and it may be a challenge to administer if people are not aware of it.

4  
5 We are in the process of conducting an advertising campaign which launched this weekend,  
6 which will be appearing online, on radio, and in the national press, and you will see different  
7 advertisements around raising awareness about the lobbying regulation, but that being said, what  
8 will be really important is that you are aware of it and then you can help educate other people as  
9 well as they meet with you.

10  
11 So what does all this mean for you? The first thing I would like to just emphasise is meeting  
12 with lobbyists and individuals who are lobbying you is a legitimate and valid part of the role.  
13 Nobody is trying to discourage that interaction. The obligation to register does not rest with you.  
14 Technically you have no obligations under this legislation. You already have ethics and  
15 transparency regimes in place that govern your activity and your conduct. But the lobbyist will  
16 have an obligation to register and submit returns. Communications between you and other  
17 designated public official figures or public servants are exempt in your capacity as a public  
18 servant. If you are conducting lobbying activities as a private citizen, you may have obligations,  
19 but in your capacity as local councillors or members of a Local Authority, you would not have  
20 official obligations under this legislation.

21  
22 There are exemptions for certain task forces and working groups. You can look at a list of  
23 public service bodies which is published on our website and that will help provide you with  
24 some more information around that. Official's names are going to appear on the register, you  
25 should be aware your name will show up in the register if you are lobbied.

26  
27 Based on that, obviously you will have an interest in seeing what's there, so you might want to  
28 register. There is a capacity to register on the system for RSS feeds. You can register for an  
29 RSS feed on your own name and then if somebody registers a lobbying activity and your name  
30 pops up, you will be able to see and you can validate whether that information is accurate or not.  
31 You have no obligation to tell us whether there is anything that's inaccurate. But if you choose  
32 to, then you are certainly able to do so. If somebody claims they've lobbied you and in fact it  
33 was another Joe Smith, then you might want to raise that with us so we can follow up and make  
34 sure that the information is corrected for the record.

1  
2 So some best practices that might be of assistance to you in going about your business as you are  
3 lobbied. Be aware of the rules. I would encourage you to get familiar with the legislation and  
4 with the guidelines for local authorities. They are on the website, I would encourage you to go  
5 and look and read them. The guidelines are only about seven or eight pages long, it's not an  
6 onerous read and it has some helpful information for people in local authorities. You should  
7 determine if any working groups that you are working with at the moment should operate under  
8 the transparency code. If you are a member of any advisory group, that's something to consider.  
9 We encourage you to self identify as a designated public official. Whenever you are meeting  
10 with anyone that is lobbying you, whether about zoning and development or business  
11 development or any other form of lobbying about bye-laws or regulations or what have you, we  
12 would encourage you to identify yourself and say under the regulation of Lobbying Act, "I am a  
13 designated public official, you are currently lobbying me, you would have to register and submit  
14 returns for that activity." You can do this in a meeting with them, you can do it on your business  
15 cards or your emails. We have asked all civil servants to do this that are at that level and  
16 Ministers' offices as well. I would encourage you to maintain good record keeping habits. I  
17 don't think it's going to come as any surprise to people that the launch of this registry will give  
18 an increased rise to Freedom of Information requests. There will be enterprising individuals that  
19 will look at the registry and will want to follow up. It's perfectly understandable and it's  
20 something that's expected. It's a good idea for you to ensure that your record keeping is  
21 comprehensive.

22  
23 I would encourage you to check the register from time to time just to make sure that the activities  
24 that you know you have engaged in are showing up on the registry.

25  
26 Now with that, there is a caveat. I mean people have to submit returns three times a year, which  
27 is every four months, and that means that there will be some delay between perhaps when  
28 they've met with you and the time that that return shows up. So if a meeting -- right now we are  
29 in the first relevant period for registering lobbying activity from the 1st of September to the 31st  
30 of December. Any lobbying activities taking place within those first four months don't have to  
31 be registered or reported until the 21st of January. Three weeks after the end of the relevant  
32 period in which the lobbying activity took place. If somebody meets with you and lobbies you,  
33 you won't necessarily see it the following week, you might not see it for three or four months.  
34 It's just to be aware of.

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I would ask that you guide people who are lobbying you to our website and our office so they'll be aware of their obligation and continue to engage with lobbyists, there is nothing wrong with doing that and we encourage you to continue doing so.

Please visit our website, get a copy of our guidelines for Local Authority members, get a copy of the legislation, have a look. If you have any questions, feel free to contact our office. I am happy to take any questions today. If anything arises after this meeting, please feel free to get in touch with us through the website.

CATHAOIRLEACH: Great, thank you very much for that, it's really important information that we need to know. Some of it's a little bit scary. Cllr Winters.

Cllr WINTERS: Thanks Cathaoirleach, and thanks Sherry for your presentation. I read the article in the Sunday Business Post last Sunday week and thought wow, that's going to be a big change for all of us. And then the, we actually haven't received anything yet officially, which I find somewhat amazing. If you are running a publicity campaign, it would have been nice to have been informed. However I suppose because you are familiar with the legislation and we as public reps wouldn't be as familiar with it yet, certainly in Wicklow, when somebody rings me up and asks me, says I put in a planning application, they're not necessarily just seeking my support, that's their method of communication with the planners. We don't really let the public speak to the planners. If you want to know how your application is going, whether you should pull it or whether there is going to be a problem you should address to try and speed the process up, you speak to a councillor who speaks to the planner who goes back to your architect or goes back to the applicant. Do all of those people now have to register as lobbyists, or do we have to change our practices here so the staff start to speak to the applicants? Up to now we have been the go between as such.

CATHAOIRLEACH: I'll take all the questions, there is about five.

Cllr WINTERS: Actually I have a few more John. If we are meeting with -- well as part of all of our duties, we are on various SPCs, which have subcommittees and we meet with stakeholders, say the marine is one that I am on where we are meeting with people who are involved in the harbour, we look at what's going to happen within the harbours within County Wicklow. If we meet with a stakeholder as part of our work in that, we are asking them to come to the Committee meeting to give us their point of view, so do they now have to register as a lobbyist because we are asking them for their opinion? Or how is that covered, is that seen as lobbying?

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And if say a group of retailers gets together and approaches us about a matter of public concern within an area, is it that the group say through the Chamber of Commerce registers as a lobbyist or does each member of that group, or do they just designate one person as their group leader?

Thanks.

CATHAOIRLEACH: Cllr McLoughlin.

Cllr McLOUGHLIN: Thank you very much and thank you for coming this afternoon, it was really informative. I am a little bit concerned that anybody can put up on the site basically anything, they can say they lobbied A, B, C or D about anything, and technically say the outcome of that was. Are we contacted to know that they're actually saying A, B or C is saying X, Y or Z about us. I would have huge concern about that.

I would think the best thing to do would be that we would be contacted, or something, we don't have to register, but if our name as a public rep, I think we should be contacted if somebody is saying that they are lobbying on our behalf, and sort of, we have a right to reply whether it's a fact what they're saying? Maybe I have got that wrong.

CATHAOIRLEACH: Councillor Lawless.

Cllr LAWLESS: Thank you Cathaoirleach and thank you for the presentation. Just a couple of questions, first of all what's done with the data? What's the point of having the data and why is this being brought out now? You kind of said earlier on if someone comes to us and they're looking for support, we have to encourage them to register, that's fine, but I find it difficult enough to get them to sign a data protection form just to represent them here on a local level. What's the cost entailed as well?

You stated people have to register. I am presuming there is a cost. They have to put in a return as well, if it's like the COO again there will be fees on this, so I would like to know if there is any cost entailed. And yeah, I just think it's going to be an awful lot of complications and people are going to stop ringing the Councillors, I am not going to ring because I don't want to have to register for something. It's just more paperwork.

CATHAOIRLEACH: Cllr Brady.

Cllr BRADY: I am not sure, I might be able to get a bit of guidance, I think all the members in Bray Municipal District were possibly lobbied at a Council meeting last Tuesday as we had members of Bray Tidy Towns in looking for assistance from us there both financially and physical assistance. I am not sure, I can see an awful lot of merit in terms of the big lobbyists,

1 the tobacco firms, the casinos, the construction and all that end. But I am just wondering where  
2 the line is drawn here, because I am constantly in touch with both community and voluntary  
3 organisations, and everything from -- I mention one, the Tidy Towns, the Coastguard, to the  
4 Carers Association, to homeless organisations, I mean are they now categorised as lobbyists?  
5 Because if it is, look I can see what Brendan Howlin is trying to achieve here and I commend it  
6 at that level, but how far down the line is it going to go?

7  
8 When you have individuals there looking to install a septic tank, and contacting their local  
9 representatives and they now have to register as a lobbyist. I think it's an awful lot of red tape I  
10 think instead of defining it clearly. There are professional lobbyists out there, and I am just  
11 wondering as to whether that's where the line should be drawn at, and whether some of these  
12 voluntary organisations that I am talking about now have to go and register as lobbyists, and go  
13 through all of that registration process, all of that paper filling and look, ultimately going to burn  
14 an awful lot of people out. I suppose this is coming at a time -- and I read over the weekend  
15 where some of the media have been denied access to lobbyists who are being signed into  
16 Leinster House by sitting TDs and that. So if the Minister is sincere about bringing openness  
17 and transparency to lobbyists, why -- and it's not a question for you, I am just posing this, why  
18 are they denying the media access to lobbyists that have been signed into Leinster House as even  
19 prior to this legislation being enacted?

20 CATHAOIRLEACH: Okay thank you, Cllr Cullen.

21 Cllr Tommy CULLEN: Sorry Chairman, yeah. Perhaps you might stick around and listen to the  
22 debate on the Barracuda, it might be of interest to you, it's coming up next. What happens when  
23 an official lobbies a councillor on how to vote on a particular issue like zoning or planning? I  
24 am aware that was a criminal offence, I think it was up to five years imprisonment for any  
25 official to approach a councillor on how to vote on any matter. What happens if an official  
26 approaches a councillor and says I would like you to vote this way on something, is that still a  
27 criminal offence or would that be considered lobbying? What happens if the member of the  
28 public, the lobbyist goes to a councillor and doesn't register, even though -- doesn't register and  
29 the councillor goes on thinking this person has registered and next it turns out that -- what  
30 repercussions -- does that have any repercussions on the councillor who would be completely  
31 unaware that the person who approached them hadn't registered? If you are living in a rural area  
32 and someone comes to your house at 8 or 9 o'clock at night time and they want you to make a  
33 rep about their one-off rural house or extension, and you say to them you know you have to  
34 lobby here and maybe this person has never used a computer in their life, what happens in that

1 and that's quite common now to be honest, what happens? Is there any penalty on the councillor  
2 who through no fault of their own is put in that position?

3  
4 But could you answer the question for me, what happens, does an official who goes to a  
5 councillor and asks the councillor to vote a certain way, does that official have to record that  
6 lobbying? That's quite an important point.

7 CATHAOIRLEACH: Thank you. Cllr Timmins.

8 Cllr TIMMINS: Thank you Chairman, and thank you Sherry for the presentation, even if it does  
9 appear it could be opening a can of worms. Just three points: First of all what's the origin of  
10 this, or the legal basis of this legislation? Is it EU law or where is it coming from originally?  
11 Secondly has it been practised in other countries? Have we any experience of how it works in  
12 other countries, and where has it been, in what countries has it been used in? And thirdly who is  
13 the onus on? Is the onus on the person who does the lobbying to register? Is there any onus on a  
14 Councillor to do anything at all in relation to whether the lobbying has been registered or not?  
15 Thank you.

16 CATHAOIRLEACH: Cllr Behan.

17 Cllr BEHAN: Chairman I am quite shocked at the implications of this. I wasn't really aware  
18 that it was going to come down to effectively what I would consider to be an attack on ordinary  
19 people's contacts with public representatives throughout this country. I note that at the weekend  
20 there, IBEC, one of the richest lobbying organisations in the country has issued an assurance to  
21 all the big businesses in the country, don't worry, if you want politicians lobbied, we will do it  
22 for you and your name will be kept out of everything. But the ordinary person, Cllr Cullen  
23 mentioned, and we are all familiar with them, every single one of the 32 of us are familiar with  
24 people who do come to us genuinely looking for help and assistance when dealing with the  
25 Local Authority. And in particular in one-off planning situations where the policy here is  
26 effectively the planners will not speak to individual applicants. They don't have the time to  
27 speak to them. They speak to more major operators, but not to the ordinary person. The same  
28 when it comes to the Development Plan, if a person has a bit of ground near their farm or  
29 whatever the case may be and they want to have it considered for maybe having some housing  
30 for their family in the future, this law is going to be turned against them, really. Whereas the big  
31 fish are going to get away as usual.

32  
33 And you already said and I know you said it genuinely and sincerely, carry on with the lobbying,  
34 it's no problem, it's not designed to stop lobbying, but in fact the real professional lobbyists won't

1 be worried about this at all. But the ordinary person in this county can only lose from this  
2 particular legislation. I know it's not Standards in Public Office Commission remit to decide on  
3 the policy, you are only implementing the policy, but I can tell you what, I hope the people of  
4 this country and the people of this county realise what's being done to them by this legislation  
5 because effectively what's going to happen is a wedge is going to be driven between the ordinary  
6 man and woman and their public representatives and the power that we have to do our work to  
7 advocate for people when we think it's right and we don't always advocate if we are not happy  
8 with something, we don't advocate, but that power is going to be taken away now, and it will  
9 result in a serious reduction in the amount or service I think that people can expect and look for  
10 and are entitled to expect from public representatives.

11  
12 I have specifically two questions in relation to housing and planning. You didn't mention  
13 housing, but many of us would receive requests from people who are in desperate dire  
14 circumstances where they are living in overcrowded and unfit accommodation, where there is a  
15 serious shortage of housing. And those families and those people come to us in desperation  
16 looking for us to try and get them help. Are you saying that if we tried to get them help by  
17 talking to Council officials and so on to try and assist them in being considered for housing, are  
18 they lobbying us, and are we lobbying the Council? You can clarify that.

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20 Secondly, in relation to one-off planning applications, again because of the situation here in this  
21 county, if a person asks us for help, a new rule that's applied here in the last couple of months is  
22 that if a person wants us to make representations on their behalf, they must sign a data protection  
23 waiver, allowing us to make representations on their behalf. It's the same as the housing one.  
24 Are you saying that if they sign a data protection waiver, they're effectively also saying that  
25 they're now a lobbyist and therefore by signing the data protection waiver, they then have to  
26 register under this website as lobbyists? I think they're crucial issues that I would certainly  
27 welcome your clarification on.

28 CATHAOIRLEACH: Cllr Fortune.

29 Cllr FORTUNE: Thanks Cathaoirleach. Sherry thanks indeed for your presentation and I  
30 suppose I'll start by saying we are not going to shoot the messenger, but taking some of the stuff  
31 that Cllr Behan talked about, this to me smacks of control gone mad. And my concern with it  
32 would be that it's the little people that are going to really get the kick. Up at the top end of this,  
33 the world won't change, and I think this the example of IBEC's recent statement is a perfect  
34 example of that. I am trying to understand here, the system rolled out Local Government reform

1 12 months ago or 14 months ago whenever it was, and it was tagged with Putting People First  
2 and all that kind of stuff, that I don't believe the system understood what they were talking about,  
3 and has proved that since, because the whole Local Government reform is an absolute mess, and  
4 it makes the role of the public representatives on a local basis almost impossible. We were  
5 talking here earlier and we will be talking after you have finished, there is no power, we are  
6 given no authority to do anything. Now we are being told we really can't talk to officials, we  
7 can't talk to this one, we can't represent people genuinely needing help. If those people were  
8 able to go into the system and have the same hearing as a developer could have for example in a  
9 planning situation, there would be actually no issue. So I just feel that this particular -- what you  
10 have rolled out to us here today, again we are being told this after it's become law, which I also  
11 think is ironic in lots of ways, so from our point of view, my personal perspective, I would love  
12 your department as unfortunately you have been given the task of doing this, give me a  
13 one-pager with 15 points on it that covers my situation as a public representative and I'll be very,  
14 very happy, but I would love to know how you are going to tackle the real lobbying. That's -- it's  
15 massive business, worth lots and lots and lots of money. How is that going to be tackled? Or is  
16 there going to be ways at the top end of stuff where people can get away with it? Really I am  
17 saying I just think Big Brother is -- we think live in a certain kind of democracy in this country,  
18 we actually don't by any stretch of the imagination.

19 CATHAOIRLEACH: Thank you.

20 Cllr FORTUNE: I want to make the point...

21 CATHAOIRLEACH: You are way over time. Cllr Fox.

22 Cllr FOX: Thanks Chairman, I have just one question, you mentioned fixed penalties, fixed  
23 payment penalties and you mentioned minor breaches and more serious breaches. What is the  
24 penalty for someone who doesn't register as a lobbyist who approaches myself for a  
25 representation on a planning application and maybe what are the more serious breaches of the  
26 legislation?

27 CATHAOIRLEACH: Cllr O'Neill.

28 Cllr BEHAN: Can I propose a time extension?

29 CATHAOIRLEACH: Yeah, sure, 5.15. Or what were you going to propose?

30 Cllr BEHAN: 5.30 to be on the safe side.

31 CATHAOIRLEACH: Let's try and have it finished by 5.15. Cllr O'Neill.

32 Cllr O'NEILL: Yeah, just again, I would be more horrified, I have been receiving emails on this  
33 issue for a while now about lobbying and with all due respect to the presenter, to me it strikes me  
34 as a big quango of the highest degree. I would like to know how many people are employed in

1 this new group, and the definition of a lobbyist, if I am on the sideline there on a local farm or a  
2 landowner says to me would there be any chance of getting, or what's the position maybe on  
3 building a few houses here on the site beside us there? The responsibility is on me to tell him to  
4 go off and register as a lobbyist? It just -- I would love to know who lobbied to bring this  
5 lobbying in? I would love to get to the root of it, because it's just -- it can be a little bit  
6 intimidating and frightening, I would agree with other Councillors there.

7 CATHAOIRLEACH: Sherry?

8 MS PERREAULT: Thank you very much for all of your questions and I hope that I'll be able to  
9 answer all of them. Perhaps if not individually, I can maybe group some of them together. The  
10 first thing is that I think there has been some serious misunderstanding as to who has to register  
11 as a lobbyist, so maybe I can clarify that. Individuals who are seeking your -- seeking  
12 information about the planning processes are exempt. Individuals that are seeking fact based  
13 communication from you, they want to know how a planning process works, they want to  
14 understand how something works within the community, that's fine. There is no issue with  
15 them, just engaging in a fact based communication with their Local Authority members.

16  
17 The second thing is if somebody contacts you for help on moving up the social housing list,  
18 that's about their individual concerns, that's not registrable. In order to be considered a lobbyist  
19 you have to be an employer of ten or more people. This is not meant to apply to micro  
20 enterprises or individuals. This is not meant to capture somebody's individual personal private  
21 matters. So if they are having a problem dealing with a Government department and they need  
22 your help on that, that's not registrable, that's not lobbying. I hope that helps kind of ease some  
23 of the concerns around it. This is not about people having to register every contact they have  
24 with the Government. This is about people who are lobbying the Government specifically on  
25 changes to policy, changes to legislation, changes to programmes; about funding. It's absolutely  
26 meant to capture big business, it's not capturing micro enterprises, it's employers of ten or more  
27 employees only. It doesn't capture community and volunteer organisations if they're entirely  
28 comprised of volunteers. It will only capture those that are professional in nature. It will capture  
29 for example most of your chambers of commerce, it will capture individual businesses, it's going  
30 to capture the representative groups such as IBEC, or Impact or ICTU. It will capture trade  
31 unions, advocacy bodies like Amnesty International. Those are the type of organisations that are  
32 most likely going to have to register and it will capture all professional lobbyists that are being  
33 paid to lobby on a client's behalf, if it's about those issues. It has to be about relevant matters, to  
34 a designated public official and somebody who falls within the scope of the legislation. It's not

1 as broad ranging as you think. With the exception of the planning and zoning and development.  
2 What I'll say about that is it doesn't actually apply to a person's principle private residence. If  
3 they're want to go put on a sun room or build a garage or do something to their own house that  
4 requires planning permission and they contact you about that, it's not lobbying. If they purchase  
5 attractive land and want it rezoned to build a bunch of holiday homes on it and they lobby you to  
6 get that land rezoned, then that's a bigger investment and that's absolutely going to be captured  
7 and that would be considered lobbying. There is a distinction to be made between a person's  
8 private business and private residence and the larger scale items that we are talking about. So  
9 that's the second piece I wanted to say.

10  
11 In terms of the ordinary person's impact, I think that there is not going to be that many people  
12 that are really lobbying about re-zoning land, unless they have a business or financial interest.  
13 So those are the kind of lobbyists that we are trying to reach and those are the people that will  
14 have to register and submit returns. As I say it's not about the individual that's doing a one-off,  
15 that is building a sun room off the back of their house or extending something or trying to fix up  
16 an old house, it's nothing to do with that. As long as it's their personal private residence, it's  
17 exempt.

18  
19 In terms of previous communications, I want to go back to the first councillor who made the  
20 comment about not having heard about it. We have actually been engaged in communications  
21 about this since the beginning of the year. We made a presentation to the Association of Irish  
22 Local Government, we have engaged with the LGMA and have got an extensive bunch of  
23 seminars scheduled over the next two months about this. There has been written and emailed  
24 communications that have gone out to every Local Authority in the country and emails to  
25 directors of service within the local authorities and chief executives. So this isn't -- today is not  
26 the first communication we have made with Local Authority members and certainly wouldn't be  
27 the first time that Wicklow would have been contacted. But how that information filters through  
28 sometimes takes time, so that's why we are trying to engage as many times as we can in the  
29 hopes that basically by bombarding you with information and so on, then we will be able to  
30 make sure that every person hears it at least once. That's the gameplan with our  
31 communications.

32  
33 In terms of how people engage with the local authorities through formal processes, so if you  
34 invite submissions on a matter, and those submissions are made public already, then that will not

1 be considered lobbying, that's just part of an already public transparent process. So if you invite  
2 submissions and you plan to publish those submissions, then that is not going to be considered  
3 lobbying. If however a local councillor contacts a business leader and says listen I could really  
4 use your views on such-and-such an issue, would you please make a submission to me or can  
5 you give me something, it doesn't matter who initiates the contact, that person could still be  
6 considered to be lobbying if it's about a relevant matter and they fit the profile of who falls  
7 within the scope of the legislation. So that will actually have an impact on some of those  
8 communications.

9  
10 In terms of who would be responsible for registering, if you have a coalition or a group of  
11 people. They might fall within the definition of representative or advocacy body. If for example  
12 it's IBEC or if it's chambers of commerce or some other organisation that has a representative  
13 role with a membership, and they're the ones making or managing or directing the lobbying  
14 activity, then they would be responsible for registering and submitting the return, not the  
15 individual members.

16  
17 However, if an individual member of any of those organisations engages in their own direct  
18 lobbying activity or indirect lobbying activity for that matter, if they're the ones that are making  
19 or managing or directing the lobbying activity, then they'd have to individually register and  
20 submit a return. It all depends on who is in charge of the lobbying as to who has the  
21 responsibility to register and submit returns.

22  
23 In terms of the purpose of the data, I can't speak to the political motivations for why this  
24 legislation was introduced, that's not my place. What I can say is that there are a number of  
25 countries that have similar regimes in place. I come from Canada, I was hired from Canada in  
26 order to come and lead this unit. In Canada we have a long history of regulating lobbying over a  
27 quarter century, it's one of the first countries to do it. We do it at the federal level, at almost all  
28 of the provinces have an active lobbying registry in place and in fact some of the larger  
29 municipalities. If you live in Toronto and you are lobbying at all three levels of Government,  
30 not only are you lobbying all three levies, you have to submit returns to all three registers. That's  
31 on a monthly basis, there is a bigger reporting requirement in other jurisdictions than there is in  
32 Ireland. Ireland have the benefit I would say of looking at the various models that exist  
33 internationally. It's not a lot of countries that do this. Ireland is a fairly, one of a fairly small  
34 elite group that have robust ethics frameworks in place. This is probably one of the facets of a

1 good solid robust ethics framework. You would have conflict of interest rules in place, freedom  
2 of information, election rules, campaign finance rules and lobbying. So this is one of the facets  
3 of having a good solid ethics framework in place and it's the latest piece of the puzzle for Ireland  
4 if you will.

5  
6 Other countries that do this include the United States, which requires not only the registration of  
7 lobbyists and disclosure of activity, it also requires the disclosure of all financial investment in  
8 lobbying. Ireland has not chosen to go down that road, they've gone with registration and  
9 disclosure instead. It's heavily based on the Canadian model, but is adapted for purpose. I have  
10 never seen zoning and development rules in another lobbying regime, but that's based on Irish  
11 context and Irish history and the reason for that. There are other registers internationally within  
12 the European Union, the European Union has a transparency register, it's voluntary and so it has  
13 been criticised for not being a mandatory regime. France and Germany have systems in place,  
14 they are also voluntary. Poland and Slovakia have regimes in place that are similar in terms of  
15 the requirements, but their enforcement mechanisms have been criticised by other organisations  
16 for how they've been able to implement it and resource it. So that answers the question about  
17 how this is done internationally.

18  
19 In terms of the reason for it, what I can say is that it's another step towards transparency really.  
20 It's making sure that the public understand who is influencing decisions. I think that we can all  
21 agree that lobbying plays an important role in terms of people getting information, decision  
22 makers don't have unlimited resources as you well know. It's not possible for people to be able  
23 to commission a study every time they need some information. They don't have banks of  
24 researchers waiting at their disposal to be able to go out and do a study on a particular issue. So  
25 you rely on people coming in and telling you what's happening in the community. You rely on  
26 people saying here's what's happening in our sector of the business, here's what's happening in  
27 our community, that information is really important, and nobody wants to impede the flow of the  
28 information, but because lobbyists play such an important role in shaping public policy and  
29 decision making, that's why it needs to be transparent and that's why this register is being put in  
30 place, to make sure the public has access to the information about who is lobbying whom about  
31 what, who is shaping the decisions that are happening in Ireland.

32 CATHAOIRLEACH: And Sherry, there is going to be a training course you were saying going  
33 to take place that will answer all the questions?

34 MS PERREAULT: There is a variety of outreach mechanisms we have put in place, we are

1 going to be meeting with LGMA members, mostly the directors of service and the chief  
2 executives and the staff of the local authorities in the coming weeks and months to talk to them  
3 about this. I am trying to engage with the association of Irish Local Government to meet with  
4 elected officials.

5  
6 I take the point about maybe having a one pager, that might be useful with key points for you  
7 guys to know and we will take that back and look at what we can do. If there is an appetite for  
8 some sort of a training programme for elected officials we would be happy to look at doing that.  
9 CATHAOIRLEACH: Sherry, thank you very much for coming along today.

10 Cllr Tommy CULLEN: I haven't had my question answered, what happens if an official lobbies  
11 a councillor to vote on a particular issue? Does that official have to then register that they've  
12 lobbied, or does the councillor have to take a note and register that the official made the  
13 approach?

14 MS PERREAULT: No, okay, so there are exemptions from public service body to public  
15 service body from official to official. If you needed to communicate with the Minister of  
16 Transport or you needed to contact the Minister for Public Expenditure and Reform or somebody  
17 comes to you and says "I would like to talk to you about an issue," within your capacity as public  
18 officials, that's not considered lobbying.

19 Cllr Tommy CULLEN: If they ask you to vote a particular way, I know the legislation, that if an  
20 official approaches a councillor and lobbies a councillor on how to vote a certain way, that's a  
21 criminal offence, jailable.

22 ACTING CEO: That's a bit of an exaggeration, you are bending the rules.

23 CATHAOIRLEACH: So as I said...

24 Cllr LAWLESS: Mine was just a yes or no, is there a fee for the registration?

25 MS PERREAULT: There is no fee attached to this at all, it's free to register and submit returns  
26 and free for the public to access this online. Cllr Behan.

27 Cllr BEHAN: I appreciate all the clarifications, maybe it's the Chief Executive should be  
28 answering this. At the moment when people approach us for assistance for planning applications  
29 which may be their private residence or where they're looking for planning permission for their  
30 son and daughter in their garden or bit of land if they have a farm; at the moment people have  
31 signed data protection waivers to allow us to make representations on their behalf in a planning  
32 context. So can the Chief Executive, are all of those people now required, if it's not their  
33 principle private residence, but if it's another site on their land, are he this now supposed to  
34 register as lobbyists.

1 MS PERREAULT: Okay so if it's somebody - I'll just say if it's about their principal private  
2 residence of up to one acre of land and they need to do some planning permissions within their  
3 principal private residence, including for example they want to build on a second residence  
4 within that one acre of land. It's up to one acre, not ten acres, it's up to one acre, if that's their  
5 principal private residence and are seeking permission for that, they would not have to register  
6 for a lobbyist. If they purchase attractive land and need to have it rezoned.

7 Cllr BEHAN: If they already owned the land, have had it for generations?

8 MS PERREAULT: If they need to have it rezoned and are lobbying, this is independent of the  
9 planning process, if they're just submitting an application and they just go through the regular  
10 process, maybe they contact you for information about how that works or ask fact based  
11 information about the status of their information, that's not lobbying. If they call you and they  
12 say I have submitted an application for a zoning change, and I need your support, can you please  
13 go and talk to a few people, can you please see if you can get this pushed through for me, that's  
14 lobbying and they'd have to register.

15 CATHAOIRLEACH: Thank you very much, thank you for your time and we will look forward  
16 to the training course you provide on that. Pat if you could come and take the Chair for the next  
17 discussion please, thank you.

18  
19 (Leas Cathaoirleach continued the chairing)

20  
21 LEAS CATHAOIRLEACH: Just, Councillor Ryan has left the meeting and gave his reasons for  
22 doing so, and we are just -- Cllr Behan has asked for an extension and at the meeting of the 27th  
23 July we discussed Barracuda and the conveyancy, and the conveying of the Fee Simple, and we  
24 all got the opinion of legal counsel and I have to say that Mr Sweetman was most anxious that  
25 that be got to the Councillors before the meeting today. And I met him twice during August and  
26 we got the legal opinion on 31st August, 2015, and I know still there is some questions. Cllr  
27 Behan, you were first on with your light there, you want to go ahead.

28 Cllr BEHAN: Thank you Chairman. I won't delay matters any more than they need to be  
29 delayed. I received the legal advice which effectively I suppose is an opinion that everything  
30 was in order. Okay, if you summarise it. But in fact the law agent did contact me before that  
31 advice was sought, and allowed me the opportunity, or I said I wanted to have the opportunity to  
32 add to the brief or to put in a paragraph into the brief. And this is what I wanted to put in. That  
33 the advisor is requested to inspect all documentation regarding the granting of the initial lease,  
34 the variation in 2004, and subsequent changes, and has asked to confirm that all necessary

1 consents were received from the elected members of Bray Town Council. The advisor should be  
2 asked to confirm that every stage of the process from the granting of the lease through the  
3 various changes was in order legally, and that he or she has inspected same.

4  
5 Now that wasn't included in the brief and I can't understand why. I just cannot understand why.  
6 Because to me it gets to the kernel of this whole process. The lease changed in 2004 from a 65  
7 year lease to a 250 year lease. And there is a very big difference. Effectively a 250 year lease,  
8 you might as well say you own it. That's really what has happened in the court. Because it's a  
9 250 year lease, effectively a decision was made to kind of hand it over, finish it up, lock, stock  
10 and barrel. But nobody has produced evidence yet that in fact the proper procedures were gone  
11 through when that lease changed from a 65 year to a 250 year lease. So the kernel is the  
12 ownership effectively ended up being handed over in 2004.

13  
14 And I simply asked can we have the evidence that everything was done properly at that time?  
15 And we haven't received it, and when I asked could the independent law officer give us an  
16 opinion about that, it wasn't even asked. The question wasn't put in.

17  
18 Now I just think therefore that we don't have the full facts yet unfortunately. Time is moving on,  
19 I know, but I still want that question answered. And if it means going back to the person with  
20 that element, then I propose that we do it. Mark my word, I know some people are gone now,  
21 but we all represent areas where leases of various kinds are out there, with land that is publicly  
22 owned that has been rented out to various individuals, bodies, companies, etcetera. This sort of  
23 thing could happen again. And that's why I think it's very important that we nail it, and we get  
24 the full facts of this matter.

25  
26 Cathaoirleach, can I just say I am disappointed that it wasn't included, and I am asking that it be  
27 included and the same law officer be asked to give her opinion on this particular matter. Thanks  
28 Chairman.

29 LEAS CATHAOIRLEACH: Can I just say, my recollection of the meeting and was quite clear,  
30 that we get the advice of Senior Counsel, and I did note that day what was said and I didn't  
31 recollect Councillor, that you asked for the relevant documents at the meeting. I might be  
32 corrected on that. That you subsequently -- when you got the - as the law officer discussed with  
33 me, you got the document and you then said that you were not in...

34 Cllr BEHAN: As a result of the discussion that day, that came up. I think it was Cllr Cullen

1       tried to raise it. It ended up to me being a very important issue. That's why we have meetings so  
2       we can actually share the information and then see what we need to do about it. I won't make  
3       any apologies for that.

4       LEAS CATHAOIRLEACH: I am not asking you to apologise, I would never ask you to. Can I  
5       ask the Chief Executive to come in here.

6       ACTING CEO: I would have a different recollection in that the first report that was issued by  
7       Lorraine, we itemised all the interaction that happened in relation to the application to purchase  
8       which was brought before the County Registrar. That was my recollection of events, that was  
9       the particular one that was causing the angst to the Councillors, that they went ahead without a  
10      Section 183, that management went ahead without a Section 183 and did not inform the  
11      members of this proposal being before them. My recollection was centred around all of that, the  
12      members got an extensive list of the interaction between the law agent and representatives of the  
13      Barracuda. We gave out all that information, and on that basis we prepared the brief. What we  
14      are looking at now with due respect Cllr Behan, is a retrospective investigation into the decision  
15      making process going back 21 years ago, 25 years ago, about the first decision made by the  
16      members of the Council to grant the lease for a substantial amount of money at that time, and  
17      then the endorsement and variation on the lease in 2004 by the members of Bray urban District  
18      Council who I assume would have had full information at that time. That's the awkwardness of  
19      the retro look at that you want to make. But I am in the hands of the members. I am not sure of  
20      the benefit of it. Cllr Behan feels very strongly on it and it's a matter then for the members. If  
21      the members wish to support Cllr Behan that Senior Counsel be asked to look back in the  
22      manner of which he has set out to the Council, to the meeting here today, I'll ask the law agent to  
23      correspond again with the Senior Counsel and ask them to review the file.

24      Cllr BEHAN: I propose that Chairman.

25      LEAS CATHAOIRLEACH: Sorry, Councillor, I know it's yours, Cllr Fortune, because Cllr  
26      Cullen is up. Cllr Fortune was first.

27      Cllr FORTUNE: Just I put in a suspension of standing orders request and basically it's quite  
28      straightforward, I'll read what it is, "that the Council will write to the Minister for the  
29      Environment that he will receive advice from the Attorney General (reading) Include given the  
30      national importance and consequence of public property that the AG would carry out an  
31      immediate review of the file in question". I am suggesting that's what we do, I am doing that  
32      picking up on some things Mr Doyle said as well. We had a meeting here, there was information  
33      sent out to us, it seems a little bit complicated, contradictory, doesn't make sense, I didn't take  
34      official legal advice but I spoke to a person with legal knowledge, and they kind of concurred

1 with my own taking on the thing. I think in the interest of public interest etcetera, we should do  
2 that, so I am suggesting under the suspension of standing orders we do what I just outlined to  
3 you.

4 LEAS CATHAOIRLEACH: Would you hand the motion up please?

5 Cllr FORTUNE: Sure, I have it written out.

6 ACTING CEO: Cathaoirleach, we seem to have a great view here that no matter if somebody  
7 has a disagreement about something, we flog it off up to the Custom House, get someone else to  
8 look at it. I think we have progressed this matter very sensibly, we have given it a lot - out a lot  
9 of information to the members; the members can come in and inspect those files if they so wish.  
10 I have given an undertaking to expand the brief, against my advice, but I'll go with the view of  
11 the members as set out by Cllr Behan. This thing of sending matters up to the department to me  
12 flies in the face of any evidence. I think one of the reasons why I was on leave, the law agent is  
13 on leave currently, that this could have been on the agenda today, what would it have served?  
14 How many members have really, really looked at the advice that was available to David  
15 Sweetman, which was circulated with the original correspondence, the legal advice that's been  
16 circulated today, independent legal advice from a Senior Counsel that this Council has not used  
17 before. And I think if we are going to make decisions to send it up to the Custom House, that at  
18 the very least we postpone any discussion on it, put it on the agenda at the October meeting and  
19 let the members have a full, all the members participate in this. I believe this is an important  
20 thing for the full members of the Council, all 32, and that would be my recommendation at this  
21 point and time.

22 LEAS CATHAOIRLEACH: Cllr Cullen, do you have your light on there?

23 Cllr Tommy CULLEN: Chairman this matter can be resolved quite simply. It's not rocket  
24 science. We were informed that -- by the law agent that he had seen documents that would show  
25 in response to questions from me about the Notice of Disposal that would show that Notice of  
26 Disposal had been made, clearly inferred in 1998 and 2004. I have wrote looking for those  
27 copies of the Notice of Disposals, and I have been informed that they can't be found but the  
28 search is continuing. As I understand the agendas have disappeared as well. The agendas would  
29 prove that a Notice of Disposal for this matter was on the agenda.

30  
31 So we have the agendas have disappeared, and they're archivable documents; and we have the  
32 Notice of Disposal on which this contract was signed in 2004, and was very interesting and  
33 somewhat bizarre, that this Notice of Disposal was supposed to have been put forward to the  
34 Council in November 1998, and I am sure probably an agenda will turn up somewhere to prove

1 it one way or the other. But - there is no - I have looked at the minutes I was sent out, the page  
2 of the minutes and that's not clear that any actual Notice of Disposal was on the agenda. There is  
3 a 76, 776, 777 and 778 is the one where this was supposed to be -- that's not at all clear that any  
4 Notice of Disposal was on the agenda. Now I think it's Mr Doyle and Mr Sweetman are saying  
5 it was on that basis, that was the time the Notice of Disposal happened and therefore that gave  
6 legality to the signing of the contract. Now to me, to the two first people who signed that lease  
7 for 250 years in 2004, was Deputy Ann Ferris, then the Chairman of the Council. I have wrote  
8 to Deputy Ferris and I asked her did she have sight of the Notice of Disposal before she signed  
9 the contract or was she assured by the executive that she had Notice of Disposal, sight of the -  
10 assurance of the Notice of Disposal existed. And the Deputy said that some time back - it's some  
11 time back and she can't recollect. It's not every day that someone signs a Notice of Disposal for  
12 250 years. So we are in a situation where we are now, is that we have got a legal opinion and I  
13 think Cllr Behan is quite correct that does omit a number of key factors about the Notice of  
14 Disposal. To my view, there is three Notices of Disposals now missing. There is a Notice of  
15 Disposal that's claimed in a letter to me existed in 1998; there is a claim - there should then have  
16 been another Notice of Disposal seven years later in 2004, and then there should have been a  
17 Notice of Disposal brought before the Council before the law agent went into court and done a  
18 private settlement prior to the court to sell this - the Barracuda restaurant and whatever for  
19 €10,000. So there should be three, at least, Notice of Disposals. But for all the outrage about  
20 Cllr Behan raising questions about this, where is the documents? Where's your proof? And we  
21 wouldn't be doing our job in a fashion if we didn't raise the questions about where - it's simple,  
22 and I think the people who would know about the Notice of Disposals would be David  
23 Sweetman, because one would have allowed that the copy of the agenda and the Notice of  
24 Disposal would have accompanied the 2004 contract and that the Council would have in their  
25 possession that contract with the attached Notice of Disposal. Deputy Ferris, one would have  
26 allowed, would have assured herself and she says she can't recollect the matter, but Des O'Brien  
27 - she was the public interest nominee who signed it. Mr Desmond O'Brien, he was the other  
28 signature who signed the contract on behalf of the Council with Deputy Ferris. Tom Murphy  
29 was the official in charge of the documentation in 1998 when this, according to the letter I have  
30 received, this Notice of Disposal was passed by the Council. And so we then have to know  
31 where are these documents? Is now it's - we are not being unreasonable. If Mr Doyle or any of  
32 those officials can come up and show me the copy of the Notice of Disposal, that's it all over and  
33 finished with. I am quite happy, if you can come up and show me a copy of the agenda where it  
34 was on and a copy of the Notice of Disposal, end of story.

1 ACTING CEO: Councillor the record of any business transacted at this meeting or any meetings  
2 of any Local Authority going back to the year dot is the minutes of that meeting. The minutes of  
3 those meetings are available, clearly show what business was conducted at those meetings,  
4 contrary to what you say, and they are the decisions.

5 Cllr Tommy CULLEN: Have you got a copy of the Notice of Disposal for 1998?

6 ACTING CEO: And I would say in two years time, the Notice of Disposal will be of no  
7 relevance.

8 Cllr Tommy CULLEN: Did you sign the Manager's order authorising that agreement for the sale  
9 of that property for €10,000, have you had sight, or have you in your possession a copy of the  
10 Notice of Disposal from 1998, 2004, or 2015?

11 ACTING CEO: There is two things being asked in that. I did indicate that we have not found  
12 agendas as of three weeks ago.

13 Cllr Tommy CULLEN: Have you found Notice of Disposal?

14 ACTING CEO: The Notice of Disposal is a separate thing that will be sent out ten days before  
15 the agenda.

16 Cllr Tommy CULLEN: Have you got a copy?

17 ACTING CEO: Councillor, please. Ten days beforehand that will go out. I am not sure that we  
18 have got that. But any decision that would be made to give effect to the Notice of Motion, I  
19 would receive from the town clerk or the county secretary or the meetings administrator, Notice  
20 of Motion, proposed by, seconded, agreed at Council meeting, this is the content of the motion  
21 that was passed. And that in effect is what gives effect to the decision of the Council, the  
22 decision of the Council is given effect by the minute.

23 Cllr Tommy CULLEN: It's not on the minutes. What minutes are you referring to?

24 ACTING CEO: That's...

25 Cllr Tommy CULLEN: Tell me, what year?

26 ACTING CEO: Councillor, we could...

27 Cllr Tommy CULLEN: This is a joke.

28 ACTING CEO: It's not a joke because I think...

29 LEAS CATHAOIRLEACH: Just let one person speak.

30 Cllr Tommy CULLEN: Chairman, I am asking can you show me a copy of the Notice of  
31 Disposal or...

32 ACTING CEO: If the Councillor wants to come in and see, meet with Lorraine, we will bring  
33 the minutes of the Bray Town Council...

34 Cllr Tommy CULLEN: Of what year?

- 1 ACTING CEO: Any year you want, I'll arrange to sit with you and Lorraine and go through  
2 them with you.
- 3 Cllr Tommy CULLEN: I am here, I am not here to - look at Chairman, I have asked a simple -  
4 two simple questions: Number one, can you give me a copy, or every member of this Council...  
5 ACTING CEO: I have answered that, we have not located them to date.
- 6 Cllr Tommy CULLEN: Have you not located the Notice of Disposal either?  
7 ACTING CEO: No.
- 8 Cllr Tommy CULLEN: Away to the guards now at this stage.
- 9 ACTING CEO: Before you go Councillor, you made a call to the SIPO rep here today. If you  
10 believe that you have any evidence to support the inference that you are making, I would...  
11 Cllr Tommy CULLEN: Who destroyed the minutes...  
12 ACTING CEO: I would ask, I would ask that you can make that complaint to SIPO.
- 13 Cllr Tommy CULLEN: To sell this Barracuda for €10,000, you had to satisfy yourself that  
14 number one the Notice of Disposal giving effect to this was there, and number two, that the  
15 agendas proven were there. Somebody has taken out several years agenda and have destroyed  
16 them.
- 17 ACTING CEO: That's a serious allegation.
- 18 Cllr Tommy CULLEN: There is a letter saying...  
19 ACTING CEO: I have said to you...  
20 Cllr Tommy CULLEN: I have had sight of a letter issued last week from Mr Forde who has said  
21 that a decision was made not to retain the agendas. Now who made the decision not to retain the  
22 agendas? Because the agendas gave proof that a Notice of Disposal was there. Now you have  
23 said you can't find the agendas, and you can't find the Notice of Disposals, but yet you signed an  
24 order selling this property to a gentleman for the figure of €10,000. Now am I being wrong here  
25 or being unreasonable to say...  
26 ACTING CEO: If you produce your evidence...  
27 Cllr Tommy CULLEN: I am asking you to produce your evidence that the Notice of Disposal  
28 was here.  
29 ACTING CEO: I am very happy based on the legal advice that I have seen, and the advice I  
30 have given by the law agent, and the advice that has been given by Senior Counsel now that that  
31 was done correctly.  
32 Cllr Tommy CULLEN: You wrote to me and you said that the decision of November 1998 was  
33 what was based - what the sale was based on. Now...  
34 ACTING CEO: That wasn't completed until 2004.

1 Cllr Tommy CULLEN: That's not at all clear. There was a resolution passed, appears to be, but  
2 not a Notice of Disposal, which is a statutory document.

3 LEAS CATHAOIRLEACH: Councillor, could I just, there is other Councillors have their lights  
4 flashing there. Cllr Kavanagh.

5 Cllr KAVANAGH: I would like to direct it to the CEO, somebody has raised the question:  
6 Have all proper procedures been followed and I think that's the question here at stake. We were  
7 called into a meeting here six weeks ago without background information on this at all, I got a  
8 one page document when we arrived about the history of all of this and it appears it has  
9 snowballed into a much more serious situation than we anticipated six weeks ago. At that  
10 meeting six weeks ago Councillor Cullen did ask for a copy of the Notice of Disposal at that  
11 time and that was to be furnished to us and we didn't get it. What I want to ask the Manager is  
12 has the Notice of Disposal been found? And also has the agenda, not the minutes of the meeting,  
13 but the agendas of the meeting for 2004 that year, which pertain to that lease, have those agendas  
14 been found and I would like an answer to that please?

15  
16 The amendment to the 1998 lease in 2004, does that actually constitute an amendment or is that  
17 a completely separate lease? Because there were different things involved in that there was a bar  
18 licence, and also an extension to 250 years, so does it actually constitute a new lease, or an  
19 amendment? I would like an answer to that please.

20  
21 And regarding the opinion of the Senior Counsel, because from what I read, was the Senior  
22 Counsel furnished with a Notice of Disposal, and all the information that she would require to  
23 make her decision, so if these documents can't be found, how can she make a proper valid  
24 decision on this if she doesn't have the full documentation? I am not sure if these files are  
25 missing, and if you have looked for them, and you have discovered that they are missing, or  
26 misplaced. What is a reasonable timeframe to find those documents before which time the  
27 missing documents would be reported to the Gardaí? And I would presume it would be yourself  
28 who would report it to the Gardaí if something as serious as documents going missing, if they  
29 are statutory documents, that's a very serious thing that I would imagine you as the CEO would  
30 have to report to the Gardaí rather than the Councillors.

31  
32 I mean this has serious applications - sorry serious implications not only for this Council but for  
33 every Council across the country and I would like to support Cllr Fortune's motion that it would  
34 go to the AG because of its national importance, so I want to second his motion in that in the

1 national interest.

2 LEAS CATHAOIRLEACH: Cllr Vance.

3 Cllr VANCE: Thank you Chairman, I missed the meeting that happened six weeks ago, another  
4 meeting that I had to go to at that particular time, but I do think that if people call a meeting, a  
5 Special Meeting of the Council, and it deserves to be put on the agenda for this meeting, there  
6 should have been an item on be the agenda for to discuss given the type of the documentation we  
7 got from that particular meeting. It's not on the agenda here today and really it's not right that it  
8 comes up under correspondence when you have had a Special Meeting and an item like this  
9 comes under correspondence. Technically speaking, I think it should have been an item on the  
10 agenda for full discussion on it.

11

12 With regard to various issues, I would agree with Cllr Behan there if he asked a specific and  
13 wanted something specific, that should be got for him. But I mean there is all sorts of  
14 allegations yet again being thrown around here, not by Cllr Behan, by other people with other  
15 agendas as well as the agenda that they're interested in what's happening in Bray now at the  
16 moment. But I mean the fact of the matter is, the legal fact of the matter is that agendas I  
17 believe, they weren't legally obliged to be kept. Minutes were. And the minutes of a meeting  
18 reflect exactly what happened at the previous meetings and they're adopted by members of the  
19 Council. Effectively they contain all the items that were on the agenda as well. Anyone that's  
20 experienced enough to be at meetings and a lot of the members around here know that. The  
21 minutes reflect what happened at that meeting and one would get the impression here that  
22 somebody went out and destroyed agendas. You know what I mean like, that the guards should  
23 be looking at this type of thing. Big, a big, big deal, you know what I mean, about agendas.  
24 Most Councillors when they went home, they might keep minutes for a short period of time  
25 knowing quite well if they ever wanted them that the officials would have them anyway. But I  
26 mean certainly agendas you wouldn't. And the agendas would contain any other items in regard  
27 to that.

28

29 With regard to people saying there should be an investigation into this, we will get on to the  
30 department, sure the same people that were talking about getting on to the department were  
31 complaining a while ago about the department losing files and wanting a Garda investigation,  
32 there is somebody destroyed files in there. Then we have another suggestion here today we  
33 should go to the Attorney General and let her look into it. But given her performance in the last  
34 couple of weeks and the Callanan report, would anyone around here trust the Attorney General

1 to have a look at this? I think what Cllr Behan is asking for is reasonable. But really and truly,  
2 you want to go into the department, but they lose files in there regularly. You want to go to the  
3 Attorney General because she made a mess out of the Callanan affair. And would you take their  
4 word for it? This is losing, it's losing the train of events, and nobody in Bray ever wanted to -  
5 and I was on the Council at the time, and it was very specific of every single member of the  
6 Council at that particular time that it would be protected as much as possible in - as much as  
7 possible in regard to that. There was a building on that site that certainly wasn't very desirable.  
8 There is an improvement certainly what is there at the moment, I certainly would not have  
9 supported a decision for - like the way it happened in that sense, but legally if that was the only  
10 option that was there, we as a statutory body are - have to go down that way. But I mean it's  
11 reasonable that people, Councillors, should, public reps would ask for information and try and  
12 get it as well. But this type of business about agendas being destroyed and legal, get the guards  
13 in, and all this, it might make headlines for the paper next week again, but in fact there is nothing  
14 to it that I am aware of anyway. But other than really the fact of the matter that it disturbs me  
15 that legally or according to the Senior Counsel's report that we were in a position where we had  
16 no real option in regard to disposal of that particular property. That's what concerns me, that I  
17 would have thought that when that lease was done that it was fairly water tight, and that we  
18 couldn't - that this couldn't happen, and certainly there was nothing at that stage that would have  
19 indicated to us that this was a possibility, that I am aware of anyway, so - I mean I do think that  
20 it's reasonable, but remember this is not a - I have said this before, this has not appeared as an  
21 item on the agenda here and we have people making proposals about various things on it without  
22 other members who are not here having access to what those particular proposals are. And if  
23 there is a major proposal like what Cllr Fortune is saying, that it should be put down as an item  
24 on the agenda for the next one, and the full Council should be informed of what's going on in the  
25 Council and give them an opportunity to comment on it.

26 LEAS CATHAOIRLEACH: I take on board what Cllr Behan has said there and I would  
27 propose we have it as an item on the agenda for the 5th October and all relevant documentation  
28 that's required should be given to the members. I don't see any - we are not going to sort it out  
29 here today anyway Councillors. Sorry, Cllr Brady.

30 Cllr BRADY: I am sitting back taking in everything that was going on and unfortunately I  
31 wasn't able to make the previous meeting but I have gone through all the documentation that has  
32 been circulated and I am amazed at the logical information that Cllr Behan asked six weeks ago  
33 hasn't been provided. So I welcome the fact that you as Leas Cathaoirleach, you are suggesting  
34 that it is going to be got. The item will be put on the agenda for next month's meeting, because I

1 think it is critical. But it is worrying, and hopefully the documentation is found because I think  
2 that's also critical. But it's following in my mind a very dangerous trend, because previous  
3 documentation that I have requested has also disappeared, I am not saying from Wicklow  
4 County Council, but documentation in relation to the Michael Slattery reports that were carried  
5 out into very serious house fires in Oldcourt, I am not sure as to whether they've ever been  
6 found. But you know, serious critical reports and documentation like that has to be filed and  
7 archived properly, and if it isn't, serious questions like this arise. So I think serious - I suppose -  
8 thought has to be given as to how material is archived and I would like some information on  
9 those Slattery reports if they ever were found.

10  
11 But my concern is around this, and around the same time as this Barracuda site was going  
12 through, there was other sweetheart deals going through in Bray as well. I mean one down at the  
13 Superquinn site, Supervalu, Mel Corpo was given a very, very valuable piece of Council land  
14 there for effectively nothing, a sweetheart deal as is this. Look I am not going to say too much  
15 more until we get all the necessary information at the next Council meeting, and look I'll reserve  
16 my judgment until all of that information is sought, and delivered to us.

17 LEAS CATHAOIRLEACH: Thanks Councillor.

18 Cllr VANCE: Just a point of information for Cllr Brady, the Mel Corpo deal went through the  
19 Council and the Council voted on that.

20 Cllr BRADY: It was a sweetheart deal.

21 Cllr VANCE: I agree with you, actually I was the only one who voted against it.

22 Cllr BRADY: I wasn't on the Council.

23 Cllr VANCE: If you had done your work like you say you would, you would have known who  
24 voted against it. That went through the legitimate business of the Council and eleven members  
25 voted for it and one against it. I was the one against it. Right. But I am just saying, do you give  
26 the impression that something illegal happened there and nothing illegal happened. That was a  
27 democratic process. I believed it was wrong at the time, I still believe it was wrong. I think it  
28 will be proved to be wrong, but it's a decision that was taken by the democratic body of the  
29 Council at the time and there is nothing illegal about that.

30 Cllr BRADY: It was a sweetheart deal, same as this.

31 LEAS CATHAOIRLEACH: I think you are ready again Cllr Cullen.

32 Cllr Tommy CULLEN: There is a fair point to be made but the overwhelming fact of the matter  
33 is that six weeks on we were promised we would be circulated with a copy of the Notice of  
34 Disposal.

1 ACTING CEO: If they could be found.

2 Cllr Tommy CULLEN: If you sign a contract, that -- the law agent would have a copy that  
3 would be attached to the contract, so it should be in this building. Mr Tom Murphy should have  
4 a copy of the contract with the attached agenda as he was Town Clerk in Bray at the time. The  
5 people who purchased it would have a copy of that on their contract. So there should be at least  
6 - then there would be one kept for archive. So that should be four Notice of Disposal at the very  
7 least and then the Notice of Disposal should have been sent out to 12 separate Councillors, and  
8 so that's heading for a minimum of 16, 17 copies were done. And we are told that none can be  
9 located. The same as with the agendas. We are being steered that this happened in 1998. That's  
10 what the executive are steering me to. But I see no proof of that. I see a reference to a motion,  
11 but a motion has no legal binding. It's not a Notice of Disposal. So what we are here today is  
12 the agendas that would prove the existence of the Notice of Disposals are gone. And no matter  
13 what anyone tells you they're important archival documents and they're referred to in the Local  
14 Government Act. And there is a criminal offence for destruction of archival documents.

15

16 There is no Notice of Disposal and I from my viewing, there should be three Notice of Disposal,  
17 1998, are that the executive is claiming was the time, I see no proof of that; 2004 when the  
18 contract was signed seven years later, I see no proof of that; and July 2015, when the contract  
19 was signed with the purchasers of the freehold, I see no notice of that. So there is three Notice of  
20 Disposals that can't be located. Now Cllr Behan has made a proposal but how can a barrister  
21 give a legal opinion if the relevant documents are not in existence? If they ever were in  
22 existence. If they ever were in existence. We know the agendas had to be in existence. And the  
23 agendas would prove one way or another if the Notice of Disposals ever existed. But somebody,  
24 for whatever reasons to themselves, have decided to destroy all the agendas. Now I read the  
25 agendas for Bray Council at that year. There is 20 or 30 Notice of Disposals. Where does that  
26 leave all those people now with regards to the legality of their properties, if an important  
27 statutory document about their ownership of the property have gone, which is the agendas? Now  
28 this is the final question Chairman no, Chairman, let me just ask this question...

29 Cllr VANCE: The agenda now is in regard to a legal document in regard to the disposal...

30 Cllr Tommy CULLEN: Yes, it is, sorry a Notice of Disposal cannot exist...

31 ACTING CEO: I think it should be reserved to the meeting in October.

32 Cllr Tommy CULLEN: Remember a Notice of Disposal cannot exist without an agenda. A  
33 Notice of Disposal is not legal unless it's on the statutory agenda and the statutory agendas have  
34 disappeared.

1 ACTING CEO: By inference then all minutes of the meetings then are of no benefit to what was  
2 on the agenda. I think you should read the Local Government Act.

3 LEAS CATHAOIRLEACH: Just a minute, just a minute.

4 Cllr Tommy CULLEN: One final question.

5 LEAS CATHAOIRLEACH: Councillor, I am just looking at it now, Councillor...

6 Cllr VANCE: This is getting us nowhere.

7 LEAS CATHAOIRLEACH: We are getting accusations and whatever else is going around the  
8 place.

9 Cllr Tommy CULLEN: There was allegedly three Notices of Disposal on that day. There was  
10 number 776, does that Notice of Disposal still exist? 777, does that Notice of Disposal still  
11 exist.

12 ACTING CEO: This is a ball of smoke Councillor and you know it.

13 Cllr Tommy CULLEN: And the Notice of Disposal that you allege exists was number 778.  
14 Now does...

15 ACTING CEO: I know it exists from the agenda.

16 LEAS CATHAOIRLEACH: Councillor, there is other - Councillor...

17 Cllr Tommy CULLEN: Are they in existence and is 778 gone?

18 LEAS CATHAOIRLEACH: I can't answer that. Cllr Behan.

19 Cllr Tommy CULLEN: Neither can anyone else.

20 Cllr BEHAN: I appreciate the time given today, I want to make it clear I am not alleging any  
21 conspiracy or anything like that, okay. I am just trying to get at the legality of that last decision  
22 to dispose of the ground rent in the Barracuda to find out was it legally sound, okay. And that's  
23 why I submitted that other paragraph because based on a discussion on the last occasion, there  
24 were questions raise the that I didn't think were answered on the day. And they haven't really  
25 been answered on the day today either. So they're still there. I would suggest we go back with  
26 that paragraph, I can read it out again for the members, to the independent legal advisor, that we  
27 look for that advice back within the next fortnight, not until October. We are due to have  
28 another meeting at the end of September to discuss the local property tax, I am suggesting that  
29 he with discuss the outcome of that independent legal advice on this on this aspect of these  
30 notices on whether they were there, and whether she can see them or can't see them and whether  
31 it's legal or not legal. At that stage then I would have an opportunity to consider what Cllr  
32 Fortune is proposing if we are not happy at that point and time.

33 LEAS CATHAOIRLEACH: Could you bring your proposal there up to Lorraine please. So  
34 effectively...

- 1 Cllr BEHAN: I gave to Lorraine a copy of it. Do you want me to read it out.
- 2 MS GALLAGHER: I will take a copy.
- 3 Cllr FORTUNE: What I put up forms part of the meeting...
- 4 LEAS CATHAOIRLEACH: We are proposing to have it on the agenda for the 5th...
- 5 Cllr BEHAN: For the end of September.
- 6 LEAS CATHAOIRLEACH: But that's to deal with the LPT.
- 7 Cllr BEHAN: Surely we can discuss that?
- 8 LEAS CATHAOIRLEACH: There is some other issues.
- 9 Cllr FORTUNE: This should be included on the agenda as well.
- 10 LEAS CATHAOIRLEACH: All right, any other one want to contribute. Your light is on there.
- 11 Tom your light is on, that brings us to a conclusion, it doesn't bring it to a conclusion, but it
- 12 brings the discussion today to an end. Thank you very much. Councillor Ryan is back.
- 13 CATHAOIRLEACH: Okay members, on to item number ten to consider the taking in charge of
- 14 the following estates, Burgage More in Blessington, Keatingstown, Wicklow, Milltown Gate
- 15 Blessington. Can I have a proposer and seconder for Burgage More in Blessington? Proposed
- 16 by Cllr Ruttle, seconded by Cllr O'Neill. Keatingstown in Wicklow, proposed by Pat Kavanagh
- 17 and seconded by Irene Winters. And Milltown Gate in Blessington, proposed by Gerry and
- 18 seconded by Jim Ruttle. P if I can just to go to 14, to nominate one member to the East Coast
- 19 Regional Drugs Task Force.
- 20 MS GALLAGHER: The elected members were circulated with a letter, there was three
- 21 nominations before, Councillor Brendan Thornhill, he is on the Bray Drugs Task Force, so the
- 22 East Coast have asked for Councillor Daire Nolan to be nominated and I have spoken to Cllr
- 23 Thornhill, and he has no difficulty in this matter, so if we could get a proposer and seconder.
- 24 CATHAOIRLEACH: Did you get all those, great, okay, if it's okay just before we go for the
- 25 update on housing and the SPC update, if we could take number 13 if that's okay with members,
- 26 to consider the members proposals regarding the discretionary fund for the Bray Municipal
- 27 District, proposed by Cllr Behan and seconded by Cllr Brady. Agreed?
- 28
- 29 Item number eleven, update on the recent housing announcements.
- 30 DIRECTOR LANE: This is not a Housing Progress Report. This is a very, very quick progress
- 31 report on the priority listed the last day. As we agreed we would meet with the department with
- 32 the new priorities. The first priority was Murphy's land. We have met the department. We have
- 33 a full compliment of staff now, our executive architect, Noelle Sweeney, our other architect and
- 34 our quantity surveyor and we are beginning to progress schemes as we are going through the

1 priority.

2  
3 Like I said, our priority number one the last day, we had a quite clear thing was Murphy's land  
4 number one and we sent up a new list of priorities with 12 schemes on it. The Murphy's land we  
5 have been given approval of for €14 million recently, people saw that advertised. The only thing  
6 that was changed was because of the value of the land, we had originally sent in a submission,  
7 our submission was based on putting in 28 units, the department made it quite clear it had to be  
8 42 units primarily because of the price of the land. We had a universal meeting with Bray  
9 Municipal meeting before their meeting on Tuesday and between all of us we have an  
10 understanding of the constrictions and constraints of that particular site.

11  
12 So we are going ahead. That particular project forms a part of procurement now with the  
13 architect. We are sending the scheme out to the architects. There is ten architectural firms left,  
14 that will narrow it down, they have to submit their proposal for that, that is part of the  
15 procurement process and we bring it down to five. Those five will be used for all the other  
16 schemes. The other eleven are still at various stages, some the department like, some they don't  
17 like some. One of the restrictions identified with all of them was waste water particularly in  
18 Arklow and Blessington. We have sought connections from Irish Water for the 12 priorities and  
19 three others, that's Convent Land, Burgage in Blessington and Lott Lane to see can we access  
20 services there to go ahead. Our new structures, our priorities are Murphy's land, we have  
21 Department approval and we are going out for approval. Carriguna in Bray, we will be looking  
22 at that in the form of a schematic design, looking to see what we can put in there, we will go  
23 back to the Town Council when we have something there. The department favours dealing with  
24 an approved housing body rather than direct provision there.

25  
26 Blessington, a small one there, number six I think we were given approval, that's Mountainview  
27 to look at a small in-fill scheme there, four to six units, we are looking at that at the moment,  
28 Brewery's Bends, that was one of the initial projects that was approved, we are doing a possible  
29 redesign on that based on need. The initial one is a bit dated with the current designs that are up  
30 there and that will go out to the architects that will be qualified based on the Murphy's land one.

31  
32 Dunlavin, we are still waiting for Irish Water approval and we may have to look at alternative  
33 phases there. Lott Lane Kilcoole, once we get the architects to finish up on Murphy's land, we  
34 will look at Lott Lane for a master plan. There are three options for housing there, we have

1 never included for social housing from the department at this stage, it could either be a PPP, an  
2 approved housing body or it could be a smaller scheme ourselves. We wait and see on that.

3 Cllr FORTUNE: There is a fuller plan for that particular site.

4 DIRECTOR LANE: You still need a master plan. In the short-term we have purchased houses  
5 and continued to purchase houses, we have 25 purchased this year under a whole lot of schemes,  
6 and we have 13 more in active consideration at the moment. That will tidy up in the short-term,  
7 just give us a small bit of relief from some of the particular difficulties. It's a drop in the ocean  
8 but it's a start.

9  
10 The second big scheme, or the second big announcement was the 7.3 million, and that's not  
11 Local Authority, that's a capital acquisition scheme in Newtown. In this case it was a priority  
12 one under class, we will purchase a property from the developer, they'll be given a grant to do so  
13 and we will get 100% nomination. We have currently information being given on that, totally  
14 oversubscribed but that will be the nature of the housing demand at the moment. They'll  
15 interview, they manage, we will get nomination rights. Other housing issues, again we will deal  
16 with them at the next SPC which is in the month. We will bring in the housing bodies at this  
17 stage and tell them what's left from the department, what areas we would like them to consider,  
18 we are not going to do this alone, the department have its likelihood of those 12 priorities, we  
19 will only get three or four of them, so we need others to deliver. There are other schemes out  
20 there that won't be provided under social housing and we need to advance them. There is part  
21 five land that we have in Bray that we need partners to develop with us and we don't want us and  
22 approved voluntary bodies conflicting with anything, so if resources are spent, if we say we do  
23 this, you do this, and you do this, that's the way we go ahead. It's just a progress report.

24 CATHAOIRLEACH: With respect to the presentations we have got, we are not going to have  
25 any questions, anybody can deal directly with Joe there, thank you very much for that  
26 presentation. Michael, no, honestly John.

27 Cllr BRADY: Just the housing purchases, could you give a breakdown

28 CATHAOIRLEACH: Have a chat there, Michael you are on. To receive an update on the SPC  
29 of the Wicklow County Council updating the community.

30 Director NICHOLSON: Thank you Cathaoirleach. The presentation is in four parts, overview  
31 of the CCSD directorate, update on critical projects, achievements to date 2015, and projects  
32 planned for 2016.

33  
34 So first of all we have the overview of the CCSD directorate. That's it in graphic form of what

1 we do within the directorate. And I'll go through each of those subsets now. SPC looks at  
2 policies and plans and targets. Development contribution scheme, play and open space policy,  
3 arts strategy, local sports partnership plan, library plan and age friendly alliance programme.  
4 They're the documents that guide what we do. They're the members of our SPC made up of  
5 Councillors and various representatives from various interest groups. That's our staff  
6 organisation chart. I am sure you know most of those people, we have currently a vacancy for  
7 assistant arts officer, but other than that all the positions are filled, including our two new  
8 appointees, local sport co-ordinator, and local sports administrator who is about to start in  
9 September.

10  
11 So I suppose the main work of the LCDD is in charge of Leader programme, SICAP and the  
12 local and economic community plan. We are interested in the community part of the local and  
13 economic community plan. We don't do the economic part. That's done by a different SPC. We  
14 administer the SICAP programme, the Social Inclusion Programme and the Leader programme  
15 and facilitate the PPN, the Public Participation Network.

16  
17 Under arts strategy, 2015 to 2018, identifying and develop new public art policy, pride artist  
18 support schemes and we have a very good partnership with music generation Wicklow, with the  
19 Kildare Wicklow Educational and Training Board. Social inclusion as I mentioned earlier, we  
20 run the SICAP programme and the PPN. We sit on the resettlements Steering Committee where  
21 we resettled people from Somalia. We do a lot of research, forward planning, and we also run  
22 social inclusion week. We have a very active programme for play and recreation, as the  
23 members will be aware, develop and maintain modern play and recreation facilities with the  
24 national children's strategy, implement children's services, Cor na N'Og, local sports partnership  
25 and sports and recreation strategy.

26  
27 Under the local sports partnership, I suppose our aim here is to increase physical activity in the  
28 county, and provide education and training and co-ordinate all sports and physical activity.  
29 Community development, we provide infrastructure, administer grants, administer levies and of  
30 course I mentioned earlier the LECP.

31  
32 Outdoor recreation, we are involved in the Wicklow outdoor recreation committee, we have an  
33 outdoor recreation strategy, we administer a tourism promotion fund and we are involved in the  
34 Wicklow Way management. On the community infrastructure, we do playgrounds, skate parks,

1 outdoor gyms and most of that funding comes through the special contributions, special planning  
2 levies and we administer sports capital grants as well.

3  
4 And we work with a lot of inter-agencies, there is a list of a few of them, we have a lot more, but  
5 they're the main ones we work with during the course of any given year. I can send this  
6 presentation to all the members afterwards and you can read it at your leisure, it's just to give you  
7 some highlight.

8  
9 Library service, public library strategy, county library Development Plan. We are currently  
10 working on a new plan which we hope to finish by the end of the year. That's just administrative  
11 support. I'll give you an update on what I consider to be the critical projects which the members  
12 will really need to know about more than others. I am going to cover the LCDC and be the  
13 LECP. We have loads of acronyms in my CCSD department. That's what they all mean, plus I  
14 have given you a description of what Leader means, it's actually French, and it's there, a special  
15 prize for anyone who can pronounce it properly.

16  
17 LCDC, the Local Community Development Committee. We have to produce a local economic  
18 and community plan, we are responsible for the community part of that. 17 members on the  
19 LCDC. That's it there, who represents what. That's just a geographic representation of where it  
20 all fits in. The LCDC is responsible for the LECP, SICAP and Leader on the right. Underneath  
21 that we have to set up a couple of groups, we are working on the local action group under  
22 Leader. We need a project evaluation committee, we need an evaluation committee under  
23 SICAP and an advisory group under LECP. We may need an implementation committee next  
24 year when to implement be the plan.

25  
26 I am going through this very quick, I appreciate we are stuck for time. I would love to have gone  
27 through it much slower, I know you are all interested! Functions, primarily to produce a six year  
28 plan which is currently under preparation, and then obviously to implement the elements of the  
29 plan when it's adopted. Hopefully adopted by the members in December. And to review the  
30 plan, we intend to do in 2016 to bring the plan around to all corners of the county and to test the  
31 plan out and see what people think of it and review the plan next year. And amend it if we have  
32 to. Before the end of next year. It's only when we have the plan finished that people will see  
33 what's in it that we can take criticisms and comments and suggestions.

1 As I mentioned earlier, the plan is in two parts, the economic element has been done by the SPC,  
2 and we are doing the community element and we are looking at all plans that currently exist,  
3 green priorities for the area, looking at the agency roles and we are placing onuses on parent  
4 bodies at local level to enable them to respond as appropriate.

5  
6 So where are we now? We have done all our consultation and we are now doing analysis of the  
7 socio economic profile looking at all the submissions we received and taking on board national  
8 and European policies and strategies. We hope that the plan finalised by the end of September  
9 and bring it before the municipal authorities probably in October, before the regional authority in  
10 November and back here in December. That's the plan anyway so far. Under the social  
11 inclusion programme, most people will be aware that's been being developed by Bray area  
12 partnership and also Wicklow partnership. Bray obviously does the larger Bray area, Bray and  
13 Greystones, and the Co Wicklow partnership does the rest of the county effectively, Wicklow,  
14 Arklow and Baltinglass municipal districts.

15  
16 We have a much greater role now in SICAP, we have to monitor the programme, whereas  
17 previously we wouldn't have had that much dealings.

18  
19 Under Leader, there is a new Leader programme, 2014 to 2020, it's €6 million over that period of  
20 time. Which is considerably down on previous years, previous programmes, but it's still a  
21 million a year. And we are currently writing the local development strategy, we will be able to  
22 take applications in 2016, hopefully as early as January. We need an evaluation committee.  
23 There is already one in situ, we have to see if it's fit for purpose, so we have to expand that or  
24 change it.

25  
26 Part three is a brief list of achievements to date, that background there is the photograph of the  
27 new library in Arklow, which is just been completed. We expect to take delivery of that on  
28 Thursday. We are supposed to get the key on Thursday. They're just finalising a bit of paving  
29 and we hope to have delivery of that. We have a new playground in Wicklow, refurbished  
30 playground in Bray, new skate park at the Murrough, new BMX pump track at the Murrough.  
31 Under construction, playground at Rathnew, playground at Newtownmountkennedy. Grant  
32 assistance: We have a number of applications for Katie Taylor bursary and 76 grant applications  
33 under the Ballinagran community small funds.

1 Something big we are doing this year which will also run to next year is the 2016  
2 commemoration. I am not sure how much the members know about this, but there is a huge  
3 programme of events organised both nationally and locally for Ireland 2016 to commemorate  
4 100 years since 1916. It's a call to remember, reflect and re-imagine Ireland's future. And each  
5 Local Authority is coming up with its own programme of remembering, reflecting and  
6 re-imagining. We have to have our programme published in October, and we have our  
7 programme finalised. We have a meeting at 5.30 to sign off on the programme for this year.  
8 There is five teams, under the 1916, 2016 commemoration just set out there for you. Some key  
9 foundation stones. They want everybody involved in this. It's an historical commemorative  
10 project and it's going to show the best of each county and also the best of the country. Some of  
11 the programmes nationally are - a lot of State and ceremonial activities, historical reflection, a  
12 big focus on the living language, youth and imagination, cultural expression. There is a big role  
13 to play in the Diaspora.

14  
15 We've already had consultation, but there is more consultation to take place on what people think  
16 we should have in our programme, how we should reflect 2016. And we asked for people to  
17 make submissions that are relevant to Wicklow, community driven from the ground up, and then  
18 creative, inspiring, respectful, engaging, feasible and delivered on time.

19  
20 That's just a chart of how it all fits in, that's who is going to be involved, Government, industry,  
21 community and the Diaspora.

22  
23 Our objectives for 2015 were to build, I suppose really a support network of key stakeholders to  
24 commit resources and organisations. They've done that, we have a lot of submissions made, a lot  
25 of programmes taking place, some this year, but more next year, starting from April onwards  
26 most of them. The key milestones for us, the first draft of the programme was done in April.  
27 We had public consultations on the programme in April and May and our final plans will be  
28 produced next month. In terms of funding, a million euro was allocated to all local authorities,  
29 that's roughly 30 grand per authority, so we have had 30 grand this year. And we are hoping to  
30 have more next year. At national level, there is a special cabinet subcommittee, an expert  
31 advisory group, all party Oireachtas Committee, senior officials interdepartmental group, project  
32 management board, and it's being led by the SPC, we have a committee locally, John Ryan our  
33 Cathaoirleach is a Chair, there is some members on it, I am on it, the Council librarian, the  
34 heritage officer, arts officer and the archivist are all playing a part. And we have built the

1 programme up over the past few months. So I mentioned funding, we are hoping that as well as  
2 30 grand this year, we are hoping for 100 grand next year made up of 30 grand be from the  
3 department of arts, 30 grand contribution from IPBMI, our insurance company. And I have  
4 made provision and I am hoping you will support it in the budget for 40 grand from Wicklow  
5 County Council, which we have been asked to produce. That will give us 100 grand next year  
6 which would fund a lot of the works planned.

7  
8 We've also developed our own website, dedicated website, Wicklowcommemorates1916.ie. We  
9 are developing an App that will give weekly reports from Wicklow newspapers 100 years ago.  
10 There is loads of events, you can see them there, we are having a curation day, bringing objects  
11 the public have donated for display purposes to record and assess them.

12  
13 We have a community event in 2015, but we are going to have one in 2016, we also had grant  
14 applications and we approved 70 grand in funding, improved in principle between this year and  
15 next year.

16  
17 Just a couple of words on the arts update, art office bursaries awards we have set up, we have set  
18 up a new panel for the musician tutors, the John Lennon bus, a hi-tech recording studio where  
19 songs can be recorded and following along, a local band from Arklow recorded an original song,  
20 burning in fire, on the John Lennon bus. They performed it on East Coast Radio and got an  
21 appearance on Irish TV, Sky channel 191, so that was good for a local band. Some photographs  
22 of, there is our Cathaoirleach of the SPC. The skate park.

23  
24 Cathaoirleach, you asked me to include Pride of Place competition 2015, most of the members  
25 know what this is about, we have entered four applications under the Pride of Place 2015, under  
26 category four, population above 2,000; we have entered Wicklow Town, we feel Wicklow Town  
27 ticked all the boxes. And a very, very good presentation made which culminated in the Taste of  
28 Wicklow event on that Sunday.

29  
30 Under the age friendly community initiative, we have nominated Carnew Community Care.  
31 They've done an awful lot more since 2008 when they previously won, they've included a charity  
32 shop, a medical practice included under its own roof and we believe this is a worthy applicant.  
33 Under the young people in the community initiative, we nominated Be Well Bray, they made a  
34 first class presentation. There is a photograph of the judges and some of the group, excellent

1 presentation. And the fourth application was Tiglin in Ashford. Helping people overcome their  
2 drug and alcohol and other addiction problems, again a first class presentation made in Tiglin.  
3 So we won't know if we have any winners yet, it will be November when they're announced but  
4 certainly we are very, very confident that the four applications made from Wicklow are  
5 excellent.

6  
7 Projects for next year, new library for Wicklow Town, hopefully, we have made a lot of moves  
8 there and we are hoping to have some announcements shortly. Playground for Kilcoole which  
9 we had hoped to finish this year has slipped into next year. Skate park for Baltinglass, and Bray,  
10 we have to find a site there and get working on that. A park or a free running facility for  
11 Wicklow Town and there is a huge demand for dog parks.

12  
13 One final word on the rural economic development zones, this is a new area outlined be by the  
14 Commission for the economic development of rural areas, another acronym CEDRA. A strong  
15 submission has been made by a group in Arklow working with the Council. Arklow has been  
16 identified as a town that could use some redevelopment, the socio economic profile we did  
17 recently identified Arklow as disadvantaged. We are hoping for funding.

18  
19 And now Niamh O'Connell, who is the artistic Director, CEO of the Mermaid Arts Centre is  
20 going to give a presentation as well.

21 MS O'CONNELL: I am really aware of time, so I am literally going to speak for no more than  
22 three and a half to four minutes. I hope that you are all really proud of Mermaid, Co Wicklow  
23 Arts Centre. Ultimately recently we were cited by the Arts Council as not only a really vital part  
24 of the infrastructure of venues in the country but also as an organisation that plays a leadership  
25 role. But I am not here to talk about Mermaid, I am here to talk about the value of the arts and  
26 make an invitation or give a call to action and to show the impact of the work being done.

27  
28 Our and every arts organisation in Wicklow's mission is to not be intimidating places but to be  
29 inclusive and to entertain. We see ourselves as not just spaces for art or centres for art but  
30 centres of community. We try to pull people in and to work with people, to include them and to  
31 give them their voice.

32  
33 Again I would say that the strategic intent for any arts organisation or any arts led organisation is  
34 to build content in Wicklow, to build capacity, obviously to build interest but most importantly

1 for us to open our doors and try to expand engagement across all ages and all demographics.

2  
3 None of us are just the space that you see when you come in. That's not what we are about. We  
4 run outreach programmes, we do offsite work, and ultimately we try to touch as many lives in  
5 Wicklow in a positive way as we can. But it's also important sometimes to show the impact and  
6 be the level of activity and what happens, so we have over 331 events in 2015, just under 42,000  
7 people attend events. So far this year, we have had 1,400 children make work and perform it on  
8 our stage and 997 attend professional theatre events. Again so far this year, we will have more,  
9 we have had 42 talks tours and workshops and most of them tend to be outside of the  
10 organisation, because we are constantly trying to extend and expand where we work.

11  
12 Anyone who works in the arts believe in creativity for all. And now we don't believe that  
13 everybody is an artist, but we do believe that everybody is creative. And so I suppose we  
14 definitely -- I believe that access and participation is a fundamental right for every citizen in arts  
15 and culture. I know I keep showing pictures of kids, but we do loads of work with older people  
16 and younger people, it's not all about kids. None of us can do our work and part of the really  
17 amazingly powerful kind of offer that Wicklow has is because all of the arts organisations work  
18 together and the community groups also. This of course, these are the schools that I am  
19 specifically working with, but all of them, or nearly all of them, obviously the ones in Bray are  
20 easy because they can all walk to us, but the ones that we are working with outside are because  
21 we are partnering with organises, and that inter-connectivity is what makes it work.

22  
23 I am not going to talk through them all, but ultimately today we started a residency with two  
24 international artists in Kilcomman school in Tinahely, we have partnered and raised funds from  
25 the Courthouse arts centre. Some of the children's artwork will be presented then in Mermaid  
26 with the artist's work. And so I suppose I just wanted -- this slide is actually all about trying to  
27 show the impact on young people. We work with a lot of social and community groups.

28  
29 This is Matthew. He started with us a year ago. He couldn't look anybody in the eye. I would  
30 just like to say now, he is a really good actor. We have run workshops, we work Bray Lakers  
31 and as many socially engaged groups as possible and we have recently started partnering with  
32 the homeless, and that's all about us all working together.

33  
34 I'm going to skip because that's going to be too long, so the value for the arts, there is my slightly

1 cheesy slide where I was going to say I know I am singing to the converted! But the arts  
2 basically inspire change and they provoke thought and it's all about empowering people. That's  
3 what it's about. Giving people their voice, letting people speak. And so there are four areas  
4 where we as a sector, as an industry cover, it's education, society, health and economy. The first  
5 is education, this is the kill common group working with Adrian. The arts engagement help  
6 children and young people to thrive. That's proven not so much in research in Ireland but it is  
7 proven because the UK would invest a lot more in reports and research. But a recent report,  
8 market research report for the Arts Council of England had stats around meaningful arts  
9 engagement and it's said that all children involved show higher levels of self esteem and rather  
10 shockingly 73% of them are more - they're 73% more likely to go to higher education, which is a  
11 shocking but brilliant stat.

12  
13 Also obviously society gains, so it's about us accepting our diverse society and making us  
14 stronger. I just have two figures, 1.9 million people attended Arts Council funded venues last  
15 year, not the O2, none of those big spaces, just small centres around the country, only 1.3  
16 attended inter-county GAA games. That's fact. They're stats. I am a GAA head, I find it hard to  
17 believe. Then of course health and well-being, all of us do a lot of work, especially around  
18 mental health. I wanted to include that slide that we are working, or trying to expand a project  
19 with Phoenix Youth, it's really about trying to help people reach their full potential. Finally of  
20 course, the arts contribute to the economy. In the Arts Council Intercon report in 2012, at the  
21 height of the downturn, or where things were hitting us bad, the Arts Council funded arts  
22 organisations generated 782 million. So it isn't small fry. And of course we encourage cultural  
23 tourism because they don't come here for the weather. They do of course come to Wicklow for  
24 the landscape and all the different activities that they can do, so ultimately I am here really with  
25 a call to ask, which is culture night is the 18th of September, it's Friday week, and I would really  
26 like you all to have a look at what's going on in your local community and get involved if you  
27 can, it would be really great. They need your help. They need your support. And if you don't  
28 have something happening or if you would like to come, Mermaid would love to offer you  
29 tickets to Connor MacPherson's latest play and this is called The Night Alive and it's a show that  
30 has been made in New York and also in London it's sold out. It's never been shown in Ireland  
31 and it's being made in Wicklow. It's the opening show of Dublin Theatre Festival this year. So  
32 you have the opportunity to see it before it goes to the Gaiety. And if you want, my email is on  
33 that slide but it's not appearing there is [director@mermaidartscentre.ie](mailto:director@mermaidartscentre.ie). If you were to email me,  
34 I'll put tickets aside for you, but you need to tell me by Friday because we are selling out. But

1 please, we would love you to come along.  
2 CATHAOIRLEACH: And that's Councillor and partner, is it? That's a great offer and I think  
3 everybody should take it on, we can go and enjoy ourselves on culture night in the Mermaid.  
4 Thank you all. Guys, it's just gone 5.30, so a long meeting, but we will see you back here on the  
5 28th and we will put the item on the agenda about the immigrants and what we could actually do  
6 to support them, we obviously didn't get to it today.  
7 Cllr NOLAN: Just item 14 was the East Coast Regional Drugs Task Force.  
8 CATHAOIRLEACH: We did it. You are on.  
9 Cllr NOLAN: It's done already. Sorry.  
10 CATHAOIRLEACH: Congratulations! Okay, protocol in the Furzenburg room.

11

12 Meeting concluded 5.35pm

13

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