

MINUTES OF THE ORDINARY MEETING OF WICKLOW COUNTY COUNCIL HELD IN THE COUNCIL CHAMBER, COUNTY BUILDINGS, WICKLOW ON MONDAY 11th JUNE 2018, COMMENCING 2PM

PRESENT:

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

APOLOGIES: CLLR. D. MITCHELL AND J. RUTTLE.

IN ATTENDANCE:

**MR. F. CURRAN, CHIEF EXECUTIVE
MR. S. QUIRKE, DIRECTOR OF SERVICES
MR. T. MURPHY, DIRECTOR OF SERVICES
MR. M. NICHOLSON, DIRECTOR OF SERVICES
MR. B. GLEESON, HEAD OF FINANCE
MS. L. GALLAGHER, MEETINGS ADMINISTRATOR
MS. B. KILKENNY, SENIOR ENGINEER
MS. S. WALSH, SENIOR PLANNER
MS. C. FLOOD, SENIOR EXECUTIVE OFFICER
MS. H. DENNEHY, SENIOR EXECUTIVE OFFICER
MR. D. MARNANE, SENIOR ENGINEER
MS. A. MINION, ADMINISTRATIVE OFFICER
MS. D. MAGUIRE, EXECUTIVE ENGINEER**

Votes of Sympathy

Elected Members passed a vote of sympathy to the families of the late Ms. Jastine Valdez, Mr. Bobby Messett, Mr. Charles (Cha) Byrne, Mr. Michael Balfe, Ms. Marion Wright, Mr. Vincent Kelly and Mr. Ned Dempsey. A minutes silence was observed for the deceased.

Suspension of Standing Orders

1. Cllr. S. Matthews requested a Suspension of Standing Orders to discuss the North Wicklow Educate Together Secondary School referring to the apparent little communication from the Department of Education and Skills with the North Wicklow Educate Together School. He said that he would like to propose a resolution in this matter. This request was seconded by Cllr. M. O Connor and agreed to discuss the matter at 4.30 p.m.
2. Cllr. M. McDonald requested a suspension of standing orders to highlight the matter of the closure of Rights of Way around the North Beach area in Arklow. This request was seconded by Cllr. P. Fitzgerald and agreed to discuss the matter at 4.30 p.m.
3. Cllr. B. Thornhill requested a suspension of standing orders to highlight matters in relation to the running of the Bray Boxing Club. Following a brief discussion on the matter, wherein elected members suggested that it was inadvisable to enter into a debate on the issue at this time as the garda investigation into the recent happenings at the club should be let take its

course, and as there was no seconder to the request for suspension it was agreed that discussion on the matter could not proceed.

ITEM NO 1

To confirm and sign minutes of ordinary meeting of Wicklow County Council held on Monday 14th May, 2018.

It was proposed by Cllr. J. Snell, seconded by Cllr. S. Bourke and agreed to confirm and sign minutes of ordinary meeting of Wicklow County Council held on Monday 14th May, 2018.

ITEM NO 2

To consider the disposal of land comprised in leasehold folio no. 2710L – Co. Wicklow being 38 Beechwood Park, Kilcoole, Co. Wicklow to Ms. Sinéad Connolly, 38 Beechwood Park, Kilcoole, Co. Wicklow.

It was proposed by Cllr. T. Fortune, seconded by Cllr. N. Lawless and agreed to dispose of land comprised in leasehold folio no. 2710L being 38 Beechwood Park, Kilcoole to Ms. Sinéad Connolly, 38 Beechwood Park, Kilcoole, Co. Wicklow.

ITEM NO 3

To consider the disposal of 0.193 acres (0.0781 hectares) or thereabouts of land in the townland of Kilmacanogue, Co. Wicklow to Denis Smith and Veronica Smith, “Gleann Aluine”, Kilmacanogue, Co. Wicklow.

It was proposed by Cllr. C. Fox, seconded by Cllr. S. Matthews and agreed to dispose of 0.193 acres (0.0781 hectares) or thereabouts of land in the townland of Kilmacanogue to Denis Smith and Veronica Smith, “Gleann Aluine”, Kilmacanogue, Co. Wicklow.

ITEM NO 4

To consider the disposal of the freehold interest in the property known as 32 Wolfe Tone Square South, Bray, Co. Wicklow to John Sullivan, the personal representative in the estate of Christopher John Sullivan, deceased.

It was proposed by Cllr. P. Vance, seconded by Cllr. C. Fox and agreed to dispose of the freehold interest in the property known as 32 Wolfe Tone Square South, Bray, Co. Wicklow to John Sullivan, the personal representative in the estate of Christopher John Sullivan, deceased.

ITEM NO 5

To consider the disposal of the freehold interest in the property being 35 Fernhill, Arklow, Co. Wicklow to Richard Watters and Geraldine Watters, 35 Fernhill, Arklow, Co. Wicklow.

It was proposed by Cllr. P. Fitzgerald, seconded by Cllr. M. Murphy and agreed to dispose of the freehold interest in the property being 35 Fernhill, Arklow, Co. Wicklow to Richard Watters and Geraldine Watters, 35 Fernhill, Arklow, Co. Wicklow.

ITEM NO 6

To consider the disposal of 0.1182 hectares or thereabouts of land at Brockagh (Knockfin) td, Co. Wicklow by way of deed of rectification to Richard Cooke and Catherine Boyd.

It was proposed by Cllr. S. Cullen, seconded by Cllr. P. Fitzgerald and agreed to dispose of 0.1182 hectares or thereabouts of land at Brockagh (Knockfin) td, Co. Wicklow by way of deed of rectification to Richard Cooke and Catherine Boyd.

ITEM NO 7

To consider the delegation of certain functions to the Municipal Districts – S131 of the Local Government Act, 2001 as amended (deferred from the meeting of 14th May 2018).

Elected Members were circulated with the following documentation on the 11th of May, 2018 in this matter:-

1. Discussion Paper prepared by the Council's Law Agent.
2. Schedule 3 Reserved Functions: (Local Government Reform Act, 2014)
 - Part 1 - Reserved functions to be performed subject to section 131A(4) by Municipal District Members (page 217 - 224)
 - Part 2 - Reserved functions that may be performed under section 131A(1)(b) in respect of a Municipal District by Municipal District Members or the Local Authority (Page 224 - 227)
 - Part 3 - Reserved functions to be performed by the Local Authority (page 227 - 243).

The Chief Executive advised the Elected Members in relation to the background of the issue which was raised initially by Cllr. S. Matthews, and particularly in relation to the whether consideration of Local Authority own developments (S179 of the Planning and Development Act, 2000) and the consideration of Local Area Plans could be considered at Municipal District Level. He referred to the schedules contained within the Act of 2001, and in particular highlighted the functions contained within Part 2, i.e. those which may be performed either by the Plenary Council or the Municipal Districts. He advised that at present the policy is to consult with the Municipal Districts and then for the decision to be taken at plenary level, and that this is the procedure in a number of other local authorities. He advised that some Municipal Districts deal with the issue of Local Authority own development at Municipal District level, similarly with Local Area Plans and that there are advantages and disadvantages in this. He said that he would like to hear the views of the elected members in this matter and if it is the decision of the Council that the municipal districts deal with reserved functions set out in Part 2 of the schedule he proposed that the Executive would prepare a policy and bring it to the Council at their July meeting.

The Cathaoirleach advised that he would be supportive of Local Authority own development being considered at municipal district level, and he referred to developments from other municipal districts dominating discussion and time at plenary council meetings even though it has been discussed and agreed at Municipal District level. He also considered that the decisions made locally would be a better use of the Council's resources.

Following a discussion on the matter wherein Cllr. Joe Behan proposed '*that every power that can be delegated to the Municipal District should from today be so delegated*'. In response to clarification sought by the Cathaoirleach, Cllr. Behan confirmed that he was referring to the functions set out in Part 2 of Schedule 3, which was seconded by Cllr. T. Fortune.

Following a long discussion on the matter wherein elected members expressed the following views:-

- Broad support for the functions which can be exercised by the MDs or the County Council to be carried out at MD level; view expressed that this would free up valuable time for countywide issues to be considered at Plenary Council
- Clarification sought on the functions set out in Part 2 of Schedule 3 which are currently carried out at MD Level and what functions are carried which could be carried out at MD level are being considered at Plenary Council.
- The two most contentious issues have been the consideration of Local Authority own developments and Local Area Plans, and if the MDs were to exercise both of these reserved functions better results would be achieved
- With regard to exercising all of the functions set out in Part 2, as proposed, caution suggested in terms of whether the Municipal Districts have the finances and other resources such as staffing levels to exercise the functions.

- View expressed that if in the case of a 6 Member Municipal District and the vote in relation to Local Authority own development (for example) is split, then the final decision should be made by the Plenary Council and not the Municipal District Cathaoirleach, by way of casting vote.
- Support expressed for the consideration of Local Authority own development at Municipal District level, however due consideration should be given in terms of resources at local level for the other functions
- The advantages of considering local authority own development and local area plans at municipal district level outweigh the disadvantages
- View expressed that the Elected Members are democratically elected to Wicklow County Council for the entire administrative area of County Wicklow, and while it may seem like a good idea to exercise powers set out in Part 2, at Municipal District Level, should this happen an elected member from the Bray Municipal District, for example, will have no say in something that may happen over the border in the Municipal District of Greystones (The Harbour Development given as example).

It was agreed that the executive will prepare a policy document in relation to the matter, present to the Corporate Policy Group and bring to the elected members at the July 2nd Council meeting.

ITEM NO 8

To Review the Wicklow County Council Burial Ground Policy.

Elected members were circulated with report dated the 6th of June, 2018 of Ms. Helena Dennehy, Senior Executive Officer, re: Recommendation of the SPC to full Council – Burial Ground Policy. Ms. Dennehy presented on the policy outlining the background of its considerations, that it been agreed by a subcommittee back in July, 2016 and again in October, 2016 and also by the SPC in October, 2016 and June, 2017. Following consideration by the Plenary Council in July of 2017 it was referred to the Municipal Districts for input. The suggested amendments have come back and are included in and updated in the policy which includes 12 proposed policy areas in the area of burial grounds set out as follows:-

1. Definition of Locals only
2. Advanced Purchase – Double Graves at time of burial/purchase only
3. New Extensions – Lawn Cemetery Style
4. Headstones and surrounds – Memorial Applications
5. Part Lawn Cemetery graveyards – requirements in relation to removal of illegal surrounds etc.
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6. Pricing policy going forward –
7. Signage policy – Open Graveyards –
8. Capital Programme over 10 years
9. Closed Cemeteries – proposals/rights of burial (possibly 7 graveyards)
10. Health & Safety Programme – Users of graveyards – Undertakers, Grave Diggers, Community Programmes etc
11. MD minimum responsibilities for Maintenance
12. Height/Depth/Location of Headstones /memorials

Elected Members expressed the following views:-

- Reference made to the amendment ‘residents from the Glenmalure Valley born or reared in the area will be considered for burial in Greenane Cemetery’. Amendment not considered strong enough. Cllr. P. Kennedy proposed ‘*Residents from Glenmalure Valley and persons born and reared in Glenmalure Valley, will be permitted burial in Greenane Cemetery*’.
- View expressed that the needs of the Baltinglass Municipal District in terms of cemetery policy differs from the needs of the Bray or Arklow MDs. Cllr. T. Cullen proposed ‘*that the*

recommendations of each municipal district be adopted as the policy for each of their individual areas, and that the recommendations of the Baltinglass Municipal District be adopted as put forward.' This was seconded by Cllr. J. Snell.

- Opposition expressed in relation to a lawn cemetery for Rathnew
- Which department is responsible for the maintenance of cemeteries, is it the Environment Department or is it the Municipal Districts?
- Concern expressed in relation to Lawn Cemeteries, maintenance is not happening on the ground, reference made to the condition of Arklow cemetery. Query as to what MD minimum responsibilities for maintenance listed at number 11.
- Concern expressed in relation to the condition and upkeep of the lawn cemetery area of Rathnew cemetery.
- Full support expressed in relation to the policies put forward by the SPC, view expressed that it covers all aspects and considerations and that the new updated policy as circulated be implemented. Cllr. Daire Nolan proposed that the policy be accepted and implemented.
- Query as to where the funding for the full-time caretaker for Arklow Graveyard came from and was it funded via the Municipal District?

In response Ms. Dennehy confirmed that the policy only related to cemeteries in the control of Wicklow County Council, staffing matters fell outside the policy area and that the proposal in relation to the wording for Glenmalure Cemetery put forward by Cllr. P. Kennedy was acceptable. In relation to the Baltinglass District, Ms. Dennehy explained that the District had requested that traditional burial policy to remain in Rathbran cemetery, with regard to replacement of headstones and Rathbran has been requested to be left as an open plan and not lawn cemetery. She set out the background of the development of Rathbran cemetery, the policy for which was developed in 2008 and that some €65,000 was spent to develop it. She advised that all the suggestions that have come in from the MDs have been incorporated into the policy, the exception being Item 3 new extension lawn cemetery style.

At the conclusion of the discussion it was proposed by Cllr. T. Cullen, seconded by Cllr. E. Timmins, Cathaoirleach, and agreed that the matter/policy be referred back to the Municipal Districts to resolved at local level.

ITEM NO 9

To receive update/presentation on Wicklow County Council's Housing Supply Capital Programme.

Ms. B. Kilkenny, Senior Engineer, Housing gave a following presentation to the Elected Members covering the following areas:-

- Social Housing Strategy 2020
- Rebuilding Ireland Action Plan for Housing and Homelessness
- Five Pillars of Action Plan
- WCC Social Housing Supply Strategy
- Housing Stock
- Strategic Land Bank
- Site assessment criteria and land bank assessment
- Social Housing Targets
- Priority List 1, 2,
- Strategy challenges
- Strategy opportunities

Following the presentation Elected Members expressed the following views/made comments which were responded to by Ms. Kilkenny and noted by the Elected Members

- As voluntary housing bodies do not operate in all areas of County Wicklow can the building sector be utilised to provide infill housing?
- The Department should be pressed to provide funding to purchase additional housing unit.
- Housing announcement for Baltinglass, Dunlavin and Blessington welcomed.
- Concern on over reliance on the private sector and voluntary groups expressed.
- Does the Council's landbank include all of the Council's lands at Charlesland and has the Department approved the building of 34 units at Three Trouts?
- Reference made to the traveller accommodation programme and does any of the land include the future building of housing units for the travelling community?
- Can housing schemes for Arklow be progressed while the treatment plant is awaited.
- Query as to the landbank available to the Council for the provision of housing, view expressed that there is a need for one off rural housing
- Staff in the housing department commended for the work that they carry out.
- Issue of rising rents in the private sector highlighted as a concern
- Progress report on the Convent lands requested
- Query as to the cost of remediation works to the Glending Estate

Time Extension: On the proposal of the Cathaoirleach it was agreed to extend the meeting time until 5.30 p.m.

Suspension of Standing Orders

1. It was proposed by Cllr. S. Matthews seconded by Cllr. N. Lawless and agreed that the following motion be forwarded to the Department of Education and Skills. *'That Wicklow County Council requests the Department of Education and Skills to engage and communicate with Educate Together/North Wicklow Educate Together on progress to date and a likely timeline for establishing a new school on the site announced in July, 2017.'*
2. Cllr. M. McDonald provided a brief history of the Right of Way at North Beach Arklow and requested an up to date on the matter. Mr. S. Quirke, DOS advised that the Council had received a complaint in the matter, that the file is active and that he did not wish to prejudice any investigation that may be going on. He said that he was familiar with the area and that the Council needs to gather evidence before making a decision around enforcement.

ITEM NO 10

To adopt the Flood Risk Management Plans proposed by the OPW as part of the CFRAMs Programme, in accordance with Section 20 of (S.I. No. 122 of 2010) of the European Communities (Assessment and Management of Flood Risks Regulation 2010).

Mr. Marc Devereux, Senior Engineer gave a presentation which was circulated to the Members on CFRAM in relation to Wicklow and recommended that it be adopted by the Council. The presentation covered the following areas:-

- CFRAMs – Background
- Consultation

- FRMPs that relate to Wicklow
- Possible schemes for Wicklow
- Phases 1 – 111 – CFRAMs
- Next steps

Recommendation – That Wicklow County Council adopt the 4 Flood Risk Management Plans (Liffey (UoM 09), Vartry (UoM 10), Slaney (UoM 12), Barrow, (UoM 14)), as published on www.floodinfo.ie, in accordance with section 20 of (S.I. No. 122 of 2010). European Communities (Assessment and Management of Flood Risks) Regulations, 2010.

It was proposed by Cllr. S. Bourke, seconded by Cllr. S. Matthews and following a roll call the Flood Risk Management Plans proposed by the OPW as part of the CFRAMs Programme, in accordance with Section 20 of (S.I. No. 122 of 2010) of the European Communities (Assessment and Management of Flood Risks Regulation 2010, was passed by a margin of 14 votes for, 5 against and 13 not present viz:-

FOR (14)	CLLRS. T. ANNESLEY, V. BLAKE, S. BOURKE, P. FITZGERALD, S. MATTHEWS, M. MCDONALD, G. MCLOUGHLIN, M. MURPHY, J. RYAN, J. SNELL, E. TIMMINS, P. VANCE, G. WALSH AND I. WINTERS
AGAINST (5)	CLLRS. J. BEHAN, T. CULLEN, T. FORTUNE, N. LAWLESS AND O. O BRIEN
NOT PRESENT (13)	CLLRS. S. CULLEN. P. DORAN, G. DUNNE, C. FOX, M. KAVANAGH, P. KENNEDY, D. MITCHELL, D. NOLAN, M. O CONNOR, G. O NEILL, J. RUTTLE, B. THORNHILL AND J. WHITMORE

ITEM NO 13

Update: Local Government Funding Baseline Review

Mr. Brian Gleeson, Head of Finance gave a presentation to the Members as circulated, covering the following areas:-

- Summary
- Background
- 2018 LPT Allocation
- Baseline Indicators
- Baseline Review

In conclusion Mr. Gleeson advised that the WCC 2018 revenue budget is €95.7m, that the spend per capita is €672, an increase in the WCC baseline will result in reduction of surplus amount allocated for self funding which will leave more to retain in the revenue budget. The Council is making its submission to the Department in this matter and the elected members can also submit their own proposals as a separate submission for feed into the submission of the Executive on behalf of the members.

The Cathaoirleach, Cllr. E. Timmins proposed that the 20% property tax income to County Wicklow be retained in County Wicklow as proposed at the Annual Budget Meeting. This was seconded by Cllr. P. Fitzgerald. In response the Head of Finance advised that the proposal had been submitted as part of the LPT process and that this submission only relates to the baseline indicators.

ITEM NO 11

The Local Government Act 2001; part 19 and section 199(1); and The Waste Management Act 1996; Section 35 (1):- To consider putting on public display the Wicklow County Council draft byelaws for the segregation, storage and presentation of household and commercial waste

Elected members were circulated with the DRAFT County Wicklow (Segregation, Storage and Presentation of Household and Commercial Waste) Bye-laws, 2018. It was proposed by Cllr. J. Snell, seconded by Cllr. V. Blake to put the Draft Byelaws on public display.

ITEM NO 12

To consider the Chief Executive's Monthly Management Report April 2018 (deferred from meeting of 14th May 2018) and Chief Executive's Monthly Management Report May 2018

The Cathaoirleach requested that a history of the housing vacancy list be included in the Chief Executive's Report that can be tracked. Cllr. J. Behan asked that the issue of national funding for replacement of doors and windows in Council's housing stock and the progress/movement from phase 1 to phase 2 be addressed.

ITEM NO 14

To note the Draft Annual Report 2017

This item was noted and agreed as circulated.

ITEM NO 15

To consider the request from Óglaigh Náisiúnta na hEireann/ Organisation of National Ex Service Personnel to address Wicklow County Council at a meeting to be held on 2nd July 2018.

The members agreed to receive a presentation from the Organisation of National Ex Service Personnel at a future meeting of Wicklow County Council and that the Fuscia Flag be flown for a week in July.

ITEM NO 16

To receive a presentation: County Wicklow Age Friendly Strategy.

Deferred to next meeting.

ITEM NO 17

To receive a presentation: County Wicklow Local Sports Partnership.

Deferred to next meeting.

ITEM NO 18

Correspondence

Employment 2040: IDA Workshop: Elected Members were reminded that Representatives of the IDA, Corporate Strategy and Planning, will be presenting at a workshop on 'Employment in 2040', on Friday the 15th of June, 2018 commencing at 11.00 a.m.

Annual Meeting 2018: Elected Members were reminded that the Annual Meeting of Wicklow County Council will take place on Monday the 18th of June, 2018 commencing at 2.00 pm.

Letter from Ardmore Studios: L. Gallagher read letter dated the 2nd of May, 2018 received from the CEO of Ardmore Studios, Ms. Siun Ni Raghallaigh in response to the Council's letter of the 2nd of May, 2018 inviting the new owners of Ardmore Studios to attend a future meeting of Wicklow County Council. This was noted by the Elected Members.

ITEM NO 19

Notices of Motion

Deferred to next meeting.

THIS CONCLUDED THE BUSINESS OF THE MEETING

**CLLR. EDWARD TIMMINS
CATHOIRLEACH
WICKLOW COUNTY COUNCIL**

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