

**MINUTES OF THE SPECIAL MEETING OF WICKLOW COUNTY COUNCIL HELD ON MONDAY 25<sup>TH</sup>  
JANUARY 2021, COMMENCING 2PM VIA ZOOM**

**PRESENT:**

**COUNCILLORS P. KENNEDY CATHAOIRLEACH, T. ANNESLEY, J. BEHAN, V. BLAKE, S. BOURKE, M. CORRIGAN, M. CREAN, A. CRONIN, S. CULLEN, G. DUNNE, E. DOYLE, A. FERRIS, P. FITZGERALD, A. FLYNN KENNEDY, T. FORTUNE, P. GLENNON, M. KAVANAGH, P. LEONARD, G. MCMANUS, D. MITCHELL, J. MULLEN, J. NEARY, D. O'BRIEN, P. O'BRIEN, R. O'CONNOR, G. O'NEILL, L. SCOTT, J. SNELL, E. TIMMINS, G. WALSH AND I. WINTERS.**

**APOLOGIES: CLLR. M. MURPHY.**

**IN ATTENDANCE:**

**MR. F. CURRAN, CHIEF EXECUTIVE  
MS. L. GALLAGHER, DIRECTOR OF SERVICES/ MEETINGS ADMINISTRATOR  
MR. B. GLEESON, HEAD OF FINANCE  
MR. J. LANE, DIRECTOR OF SERVICES  
MR. M. NICHOLSON, DIRECTOR OF SERVICES  
MS. B. KILKENNY, DIRECTOR OF SERVICES  
MR. C. LAVERY, DIRECTOR OF SERVICES  
MR. L. FITZPATRICK, HEAD OF IS SUPPORT  
MS. D. KENNEDY, LAW AGENT  
MS. H. DENNEHY, SENIOR EXECUTIVE OFFICER  
MS. G. LANG, ASSISTANT STAFF OFFICER**

At the commencement of the meeting a roll call was taken. The Meetings administrator advised of meetings etiquette for online meetings and that the press and members of the public were present.

**Votes of Sympathy**

Elected Members passed a vote of sympathy to the families of the late Mr. Jim Carroll, Ms. Trish Frost, Ms. Sally Cahill and Mr. Theo English. A minutes silence was observed for the deceased.

**ITEM NO. 1**

**Notice of motion in the name of Cllr. Mags Crean (7<sup>th</sup> January, 2020).**

***"That this council acknowledges the phenomenon of protests outside medical centres in Ireland and the need to ensure that women can access healthcare services safely. In doing so, that this council agrees to explore the drafting of bye-laws for the regulation and control of public roads and footpaths adjacent to healthcare facilities in Wicklow. This will ensure that patients, service providers, healthcare staff and members of the public can enter premises without fear of intimidation or harassment as evidenced by the nuisance presented in situations where such protests have taken place".***

**RESPONSE**

The Law Agent has both examined and explored if the objective of the motion could or has been translated into byelaws elsewhere in this jurisdiction that this Council could consider for its own consideration or adaption or if there are grounds to create them uniquely for Wicklow County Council. The objective of the proposed byelaw is to regulate enforcement of unspecified areas within

the County regarding sources of intimidation, harassment or nuisance occurring anywhere within the County where Women's Health Services are provided. We have established that in 2019 Louth County Council passed a motion in similar terms to the purpose of the byelaws suggested here but took legal advice by way of counsel's opinion after the fact which established that the purpose of this proposal is ultra vires the Council's powers and any such motion to direct the process for the purpose of the investigation and preparation of such bye laws would be void.

The Law Agent has examined and summarized the legal advice with the benefit of the Louth County Council experience which confirms the position that the objective of such Byelaws is outside the remit of the powers of the Council and would therefore be ultra vires and void. The relevant law is set out below but the key points are as follows

The Law on the creation of bye laws is governed by the Local Government Act 2001 and clearly sets out the provisions that apply. The Council as a creature of Statute has only the powers identified in that legislation. Section 199 sets out those powers and limitations.

The objective of a byelaw must relate to an area within the control of the Council. Therefore it excludes lands or services not under the control or management of the local authority. A gathering adjacent to a facility while possibly on the public road is protected by the enforcement powers of the Gardaí in relation to public order matters and road safety.

Section 199.—(1) Subject to *subsection (7)*, a local authority may make a bye-law for or in relation to the use, operation, protection, regulation or management of any land, services, or any other matter provided by or under the control or management of the local authority, whether within or without its functional area or in relation to any connected matter.

While Wicklow County Council is the road authority for Wicklow and therefore in charge of all public roads including footpaths in the County it has no jurisdiction in relation to the provision of health services which is a matter for the Minister for Health and the HSE.

If there is existing legislation to enable the powers mooted then they cannot be re-imagined for a Local Authority to lawfully acquire-

Section 199 (2) (b) - A bye-law may not be made under this subsection for a purpose as respects which provision for that particular purpose is made by or under any other enactment or may be made under such enactment.

The Council has no jurisdiction in relation to the maintenance of Public Order which is a matter for the Garda Síochána which criminalises the behaviour alluded to in the motion. A selection of those powers are set out below.

-Section 6 of the Criminal Justice (Public Order) Act 1994 ('the 1994 Act') makes it an offence for any person in a public place to use or engage in any threatening behaviour.

-Section 7 of the 1994 Act makes it an offence for any person in a public place to distribute or display any writing, sign, or visible representation which is threatening or abusive with intent to provoke a breach of the peace.

-Section 9 covers the offence to wilfully prevent free passage of any person in any public place.

-Section 10 of the Criminal Justice (Non-Fatal Offences against the person) Act 1997 makes it an offence to engage in harassment to include 'pestering or besetting'.

- At Section 9 of the 1997 Act it provides for an offence of coercion in compelling a person to abstain from doing another lawful act or make them abstain from doing such a lawful act.

-Section 13 (10) of the Roads Act creates an offence of creating a hazard or potential hazard to road users

-There is also legislation governing the provision of specific services in respect of the Health (regulation of termination of Pregnancy) Act 2018.

**Conclusion:** The intent to make byelaws for the purpose identified on the motion are ultra vires as the Council is not legally entitled to make Bye-Laws providing for the protection of persons attending health care facilities and such legislation is more properly a matter for the Oireachtas. There are a significant number of criminal sanctions available to the Gardai within their powers that cannot be duplicated by a Local Authority. Furthermore the Council owes a duty of care to employees and the enforcement of any such provisions would require the support and authority that clearly fall within the remit of the Gardaí powers. For completeness of advice there are also constitutional issues that could arise in the suggestion of limiting the rights to free speech and peaceful protest. The key point however is that the Council as a creature of statute does not have the powers as defined in the Local Government Act to create the byelaw objectives put forward in this motion and while the members have it within their own function to explore and decide on matters for discussion it is pertinent that the objectives of those discussion should have a legal standing. Section 199 (2) (b) specifically provides that a bye law may not be used for a purpose that is governed by another enactment. In this case the Criminal justice (Public Order) Acts and the control is specifically within the remit of the Gardaí.

In response Cllr. M. Crean asked if the motion could be reworded in some way so not to be about protecting individuals and that it could be broadened out, she advised that she was seeking the support of the elected members to bring this further. Following a broad discussion on the matter wherein the elected members expressed their views Cllr. M. Crean agreed to withdraw the notice of motion with a view to considering the rewording of the motion for consideration at a future meeting.

## **ITEM NO. 2**

**Notice of motion in the name of Cllr. Paul O'Brien and Cllr. John Mullen (2<sup>nd</sup> March, 2020).**

***"Wicklow County Councillors have a responsibility to show leadership to improve the civility of public discourse on political matters. We propose that Wicklow Councillors now regulate their own submissions on social media and must ensure that any inappropriate comments left by members of the public are removed in a timely manner. In order to monitor this commitment, we propose that all councillors sign declarations indicating agreement or non-agreement with the measure and that this will be published and updated annually on the council website".***

**Response:** Elected members have been circulated with the Code of Conduct for Elected Members, July, 2019 which they are requested to sign up to and which covers the matter of Social media Use and use of Council Equipment. Councillors are also expected to comply with the LA Computer and IT resources Acceptable use policy and shall abide by the terms and conditions outlined by the council on taking up office.

It was proposed by Cllr. P. O'Brien, seconded by Cllr. J. Mullen and agreed that, collectively the Councillors would sign a declaration indicating their agreement to the content of the notice of motion.

### **ITEM NO.3**

**Notice of motion in the name of Cllr. Tommy Annesley (2<sup>nd</sup> March, 2020).**

***"Wicklow County Council calls on the Irish Government Departments of Health, Justice and Equality and Children and Youth Affairs to recognise that Parental Alienation is "Substantial and sustained dissatisfaction within a caregiver-child relationship associated with significant disturbance in functioning" as indexed under QE52.0. Caregiver-child relationship problem in the latest International Classification of Diseases version 11 by the World Health Organisation and to implement recommendation 36 of the Report of Reform of the Family Law System October 2019".***

It was proposed by Cllr. T. Annesley, seconded by Cllr. A. Flynn Kennedy and agreed to write to the Irish Government Departments of Health, Justice and Equality and Children and Youth Affairs.

### **ITEM NO. 4**

**Notice of motion in the names of the Baltinglass Municipal District Councillors (24<sup>th</sup> March, 2020).**

***"That Wicklow County Council calls on the elected members of the neighbouring Local Authorities of Carlow County Council, Kildare County Council, Wexford County Council and South Dublin Council to join with them in lobbying the Department of Transport, Tourism and Sport and the respective Minister to provide funding for the immediate upgrading of the N81 along the preferred route Tallaght to Hollywood."***

***It is important that the upgrading of the N81 which is vital for the economic growth of Carlow, South Kildare, South Dublin, Wexford and Wicklow is kept on top of the agenda and considered for urgent capital funding. At present the N81 is only the national route to Dublin, the Nation's Capital, that hasn't been upgraded. The upgrading of the N81 will assist this entire area to develop and reach its potential. However, this is not just an economic issue but the present condition of the N81 raises health and safety concerns, largely due to the high volume of traffic now using the route coupled with the current condition of the road. The N81 was never designed or constructed to facilitate the current volumes of traffic now using this road. While some remedial actions has taken place in recent times, it is now essential that the entire N81 is upgraded, as previously planned for, to a satisfactory standard that meets the current daily need of its commuters".***

Mr. C. Lavery, Director of Services gave the following response: Wicklow County Council has been informed that the proposed N81 Tallaght to Hollywood bypass road improvement scheme is currently 'suspended'. This means that it is not envisaged that the scheme will progress during the life span of the current National Development Plan. It is important to note, however, that a review of the NDP is currently being undertaken by the Department of Public Expenditure and Reform.

Wicklow County Council continues to work closely with TII in seeking improvements to the N81. Significant funding has been provided in recent years to upgrade sections of the existing route including the ongoing improvement works at Knockroe Bends south of Hollywood. Further safety improvement schemes are presently being progressed as are significant investments in road surface improvements.

Mr. Lavery advised that further safety improvement schemes are currently being progressed as are significant investments in road surface improvements which he outlined. In relation to the Tallaght to Hollywood scheme he advised that it is currently suspended pending TII's consideration and funding for the scheme and that hopefully it will be considered further in the review of the National Development Plan. Elected members noted that they too could make a submission to the National

Development Plan as well as Wicklow County Council. The Chief Executive advised that the executive is in agreement and support the elected members in this matter.

It was agreed that Wicklow County Council call on the elected members of the neighbouring Local Authorities of Carlow County Council, Kildare County Council, Wexford County Council and South Dublin Council to join with them in lobbying the Department of Transport, Tourism and Sport and the respective Minister to provide funding for the immediate upgrading of the N81 along the preferred route Tallaght to Hollywood and that the Council write to the Department of Transport, Tourism and Sport and the respective Minister to provide funding for the immediate upgrading of the N81 along the preferred route Tallaght to Hollywood.

#### **ITEM NO. 5**

**Notice of motion in the name of Cllr. Peir Leonard (20<sup>th</sup> April, 2020).**

***"That Wicklow County Council fund a feasibility study for the implementation of lateral coastal protect (groynes) and beach nourishment at the North Beach/Porters Rock area in Arklow as part of a combined measure to restore access to the North Beach Area for the local community as they have had for generations".***

**Response:** A study of the entire Wicklow coastline is currently being completed in partnership with Irish Rail. The purpose of the study is to identify the impacts of coastal erosion along the coastline and to identify suitable engineering solutions to prevent further deterioration at a number of locations including North Beach, Arklow. Once the report is complete Wicklow County Council will continue to work with the Office of Public Works with regard to implementing any such solutions identified for North Beach, Arklow, and other areas along the coastline.

Elected members noted that this matter will be discussed at the ordinary meeting of Wicklow County Council scheduled for Monday 1<sup>st</sup> February, 2021 and that a presentation would be made updating the Elected Members on Coastal protection.

3.00 p.m.: Elected Members of the Wicklow Municipal District left the meeting to attend the Wicklow Municipal District Meeting.

#### **ITEM NO. 6**

**Notice of motion in the names of Cllr. Peir Leonard and Cllr. Mary Kavanagh (20<sup>th</sup> April, 2020).**

***"That Wicklow County Council introduce a "rent payment" system similar to that used in Wexford County Council. This would enable all Council tenants to pay their rent in their local Post Offices throughout the county. The benefits of which would be as follows:***

***-Tenants will benefit from being able to pay rent in the Post Office the same day as they collect social welfare payments if applicable.***

***-Post offices will benefit from the extra revenue and therefore more job security for P.O. employees.***

***-Shops and small businesses adjacent to the Post offices will benefit from increased footfall.***

***-Wicklow County Council will benefit from less arrears and a decreased workload on municipal staff".***

***"That Wicklow County Council support an awareness campaign to reverse the transfer of social welfare payments from Post Offices to banks during the COVID-19 Emergency period. Apart from supporting the restoration of lost revenue to Post Offices the weekly visit for many constituents to the local Post Office plays an integral part in their overall wellness and connectivity to the wider community as well as an economic support to local Main Street businesses".***

**Response:** Wicklow County Council currently offers the following rental payment methods:

- Banks/Credit Unions – standing order, credit transfer;
- Household Budget Scheme – Department of Employment Affairs and Social Protection;
- Payment via bank card (telephone);
- Payment in person at offices of Wicklow County Council;
- Postal System – postal orders only;
- Rent Collector.

Wexford County Council offers the rent payment card system to tenants because unlike Wicklow County Council they do not have rent collectors. Moreover, like Wicklow County Council their preferred payment options are the Household Budget Scheme, which is also operated by An Post, or a standing order as both these methods ensure payments are made regularly and on time thereby avoiding a build-up of arrears. These methods also happened to be the more cost effective and efficient. The rent payment card system is very similar to the household budget scheme, however the latter scheme is considered to be a guaranteed payment method as the client cannot cancel the deduction themselves. To this end, Wicklow County Council will be prioritising the expansion of the household budget option and the development of an online payment facility, rather than introducing the proposed rent payment card option at this time. Wicklow County Council will however continue to review all rent payment options on an ongoing basis to improve collection rates.

The Meetings Administrator advised that the motion was in two parts, and the response to the second part is : In line with the latest HSE and WHO advice around social distancing and in order to fight the spread of the Covid 19 virus, the Department of Social Protection took the decision to facilitate social welfare recipients getting payments into their bank account, this will mean no longer having to pick up payments in the post office. In addition An Post always allows an agent to collect their payment.

Response to the second part of the notice of motion was noted and accepted by Cllr. Pier Leonard and willing to postpone post Covid 19. The content of the first part of the motion was agreed by all present.

#### **ITEM NO. 7**

**Notice of motion in the names of Cllr. Anne Ferris, Cllr. Paul O'Brien, Cllr. Lourda Scott, Cllr. Erika Doyle and Cllr. Jodie Neary.**

***"- Recognising that people with disabilities have the same right to use and enjoy public spaces that we all share,***

***-Acknowledging the obstacles which people with disabilities face in their daily lives, including badly parked vehicles and bicycles, billboards, over-grown hedges and other ill-placed hazards,***

***-Understanding that most obstacles are caused by thoughtlessness and genuine lack of awareness.***

***We urge the Members to adopt the following motion:***

***"That Wicklow County Council:***

***-supports the establishment of an annual national "Make Way Day" taking place this year on the 25th September, 2020,***

***-will write to An Taoiseach, and to each individual Minister and Minister of State, calling on them to support, establish, fund and resource an annual national "Make Way Day" which would be localised in each region,***

***-will annually support and promote a local #MAkeWayWicklow campaign as part of the wider "Make Way Day".***

Mr. Michael Nicholson, Director of Services responded to the Notice of motion as follows:-

The Make Way Day Campaign is organised and facilitated on an annual basis by the Disability Federation of Ireland, DFI. Wicklow County Council continues to stand alone as the only local authority in Ireland, to have an ongoing agreement with DFI to provide a Disability Officer for the County. The agreement illustrates the strong commitment Wicklow County Council has made to improve accessibility, in the broadest sense of the term, and create a more inclusive county for all.

In the past three years, the Disability Access Groups, facilitated by the Disability Officer, have participated in Make Way Day activities. In 2018, a particularly large group of people with disabilities met in Bray and highlighted the obstacles they met along their route using, Make Way Day stickers provided by DFI. Other groups congregated in Baltinglass, Wicklow Town and Arklow and posted pictures of the obstacles they encountered on social media. The campaign featured in local papers, was discussed on East Coast FM and also featured on Wicklow County Council social media accounts.

While Make Way Day focuses on raising public consciousness of the physical barriers that people with disabilities face, Wicklow County Council is acutely aware of it's obligations to improve accessibility both internally and in our local communities. For that reason, we are delighted to have taken the following significant steps towards creating real and tangible change for people with disabilities and their families, across Wicklow;

The DFI Disability Officer, Laura O'Callaghan, will increase the number of days she works for Wicklow County Council from two days to three days from January 2021. Responsibility for both the DFI Disability Officer role and the Access Officer role will be moved to Community, Cultural and Social Development Directorate.

An internal Disability and Inclusion Steering Committee, will be established this October. It will bring together a variety of stakeholders including Director of Services, the Senior Executive Officer in Corporate Services, people with disabilities, and an elected member from each MD, to achieve a cross-departmental approach to the issues people with disabilities face. Moreover, the committee will focus on full implementation of relevant legislation and public policy including, Disability Act 2005, National Disability Inclusion Strategy, NDIS, United Nations Convention on the Rights of People with Disabilities, UNCRPD, Public Sector Duty.

It will also ensure that the above policies are incorporated into the development and implementation of the Wicklow Local Development Plan, the Local Economic Community Plan (LECP), the Corporate Plan and all other internal documents and strategies.

I would like to commend the members involved for bringing this important motion to the attention of the council. I look forward to the Make Way Day campaign becoming a central part of our wider work on disability rights issues.

This was agreed.

#### **ITEM NO. 8**

**Notice of motion in the names of Cllr. Dermot O'Brien and Cllr. Grace McManus (22<sup>nd</sup> July, 2020). "That Wicklow County Council endorse the recently launched Youth Manifesto on Climate Justice. As the first Council to declare a climate and biodiversity crisis and the first Council to include a young person on an SPC we join such eminent figures as Chair of the Elders and former**

President Mary Robinson in the endorsement of this important Manifesto which calls for Climate Justice through:

- **Unity**

Pointing fingers at each other will not solve the climate crisis. Whether we are young or old, rich or poor, from urban or rural areas, climate change will impact us all. Standing in unity while recognising our different realities is how we must tackle this challenge.

- **A Green Check**

How society functions in any given democracy is dictated by the priorities of its government. Make climate change our priority. Deliver radical, people centred policies that would support the transition we need.

- **A Just Transition**

It is normal to fear the unknown. However, we cannot afford to continue, as if our house is not on fire. We need to transition for the better of all in society and to reach those that are furthest behind in our society first.

- **A Social Justice lens**

It is those who are least responsible for climate change that will suffer its gravest consequences. We cannot solve the climate crisis by ignoring Inequality and Human Rights. So, let's build global empathy and leave no one behind".

**Response :** Wicklow County Council sees no reason not to endorse the Youth Manifesto on Climate Justice, however suggest that this motion be forwarded to the Climate Action and Biodiversity SPC for consideration and discussion.

It was proposed by Cllr. Dermot O'Brien, seconded by Cllr. Grace McManus and agreed to endorse the recently launched Youth Manifesto on Climate Justice. It was further agreed to send to the Climate and Biodiversity Action SPC.

#### **ITEM NO. 9**

**Notice of motion in the names of Cllr. Grace McManus and Cllr. Dermot O'Brien (7<sup>th</sup> August, 2020).**  
*"That Wicklow County Council writes to the Minister for Social Protection Heather Humphreys asking: That the stillbirth register be opened to the public with an opt-out for bereaved parents if they choose to do so. Bereaved parents whose babies are listed on the stillbirth register should also have the opportunity for their baby to be listed on the birth and death register instead of the stillbirth register and to receive a birth and death certificate for their baby".*

The motion as set down was agreed.

#### **ITEM NO. 10**

**Notice of motion in the names of Cllr. Aoife Flynn Kennedy, Cllr. Dermot O'Brien, Cllr. Melanie Corrigan, Cllr. Grace McManus, Cllr. Joe Behan, Cllr. Erika Doyle, Cllr. Anne Ferris and Cllr. Rory O'Connor (4<sup>th</sup> September, 2020).**

*That this Council calls for a full and independent review of the Bray Fire Service as a matter of urgency. The rapidly changing landscape of the greater Bray area both in terms of commercial and residential development requires a Fire Service that is functioning at an appropriate and sustainable operational capacity. Wicklow County Council should commission a report to re-examine the requirement for a Full-time Fire service for Bray which gives consideration to both the needs of the community and the wellbeing of the Fire Service Staff. On the 1<sup>st</sup> of December 2014 a report was issued on the provision of a Full-time Fire Service for Bray. This report was based on a number of data sources, including population data from the 2011 census. Giving consideration to the population growth in Bray, Enniskerry, Kilmacanogue and surrounding areas, the increased*



***development both in terms of residential and commercial units and the length of time since the last assessment was carried out, an independent review of the current services and future needs are now required to ensure adequate service provision can be planned.***

Mr. Colm Lavery, Director of Services responded to the notice of motion as follows: The issue of a full time fire service for Bray is currently under consideration by the Transportation, Water and Emergency Services SPC and was discussed by the SPC at recently held meeting on the 12<sup>th</sup> of January last. The motion itself refers to the report that the Chief Fire Officer prepared back in 2014 and updated to include the 2016 census and locally available statistics. The report has been provided to the National Directorate for Fire and Emergency Management (NDFEM) in the Department of Housing, Local Government and Heritage for Peer review and for the inclusion of the most up to date statistics available from regional and national sources. The NDFEM is currently finalising a capacity review of all 27 Fire Authorities, including Wicklow County Fire Service, and it has agreed that the experts deployed to that capacity review (led by a former Chief fire Officer for Strathclyde, Scotland Dr. Brian Sweeney) will undertake the review of the report into a fulltime fire service for Bray the outcome of which will be brought back to the SPC in the first instance.

In addition, Mr. Lavery advised that the Council had carried out a very successful recruitment campaign for fire fighters in 2020 and had successfully recruited 12 fire fighters out of 16 which allows Bray to have a second pump fully manned when those officers have completed their training. Applications for capital grants for the construction of fire stations at Dunlavin and Baltinglass were successful securing capital funding of €2m and funding has also been received for the purchase of a new fire engine and two new water tankers. He added that the recently published performance indicator report highlighted that the average time taken in minutes to mobilise fire brigades in part-time stations in respect of fire instances in County Wicklow is 5.25 minutes which is an improvement on previous years and higher than the national average. He also added that the Council is achieving about 40% of first-time attendance at scenes within 10 minutes which is considered to be an excellent turnout when compared to other fire services across the Country.

Elected members made the following comments/contributions:-

- Bray is significantly changing and the population growing rapidly. The types of buildings in the town are changing also
- This is a community issue and nothing less than a full independent review of the fire service looking at the wellbeing of the staff as well will suffice.
- Reference made to the origins of the campaign for a full time fire services which commenced nearly 31 years ago due to a tragic fire in Old Court Estate when an entire family lost their lives.
- The outcome of the independent review should also come before the members of the Bray Municipal District for consideration as well
- Reference made to including Greystones in the review
- The service being provided in Greystones is satisfactory with a full complement of recruitment and that the closure of Greystones Fire Service as a result of a full time fire service in Bray would not be welcome.
- Request for the Bray Members to be provided with the terms of reference for the review.

The Chief Executive assured the members that the review is fully independent and that Dr. Sweeney is a Fire Officer from outside the jurisdiction with a Phd in this area.

The motion was proposed by Cllr. A. Ferris, seconded by Cllr. A. Flynn Kennedy and as there was no dissent was agreed by all present.

#### **ITEM NO. 11**

Notice of motion in the names of Cllr. Miriam Murphy and Cllr. Aoife Flynn Kennedy (7<sup>th</sup> September, 2020).

*We propose that the Wicklow Council County supports the right to a Personal Assistance Service (PAS) For disabled People to have freedom, choice and control over all aspects of their lives to enable them to fully participate in an inclusive society as equals”.*

*Local Authority Motion in Support of the Right to Personal Assistance (shortened version).*

*Considering the unanimous motion passed in Dáil Eireann on the 19th November 2019, this Local Authority recognises: In March 2018 Ireland formally ratified the UN Convention on the Rights of People with Disabilities (UNCRPD), which under Article 19 states that disabled people have the right to live in the community and have access to a range of in-home and other supports including PAS to support this. Its obligation to consult closely with disabled people and their representative organisations in policy development as enshrined in Article 4.3 of the UNCRPD which states that “in the development and implementation of legislation and policies states parties shall closely consult with and actively involve persons with disabilities, including children with disabilities, through their representative organizations”, specifically in relation to services provided by this local authority which impact on disabled people’s lives, such as planning, housing, transport, social inclusion and enterprise. The Motion passed in Dáil Eireann on the 19th November and as such reaffirms that PAS that supports disabled people to live independent lives should be legislated for as a right. Independent Living Movement Ireland as a national disabled persons organisation invite you to join us in the celebrations as they look to an accessible future for representative in local authorities It is similar to the Motion that was presented to the Dail, which you can see here: <http://thomaspringle.ie/2019/11/15/>*

It was proposed by Cllr. A. Flynn Kennedy, seconded by Cllr. G. McManus and agreed to pass the motion as set down.

#### **ITEM NO. 12**

*Notice of motion in the name of Cllr. Rory O’Connor (11<sup>th</sup> November, 2020).*

*“That this Council in advance of the Enniskerry Town Plan Review makes it a priority to establish the creation of a greenway from Dublin to Enniskerry within the plan”.*

**Response:** Wicklow County Council will liaise with DLR County Council with regard to examining the feasibility of the proposal. Also on commencement of the next review of the Bray MD Local Area Plan (of which Enniskerry forms part), submissions / suggestions regarding matters to be included in the plan can be made at that time. Cllr. R. O’Connor welcomed this response.

#### **ITEM NO. 13**

Notice of motion in the names of Cllr. Mary Kavanagh and Cllr. Peir Leonard (24<sup>th</sup> November, 2020).

*That Councillors bi-monthly payslips are sent electronically to cut down on the use of paper thereby helping the environment*

As Cllr. Mary Kavanagh and Cllr. Peir Leonard were not in attendance for discussion on this motion it was proposed by Cllr. J. Behan, seconded by Cllr. G. Walsh and agreed to defer this notice of motion to the meeting of 1<sup>st</sup> February, 2021.

#### **ITEM NO. 14**

Notice of motion in the name of Cllr. Peir Leonard (25<sup>th</sup> November, 2020).

***"That Wicklow County Council writes to the Ministers for Justice, Finance and Public Expenditure to make provisions where drug and drug trafficking monies confiscated under the Proceeds of Crime Legislation be redirected from central coffers back into local addiction services, youth organisations, and community initiatives to combat the effect of addiction on our communities, and that the necessary legislation is changed as a matter of urgency to allow this vital funding support to happen".***

As Cllr. Peir Leonard was not in attendance for discussion on this motion, it was proposed by Cllr. J. Behan, seconded by Cllr. A. Flynn Kennedy and agreed to defer this notice of motion to the meeting of 1<sup>st</sup> February, 2021.

#### **ITEM NO. 15**

Notice of motion in the name of Cllr. Edward Timmins (30<sup>th</sup> November, 2020).

***"We call on Wicklow County Council to request the head of the defence forces President Michael D. Higgins to advance the awarding of military medals for gallantry and distinguished service to Irish soldiers of A Company, 35th Infantry Battalion, who so bravely defended the Siege of Jadotville, serving under a UN mandate in the DRC".***

It was proposed by Cllr. E. Timmins, seconded by Cllr. S. Bourke and agreed to write to the head of the defence forces President Michael D. Higgins as set out in the motion.

#### **ITEM NO. 16**

Notice of motion in the name of Cllr. Edward Timmins (2<sup>nd</sup> December, 2020).

***"That this Council writes to the Minister with responsibility for Tourism with the following proposal. This has huge potential and will benefit all areas of the country and Island. That the tourist authority in Ireland establish a tourism trail of the birthplaces of the Irish ancestors of Presidents of the US. This should also be done in conjunction with the Northern Ireland tourist authorities, which is also the origin of many Presidents".***

**Response:** In addition copy the Chief Executive of Tourism Ireland with the proposal.

It was proposed by Cllr. T. Timmins, seconded by Cllr. G. O'Neill and agreed to write to the Minister with responsibility for Tourism and the Chief Executive of Tourism Ireland as set out in the notice of motion.

#### **ITEM NO. 17**

Notice of motion in the name of Cllr. Melanie Corrigan and Cllr. Aoife Flynn Kennedy (4<sup>th</sup> December, 2020).

***"That this council takes proactive action in meeting its obligations under the Disability Act, 2005 by ensuring that in all it's Public Consultation use Plain English, as approved by NALA, and Picture messaging when appropriate, so that People with Disabilities are not discriminated against in accessing Important information. In addition, that this council increased the number of staff who are trained with NALA to present more documents in the Plain English format".***

**Response:** This matter can be referred to the newly established Disability & Inclusion Steering Committee for inclusion in their action plan, which is being developed at present."

Elected members supported the motion and it was agreed to forward same to the Disability and Inclusion Steering Committee for progression.

**THIS CONCLUDED THE BUSINESS OF THE MEETING**

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**CLLR. PAT KENNEDY  
CATHOIRLEACH  
WICKLOW COUNTY COUNCIL**

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**MS. LORRAINE GALLAGHER  
DIRECTOR OF SERVICES/  
MEETINGS ADMINISTRATOR**

Confirmed at meeting of Wicklow County Council held on Monday 1<sup>st</sup> March, 2021.