

**MINUTES OF THE LPT MEETING OF WICKLOW COUNTY COUNCIL HELD
ON TUESDAY 27TH JULY 2021, COMMENCING 2.00 P.M. VIA ZOOM**

PRESENT:

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

APOLOGIES:

COUNCILLOR EDWARD TIMMINS

IN ATTENDANCE:

**MR. F. CURRAN, CHIEF EXECUTIVE
MR. B. GLEESON, HEAD OF FINANCE
MS. H. PURCELL, A/DIRECTOR OF SERVICES/ MEETINGS ADMINISTRATOR
MS. B. KILKENNY, DIRECTOR OF SERVICES
MR. M. NICHOLSON, DIRECTOR OF SERVICES
MS. H. DENNEHY, A/DIRECTOR OF SERVICES
MS. T. O'BRIEN A/DIRECTOR OF SERVICES
MS. D. KINSELLA, FINANCIAL MANAGEMENT ACCOUNTANT
MS. J. CARROLL, SENIOR EXECUTIVE OFFICER
MS. J. BYRNE, CLERICAL OFFICER**

Votes of Sympathy

Elected Members passed a vote of sympathy to the families of Mr. Tom Larkin and Mr. Kevin Byrne. A minutes silence was observed for the deceased.

ITEM NO. 1

To consider the variation of the basic rate of Local Property Tax and the setting of the Local Adjustment Factor in accordance with the Finance (Local Property Tax) Act 2012 (as amended) to apply for the period of one year from the next local property tax liability date 1st November 2021.

Elected members were circulated with:

1. Report of Chief Executive dated 23rd July 2021 to Members on the matters to which Wicklow County Council shall have regard to in the setting of the Local Adjustment Factor from the Chief Executive, Mr. Frank Curran.

Mr. B. Gleeson, Head of Finance gave a presentation on LPT and the setting of the Local Adjustment Factor under the following areas:

- Summary

- Budgetary Process for Local Authorities
- 2022 Estimated Income and Expenditure
- Financial Position of Wicklow County Council
- Public Consultation Process
- New Rates Legislation
- 2022 LPT Funding Allocation and Model
- Financial Effect on an liable person
- Financial Impact on the Local Authority
- LPT Recommendation

In concluding, Mr. Gleeson recommended Local Property Tax to be increased by 10% which would provide an additional €1.7 million to the council for the next year and the budget. Mr. Gleeson noted that Wicklow County Council want to ring-fence this additional discretionary money for use in the five Municipal Districts.

Elected Members made the following contributions, and raised queries which were responded to by the Head of Finance.

- There is dissatisfaction with the LPT process as it is seen as an unfair tax
- A reform of this tax is needed
- Concern that the revaluation process has been pushed out again
- Frustration in relation to the baseline figure
- Pensioners paying a tax for homes that they bought years ago
- Social housing tenants do not have to contribute or those in privately rented accommodation
- How many households are exempt from paying the tax?
- The money collected needs to be ring-fenced and distributed fairly.
- The system does not take into account those that cannot afford to pay
- Issue with the Equalisation Fund and money subsidising other local authorities (20%)
- Public representatives should not be criticised for how they vote by fellow councillors
- People want to see exactly where this money is being spent

Mr. B. Gleeson, Head of Finance responded to the elected members queries:

- Department of Finance responsible for working on legislative stage of new bills to allow amendments to the valuation bands. Legislation is expected to be passed before the end of the summer.
- Clarified that any increase made for the local property tax will be ring-fenced for discretionary funds for the MD's
- The housing budget would be affected by any reduction. Repairs and maintenance is not a capital expenditure, it is a revenue expenditure.
- The Irish Public Bodies figure is not an estimate, it is confirmed.
- This is the system that is currently in place. If it were abolished in the morning, another tax would be put in its place.
- The parking income in the budget was not reduced this year and it is not proposed to reduce it next year. As a result this does not impact on the budget.
- Based on Revenue Commissioners statistics the value of the amount of deferrals is €400,000 approximately.

The following proposals were put forward:

It was proposed by Cllr. V. Blake and seconded by Cllr. P. Fitzgerald: That the Local Property Tax increase by 6% on the basic rate.

It was proposed by Cllr. J. Behan and seconded by Cllr. T. Fortune: That the Local Property Tax be reduced by 15% below the basic rate.

It was proposed by Cllr. R. O'Connor and seconded by Cllr. M. Kavanagh: That the Local Property Tax remain at the basic rate.

The proposal put forward by Cllr. V. Blake and seconded by Cllr. P. Fitzgerald:

'That in accordance with the provisions of Section 20 of the Finance (Local Property Tax) Act 2012, as amended, that the basic rate of Local Property Tax should stand varied upwards by 6% for the period 1st November 2021 to the 31st October 2022 in respect of relevant residential properties situated in the administrative area of Wicklow County Council.'

This was put to a vote and following a roll call was passed by a margin of 21 votes for, 9 against and 2 not present viz:-

FOR 21	Cllrs: T. Annesley, V. Blake, S. Bourke, M. Corrigan, A. Cronin, S. Cullen, E. Doyle, G. Dunne, A. Ferris, P. Fitzgerald, A. Flynn-Kennedy, P. Glennon, P. Kennedy, D. Mitchell, J. Mullen, M. Murphy, J. Neary, P. O'Brien, L. Scott, G. Walsh and I. Winters
AGAINST 9	Cllrs: J. Behan, M. Crean, T. Fortune, M. Kavanagh, P. Leonard, G. McManus, D. O'Brien, G. O'Neill and J. Snell
NOT PRESENT 2	Cllrs: R. O'Connor and Cllr. E. Timmins

ITEM NO. 2

To consider the making of an extension to the Wicklow County Council Development Plan review period process under section 9A(2) of the Planning and Development Act 2000(as inserted by the Planning and Development (Amendment) Act 2021.

The following motion was proposed by Cllr. J. Mullen and seconded by Cllr. J. Behan.

"That Wicklow County Council under section 9A(2) of the Planning and Development Act 2000 (as inserted by the Planning and Development (Amendment) Act 2021), having regard to the extraordinary circumstances arising from the risk to public health posed by the spread of Covid-19 and the disruption to the completion of the review of the development plan and the preparation of a new development plan caused by restrictions introduced in response to the Covid-19 pandemic, that a further period of one year (12months) is necessary to complete the review and to prepare and make the new development plan in particular having regard to the need to ensure adequate time to complete the remaining stages of the plan process, including providing adequate opportunities and time for the public to engage with the process'.

Cllr. J. Mullen noted the importance of the County Development Plan and the importance of the input by members of the public. His proposal for an extension of 12 months is to allow for adequate public consultation due to the impact of Covid 19 on the public being able to come into the council and look at the proposed plans.

Ms. B. Kilkenny, Director of Services, Planning, Development and Environment Directorate advised the Elected Members of the following:

- The Planning and Development (Amendment) Act no 18 of 2021 was commenced with an effective date of the 16th July for all sections with the exception of section 7 .
- The Act has been put in place in the response to disruption caused by restrictions introduced in response to the COVID-19 pandemic.
- There are 3 main elements to this amendment Act.
 1. To provide an additional period for the preparation of Development plans
 2. Provision to allow Planning Authorities extend the duration of an existing development plan subject to certain conditions including environmental assessments
 3. Provision to allow for the extension of the appropriate period of certain planning permissions (all provisions not commenced)

The amendment Act is very clear that when due to COVID 19 disruption and its impact on planning authorities and disruption to the administration of the planning system on account of COVID 19 restrictions has led to delays of the planning process, these circumstances allow the Planning Authority to make a decision to allow for an additional period of up to 1 year to complete the making of a new County Development Plan.

The Act provides that the decision can either be made by the Planning Authority itself or the Elected Members by resolution to the Chief Executive of the Planning Authority, together with the reasons given by the Elected Members for reaching the resolution.

This legislation does not provide for a 'pause' in the process for the preparation of the County Development Plan but allows for an additional period of time to complete the making of the new County Development Plan where delays have been experienced due to the COVID 19 pandemic.

In accordance with the legislation prior to this amendment, Wicklow County Council would have been expected to have completed the preparation of a new County Development Plan in November 2021(99 weeks after the advertisement in the paper for the preparation of a new County Development Plan). The Notice of Motion before you today is for a period of one year. This would allow for the completion of the making of a new County Development Plan by November 2022.

- Following on from the information given by Ms. Kilkenny, some Elected Members aired their concerns over the proposed 12 month extension having a direct impact on the development of Local Area Plans, some of which expired in 2019.
 - It was noted the council offices are open by appointment and the public are free to make such appointments to view and discuss the draft plans.
 - Cllr. L. Scott noted that consultation process was happening in the middle of holiday season and would support an extension of 2 weeks, up to the end of August to allow sufficient time for the public to review the draft and make comment.
 - The Chief Executive further clarified that the proposed 12-month extension was flexible, it provides head room. He advised that he would keep the proposal on submissions extension to a minimum of 2 weeks.

This item as proposed by Cllr. J. Mullen, seconded by Cllr. J. Behan and agreed by a margin of 19 votes for, 10 votes against and 3 not present viz:-

FOR 19	Cllrs. T. Annesley, J. Behan, V. Blake, M. Corrigan, A. Cronin, S. Cullen, E. Doyle, G. Dunne, A. Ferris, P. Fitzgerald, A. Flynn-Kennedy, P. Kennedy, G. McManus, J. Mullen, M. Murphy, J. Neary, D. O'Brien, P. O'Brien and G. Walsh
AGAINST 10	Cllrs. S. Bourke, M. Crean, T. Fortune, M. Kavanagh, P. Leonard, D. Mitchell, R. O'Connor, L. Scott, J. Snell and I. Winters
NOT PRESENT 3	Cllrs. Cllr. P. Glennon, R. O'Connor and E. Timmins

It was further proposed by Cllr L. Scott, seconded by Cllr J. Behan and agreed by all that the current public consultation period be extended by 2 weeks to the end of August. This was agreed by all

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Notice of Motion:

Proposed by Cllr. Lourda Scott and supported by Cllr. Grace McManus, Cllr. Mags Crean, Cllr. Jodie Neary, Cllr. Anne Ferris and Cllr. Dermot O'Brien (4th June 2021), seconded by Cllr. G. McManus

'Wicklow County Council acknowledges the need for a new national maternity hospital (NMH) to provide healthcare in the Greater Dublin Area, including County Wicklow.

Wicklow County Council notes the lack of legal clarity regarding the ownership and management of the hospital, and also acknowledges the concerns regarding the employment rights for those who will work in the hospital, many of whom who live in Wicklow.

Wicklow County Council agrees to write to the Minister for Health to call for the proposed new publicly-funded NMH to be constructed on land owned by the State; and that, to guarantee it's secular ethos, the new facility be fully owned and governed by the State. If passed, it is agreed that this motion is circulated to all Local Authorities'.

Following a broad discussion the motion was put to a vote and following a roll call was carried by a margin of 21 votes for, 6 against, 3 not present and 2 abstaining viz:-

FOR 21	Cllrs. T. Annesley, V. Blake, S. Bourke, M. Corrigan, M. Crean, A. Cronin, S. Cullen, E. Doyle, G. Dunne, A. Ferris, A. Flynn-Kennedy, M. Kavanagh, P. Leonard, G. McManus, D. Mitchell, J. Mullen, M. Murphy, J. Neary, D. O'Brien, P. O'Brien and L. Scott
AGAINST 6	Cllrs. J. Behan, P. Kennedy, G. O'Neill, J. Snell, G. Walsh and I. Winters
NOT PRESENT 3	Cllrs. P. Glennon, R. O'Connor and E. Timmins
ABSTAINING 2	Cllrs. P. Fitzgerald and T. Fortune

THIS CONCLUDED THE BUSINESS OF THE MEETING

**CLLR. SHAY CULLEN
CATHAOIRLEACH
WICKLOW COUNTY COUNCIL**

**MS. HELEN PURCELL
MEETINGS ADMINISTRATOR
WICKLOW COUNTY COUNCIL**

Confirmed at meeting of Wicklow County Council held on Monday the 6th September 2021