

**MINUTES OF THE ORDINARY MEETING OF WICKLOW COUNTY COUNCIL HELD ON
MONDAY 10th JANUARY 2022, COMMENCING 2.00 PM VIA MICROSOFT TEAMS**

PRESENT:

COUNCILLORS S. CULLEN CATHAOIRLEACH, T. ANNESLEY, J. BEHAN, V. BLAKE, S. BOURKE, M. CORRIGAN, M. CREAN, A. CRONIN, E. DOYLE, G. DUNNE, 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, G. O'NEILL, L. SCOTT, J. SNELL, E. TIMMINS, G. WALSH AND I. WINTERS.

APOLOGIES

CLLR. R. O'CONNOR

IN ATTENDANCE:

**MR. B. GLEESON, CHIEF EXECUTIVE
MS. L. GALLAGHER, DIRECTOR OF SERVICES
MS. B. KILKENNY, DIRECTOR OF SERVICES
MR. M. NICHOLSON, DIRECTOR OF SERVICES
MR. J. LANE, DIRECTOR OF SERVICE
MS. H. DENNEHY, A/DIRECTOR OF SERVICES
MS. B. MCCARTHY, A/HEAD OF FINANCE
MR. S. DOYLE, A/HEAD OF INFORMATION SYSTEMS
MR. D. MARNANE, SENIOR ENGINEER
MR. M. FLYNN, SENIOR ENGINEER
MS. H. FALLON, SENIOR ENGINEER
MS. M. HARTNETT, SENIOR EXECUTIVE ENGINEER
MS. M. CAHILL, SENIOR EXECUTIVE ENGINEER
MS. D. FORDE, PROJECT LIAISON OFFICER
MS. H. PURCELL, SENIOR EXECUTIVE OFFICER/MEETINGS ADMINISTRATOR
MS. J. CARROLL, SENIOR EXECUTIVE OFFICER
MS. T. O'BRIEN, SENIOR EXECUTIVE OFFICER
MS. C. FLOOD, SENIOR EXECUTIVE OFFICER
MS. V. DELAHUNT, HEAD OF ENTERPRISE
MS. D. BURNS, HERITAGE OFFICER
MR. F. VERDIER, TOURISM DEVELOPMENT OFFICER
MR. J. CALLERY, ASSISTANT ENVIRONMENTAL AWARENESS OFFICER
MS. J. FORDE, EXECUTIVE TECHNICIAN
MS. C. FOX, ADMINISTRATIVE OFFICER
MS. T. BYRNE, 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 some members of the public were also present.

Votes of Sympathy

Elected Members passed a vote of sympathy to the families of the late Mr. Eamonn Dooley, Mr. Pat Flynn, Mr. Liam Kavanagh, Mr. John Leigh, Patrick Byrne, Mr. Peter Phelan, Mr. Eamonn Moules, Mr. Pierce Caulfield, Mr. Alexander Flood, Mr. Dinny Dunne, Ms. Emilene Whelan Farrar and Ms. Kay McLoughlin. A minutes silence was observed for the deceased.

The Cathaoirleach proposed to conclude the main agenda at 4.30 p.m. in order to discuss the notices of motions.

The Cathaoirleach welcomed Mr. B. Gleeson as Interim Chief Executive and wished him well in his new post.

ITEM NO. 1

To confirm and sign minutes of annual budget meeting of Wicklow County Council held on Monday 29th November 2021.

It was proposed by Cllr. J. Snell, seconded by Cllr. P. Fitzgerald and agreed to confirm and sign minutes of annual budget meeting of Wicklow County Council held on Monday 29th November 2021.

ITEM NO. 2

To confirm and sign minutes of ordinary meeting of Wicklow County Council held on Monday 6th December 2021.

It was proposed by Cllr. G. Dunne, seconded by Cllr. P. Kennedy and agreed to confirm and sign minutes of ordinary meeting of Wicklow County Council held on Monday 6th December 2021.

ITEM NO. 3

To consider the disposal of 0.0933 Ha (0.2305 acres) or thereabouts of land situated in the townland of Upper Dargle Road, Bray, Co. Wicklow to Mr. Oran Ryan and Ms. Beryl O'Donnell as Legal Personal Representatives of Ms. Sheila Kavanagh deceased and to Mr. Oran Ryan and Mr. Noel Dawson as Legal Personal Representatives of Mr. Michael Kavanagh deceased.

It was proposed by Cllr. J. Behan, seconded by Cllr. A. Ferris and agreed to dispose of 0.0933 Ha (0.2305 acres) or thereabouts of land situated in the townland of Upper Dargle Road, Bray, Co. Wicklow to Mr. Oran Ryan and Ms. Beryl O'Donnell as Legal Personal Representatives of Ms. Sheila Kavanagh deceased and to Mr. Oran Ryan and Mr. Noel Dawson as Legal Personal Representatives of Mr. Michael Kavanagh deceased as set out in statutory notice circulated.

ITEM NO. 4

To consider the disposal of 9 sq.m or thereabouts of the property comprised in Folio No. WW21704Fin the townland of Ballynerrin, Co. Wicklow being the property known as Ashtown Lane, Wicklow, Co. Wicklow by Transfer Order to ESB of Two Gateway, East Walk Road, City of Dublin.

It was proposed by Cllr. J. Snell, seconded by Cllr. P. O'Brien and agreed to dispose of 9 sq.m or thereabouts of the property comprised in Folio No. WW21704Fin the townland of Ballynerrin, Co. Wicklow being the property known as Ashtown Lane, Wicklow, Co. Wicklow by Transfer Order to ESB of Two Gateway, East Walk Road, City of Dublin as set out in statutory notice circulated.

ITEM NO. 5

To consider the disposal of 12 square meters or thereabouts of the property comprised in Folio No. WW12002 at Entry 98, Plan59, Co. Wicklow in the townland of Ballynultagh, Shillelagh, Co. Wicklow to Mr. Brian Doran of Croneyhorn, Carnew, Co. Wicklow.

It was proposed by Cllr. J. Mullen, seconded by Cllr. V. Blake and agreed to dispose of 12 square meters or thereabouts of the property comprised in Folio No. WW12002 at Entry 98, Plan59, Co. Wicklow in the townland of Ballynultagh, Shillelagh, Co. Wicklow to Mr. Brian Doran of Croneyhorn, Carnew, Co. Wicklow as set out in statutory notice circulated.

ITEM NO. 6

To note the Local Government Statutory Audit Report to the Elected Members for the year ended 31st December 2020.

Ms. B. McCarthy, A/Head of Finance gave a report referring to the Wicklow County Council 2020 Audit Report, circulated with the agenda, outlining the following:

- There are no adjustments to the statement 2020 from the draft statement approved by the members at the meeting of 10th May 2021.
- In the report it was acknowledged that the Council made efforts to reduce the accumulated revenue debt standing at €1.6m.
- The Council maintained a strong financial position ensuring the Council services were not impacted by financial uncertainties surrounding Covid-19.
- The Local Government Auditor was happy we implemented recommendations from the previous year to include the management debt system.
- And put in place a new system for recording development contribution system and a risk management system.
- A positive report recognised by the audit committee in a difficult year.

A broad discussion followed.

ITEM NO. 7

To consider the Chief Executive's Monthly Management Report, December 2021 and to note the Chief Executive's Monthly Management Report, November 2021.

Elected Members were circulated with the Chief Executive Monthly Management Report November 2021 and The Chief Executive's monthly Management Report, December 2021.

Elected Members raised questions which were responded to by the Chief Executive and the relevant Director of Services.

ITEM NO. 8

To consider and adopt the Wicklow County Council Tree Management Policy

Ms. M. Cahill, Senior Executive Engineer gave a presentation on the Tree Management Policy as circulated to the Elected Members, outlining the following:

- Stakeholders – Members of the Climate & Biodiversity Action Strategic Policy Committee, Wicklow Public Participation Network, Sophie Meeres UCD, Municipal Districts and Climate Action Team
- Why do we need a Tree Policy?
- Contents of The Tree Policy
- Goals – (Section 4.3 – 5-year Action Plan)
- Key Actions – GIS/Inventory
- Key Actions – Protocol/Management
- Key Actions – Public Awareness
- Protocols for tree care and maintenance

Cllr. L. Scott, Chair of the Climate & Biodiversity Action SPC highlighted the positive aims of the policy. Following a discussion it was proposed by Cllr. L. Scott, seconded by Cllr. D. O'Brien and agreed by all to consider and adopt the Wicklow County Council Tree Management Policy.

ITEM NO. 9

To receive an update on Tourism Activities

Mr. F. Verdier, Tourism Development Officer, Wicklow County Tourism gave a presentation covering the following areas:

- Wicklow Tourism Strategy & Marketing Plan 2018 – 2023
- Accommodation Strategy
- Towns as visitor hubs
- Glendalough Master Plan

- Thematic Experiences
- Common narrative
- Sustainable Tourism

A discussion on tourism and in particular accommodation requirements in the county followed.

ITEM NO. 10

To receive an update on Arklow Shillelagh Greenway

Ms. M. Hartnett, Senior Executive Engineer gave a presentation outlining the following:

- Introduction
- A new recreation and tourism facility
- Business development
- Description
- Status
- Programme to completion
- Link to other walks in the area
- Critical success factors

The Elected Members welcomed the amount of public consultation carried out by the taskforce and stressed the importance of the project to the county.

ITEM NO. 11

Correspondence

Ms. H. Purcell advised the Elected Members of the following:

- Email received from the Department of The Taoiseach and Minister for European Affairs in relation to the setup of the European Network for EU Councillors. Any local representative from all 27 member states can register to be part of the network.
- Circular F01/22 containing forms on the reporting of political donations by Elected Members were circulated to all councillors and are to be returned by 31st January 2022.
- Elected Members received a hard copy of the Ethical Framework for Local Government Service annual declaration form in accordance with Part 15 of the Local Government Act 2001 and this form should be submitted on or before 28th February 2022. The Code of Conduct for Councillors was also circulated to all.

ITEM NO. 12

Notice of Motions

Notice of motion number 1

Proposed by Cllr. Mags Crean and supported by Councillors P. Leonard, Joe Behan, Tom Fortune, Mary Kavanagh and Rory O'Connor

"That Wicklow County Council establish an internal working group committed to advancing community wealth building beginning with an increased priority on the inclusion of green and social clauses in procurement criteria for services and goods".

Response

'Under the Programme for Government and the Climate Action plan, Green Public Procurement (GPP) criteria must be used in all public procurement by 2023. As such, the Government agreed that there will be a phased introduction of Sustainable (Green and Social) criteria targeting priority products and services as well as building appropriate green criteria into OGP frameworks and providing support and guidance to procurers. The LGMA, OGP, EPA and relevant Government Departments are presently working to advise Local Authorities how best to incorporate Sustainable Public Procurement into their current Procurement Policies and Practises and as such we must be guided by them.

The EPA Green Procurement Guidance for the public sector was published on September 15th 2021 and is available on the EPA website. This guidance supports the inclusion of sustainable and green practices in public sector procurement procedures and it is aimed primarily at public sector procurers in central and local government, state agencies and other public bodies.

The guidance includes Irish GPP criteria for the ten priority sectors which have been developed based on common EU criteria, adapted to reflect the Irish market and procurement practices.

The 10 Priority Areas are:

1. Road transport vehicles and services
2. Indoor and outdoor lighting
3. ICT products and services
4. Heating equipment
5. Food and catering services
6. Energy-related products
7. Cleaning products and services
8. Paper products and printing services
9. Design, construction and management of office buildings
10. Textile products and services

The Local Government Strategic Procurement Centre (LGSPC) and Local Authority procurement officers are also represented on a Climate Action Regional Offices (CARO) working group which is developing a Green Public Procurement Training programme for the local government sector. The objective is to develop a bespoke training programme to support the implementation of green procurement criteria in the tendering process. A Request for Tender to procure a training specialist is currently under development and it is expected that a contract will be awarded shortly, with training being rolled out for the Local Government sector in 2022. This training will form part of the Actioning Policy pillar of the Local Authority Climate Action Training Programme and will aim to reinforce the delivery of effective climate action through green public procurement. The training programme will encompass and support the implementation of the EPA guidelines and will be specifically developed for local authorities.

Moreover, the OGP has commenced the updating of their Frameworks (which as a Local Authority we always look to first when procuring) in line with GPP requirements. In fact, WCC has recently drawdown from their new Office Supplies Framework which included Green Criteria in the Award Criteria.

There are many other initiatives underway at national level to support the inclusion of GPP, (most of which the LGSPC is involved in), including the development of an online catalogue that includes all relevant policies and plans, the proposed inclusion of GPP in corporate procurement plans, and an indicator on the national tendering platform to reflect the inclusion of GPP in the tender/contract award.

As further guidance and training is rolled out to Local Authorities over the coming months the following areas will be examined in relation to Sustainable Procurement:

- Updating of Corporate Procurement Plan, Procurement Policies and Procedures.
- Identifying where Green and Strategic Public Procurement can be implemented e.g. in tender specifications, in the Selection and Award Criteria, in Contract Delivery.

Currently the WCC Corporate Procurement Plan outlines goals in relation to Sustainable Procurement. However, we are awaiting the sector wide guidance and agreed measurement methodology before we can report specific statistics in this area. Central government are already required to report on the implementation of GPP in terms of the number and value of contracts with GPP criteria and it is expected that this reporting will become more detailed and will include the local government sector in due course.

In relation to staff training, the Council's Procurement Officer, Climate Action Officer and Environmental Awareness Officer recently undertook a green procurement training course in advance of the roll out of the national guidance in this area.

Given that national guidance has now issued, and bespoke training is being developed for Local Authorities as well as the other national initiatives being implemented in this area, it is not considered necessary or advisable for a separate internal working group to be established'.

Following a discussion it was agreed by all to refer the motion to the relevant SPCs and LCDC so they can feed into the economic plans going forward.

Notice of motion number 2

Proposed by Cllr. A. Ferris, seconded by Cllr. P. O'Brien

'It is the policy of Wicklow County Council not to purchase goods or services produced or provided, in whole or part, (as practicable), from illegally occupied territories by illegal settlers, and that any such contracts should cease as soon as allowed'.

Response:

'Responsibility for procurement is an executive function and the Chief Executive is obliged to comply with statutory procurement legislation. The Department of Enterprise and Trade advise that neither Ireland nor the EU have restrictive measures in place in respect of Israel.

Ireland has given undertakings as part of its WTO membership to grant non-discriminatory access to its markets in goods and services and has joined the Government Procurement Agreement (GPA), expanding its commitments with regard to market access.

Under the current Irish and EU Procurement regime, suppliers in a country outside of the EU that has signed up to the World Trade Organisation's Government Procurement Agreement (GPA) are eligible to submit tenders for Irish public sector contracts. A full list of GPA members is available from https://www.wto.org/english/tratop_e/gproc_e/memobs_e.htm

The Department has previously indicated that any move by a public authority to act outside of any agreement may be seen to breach our international trade commitments and also may be seen as discriminatory in relation to goods and services, otherwise legally saleable within the Union.

The Law Agent has advised that it would not be appropriate to interfere with contract law in the way proposed by the motion and this would leave Wicklow County Council open to a specific performance court action and costs. Political assertions are not grounds to alter criteria in the procurement process unless grounded in existing regulations. Furthermore it is arguable that the subjective consideration alluding to a form of trade sanction regarding another country's actions are outside the remit of the powers of the members and would be an unsubstantiated criteria that does not exist under Procurement Law.

Based on the all of the above advice it is determined that it is not possible to adopt the policy as set out in the motion'.

Following a discussion it was agreed by all to keep the motion on the agenda for the next meeting.

THIS CONCLUDED THE BUSINESS OF THE MEETING

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

**MS. HELEN PURCELL
SENIOR EXECUTIVE OFFICER/
MEETINGS ADMINISTRATOR**

Confirmed at meeting of Wicklow County Council held on Monday the 7th February 2022