

MINUTES OF THE ORDINARY MEETING (HYBRID) OF WICKLOW COUNTY COUNCIL HELD ON MONDAY 13TH FEBRUARY 2023, COMMENCING 2.00 PM IN THE COUNCIL CHAMBER AND VIA MICROSOFT TEAMS

PRESENT:

COUNCILLORS T. ANNESLEY CATHAOIRLEACH, M. BARRY, J. BEHAN, V. BLAKE, S. BOURKE, M. CORRIGAN, A. CRONIN, S. CULLEN, E. DOYLE, G. DUNNE, A. FERRIS, P. FITZGERALD, A. FLYNN KENNEDY, P. GLENNON, M. KAVANAGH, P. KENNEDY, P. LEONARD, D. MITCHELL, J. MULLEN, M. MURPHY, D. O'BRIEN, R. O'CONNOR, G. O'NEILL, L. SCOTT, J. SNELL, S. STOKES, E. TIMMINS, G. WALSH AND I. WINTERS (29)

APOLOGIES

CLLRS. T. FORTUNE, G. MCMANUS AND P. O'BRIEN (3)

IN ATTENDANCE:

**MR. B. GLEESON, CHIEF EXECUTIVE
MS. L. GALLAGHER, DIRECTOR OF SERVICES
MS. B. KILKENNY, DIRECTOR OF SERVICES
MR. J. LANE, DIRECTOR OF SERVICE
MS. L. EARLS, DIRECTOR OF SERVICES
MR. M. NICHOLSON, DIRECTOR OF SERVICES
MS. D. KENNEDY, LAW AGENT
MS. B. MCCARTHY, A/HEAD OF FINANCE
MR. J. BOWES, SENIOR ENGINEER
MR. M. FLYNN, SENIOR ENGINEER
MR. D. MARNANE, SENIOR ENGINEER
MR. F. KEOGH, SENIOR ENGINEER
MS. H. FALLON, SENIOR ENGINEER
MS. H. PURCELL, SENIOR EXECUTIVE OFFICER/MEETINGS ADMINISTRATOR
MS. H. DENNEHY, SENIOR EXECUTIVE OFFICER
MS. J. CARROLL, SENIOR EXECUTIVE OFFICER
MR. D. O'BRIEN, SENIOR EXECUTIVE ENGINEER
MR. B. O'SULLIVAN, EXECUTIVE ENGINEER
MS. S. NUGENT, EXECUTIVE ACCOUNTANT
MS. R. GILLESPIE, ADMINISTRATIVE OFFICER
MS. H. FLYNN, IS ANALYST DEVELOPER
MR. G. MURPHY, IS TECHNICAL SUPPORT OFFICER
MS. T. BYRNE, ASSISTANT STAFF OFFICER
MS. C. HENDRICK, CLERICAL OFFICER
MR. T. GREGAN, CHAIR, WICKLOW COUNTY COUNCIL AUDIT COMMITTEE
MS. M. SAVAGE, WICKLOW COUNTY COUNCIL AUDIT COMMITTEE
MR. N. GERAGHTY, WICKLOW COUNTY COUNCIL AUDIT COMMITTEE**

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 Ms. Pauline Doyle, Ms. Margaret Timmons, Ms. Ann Fortune, Mr. William Redmond, Ms. Gabrielle Robinson, Mr. Sean Crammond, Ms. Teresa White and Ms. Pat McHugh. A minutes silence was observed for the deceased.

Request for Suspension of Standing Orders:- The Meetings Administrator advised that a request for suspension of standing orders had been submitted in advance of the meeting. In accordance with the protocol adopted the request was read to the meeting as proposed and seconded:-

Cllr. M. Kavanagh, seconded by Cllr. P. Leonard and supported by Cllr. T. Fortune and Cllr. J. Behan, requested a suspension of standing orders to discuss the following:

“That the Members of Wicklow County Council object strenuously to the Coillte decision to partner with a UK based Investment Fund, Gresham House, in the purchase by this Fund of thousands of hectares of Irish forestry lands depriving the Irish people of the profits accruing and at the same time driving up the price of agricultural land which could be bought by Irish farmers. Furthermore, this Council calls on the Government to halt this arrangement immediately and ensure that the future ownership of Irish Forestry assets remains in the hands of the Irish People.”

It was agreed by all to have a discussion on the topic at 4.30 p.m.

ITEM NO. 1

To confirm and sign minutes of ordinary Meeting of Wicklow County Council held on Monday 9th January 2023.

It was proposed by Cllr. G. Dunne, seconded by Cllr. P. Fitzgerald and agreed to confirm and sign minutes of Ordinary Meeting of Wicklow County Council held on Monday 9th January 2023.

Prior to consideration of Item No. 2, Cllr. M. Barry and Cllr. G. Walsh disclosed to the meeting the nature of a beneficial interest and withdrew fully from the meeting.

ITEM NO. 2

To consider the disposal of 2 acres or thereabouts in the townland of Killincarrig, Greystones, Co. Wicklow to Eire Og Greystones CLG, acting by its trustee Iontaobhas Corparáideach Chumann Lúthchleas Gael Chideachta Faoi Theorainn Ráthaíochta.

It was proposed by Cllr. S. Stokes seconded by Cllr. D. Mitchell and agreed to consider the disposal of 2 acres or thereabouts in the townland of Killincarrig, Greystones, Co. Wicklow to Eire Og Greystones CLG, acting by its trustee Iontaobhas Corparáideach Chumann Lúthchleas Gael Chideachta Faoi Theorainn Ráthaíochta, as set out in statutory notice circulated.

Cllr. M. Barry and Cllr. G. Walsh were invited to rejoin the meeting which they duly did.

ITEM NO. 3

To consider the disposal of 0.20Ha or thereabouts in the townland of Rathgorragh Lower, Co. Wicklow comprised in Folio WW4484 Co. Wicklow by Transfer Order to Martin & Helen Blake of Rathgorragh, Rathdangan, Co. Wicklow, the persons entitled to the freehold interest in the property.

It was proposed by Cllr. J. Mullen, seconded by Cllr. E. Timmins and agreed to consider the disposal of 0.20Ha or thereabouts in the townland of Rathgorragh Lower, Co. Wicklow comprised in Folio WW4484 Co. Wicklow by Transfer Order to Martin & Helen Blake of Rathgorragh, Rathdangan, Co. Wicklow, the persons entitled to the freehold interest in the property, as set out in statutory notice circulated.

ITEM NO. 4

To consider the disposal of 0.0223Ha or thereabouts in the townland of Bray, Co. Wicklow being the property known as 23 Cillmantain Park, Bray, Co. Wicklow by Transfer Order to Mr. Alan Connolly (of 53 Fairyhill, Killarney Road, Bray, Co. Wicklow) as Legal Personal Representative of Michael Connolly, deceased, the person entitled to the freehold interest in the property.

It was proposed by Cllr. D. O'Brien, seconded by Cllr. M. Corrigan and agreed to consider the disposal of 0.0223Ha or thereabouts in the townland of Bray, Co. Wicklow being the property known as 23 Cillmantain Park, Bray, Co. Wicklow by Transfer Order to Mr. Alan Connolly (of 53 Fairyhill, Killarney Road, Bray, Co. Wicklow) as Legal Personal Representative of Michael Connolly, deceased, the person entitled to the freehold interest in the property., as set out in statutory notice circulated.

It was proposed by the Cathaoirleach to move to Item No. 9 followed by Item 10, this was seconded by Cllr. P. Kennedy.

ITEM NO. 9

To consider receiving a deputation: Wicklow Cheviot Sheep Owners Association.

It was proposed by Cllr. P. Kennedy, seconded by Cllr. S. Cullen and agreed by all to receive a deputation from Wicklow Cheviot Sheep Owners Association at next month's meeting.

ITEM NO. 10

To nominate 2 members to the German Irish Society

Cllr. M. Corrigan proposed Cllr. A. Flynn-Kennedy to fill the position on the German Irish Society, this was seconded by Cllr. D. Mitchell and agreed by all. Cllr. A. Flynn-Kennedy agreed to accept the position.

Cllr. A. Ferris proposed Cllr. P. O'Brien to a fill a second position on the German Irish Society, this was seconded by Cllr. G. Dunne. Ms. H. Purcell advised Cllr. P. O'Brien had agreed to accept the position if nominated.

ITEM NO. 5

To receive a presentation: Wicklow County Council Audit Committee end of year report 2022

Mr. Tom Gregan, Chairman of the Committee, reported to the Elected Members as follows including a brief overview of the following areas:

- Membership of the Committee.
- Role and function of the Committee.
- Internal Audit Assignments for 2022 including:
 - ICT Audit
 - Public Spending Code Quality Assurance Report 2021
- The following audits were also commenced and are due to be reported on in early 2023
 - Accounts payable
 - Administration of Burial Grounds
 - SICAP – Bray Area Partnership - 2021
 - SICAP – County Wicklow Partnership – 2021

- Internal Audit Recommendation Tracker
- National Oversight and Audit Commission (NOAC)
- Annual Audit Plan
- Risk Register
 - The Committee reviewed the Corporate Risk register at two meetings in 2022. The Council has committed to having directorate risk registers in place by the end of Q1 2023. The Committee will continue to monitor and review the Risk Registers as they are updated following quarterly review by directorates and senior management team. It was noted by the Audit Committee of their responsibility to ensure that the Council has a robust process is in place for maintaining updated risk registers.
- Local Government Audit Report 2021
 - In accordance with the Statutory Instruments appointing Audit Committees the Committee discussed the report from the Local Government Auditor Service and also met with the Local Government Auditor on the 15th of December 2022 to receive the 2021 Local Government Audit Service Statutory Report.
 - As required by Section 121 of the Local Government Act 2001 as amended by Section 60 of the Local Government Act 2014, I have attached a report to the Council on the Committee's consideration of the Local Government Auditor's Report in Appendix 2.
- Meetings during the year
 - The committee met a total of five times during 2022. Meetings with the Chief Executive, Director of Services & Support Services took place on the 17th and 21st of November 2022. The Procurement Officer presented to the audit committee on the 21st of November. The Audit Committee acknowledges the progress and the professional approach being taken in this complex area.
- Training Day, 14th October with the IPA.
- Audit Committee Effectiveness
 - Following this review I can confirm that the Audit Committee conducts its business in accordance with the Local Government (Audit Committee) Regulations 2014.

- **Annual Work Programme**

- The annual work programme may be summarised as follows:
 - Periodic meetings as required by statutory regulation
 - Consideration and approval of the annual internal audit plan
 - Dedicated meetings with the members of the senior management team
 - Chairman's meeting with the Chief Executive
 - Annual training day
 - Review of the Risk Management System
 - Consideration of internal audit reports including those prepared in connection with the Public Spending Code
 - Consideration of reports issued by the National Oversight and Audit Commission (NOAC)
 - Consideration of any relevant Departmental Value for Money reports
 - Review of the Annual Financial Statement
 - Meeting with the Local Government Auditor and consideration of the annual Statutory Audit Report

At the conclusion of the presentation, the Chief Executive joined with the Cathaoirleach in thanking the Audit Committee for the work that they carry out for the council describing their work as extremely important and thorough.

ITEM NO. 6

To enter into a Section 85 Agreement for the provision of Social Housing via a Public Private Partnership – Bundle 5 of the National Social Housing PPP Programme.

Prior to discussing Item 6, Cllr. A. Flynn-Kennedy advised she worked for an approved housing body and excused herself from the meeting.

Cllr. J. Behan proposed an amendment, seconded by Cllr. P. Leonard *'That Wicklow County Council designs, builds, finances, maintains and operates social and affordable housing schemes in the Burnaby in Greystones and Rehills Land in Bray in fulfilment of its usual role as the Housing Authority for the County of Wicklow.*

Furthermore, that Wicklow County Council rejects the Section 85 Agreement proposed by the Chief Executive to hand over the above housing functions on the above two sites to a Public Private Partnership Company facilitated by Dublin City Council'.

Ms. L. Gallagher, Director of Services, and Ms. H. Purcell, Senior Executive Officer advised, in accordance with Standing Orders, item 18 (d) 'An amendment shall not be in order if it is

equivalent to a direct negative or if it is not in fact an amendment if the motion it purports to amend’

Mr. J. Lane, Director of Services updated the Elected Members in relation to the Section 85.

Following a broad discussion relating to the provision of housing, allocation of houses, ownership of properties and units, a vote was taken to enter into a Section 85 Agreement for the provision of Social Housing via a Public Private Partnership – Bundle 5 of the National Social Housing PPP Programme and following a roll call was passed by a margin of 24 for, 4 against and 4 not present viz:-

FOR 24	CLLRS. T. ANNESLEY, M. BARRY, V. BLAKE, S. BOURKE, M. CORRIGAN, A. CRONIN, S. CULLEN, E. DOYLE, G. DUNNE, A. FERRIS, P. FITZGERALD, P. GLENNON, M. KAVANAGH, P. KENNEDY, D. MITCHELL, J. MULLEN, M. MURPHY, D. O’BRIEN, R. O’CONNOR, L. SCOTT, J. SNELL, E. TIMMINS G. WALSH AND I. WINTERS
AGAINST 4	CLLRS. J. BEHAN, P. LEONARD, G. O’NEILL AND S. STOKES
NOT PRESENT 4	CLLRS. A. FLYNN-KENNEDY, T. FORTUNE, G. MCMANUS AND P. O’BRIEN

Cllr. Flynn-Kennedy was invited to rejoin the meeting which she duly did.

ITEM NO. 7

To consider and adopt Speed Limit Byelaws for County Wicklow.

Ms. L. Earls, Director of Services gave a presentation outlining the background and context to the speed limit bye-laws as follows:

- Local authorities required to review speed limit byelaws on a 5 yearly basis.
- Reasons- Safety, Traffic Management, Education, Enforcement.
- Speed limits are set by default and can only be changed on a permanent basis, by the making of speed bye-laws. Limits can be fixed, variable or periodic.
- Default speed limits are specified in the Road Traffic Act 2004.
- Special Speed Limit Bye-Laws- Road Traffic Act 2004 & Local Govt Act 2001 (as amended) ☐ Reserved function of Members.

Default speed limits apply to the following:-

- Built up areas -50km, Regional & local roads ☐ 80km.
- ☐National roads ☐ 100km, Motorways ☐ 120km

Special speed limits are specified in accordance with the guidelines ‘Setting & Managing speed limits in Ireland’.

- set out in guidelines.

- 50km for built up areas, 60km, 80km for motorway, national road or built up area, 100km for motorway/no urban or regional/local road/built up area and 120km dual carriageway.
 - Predraft consultation undertaken during 2021/2022 with Members, An Garda Siochana, District Engineers, adjoining LAs and TII.
 - A schedule of proposed amendments issued to all Members in early 2022 for their review and consideration, with presentations made to all districts.
 - Public consultation undertaken in Oct/Nov 2022.
 - 257 submissions received.
 - Further engagement with Members in relation to the submissions in December 2022.
 - Briefing session with Members in January.
 - Individual engagement in recent days.
 - Draft Bye-Laws circulated provided for 13 schedules:-
 - 1st schedule- Default Built up Areas speed limit -50km.
 - 2nd schedule- special speed limit 20km - no roads.
 - 3rd schedule- special speed limit 30km.
 - 4th schedule- special speed limit 40km - no roads.
 - 5th schedule- special speed limit 50km.
 - 6th schedule- special speed limit.
 - 7th schedule- special speed limit -80km.
 - 8th schedule- special speed limit 100km.
 - 9th schedule- special speed limit 120km.
 - 10th schedule- special periodic speed limit 20km- no roads.
 - 11th schedule- special periodic speed limit 30km.
 - 12th schedule- special periodic speed limit 40km- no roads.
 - 13th schedule - special periodic speed limit 50km - no roads.
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- Consider the adoption of the draft bye-law, with or without amendment.
 - If adopted there will be two dates for them coming into operation:-
 - 1st June - all speed limits with exception of periodic speed limits at school.
 - 1st August - periodic speed limits at schools.
 - Appeal process now in place.
 - Draft Speed Limit Review Special Speed Limit Bye-Laws.
 - Questions and Answers.
 - Consider adoption of Bye-Laws.

There followed a broad discussion in which the Elected Members raised questions which were responded to by Ms. L. Earls and Mr. B. O'Sullivan.

It was proposed by Cllr. S. Cullen, seconded by Cllr. A. Flynn-Kennedy and following a roll call it was agreed to adopt Speed Limit Byelaws for County Wicklow to include Councillor Amendments as circulated plus amendment cc Kilmacanogue National School by a margin of 26 votes for and 6 not present viz:-

FOR 26	CLLRS. T. ANNESLEY, M. BARRY, J. BEHAN, V. BLAKE, S. BOURKE, M. CORRIGAN, A. CRONIN, S. CULLEN, E. DOYLE, G. DUNNE, A. FERRIS, P. FITZGERALD, A. FLYNN KENNEDY, P. GLENNON, M. KAVANAGH, P. LEONARD, D. MITCHELL, M. MURPHY, D. O'BRIEN, R. O'CONNOR, G. O'NEILL, L. SCOTT, S. STOKES, E.TIMMINS, G. WALSH AND I WINTERS.
NOT PRESENT 6	CLLRS T. FORTUNE, P. KENNEDY, G. MCMANUS, J. MULLEN, P. O'BRIEN, AND J. SNELL

ITEM NO. 11

To note Circulars LG01/2023 Annual Declarations and Public Registers and FO1 – 2023 31st January 2023 deadline for the reporting of political donations b Elected Members.

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

- Reporting requirements due for 2023 are unchanged from those that applied in 2022.
- Ensure that Elected Members complies with circular.
- In relation to LG01/2023 Annual Declarations and Public Register, Minister for Housing, Local Government & Heritage wishes to remind local authorities of the requirement, the ethical framework for Local Government as set out under Part 15 of the Local Government Act 2001.
- Employees and Elected Members are required to fill out annual declaration forms and the return period for submitting completed annual declaration to the Ethics Registrar is the last day of February each year.
- It should also be noted that the prescribed annual declaration form, includes a section for a person signing off to declare that they have read and understood the Code of Conduct for councillors as well as undertaking to have regard to it and be guided by the relevant Code of Conduct in his or her exercise of their functions.

ITEM NO. 8

To consider the Chief Executive's Monthly Management Report, January 2023.

Elected Members were circulated with the Chief Executive Monthly Management Report January 2023.

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

Suspension of Standing Orders

Cllr. M. Kavanagh, seconded by Cllr. P. Leonard and supported by Cllr. T. Fortune and Cllr. J. Behan requested a suspension of standing orders to discuss the following:

“That the Members of Wicklow County Council object strenuously to the Coillte decision to partner with a UK based Investment Fund, Gresham House, in the purchase by this Fund of thousands of hectares of Irish forestry lands depriving the Irish people of the profits accruing and at the same time driving up the price of agricultural land which could be bought by Irish farmers. Furthermore, this Council calls on the Government to halt this arrangement immediately and ensure that the future ownership of Irish Forestry assets remains in the hands of the Irish People.”

Following a broad discussion on the matter it was agreed to write to the relevant Ministers, the Taoiseach, Tánaiste and to circulate to all other councils. It was agreed to add the following line to the motion *‘and that where local farmers who need more land to improve their viability would be able to buy back from this giant Coillte fund’*

THIS CONCLUDED THE BUSINESS OF THE MEETING

CLLR. TOMMY ANNESLEY
CATHAOIRLEACH
WICKLOW COUNTY COUNCIL

MS. HELEN PURCELL
SENIOR EXECUTIVE OFFICER/
MEETINGS ADMINISTRATOR

Confirmed at meeting of Wicklow County Council held on Monday the 6th March 2023