

**MINUTES OF THE ORDINARY MEETING (HYBRID) OF WICKLOW COUNTY COUNCIL HELD ON MONDAY 3<sup>RD</sup> OCTOBER 2022, COMMENCING 2.00 PM IN THE COUNCIL CHAMBER AND VIA MICROSOFT TEAMS**

**PRESENT:**

**COUNCILLORS T. ANNESLEY CATHAOIRLEACH, J. BEHAN, V. BLAKE, S. BOURKE, M. CORRIGAN, A. CRONIN, S. CULLEN, E. DOYLE, G. DUNNE, 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, S. STOKES, E. TIMMINS, G. WALSH AND I. WINTERS**

**APOLOGIES**

**CLLR. A. FERRIS**

**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. B. MCCARTHY, A/HEAD OF FINANCE  
MS. S. WALSH, SENIOR PLANNER  
MR. J. BOWES, SENIOR ENGINEER  
MR. M. FLYNN, SENIOR ENGINEER  
MR. D. MARNANE, SENIOR ENGINEER  
MR. M. DEVEREUX, SENIOR ENGINEER  
MR. C. PAGE, SENIOR EXECUTIVE ENGINEER  
MS. H. PURCELL, SENIOR EXECUTIVE OFFICER/MEETINGS ADMINISTRATOR  
MS. H. DENNEHY, SENIOR EXECUTIVE OFFICER  
MS. J. CARROLL, SENIOR EXECUTIVE OFFICER  
MS. C. FLOOD, SENIOR EXECUTIVE OFFICER  
MS. T. O'BRIEN, SENIOR EXECUTIVE OFFICER  
MR. S. BOLGER, IS TECHNICAL SUPPORT OFFICER  
MR. J. CLARKE, IS TECHNICAL SUPPORT OFFICER  
MS. S. NICHOLS, ADMINISTRATIVE OFFICER  
MS. D. WHITFIELD, ADMINISTRATIVE OFFICER  
MS. C. FOX, ADMINISTRATIVE OFFICER  
MS. M. HALVEY, ADMINISTRATIVE OFFICER  
MS. R. GILLESPIE, A/ADMINISTRATIVE OFFICER  
MS. E. CONLAN, PROJECT MANAGER, NTA  
MR. E. GILLARD, HEAD OF PUBLIC TRANSPORT INVESTMENT, NTA  
MS. T. BYRNE, ASSISTANT STAFF OFFICER  
MS. C. HENDRICK, CLERICAL 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 Ms. Lily Melia, Ms. Roey Bouchier, Mr. Patrick Mulhall, Ms. Ann Moran, Mr. Nigel Shaw, Mr. Peter Byrne, Ms. Stephanie Byrne and Mr. Sean O'Loughlin. A minutes silence was observed for the deceased.

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

1. Cllr. G. Dunne, seconded by Cllr. P. O'Brien requested a suspension of standing orders to discuss the ongoing situation in Wicklow Harbour.

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

2. Cllr. M. Kavanagh, seconded by Cllr. J. Behan requested a suspension of standing orders to discuss the closure of Ashford Community Park

It was proposed by Cllr. I. Winters, seconded by Cllr. S. Cullen and agreed by all to defer this request to the Wicklow Municipal District meeting. The motion was withdrawn by Cllr. M. Kavanagh.

Congratulations were extended to the County Wicklow Ladies Gaelic Football Association for putting on a marvellous exhibition of three county camogie finals and to the winning teams of Arklow Rocks, Knockananna and Annacurra.

### **ITEM NO. 1**

**Section 140 motion Local Government Act 2001 (as amended) in the names of Cllr. J. Behan, Cllr. P. Leonard, Cllr. T. Fortune and Cllr. M. Kavanagh,**

Under the powers granted to Elected Members by virtue of Section 140 of the Local Government Act 2001 (as amended) we, the Elected Members of Wicklow County Council, hereby direct the Chief Executive of Wicklow County Council to continue to provide recycling services at Council recycling centres free of charge and to desist from including any such charge in the Wicklow County Council Budget 2023 and subsequent budgets.

We further direct that this Section 140 motion be discussed and decided as the first item on the agenda of the meeting of Wicklow County Council to be held on Monday 12th September 2022.

Ms. H. Purcell, Meetings Administrator read the legal advice of Ms. D. Kennedy, Law Agent to the Elected Members on the validity of the above section 140 as follows:

*'In order to be valid a section 140 motion must comply with all the provisions as set out in the legislation. There are exceptions that apply to the use of this section - one of which is that at subsection (10) a resolution under this section does not apply or extend—*

*(a) to the performance of any function of a local authority generally.*

*Furthermore the proposed charging scheme falls under the provisions of Local Government Financial Provisions No. 2 Act 1983 (2) as amended. The introduction of the charges does NOT fall within the remit of the reserved functions of the elected members and remains within the powers of the executive.*

*For the reasons set out above, I am of the Opinion that the suggested resolution is one which is legally unsound and invalid and in breach of Section 140(10) and that the decision regarding the operation of the recycling centres remains within the authority of the executive as a function of the Local Authority. Therefore a resolution passed under the proposed motion which contravenes this sub section is void and unenforceable'.*

A discussion on the Section 140 took place. Some of the issues raised included:

- Counter balance of powers of Chief Executive.
- Role of Elected Members and Chief Executive.
- Success of recycling centres.
- Impact of charges on the public.
- Possible privatisation of waste management services.
- Need for capital investments.
- Ability of public to pay and poverty proofing.
- Communication of information.
- Need for recycling facilities in other areas of the Council.

The Chief Executive responded to the many issues raised.

The Section 140 motion *'Under the powers granted to Elected Members by virtue of Section 140 of the Local Government Act 2001 (as amended) we, the Elected Members of Wicklow County Council, hereby direct the Chief Executive of Wicklow County Council to continue to provide recycling services at Council recycling centres free of charge and to desist from including any such charge in the Wicklow County Council Budget 2023 and subsequent budgets'* proposed by Cllr. J. Behan, seconded by Cllr. T. Fortune was put to a vote and following a roll call was defeated by a margin of 8 votes for, 6 not present and 18 abstained viz:-

|               |                                                                                                                                                                                                                               |
|---------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| FOR 8         | CLLRS. J. BEHAN, T. FORTUNE, M. KAVANAGH, P. LEONARD, G. MCMANUS, M. MURPHY, D. O'BRIEN AND J.SNELL                                                                                                                           |
| AGAINST 0     |                                                                                                                                                                                                                               |
| NOT PRESENT 6 | CLLRS. S. BOURKE, A. CRONIN, A. FERRIS, G. O'NEILL, E. TIMMINS AND I. WINTERS                                                                                                                                                 |
| ABSTAINED 18  | CLLRS. T. ANNESLEY, V. BLAKE, M. CORRIGAN, S. CULLEN, E. DOYLE, G. DUNNE, P. FITZGERALD A. FLYNN-KENNEDY, P. GLENNON, P. KENNEDY, D. MITCHELL, J. MULLEN, J. NEARY, P. O'BRIEN, R. O'CONNOR L. SCOTT, S. STOKES, AND G. WALSH |

### **ITEM NO. 2**

**To confirm and sign minutes of Ordinary Meeting of Wicklow County Council held on Monday 5<sup>th</sup> September 2022.**

It was proposed by Cllr. S. Stokes, seconded by Cllr. R. O'Connor and agreed to confirm and sign minutes of ordinary meeting of Wicklow County Council held on Monday 5<sup>th</sup> September 2022.

### **ITEM NO. 3**

**To consider the disposal of 730m<sup>2</sup> or thereabouts in the townland of Drummin, Annamoe, Co. Wicklow by Transfer to the Legal Personal Representatives of the late William & Carmel Hawkins deceased named as Mr. William Hawkins (son) and Ms. Hazel Birro (daughter).**

It was proposed by Cllr. J. Snell, seconded by Cllr. S. Cullen and agreed to dispose of 730m<sup>2</sup> or thereabouts in the townland of Drummin, Annamoe, Co. Wicklow by Transfer to the Legal Personal Representatives of the late William & Carmel Hawkins deceased named as Mr. William Hawkins (son) and Ms. Hazel Birro (daughter). as set out in statutory notice circulated.

### **ITEM NO. 4**

**To consider the disposal of 0.0555 Ha (0.1371 ac) or thereabouts in the townland of Oldcourt, Boghall Road, Bray, Co. Wicklow by Transfer to Ms. Myra Carroll as Legal Personal Representative in the Estate of Mr. Garrett Nolan (also known as Jim) deceased .**

It was proposed by Cllr. A. Flynn Kennedy, seconded by Cllr. D. O'Brien and agreed to dispose of 0.0555 Ha (0.1371 ac) or thereabouts in the townland of Oldcourt, Boghall Road, Bray, Co. Wicklow by Transfer to Ms. Myra Carroll as Legal Personal Representative in the

Estate of Mr. Garrett Nolan (also known as Jim) deceased as set out in statutory notice circulated.

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

**To consider the disposal of 0.54 hectares (1.33 acres) or thereabouts in the townland of Mill Road, Killincarrig, Greystones, Co. Wicklow to the Health Service Executive (HSE) for development of a Primary Health Care Centre.**

It was proposed by Cllr. S. Stokes, seconded by Cllr. T. Fortune and agreed to dispose of 0.54 hectares (1.33 acres) or thereabouts in the townland of Mill Road, Killincarrig, Greystones, Co. Wicklow to the Health Service Executive (HSE) for development of a Primary Health Care Centre. as set out in statutory notice circulated.

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

**To consider the disposal of 0.4047 hectares (1 acre) or thereabouts in the townland of Lugduff, Tinahely, Co. Wicklow by Transfer to Automatic Plastics Limited, School Road, Lugduff, Tinahely, Co. Wicklow.**

It was proposed by Cllr. J. Mullen, seconded by Cllr. V. Blake and agreed to dispose of 0.4047 hectares (1 acre) or thereabouts in the townland of Lugduff, Tinahely, Co. Wicklow by Transfer to Automatic Plastics Limited, School Road, Lugduff, Tinahely, Co. Wicklow. as set out in statutory notice circulated.

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

**To consider filling the vacancy to the Planning & Environment SPC arising from the resignation of Cllr. E. Doyle from this SPC.**

Cllr. G. Dunne proposed Cllr. J. Mullen to fill the vacancy on the Planning & Environment Strategic Policy Committee arising from the resignation of Cllr. E. Doyle, this was seconded by Cllr. P. O'Brien and agreed by all. Cllr. Mullen agreed to fill the vacancy.

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

**To consider the filling of the vacancy to the East Coast Regional Drug Task Force arising from the resignation of former Cllr. M. Crean.**

Cllr. T. Fortune proposed Cllr. P. Leonard to fill the vacancy on the East Coast Regional Drug Task Force arising from the resignation of former Cllr. M. Crean, this was seconded by Cllr. J. Snell and agreed by all. Cllr. Leonard agreed to fill the vacancy.

## **ITEM NO. 9**

### **To consider report on the Review of Town Teams**

Report circulated to the Elected Members on 28<sup>th</sup> September 2022.

Ms. C. Flood, Senior Executive Officer gave a presentation outlining the following:

- Tow Centre First Policy
- Town Regeneration Officer (TRO)
- TCF Town Teams
- Review of Town Teams in County Wicklow
- Key findings
- Operational structure and governance
- Membership of Town Teams and representation
- Co-ordination and administrative support
- Communications and relationships
- Collaboration and strategic partnerships
- Operational activities
- Level of activity of Town Team

There followed a broad discussion in which the Elected Members raised a number of issues:

- All Elected Members of a municipal district should sit on town team.
- Cathaoirleach of municipal district should be chair of town team.
- Where do small villages fit in town team structure?
- Welcome role of Town Regeneration officer.
- Budgeting limits on projects.
- Flow of information to and from town teams.
- Definition of roles.
- Accountability.
- Conflict with democratically elected members.
- Inclusion of young people on town teams.
- Acknowledge work of teams.

The Chief Executive responded and asked the Elected Members to send further comments to Ms. C. Flood. Consideration will be given to setting up a working group following receipt of all feedback.

**Time Extension:** It was proposed by the Cathaoirleach Cllr. P. O' Brien, seconded by Cllr. P. Fitzgerald and agreed by all to extend the meeting to 5.30 p.m.

## **Notice of motion number 1**

**Notice of motion in the name of Cllr. V. Blake, seconded by Cllr. J. Mullen (2<sup>nd</sup> September 2022)**

*'We the Members of Wicklow County Council are asking the Minister of Education and Transport to revisit the school transport scheme immediately.*

*This system is not fit for purpose leading to children being left on side of the road. Leaving working parent families to reduce work hours or in some cases leave work to deliver children to and from school, bearing in mind these parents were more than willing to pay as they have done for many years'.*

It was agreed by all to write to the Minister for Education and Transport.

## **Suspension of Standing Orders**

Cllr. G. Dunne, seconded by Cllr. P. O'Brien requested a suspension of standing orders to discuss the ongoing situation in Wicklow Harbour.

Following a broad discussion the Chief Executive that he would attend meeting on 6<sup>th</sup> October 2022 and would inform the Elected Members of the outcome of this meeting.

## **ITEM NO. 10**

**To receive update from the N.T.A. Park and Ride Development Office on preferred options for bus based park and ride sites along the N11/M11.**

Presentation circulated to the Elected Members on 28<sup>th</sup> September 2022.

Ms. E. Conlan, Project Leader and Mr. E. Gillard, Head of Public Transport Investment gave a presentation outlining the following:

- Vision statement and objectives
- The Strategy
- Demand for Park and Ride on the N11/M11
- Key destinations from the N11/M11 corridor
- Bus Park & Ride site options – Junction 6 (Fassaroe)
- Bus Park & Ride site options – Junction 11 (Kilpedder)
- Bus Park & Ride site options – Junction 16 (Ashford-Rathnew)
- Next steps

Elected Members raised questions which were responded to by Ms. Conlan and Mr. Gillard.

**THIS CONCLUDED THE BUSINESS OF THE MEETING**

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**CLLR. TOMMY ANNESLEY  
CATHAOIRLEACH  
WICKLOW COUNTY COUNCIL**

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

**Confirmed at meeting of Wicklow County Council held on Monday the 7<sup>th</sup> November 2022**