

Minutes of Special Housing and Planning Meeting of Bray Town Council held in the Council Chamber, Town Hall, Bray on Tuesday 5th July 2005 at 7.30 p.m.

Present: Councillor Déirdre De Búrca, Cathaoirleach
Councillor Joe Behan
Councillor John Brady
Councillor Caroline Burrell
Councillor John Byrne
Councillor Bríd Collins
Councillor Anne Egan
Councillor Anne Ferris
Councillor David Grant
Councillor John McManus
Councillor Ciaran O'Brien
Councillor Pat Vance

Also present: Mr. Catherine Halligan, Acting Director of Services
Mr. David Forde, Acting Town Clerk
Mr. Sean O'Neill, Town Engineer
Ms. Triona Irving, Administrative Officer

1. Confirmation of Minutes of the Special Housing and Planning Meeting dated 14th June 2005.

Councillor Brid Collins stated that before the minutes were proposed and seconded she would like them to be amended as she did not mention anything regarding extra land as stated in the planning reference number 05/89.

It was then proposed by Councillor Anne Egan and seconded by Councillor Caroline Burrell to adopt the minutes of the Special Meeting of Bray Town Council dated the 14th June 2005.

2. Reports and Recommendations

The Acting Town Clerk informed the members that there are no reports and recommendations.

3. To discuss the Section 140 motion regarding the rent scheme for Bray Town Council

The Cathaoirleach reminded the members that Councillor Joe Behan had imposed a section 140 at the previous Special Housing and Planning Meeting. The Acting Director of Services then read out the section 140 motion imposed by Councillor Joe Behan.

Section 140 re: Rent Scheme:

Acting under the powers conferred on us by Section 140 of the Local Government Act 2001 we, elected members of Bray Town Council, hereby direct the County Manager to give effect to the following changes to Bray Town Council Differential Rent Scheme

To freeze rents at 2004 levels for all tenants who are Old Age Pensioners and who will become old Age pensioners during the lifetime of this Council.

To designate the actual tenant as the principal earner for the purpose of calculation of rent.

To re-institute a maximum rent of €100 per week to be adjusted annually in line with the Consumer Price Index.

To disallow the earnings of any child of a tenant under the age of 18yrs in calculating rent.

The members raised the following points:

- Not surprised at what was said in the Law Agents newsletter.
- Section 140 is basically to ensure the Council executive carries out the will of the Council.
- It seems that the attitude of the Council executive is that they know best.
- Surprised and disappointed the Council could not see the purpose to help our elderly tenants.
- Should be reporting this to the Department of Environment, Heritage and Local Government, the Office of the Ombudsman and other relevant authorities.
- Remind members that this is not an independent legal opinion – it is the Council’s law agent opinion.
- We need independent legal advice, both on section 140 and about a budget increase.
- Received numerous requests to see if rent scheme can be reviewed. It is harsh and difficult.
- The rent scheme should be based on who signs the tenant agreement. We are looking at the whole family and penalising them also.
- Councillor John McManus did seek independent legal advice and was told that section 140 was an executive function but sections 130 and 149 might be a way forward.

Both of the sections were then read out:

Policy role of elected council. **130.**—It is a function of the elected council of a local authority to determine by resolution the policy of the local authority subject to and in accordance with this Act and the other enactments relating to that authority.

Executive functions.

149.—(1) In this section—

"elected council" includes the members of a joint body;

"local authority" includes a joint body.

(2) In respect of each local authority for which he or she is manager, a manager is responsible for—

(a) the efficient and effective operation of each such local authority, and

(b) for ensuring under section 132 the implementation without undue delay of the decisions of the elected council.

(3) For the purposes of discharging the responsibilities set out under *subsection (2)*, the manager shall—

(a) exercise and perform in respect of each local authority for which he or she is the manager the executive functions of such local authority (including all functions in relation to the employees of each such local authority), and

(b) for that purpose carry on and manage and control generally the administration and business of the authority.

(4) Every function of a local authority which is not a reserved function is, for the purposes of this Act, an executive function of such local authority.

(5) All such matters and things, including the making of contracts and the affixing of the official seal, as are necessary for or incidental to the exercise or performance of the executive functions of a local authority shall, subject to this Act or any regulations made under it, be done by the manager for such local authority.

(6) Subject to law, the functions of a manager shall be performed in accordance with the policy of the local authority as determined by the elected council in accordance with *Chapter 1* of this Part.

The members continued with the following points:

- Suggest that the Municipal Policy Committee examine this and then ask the members to consider this.
- Difficult to vote on section 140 if it is void so I think it should be brought before the M.P.C and also maybe seek further legal advice.
- Think the manager has approached this in the wrong manner.
- Suggest that we revert back to the previous rent scheme and start afresh – this was a grave mistake by the officials.
- Would like to thank Councillor McManus and colleagues for getting the independent legal opinion. It certainly moves the issue forward.
- Called on the manager to revert back to the old scheme until this issue has been sorted out.

Councillor Joe Behan then stated that he would like to withdraw section 140 on the basis that this has been dealt with.

The members continued with the following points:

- The consensus was that the members agreed a 10% increase in the budget. The management then introduced many multiples and the members are not happy.
- We need to work in conjunction with management now because our main concern is what to do in the meantime.

The acting Director of Services stated that it is not possible to revert back to the 2004 level because some rents would go up and some would go down. She stated that perhaps a Municipal Policy Committee meeting could be arranged this week if possible and the officials would certainly be prepared to discuss this and investigate sections 130 and 149 of the Local Government Act 2001.

Councillor John McManus then stated that an M.P.C meeting should be held this Thursday 7th July 2005 at 6 P.M and the group's whips should obtain lists of barristers they might want to suggest for getting a second legal opinion.

4. To consider the Housing Progress Report

The members raised the following points:

- Would like an update on the Hollybrook situation. Would like the site to be cleaned and levelled straight away for the summer.
- Purchase of houses – are we using Minister Roche's allocation and is there intent to buy more houses?
- Fire in Oldcourt – the fire travelled from the bathroom to the attic through very combustible material in the wall.
- It is important that this family is fully supported.
- There was severe damage to the water tank, which caused further damage through leaking.
- This is the third fire in as many months. This seriously needs to be looked at.
- Were the family housed immediately?

- An independent assessment and report need to be given.
- The newsletter that went around recently in Oldcourt estate shows how fearful people actually are.
- Fire audit needs to be done as soon as possible.
- There was also a fire in Fassaroe – definitely need fire audit and fire safety awareness needs to be promoted.
- Delighted to say that refurbishment works will be starting in James Everett Park.
- People need to be given a starting date now.
- Fassaroe – can this work be started straight away?
- Delighted to see the playground up and running but some older children are charging the younger children to get in. Can CCTV be installed here?
- Does Bray Town Council have an affordable housing scheme?
- Would like an update in Wolfe Tone Square West.
- Silverbridge – has a caretaker been appointed and will the site be cleaned?
- Ballywaltrim Cottages – they should be called Kilbride Cottages.
- Ballywaltrim – there is illegal trading going on in this estate. Can the Council look into this?
- Can the Council examine a scheme where some residents are allocated a part-time caretakers allowance to manage the upkeep of the relevant estate?
- Compliment the Estate Management Officer on a comprehensive report.
- Is the Fire Depot site project still on target?
- We should learn lessons from Wicklow County Council whereas they are allocating houses with no back gardens to families with children. This is ridiculous.
- No. 42 Ashlawn Court – Council are refusing to replace her letter box and seeing as the front door was replaced with a back door the council are obliged to change it.
- There is a problem with grass cutting in our estates. It is not good enough that there is no rubbish truck to collect rubbish around the town.
- Dumping of rubbish in tenant's back gardens – this need's to be examined and a report of how many tenant's are dumping in their gardens.
- Kilbride House – I thought Bray Town Council was putting a Compulsory Purchase Order here.
- On some construction sites around the town, which may be contracted by the Council, a lot of the workers do not wear protective clothing.
- Land Bank – there are three sites in Little Bray area that are suitable.
- Syringe Public Liability Claim – a thirteen-year old boy stood on a syringe in one of the Council housing estates. Who accepts the responsibility?
- Bottle-banks – are the CCTV working and monitoring these?
- After Hours Call Out Service – we were told the phone number would be advertised on media etc. Would like more information on this.

The Administrative Officer responded with the following:

- Hollybrook is in Wicklow County Council's jurisdiction.
- Bray Town Council have to seek approval from the Department of Environment, Heritage and Local Government before the purchase of houses.
- Ballywaltrim Heights – I will speak to the Estate Development Officers in Wicklow County Council and Bray Town Council about this.
- Clean - up of estates – the members must decide this in next years budget.
- The Fire Depot houses are on target.

- A caretaker for the Silverbridge Halting Site has been appointed and will start work next week.

The Town Engineer informed the members of the following:

- Will follow up on After Hours Call Out service.
- I am disappointed the fire got into second house and I am not adverse to a fire audit being carried out.
- 31 St Kevin's Square – the timeframe on this is two months.
- Wolfe Tone Square West – will be completed in the next two weeks.
- Ashlawn Court – will examine this.

The Administrative Officer continued with the following:

- Syringes – the Housing engineer for Bray Town Council has attended meetings in some of the estates about these problems.
- Bottle-banks – if people do not pay their fines then they will be brought to court.

Councillor Caroline Burrell then proposed and Councillor John Brady seconded that the Council carries out an independent fire safety audit in all houses.

5. To consider Planning Matters

The members raised the following points:

05/114 - change of use from office to office/youth training at Unit One, Carlisle House, Adelaide Road, Bray.

Councillor Anne Ferris stated she would like to support this application. Councillor David Grant stated that he is concerned with this application. He stated that we should not be returning applications on such minor issues.

05/103 – new shop fronts to Units 6 & 8, Meath Road, Bray.

Officials should give this application a closer examination when it is resubmitted.

05/110 – part demolition, part retention and development at Strand Road, Bray.

Would like to query this application because it was deemed invalid.

05/111 - the construction of 8 no. two storey holiday homes to the rear of an existing protected dwelling with the insertion of 10 no. parking spaces to the front of the site and associated site works plus alterations to the front entrance and boundary at Seanchara, Strand Road, Bray.

This application is not acceptable. Eight holiday homes are ludicrous.

05/107 – a Creche facility at Larchill, Putland Road, Bray.

A crèche has been operating for a long number of years here illegally. This is a residential area and should only be operating for two or three hours per day.

05/105 - a residential development at the site of the former Aubrey Edge Factory, Parnell Road, Bray.

Forty-four spaces for car parking – this should be looked at. How many social and affordable houses did we get out of this?

Golf Club Land File - What extra staffing plans are being considered by Bray Town Council because this is a major application?

The Administrative Officer responded with the following:

- 05/110 - invalid as no discussions in relation to social and affordable housing had taken place with the Housing Section
- 05/105 – this application was deemed invalid because the applicant had not discussed with the housing department.
- 05/116 & 05/117 - The Senior Exec Engineer is dealing with these applications, a number of reports have been forwarded to outside bodies, but will I take on board the Members comments.

Councillor Ciaran O’Brien proposed an extension of time to allow a decision to be made on the boathouses. Councillor Caroline Burrell seconded this.

6. To consider the report on the condition of the sea wall at the Northern end of the Seafront

The members raised the following points:

- I am not going to support all of the report. Need to discuss the Southern end also.
- Would ask the Town engineer to carry out an extensive research of the steps also.
- Concerned that some houses could be flooded again.
- Remedial works need to be carried out urgently on the seafront.
- Have Bray Town Council and the Department of the Marine any long-term plans for the seafront?
- The Southern end of the seafront has received an allocation of €60,000 as well as €20,000 is being provided by Bray Town Council.
- There are cracks along parts of the wall and some of the residents along the seafront have asked that this be brought to the Town Engineers attention.
- Under scouring of wall – residents are concerned so we need to move quickly on this.
- The Department of the Marine said that the Southern end would not be flooded again but it did.
- Welcome the allocation of money but hope it will be done before winter.

The Town Engineer stated that when the report was done there was no funding allocation. If we receive a letter from the Department of the Environment, Heritage and Local Government stating there is going to be funding then we will get in contact with the Department of the Marine. It should be completed this year at some stage.

7. To further consider the “Expressions of Interest” received for the Boathouses at Bray Seafront

The Cathaoirleach, Councillor Deirdre De Burca stated that the report given from the Town Engineer was a comprehensive one as asked.

Councillor Joe Behan proposed and Councillor Caroline Burrell seconded that the two boathouses be leased for an initial period of five years to be reviewed subsequently to the Queen of Peace Youth Club and that the Harbour shed be leased to St. Fergals Boxing Club for an initial period of five years to be reviewed subsequently and will be subject to the usual terms and conditions.

The Acting Town Manager, Catherine Halligan stated to the members, the following standing order:

Section 29 – Bray Town Council Standing Orders

A motion to revoke or amend a resolution of the Council can only be made on notice inserted in the Agenda, and such notice shall specify the resolution of the Council can only be made on notice inserted in the Agenda, and such notice shall specify the resolution to be revoked or amended and furnish the terms of the motion to be made; but no such motion shall be allowed to appear on the Agenda to revoke or amend any resolution of Council within six (6) months of the date of the adoption of such resolution except with the written assent of not less than four (4) members of the Council. A resolution may not be revoked at the Meeting at which it has been adopted.

It shall be necessary for adoption of a motion to revoke or amend a resolution of the Council that not less than two-thirds (2/3) of members [being not less than one-half (1/2) of the total number of members of the Council vote in favour and subject to statutory requirements.

The Town Engineer summarised to the members that he did not think the Boathouses should be given to the Queen of Peace Youth Club on Health and Safety Grounds. He stated that in his opinion any water borne related activities should be conducted from the Harbour shed.

The members raised the following points:

- These are canoes, not ships that are being put in and out of water.
- Was the same Health and Safety check carried out on the Boathouse café and does it have to provide toilet facilities?
- Flyers were put up on the Boathouses stating that they were not for sale.
- The characterisation of the two women who run the café in the Boathouse is unfair. They have produced a great service and deserve credit.

- The two ladies running the café have behaved with such dignity during this whole situation.
- If the Queen of Peace Youth Club is insisting on the Boathouses then, on balance we should go for it.
- The expressions of interest went straight into the newspaper without any consultation etc. It was wrongly handled from the start. The harbour was not part of the expressions of interest.
- The Queen of Peace Youth Club has been in existence for over thirty years and have always been homeless. They deserve a proper home.
- If we can accommodate St. Fergals then we should.
- Disappointed that this has turned into a political football.
- The Queen of Peace Youth Club has done excellent work but I will not support their application because of health and safety issues.
- The harbour area is twice the size of the boathouses. If the Queen of Peace Youth Club took the premises at the harbour they would probably end up with far better situation.

At this stage of the meeting the Cathaoirleach, Councillor Deirdre De Burca proposed that the meeting be extended for an extra ten minutes. The members agreed.

The members continued with the following points:

- The Green Party sanctioned flyers to be given out on the Seafront. This littered the seafront in a bad way.
- This is the same story as the Parochial Hall issue. We are all going into this with heavy hearts.
- There is a lot of rubbish and junk in the Harbour shed. Can this all be cleared out?

Councillor John McManus stated that the characterisation of the two ladies who run the coffee Dock on the seafront was extremely unfair.

Councillor David Grant then proposed and Councillor Pat Vance seconded that both Boathouses be given to the Coffee Shop but Councillor Vance added that he resents the fact that they did not owe him the courtesy of providing him with the information that a lot had at the meeting tonight.

Councillor Joe Behan proposed an extension of time to finish this item. The members agreed.

After a lot of discussion over the legality of considering a motion which had been previously defeated the Cathaoirleach deemed Councillor David Grant's motion to be valid and she asked the members to respect her decision. She informed the members that Councillor David Grant's amendment will be taken first before Councillor Joe Behan's motion.

The Acting Town Manager informed the members of the following:

Section 39 – Bray Town Council Standing Orders

When an amendment is lost any further amendment of which notice has been given may be proposed, but only one amendment shall be at any time before the meeting and an amendment shall not be in order if the Cathaoirleach rules it to be substantially the same as an amendment already lost.

The members were then asked to vote on Councillor David Grant’s proposal which was seconded by Councillor Pat Vance.

That both Boathouses be given to the coffee shop and all rent received from this should be used to improve the harbour shed and that both St. Fergals boxing club and the Queen of Peace Youth Club be given the use of this shed.		
The matter was voted upon as follows: -		
	<i>FOR</i>	<i>AGAINST</i>
<i>Councillor Joe Behan</i>		✓
<i>Councillor John Brady</i>		✓
<i>Councillor Caroline Burrell</i>		✓
<i>Councillor John Byrne</i>		✓
<i>Councillor Bríd Collins</i>	✓	
<i>Councillor Déirdre De Búrca</i>		✓
<i>Councillor Anne Egan</i>	✓	
<i>Councillor Anne Ferris</i>	✓	
<i>Councillor David Grant</i>	✓	
<i>Councillor John McManus</i>		✓
<i>Councillor Ciaran O’Brien</i>		✓
<i>Councillor Pat Vance</i>	✓	
Total	5	7

With five votes for and seven against the amendment was defeated.

The members were then asked to vote on Councillor Joe Behan’s proposal which was seconded by Councillor Caroline Burrell.

That the two boathouses be leased for an initial period of five years to be reviewed subsequently to the Queen of Peace Youth Club and that the Harbour shed be leased to St. Fergals Boxing Club for an initial period of five years to be reviewed subsequently and will be subject to the usual terms and conditions.		
The matter was voted upon as follows: -		
	<i>FOR</i>	<i>AGAINST</i>
<i>Councillor Joe Behan</i>	✓	
<i>Councillor John Brady</i>	✓	
<i>Councillor Caroline Burrell</i>	✓	
<i>Councillor John Byrne</i>	✓	
<i>Councillor Bríd Collins</i>		✓
<i>Councillor Déirdre De Búrca</i>	✓	
<i>Councillor Anne Egan</i>		✓
<i>Councillor Anne Ferris</i>		✓
<i>Councillor David Grant</i>		✓
<i>Councillor John McManus</i>	✓	
<i>Councillor Ciaran O’Brien</i>	✓	
<i>Councillor Pat Vance</i>		✓
Total	7	5

With seven votes for and five against the motion was carried.

Some of the Councillors then clashed with the Cathaoirleach and allegations of abusing her position were levelled at her.

She ensued by stating that her role as Cathaoirleach is being questioned and undermined, but Councillors should respect her whether or not they like what she decides.

12. Any other business

Bray Cliff-Walk to Greystones

The Acting Town Clerk informed the members that Bray Tourism had requested the use of the Town Hall to discuss the Bray cliff-walk to Greystones.

This was proposed by Councillor Pat Vance and seconded by Councillor Anne Ferris.

Signed: _____
CATHAOIRLEACH

Signed: _____
TOWN CLERK

Dated: _____