

Minutes of the Monthly Meeting of Bray Town Council held in the Council Chamber, Town Hall, Bray on Tuesday 12th July at 7.30 p.m.

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

Also present: Ms. Catherine Halligan, Acting Director of Services
Mr. David Forde, Acting Town Clerk
Mr. Sean O’Neill, Town Engineer

Apologies: Councillor Brid Collins
Councillor David Grant

1. Confirmation of Minutes of the Monthly Meeting dated 21st June 2005

Councillor John Byrne stated that he would like an amendment to page 9 of the minutes of the 21st June 2005. The amendment is as follows:

Item 4 - To discuss the members’ conference allocation the proposal.

The proposal should read “That the conference budget be divided equally by three and ring fenced for that group to spend on conferences or training. Any Councillor attending a conference or training must submit a written summary of proceeding at the next full Council meeting.”

It was then proposed by Councillor John Brady and seconded by Councillor Caroline Burrell and unanimously agreed to confirm and adopt the minutes of the Monthly Meeting of Bray Town Council dated the 21st June 2005.

2. Reports and Recommendations

On-going problems with “Laneway” – Michael T. Miskella

The acting Town Clerk read out the correspondence he had received from Mr. Miskella about the possibility of extinguishing the right of way through a laneway at the back of his house. He stated that this laneway was a location for anti-

social behaviour as some people would throw items at his house and it is causing Mr. Miskella and his wife a lot of hardship.

Councillor Anne Egan proposed that this item go through the necessary statutory process to close the laneway because these people have been suffering the torment of anti-social behaviour for over ten years. She also stated that the Gardai have recommended that it be closed. Councillor Anne Ferris seconded this proposal.

Councillor Pat Vance stated that he would have to take a look at the lane first but there was a general agreement between the members that the statutory process go ahead.

Litter Report

The acting Town Clerk informed the members of the following litter report.

	No. of litter fines issued	Amount Paid	No. of fines paid in full.	No. of prosecutions
April	11	€757.50	6	
May	14	€956.25	7	2
June	16	€815.00	6	

Staff Vacancies

The Acting Town Clerk then read out the staff report (below).

The following sets out the current staff vacancies of administrative and outdoor staff in Bray Town Council.

Administrative staff

Presently there are 27 indoor staff employed by Bray Town Council. There are also an additional 9 temporary relief staff assigned to cover for the summer period. A number of administrative staff have left Bray Town Council in the last number of months. Additionally 2 staff number are due to leave in the near future. The following staff are going on short-term secondment to Wicklow County Council as follows:

- *One Senior Staff Officer and one Assistant Staff Officer – both are due to take up positions as Performance Management and Development System Trainers for Wicklow County Council for a two year period;*
- *One Assistant Staff Officer has been seconded to the Agresso Financial Computer System upgrade project for 12 weeks;*

There are 3 staff due to take up positions within the coming weeks with Bray Town Council. These are:

- *Two Acting Assistant Staff Officers*
- *One Acting Staff Officer*

Technical Staff

The Senior Executive Engineer is due to take a 2 year leave of absence on 8th August 2005. We await a replacement.

Outdoor Staff

At present there are 42 outdoor employees of Bray Town Council. This number does not include:

- *3 lifeguards;*
- *2 temporary (for the summer period) litter-pickers; and*
- *8 school wardens.*

Of the 42 employees, two are on long-term sick leave. Temporary replacements have been recruited for these positions. One Temporary General Operative has taken up position on 4th July last and another is due to start on 25th July.

A Caretaker for the Halting Site commenced work on 11th July.

Councillor Pat Vance requested that the report on staff vacancies be circulated to the members.

Councillor Vance also stated that he had recently noticed that the lifeguards hours have been cut and wanted to know why weren't the members told about this.

The Cathaoirleach, Councillor Deirdre De Burca asked the officials to circulate this information to the members with more detail in the report.

Councillor John Byrne stated that the Municipal Policy Committee should look at this.

Councillor Joe Behan stated that Wicklow County Council has too much of an influence on Bray Town Council when it comes to staff. He stated that when a vacancy arises in Wicklow - Bray is deprived of a staff member. He further stated that this is not Better Local Government and that Wicklow are calling the shots.

The acting Town Clerk stated that one Senior Staff Officer and One Assistant Staff officer are due to take up positions as Performance Management and Development System Trainers with Wicklow County Council. He went on to say that both these staff were not drafted by Wicklow County Council but applied for the positions and went for the interviews themselves.

Quinsborough Road Closure

The acting Town Clerk stated that an advertisement had gone into the national papers about the road closures on Quinsborough Road. He further stated that an email will be sent to the members to inform them of the intention to close.

Councillor John McManus asked the Town Engineer would all of the ducting be completed on the Quinsborough Road?

The Town Engineer stated that the ducting will be completed.

Councillor Caroline Burrell then asked the Town Engineer if any landscaping could be done on the Quinsborough Road i.e. – trees and flower boxes etc be put along.

The Town Engineer stated that there are already a lot of trees along the Quinsboro Road.

Councillor Anne Ferris then stated that flower boxes were previously put along the Quinsborough Road and they caused great nuisance to shop owners. They were not maintained and attracted anti-social behaviour.

Councillor John Brady stated that he would like to welcome the works but said that there is a surface drainage problem and would like this to be looked into. He also asked if the traffic lights at the junction can be looked at.

The Town Engineer informed the members that there are currently proposals to change the traffic lights. He also informed the members that two litter bins will be put along the Quinsborough Road, with one on either side.

Airshow Road Closures

A list of roads to be closed for the Bray Airshow was read out to the Members. The Acting Town Clerk also informed the Members that the road closures would be advertised in the local newspapers.

Councillor Anne Ferris stated that she would like to support the road closures for the Airshow. She also advised that strict litter control needs to be observed for this. She suggested that bigger bins are obtained for the duration of the Airshow.

The Cathaoirleach informed the members that some of the Council officials and some of the members, including herself, have met with the organisers and large bins have been promised.

Section 140 regarding the Differential Rent Scheme

Councillor John McManus informed the members that this was discussed in detail at the previous Municipal Policy Committee meeting. He stated that he does not agree with the Wicklow County Council Law Agents opinion and recommended that independent legal advice is needed. He further added that the Law Agent is acting as a Law Agent for the executive and not for the members. He was disappointed that there was no hard copy of the Municipal Policy Committee draft minutes available.

Councillor Anne Ferris stated that the members should have been given a hard copy but added that she does not think this is a delaying tactic. She stated that this will take a while to sort out anyway.

Councillor Pat Vance stated that this issue has moved forward a lot and that the members should pick a name from the list of barristers tonight.

Councillor John McManus asked the officials did Minister Dick Roche approve the rent scheme that was introduced?

The acting Town Manager told the members that Bray Town Council did not have to send it to Minister Roche for his approval but only to the Department of Environment, Heritage and Local Government. She said that the members had been emailed a copy of the draft minutes of the Special Municipal Policy Committee meeting. She outlined the difference between a second legal opinion and independent legal advice and that most of the requests contained in the proposal were already incorporated into the Differential Rent Scheme. The Acting Town Manager advised the members that the Rent Scheme is income based and that linking it to the Consumers Price Index could increase rents.

Councillor Joe Behan asked that special consideration be given to Old Age Pensioners in the Municipal Policy Committee report.

Councillor John McManus stated that one of the things the members did not want to do was increase anyone's rent. He added that the members agreed that there should be no rent higher than what is on the market at present for a two / three bedroom house.

The Cathaoirleach stated that the members should go with a second legal opinion and in the meantime consider the Law Agent's report in more detail.

Councillor Pat Vance stated that the Law Agent should prepare a brief and the Council should agree it.

Councillor John McManus stated that with regards to the self-employed people, a tax clearance certificate should suffice.

Councillor Anne Ferris stated that the members should only seek second legal opinion, not independent legal advice.

Councillor John McManus then proposed that there be an annual review of the scheme, that self employed persons should only have to submit a tax assessment form, that the maximum rent would not be greater than any basic accommodation on the open market, that the income of any person under the age of 18 not to be assessed as part of household rent and that Bray Town Council adjust rents in line with the Consumer Price Index (CPI) and that the current hardship clause be still included in the scheme. This proposal was seconded by Councillor Joe Behan and unanimously agreed by the members.

3. To consider Material Contravention of Bray Development Plan 2005 in relation to Malenc Ltd – Planning Reg. Ref. 05/58 - Retention of the current use of Unit 1, Sunnybank Centre, Upper Dargle Road, Bray as Office, Meeting Room and Storage in lieu of the previously permitted Light Industrial/Craft

Councillor Pat Vance proposed that planning permission be granted for the Material Contravention of Bray Development Plan 2005 in relation to Malenc Ltd – Planning Reg. Ref. 05/58 - Retention of the current use of Unit 1, Sunnybank Centre, Upper Dargle Road, Bray as Office, Meeting Room and Storage in lieu of the previously permitted Light Industrial/Craft and Councillor Anne Egan seconded this proposal.

The matter was voted upon as follows: -		
	FOR	AGAINST
Councillor Joe Behan	✓	
Councillor John Brady	✓	
Councillor Caroline Burrell	✓	
Councillor John Byrne	✓	
Councillor Bríd Collins	absent	
Councillor Déirdre De Búrca	✓	
Councillor Anne Egan	✓	
Councillor Anne Ferris	✓	
Councillor David Grant	absent	
Councillor John McManus	✓	
Councillor Ciaran O'Brien	✓	
Councillor Pat Vance	✓	
Total	10	0

With ten votes for and none against the Material Contravention of the Bray Development Plan 2005-2011 was passed in relation to Malenc Ltd – Planning Register Reference 05/58.

4. To consider the proposed additions to the list of Protected Structures

Councillor Anne Ferris opened this discussion by stating that she agrees with most of the protected structures on the list except for Colaiste Raithin. She stated that the VEC have moved to new premises and that they may have different needs for this building now.

Councillor Pat Vance stated that there is nothing in Colaiste Raithin and that it is quality and not quantity which is needed here.

Councillor Ciaran O'Brien stated that this is not an attractive building but the intentions are good. He added that he would be in favour of the list of seven structures.

Councillor Anne Egan stated that she would not support the addition of Colaiste Raithin to the list of Protected Structures.

Councillor John McManus stated that he would be in favour of preservation for the front of the building but not the inside.

The Town Engineer stated that when buildings are listed, any alterations must go through a stringent process.

The Cathaoirleach then informed the Members that they will go through each building on the proposed protected structure list separately.

1. Killarney House, Killarney Road.

It was proposed by Councillor Caroline Burrell and seconded by Councillor John Brady and unanimously agreed to add Killarney House to the list of Protected Structures.

2. Abington House, Killarney Road.

It was proposed by Councillor Caroline Burrell and seconded by Councillor John McManus to add Abington House to the list of Protected Structures. Councillor Pat Vance did not support this building being added to the list of Protected Structures.

3. Glendair House, King Edward Road.

It was proposed by Councillor John Byrne and seconded by Councillor John McManus and unanimously agreed to add Glendair House to the list of Protected Structures.

4. Alderbrook House, King Edward Road.

It was proposed by Councillor John McManus and seconded by Councillor Ciaran O'Brien to add Alderbrook House to the list of Protected Structures. Councillor Anne Ferris and Councillor Joe Behan did not support this building being added to the list of Protected Structures.

5. Laxton House, Novara Avenue.

It was proposed by Councillor Ciaran O'Brien and seconded by Councillor Caroline Burrell to add Laxton House to the list of Protected Structures. Councillor Pat Vance and Councillor Joe Behan did not support this building being added to the list of Protected Structures.

6. Colaiste Raithin, Florence Road.

It was proposed by Councillor Anne Ferris and seconded by Councillor Anne Egan “that Colaiste Raithin should not be added to the list of Protected Structures”.

It was then proposed by Councillor Caroline Burrell and seconded by Councillor John McManus “that Colaiste Raithin be added to the list of Protected Structures”.

Both proposals were put to a vote.

“That Colaiste Raithin should not be added to the list of Protected Structures”		
The matter was voted upon as follows: -		
	FOR	AGAINST
Councillor Joe Behan	✓	
Councillor John Brady		✓
Councillor Caroline Burrell		✓
Councillor John Byrne		✓
Councillor Bríd Collins	absent	
Councillor Déirdre De Búrca		✓
Councillor Anne Egan	✓	
Councillor Anne Ferris	✓	
Councillor David Grant	absent	
Councillor John McManus		✓
Councillor Ciaran O’Brien		✓
Councillor Pat Vance	✓	
Total	4	6

With 4 votes for and 6 against the proposal was defeated.

“That Colaiste Raithin be added to the list of protected structures”		
The matter was voted upon as follows: -		
	FOR	AGAINST
Councillor Joe Behan		✓
Councillor John Brady	✓	
Councillor Caroline Burrell	✓	
Councillor John Byrne	✓	
Councillor Bríd Collins	absent	
Councillor Déirdre De Búrca	✓	
Councillor Anne Egan		✓
Councillor Anne Ferris		✓
Councillor David Grant	absent	
Councillor John McManus	✓	
Councillor Ciaran O'Brien	✓	
Councillor Pat Vance		✓
Total	6	4

With 6 votes for and 4 against, this proposal was carried.

7. Bray Public Library, Eglinton Road.

It was proposed by Councillor Caroline Burrell and seconded by Councillor John Byrne and unanimously agreed to add Bray Public Library to the list of Protected Structures.

5. Disposal of Fee Simple Interest in Lands at Giltspur Lane, Bray – 1150Sq2, in accordance with Statutory Notice

Markethaven and Bray Town Council

I refer to the notice for the disposal of lands at Giltspur Lane, Bray, Co. Wicklow and wish to inform you of the following:

In January 2000, Bray Town Council submitted a scheme for sixty-nine houses to the Department of the Environment, Heritage and Local Government for approval (Giltspur Heights).

In June 2000, Wicklow County Council suggested that Bray Town Council reserve lands to allow for a roundabout on the Southern Cross and a link road to the Killarney Road. The architects for Bray Town Council’s Giltspur scheme examined the implications and recommended a fifty-six house scheme for the remaining site. This meant a total reduction of thirteen units (1 X 4 bed, 2 X 3

bed, 6 X 2 bed, 1 X 1 bed houses and 3 X 2 bed apartments) in the Giltspur Heights Scheme.

In February 2001, Markethaven requested permission to include Bray Town Council's land, that is the area which was left free of development of the thirteen housing units, as part of a planning application to Wicklow County Council.

In May 2004, a meeting took place between Bray Town Council officials and the principals of Markethaven with regard to making a site available at Carrigoona, Upper Dargle Road. This was their proposal to Bray Town Council for the loss of thirteen dwellings at Giltspur.

After prolonged discussions, a proposed agreement has been reached to transfer the site at Carrigoona to Bray Town Council and in turn Bray Town Council would transfer the lands at Giltspur Lane, Southern Cross Route to Markethaven subject to the formal approval of the Members. Planning Register Reference 274/99 refers to this site and planning permission exists on this site for 8 two-storey apartments and 1 dormer space penthouse apartment – granted 28th September 2000.

Councillor Joe Behan stated that he would like to welcome the land swap with Markethaven. He asked if the Council would be getting anything in addition for what they have lost?

He also asked about the link road and the proposed roundabout –

- Is it going to be a two-way road or one way?
- Which direction will it be flowing?
- Will there be a footpath?

He stated that meaningful consultation is needed here and that Bray Town Council needs to satisfy all requirements.

Councillor John Brady stated that he finds it bizarre Markethaven can build a road on Bray Town Council's land.

The Cathaoirleach stated that Markethaven had requested that this issue be brought up at the meeting. However she questioned if the public are getting value for money?

The Town Engineer stated that Markethaven made a planning application in 1999/2000 to Wicklow County Council and simultaneously applied to Bray Town Council for permission to build the road.

He further added that the road will be a two-way road on all legs and that the footpath will be combined with a cycleway. He stated that most of the road is in the jurisdiction of Wicklow County Council and that Markethaven's timing for this application was in accordance with the planning commission.

Councillor Ciaran O'Brien stated that thirteen sites on the Southern Cross would seem undervalued at €100,000. He stated that he would severely question those figures.

Councillor John McManus asked how is the council going to advance this issue and what is the procedure for the members to finalise this?

The Town Engineer informed the members that they have the opportunity to finalise this tonight.

Councillor Pat Vance stated that this matter is of community benefit and is fairly reasonable.

Councillor Joe Behan stated that he has no problem with this issue being put back until the September meeting because the members needed more information on this.

The Town Engineer stated that he asked Lennox Estates to value the site and that the Auctioneer had only come back to him today because of other commitments. He also stated that Bray Town Council is not disposing of the full 1800Sq metres but of 1100Sq metres and that the remaining 700Sq metres would stay in Bray Town Councils ownership.

He stated that in his opinion the Council should agree to this as Markethaven are transferring a site at Carrigoona which will fit thirteen housing units to Bray Town Council.

Councillor Caroline Burrell stated that she thinks Bray Town Council should look for a better deal.

Councillor Anne Ferris proposed the "Disposal of Fee Simple Interest in Lands at Giltspur Lane, Bray". Councillor Anne Egan seconded this proposal.

Councillor Ciaran O'Brien said that he did not think the whole issue has gone through the proper consultation and recommends that the members wait.

The Cathaoirleach stated that she thinks the members should always be given a valuation of land but in future that they have all of the information well ahead of the meeting.

The matter was then put to a vote:

Disposal of Fee Simple Interest in Lands at Giltspur Lane, Bray – 1150Sq2, in accordance with Statutory Notice		
The matter was voted upon as follows: -		
	FOR	AGAINST
Councillor Joe Behan		✓
Councillor John Brady	✓	
Councillor Caroline Burrell		✓
Councillor John Byrne	✓	
Councillor Bríd Collins	absent	
Councillor Déirdre De Búrca	✓	
Councillor Anne Egan	✓	
Councillor Anne Ferris	✓	
Councillor David Grant	absent	
Councillor John McManus	✓	
Councillor Ciaran O'Brien		✓
Councillor Pat Vance	✓	
Total	7	3

With seven votes for and three against the disposal was carried.

6. Disposal of Fee Simple Interest in 9 Roger Casement Park, Bray in accordance with Statutory Notice

It was proposed by Councillor Pat Vance and seconded by Councillor Anne Ferris to dispose of the Fee Simple Interest in 9 Roger Casement Park, Bray.

7. Disposal of Fee Simple Interest in 16 Wolfe Tone Square East, Bray, in accordance with Statutory Notice

It was proposed by Councillor John Byrne and seconded by Councillor Pat Vance to dispose of the Fee Simple Interest in 16 Wolfe Tone Square East, Bray.

8. Disposal of Fee Simple Interest in 8 Wolfe Tone Square North, Bray, in accordance with Statutory Notice

It was proposed by Councillor John Byrne and seconded by Councillor John Brady to dispose of the Fee Simple Interest in 8 Wolfe Tone Square North, Bray.

9. To consider the Annual Financial Statement 2004

A copy of the Annual Financial Statement 2004 had previously been circulated to the Members.

Councillor John McManus proposed that Bray Town Council set up a sub-committee to look in detail at the outstanding amounts due to Bray Town Council.

Councillor John Brady stated he would like more information on the outstanding amounts due for the fire brigade and also clarification on administration expenses.

The Acting Town Clerk stated that Wicklow County Council has been invoiced for the outstanding amounts due from the fire brigade. He also stated that under the Local Government Act 2001, members are entitled to set up an audit committee if they wish.

Councillor John McManus proposed that the protocol committee look in detail at how to set up an audit committee.

The Annual Financial Statement 2004 was then proposed by Councillor Anne Ferris and seconded by Councillor Joe Behan.

10. To discuss the possibility of erecting the Ferris Wheel on Bray Seafront for 4 weeks to promote the town and encourage visitors during the weekend DART closures.

Councillor Pat Vance stated that under the Bray Town Council Standing Orders, this issue could not be raised for six months.

The Cathaoirleach asked the acting Town Manager if this would constitute a breach of standing orders?

The Acting Town Manager then informed the members that under section 29 of the standing orders it states that any matter decided by the Council by Notice of Motion or on the report of a committee shall not be re-opened within six months of the date such decision.

The Acting Town Manager stated that this item was placed on the Agenda at the request of the Protocol Committee and this was agreed at a previous meeting.

The Cathaoirleach then stated that she relies on the officials for this advice.

The Acting Town Clerk then read out some correspondence he had received from the Bray Seafront Traders Association. In this letter they basically asked the

members to consider erecting a Ferris Wheel on the Seafront to attract tourism to Bray.

Councillor Caroline Burrell stated that the Ferris Wheel was welcomed last year and would like to propose that it be allowed to stay for three weeks in total but would ask the organisers to give concessions to the town of Bray for allowing use of the Seafront.

Councillor Anne Ferris stated that it was great for tourism last year but she would like clarification on whether or not this will interfere with the Airshow.

Councillor John McManus stated that subsequent discussions were raised with the Municipal Policy Committee regarding this. He added that this is a commercial venture and Bray Town Council should be seeking rent for allowing the use of the Seafront. He stated that he is opposed to letting them use the Seafront but stated that maybe four weeks including the set up and take down would be acceptable.

Councillor Pat Vance stated that Bray does not need a Ferris Wheel to attract tourism to the Seafront but that it is the nice weather that brings people to the Seafront.

It was then proposed by Councillor Caroline Burrell and seconded by Councillor Anne Ferris that the Ferris Wheel be allowed on the Seafront for four weeks including the set-up and takedown time and that they pay a commercial rent to Bray Town Council.

11. Update on the Florentine Centre.

The Acting Town Manager stated that she had received a letter from Ballymore Properties Ltd which stated that they will shortly be in a position to make a planning application and they requested the consent of Bray Town Council to include our lands in the application.

The Acting Town Manager recommended that a “without prejudice” letter of consent be given to Ballymore Properties Ltd to include the lands owned by Bray Town Council as part of their planning application in order to progress and expedite the development of the Florentine Centre. She explained that this would not commit the Council to any proposal and that a professional valuation would be sought for the land and that a draft agreement would be brought before the members in Autumn. She confirmed that any disposal of land would only be done by formal resolution of the members and that any former agreements were null and void.

The Acting Town Manager further stated that strict penalties would be incorporated into any proposed draft agreement in order to ensure the building and completion of the Florentine Centre.

Councillor Ciaran O’Brien stated that this letter is a contradiction in terms.

Councillor Pat Vance stated that he would be in favour of this but strict movement is now needed. He also stated that severe penalties should be put in place to make sure that starting, finishing and completing this are carried out. Councillor Pat Vance then proposed and Councillor Anne Ferris seconded that Bray Town Council allow Ballymore Properties Ltd permission to include lands owned by Bray Town Council.

18. Correspondence

The Acting Town Clerk then stated that he had received correspondence from the Senior Executive Engineer in Wicklow County Council, Mr. Andrew Lawless, about a Bray Civic Amenity Centre and he asked the members for suggestions or possible solutions for a location for the recycling centre.

Councillor Joe Behan then stated that all the members are united in getting this up and running. He suggested that the APC building be a possible location.

This concluded the Monthly meeting.

Signed:

CATHAOIRLEACH

Signed:

TOWN CLERK

Dated:
