

**COMHAIRLE CATHRACH AGUS CONTAE PHORT LÁIRGE  
WATERFORD CITY AND COUNTY COUNCIL**

**SPECIAL COUNCIL MEETING HELD ON 9<sup>TH</sup> JULY 2024 MS TEAMS**

**Present**

Cllr. Adam Wyse (Deputy Mayor)	Cllr. Catherine Burke
Cllr. Jim Griffin	Cllr. Conor McGuinness
Cllr. Liam Brazil	Cllr. Donnchadh Mulcahy
Cllr. Joanne Bailey	Cllr. Seanie Power
Cllr. Lola O’Sullivan	Cllr. John Pratt
Cllr. Tom Cronin	Cllr. Thomas Phelan
Cllr. Mary Roche	Cllr. Donal Barry
Cllr. Pat Fitzgerald	Cllr. Pat Nugent
Cllr. Damien Geoghegan	Cllr. Joe Kelly
Cllr. John Hearne	Cllr. Declan Barry
Cllr. Eamon Quinlan	Cllr. Frank Quinlan
Cllr. Seamus Ryan	Cllr. David Daniels
Cllr. Blaise Hannigan	Cllr. Niamh O’Donovan
Cllr. Declan Clune	Cllr. Joe O’Riordan
Cllr. Joe Conway	Cllr. John O’Leary

Apologies: Cllr. Jim D’Arcy, Cllr. Jason Murphy

**Officials in Attendance**

Mr. Ivan Grimes, Interim Chief Executive  
Mr. Mark O’Toole, A/Director of Services, Corporate Services, IS, HR, Culture and Planning  
Mr. Liam McGree, Senior Planner  
Ms. Claire Loughnane, Administrative Officer, Planning  
Ms. Honor Dunphy, Meeting Administrator

Roll call by H. Dunphy, Meetings Administrator.

**1. Section 153 (2) of the Local Government Act 2001 (as amended)**

I.Grimes, Interim Chief Executive, outlined that in light of the recent ruling in the High Court (Oceanscape Unlimited Company -V- Dun Laoghaire Rathdown County Council – 2022 339 JR) that our legal representatives have advised that the following resolution is approved by the members;

*In accordance with the provisions of Section 153(2) of the Local Government Act, 2001 (as amended), we the elected members of Waterford City and County Council hereby expressly authorise the Chief Executive of the local authority, or persons acting under his direction and instruction, to act for and on behalf of the local authority in the High Court Judicial Review proceedings instituted by Ruden Homes Limited and John Deane against Waterford City and County Council [High Court Record No. 2022/651 JR] and to do any act, matter or thing, to*

*conduct, defend or compromise the aforesaid proceedings and further agree that to the extent necessary this authorisation shall apply to all actions taken to date by the chief executive, or persons acting under his direction and instruction, in the proceedings.*

Cllr. Kelly enquired if resolution wasn't approved if the case would fail and asked about the associated.

Cllr. Fitzgerald is approved was this approval for all cases in the future.

I.Grimes, Interim Chief Executive outlined that it is prudent to have the resolution in place for the case, difficult to determine the costs at this time and will be a decision for the courts. Also confirmed that today's approval is not setting a precedence for future cases.

Cllr. Geoghegan noted the position of the meeting is to support the submission of the resolution to the court.

Cllr. D. McGuinness outlined that it is important to empower the Chief Executive to take whatever legal measures deemed prudent to represent the council against the court action being taken and asked that the members are kept up to date with all proceedings.

Cllr. Phelan noted it is incumbent on the members to have the Chief Executive act on behalf of the members and enquired if there are any potential personal risks that could result from the council being unsuccessful in its case.

I.Grimes, Interim Chief Executive noted that the council is essentially defending its decision in relation to the Development Plan, the documents circulated to the members demonstrate the full extent of the case. He assured the members that he will keep them updated on proceedings and confirmed that there are no personal risks to the elected members.

Cllr. Conway outlined his concerns in relation to the contents of the plaintiff's affidavit which leaves the council with no option but to defend. If the plaintiff is successful it will result in further action against the council.

Cllr. Nugent stated that the council must defend the process undertaken in relation to the Development Plan.

Cllr. Donal Barry enquired about the affect on the Development Plan and for other parties to take a case if the plaintiff's case is successful.

Cllr. Griffin enquired if there is any impact on the new councillors who were not involved in the process for the Development Plan.

I.Grimes, Interim Chief Executive outlined that it will be a matter for judge to decide on the evidence as presented and cannot expand on the possible implications on the Development Plan. He reiterated that there is no personal liability to any of the elected members.

The resolution as presented was proposed by Cllr. O'Sullivan and seconded by Cllr. D. McGuinness. A roll call vote was requested and agreed on. Roll call vote undertaken by H. Dunphy, Meetings Administrator.

Name:	In Favour	Against	Abstain	Absent
Joeanne Bailey (SF)	√			
Declan Barry (Ind)	√			
Donal Barry (Ind)	√			
Liam Brazil (FG)	√			
Catherine Burke (SF)	√			
Declan Clune (Ind)	√			
Joe Conway (Ind)	√			
Tom Cronin (FF)	√			
Conor D. McGuinness (SF)	√			
David Daniels (Ind)	√			
Jim Darcy (FG)				√
Pat Fitzgerald (SF)	√			
Damien Geoghegan (FG)	√			
Jim Griffin (SF)	√			
Blaise Hannigan (Ind)	√			
John Hearne (SF)	√			
Joe Kelly (Ind)	√			
Donnchadh Mulcahy (SF)	√			
Jason Murphy (FF)				√
Pat Nugent (FG)	√			
Niamh O' Donovan (FG)	√			
John O'Leary (FF)	√			
Lola O'Sullivan (FG)	√			
Joe O' Riordan (Ind)	√			
Thomas Phelan (Lab)	√			
Seanie Power (FG)	√			
John Pratt (Lab)	√			
Eamon Quinlan (FF)	√			
Frank Quinlan (FG)	√			
Mary Roche (SD)	√			
Seamus Ryan (Lab)	√			
Adam Gary Wyse (FF)	√			
<b>Total</b>	<b>30</b>			<b>2</b>

This concluded the business of the meeting.

Signed: \_\_\_\_\_  
Mayor of Waterford City & County

Dated: \_\_\_\_\_



Comhairle Cathrach & Contae Phort Láirge  
Waterford City & County Council

**Resolution of the Elected Members**  
**Waterford City and County Council, Plenary Council**  
**9<sup>th</sup> July 2024**  
**Ref: 2024/17**

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CERTIFIED RESOLUTION OF THE Plenary Council of Waterford City & County Council as proposed Cllr. O'Sullivan, seconded by Cllr. D.McGuinness and agreed by all.

**Signed:**

\_\_\_\_\_  
**Councillor Adam Wyse**  
**Deputy Plenary Mayor**

**Witnessed:**

\_\_\_\_\_  
**Honor Dunphy**  
**Meetings Administrator**