



## MINUTES OF THE PROTOCOL COMMITTEE MEETING

HELD ON THURSDAY 21 OCTOBER 2021

**1 Minutes of the meeting held on 23rd September 2021 and matters arising.**

Order: Minutes agreed.

**2 Conference Attendance & Reports:**

Order: Report Noted.

It was agreed that the Protocol Committee would write to the Minister for Housing, Local Government and Heritage requesting clarification over the introduction of the new vouched scheme of expenses and its operation.

It was also agreed that the Area Committee Consultation model on major SHD applications should be retained and the issue referred to the Planning and Urban Forum SPC. The legislation is due to be amended shortly and under the Draft legislation this provision is being removed.

**3 Terms of Reference on the Second Legal Opinion relating to Section 140 Motion submitted to the October Council meeting by Cllrs. Perry, Lyons and Nicoulaud**

At the October City Council meeting Members agreed to obtain a second legal opinion in relation to matters raised in the Section 140 motion as submitted by Councillors Perry, Lyons and Nicoulaud. Under Standing Order No.59 the matter was to be referred to the Protocol Committee to clarify the terms of reference. The Committee was also asked to agree a mechanism to appoint Senior Counsel.

Following a detailed discussion and debate the proposal that the Lord Mayor and Chair of Protocol would select a sub panel of two Senior Counsel was put to a vote. The Members supported the proposal 12 in favour and 3 against. The breakdown is as follows:

For: Dermot Lacey, Joe Costello, Micheál MacDonncha, Lord Mayor Alison Gilliland, Anne Feeney, Michael Pidgeon, Racheal Batten, Deirdre Heney, Donna Cooney, Briege MacOscar, Naoise Ó Muirí, Darcy Lonergan.

Against: Noeleen Reilly, Anthony Connaghan, Mannix Flynn.

Cllr. Cieran Perry who is not a member of the Protocol Committee requested that his opposition to this process be formally noted on the record.

The two Senior Counsel selected by the Lord Mayor and Chair of Protocol were Patricia Dillon S.C. and James Connolly S.C.

The Members agreed the following brief for the terms of reference:

“That Senior Counsel be requested to provide all relevant independent legal advice to the Elected Members of Dublin City Council on the implications of the Section 140 motion proposed for the October council Meeting. It specifically asks whether it is open to the Elected Member to instruct the Chief Executive to engage with Bartra on the terms requested and the Senior Counsel is also asked to respond to the reference to the Council’s obligations in this matter under the Development Plan (Section 15(1) of the Planning and Development Act

Additional documentation to be provided

- a copy of the signed Section 140 motion,
- a copy of the approval of the members to proceed with the development (Report Number 332/2019 with reference to proposed development of O’Devaney Gardens, Arbour Hill, Dublin 7)
- a copy of report 337/19 with amendment to that report included in the minutes of the meeting
- presentation to Central Area on O’Devaney on 10th September 2020
- Details of discussions at pre-consultation meetings with Dublin City Council, Bartra and An Bord Pleanála
- Consideration be given to any material changes to the terms of reference height and number of units
- Any changes / amendments to Section 140 as a result of the Mahon Report in 2012
- link to planning application
- a copy of An Bord Pleanála’s recent decision on the application for planning permission
- a copy of the Council’s Standing Orders 2021

It was also agreed that the Law Agent would brief the Senior Counsel.

Cllr Cieran Perry and Cllr Mannix Flynn requested that their opposition to the Law Agent briefing Senior Counsel be formally noted on the record.

#### 4 **City Hall Illumination**

- a) **Review and Update of Illumination Policy**  
The Members asked the Manager to review the policy and revert back to the November Protocol meeting.
- b) **City Hall Illumination Requests for the month of November:**  
Members agreed that City Hall be illuminated for one day only in November.

It was agreed to illuminate City Hall for one day on 25<sup>th</sup> November 2021 in support of "Orange the World", a UNESCO campaign raising awareness of domestic violence.

#### 5 **Traffic Division Update**

The Chair of Protocol, Cllr. Anne Feeney and Cllr. Deirdre Heney thanked Assistant Chief Executive John Flanagan for the consideration he has given this issue. The Members welcomed the report and were eager to see the introduction of the changes outlined.

Order: Report Noted.

## Managers' Report

- The Manager reported that offsite work for the new City Hall facilities had begun and that it was envisaged that the project would be complete by January 2022. A meeting of the City Hall Sub Committee was scheduled for 11<sup>th</sup> November to consider operational issues and furniture choices. Cllr. Heney reiterated her call for the use of non-animal materials in the fit out of City Hall and the Rates Office and that leather furniture be preserved and restored.
- The Manager informed Members that the disability project in the Mansion House was being reconsidered following negative feedback from disability and conservation groups to the current proposals. A new design involving a lift from the basement of the Mansion House was now being considered. New proposals would be brought before the Protocol Committee in due course.
- Sessions for the new Councillor Citizen Hub will take place in the coming months to help inform the design and function of the portal.
- The Manager informed the Committee that she would be leaving her role in the Chief Executive's Office to take up a position working on the new National Voter Registration Project. Ruth Dowling would be taking over her role from 1<sup>st</sup> November.

The Members were unanimous in their sincere gratitude to Deirdre for her dedication and support during her time in Chief Executives and wished her well in her new role. They congratulated Ruth on her promotion and looked forward to working with her in the future.

## A.O.B.

- Deputy Lord Mayor Joe Costello informed Members that the Planning Department has instigated a new "planning information meeting" policy for Councillors which introduced several changes to how planners would interact with elected representatives. He was not aware that there had been consultation with Councillors on this matter. He also raised the issue of his request for an information meeting being refused but a similar request from another Councillor had been granted.

Order: The Members agreed to write to Richard Shakespeare and request that he suspend the policy and bring a report on the matter to the next Protocol Committee meeting in November.

- Following Cllr. Noeleen Reilly's motion in relation to Councillors from an area being invited to events in their locality the Manager confirmed that the Area Offices would be reminded of the existing policy. However, it was not possible to ensure that all Councillors would be invited to non-DCC events.
- Cllr. Donna Cooney requested that Councillors be informed of new initiatives introduced by staff at local level. The Manager agreed to raise this issue with the Area Managers.

- Cllr. Flynn requested that the City Hall Sub Committee consider the decision not to proceed with the Part 8 Public Realm Improvement Works at Castle Street. He also requested that the issue of the Chief Executives correspondence regarding student accommodation be listed for the next meeting of the Protocol Committee.

8 **Proposed date of next meeting: 25th November 2021 at 8am**

Order: Agreed

**Councillor Anne Feeney**  
**Chairperson**  
**Thursday 21 October 2021**

**Attendance:**

**Members:**

Anne Feeney (Chairperson)  
 Racheal Batten  
 Joe Costello  
 Dermot Lacey  
 Briege MacOscar  
 Noeleen Reilly

**Members:**

Anthony Connaghan  
 Mannix Flynn  
 Darcy Lonergan  
 Naoise Ó Muirí

**Members:**

Donna Cooney  
 Deirdre Heney  
 Micheál MacDonncha  
 Michael Pidgeon

**Officers**

Ruth Dowling  
 Deirdre Ní Raghallaigh

Michael Gallagher

Yvonne Kelly

**Non-Members:**

Mary Freehill

Damian O'Farrell

Cieran Perry