



Comhairle Contae Lú
Louth County Council

Cruinniú Ceantar Buirge Dhroichead Átha - Borough District of Drogheda Meeting

Minutes of the Borough District of Drogheda Meeting held at Civic Offices, Fair Street, Drogheda
- Monday, 4th September 2023 at 4:15pm

In attendance:

Cathaoirleach: Mayor Cllr Eileen Tully

Members: **Councillor(s)** James Byrne, Joanna Byrne, Kevin Callan, Tom Cunningham, Emma Cutlip, Michelle Hall, Paddy McQuillan, Declan Power

Apologies: **Councillor(s)** Pio Smith

Officials: Joan Martin, Chief Executive
Joe McGuinness, Director of Services
Gráinne Tuomey, Meetings Administrator
Willie Walsh, Senior Executive Officer
Mark Johnson, Senior Engineer
John Lawrence, Senior Executive Officer
Declan Grimes, Senior Engineer
Olivia McCormack, Senior Executive Officer
John O'Hagan, Senior Engineer

Minute No. 76/23

Minutes of Meeting held on Monday 3rd July 2023

The minutes of the monthly meeting held on Monday 3rd July 2023 were confirmed on the

Proposal of Cllr Michelle Hall
Seconded by Cllr Tom Cunningham
And approved.

Minute No. 77/23

Matters Arising

Queries raised on items in Minute number 67/23 were responded to by Mark Johnson and Joe McGuinness.

Minute No. 78/23

Allocation of Members Community Grants provided for under Section 66 of the Local Government Act 2001

Members considered the Community Grants as presented to them, and approval was

Proposed by: Cllr James Byrne
Seconded by: Cllr Joanna Byrne
And agreed by Members

Minute No. 79/23

Borough District of Drogheda Casual Trading Bye-Laws 2023

Willie Walsh Senior Executive Officer responded to Members queries on the draft Casual Trading Bye-Laws as presented to them. Members were advised of one submission having been received on the Bye-Laws from the Drogheda area. Following some discussion, Approval of the Casual Trading Bye-Laws was

Proposed by: Cllr Kevin Callan
Seconded by: Cllr Michelle Hall
And agreed by Members

Minute No. 80/23

Freedom of Drogheda

The Mayor opened the floor to Members to speak on the item before them namely:

“That this matter be put on the Agenda of the Borough District of Drogheda to rescind the Freedom of Drogheda bestowed on the former leader of the Christian Brothers, Edmund Garvey.”

Cllr Cutlip read out a proposed resolution as follows:

“This council recognises the importance of civic leadership in both the recognition of positive contributions to the fabric of Drogheda, but also the bearing of responsibility inherent in all positions of authority and leadership.

This council reiterates it's complete opposition to the legal strategy first adopted by Edmund Garvey on behalf of the Christian Brothers Order. In recognition of the detrimental impact this leadership choice has had on victims and survivors of clerical child sex abuse, and as a mark of symbolic justice, this council hereby declares that this council will no longer acknowledge Edmund Garvey as a Freeman of Drogheda.”

Cllr Joanna Byrne while advising support of Cllr Cutlip's resolution requested clarification from the Executive on what would happen if they did this.

The Chief Executive Joan Martin reiterated her advice as given to Members by Memo on the agenda, which stated:

“I am giving you this advice under Section 152(3) of the Local Government Act, 2001 and as provided in that Section, the members shall have regard for this advice. My concerns relate to

- *There is no express legal provision for the removal of a Civic Award and may not in fact be allowed by Standing Order 18 above.*

- *Such decision may be ultra vires and*
- *There could seem to be an absence of natural justice in relation to Brother Garvey himself.”*

Further she cautioned that the reserved functions of Elected Members were very specific in law. The Chief Executive said that while she had given her advice ultimately it was a matter for the Members.

Cllr McQuillan queried how the Freedom could physically be removed and the Chief Executive suggested that perhaps a note could be put on the entry in the book as the page could not be removed.

Cllr Callan spoke of the Members support of victims of sexual abuse which was on public record following the vote at the July Council meeting. Noting the advice of the Chief Executive he agreed that Members had no statutory power to remove the Freedom. He also raised concerns about the destruction of a good name over recent weeks of an individual who had never committed a crime. Cllr Callan cautioned the Members against acting as a decision-making council and the damage this might cause to an individual who had the presumption of innocent until proven guilty and said that the Borough District of Drogheda was not a court of law.

Cllr Cutlip expanding on her proposal ***to no longer acknowledge Edmund Garvey as Freeman of Drogheda*** spoke at length on the proposed resolution and including on the history of Freedoms being given going back to King Henry III which initially released people from serfdom, and considered that now it is only a symbolic, ceremonial gesture which gives nothing tangible to the recipient. Cllr Cutlip spoke of the legacy impact of sexual abuse, and while accepting that Brother Garvey had done no legal wrong, highlighted the impact of Brother Garvey’s leadership decision on the litigation strategy on victims.

Cllr James Byrne said the problem with the proposal is that Members did not have the legal power to remove the Freedom. He urged Oireachtas Members to support a change to the law that allowed the litigation strategy.

Cllr Power suggested that any vote taken by Members would not guarantee any change to the legal strategy and what was needed was a change in the law.

Cllr Callan queried whether Members intended to communicate wording of the proposed resolution to the individual involved and to give him a chance to reply.

The Mayor advised that she had been inundated with abuse to get the Freedom rescinded and had taken the line of ‘No comment’ but considered the rule of law must persist. She cautioned against ‘taking the law into our own hands’ and considered the constitutional right of Brother Garvey. Mayor Tully considered that while it was wrong that victims must go to such lengths, you can only punish the person guilty of a crime. She asked that Oireachtas Members go before the law commission to change the law to safeguard children for generations to come.

Cllr Joanna Byrne suggested that Members move to a vote.

Cllr Hall requested that it first be clarified that the way Members vote does not mean they do not care about the victims of sexual abuse.

Cllr McQuillan agreed with Cllr Joanna Byrne that it was time to vote and with Cllr Hall on respecting the democratic process. Cllr McQuillan reminded those present of great things done by the Members over the last four years, that we live in a democracy and that whatever way Members vote should be respected. He advised that all Members had given a lot of time and energy to consideration of the item.

All Members who spoke confirmed their support of victims of sexual abuse.

A roll call vote was held '*to no longer acknowledge Edmund Garvey as Freeman of Drogheda*' as follows:

Councillor Voting	For	Against	Abstain	Absent
James Byrne		1		
Joanna Byrne	1			
Kevin Callan		1		
Tom Cunningham	1			
Emma Cutlip	1			
Michelle Hall	1			
Paddy McQuillan	1			
Declan Power		1		
Pio Smith				1
Eileen Tully		1		
Totals	5	4		1

And the Matter was Resolved.

Minute No. 81/23

Housing Progress Report

Director of Services Joe McGuinness introduced Declan Grimes Senior Engineer who had recently commenced with Louth County Council Housing team working on Housing for All to Members. Members noted the report as circulated at the meeting. John Lawrence Senior Executive Officer addressed all matters raised by the Members.

The following items were highlighted:

- Grants are still closed and no further funding is available from the Department. The Executive is in discussions on how to reopen the schemes but there will be some disappointed applicants.
- The Affordable Housing Scheme proposed was unable to proceed as 10 units were not secured. Other options are being considered.
- Private Vacant Properties will be considered for purchase by the Council subject to realistic sale prices based on the current value of the property being offered.
- A finite budget is available to fund voids and relets; Photographs published in the report were to reflect the state and volume of work involved in some relets and were not a comment on any individual.
- The Gap between Castlemanor and Moneymore is being planned as a route by the Active Travel team.

Minute No. 82/23

Roads and Local Services Report

Members discussed the report as circulated at the meeting. Mark Johnson, Senior Engineer addressed matters raised.

Along with potholes, footpath repair, traffic calming, traffic light resequencing, vegetation cut back on roadside, road signage requests, and yellow box requests, the following items were highlighted:

- Recently adopted Speed limit Bye-Laws can only have new areas added to them by recommencing the statutory process and going on public display. A list is being drafted of estates wishing to be added to the Bye-Laws.
- Utility Companies who dig up roads have responsibility for repair, including temporary repair before full fix.

Minute No. 83/23

Standing Order no. 5 – Hour of meeting

As the time was 6.15p.m., to comply with Standing Order no. 5 which states “The borough district members shall rise not later than 6.15 pm” it was agreed that other items raised under Roads and Local Services which had not been responded to would be responded to by email, and all other agenda items would be deferred to the next monthly meeting and the meeting concluded.

The Minutes were confirmed at a meeting of the Council held on:

Date: 2 Oct 2023

Mayor: *Alan Kelly*

Meeting Administrator: *Alan Stoney*