

Director of Services
Capital Development,
Human Resources &
Corporate Services
AB/MD

29th of October 2021

Ms. Linda Sinnott
c/o Courtown Community Council

By e-mail: linda.sinnott@yahoo.ie

Reference: COMPLAINT-372004981 CC-51-21

Dear Ms. Sinnott,

I have considered the issues raised by you on behalf of Courtown Community Council in your formal customer complaint reference 372004981. My response to the matters you raised is detailed below. I also welcome a meeting with the six members of the Community Council and relevant Wexford County Council staff at a mutually convenient opportunity.

As previously stated Wexford County Council were party to the non-disclosure agreement. The elected members of the Council were informed of the sum secured from the liquidation process at the public meeting of the Gorey Kilmuckridge District on the 21st of September. It is our opinion that this was the most appropriate forum to raise and discuss this matter with the elected representatives of the local area.

I strongly contest the view that Wexford misrepresented the facts of this matter and I will examine any evidence that supports this claim. Regardless of their charitable status both Gorey Courtown Forest Park LTD and Courtown Waterworld LTD were private companies limited by guarantee. Wexford County Council supported the operation of Courtown Waterworld LTD and the maintenance and development of the woodlands as an amenity for many years. The elected members of Wexford County Council are familiar with the operations of both companies as several of them are former board members of the Courtown Waterworld LTD.

The minutes of the 18th of May are attached and are part of the public record and were available to all Councillors at the meeting on the 21st of September. I believe through the various representations made that the elected members were fully informed of the position of Courtown Community Council. It is also important to recognise the distinction between the role of the publicly elected representatives of Wexford County

Council whose mandate extends to the County of Wexford and that of the Community Council whose responsibility is for the local Courtown Riverchapel area.

It should be noted that the assignment of the monies paid over by the liquidator was not a formal motion, it was simply a report on the approach adopted by the Executive as is their responsibility. The Management Team in Wexford County Council have considered this matter for many months and taken due cognisance of the issues raised by the elected members, Courtown Community Council and the wider public.

They have supported the liquidator to secure a competent financially secure entity Active Tribe who are investing significantly in an upgrade of the Leisure Centre and the maintenance of the woodlands. They have ensured that public access to the woods is maintained and enshrined in the sale. They have also proposed that the money due to Wexford County Council from the liquidation process be used to support the completion of the Gorey Courtown footpath project which will bring further economic and social benefits to the area.

This approach was wholly endorsed by all of the elected members of Gorey Kilmuckridge Municipal District present at the meeting of the 21st of September; a copy of the approved minutes of the meeting is attached.

We are currently engaging design services for the next phase of the footpath project. This will include appropriate arborist assessment and public consultation as part of the planning process. District staff will be happy to meet with the six members of the Community Council and representatives of any other local community groups to explain the process that will be undertaken at a mutually convenient time.

Yours sincerely,

Amanda Byrne,
A/Director of Services

e-mail: amanda.byrne@wexfordcoco.ie

phone: 053 9196400

Designated Public Official under Regulation of Lobbying Act, 2015

See www.lobbying.ie

Name:	Linda Sinnott c/o Courtown Community Council
Email:	linda.sinnott@yahoo.ie
Phone Number(s):	+353868662061 +353868662061
Section:	Community
Person(s) previously contacted:	Tom Enright and Amanda Byrne

Complaint / Comment: 17th October 2021

Dear Mr. Enright,

Courtown Community Council is a local registered charity representing the residents of the Courtown, Riverchapel and Ardamine areas. Each of our six Board Members are Trustees of the Charity.

As per our Constitution ratified at our AGM in September 2020, the main objective of Courtown Community Council is to:

‘involve the people of Courtown/Riverchapel and its environs in the promotion of the recreational, environmental, educational, cultural and economic welfare of the whole community. Courtown Community Council undertake to investigate and carry out to the best of their ability the ways and means of developing and protecting our environment in such a way as to provide a healthy and sustainable local amenity for both the people who live here and those who come to visit.’

Our Charitable Purposes include representing ‘every member of the community and the community as a whole in dealing with local government, statutory bodies and other agencies in seeking assistance in the promotion of the common good’.

On that basis, we wish to make the following formal complaint against Wexford County Council on behalf of the people of Courtown/Riverchapel and surrounding areas:

The manner in which the funds of approximately €372,134.81 received by Wexford County Council as a result of a liquidation of a community asset were allocated at the Gorey/Kilmuckridge Municipal Meeting in September 2021.

Our concerns in regard to this decision are as follows:

- Courtown Community Council requested on numerous occasions from Local Councillors the figure offered to Wexford County Council from the Liquidator Baker Tilly as a result of the liquidation of both Courtown Waterworld Ltd. and Gorey Courtown Forest Park Ltd. Local Councillors were unable to find out this figure prior to the September meeting. Courtown Community Council were told the figure was being operated under a non disclosure agreement however this non disclosure did not extend to Wexford County Council’s roles as creditors in the liquidation.
- Courtown Community Council had no prior knowledge of the amount of money awarded from the liquidation process until the gorey Guardian article appeared publicly online on September 30th 2021.

- The monies in question were the proceeds from the liquidation of two companies. Courtown Waterworld Ltd. owned and managed the Leisure Centre but the woodlands were owned and managed by a parent company Gorey Courtown Forest Park Ltd. a local charity whose charitable purposes listed on the Charities Regulator website included the phrase: 'Preservation of the woodland area is also on-going'. GCFP Ltd were a local charity whose purpose was to honor the section 38 agreement and preserve the 53 acres of adjoining native woodland for the enjoyment of the local community. Repeated references to a 'company' owning the woods and 'they were never in public ownership' misrepresented the fact that Gorey Courtown Forest Park Ltd. was a local charity with a Board made up of members from the local community who gave of their time voluntarily to maintain and preserve a much-loved community asset. We believe that Wexford County Council did not adequately present these facts to the Local Councillors or the general public at any time during or after the liquidation process or indeed at the September Municipal Meeting. Please note the Charities Regulator confirmed that Gorey Courtown Forest Park Ltd. was a registered charity until July 2021.
- At the May 2021 meeting of the Gorey Kilmuckridge Municipal District, Councillors voted on and carried a motion calling on Wexford County Council to intervene the sale of Courtown Leisure Centre & Courtown Woods in order to retain these vital community assets in public ownership. This motion was carried by a 6-4 majority. When Cllr Ó'Súilleabháin reminded the September meeting of this important motion, both Cllr Farrell and Cllr Kavanagh expressed difficulty in recalling the event and asked to see a record of it. On that basis, Courtown Community Council believes that due to the confusion verbally expressed by at least two County Councillors, the matter should have been differed until such a time as Councillors had a chance to revisit the matter, read the information and consult with Courtown Community Council. CCC are the recognised body representing the communities of Courtown and Riverchapel. This was clarified to all Councillors at the 2019 October GKMD meeting held in the Taravie Hotel Courtown.
- This item did not appear on the agenda prior to the meeting. It was brought up under 'Any Other Business'. We are alarmed that such an important issue was not highlighted separately on the agenda leading to a situation that Councillors were not adequately prepared for such an important decision to be made at such short notice.

Consequently, we question the validity of how this vote was taken. How can a motion be called to spend the proceeds of the liquidation of two community assets in Courtown be used to develop a single footpath with no input from the local community? We are formally requesting that this money is frozen and the motion is re presented for a vote at a subsequent meeting where the community is consulted and where all councillors and stakeholders are properly informed and briefed prior to the meeting.

We look forward to hearing from you and suggest a meaningful consultation with Courtown Community Council is imperative to moving forward on this issue.

Yours sincerely,

Linda Sinnott

Courtown Community Council

RCN 20043414

www.courtown.org

If you are not satisfied with outcome of this investigation into service provided to you by Wexford County Council, you may contact the Ombudsman's Office as follows:

*Address: Office of the Ombudsman
6 Earls fort Terrace, Dublin 2, D02 W773.
Tel: 01 639 5600
Complaints email: complaints@ombudsman.ie
Website: <https://www.ombudsman.ie/>*