

Nolan 'lost the dressing room, plain and simple' – SFI defends dismissal in court

Professor seeking an extension of orders preventing his dismissal from state-funded body

TIM HEALY

The Minister for Research, Innovation and Science intervened in a dispute between Science Foundation Ireland (SFI) and Prof Philip Nolan to suggest they could mediate outstanding issues, the High Court has heard.

Senior counsel for Prof Nolan, who is seeking an extension of orders preventing his dismissal, said it was "striking" that there was a "blanket refusal" from the state-funded research agency in response to his client's repeated offers to engage in mediation.

Padraic Lyons told the court on Monday that in late April, a representative

for Minister Patrick O'Donovan wrote to SFI noting that an independent barrister's investigation into claims against Prof Nolan by five senior staff members made no findings of bullying or breaches of corporate governance.

The secretary general of the department, writing on behalf of the new minister, said it would be in the "best interests" of the research agency to resolve matters promptly and that mediation could be an approach to take, the court heard.

Still to be considered by SFI was the investigation report's conclusion that Prof Nolan engaged in inappropriate behaviour that could ground allegations of gross misconduct. Prof Nolan emphatically rejects the charge.

Mr Lyons, instructed by Daniel Spring & Co Solicitors said the SFI board gave a "thin-skinned" response to the minister's letter, saying it was surprised he would suggest mediation before a disciplinary process into the outstanding claims was initiated.

This reply indicated that there would be a disciplinary process, said Mr Lyons, but the SFI board went on to summarily dismiss his client last May 27 without

any such process, which would have allowed his client to defend himself.

It is "untenable" for SFI to now contend it dismissed Prof Nolan not for misconduct reasons but because it was exercising its contractual right to dismiss.

Prof Nolan is asking Mr Justice Rory Mulcahy to extend orders he made in recent weeks preventing his dismissal from his director general role. His lawyers argue there was "no conceivable justification" for the move. SFI denies his claims and is contesting his application.

Responding, senior counsel Mark Connaughton said that as director general, Prof Nolan was the star of the show, but he "lost the dressing room, plain and simple". The organisation was not functioning normally and in a private company this situation would fall on the head of the chief executive, he said.

He rebuffed any suggestion the SFI board acted otherwise than in the best interests of the organisation. This is a "highly qualified, highly experienced board of great calibre" that takes its responsibilities very seriously, added counsel, instructed by McCann Fitzgerald solicitors.

While Prof Nolan's legal team argued the board overreacted to a critical letter he wrote in February 2022, which he regrets, Mr Connaughton said the reaction demonstrates this board requires "exacting standards".

He said internal investigations are under way to determine the source of the "completely unauthorised and improper" disclosure of "highly confidential material" to the media.

While the plaintiff says he has suffered reputational harm due to the release of information about the investigation, SFI cannot be held legally responsible for the fact these "horrible events occurred", added Mr Connaughton, appearing with Shelley Horan.

He said Prof Nolan's case fails to acknowledge other findings in the barrister's report.

His push for mediation under these circumstances demonstrates a "certain lack of insight", the court heard.

There is also a "fundamental difference" between the parties regarding the legalities at play, counsel added.

Mr Justice Rory Mulcahy said he hoped to give his decision next week.



Professor Philip Nolan. Photo: Collins

Landlord Carter tops tax defaulters list after €1m settlement deal with Revenue

AMY MOLLOY

Irish landlord Christian Carter, who is currently living in Mexico, has made a settlement of nearly €1m with the Revenue Commissioners after under-declaring income tax.

Mr Carter, who is living in Mexico city, made a settlement of €951,029. This includes €402,946 in tax, €245,874 in interest and €302,209 in penalties.

The latest list of tax defaulters includes 11 cases relating to the period between January and March 31 this year, with the total settlement amount coming to just over €4m.

The settlement with Mr Carter was made on the back of an investigation by Revenue. As of March 31, €873,294 remained unpaid.

Eleven of the cases published by the Revenue Commissioners exceed €100,000. A dog breeder, caravan site operator and emergency accommodation provider were also included on the list.

A motor dealer in Clonmel, Co Tipperary, made a settlement of €558,818 after under-declaring Vat.

Clonmel Auto Sales Limited on Queen Street, trading as Premier Autos, has to pay €354,208 in tax, €98,348 in interest and €106,262 in penalties.

A scaffolding contractor in Co Donegal, with an address in Knockbrack, Letterkenny, made a €502,611 settlement after an audit found PAYE, PRSI, USC and Vat had been under-declared.

DOE Scaffolding Hire & Sales Ltd has paid the settlement in full.

An electronic systems provider and a retired haulier were also hit with significant penalties. Accutron Ltd, with an address of Ballysimon Road, Co Limerick, was ordered to pay €498,027 following an audit for the under-declaration of corporation tax, PAYE, PRSI and USC.

Mielzyslaw Antkiewicz, a retired haulier trading as Polartrans, made a settlement of €541,035 for the under-declaration of PAYE, PRSI, USC and Vat.

A caravan site operator in Ardmore, Co Waterford, was hit with a settlement of €225,019. Thomas Healy, of the Curragh, Ardmore was audited in relation to the under-declaration of Vat.

A dog breeder made a settlement of €108,155 for under-declaring income tax and Vat. Raymond Cullivan, with an address of Poles, Co Cavan, was fined for under-declaring income tax and Vat.

An emergency accommodation provider in Glenbeigh, Co Kerry, was told to pay €130,650. Puca Entertainment Ltd, trading as the Falcon Inn, was categorised as a "level two risk review case" for the restriction of repayment of Vat.

Revenue said a total of €1.4m was unpaid from two settlements as of March 31, adding that it "vigorously" pursues the collection of unpaid sums. The two settlements listed as unpaid were Mr Carter's and Mr Antkiewicz's.

The 11 published settlements reflect only a portion of all its compliance interventions in the period. In the first three months of the year, a total of 14,899 such interventions were settled, resulting in a total yield of almost €195.7m.

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Comhairle Contae Mhaigh Eo
Mayo County Council



Material Contravention of Mayo County Development Plan 2022 – 2028 Ref. No. in Planning Register P24/60055

Notice is hereby given in accordance with Section 34(6) of the Planning & Development Act, 2000, as amended, that Mayo County Council intends to consider deciding to grant Permission for a development which will consist of the **construction of 15 no. dwelling houses, access road, and all associated site development, external works, and services at Killoshheen, Ballinrobe, Co Mayo.** (File Reference No. P24/60055).

The aforementioned development would materially contravene the zoning provision for Claremorris-Swinford Municipal District, which is part of the Mayo County Development Plan 2022-2028, where the site is zoned Strategic Residential Reserve Tier 1 in Map BR1 Ballinrobe Land Use Zoning, in Mayo County Development Plan 2022-2028.

Particulars of the proposed development may be inspected at the following locations during public opening hours from Wednesday, 12th June, 2024 to Thursday, 11th July, 2024 inclusive

- Planning Office, Mayo Co Council, Aras an Chontae, Castlebar, Co Mayo, F23 WF90
- Ballinrobe Area Office, Kilmaine Road, Ballinrobe, Co Mayo, F31 RR96, and
- Unrestricted access is available on-line at <https://consult.mayo.ie> between 12th June, 2024 and 4pm on the 11th July, 2024 inclusive.

Submissions or observations should be made in writing to:

Senior Planner, Planning Section, Aras an Chontae, The Mall, Castlebar, Co. Mayo, **OR**

on-line, via [CONSULT.mayo.ie](https://consult.mayo.ie)

Any submissions or observations received regarding the making of a decision to grant permission on Planning File Reference No. P24/60055 received strictly **not later than 4.00pm on 11th July, 2024** will be duly considered by the elected members of Claremorris-Swinford Municipal District.