

Minutes of the April Monthly Meeting of Clare County Council held in the G.P. Area, St. Anne's Community College, Killaloe, Co. Clare on Monday, 14th April, 2014 at 3:45 p.m.

Present:

Councillors P. Murphy, S. Scanlan, P. Daly, T. Brennan, J. Breen, T. Mulqueen, T. McNamara, B. Meaney, B. Slattery, M. Hillery, R. Nagle, M. Kelly, J. Arkins, J. Cooney, P. Hayes, P. Burke, P. Fitzgerald, M. Begley, C. Crowe, C. Curtin, O. Garry, P.J. Kelly, P. Keane, B. Chambers, G. Keating, J. Crowe, S. McLoughlin, P. McCarthy, P.J. Ryan, P. McMahon, G. Flynn.

- Mr. Tom Coughlan, County Manager.
- Mr. Michael McNamara, Meetings Administrator.
- Mr. Finbar Tuohy, Staff Officer.
- Mr. Ger Dollard, Director of Service.
- Ms. Anne Haugh, Director of Service.
- Mr. Niall Barrett, Head of Finance.
- Mr. Adrian Kelly, Chief Fire Officer.
- Mr. Tom Tiernan, Senior Engineer.
- Ms. Helen Walsh, County Librarian.
- Mr. Eddie Power, Senior Executive Officer, Human Resources.

The Mayor, Cllr. Joe Arkins presided and outlined that the meeting was being held in Killaloe to mark the 1000th anniversary of the death of Brian Ború at the Battle of Clontarf. He referred to Brian Boru's connections to Killaloe and his place in Irish history.

Brendan O'Brien of the teaching staff at St. Anne's Community College welcomed the members, officials and media to the school and stated they were delighted to host this historic meeting.

Item 1: Minutes of Council Meetings.

- a. Ar moladh Cllr. P. Fitzgerald
Cuidithe ag Cllr. P. McCarthy agus glacadh leis

“That the Minutes of the March Meeting of Clare County Council held on 10th March, 2014 be adopted and signed.”

b. Ar moladh Cllr. T. Brennan
Cuidithe ag Cllr. P. McCarthy agus glacadh leis

“That the Minutes of the adjourned March Meeting of Clare County Council held on 24th March, 2014 be adopted and signed.”

Item 2: Minutes of the Electoral Area Meetings.

a. Ar moladh Cllr. M. Hillery
Cuidithe ag Cllr. B. Slattery agus glacadh leis

“That the Minutes of the Ennistymon Electoral Area Meeting held on the 24th November, 2013 be noted.”

b. Ar moladh Cllr. T. McNamara
Cuidithe ag Cllr. T. Mulqueen agus glacadh leis

“That the Minutes of the Ennis West Electoral Area Meeting held on the 13th January, 2014 be noted.”

c. Ar moladh Cllr. P. Daly
Cuidithe ag Cllr. T. Brennan agus glacadh leis

“That the Minutes of the Ennis East Electoral Area Meeting held on the 13th January, 2014 be noted.”

d. Ar moladh Cllr. P. Keane
Cuidithe ag Cllr. B. Chambers agus glacadh leis

“That the Minutes of the Kilrush Electoral Area Meeting held on the 13th January, 2014 be noted.”

e. Ar moladh Cllr. P.J. Ryan
Cuidithe ag Cllr. G. Flynn agus glacadh leis

“That the Minutes of the Shannon Electoral Area Meeting held on the 14th January, 2014 be noted.”

f. Ar moladh Cllr. P. Hayes
Cuidithe ag Cllr. M. Begley agus glacadh leis

“That the Minutes of the Killaloe Electoral Area Meeting held on the 22nd January, 2014 be noted.”

g. Ar moladh Cllr. M. Hillery
Cuidithe ag Cllr. B. Slattery agus glacadh leis

“That the Minutes of the Ennistymon Electoral Area Meeting held on the 17th February, 2014 be noted.”

Item 3: Minutes of the Corporate Policy Group Meetings.

The members noted the minutes of the meetings held on 3rd March, 2014 as presented.

Item 4: Minutes of S.P.C. Meetings.

a. Ar moladh Cllr. P. McCarthy
Cuidithe ag Cllr. G. Flynn agus glacadh leis.

“That the minutes of the Housing, Social and Cultural Services S.P.C. meeting held on 20th February, 2014 be noted”.

Item 5: Disposal of property pursuant to Section 183 of the Local Government Act, 2001 and Section 211 of the Planning & Development Act, 2000. Proposed disposal of area of land at White Strand, Miltown Malbay.

Report dated 2nd April, 2014 from Michael McNamara, Senior Executive Officer, Corporate Services was circulated with the agenda together with map. The report states that at the September 2013 meeting, the members approved of a proposal to Lease an area of lands at White Strand, Miltown Malbay to Clare Water Safety Life Saving Club for the purposes of their providing a Life Saving Training Centre and ancillary facilities there. Arising from storm damage in the area in the interim, it is necessary to change the actual location very slightly of the proposed centre.

The revised map attached shows coloured green the proposed new location and the Council’s approval is now sought for the Lease of this site for a 35 year period to Clare Water Safety Life Saving Club on similar terms and conditions.

Ar moladh Cllr. M. Hillery
Cuidithe ag Cllr. T. McNamara agus glacadh leis

“Notice having been served pursuant to Section 183 of the Local Government Act, 2001, Clare County Council approves pursuant to the powers vested on it at Section 211 of the Planning & Development Act, 2000 as amended, of the disposal of the area of land at White Strand, Miltown Malbay to Clare Water Safety Life Saving Club subject to the conditions as set out in the notice served on the members dated 2nd April, 2014.”

Item 6: Declaration of public roads pursuant to Section 11 of the Roads Act 1993 – Beechwood, Clarecastle.

Report dated 4th April, 2014 from Bernadette Haugh, Administrative Officer, Planning & Enterprise Development was circulated with the agenda together with map. The report states that the Statutory Notice under Section 11 of the Roads Act, 1993 of the Council’s intention to declare the road in the housing estate of Beechwood, Clarecastle, Co. Clare to be a public road was published on 31st January, 2014. The relevant maps were available for public inspection until the 28th February, 2014 and the closing date for submissions was the 14th March, 2014. A letter was received from Irish Water confirming that they had no objection to Taking in Charge the water and wastewater services in Beechwood Estate.

Ar moladh Cllr. P. Murphy
Cuidithe ag Cllr. P. Daly agus glacadh leis

“That Clare County Council in accordance with Section 11 of the Roads Act, 1993 declare the road in the housing estate of Beechwood, Clarecastle, Co. Clare to be a public road.”

Item 7: Issuing of Polling Cards – Local and European Elections 2014.

Report dated 8th April, 2014 from Michael McNamara, Senior Executive Officer, Corporate Services was circulated with the agenda. The report states that it is a reserved function of the Council to decide whether or not to issue Polling Information Cards for the forthcoming Local and European Elections on 23rd May, 2014.

The report continues that Section 27 of the Local Government Act 2001 and Article 55 of the Local Elections Regulations 1995 (as amended) provide the statutory basis for the making of a decision on this matter by the Council. The report recommends that Polling Information Cards be issued as at previous elections.

Ar moladh Cllr. C. Curtin
Cuidithe ag Cllr. P. McCarthy agus glacadh leis

“That Clare County Council issue Polling Information Cards pursuant to Section 27 and Section 54 of the Local Government Act 2001 and Article 55 of the Local Elections Regulations 1995 (as amended).”

Item 8: Overdraft facility for twelve month period to 30th June, 2015.

Report dated 24th March, 2014 from Niall Barrett, Head of Finance was circulated with the agenda. The report states that the current overdraft facility, which the Council has in place, expires on 30th June, 2014. The Council requires a new facility to be in place for the period of twelve months to 30th June, 2015. It is proposed to maintain the overdraft facility of €15 million in line with the existing overdraft limit approved by members.

Ar moladh Cllr. P. McCarthy
Cuidithe ag Cllr. T. Brennan agus glacadh leis

“That pursuant to the provisions of Section 106 of the Local Government Act, 2001 the Council hereby approves of borrowing in the sum of €15 million by way of overdraft facility from the Council’s Treasurer for the year ending 30th June, 2015.”

Item 9: Adoption of Fire & Emergency Operations Plan in accordance with Section 26 of the Fire Service Acts 1981 & 2003.

Report dated 4th April, 2014 from Adrian Kelly, Chief Fire Officer was circulated with the agenda. The “Fire and Emergency Operations Plan 2014 – 2019” for Clare County Council had been previously circulated to the elected members. The report states that under Section 26 of the Fire Service Act 1981 and 2003, the adoption of the “Fire and Emergency Operations Plan” is a reserved function with the most recent such plan for Clare County Fire & Rescue Service adopted in June 2006.

The purpose of this Plan is to fulfil Clare County Council’s statutory obligation as a Fire Authority as outlined in Section 26 of the Fire Services Act 1981 and 2003, to prepare plans for fire and emergency operations showing the provision made by it in respect of:

- Organisation,
- Fire Stations
- Appliances
- Equipment
- Water Supplies and extinguishing agents
- Training
- Operational procedure and such other matters as may be relevant for dealing with operations of an emergency nature under Section 25.

Ar moladh Cllr. T. Brennan
Cuidithe ag Cllr. P. McCarthy agus glacadh leis

“In accordance with Section 26 of the Fire Services Act, 1981 and 2003 that the Fire and Emergency Operations Plan be adopted.”

Item 10: Clare County Library – Local Studies Centre: Donations Policy.

Report dated 9th April, 2014 from Helen Walsh, County Librarian was circulated with the agenda. The report states that it has been observed that in the Local Studies Centre (The Manse) there is a deep appreciation for the depth and quality of information provided to the public – in particular, that of a genealogical nature. It has been noted and observed that the work of the Centre is a valuable support to both the tourist product in the county and to academic and local history enthusiasts. Approaches have been made by visitors to the Centre on occasion to donate money or indeed to try to support the service from abroad after receiving valuable information on line. To date, it has been difficult to capture this support in any true financial sense that could be ring fenced for use solely in Local Studies (as all income is payable directly into the Clare County Council account) and it had not been possible to accrue this money or ring fence it specifically for the Local Studies Department.

The Donations policy has been borne out of a growing need to provide some extra income that can be put to immediate use in the Local Studies Centre and address a number of priority areas which cannot be met from the annual budget provision.

It is intended that the donations be received as cash, cheque or bank draft with donations in Euros being the preferred currency.

On the proposal of Cllr. P. McCarthy, seconded by Cllr. P. Fitzgerald, the Donations Policy as outlined in the report before the members was adopted unanimously.

The Mayor stated that Item 22 would be taken in conjunction with item 12 and this was agreed by all members present.

Item 12: Establishment of Local Enterprise Offices.

Report dated 7th April, 2014 from Gerard Dollard, Director of Services and Ennis Town Manager was circulated with the agenda. The report states that a key element of the Government's Business and Job Creation Strategy provides for the establishment of Local Enterprise Offices in each county.

The Local Enterprise Office will bring together national enterprise policy with local business supports to strengthen the local business culture and environment. The Local Enterprise Offices will replace the existing County Enterprise Boards and sit within the local authority structure under a Service Level Agreement with Enterprise Ireland.

Under the County Enterprise Boards Dissolution Act 2014, the existing Clare County Enterprise Board Ltd. will be dissolved with effect from 15th April 2014. From that date, the Local Enterprise Office will come in to existence and, under the Service Level Agreement entered into with Enterprise Ireland, the Council, through the Local Enterprise Office, will deliver on the enterprise function for County Clare.

The report goes on to outline the Council's proposals to give effect to the new arrangements.

The members noted the report as circulated.

Item 22: Local Enterprise Office.

Ar moladh Cllr. C. Curtin
Cuidithe ag Cllr. M. Begley agus glacadh leis

“That the Director of Services, Planning and Enterprise update the Council on the arrangements for the location and budget of the newly established Local Enterprise Office and its involvement with job creating bodies and the electoral area offices in the county.”

Gerard Dollard, Director of Services replied as follows:

“A detailed report is before the April meeting of Clare County Council for consideration by the Elected Members.

It is the intention of the Council to maximise the benefit of a Local Enterprise Office and work closely with Enterprise Ireland, other agencies and the Electoral Area Committees to progress the objectives of the new entity.”

Queries were raised as to whether the council has to carry the cost of the new Local Enterprise Office going forward and will there be continuity with the files which were with the County Enterprise Board?

In response it was stated that there will be full transition of all files to the new entity and that 1 staff member was transferring from the County Enterprise Board. The budget for the Local Enterprise Office will be the same as was available to the County Enterprise Board but that extra staff costs may be incurred but the council are in discussion with Enterprise Ireland on this issue.

Adjourned Meeting.

The Mayor requested that a date be set for an adjourned meeting and Tuesday 22nd April was agreed by all members present.

Item 13: Roadworks Programme 2014.

The Roadworks Programme 2014 was circulated to the members with the agenda. Tom Tiernan, Senior Engineer gave an overview of the programme for 2014 and covered areas such as that funding has reduced by 6.1% from 2013 and by 46% when compared to 2008 which has led to a reduction in works being carried out and a deterioration of our road network. As a result every effort is being made to increase efficiency and output through the resources which are directly at the council’s disposal e.g. labour, plant etc.

It was proposed by Cllr. J. Cooney, seconded by Cllr. G. Keating and agreed by the members present to adopt the Roadworks Programme 2014 as presented.

Queries were raised in relation to river drainage scheme, local improvement scheme, public lighting and use of LED units and all queries were responded to by Tom Tiernan.

The following resolution was proposed by Cllr. C. Crowe and seconded by Cllrs. C. Curtin and O. Garry and agreed by the members present.

“That Clare County Council arrange for a deputation of Councillors to seek the support of Clare Oireachtas members and Ministers Phil Hogan and Leo Varadkar for an increased allocation for our Roadworks Programme.”

It was also agreed on the proposal of Cllr. J. Cooney, seconded by Cllr. O. Garry that the Hedge Cutting Scheme that was initiated in 2013 be continued in 2014 and that there be a 2 month earlier closing date for applicants. This was agreed.

Item 14: Legal opinion from County Solicitor – Item No. 24 March Agenda.

“That the County Solicitor present a legal opinion detailing the options open to the Council to recover cost of damage done to public roads by third parties or their agents.”

Following on from the above notice of motion submitted by Cllr. P.J. Kelly at the March meeting legal opinion was sought from the County Solicitor.

The opinion of John Shaw, County Solicitor on the issue raised by Cllr. Kelly was circulated with the agenda.

Item 19: Recycling centres.

Ar moladh Cllr. B. Meaney
Cuidithe ag Cllr.P. McCarthy agus glacadh leis

“That this Council examine the viability of paying the going scrap rate by weight for non-ferrous metals and used mineral/organic oils with a view to yielding an income for this council at its recycling centres.”

Anne Haugh, Director of Services replied as follows:

“The operation of all recycling streams at our recycling centres is done a holistic basis. Some streams cost us money to deal with and some streams achieve an income. Overall the recycling streams require a contribution towards operational costs which is included in the current charge for recycling of €5.00. In addition the recycling centres only take material from households, business customers are required to have their own waste collection. We do not consider that there is additional benefit to be had from this proposal at this time.”

Item 20: M18.

Ar moladh Cllr. J. Arkins
Cuidithe ag Cllr. M. Kelly agus glacadh leis

“To ask the Director of Service to provide an update on the progress of Galway County Council (who were the lead agency in the construction of the M18 from Gort to Crusheen) in relation to the disposal of unwanted plots of land in areas adjacent to the motorway where the acquisition of such land exceeded the amount required. This land is unfenced and unprotected and creates opportunities for illegal parking. The lead authority were asked 12 months ago to either make these areas secure

or offer the land for sale to the adjacent landowners so that it can be fenced and maintained. There are a number of such areas within the Clare border and there have been ongoing difficulties for Clare County Council Area Staff in managing them.”

Tom Tiernan, Senior Engineer replied as follows:

“I have raised this issue with Galway County Council on a number of occasions and have been in contact again recently. I am advised that Galway County Council has not been in a position to allocate the resources they require to deal with this issue with the vigilance that is desirable. Notwithstanding the foregoing, some progress has been made in the following areas:

- Preparation and submission of maps to PRAI – approximately 2/3 of cases have been submitted and Galway County Council is presently dealing with a number of queries in relation to submitted cases.
- Some preparation of maps has been completed to facilitate a land disposal strategy.
- Some meetings have taken place involving the N.R.A., Galway County Council, Clare County Council and the Project Valuer with a view to completion of preparation of the land disposal strategy.

I am informed that the N.R.A. is anxious to reach a conclusion in relation to this issue as soon as possible. I am also informed that Galway County Council is proposing to make additional Engineering resources available to deal with this issue in a more comprehensive and vigilant manner within a matter of weeks. I expect to be invited to a meeting in Galway in this context in the near future.”

Item 21: Municipal Districts.

Ar moladh Cllr. C. Curtin
Cuidithe ag Cllr. P. Burke agus M. Begley agus glacadh leis

“That the County Manager outline in a written statement the landmass area and no. of kilometers of road network within each new Municipal District and proposals to service same.”

Tom Tiernan, Senior Engineer replied as follows:

“The table below outlines details of the land mass area and the no. of kilometres of road in each of the new Municipal Districts which are to pertain in Co. Clare following the forthcoming local elections.

Municipal Districts in County Clare.

The table below outlines details of the land mass area and the number of kilometres of road in each of the new Municipal Districts which are to pertain in County Clare following the forthcoming local elections.

Municipal District	Area (Hectares)	Road Length (km)
West Clare	177,640	2,180
Killaloe	120,720	1,355
Ennis	23,700	454
Shannon	22,770	299

In general terms the intention going forward is to match Roads Areas with Municipal District boundaries and to provide a staff structure incorporating an Area Engineer in charge of each Municipal District to be assisted by supporting Engineers, General Services Supervisors, Foremen and General Operatives. Area Engineers will be responsible for all aspects of work which presently pertain in Engineering Areas with the exception of Water Services which will in future be a completely independent service.

Preparations for changeover to the Municipal District system are ongoing and, therefore, details have not been finalised. Also, the components which require Department approval remain under consideration by the Department and so are not concluded. Therefore, further details to augment the foregoing will emerge in the near future.”

Item 23: Local Property Tax.

Ar moladh Cllr. C. Crowe
Cuidithe ag Cllr. G. Flynn agus glacadh leis

“That the County Manager outline to the members of this Council the level of service provision which residents of housing estates, that have yet to be taken in charge by Clare County Council, can expect as a result of paying their Local Property Tax.”

Gerard Dollard, Director of Service replied as follows:

“As the Members are aware, the Council is giving considerable attention to dealing with the issue of unfinished estates. Solid progress is being made in relation to the very complex issues that arise in respect of many of these developments. A number of developments are being submitted on a monthly basis to the Elected Members for the statutory resolution to take estates in charge. One such development is before the April meeting for consideration by the Council.

The Council made a detailed submission to the Department in May 2013 outlining particular difficulties that arise in relation to dealing with unfinished developments. It was pointed out that it was impossible to put an accurate estimate on the costs arising from unfinished estates but a guesstimate might suggest an overall costing of some €14m. could arise. The Council has not received a detailed response to its submission.

Every effort is being made to deal with issues arising on individual estates and process developments for taking in charge. On such taking in charge, residents on the development would enjoy the same level of local authority input, similar to many other estates relating to public

lighting, roads, footpaths etc. Water Services are now a matter for Irish Water which has added a further layer of complexity to the overall taking in charge process.

Property tax is collected centrally and local authorities are notified on an annual basis of their allocations from central funding. The level of allocations from property tax for local authority services is a matter for central Government. The level of allocation does obviously impact on the ability of the Council to provide resources to address issues relating to estates not taken in charge by Clare County Council.”

Item 24: Cost of servicing loans.

Ar moladh Cllr. G. Flynn
Cuidithe ag Cllr. M. Kelly agus glacadh leis

“That Clare County Council provide a report outlining the cost of servicing loans for 2012 and 2013 and to advise the members of the implications concerning the delivery of services to the community in Clare due to these costs and reduced income for the county.”

Niall Barrett, Head of Finance replied as follows:

“The Council’s long term loans at 31st December 2013 amounted to €19.3m. This total can be subdivided between loans related to the funding of Housing Mortgages and loans to Voluntary Housing Organisations, which together amounted to €3.7m. at that time; and all other loans (referred to as Non Mortgage Loans) which amounted to €5.6m.

Mortgage Related loans generate income from the housing loan customers or by recovery of loan charges on voluntary housing projects from the Department of Environment, Community and Local Government. The loan related costs were circa €2.2m. in 2013 and in 2012 for this category of loans.

Non Mortgage Loans of €5.6m. relate to the funding of various infrastructure developments in the County. The cost of servicing these loans was €6.7m. in 2012 and €7.1m. in 2013.

The 2014 budget was prepared on the basis of providing as required for the cost of the loan charges to be incurred for the year and also the income expected to be received in 2014. The budget, as adopted by the Council in January, also outlined the level of planned service delivery based on the cost and income planned for the year.”

Item 25: Irish Water.

Ar moladh Cllr. M. Hillery
Cuidithe ag Cllr. T. McNamara agus glacadh leis

“When will Irish Water rectify problems with sewerage systems and housing estates treatment plants which are causing health risks within the county.”

Anne Haugh, Director of Service replied as follows:

“Since Irish Water became the national water services authority on 1st January 2014, Clare County Council no longer has powers under either the Water Services Acts or the 1878 Public Health Act to intervene to abate nuisances arising from wastewater systems in private developments. Nevertheless the Council has intervened in a number of cases, acting as agent of Irish Water under the Service Level Agreement, where intervention comprised relatively simple works such as clearing a blockage or desludging a treatment plant. In all such cases the Council has notified Irish Water before the event of its intention to intervene.”

In some other cases the Council has inspected situations and has notified Irish Water, but has not been in a position to do work to alleviate nuisances as the nature of the work required is considerably greater and more expensive than clearance or desludging.

We are awaiting guidance from Irish Water as to clear policies on intervention in such situations.”

Item 26: Installing generators in reservoirs.

Ar moladh Cllr. J. Crowe

“That Clare County Council request Irish Water to install generators in our Reservoirs in order to prevent disruption to our water supply as a result of ESB power outages during severe weather events.”

This item was not moved.

Item 27: Clare Local Development Company.

Ar moladh Cllr. B. Chambers

Cuidithe ag Cllr. P.J. Ryan agus P. Hayes agus glacadh leis

“That Clare County Council invite Clare Local Development Company (C.L.D.C.) to give a presentation to the Council on its progress report for the last five years at the May 2014 Council Meeting.”

Item 28: Local Improvement Scheme.

Ar moladh Cllr. P.J. Kelly

Cuidithe ag Cllr. T. McNamara agus R. Nagle agus glacadh leis

“That Clare County Council calls on the Government to re-introduce the Local Improvement Scheme.”

It was agreed by all members present that the word “re-introduce” be removed and “fund” put in its place.

Item 29: Savings scheme for students.

Ar moladh Cllr. P.J. Kelly
Cuidithe ag Cllr. C. Curtin agus glacadh leis

“Clare County Council calls on the Government to introduce a bonus led savings scheme for students in primary schools.”

Item 30: Driving licences.

With the written agreement of Cllr. J. Flynn this motion was moved by Cllr. C. Curtin and seconded by Cllrs. G. Keating and Cllr. O. Garry.

“Loss for 10 years of current driving licence or of applying for 10 years in future for a licence for convicted burglars that Clare County Council condemns the level of crime being inflicted on rural and urban communities often by mobile criminals. The loss of sense of security for people, particularly those living in isolated areas, following burglary results in loss to the quality of life of the victim themselves and their neighbours. Clare County Council request the relevant Ministers to work together to legislate that at a minimum to remove, or prevent applying for, driving licences for convicted burglars for a period of 10 years with total loss of licence or ability to apply for repeat offenders. The individuals involved should suffer a loss of this benefit, i.e. driving licence, of living in a civilised society on foot of the crime of burglary.”

The motion was agreed by the members present.

Item 32: Advertising on national routes.

Ar moladh Cllr. P. Hayes
Cuidithe ag Cllr. P. Daly, P. McMahon agus M. Kelly agus glacadh leis

“That the Council request the N.R.A. to facilitate charitable/non profit making organisations by allowing them to advertise events on a short-term restricted basis on the national routes.”

Cllr. B. Meaney wished to record that he dissented from this motion.

Item 33: Pre-retirement pension.

Ar moladh Cllr. P. Keane
Cuidithe ag Cllr. T. McNamara agus glacadh leis

“That this Council call on the Government to re-introduce the pre-retirement (transition) pension for those persons having to retire at age 65.”

Item 34: Oath of Allegiance to the Republic.

Ar moladh Cllr. P. Murphy
Cuidithe ag Cllr. M. Kelly agus glacadh leis

“I am proposing that all elected Parliamentarians of the Republic of Ireland swear an oath of allegiance to the Republic and its constitution.”

It was agreed by all members present to add the words “and local representatives” after “Parliamentarians”.

Item 35: GAA games.

Ar moladh Cllr. J. Cooney
Cuidithe ag Cllr. J. Arkins agus M. Kelly agus glacadh leis

“Having regard to the amateur status of our National Games and the extent of our volunteerism among officials, players and the general public in supporting and promoting these games that Clare County Council call on the GAA's Central Council to ensure that all of the population of Ireland has access to view these games without any additional cost.”

It was agreed by all members present to add the words “and the Management Committee” after “Central Council”.

Item 36: Overcrowding at A & E.

Ar moladh Cllr. P. Hayes
Cuidithe ag Cllr. J. Cooney agus glacadh leis

“I propose that this council calls on the Minister for Health, the H.S.E. and the Management of University Hospital Limerick to immediately intervene to resolve the crisis at the hospital of overcrowding at A&E and the number of patients on trolleys for long periods of time. This situation needs urgent attention and immediate intervention as it is an on-going problem.”

The following resolution was proposed by Cllr. P. Hayes, seconded by Cllrs. C. Curtin, G. Keating, O. Garry and B. Slattery.

“That this Council re-issue an invitation to Anne O’Doherty, H.S.E. Regional Manager, to address members on the progress of the Re-configuration Programme and its impact on the acute medical services in the Mid West Region with specific reference to the commitments made within that programme to protect the health interests of the people of Clare, and to address the concerns as expressed in Motion 36 April County Council meeting.”

The meeting concluded at 18:30 p.m. and this was followed by a civic recognition ceremony for Sean Hehir and Louise McCagh to honour their sporting achievements in 2013.

The following correspondence was circulated at the meeting:

- Training Seminar entitled “The Elected Member, the Environment and the Community” taking place in the Maldron Hotel, Portlaoise, Co. Laois on 25th – 27th April, 2014.
- Training Seminar entitled “River Flooding and Management Issues” being held in Clanree Hotel, Letterkenny, Co. Donegal on 2nd – 4th May, 2014.

It was agreed that the adjourned meeting would take place on Tuesday, 22nd April, 2014 at 3:45 p.m.

The meeting then concluded.

Signed: _____
Riarthóir Cruinnithe

Signed: _____
Méara

Date: _____

Minutes of the adjourned April Meeting of Clare County Council held in the Council Chamber, Áras Contae an Chláir, New Road, Ennis, Co. Clare on Tuesday, 22nd April, 2014 at 11:30 a.m.

Present:

Councillors J. Flynn, P. Murphy, S. Scanlan, P. Daly, T. Brennan, J. Breen, T. Mulqueen, T. McNamara, B. Meaney, B. Slattery, M. Hillery, R. Nagle, M. Kelly, J. Arkins, J. Cooney, P. Hayes, P. Burke, P. Fitzgerald, M. Begley, C. Crowe, C. Curtin, O. Garry, P.J. Kelly, P. Keane, B. Chambers, G. Keating, S. McLoughlin, P. McCarthy, P.J. Ryan, P. McMahan, G. Flynn.

- Mr. Tom Coughlan, County Manager.
- Mr. Michael McNamara, Meetings Administrator.
- Mr. Finbar Tuohy, Staff Officer.
- Ms. Siobhan Garvey, Staff Officer.
- Mr. Ger Dollard, Director of Service.
- Ms. Anne Haugh, Director of Service.
- Mr. Eddie Power, Head of Human Resources.
- Mr. Tom Tiernan, Senior Engineer.

The Mayor, Cllr. Joe Arkins presided.

The Mayor welcomed Siobhan Garvey, Staff Officer who will be taking over the duties of Finbar Tuohy as he is transferring to the new Local Enterprise Office. The Mayor wished Finbar well in his new role in the organisation.

Item 11: Establishment of a Local Community Development Committee.

Report dated 7th April, 2014 from Gerard Dollard, Director of Services and Ennis Town Manager was circulated with the agenda. The report stated that the Local Government Reform Act 2014 provides for the establishment of Local Community Development Committees (L.C.D.C.s) in all local authority areas and outlined the functions of the L.C.D.C.

Ger Dollard informed the meeting that it was proposed to defer this item and that an informal group could be established to have discussions on the matter. The following members were nominated to this group: Cllrs. P. Fitzgerald, J. Flynn, B. Chambers.

Item 15: Establishment of Municipal Districts.

Report dated 8th April, 2014 from Tom Coughlan, County Manager was circulated with the agenda.

The report states that the current six Electoral Areas will be replaced by the four Municipal Districts of Ennis, Shannon, Killaloe and West Clare, in accordance with the Local Electoral Area Boundary Committee Report 2013.

The report outlined details of the structures proposed for each of the areas and the functions to be carried out at each.

A number of members expressed concern at the staffing levels proposed and sought further details in relation to same.

The following was proposed by Cllrs. J. Flynn, M. Begley, C. Curtin and G. Flynn.

“That workshops with Councillors as representatives of the public be held following the 23rd of May 2014 Election in each Municipal District to try to agree, inter alia,

- a. Service levels in each district
- b. Staff levels in each district
- c. Funding levels in each district
- d. Management levels in each district
- e. Outdoor staff levels in each district.”

The County Manager pointed out that staffing matters were an executive function and the proposals were contrary to Local Government Law.

The Mayor called a vote on the proposal which resulted as follows:

For: Cllrs. J. Flynn, M. Begley, C. Curtin and G. Flynn. (4).

Against: Cllrs. P. Murphy, S. Scanlan, P. Daly, J. Breen, T. Mulqueen, T. McNamara, B. Meaney, B. Slattery, R. Nagle, J. Arkins, J. Cooney, P. Burke, P. Fitzgerald, C. Crowe, P. Keane, B. Chambers, G. Keating, S. McLoughlin, P. McCarthy, P.J. Ryan. (20).

Abstentions: Nil.

The Mayor declared the proposal lost.

The following further proposal was then submitted by Cllrs. C. Crowe, B. Chambers, T. McNamara, P. Daly, R. Nagle, P. McMahan, P. Keane.

“We the undersigned Councillors request that a deputation of Councillors meet with all Clare Oireachtas Members to discuss the difficulties envisaged in the operation of new municipal districts.”

The Mayor called a vote on same which resulted as follows:

For: Cllrs. P. Daly, J. Breen, T. McNamara, B. Meaney, R. Nagle, C. Crowe, P. Keane, B. Chambers, P.J. Ryan, P. McMahan. (10).

Against: Cllrs. J. Flynn, P. Murphy, S. Scanlan, T. Mulqueen, B. Slattery, J. Arkins, J. Cooney, P. Burke, P. Fitzgerald, M. Begley, C. Curtin, G. Keating, S. McLoughlin, P. McCarthy, G. Flynn. (15).

Abstentions: Nil.

The Mayor declared this proposal lost.

The County Manager also stated that there will be a review process after six months.

Item 16: New Regional Structures.

Report dated 9th April, 2014 from Tom Coughlan, Clare County Manager was circulated with the agenda.

The County Manager stated that no final decision had been made yet in relation to the final make-up of the regions.

It was proposed by Cllr. J. Flynn and seconded by Cllr. P. McMahon that the County Managers report be sent to the Government as a submission from the Council. This was agreed.

Item 17: Update on Irish Water Customer Contact.

Report dated 9th April, 2014 from Sean Lenihan, I.W./C.C.C. Transition Team was circulated with the agenda. The report outlines the changes that will shortly take place in relation to how the public and elected members will interface with Irish Water and the Council on Water and Wastewater matters in future.

Queries raised were responded to by Anne Haugh.

Item 18: Draft Annual Report 2013.

The Draft Annual Report for 2013 was circulated with the agenda and was noted and approved by the members present.

Item 26: Installing generators in reservoirs.

As Cllr. J. Crowe was not present this item has been deferred to the May meeting.

Item 31: Financial pressure on families.

Ar moladh Cllr. P. McMahon
Cuidithe ag Cllr. P. Keane agus glacadh leis

“That Clare County Council request the Government to consider the extreme pressure families with members struggling with disability and other medical conditions when imposing additional costs and charges.”

Item 37: Bail laws.

Ar moladh Cllr. T. Mulqueen
Cuidithe ag Cllr. J. Flynn agus glacadh leis

"I call on the Department of Justice to change the bail laws in light of the recent disclosures that people have been murdered, raped and seriously injured by people out on bail and that all relevant information pertaining to the past criminal history of the accused be given to all Judges before sentencing is passed."

Item 38: Housing stock.

Ar moladh Cllr. P.J. Ryan
Cuidithe ag Cllr. G. Flynn agus glacadh leis

"That this council request extra funding from the Minister, Jan O'Sullivan, to help build or purchase accommodation (houses) due to the increased demand on this local authority from people who will become homeless in the near future, due to evictions by lending institutions."

Item 39. Comhfhreagras.

The following correspondence was circulated at the meeting:

- Training Seminar entitled "Managing Change in Local Government" being held in the Quality Hotel, Killarney, Co. Kerry on 9th – 11th May, 2014.

The following correspondence was circulated with the agenda:

1. Correspondence dated 21st March, 2014 from the Department of Environment, Community and Local Government in relation to the provision of emergency funding to meet the cost of repairing storm and flood damage.
2. Correspondence dated 7th March, 2014 from the Department of Communications, Energy and Natural Resources in relation to mobile and broadband communications services across the State.
3. Correspondence dated 7th March, 2014 from the Department of Health concerning medical cards awarded on a discretionary basis.
4. Correspondence dated 7th March, 2014 from the Department of Environment, Community and Local Government in relation to the return of Local Property Tax collected in the County for the provision of services in County Clare in 2014.
5. Correspondence dated 13th March, 2014 from the Office of the Taoiseach in relation to the Immigration Bill.
6. Correspondence dated 14th March, 2014 from the Department of Environment, Community and Local Government in connection with commercial rates.
7. Correspondence dated 7th April, 2014 from the Office of the Taoiseach in relation to the correct protocol for the use of the National Flag.

8. Correspondence dated 10th March, 2014 from Bernadette Kinsella, Director of Service, Housing, Transportation, Cultural, Change Management & Emergency Services in relation to Rent Allowance payments.
9. Correspondence dated 27th March, 2014 from the Office of the Minister for Agriculture, Food and the Marine in relation to stocking density on farms on severely disadvantaged areas.
10. Correspondence dated 21st March, 2014 from the Department of Communications, Energy & Natural Resources regarding broadband services.
11. Correspondence dated 26th March, 2014 from the Office of the Minister for Jobs, Enterprise and Innovation regarding Job Creation in the Mid West.
12. Correspondence dated 26th March, 2014 from the Department of Environment, Community and Local Government in connection with Building Control Amendment Regulations.
13. Correspondence dated 10th March, 2014 from the O.P.W. in relation to the Preliminary Flood Risk Assessment.
14. Correspondence dated 28th March, 2014 from the Department of Communications, Energy and Natural Resources in relation to the post office network.
15. Correspondence dated 28th March, 2014 from the Department of Communications, Energy and Natural Resources in relation to the Irish Postmasters Union.
16. Correspondence dated 28th March, 2014 from the Office of the Taoiseach in relation to correct guidelines and protocol regarding the use of the National Flag of Ireland.
17. Resolution from Limerick City & County Council in relation to the retention of the post office network throughout Ireland.
18. Resolution from Drogheda Borough Council in relation to the group Former Local Authority Members Eire (F.L.A.M.E.).
19. Training Seminar entitled “Crime and it’s Impact on Quality of Life” being held in the Quality Hotel, Killarney, Co. Kerry on 18th – 19th April, 2014.
20. Seminar entitled “Chambers of Commerce Building Business” being held in the Celtic Ross Hotel, Rosscarbery, Co. Cork on 18th – 20th April, 2014.
21. Training Seminar entitled “The Elected Member, the Environment and the Community” being held in the Maldron Hotel, Portlaoise, Co. Laois on 25th – 27th April, 2014.
22. Training Seminar entitled “Know Your Rights – 2014 Social Welfare, Health and Taxation” being held in the Celtic Ross Hotel, Rosscarbery, Co. Cork on 25th – 27th April, 2014.
23. Ennis Men’s Shed Conference being held in the West County Hotel, Ennis on 26th April, 2014.
24. Training Seminar entitled “Retirement Entitlements and Taxation Benefits for Councillors” being held in the Four Seasons Hotel, Carlingford, Co. Louth on 2nd – 4th May, 2014.
25. Training Seminar entitled “Getting your Vote out” being held in the Mount Errigal Hotel, Letterkenny, Co. Donegal on 2nd – 4th May, 2014.
26. Elected Member’s Training Seminar entitled “Service Provision in Local Authorities” being held in the Connacht Hotel, Old Dublin Road, Galway City on 2nd – 3rd May, 2014.

27. Training Seminar entitled “Waste Management Legislation – Responsibilities of Local Authorities in disposing & recycling electrical and electronic equipment” being held in the Celtic Ross Hotel, Rosscarbery, Co. Cork on 9th – 11th May, 2014.
28. Training Seminar for Councillors entitled “Reformed Local Government & the Councillor” being held in the Millrace Hotel, Bunclody, Co. Wexford on 9th – 10th May, 2014.

Conferences.

Reports on Seminars/Conferences attended.

With regard to seminars/conferences attended, reports completed in accordance with Section 142 of the Local Government Act 2001 were made available at the meeting.

Public Presentation and PR Management Seminar being held in the Celtic Ross Hotel, Rosscarbery, West Cork on 3rd – 5th January, 2014.

The Meetings Administrator informed the Members that the estimated average cost per Councillor attending this Conference was €575.59 including conference fee of €100.

It was agreed that Cllr. P. Burke attend this Conference.

Conference entitled “Benefits of Sport, Individual & Community” being held in Carlingford, Co. Louth on 7th- 9th February, 2014.

The Meetings Administrator informed the Members that the estimated average cost per Councillor attending this Conference was €750.92 including conference fee of €100.

It was agreed that Cllr. P. Burke attend this Conference.

25th Annual Tourism Conference entitled “Folklore – Heritage – Tourism” being held in the Falls Hotel, Ennistymon, Co. Clare.

The Meetings Administrator informed the Members that the estimated average cost per Councillor attending this Conference was €91.91 including conference fee of €25.

It was agreed that Cllr. B. Chambers attend this Conference.

Association of County & City Councils Annual Conference being held in the Slieve Russell Hotel, Co. Cavan on 6th & 7th March, 2014.

The Meetings Administrator informed the Members that the estimated average cost per Councillor attending this Conference was €25.18 including conference fee of €30.

It was agreed that Cllr. B. Chambers attend this Conference.

Training Seminar entitled “Meeting Management Principles & Best Practice” being held in Celtic Ross Hotel, Rosscarbery, Co. Cork on 21st – 23rd March, 2014.

The Meetings Administrator informed the Members that the estimated average cost per Councillor attending this Conference was €75.59 including conference fee of €100.

It was agreed that Cllr. P. Burke attend this Conference.

Seminar entitled “2014 Citizen Engagement” being held in Dublin Castle on 3rd April, 2014.

The Meetings Administrator informed the Members that the estimated average cost per Councillor attending this Conference was €70.67 including conference fee of €60.

It was agreed that Cllr. M. Hillery attend this Conference.

Training Seminar for Councillors entitled “Retirement planning for Councillors” being held in the Fairways Hotel, Dublin Road, Dundalk, Co. Louth on 4th & 5th April, 2014.

The Meetings Administrator informed the Members that the estimated average cost per Councillor attending this Conference was €42.24

It was agreed that Cllr. T. Brennan attend this Conference.

Dundalk Chamber to host major Cross Border Tourism Conference entitled “The Greenway Forward for Tourism, Health & Sport” being held in the Ballymascanlon House Hotel, Dundalk, Co. Louth on 9th April, 2014.

The Meetings Administrator informed the Members that the estimated average cost per Councillor attending this Conference was €42.24.

It was agreed that Cllrs. P. Murphy and S. McLoughlin attend this Conference.

Training Seminar entitled “5 Week Countdown to Local Elections 2014” being held in the Silver Tassie Hotel, Letterkenny, Co. Donegal on 19th – 20th April, 2014.

The Meetings Administrator informed the Members that the estimated average cost per Councillor attending this Conference was €73.90 including conference fee of €45.

It was agreed that Cllr. M. Kelly attend this Conference.

Training Seminar entitled “The Elected Member, the Environment and the Community” taking place in the Maldron Hotel, Portlaoise, Co. Laois on 25th – 27th April, 2014.

The Meetings Administrator informed the Members that the estimated average cost per Councillor attending this Conference was €53.11 including conference fee of €50.

It was agreed that Cllr. B. Chambers attend this Conference.

Training Seminar entitled “Retirement Entitlements and Taxation Benefits for Councillors” being held in the Celtic Ross Hotel, Rosscarbery, Co. Cork on 28th – 30th March, 2014.

The Meetings Administrator informed the Members that the estimated average cost per Councillor attending this Conference was €75.59 including conference fee of €100.

It was agreed that Cllrs. P. Daly and J. Crowe attend this Conference.

Training Seminar entitled “West Cork Tourism Seminar on Internet Marketing” being held in the Celtic Ross Hotel, Rosscarbery, West Cork on 4th – 6th April, 2014.

The Meetings Administrator informed the Members that the estimated average cost per Councillor attending this Conference was €75.59 including conference fee of €100.

It was agreed that Cllr. S. McLoughlin attend this Conference.

The meeting then concluded.

Signed: _____
Riarthóir Cruinnithe

Signed: _____
Méara

Date: _____