

**Minutes of the April Monthly Meeting of Clare County Council held in the
Council Chamber, Áras Contae an Chláir, New Road, Ennis, Co. Clare on
Monday, 18th April, 2016 at 3:45 p.m.**

Present:

Councillors J. Breen, J. Flynn, P. Daly, A. Norton, T. McNamara, M. Howard, P. Murphy, C. Colleran Molloy, J. Cooney, P. Hayes, M. Begley, T. O'Brien, P. Burke, A. O'Callaghan, C. Crowe, J. Crowe, G. Flynn, P.J. Ryan, M. McKee, C. Curtin, R. Nagle, B. Slattery, I. Lynch, P.J. Kelly, B. Chambers, G. Keating.

- Mr. Gerard Dollard, Deputy Chief Executive.
- Ms. Carmel Greene, Meetings Administrator.
- Ms. Siobhan Garvey, Staff Officer.
- Mr. Niall Barrett, Head of Finance.
- Mr. Tom Tiernan, Senior Engineer.
- Mr. Leonard Cleary, Senior Executive Officer.
- Mr. Sean Ward, Senior Engineer.
- Ms. Siobhan Mulcahy, Arts Officer.

The Cathaoirleach, Cllr. James Breen presided.

Minutes Silence.

At the outset, it was proposed by the Cathaoirleach and seconded by all members present that a minutes silence be held to remember those who had so tragically lost their lives in both the terrorist attacks in Brussels, Belgium and in the drowning tragedy in Bunrana, Co. Donegal and in the earthquakes in Japan and Equador.

Vote of sympathy.

A vote of sympathy was extended to the family of Tony Moloney R.I.P., Meelick.

Item 1: Minutes of Council Meetings.

- a. Ar moladh Cllr. B. Chambers
Cuidithe ag Cllr. J. Cooney agus glacadh leis

“That the Minutes of the March Meeting of Clare County Council held on 7th March, 2016 be adopted and signed.”

Item 2: Minutes of Municipal District Meetings.

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

“That the Minutes of the Shannon Municipal District Meeting held on the 19th January, 2016 be noted.”

b. Ar moladh Cllr. A. O’Callaghan
Cuidithe ag Cllr. P. Hayes agus glacadh leis

“That the Minutes of the Killaloe Municipal District Meeting held on the 20th January, 2016 be noted.”

c. Ar moladh Cllr. B. Chambers
Cuidithe ag Cllr. G. Keating agus glacadh leis

“That the Minutes of the West Clare Municipal District Special Meeting held on the 21st January, 2016 be noted.”

d. Ar moladh Cllr. B. Slattery
Cuidithe ag Cllr. G. Keating agus glacadh leis

“That the Minutes of the West Clare Municipal District Meeting held on the 21st January, 2016 be noted.”

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

“That the Minutes of the Shannon Municipal District Special Meeting held on the 26th January, 2016 be noted.”

f. Ar moladh Cllr. B. Slattery
Cuidithe ag Cllr. G. Keating agus glacadh leis

“That the Minutes of the West Clare Municipal District Special Meeting held on the 26th January, 2016 be noted.”

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

“That the Minutes of the Shannon Municipal District Meeting held on the 22nd February, 2016 be noted.”

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

“That the Minutes of the Ennis Municipal District Meeting held on the 1st March, 2016 be noted.”

Item 3: Minutes of S.P.C. Meetings.

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

“That the minutes of the Economic Development and Enterprise S.P.C. meeting held on 11th January, 2016 be noted.”

Item 4: Minutes of the Corporate Policy Group Meetings.

The members noted the minutes of the meetings held on 29th February, 2016 as presented.

Item 5: Monthly Management Report.

The monthly management report attached to the agenda included key activities in the principal service areas and was noted by the members.

Cllr. C. Curtin welcomed the update on the Rural Water Programme and commended C. Greene, Senior Executive Officer on her work on the National Working Group on Taking in Charge of Group Schemes.

Cllr. G. Flynn, as Chair of the Standing Orders Committee, advised that as agreed by the Standing Orders Committee, Item No. 1 (a) will appear on the agenda in both Irish and English going forward.

Item 6: 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 Drumline, Newmarket on Fergus, Co. Clare.

Report dated 9th March, 2016 from Carmel Greene, Senior Executive Officer, Corporate Services was circulated with the agenda together with map. The report states that it is proposed to dispose of an area of lands measuring 1.934 hectares at Drumline, Newmarket on Fergus subject to the conditions as set out in the notice.

Ar moladh Cllr. G. Flynn
Cuidithe ag Cllr. P.J. Ryan 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 area of land measuring 1.934 hectares at Drumline, Newmarket on Fergus subject to the conditions as set out in the notice served on the members dated 9th March, 2016.”

Item 7: Irish Language Grants Scheme 2016 – Grant recommendations.

Report dated 12th April, 2016 from Carmel Greene, Senior Executive Officer, Corporate Services was circulated with the agenda. The report states that eleven applications were received for Scéim Deontais na Gaeilge this year and all of them were successful. The applications were assessed by a Committee consisting of the Chair of the Strategic Policy Committee, the County Librarian and the Meetings Administrator.

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

“Pursuant to Section 66 of the Local Government Act, 2001 Clare County Council approves the payment of the following grants for organisations hosting an event which would in the opinion of the Council stimulate public interest in the Irish Language, provide a knowledge, appreciation and practice of the language or improve the standard of the language.

Cill íníon Baoithe le Gaeilge	250
Ennis Bookclub Festival	300
Comhaltas Ceolteoirí Eireann – Coist an Chláir	600
Inis Cathaigh Comhaltas Ceoltóirí Eireann	430
Cumann Luthleas Gael an Chláir	250
Coiste Forbartha Gaeltachta an Chláir, Cill Mhicíl	150
Coiste Forbartha Gaeltachta an Chláir, Cill Mhicíl	600
Coiste Forbartha Gaeltachta an Chláir, Cill Mhicíl	200
Coiste Forbartha Gaeltachta an Chláir, Cill Mhicíl	200
Kilkishen Tidy Towns	750
Bunscoil Sheanáin Naofa, Cill Ruis	600”

Item 8: Draft Annual Report 2015.

The Draft Annual Report for 2015 was circulated with the agenda and was noted and approved by the members present.

Ar moladh Cllr. B. Chambers
Cuidithe ag Cllr. G. Flynn agus glacadh leis

“That the Draft Annual Report 2015 as circulated to the members be adopted.”

It was noted that Cllr. M. Howard was listed in the report as being in the Shannon Municipal District Area and this should read the Ennis Municipal District Area. It was agreed that this error would be amended.

Item 9: Long Term Vacant Property Incentive Scheme and Rates Payment Incentive Scheme.

Report dated 11th April, 2016 from Niall Barrett, Head of Finance was circulated with the agenda. The report sets out the terms of two schemes proposed for (1) Long Term Vacant Properties and (2) a Rates Payment Incentive Scheme and sought the approval of the Council to both schemes.

Long Term Vacant Property Incentive Scheme

This is a scheme to encourage the renewed long term rateable occupation of properties that have previously been occupied for rates purposes, but which have most recently been unoccupied for over two years.

The scheme provides for a grant payable in relation to the first three years of occupation as follows:

First Year: 75% of rates payable subject to €3,750 maximum

Second Year: 50% of rates payable subject to €2,500 maximum

Third Year: 25% of rates payable subject to €1,250 maximum

The grant applies to the extent there is a net increase in occupation in the county, (relocation from one property to another equivalent property does not qualify). Rates payable on the property have to be discharged in order to qualify. Occupation of less than one year will not qualify under the scheme.

Rates Payment Incentive Scheme

This incentive will be provided by way of a grant to the occupier of a property when all the rates payable on an occupied property have been discharged on time. The first half of the rates payment is due at the time the rates bills are issued in quarter one of the year, while the second half is due on July 1st. The grant will be provided where all rates due are paid by the end of August.

It is proposed that the scheme will also provide flexibility to accommodate established payment plans or new payment plans that have been agreed in writing with the council on or before July 31st 2016 which provide for the clearance of all the rates due by December 2016 and where the rates outstanding are actually cleared in line with the payment plan.

The grant arising will be applied to the rate payers account on assessment of the status of the account at the end of the year. The credit arising and applied to the account will then be available for set off against the rates arising in the subsequent year.

Area	Rates Payment Incentive Grant (Occupied Properties)
Former Ennis Town Council Area	Lower of 5% of 2016 Rates Cost or €250
Former Kilrush Town Council Area	Lower of 6% of 2016 Rates Cost or €300
Former County Council Area	Lower of 3% of 2016 Rates Cost or €100

Ar moladh Cllr. J. Flynn

Cuidithe ag Cllr. J. Breen agus glacadh leis

The members welcomed the scheme and spoke in particular of areas such as Parnell Street in Ennis, where a recent meeting was held with the Parnell Street Traders to address the issue of closed up properties. In response to a number of queries raised, N. Barrett, Head of Finance advised that under the Long Term Vacant Property Incentive Scheme, if a business moves premises to occupy a vacant premises, no incentive can be provided unless there is an increase in the size of the premises or business activity and that properties that would never have been rated in the past do not qualify. He further advised that under the Local Government Reform Act 2014 powers have been provided to Local Authorities to allow refund of rates at a rate lower than 100% but that at present the members of Clare County Council has agreed to a full 100% rates refund to vacant premises, subject to conditions. This could be amended at budget time if it was felt that some property owners have no intention of letting premises in town centres.

Item 10: Assistance under the Arts Act Grants 2016 - Grant recommendations.

Report from Siobhan Mulcahy, County Arts Officer was circulated with the agenda. The report states that the Assistance under the Arts Acts Grants Scheme is intended to assist artists and organisations stimulating public interest in the arts, promoting the knowledge, appreciation and practice of the arts or in improving standards in the arts.

92 applications were received in total.

Ar moladh Cllr. P. Daly

Cuidithe ag Cllr. B. Slattery agus glacadh leis

“That pursuant to Section 6 (2) of the provisions of Assistance under the Arts Act, 2003, the Council approves of the following payments:

Applications for Events/Projects/Organisations

The following table outlines the applications received for Events/Projects/Organisations. 27 recommendations were made for funding.

Applications for Events / Projects / Organisations

27 Recommendations for Funding

Ref No	Name of Applicant	Amount
1603E/P	Kilrush Choral Society	575
1604E/P	Lismorahaun Singers	330
1607E/P	Clare Youth Services	575
1608E/P	Ennis Musical Society	575
1609E/P	Killaloe Chamber Music Festival	330
1610E/P	Feile Brian Boru - Children's Workshops	575
1611E/P	Clare Local Development Company - Children's Workshops	330
1612 E/P	East Clare Musical Society	575
1613 E/P	Inis Artists	295
1614 E/P	Dun na hInse Residents Association – Murals	575
1616 E/P	Ennistymon Art Trail / Community Festival	575
1618E/P	Scariff Harbour Festival	575
1619E/P	Doonbeg International Jazz Festival	200
1621 E/P	Ennistymon Community Samba Band	330
1622E/P	Nathalie El Baba - Film workshops for teenagers in Scariff	330
1623E/P	Ennistymon Choral Society	575
1624E/P	Scariff Community Council	575
1626 E/P	Ennistymon Book Town	330
1627 E/P	West Clare Resource Centre	330
1628 E/P	Gospel Rising Music Festival	575
1629 E/P	XPO, Kilnaboy	330
1630 E/P	West Clare 3 Act Drama Festival	330
1632 E/P	East Clare Community Co-operative Ltd – Mural	200

1634E/P	Salmon Poetry	575
1635 E/P	Killaloe Ballina Family Resource Centre	575
1636E/P	Full Fathom Theatre Ensemble (Arts & Disability)	330
1637E/P	Rhonwen Hayes & Helen Stritch- Arts events in Clonlara	330
	Total	11800

Traditional Arts Applications.

The following table outlines the Traditional Arts Applications received. There were 18 recommendations for funding.

Traditional Arts Applications		
18 Recommendations for Funding		
Ref	Name of Applicant	Amount
1602TR	Kilmurry Trad Group	200
1603TR	Kilrush Music Feis	250
1604TR	Kilrush Traditional Music & Set Dancing Festival	375
1605TR	Christy McNamara - Recording of CD	375
1606TR	Oidhreacht an Chlár	375
1607TR	East Clare CCE	250
1608TR	Kincora Trad Weekend	375
1609TR	Crotty Galvin Trad Music Festival	375
1610TR	County Fleadh	375
1612TR	Tina Walsh - Sets by the Sea - Spanish Point	200
1613TR	Mountshannon Trad Festival	375
1614 TR	Doolin Heritage - Uilleann Piping Event	250
1615TR	Kilfenora Music Festival	375
1616TR	Geraldine Cotter - Production of Music Book	250

1617TR	Neil O'Loghlen - Composition and Rehearsals	250
1618 TR	Willie Keane Memorial Weekend	375
1619TR	St. Kieran's Community Centre	375
1620TR	Sean Talty - Production of CD	250
1621TR	Michael O'Connell - Uilleann Piping Events	250
	Total	5900

Applications for Artists Support

The following table outlines the applications for artists support. There were 16 recommendations for funding.

Applications for Artists Support			
16 Recommendations for funding			
Ref	Discipline	Name of Applicant	Amount
1602AS	Music	Barry Dillon	275
1603AS	Visual Arts	Carmel Doherty	375
1604 AS	Visual Arts	Denise Woods	375
1607AS	Visual Arts	Sinead Nestor	375
1608AS	Visual Arts	Astrid Adler	375
1614AS	Visual Arts	Marie Connole	375
1616 AS	Visual Arts	Sarah Fuller	375
1619 AS	Music	Godknows Jonas	375
1619(a) AS	Visual Arts	David O'Rourke	375
1620 AS	Literature	Darragh McManus	375
1621AS	Visual Arts	Judy O'Sullivan	375
1622AS	Visual Arts	Jackie Askew	375

1623AS	Visual Arts	Fiona O'Dwyer	375
1624AS	Visual Arts	Shelagh Honan	375
1625AS	Visual Arts	Aisling Drennan	375
1626AS	Visual Arts	Maeve Collins	375
	Total		5900

Item 11: Draft Clare County Council Local Economic and Community Plan 2016-2021.

Report dated 11th April, 2016 from Gerard Dollard, Director of Services was circulated with the agenda. The statement from the Southern Regional Assembly and report of consistency with the Core Strategy in the Development Plan from Brian McCarthy, Senior Planner was also circulated with the agenda.

The report states that Sections 66A to 66H of the Local Government Reform Act 2014 provide for the making of a Local Economic and Community Plan (L.E.C.P.) by the Local Authority. The purpose of the plan is to promote economic development and local and community development in the functional area of the local authority. The legislation requires that the plan be consistent with the core strategy and the objectives of the development plan of the local authority and the regional planning guidelines. The local authority is required to draft the economic elements of the plan (which are highlighted in blue) while the Local Community Development Committee (L.C.D.C.) is required to draft, adopt and obtain approval for the community elements of the plan in accordance with policy guidelines issued by the Minister.

Ar moladh Cllr. B. Chambers
Cuidithe ag Cllr. J. Flynn agus glacadh leis

“That the Draft Clare County Council Local Economic and Community Plan 2016 – 2021 be adopted by the members of Clare County Council pursuant to Section 66C 4(a) and (b) of the Local Government Reform Act 2014.”

In response to a number of queries raised G. Dollard, Acting Chief Executive stated that the creation of this plan was a statutory function of the Local Authority and that input had been received from the Strategic Policy Committee, Local Community Development Company and each of the Municipal Districts. All actions contained are measureable and each of the external agencies are signed up to the actions. A monitoring mechanism will be created to ensure the actions contained in the plan are achieved.

Item 12: County Clare Joint Policing Committee Annual Report 2015.

Report dated 12th April, 2016 from Carmel Greene, Senior Executive Officer, Corporate Services was circulated with the agenda together with County Clare Joint Policing Committee Annual Report 2015. The report states that Section 36(5) of the

Garda Síochána Act provides that the Joint Policing Committee shall submit to the local authority a report on the performance of its functions during the preceding year.

The members noted the report as presented having been proposed by Cllr. J. Cooney and seconded by Cllr. A. Norton.

Item 13: Costs awarded in Court proceedings.

Ar moladh Cllr. P.J. Kelly

Cuidithe ag Cllr. C. Curtin agus glacadh leis

“That the C.E.O., having made available to the members the total monetary amount of costs awarded to the Council and the total cost awarded against the Council in court proceedings over the five years ending 31/12/15, advises the members of the best way to use surplus funds from court costs.”

Carmel Greene, Senior Executive Officer, Corporate Services replied as follows:

“Where the Council is successful in a case taken by it, the costs awarded to it by the Court do not exceed the costs actually incurred by the Council in taking the case (staff costs and legal Costs) and generally any costs awarded are less than the sums notified by the Council. Therefore “surplus funds from court costs” does not arise. In addition, it should be noted that it can take many years to recover costs awarded to the Council.

It should be noted that where legal costs are not awarded to the Council, expenditure can be incurred over and above budgetary provisions.

Recoupment of costs.

The adopted budget each year provides for recoupment of costs and the sums received over the last five years and the adopted budget for same is shown in the following table.

Year	Adopted Budget	Actually recovered in legal costs
2011	12,000	27,752
2012	31,250	15,533
2013	15,000	14,642
2014	7,500	12,613
2015	4,500	14,165

Total	70,250	84,704
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In relation to the costs awarded against the Council in court proceedings over the five years ending 31/12/15, it will take time to compile this information and should the Councillor require, this information can be collated over the coming weeks.”

In response to a number of queries raised G. Dollard, Acting Chief Executive advised the meeting that the awarding of costs is at the complete discretion of the judge and depends on the individual case presented to the court. If costs are awarded to the Council it is another matter as to when the Council actually recovers these costs while each section of the Council follows up on the recovery of costs, delays in payment are common especially if the amount is substantial.

Item 14: Staff levels.

Ar moladh Cllr. C. Curtin

Cuidithe ag Cllrs. I. Lynch agus J. Flynn agus glacadh leis

“That the Director of Services provide a breakdown of the “131.65” staff numbers under post, category and location as identified within the Service Level Agreement between Clare County Council and Irish Water and for comparative purposes relate the current staff levels to 2008 compliment in those service areas and arising from same this Council provides a collective response to its implications.”

Sean Ward, Senior Engineer, Water Services replied as follows:

“The Headcount approved by Irish Water for the year 2015 was 131.65 full-time equivalent (F.T.E.) posts. This figure includes staff who are 100% water services and some who are partly charged to water services.

The total of 131.65 covers all services within the scope of the Service Level Agreement (S.L.A.) between Clare County Council and Irish Water – i.e. Water Supply Operations, Waste Water Operations, Water conservation, Capital works management, Change management and Non-domestic metering, billing and collection. It excludes the Rural Water Programme which is outside the scope of the S.L.A. The breakdown is shown in the following Table with detail by Grade at the end of the document.

Staffing.

The following table outlines the post, category and location of staff in Irish Water.

Post, Category and Location	FTE No:
<i>Water Services Senior management</i> -Full or part time of Director, Senior Executive Officer, Senior Engineer, Senior Executive Engineer, Administrative Officer	7.66
Engineering, administrative and clerical staff in Operations (area & HQ-based), Water Conservation, Capital works management, and Change management	20.90

Full or part time of Executive Engineer, Grade 1 Technician, Health & Safety Officer, Senior Staff Officer, Staff Officer, Assistant Staff Officer, Clerical Officer, Senior Resident Engineer	
Scientific staff in water and wastewater operations - Full or part time of Executive Scientist, Assistant Scientist, Senior Executive Technician, Executive Technician, Grade 1 Technician	8.00
Outdoor staff grades – Water Supply and Waste Water Operations and Water conservation Water Services Supervisor 6.00 Overseer 2.00 Caretaker 27.54 Fitter/plumber 13.00 Electrician 2.50 Wastewater Inspector 3.00 General Operative (including Drivers) 25.10	79.14
<i>Non-domestic charges metering, billing and collection – all grades including senior management</i> - Full or part time of Senior Executive Officer, Senior Staff Officer, Staff Officer/Account Manager, Assistant Staff Officer, Clerical Officer, Executive Technician, Grade 2 Technician, Part time meter reader, Fitter/plumber, General Operative	15.94
Total	131.65

With regard to 2008, the most accurate set of figures available from the archives is from May 2009, and this is the data used for this reply. The total staff in Water Services in May 2009 was **approximately 136.8 F.T.E.s**. Because of different work groupings at that time, it is difficult to make direct comparison with 2015.

Staffing.

The following is the breakdown of the staff in 2009, along similar headings to that used for 2015:

Post, Category and Location	F.T.E. No:
<i>Water Services Senior management</i> Full or part time of Director, Senior Engineer, Senior Executive Engineer, Administrative Officer	6.05
Engineering, administrative and clerical staff in Water supply and Waste Water Operations (area and HQ-based), Water	

Conservation, Capital works management, Full or part time of Executive Engineer, Assistant Engineer, Grade 1 Technician, Health & Safety Officer, Senior Staff Officer, Staff Officer, Assistant Staff Officer, Clerical Officer, Resident Engineer, Assistant Resident Engineer	26.00
Scientific staff in water and wastewater operations - Full or part time of Executive Scientist, Assistant Scientist, Senior Executive Technician, Executive Technician, Grade 1 Technician	7.00
Outdoor staff grades – Operations and Water conservation Water Services Supervisor 6.50 Overseer 2.00 Caretaker 26.75 Fitter/plumber 14.00 Electrician 2.50 Wastewater Inspector 5.00 General Operative (including Driver) 31.00	87.75
Non-domestic charges metering, billing and collection – all grades including outdoor This activity was very different in 2009 as the number of water meters increased substantially during 2008 and 2009. The number of staff in this area in 2009 is approximately 10.	10
Total	136.80

There have also been major business changes in Water Services since 2009, including:

- In 2009 the major project of installation of non-domestic meters was nearing completion, and the full staffing structure for metering, billing and collection of charges had not yet been put on place
- The number of Wastewater Discharge Licences has increased very substantially since 2009, and the number of engineering and scientific staff to ensure licence compliance has increased
- Water Services operations at area level were managed by the 5 area- based Senior Executive Engineers whose duties also covered Roads and other services, whereas in 2015 there are 2 dedicated Senior Executive Engineers managing Water Services operations for the whole county.
- The Change Management function for the transition to Irish Water did not exist in 2009, whereas in 2015, there were two staff assigned to this role.
- The engineering staff complement in 2009 included a significant number of Resident Engineering staff on Capital projects, who were on the Council's payroll system at the time.

2016 Headcount Plan implications

The changes in the operation of Water Services arising from the introduction of Irish Water, the role of the Commission for Economic regulation and the Service Level Agreement have particular implications for the Local Authority. For the 2016 Annual Service Plan, Irish Water has sought a reduction of 4% in F.T.E. numbers compared to 2015 and this will have implications for customer services and meeting Irish Water's required performance indicators with reduced staff numbers. For 2017, it is likely there will be further reductions in headcount sought as functions such as non-domestic billing and collection are due to transition to Irish Water."

In responding to a number of queries raised, G. Dollard, Acting Chief Executive reported that all categories of staff are at minimum levels, and it is a challenge to maintain service levels. Clare County Council are acting as agents of Irish Water under a Service Level Agreement and Irish Water are consistently seeking to reduce resources. This is a concern for the Council and this has been communicated to Irish Water on a number of occasions.

Item 15: National Secondary Road Network.

Ar moladh Cllr. C. Curtin

Cuidithe ag Cllr. J. Breen agus glacadh leis

"That the Senior Engineer update the Council on the timeframe and schedule of works to be undertaken this year on the national secondary road network in the county with particular reference to the N67 on the Wild Atlantic Way and enhanced signage on the N18 for all parts of Clare."

Tom Tiernan, Senior Engineer Transportation replied as follows:

"Due to the fact that T.I.I. has changed its approach in terms of approval to and confirmation of work schedules at the beginning of the year, it has become more difficult to confirm programming. Projects such as Overlay Schemes, Low Cost Safety Schemes etc. require advance preparation such as structural testing, on-site surveys, land acquisition etc. While T.I.I. provides an indication early on regarding what is likely to be funded, no confirmation is received until completion of preparatory requirements have been confirmed. The following is the current position:

- An extensive Overlay Project is likely to be carried out at Mortyclough on the N67 near the Galway border – due to the fact that sections of this road flooded severely in December/January last and at other times in the past a Hydrological Assessment is required to establish whether some additional roadworks should be carried out in advance of overlay works with a view to minimising future flooding risks. As a result of this requirement it is unlikely that the proposed works will be carried out until after the summer season.
- Overlay works are planned for Bealaha on the N67. Ideally a length of watermain needs to be replaced in the same section of road in advance of any overlay works and a request in this regard has been submitted to Irish Water – a response is awaited. It is, therefore, unlikely that it will be possible to carry out the overlay works prior to the autumn.

- The other two Overlay Projects which are likely to receive approval during this year are at Rushaun to the west of Kilnamona on the N85 and on the N68 as one enters Kilrush. Again it is likely to be the autumn before these works are implemented.
- Approval has been confirmed recently to facilitate provision of a new footpath and pedestrian crossing on the N68 Ennis to link the roundabout near O'Sullivan and Hansburys with Rockmount Cross. There is a possibility that this work could be carried out during the summer period (not during the Fleadh in August) but it is more likely that the works will not be feasible until the autumn.

The T.I.I. appointed contractor now takes responsibility for all aspects of Motorway Maintenance and Management including in relation to signage – in strict compliance with T.I.I. policies pertaining to motorway signage - I'm not aware of any plans to provide additional signage along the M/N18 in 2016.”

T. Tiernan, Senior Engineer reported that work was expected to begin on the N67 at Rineen in early May and this work should be completed within 2/3 weeks.

Item 16: C.I.S. and L.I.S.

Ar moladh Cllr. J. Cooney
Cuidithe ag Cllr. J. Breen agus glacadh leis

“That Clare County Council outline how much funding has been allocated for C.I.S and L.I.S schemes throughout the county for 2016 and write to the department looking for extra funding to upgrade these roads as some of them are in a very poor condition after the very severe winter.”

Tom Tiernan, Senior Engineer Transportation replied as follows:

“A sum of €325,822 is allocated in 2016 for Community Involvement Schemes – as is detailed in the Schedule of Municipal District Works (S.M.D.W.) for this year which was approved at all four Municipal District Meetings held in March. A notice will be placed in the local press in the coming days inviting submission of C.I.S. applications. The closing date for receipt of such applications will be May 20th next.

Notwithstanding the fact that the Department of Transport in its grant allocations incorporated an option to allocate up to 15% of the Discretionary Grant to Local Improvement Schemes, this option wasn't availed of and so there is no allocation for Local Improvement Schemes in Clare in 2016. This is because funding levels over the past number of years have become so depleted that it would be inappropriate for the Council to fund roadworks for which it doesn't have responsibility at the expense of roads for which it does have responsibility.

At the March, 2016 Clare County Council monthly meeting, a resolution was passed to seek approval to draw down a loan of €1.6m. to facilitate implementation of Local Improvement Schemes in the county. Following on from same, the Council is presently liaising with the Department with a view to confirming approval to proceed to secure this loan.”

Cllr. J. Cooney asked that any funds coming available would be applied to rural roads to support the rural population.

Item 17: Estates taken in charge.

Due to the absence of Cllr. M. Hillery this notice of motion was proposed by Cllr. T. McNamara and seconded by Cllr. C. Crowe and agreed by the members present.

"That Clare County Council would provide information on the following:

1. Provide name of estates taken in charge to date in 2016?
2. Provide name of estates likely to be taken in charge in 2016?
3. List the main problems encountered in taking in charge of estates?
4. What amount of funding is provided by the government in 2016 for the taking in charge of estates?
5. Where management companies are required by Planning Permission and do not exist, what approach will the council take in these situations?"

Bernadette Haugh, Administrative Officer, Planning and Enterprise Development replied as follows:

Provide name of estates taken in charge to date in 2016?

- Ard Donagh, Ennistymon
- Beechlawn/The Sidings, Ennistymon Road, Lahinch
- Arda na Deirge, Killaloe (Phase 1)
- Rockmount Grove, Ballybeg
- Chuir an Droichead, Sixmilebridge
- Woodstock Drive, Shanaway Road
- Woodstock View, Shanaway Road

Provide name of estates likely to be taken in charge in 2016?

The Planning Authority has prepared a tentative list of residential housing developments that are progressing to Taking in Charge and that we anticipate will be subject to taking in charge in 2016. However, it is considered premature to release such information into the public domain at this point as to do so would generate expectations and if misinterpreted could also prejudice ongoing claims on surety bonds etc. The Planning Authority has committed to commencing the statutory process on 20 estates in 2016 and expects to meet, if not, exceed this target.

List the main problems encountered in taking in charge of estates?

It is difficult to list the problems encountered in estates as each residential development is different and presents a different range of complexities. In general the planning authority encounter delays/difficulties in progressing Taking in Charge as a result of the following:

- Lack of engagement from Bondholders
- Developers who do not have the financial resources to complete works but whose company status remains “trading as normal”. This leads to difficulties in claiming bonds
- Lack of or insufficiency of available bonds
- Cost associated with bringing Waste Water Treatment Plants and other Developer Provided Infrastructure to an acceptable standard for Taking in Charge and the future maintenance costs associated with same
- Implications associated with services i.e. public lighting, pipe network etc. being located in private property and future maintenance issues regarding same

What amount of funding is provided by the government in 2016 for the taking in charge of estates?

The Government announced a funding initiative to accelerate the Taking in Charge of Residential Housing Developments in February 2016. A copy of the press release is attached for your information. To date Clare County Council has not been notified of its allocation and a further circular is awaited from the Department in this regard.

Where management companies are required by Planning Permission and do not exist, what approach will the council take in these situations?"

As it currently stands there are developments i.e. gated developments, apartments, holiday homes which are required to have a management company in place for the future management/maintenance of the development. In some cases developers have included this requirement as a condition in the contract of sale of units within such developments.

Where a requirement for a management company arrangement is included as a condition of the relevant planning permission, the Planning Authority can take enforcement action to secure compliance with this condition and when the Developer is seeking a release of the bond, he/she is required to produce confirmation as to the viable existence of the management company before any consideration is given to the release of the bond.

A policy relating to holiday home developments in which it acknowledged the requirement for management companies for such developments and the issues surrounding same was adopted by the full Council on 7th March 2016 and will be applied to holiday home developments hereafter.”

Item 18: Election posters.

Ar moladh Cllr. P. Daly

Cuidithe ag Cllr. J. Breen agus P. McMahon agus glacadh leis

“We call on the Government to ban Election posters in future elections”.

As a number of members expressed their disagreement with a complete ban on the use of election posters for future elections, the Cathaoirleach called a vote on the proposal as submitted which resulted as follows:

For: Cllrs. J. Breen, P. Daly, A. Norton, T. McNamara, M. Howard, C. Colleran Molloy, P. Hayes, M. Begley, P. Burke, A. O’Callaghan, C. Crowe, G. Flynn, P.J. Ryan, M. McKee, B. Slattery, I. Lynch, P.J. Kelly, G. Keating. (18)

Against: Cllrs. J. Flynn, P. Murphy, J. Cooney, C. Curtin, B. Chambers. (5)

The motion as proposed was deemed carried.

Item 19: I.A.P. Ennis.

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

“That Clare County Council request I.D.A., in line with its recent purchase in Limerick of both the N.T.P. at Plassey and its commitment to purchase the Raheen Industrial Park, to purchase the I.A.P. at Ennis which is also owned by the Shannon Commercial Properties group in order to develop the 32 acre Technological Park that was planned by Shannon Development which was expected to create up to 5,000 jobs.”

The Cathaoirleach reported that both he and the Chief Executive had recently met with the I.D.A. and had asked that they give Shannon and Clare favourable attention for any future development.

Item 20: Housing.

Ar moladh Cllr. I. Lynch
Cuidithe ag Cllr. C. Curtin agus glacadh leis

“Following the recent figures presented at the J.P.C. in relation to domestic disturbances that

A) Clare County Council review it’s housing policy in relation to criteria permitting victims of domestic abuse access to social housing

B) Clare County Council request the Taoiseach to release the funds required to construct and refurbish housing in Shannon, Quilty, Doonbeg and Kilrush.”

Gerard Dollard, Director of Services replied as follows:

(a)The Social Housing Assessment Regulations 2011 sets out the manner in which a housing authority will determine a household’s qualification for support and the description and classification of its housing need. These Regulations came into force in April 2011 and housing authorities are required, from that date, to assess all applicants, in accordance with these Regulations.

One of the key differences, in this assessment process is that national eligibility has been set by legislation. This mandatory criteria must be applied by all housing authorities in assessing a household’s eligibility for social housing support. Therefore, prior to any consideration of the nature of a household’s housing need, the household must first comply with all of the relevant eligibility criteria. These criteria relate to:

- Residency status

- Income level
- Rent arrears
- The availability of alternative accommodation

Under the Regulations, a household must be deemed both eligible and in need in order to qualify for social housing support. If a household does not meet the eligibility criteria, it cannot qualify for social housing support. Accordingly each case - including the example outlined in the Motion of victims of domestic abuse - is assessed on its individual circumstances.

(b) The Council are in continuous communication with the Department of Environment, Community and Local Government, Ballina with regard to progressing the Housing Capital Programme and following a recent meeting, I set out hereunder the current position on the Schemes referred to:

1. Construction of 10 social housing units at Quilty: Departmental approval has been given to appoint a design team to progress this project;
2. Construction of 21 social housing units at Shannon: The Department are currently analysing the total cost of this project before issuing approval to proceed to Planning stage;
3. 10 houses for the elderly at Doonbeg by Kilkee Voluntary Housing Association: A design team has been appointed and this project will now proceed to Planning stage;
4. The Council are currently refurbishing a number of houses in Kilrush under the Energy Efficiency and Vacant Stock Programme and these works are in progress.

In response to queries raised L. Cleary, Senior Executive Officer, Housing Department, reported that the Council were obliged to follow the “Social Housing Regulations 2011”. The Council has a very close working relationship with Clare Haven Services and accommodate and find solutions on a case by case basis. The criteria set out for provision of housing does not generally cause a delay – it is caused by the supply available.

Item 21: Shannon Airport Marketing Campaign.

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

“That this council requests the Shannon Airport Authority increase their marketing campaign to counteract the D.A.A.'s advertising campaign in this area.”

It was agreed that a letter would be sent to the Minister for Transportation highlighting the concern of the Council on this matter.

It was agreed that as Items 22 and 25 relate to the same matter that both items would be taken together.

Item 22: Revenue Section.

Ar moladh Cllr. A. Norton
Cuidithe ag Cllr. G. Flynn agus glacadh leis

“In their dealings with the general public, Revenue are directing all queries to an online system called My Account. To open such an account you need 2 of 3 documents, Drivers Licence, P60 or Income Tax Statement. Not everyone has these available. The site states that once you register access is then instant. This is not the case as the password required to access the account is then posted to you within 5 working days and longer in cases.

If you phone any Revenue Section you are put on hold for at least 20 minutes with a continuous by the minute count down and on each minute a recorded recommendation to access MY Account to deal with your query. It is impossible to get a direct line to anyone. It is impossible to get a simple question answered.

The service available to the public is not adequate for a major organ of the State.

With this in mind I am requesting that Clare County Council write to the Revenue Commissioners expressing our dissatisfaction with the current system and requesting that they put an adequate system in place with direct contact numbers and answering of phones within a timely manner.”

Item 25: Revenue.

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

“That The Minister For Finance (acting) advise the Revenue Section to be more sensitive in how they conduct their business with the members of the public in view of the stress some sections are under due to the economic collapse and health issues that can be very difficult to deal with and in some cases can be very intimidating as Face to Face meetings are difficult to arrange when trying to Clarify Liabilities or Not.”

Item 23: Tulla Ceilí Band.

Ar moladh Cllr. A. O’Callaghan
Cuidithe ag Cllrs. P. Hayes agus T. O’Brien agus glacadh leis

“I propose that Clare County Council hold a reception to honour the Tulla Ceilí Band 70th year in existence to recognise their contribution to the world of traditional Irish music, both at home and abroad.”

Item 24: Solar Energy.

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

“To ask the C.E.O. of Clare County Council to invite outside experts to brief Councillors on Solar Energy in view of its potential to contribute to meeting our Climate Change 2020 obligations.”

Gerard Dollard, Director of Services replied as follows;

“There have been a number of developments in Solar photovoltaic (PV) (using solar to produce for electric rather than thermal energy), in particular

- The capital cost of electricity production from PV panels has significantly reduced, and
- Ireland is reviewing its REFIT programme at present and it is thought that a REFIT rate that would promote commercial PV production will be offered

Data for solar irradiance in County Clare and the rest of Ireland is published by a number of sources including S.E.A.I., Met Eireann and external bodies such as E.U. project sites and N.A.S.A. For County Clare the general range of solar irradiance is between 800 - 1200 kWh/ m²/year.

In 2014 Clare County Council was one of the first Local Authority’s to prepare and adopt proactive plan-led approach to Solar Energy through the preparation of the “*County Clare Renewable Energy Strategy 2014-2020*” which *inter alia* provided for specific objectives to facilitate the development of thermal solar and PV in suitable locations. Arising from this a number of proposals for Solar Energy are at pre-planning stage.

All of the above emphasises the significant potential for the sustainable and plan-led development of Solar Energy in County Clare to contribute to meeting our Climate Change obligations.

The Limerick-Clare Energy Agency (L.C.E.A.), part-funded by Clare County Council, provides energy services to the Local Authority, all economic sectors and the general public, and promotes and facilitates efficiency and sustainability in the production and consumption of energy. It is respectfully suggested Pat Stephens, Manager of the L.C.E.A. would brief the Elected Members on the potential for Solar Energy in County Clare.”

Item 26: Driving behaviour.

Ar moladh Cllr. A. O’Callaghan
Cuidithe ag Cllr. P. Hayes agus glacadh leis

“In light of the recent behaviour on our roads from boy racers and their dangerous antics, I call on this council to write to the Minister to legislate tougher laws to stamp this out once and for all. With Garda Síochana at limited resources, this problem needs to be addressed.”

At this point in the meeting, the time approached 6.30 p.m. the Cathaoirleach proposed that the meeting be extended by 15 minutes in order to deal with all items on

the agenda and to allow the outgoing Chief Executive, Tom Coughlan to address the meeting. This proposal was agreed by all present.

Item 27: National Children's Hospital.

Ar moladh Cllr. A. Norton

Cuidithe ag Cllrs. T. McNamara agus P.J. Ryan agus glacadh leis

“The members of Clare County Council call on the Minister for Health to reverse the decision to locate the National Children's Hospital at St. James's Hospital and instead to locate the new Children's Hospital for all the children of Ireland at Connolly Hospital in Blanchardstown.

The Connolly site offers 145 acres, vast space for expansion, easier access for the children of County Clare and extensive parking. The co-location with Connolly Hospital and the new Rotunda Maternity Hospital will result in better clinical outcomes. It will be cheaper and faster to build than on the St. James's site.”

Cllr. J. Flynn wished that his dissent to the proposal as submitted be placed on record as he feels that a better solution and location can be found to those proposed.

Item 28: Comhfhreagras.

- The Cathaoirleach took the opportunity to congratulate the Clare Senior Hurling Team on their recent win over Kilkenny and paid tribute to Cllr. J. Cooney, as Chairman of the County Board.
- The Cathaoirleach wished Cllrs. M.Howard and J. Crowe well in their bids to obtain a seat in Seanad Éireann.
- Cllr. P.J. Ryan wished Cllr. T. McNamara a speedy recovery during his time in hospital. These sentiments were echoed by all present.
- At this point, Chief Executive, Tom Coughlan joined the meeting and all members spoke and paid tribute to the retiring Chief Executive and wished him health and happiness in the years to come. His ability to work with both Councillors and outside agencies using a very calm partnership approach was highlighted and members were pleased to note that he would remain on the Shannon Group Board and are confident that he will continue to work for the betterment of the County.
- The Chief Executive thanked all members for their support and assistance during his time as Chief Executive for the past 7 years. He spoke of the happy memories he has in Clare since he arrived in 1995. He also took the opportunity to thank the media for their assistance during the past 7 years.

The following correspondence was circulated with the agenda:

1. Correspondence dated 7th March, 2016 from the Department of Health concerning the possible availability of G.P. services in traditional centres.
2. Correspondence dated 14th March, 2016 from the Department of Environment, Community and Local Government in relation to planning legislation.

3. Correspondence dated 7th April, 2016 from the Policing Authority regarding the preparation of a Code of Ethics for the Garda Síochána.
4. Notice of publication of the Draft National Wastewater Sludge Management Plan and associated S.E.A. Environmental Report and Natura Impact Statement.
5. Resolution adopted by Sligo County Council concerning the introduction of a sugar awareness day as part of a national health promotion campaign.
6. Conference entitled “Auditing and Governance in Local Government” taking place in the Four Seasons Hotel, Carlingford, Co. Louth on 15th – 17th April, 2016.
7. Training Seminar for Councillors entitled “The Seanad and the Councillor” taking place in the Millrace Hotel, Bunclody, Co. Wexford on 15th and 16th April, 2016.
8. Achilles Annual Conference 2016 taking place in the Royal Marine Hotel, Dun Laoghaire, Co. Dublin on 21st April, 2016.
9. Two-day Microsoft Excel Workshop for Councillors taking place in Clonakilty Hotel, Clonakilty, Co. Cork on 27th - 29th April, 2016.
10. A.I.L.G. Annual Conference 2016 taking place in Buncrana, Co. Donegal on 5th and 6th May, 2016.
11. Training Seminar entitled “Changing trends and approaches to drug and alcohol abuse” taking place in the Radisson Blu Hotel, Little Island, Cork on 6th – 8th May, 2016.
12. Conference entitled “Registration and Inspection of Septic Tanks” taking place in the Clonakilty Hotel, Clonakilty, Co. Cork on 13th – 15th May, 2016.
13. Conference entitled “Domestic Water Saving and Conservation Techniques” taking place in the Clonakilty Hotel, Clonakilty, Co. Cork on 20th – 22nd May, 2016.
14. Environmental Services Training Group Annual Conference 2016 entitled “Future Challenges and Opportunities for the Environment” taking place in the Hodson Bay Hotel, Athlone on 26th May, 2016.

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.

Conference entitled “Housing Grants and Schemes” taking place in the Clonakilty Hotel, Clonakilty, Co. Cork on 22nd – 24th January, 2016.

The Meetings Administrator informed the Members that the estimated average cost per Councillor attending this Conference was €576.40 including conference fee of €100.

It was agreed that Cllr. J. Cooney attend this Conference.

Conference entitled “E.U. Cohesion Policy 2014-2020” taking place in the Clonakilty Hotel, Clonakilty, Co. Cork on 5th – 7th February, 2016.

The Meetings Administrator informed the Members that the estimated average cost per Councillor attending this Conference was €576.40 including conference fee of €100.

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

A.I.L.G. “In Service” Training taking place in the Tower Hotel, Waterford on 13th February, 2015.

The Meetings Administrator informed the Members that the estimated average cost per Councillor attending this Conference was €344.05 including conference fee of €50.

It was agreed that Cllrs. G. Keating and B. Slattery attend this Conference.

Local Authority Safety Services Conference taking place in Bloomfield Hotel, Mullingar on 18th February, 2015.

The Meetings Administrator informed the Members that the estimated average cost per Councillor attending this Conference was €368.33 including conference fee of €50.

It was agreed that Cllrs. M. Begley, P. Burke and J. Cooney attend this Conference.

Local Authority Members Association (L.A.M.A.) Spring Training Seminar entitled “Planning & Flood Plains Insurance & Finding Solutions” taking place in Sligo Park Hotel, Pearse Road, Sligo on 1st and 2nd April, 2016.

The Meetings Administrator informed the Members that the estimated average cost per Councillor attending this Conference was €622.82 including conference fee of €160.

It was agreed that Cllrs. C. Colleran Molloy, A. Norton, R. Nagle, P. McMahon, T. O’Brien, T. McNamara, P. Daly, P.J. Ryan, M. Begley, P.J. Kelly, P. Murphy, G. Keating, M. Howard, J. Cooney, B. Slattery and P. Burke attend this Conference.

Conference entitled “Auditing and Governance in Local Government” taking place in the Four Seasons Hotel, Carlingford, Co. Louth on 15th – 17th April, 2016.

The Meetings Administrator informed the Members that the estimated average cost per Councillor attending this Conference was €748.30 including conference fee of €100.

It was agreed that Cllrs. P.J. Ryan and P. Burke attend this Conference.

Annual Construction Law Conference taking place in the Atrium, Distillery Building, Church Street, Dublin 7 on 22nd April, 2016.

The Meetings Administrator informed the Members that the estimated average cost per Councillor attending this Conference was €37.67 including conference fee of €125.

It was agreed that Cllr. C. Colleran Molloy attend this Conference.

A.I.L.G. Annual Conference 2016 taking place in Bunrana, Co. Donegal on 5th and 6th May, 2016.

The Meetings Administrator informed the Members that the estimated average cost per Councillor attending this Conference was €37.67 including conference fee of €125.

It was agreed that Cllrs. A. O'Callaghan, B. Chambers and C. Curtin attend this Conference.

A.I.L.G. Training taking place in Cavan on 23rd June, 2016.

The Meetings Administrator informed the Members that the estimated average cost per Councillor attending this Conference was €92.54 including conference fee of €50.

It was agreed that Cllr. C. Curtin attend this Conference.

The meeting then concluded.

Signed: _____
Riarthóir Cruinnithe

Signed: _____
Cathaoirleach

Date: _____