

**Minutes of the March Monthly Meeting of Clare County Council  
held in the Council Chamber, Áras Contae an Chláir, New Road, Ennis, Co. Clare  
on Monday, 7<sup>th</sup> March, 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, P. Hayes, M. Begley, T. O'Brien, P. Burke, A. O'Callaghan, C. Crowe, J. Crowe, G. Flynn, M. McKee, C. Curtin, R. Nagle, B. Slattery, I. Lynch, M. Hillery, P.J. Kelly, B. Chambers, G. Keating.

- Mr. Tom Coughlan, Chief Executive.
- Ms. Carmel Greene, Meetings Administrator.
- Ms. Siobhan Garvey, Staff Officer.
- Mr. Ger Dollard, Director of Service.
- Ms. Anne Haugh, Director of Service.
- Mr. Niall Barrett, Head of Finance.
- Mr. Tom Tiernan, Senior Engineer.
- Mr. Adrian Kelly, Chief Fire Officer.
- Ms. Jason Murphy, Senior Executive Officer.

The Cathaoirleach, Cllr. James Breen presided.

At the outset, Cllr. B. Chambers proposed that the Council approve the attendance of the Cathaoirleach Cllr. J. Breen to represent the County at the upcoming Clare Association's 50<sup>th</sup> Anniversary celebration in Gaelic Park, Chicago, U.S.A., on the kind invitation issued by the Clare Association of Chicago. This was seconded by Cllr. P.J. Kelly and agreed by all present.

It was proposed that the April monthly meeting would take place on Monday, 18<sup>th</sup> April, 2016. This was agreed by all members present.

The Chief Executive took the opportunity to welcome Ms. Carmel Greene to the meeting who consequent to the retirement of Michael McNamara had recently taken up the role of Meetings Administrator. He also welcomed Mr. Jason Murphy who had recently joined Clare County Council as Senior Executive Officer in Human Resources.

The Cathaoirleach advised the meeting that an invitation had issued from the President of the University of Limerick, inviting all members of Clare County Council to visit the University of Limerick on the 14<sup>th</sup> April, 2016 at 2:30 p.m. It was proposed by Cllr. C. Curtin and seconded by Cllr. R. Nagle and agreed by all members present that this kind invitation should be accepted.

**Votes of sympathy.**

A vote of sympathy was extended to the following:

- The family of the late Bridget McNamara, Scariff. R.I.P (Aunt of Cllr. Joe Cooney).
- Kieran O'Callaghan (Council employee) and family on the death his father Denis O'Callaghan R.I.P.
- Mr. Colm Carcaterra and family, Killaloe on the sudden and untimely death of his wife, Gemma R.I.P (Director of Glór).

**Item 1: Minutes of Council Meetings.**

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

“That the Minutes of the February Meeting of Clare County Council held on 8<sup>th</sup> February, 2016 be adopted and signed.”

**Item 2: Minutes of Municipal District Meetings.**

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

“That the Minutes of the Ennis Municipal District Meeting held on the 2<sup>nd</sup> February, 2016 be noted.”

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

a. Ar moladh Cllr. G. Flynn  
Cuidithe ag Cllr. T. McNamara agus glacadh leis

“That the minutes of the Planning & Housing S.P.C. meeting held on 4<sup>th</sup> November, 2015 be noted.”

b. Ar moladh Cllr. B. Chambers  
Cuidithe ag Cllr. P. Hayes agus glacadh leis

“That the minutes of the Cultural Services & Arts S.P.C. meeting held on 8<sup>th</sup> December, 2015 be noted.”

**Item 4: Minutes of the Corporate Policy Group Meetings.**

The members noted the minutes of the meeting held on 1<sup>st</sup> 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.

In response to a number of queries raised, T. Tiernan, Senior Engineer advised the meeting that it is expected that works on the N67 (Rineen) will commence within the coming 4 weeks and will be completed within a 3 month period, and are to be funded by Transport Infrastructure Ireland. Works are also continuing on storm damage repairs and a funding application will be submitted by 29<sup>th</sup> April, 2016 for the second tranche of funding on offer for preventative works.

G. Dollard, Director of Service reported that a number of house purchases are in the process of being completed and that although there are some delays encountered when completing some purchases, the contract price agreed at the start of the process remains in place until the sale is completed.

In response to queries raised, A. Haugh, Director of Service advised the meeting that water supply improvements for parts of Clare have been included as part of the Limerick scheme under the recently announced Irish Water Capital Programme as Irish Water are now dealing with areas on a regional basis as opposed to on a county basis. An average 40% failure rate on septic tank inspections is in line with national average and the E.P.A. is determining the areas in which the Council is to focus on in inspections.

The Cathaoirleach advised the members that a meeting has been scheduled between Clare County Council and Limerick City and County Council with regard to issues of mutual concern, including the proposed Limerick Northern Distributor Road.

**Item 6: Report from Audit Committee on Local Government Auditors Report for 2014.**

Report dated 1<sup>st</sup> March, 2016 from Mr. Tom Kirby, Chairman of the Clare Audit Committee was circulated with the agenda together with a copy of the Local Government Statutory Audit Report for year ended 31<sup>st</sup> December, 2014.

In response to a number of queries raised, G. Dollard, Director of Services reported that the Cliffs of Moher is in the ownership of Clare County Council. Any loans taken out to develop the attraction has been done so by Clare County Council and in recent years significant efforts are made in reducing loan balances. He also advised that loans for purchase of land for housing can be funded when the schemes come to fruition.

A. Haugh, Director of Service clarified that the sum of €540,000 identified as being already spent on Blake's Corner, relates to the purchase of property at this location.

Members noted that it is a positive Audit Report and Cllr. P. Hayes, member of the Audit Committee wished to acknowledge the support of the staff of the Local Authority who assist the Audit Committee members to carry out their duties.

**Item 7: Limerick Hinterland Study.**

Report dated 29<sup>th</sup> February, 2016 from G. Dollard, Director of Service was circulated with the agenda. The report advised that the Limerick Hinterland Study was commissioned by Limerick City and County Council to examine the impact of Limerick regeneration on its hinterland. In response to its findings, the Department of the Environment, Community and Local Government has now advised the Council that a sum of €500,000 is being made available to Clare County Council and that this sum must be matched by the local authority.

The Limerick Hinterland Study examined the profile of 22 selected settlements within the hinterland of Limerick City and explores the relationship between these settlements and the City on the basis of key socio economic indicators.

In relation to County Clare, the relevant areas are as follows:

- Limerick City and suburbs
- Parteen
- Ennis Legal Town and its environs
- Killaloe
- Shannon Legal Town

These are the areas which must be considered in the context of the funding provided to Clare County Council.

The report presented recommended that the Council would make a submission to the Department to fund the following projects:

- Provision of playground facilities in the Westbury/Parteen area - €200,000.
- Development of amenity and recreation spaces in Limerick Environs area - €100,000.
- Implementation of elements of the Shannon Green Infrastructure Plan - €100,000.
- Provision of Cycleways, Smart Travel Initiatives in Ennis - €100,000.
- Provision of a car park in Killaloe - €250,000.
- Development of a park at Tobermurragh/Bane's Field Killaloe - €150,000.
- Extension of walking routes between Killaloe and Ogonnelloe - €100,000.

G. Dollard advised the meeting that he was recommending that the following amendments be made to the allocations outlined in the report as distributed to members. The sum of €100,000 being allocated towards the provision of Cycleways, Smart Travel Initiatives in Ennis to be increased to €200,000 and that sum allocated towards the provision of a car park in Killaloe to be reduced from €250,000 to €150,000. This amendment was agreed by all members present.

The following proposal was then submitted to the meeting signed by Cllrs. C. Crowe, M. McKee, G. Flynn and J. Crowe;

“That Clare Co. Council “shave” a small sum of money off each of the proposed projects of the Limerick Hinterland Study so that a linking footpath in Meelick Village and a modest playground can be provided for.”

G. Dollard advised members that details of the proposed projects are required to be submitted to the Department by the end of March for final approval and suggested to members that the sum of €15,000 be taken from each of the 7 project allocations proposed and used to fund the proposal as submitted to the meeting. This was agreed by all members present.

The revised and agreed list of projects for submission to be made to Department of Environment, Community and Local Government is as follows:

- Provision of playground facilities in the Westbury/Parteen area - €185,000.
- Provision of playground and footpath in Meelick area - €105,000
- Development of amenity and recreation spaces in Limerick Environs area - €85,000.
- Implementation of elements of the Shannon Green Infrastructure Plan - €85,000.
- Provision of Cycleways, Smart Travel Initiatives in Ennis and at Gillogue/Garraun - €185,000.
- Provision of a car park in Killaloe - €135,000.
- Development of a park at Tobermurragh/Bane's Field Killaloe - €135,000.
- Extension of walking routes between Killaloe and Ogonnelloe - €85,000.

#### **Item 8: Designated Urban Centre Grant Scheme 2014-2020.**

Report dated 29<sup>th</sup> February, 2016 from G. Dollard, Director of Service was circulated with the agenda together with map. The Council was requested to submit applications under the above Scheme in

respect of Gateway and hub towns within its administrative area. Consequently, applications were prepared in relation to Shannon (Limerick-Shannon Gateway) and Ennis (hub town).

The application for the Limerick-Shannon Gateway was processed through Limerick City and County Council who are the lead authority for the Gateway.

The following applications were submitted and were subsequently approved by the Southern Regional Assembly:

- Clare County Library - €1m. grant approved;
- Shannon Town Park - €400,000 grant approved;

It is necessary in both of the cases above that matching funding be provided by the local authority. The Council, at its January meeting, approved the making of a loan application to provide the necessary funding in respect of the County Library project, the overall of which is estimated at €8.5m.

In relation to the Shannon Town Park project, it is recommended that the matching funding be provided from the local authority's own resources which should be available to the Council following the finalising of the Annual Financial Statement for 2015.

This was proposed for adoption by Cllr. G. Flynn, seconded by Cllr. J. Flynn and agreed by all members present.

#### **Item 9: Report from Standing Orders Sub Committee.**

Report dated 23<sup>rd</sup> February, 2016 from M. McNamara, Senior Executive Officer was circulated with the agenda. The report states that Standing Orders were discussed and agreed at a recent meeting of the Standing Orders Sub-Committee.

- Item No. 1 on the Council Meeting agenda - this has traditionally been the Irish language only. It was agreed that from hereon this would be printed bi-lingually and this requires an amendment to standing orders.
- The meeting discussed the content of Standing Order No. 14 and Standing Order No. 16 and agreed that it must be re-iterated to the members that the content of both of these Standing Orders must be adhered to by all members at all times.
- In relation to deputations, the meeting agreed that the procedure as set out in Standing Order Nos. 60 and 61 should be adhered to at all times in relation to deputations and it was re-iterated that it was a matter for the Council to decide when the Council could go into committee to discuss a particular item or to hear a particular deputation.
- In relation to Standing Order No. 63 it was noted that 35 is the maximum number that can be seated in the public gallery in the Chamber at present and it is proposed that Standing Order No. 63 is to be amended. Notice is to be put up to that effect. This is also in compliance with Health & Safety provisions. Standing Order No. 63 will require amendment to include the maximum number of 35 persons to be seated in the gallery.

“That pursuant to the provisions of Section 44, Schedule 10, Article 16 of the Local Government Act, 2001, the revised Standing Orders as circulated with the Agenda be adopted for the regulation of the proceedings and business of Clare County Council. These Standing Orders are effective from 7<sup>th</sup> March, 2016.”

Cllr. G. Flynn proposed that the two amendments be made to Standing Orders. This was seconded by Cllr. B. Chambers. As all members were not in agreement, the Cathaoirleach called a vote on the proposed amendments, which resulted as follows:

**For:** Cllrs. J. Breen, P. Daly, A. Norton, T. McNamara, M. Howard, P. Hayes, M. Begley, P. Burke, A. O’Callaghan, G. Flynn, M. McKee, C. Curtin, B. Chambers, G. Keating (14)

**Against:** Cllrs. J. Flynn, C. Colleran Molloy, C. Crowe, I. Lynch, P.J. Kelly (5)

Abstentions: Nil (0)

The Cathaoirleach declared proposal to amend standing orders carried.

**Item 10: Holiday Home Developments – Taking in Charge Policy.**

Report dated 10<sup>th</sup> February, 2016 from Gerard Dollard, Director of Services was circulated with the agenda. The report states that at the November 2015 Council meeting, the Members passed a motion asking that the policy regarding the taking in charge of holiday home developments would be reassessed.

A report was furnished to the S.P.C. on Planning & Housing for its meeting on 3<sup>rd</sup> February, 2016 and the matter was given detailed consideration by the Committee. There are a multiplicity of issues impacting on this area including:

- Planning permissions requiring the establishment of management companies for the maintenance of holiday home developments.
- Failure of the management company structure to adequately address this issue in many cases.
- The introduction of property tax which is applicable to permanent residences and holiday home developments.
- Former holiday home developments that now comprise a mix of permanent/holiday residences.
- Clarity from a legislative perspective regarding the status of holiday homes versus homes of permanent occupation.

Holiday homes forming part of a small complex that are being let for commercial purposes is relatively straightforward and it is not envisaged that such type of development would be taken in charge by the local authority. However, the issues listed do give rise to more complex situations. The S.P.C. has given detailed consideration to the issue and the outcome of that discussion is as follows:

- Where developments are operated entirely as holiday home developments and are let as part of a commercial business, that same would not be taken in charge by the local authority.
- In relation to the Council’s approach to taking in charge, that the priority would be given to the developments comprising of permanent homes.
- Consideration would also be given to taking in charge of developments where the development may be a holiday home development but there is evidence of a significant level (in excess of 50%) of permanent occupancy on the development.
- The law to be further clarified regarding the status of holiday homes as part of overall statutory taking in charge arrangements.

The report recommended that the Council would proceed on the above basis and review the position from time to time in line with any change in circumstances.

The report as presented was proposed by Cllr. G. Flynn, seconded by Cllr. I. Lynch and agreed by all members present.

**Item 11: Interim Report on Annual Financial Statement 2015.**

A report dated 29<sup>th</sup> February, 2016 from Niall Barrett, Head of Finance was circulated with the agenda. The report states that work is progressing on the preparation of the Annual Financial Statement (A.F.S.) for 2015. At this stage it is evident that the results for the year will be favourably impacted by two significant once off items. Net N.P.P.R. income for the year is circa €0.95m. greater than budget. This reflects an increase in activity in the housing market which in turn led to a number of cases where individuals settled outstanding N.P.P.R. liabilities. In addition progress was made in reducing the amount of outstanding rates due to the Council. Overall the amount of gross rates receivables has been reduced by circa €1.5m. with a similar positive impact on results for the year.

Recently the Council has been provided with grant funding which require matching funding. These are the grant funding related to the Hinterland Study, the Designated Urban Centre Grant Scheme and the REDZ grants. The total matching funding requirement is €46k. It is proposed that this matching funding requirement is provided for in finalising the 2015 A.F.S.

In addition it is proposed to include funding for certain projects in the A.F.S., and the report set out proposals in relation to the projects to be funded.

Roads Funding (L.I.S./Hedge Cutting, etc.)	€400,000
Funding for Holy Island acquisition	€200,000
Funding for Doolin Pier visitor facilities	€200,000
Ennis Town Centre Improvements	€200,000
Public Lighting – Improvements	€150,000
County Library Stock Improvement	€100,000
Burial Ground Improvements	€100,000
Taking in Charge	€100,000
Fire Station Improvements – Kilkee	€50,000
Kilrush Cycle Paths	€50,000

The report as presented was proposed by Cllr. G. Flynn, seconded by Cllr. J. Flynn and agreed by all members present.

**Item 12: Draft Annual Service Delivery Plan 2016.**

Report dated 1<sup>st</sup> March, 2016 from Michael McNamara, Senior Executive Officer, Corporate Services was circulated with the agenda. The report states that Section 50 of the Local Government Reform Act 2014 requires each local authority to prepare an Annual Service Delivery Plan identifying the services intended to be provided by it to the public.

The Council's Draft Service Delivery Plan was attached to the report.

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

“That pursuant to the provisions of Section 50, of the Local Government Act, 2001, Clare County Council hereby adopts the Annual Service Delivery Plan.”

**Item 13: Provision of adequate roads.**

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

“That we the members of Comhairle Contae an Chláir, mindful of the 1916 Proclamation statement to cherish all the people of the nation equally, hereby propose to raise a loan of €1.6m. in order to assist in the provision of adequate roads for the many families who previously benefitted under the now abandoned local improvement scheme and community roads scheme.”

A discussion took place with regard to the void created since the Local Improvement Scheme and Community Roadwork’s Scheme were withdrawn a number of years back. The Chief Executive reminded members that the approval to raise a loan was a reserved function but would also require approval from the Minister as is the case with all loan approvals. As general agreement could not be reached with regard to this proposal, a vote was called, which resulted as follows:

**For:** Cllrs. J. Breen, J. Flynn, P. Daly, T. McNamara, M. Howard, P. Murphy, C. Colleran Molloy, P. Hayes, M. Begley, T. O’Brien, P. Burke, A. O’Callaghan, C. Crowe, J. Crowe, G. Flynn, M. McKee, C. Curtin, R. Nagle, B. Slattery, I. Lynch, M. Hillery, P.J. Kelly, B. Chambers, G. Keating (24).

**Against:** Nil. (0)

Abstentions: Nil. (0)

The Cathaoirleach declared the proposal to raise a loan carried.

**Item 14: Housing.**

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

“Homelessness, Housing Crisis & Re-Imagining and Re-populating our County towns and villages.

In light of the homelessness in Clare and with over 3,000 applicants on the Council Social Housing List that Clare County Council positively encourage the appropriate re-use of existing vacant and at times derelict non residential buildings, particularly in terms of encouraging people living and/or working in vacant shops and buildings in the existing Clare County Settlements of towns and villages by

- a) Re-use of buildings for Housing - recognising the existing zoning and it's comparable development levy value in terms of floor space for allowance against development levy for conversion to residential usage, and
- b) Policy Supports - having suitable effective objectives in the proposed Clare County Development Plan 2017-2023, and
- c) Financial Incentives - rates and development incentives for vacant and derelict buildings, and
- d) Re-Imagine our Town and Villages for relevance in 21st Century - develop an agreed authentic branding of clustering of Towns and villages around Creative Enterprises.

Following are just possible examples;

Sixmilebridge/Kilmurry/Kilkishen as for example a Marketing Enterprise Cluster;

Scarriff/Tuamgraney/Feakle as for example a Communication/Translation Enterprise Cluster;  
Lahinch/Liscannor/Ennistymon as for example for Artisan Food and Agri Food.

Ballyvaughan/Doolin/Lisdoonvarna as for example a Life Science Cluster.



Crusheen/Tubber/Tulla as for example Gaming/Multi Media Cluster.

Cratloe/Meelick/Parteen as for example Technical Support Cluster to Film and Video etc.

Miltown Malbay and Spanish Point/Quilty and Mullagh and Cree/Kilmaley and Inagh as clusters of Traditional Irish Music, Song and Dance

Ennis, Quin, Clarecastle, Barefield as for example Creative Industries/Arts/ Innovation.”

**Gerard Dollard, Director of Services replied as follows:**

“This motion covers issues in the area of Housing and general Economic Development.

The Members will be aware that the Council undertook a study of vacant houses in County Clare and on the basis of the last census some 11,782 houses were identified as being vacant throughout the county. The availability of some of these houses for permanent occupation would make a significant contribution to housing supply and alleviate problems being experienced in the Housing area. The Council has raised this matter at a national level and would feel that some type of incentive requires to be introduced to promote these properties. It is noted that changes introduced in 2016 provide for a higher level of interest relief on properties where they are let to a person in need of social housing.

The revitalisation of our towns and villages is also a priority objective for the Council and would form one of the central themes of the County Development Plan and other Plans being prepared such as the Local Economic and Community Plan. The Members are at present, at Municipal District level, engaging in discussions regarding the possible establishment of Town Teams in the county. The examples set out in the motion are ideas that can be further explored as Development Plans and other Plans are progressed.”

**Item 15: Loans.**

Ar moladh Cllr. P.J. Kelly

Cuidithe ag Cllr. C. Curtin agus glacadh leis

“That, with regard to data provided on item 12 of February 2016 meeting, the following additional information be provided:

- (a) The rate of interest charged by each lender on the date of loan grant
- (b) The present rate of interest charged
- (c) Whether loans were fixed rate of interest or variable
- (d) In the case of variable rates what is the present rate of interest
- (e) The financial impact of a 1% variation
- (f) If possibilities of better rates were explored elsewhere?”

**Niall Barrett, Head of Finance replied as follows:**

<b>Name of Financial Institution</b>	<b>Total Loans</b> €m		
Allied Irish Bank	€2.5	A	There are a number of loans from this lender dating back to the late 90's and early 2000's. The records

			for that time are not readily available, however based on market rates at the time the average starting rate is estimated at 4.3%
		B	0.47%
		C	The loans are currently variable rate.
		D	0.47%
		E	€14k on 1 years repayments
		F	See comment below.
Bank of Ireland	€0.2	A	The average starting rate was circa 2.44%
		B	1.14%
		C	Currently variable rate
		D	1.14%
		E	€2k on 1 years repayments
		F	See comment below.
DEPFA - FMS – WM Service Company	€3.8	A	2.842%
		B	1.71% average across all the loans.
		C	Part fixed and part variable
		D	0.3%
		E	€k on 1 years repayments
		F	See comment below.
European Investment Bank	€9.9	A	2.13%
		B	2.97%
		C	Fixed Rate
		D	n/a
		E	€99k
		F	See comment below.

Housing Finance Agency	€45.4	A	There are a large number of loans dating back to the 1980's. Based on initial rates for 90% by value of the loans the average starting interest rate was 3%
		B	Average 1.75%
		C	Currently variable
		d	Average 1.75%
		e	A substantial portion of these loans relate to mortgage / voluntary housing funding where an interest change will have a corresponding change in income. The net impact, taking a matching income change into account, is estimated at €173k.
		f	See comment below.
KBC Bank	€25.9	a	4.11%
		b	4.11%
		c	Fixed Rate
		d	n/a
		e	€185k
		f	See comment below.
Danske Bank	€6.1	a	Average rate of 2.5%
		b	0.34%
		c	Variable Rate
		d	0.34%
		e	€33k
		f	See comment below.
National Treasury Management Agency	€1.5	a	5.36%
		b	0.43%
		c	Variable Rate

		d	0.43%
		e	€15k
		f	See comment below.
Office of Public Works	€0.1	a	Average rate of 10.76% (based on current fixed rates applicable to these loans)
		b	Average 10.76%
		c	Fixed
		d	n/a
		e	€1k
		f	See comment below.
Ulster Bank	€6.1	a	There are a number of loans from this lender with part dating back to the late 90's. The records for that time are not readily available. Based on the greater part of the loans the starting interest rate was 3.55%
		b	2.06% average across all the loans
		c	Part fixed and part variable
		d	0.39%
		e	€35k
		f	See comment below.
Total	€101.5		

At the time a loan is being obtained the funding available for the purpose being funded, interest rates and loan terms are compared across different financial institutions.

The above balances are as at 30<sup>th</sup> September 2015.”

**Item 16: Sale of Land at Illaunmanagh, Shannon.**

Ar moladh Cllr. M. McKee

Cuidithe ag Cllrs. A. O’Callaghan, C. Colleran Molloy, C. Crowe agus J. Crowe agus glacadh leis

“That Clare County Council proceed with the sale of land at Illaunmanagh, Shannon, for the development of a crematorium.”

Cllr. M. McKee advised the meeting that this matter had been raised at a recent Shannon Municipal District meeting and that Cllrs. P. McMahon and P.J. Ryan had expressed their opposition to the sale of this land. As both Cllr. P. McMahon and Cllr. P.J. Ryan were currently out of the country they could

not participate in any debate. However, it had been agreed with them that should a vote be called on this matter that both Cllrs. C. Crowe and J. Crowe who were in favour of the sale of land would abstain from any vote in the interest of fairness and balance.

The following proposal was submitted to the meeting signed by Cllrs. G. Flynn and A. Norton which was read out by the Meetings Administrator:

“We propose that Item No. 16 be deferred to April or May Council meeting in view of the absence of Cllrs. McMahon and Ryan”.

As agreement could not be reached on this proposal, a vote was called which resulted as follows:

**For:** Cllrs. A. Norton, G. Flynn, C. Curtin, B. Slattery, I. Lynch, P.J. Kelly (6).

**Against:** Cllrs. J. Breen, J. Flynn, P. Daly, T. McNamara, M. Howard, P. Murphy, C. Colleran Molloy, P. Hayes, M. Begley, T. O’Brien, P. Burke, A. O’Callaghan, M. McKee, R. Nagle, M. Hillery, B. Chambers, G. Keating (17).

**Abstentions:** Cllrs. C. Crowe, J. Crowe. (2)

The proposal to defer the matter to the April or May meeting of Council was not carried.

At this point the Cathaoirleach called a vote on the substantive motion to proceed with the sale as previously agreed by the Council, which resulted as follows:

**For:** Cllrs. J. Breen, J. Flynn, P. Daly, T. McNamara, M. Howard, P. Murphy, C. Colleran Molloy, P. Hayes, M. Begley, T. O’Brien, P. Burke, A. O’Callaghan, M. McKee, C. Curtin, R. Nagle, M. Hillery, B. Chambers, G. Keating (18).

**Against:** Cllrs. A. Norton, G. Flynn, B. Slattery, P.J. Kelly (4).

**Abstentions:** Cllrs. C. Crowe, J. Crowe, I. Lynch (3)

The Cathaoirleach declared the proposal to proceed with the sale of the land carried.

### **Item 17: Audit of Fire Hydrants.**

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

"That Clare County Council undertake an audit of fire hydrants in the County and identify where new ones need to be installed."

#### **Adrian Kelly, Chief Fire Officer replied as follows:**

“In respect of Fire Hydrants in Co. Clare, the following are the current arrangements that are carried out by the Fire & Building Control Section.

At Planning Stage, the Fire Authority may advise the Planning Authority on any fire related matters, including the provision of water for firefighting purposes.

Under the Building Control legislation, Section 5.1 of Technical Guidance Document B of the Building Regulations, 2006 provides guidance on the location and number of hydrants to be provided for all new development works – this is reviewed by the Building Control Authority when assessing Fire Safety Certificate applications.

Each of the 7 Fire Stations carry out surveys on existing fire hydrants in their Fireground areas. Where issues are identified during the surveys or during operational use of hydrants, issues are raised with

Irish Water through the Water Services Section of Clare County Council. Prior to Irish Water, these issues would have been raised directly with the Water Services Section.

Where complaints are made or where we may have concerns about flow rates, surveys are carried out on particular areas and similar to above, where issues are identified they are forwarded via the Water Services Section to Irish Water.

In addition to having a pre-determined attendance of 2 Class B Fire Appliances to all structural fires carrying 3,600 litres of water, we also have 5 no. 9,000 litre water tankers strategically located throughout the county to supplement the initial deployment where required.”

Cllr. I. Lynch asked that the Chief Fire Officer assess the water pressure levels for fire cover in high rise buildings.

**Item 18: Coastal protection works.**

Ar moladh Cllr. M. Hillery

Cuidithe ag Cllr. B. Chambers agus glacadh leis

"That Clare County Council would provide an update on the coastal protection works planned for 2016 as to the likely starting dates and the funding allocated for each project."

**Tom Tiernan, Senior Engineer, Transportation replied as follows:**

“Coming into 2016 two significant contracts were ongoing at a number of locations on the Clare coastline as follows:

- Remediation of Seawall in Kilkee along with construction of associated terrace facilities – this was a continuation from the first phase of the same contract which was implemented prior to the summer of 2015 – the total close-out cost of the project will be in the region of €2.5m.
- Construction of a series of replacement seawall defences in the form of retaining walls at Whitstrand (Doonbeg), Rhynagonnaught, Carrowdotia (Moneypoint) and Cappagh (Kilrush) – total close-out cost of the project to be in the region of €1.6m.

Both of these projects will be completed within the next few weeks and at that point the remaining fund available following on from allocation of a total fund of €19m. as a result of the 2014 coastal storms will be €5.7m. The programme of works to be facilitated by this €5.7m is summarised under the following points:

- Kilcredaun – a reconstruction of 150m of seawall and the underpinning of a further 450m of existing seawall at an estimated cost of €500,000 – works to proceed towards the end of quarter 2 2016.
- Seawall and revetment remediation works at Doonmore at an estimated cost of €200,000 – works to be carried out during the 3<sup>rd</sup> quarter of 2016.
- Atlantic coastline/I.F.A. remediation projects to defend agricultural land – total allocation €500,000 – design works and environmental assessment ongoing – works to proceed in quarter 3 2016.
- Estuary coastline – allocation of €500,000 – Consultants to be appointed imminently with a view to implementation of works in 3<sup>rd</sup> and 4<sup>th</sup> quarters of 2016.
- Lahinch – the proposed works in Lahinch involve a significant upgrade of the revetment along the entire length of the promenade and ancillary works as well as the construction of a new revetment adjacent to the rear of a significant proportion of Main Street. A planning

proposal (Part 8) pertaining to the promenade section is likely to be on the April Council Meeting agenda for approval while a planning process pertaining to the more southerly section is to get underway shortly. Pending planning approval, it is envisaged that revetment construction works will get underway during the 2<sup>nd</sup> quarter of 2016. An allocation of €3.8m. is earmarked for works in Lahinch.

- The remaining €200,000 is a contingency sum and will deal with requirements of a lesser scale including the implementation of necessary remedial works at Carrowmore Pier.

**Item 19: Severe weather allocation.**

In the absence of Cllr. J. Cooney it was agreed that this notice of motion would be carried forward to the April monthly meeting.

“That Clare County Council outline where the severe weather allocation of €2.8 million will be spent and when will these works be carried out.”

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. This proposal was agreed by all present.

**Item 20: Service Level Agreements.**

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

“That the Chief Executive inform the elected members of the status of current Service Level Agreements with Clare County Council under the following sub-headings

- (a) Named service
- (b) Nos. involved
- (c) Funding
- (d) Relationship with parent body

and in the context of the specific arrangement with Irish Water that in any current or future re-configuration plans for the provision of water and waste water services in the county, the Council strongly recommends that the same level of service as heretofore be retained in each Municipal District with

- (i) the filling of any vacancy arising from retirement or other circumstances and
- (ii) no suppression of any existing post at time of changeover and consequently reassure all communities throughout Clare that there will be no diminution or loss of service to them in this sphere of central and local government activity.”

**Anne Haugh, Director of Services and Gerard Dollard, Director of Services replied as follows:**

**“Service Level Agreement between Clare County Council and Irish Water.**

- (a) With effect from 1<sup>st</sup> January 2014, Clare County Council has entered into a 12 year Service Level Agreement with Irish Water for the provision of certain water services functions for Irish

Water and to provide for the relationship between Irish Water and the local authority with respect to such services.

- (b) The Staff numbers approved as per the 2015 Annual Service Plan was 131.65. I wish to advise that there is a requirement by Irish Water to reduce this number of staff by 4% for 2016 and by a further 7% for 2017.
- (c) Detailed protocols are in place for the recoupment of all costs incurred under the Service Level Agreement and to date, all monies expended have been recouped. In addition, income from non-domestic water charges billed by the Council as an agent of Irish Water are remitted to Irish Water.
- (d) The Service Level Agreement sets out details of the relationship between the parties, the respective responsibilities and the various protocols and service plans within which the Local Authority must provide the service. For each element of the service, key performance indicators are set at the beginning of each year and these are monitored by Irish Water on a monthly basis.

In relation to the level of service query, I wish to advise:

- (i) Up to now, all retirements have been filled on an Acting up arrangement
- (ii) It should be noted that Irish Water are developing a Water Industry Operating Framework (W.I.O.F.) and this is likely to involve many changes to existing practices, including such items as cross boundary working, regionalisation of some functions and transfer of other functions completely to Irish Water. Taking account of this and the current requirements by Irish Water in relation to headcount, the Council requires to undergo changes in our structures in order to retain levels of service and improve efficiencies.

**(a) Named Service – Food Safety**

- (b) Numbers involved – 6 Staff Paid by Clare County Council (i.e. Chief Veterinary Inspector, 4 x Temporary Veterinary Inspectors (T.V.I.'s) and an Assistant Staff Officer
- (c) Funding - €238,564.00 for 2015 (Funded by quarterly claims from F.S.A.I. - Department of Health).
- (d) Relationship with parent body – The Food Safety Authority of Ireland is the competent authority, in Ireland for the delivery of the food safety service. The F.S.A.I. has S.L.A.'s with the Department of Agriculture, Fisheries and the Marine, the H.S.E. and the local authorities for the delivery of this service. The F.S.A.I. audits the Council, on a regular basis.

**(Note:** The current S.L.A. expired on 31<sup>st</sup> December, 2015 and the intention was that the service would be delivered under a shared service arrangement, for 2016. In such a scenario Cork County Council would be the lead authority for the Southern Region. Due to a delay in the implementation of the shared service arrangement the S.L.A. has been extended for a further six months until June 2016).

**(a) Named Service - Local Enterprise Office (L.E.O.)**

- (b) 4 No. staff;



(c) funding provided to cover payroll cost of one staff member and an annual allocation for other supports;

(d) the Council provides the Local Enterprise Office under a Service Level Agreement with Enterprise Ireland as part of an overall national network of Local Enterprise Offices”.

**Item 21: Planning Enforcement.**

Ar moladh Cllr. J. Breen

Cuidithe ag Cllr. J. Flynn agus glacadh leis

“In order to save money for the local authority, that this Council call on the Minister for the Environment to introduce legislation whereby a person who is breach of planning permission will be prosecuted by the Minister and not the local authority.”

**Item 22: Election posters.**

Cllr. P. Daly proposed that this item be deferred to the next monthly meeting, this was agreed by all present.

Ar moladh Cllr. P. Daly

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

**Item 23: Comhfhreagras.**

- Cllr. M. Howard expressed her dissatisfaction with the correspondence received from OSI with regard to the Council’s proposal on place-names.
- Cllr. J. Flynn stated that he was disappointed with the response which had issued from the Standards in Public Office Commission in relation to a request from the Council for further training in the area of the Lobbying Act 2015.

**The following correspondence was circulated at the meeting:**

- 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 1<sup>st</sup> & 2<sup>nd</sup> April, 2016.

**The following correspondence was circulated with the agenda:**

1. Correspondence dated 26<sup>th</sup> February, 2016 from the Standards in Public Office Commission in relation to the 2015 Lobbying Act.
2. Correspondence dated 1<sup>st</sup> March, 2016 from the Department of Transport, Tourism and Sport regarding a protection barrier along the river in Galway.
3. Correspondence dated 19<sup>th</sup> February, 2016 from the Department of Health concerning the W.H.O. Obesity predictions for Irish People within the next 15 years.

4. Correspondence dated 29<sup>th</sup> February, 2016 from the Department of Health concerning the provision of a bladder scanner in St. Joseph's Nursing Home, Ennis.
5. Correspondence dated 4<sup>th</sup> February, 2016 from Ordnance Survey Ireland in relation to spelling of centres of population.
6. Correspondence dated 2<sup>nd</sup> February, 2016 from the Department of Justice and Equality in relation to the commercial rates system.
7. Correspondence dated 15<sup>th</sup> February, 2016 from the Department of Justice and Equality regarding the Commercial Rates System.
8. Correspondence dated 29<sup>th</sup> January, 2016 from the Department of Finance regarding the budgetary advice of the Irish Fiscal Advisory Council.
9. Correspondence dated 12<sup>th</sup> February, 2016 from the Office of the Minister for Agriculture, Food and the Marine concerning EU Free Trade principles.
10. Correspondence dated 10<sup>th</sup> February, 2016 from Nessa Childers, M.E.P. in relation to T.T.I.P.
11. Correspondence dated 11<sup>th</sup> February, 2016 from Brian Crowley, M.E.P., in relation to T.T.I.P.
12. Correspondence dated 16<sup>th</sup> February, 2016 from Marian Harkin, M.E.P., in relation to T.T.I.P.
13. Correspondence dated 17<sup>th</sup> February, 2016 from Mairead McGuinness, M.E.P., in relation to T.T.I.P.
14. Correspondence dated 23<sup>rd</sup> February, 2016 from Deirdre Clune, M.E.P., in relation to T.T.I.P.
15. Correspondence dated 24<sup>th</sup> February, 2016 from Sean Kelly, M.E.P., in relation to T.T.I.P.
16. Resolution received from Limerick City & County Council in relation to the re-introduction of the Early Retirement and Farm Installation Schemes.
17. Two day Microsoft Excel Workshop for Councillors taking place in the Clonakilty Hotel, Clonakilty, Co. Cork on 30<sup>th</sup> & 31<sup>st</sup> March, 2016.
18. Conference entitled "Local Economic & Community Plans" taking place in the Clonakilty Hotel, Clonakilty, Co. Cork on 8<sup>th</sup> – 10<sup>th</sup> April, 2016.
19. Planning Conference 2016 Implementation and Engagement: Planning in a new era taking place in the Sheraton Athlone Hotel, Athlone, Co. Westmeath on 14<sup>th</sup> & 15<sup>th</sup> April, 2016.
20. Conference entitled "Auditing and Governance in Local Government" taking place in the Four Seasons Hotel, Carlingford, Co. Louth on 15<sup>th</sup> – 17<sup>th</sup> April, 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.

### **A.I.L.G. "In Service" Training taking place in Dooley's Hotel, Waterford on 13<sup>th</sup> February, 2016.**

The Meetings Administrator informed the Members that the estimated average cost per Councillor attending this Conference was €360.06 including conference fee of €50.

It was agreed that Cllr. P.J. Kelly attend this Conference.

**Local Authority Safety Services Conference taking place in Bloomfield Hotel, Mullingar on 18<sup>th</sup> February, 2015.**

The Meetings Administrator informed the Members that the estimated average cost per Councillor attending this Conference was €68.33 including conference fee of €50.

It was agreed that Cllr. P. Murphy 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 1<sup>st</sup> & 2<sup>nd</sup> April, 2016.**

The Meetings Administrator informed the Members that the estimated average cost per Councillor attending this Conference was €22.82 including conference fee of €160.

It was agreed that Cllrs. M. Hillery, P. Hayes, B. Chambers, T. McNamara and A. O’Callaghan attend this Conference.

The Cathaoirleach wished those present a Happy St. Patrick’s Day and a Happy Easter.

The meeting then concluded.

**Signed:** \_\_\_\_\_  
**Riarthóir Cruinnithe**

**Signed:** \_\_\_\_\_  
**Cathaoirleach**

**Date:** \_\_\_\_\_