

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, 9th April, 2018 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, P. McMahon, M. McKee, C. Curtin, R. Nagle, B. Slattery, I. Lynch, M. Hillery, P.J. Kelly, B. Chambers, G. Keating.

- Mr. Pat Dowling, Chief Executive.
- Ms. Ann Reynolds, Meetings Administrator.
- Ms. Loretta McNamara, Staff Officer.
- Ms. Anne Haugh, Director of Social Development.
- Mr. Liam Conneally, Director of Economic Development.
- Ms. Carmel Kirby, Director of Physical Development.
- Mr. Leonard Cleary, Director of Rural Development.
- Ms. Noeleen Fitzgerald, A/Head of Finance.
- Mr. Tom Tiernan, Senior Engineer.
- Mr. Sean Lenihan, Senior Engineer.
- Mr. Jason Murphy, Senior Executive Officer.
- Mr. John Leahy, Senior Engineer.
- Mr. Brian McCarthy, Senior Planner.
- Ms. Carmel Greene, Senior Executive Officer.
- Ms. Siobhan McNulty, Senior Executive Officer.
- Mr. John Corry, Administrative Officer.
- Mr. Mark Dunphy, Communications Officer.

The Cathaoirleach, Cllr. Tom McNamara presided.

Votes of sympathy.

Votes of sympathy were expressed to the following:

- The McNamara family, Doolin on the death of John McNamara.
- The McDonagh family, Miltown Malbay on the death of Mary McDonagh.
- The McDonagh family, Kilkenny on the death of Noel Walsh.
- The Keating family on the death of Irene Keating Martin.
- The Cahill family Inch on the death of Oisín following a tragic accident.
- The Killeen family Inch on the death of Darragh following a tragic accident.

The Cathaoirleach spoke about the tragic event that had befallen the community of Kilmaley and advised that the third person that was involved in the accident was making a recovery.

The Chief Executive advised that he would like to be associated with the votes of sympathy expressed.

The Cathaoirleach proposed a fifteen minute adjournment as a mark of respect on the death of Cllr. Gabriel Keating's sister Irene Keating Martin.

Invitation to Phoenix, Arizona – Twinning Committee.

An invitation had issued from the Twinning Committee based in Phoenix, Arizona that a group would visit from Co. Clare in April. It was proposed by Cllr. P. Burke, seconded by Cllr. J. Cooney and agreed by all members present that Cllrs. T. McNamara, P. Murphy and M. Howard would accept this invitation on behalf of Clare County Council.

The Cathaoirleach welcomed Carmel Kirby, Director of Physical Development to Clare County Council. He also congratulated Cllr. I. Lynch and Rene Franklin on their recent wedding.

Item 1: Minutes of Council Meetings.

- a. Ar moladh Cllr. P.J. Ryan
Cuidithe ag Cllr. J. Cooney agus glacadh leis

“That the Minutes of the March Meeting of Clare County Council held on 12th March, 2018 be adopted and signed.”

Item 2: Matters Arising.

Cllr. C. Curtin referred to the Register of Members Expenses and asked had agreement been reached on the matter. It was confirmed that status quo would remain, and all councilors would have the option to have tax details included in the register.

Item 3: Minutes of Municipal District Meetings.

- a. Ar moladh Cllr. P.J. Ryan
Cuidithe ag Cllr. C. Crowe agus glacadh leis

“That the Minutes of the Shannon Municipal District Meeting held on the 18th January, 2018 be noted.”

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

“That the Minutes of the Killaloe Municipal District Meeting held on the 24th January, 2018 be noted.”

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

“That the Minutes of the West Clare Municipal District Meeting held on the 30th January, 2018 be noted.”

d. Ar moladh Cllr. A. Norton
Cuidithe ag Cllr. P. Murphy agus glacadh leis

“That the Minutes of the Ennis Municipal District Meeting held on the 13th January, 2018 be noted.”

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

a. Ar moladh Cllr. G. Flynn
Cuidithe ag Cllr. R. Nagle agus glacadh leis

“That the minutes of the Social Development S.P.C. meeting held on 7th December, 2017 be noted”.

Item 5: Minutes of the Corporate Policy Group Meetings.

The members noted the minutes of the meeting held on 5th March, 2018 as presented.

Item 6: 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 referred to the Roadworks Programme and his understanding is that the applications under the L.I.S. schemes are over subscribed. Cllr. G. Flynn requested an update in relation to Shannon Embankments. Cllr. J. Flynn noted the updates in relation to Clarecastle Wastewater and Francis Street Pumpstation Upgrade and wished to know was there any further update in relation to Quin W.W.T.P. He referred to the Environment Sections plans to carry out almost 4,000 inspections, and asked if they could carry out some noise pollution inspections. Cllr. C. Crowe thanked the Cathaoirleach for the detailed report and also wished to acknowledge staff members who had responded to his queries outside of office hours and while on leave. In relation to the Limerick Northern Distributor Road, he advised that he advised that

Limerick City & County Council had set up a working group and wished to know could a similar group be set up for Clare so that they can be kept updated on developments.

Mr. T. Tiernan, Senior Engineer responded to the issues raised. In relation to the L.I.S. scheme he confirmed that an allocation of over €480,000 had been received and the closing date for receipt of applications had just passed. In the region of 250 to 300 applications had been received. He had hoped to have more time in order to fine tune the criteria for the awarding of grants. It is hoped additional funding will be made available later in the year and to facilitate as many applicants as possible. The consultant's report in relation to the Shannon Embankments is well advanced and the Steering Group should be in a position to consider the report by the end of April. Once this report has been assessed the Council will then be in a position to put forward an application for funding to carry out the necessary works. In relation to the Limerick Northern Distributor Road he said that he would consider the points made by Cllr. C. Crowe.

Cllr. G. Flynn advised that he would like to get more details in relation to the Shannon Embankments and he outlined issues being faced in relation to insurance cover.

The Chief Executive acknowledged the points made by Cllr. G. Flynn and advised that he had recently met with the Chief Executive Officer of the O.P.W. and this was one of the issues discussed. It is a priority for the O.P.W. and is also high on the Council's agenda.

Item 7: Disposal of property at Co. Clare pursuant to Section 183 of the Local Government Act, 2001 and Section 211 of the Planning & Development Act, 2000. Proposed disposal by means of lease of Tullyvarraga Community Hall, Shannon, Co. Clare.

Report dated 21st March, 2018 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 Tullyvarraga Community Hall, Shannon.

Ar moladh Cllr. M. McKee
Cuidithe ag Cllr. G. Flynn 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 by means of a lease of Tullyvarraga Community Hall, Shannon, Co. Clare subject to the conditions as set out in the notice served on the members dated 21st March, 2018.”

Item 8: Disposal of property at Co. Clare pursuant to Section 183 of the Local Government Act, 2001 and Section 211 of the Planning & Development Act, 2000. Proposed disposal by means of lease of Playground in Killaloe, Co. Clare.

Report dated 22nd March, 2018 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 playground in Killaloe by means of a lease

subject to the conditions as set out in the notice served on the members dated 22nd March, 2018.

Ar moladh Cllr. T. O'Brien
Cuidithe ag Cllr. J. Cooney 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 by means of Killaloe Playground, Killaloe, Co. Clare subject to the conditions as set out in the notice served on the members dated 22nd March, 2018.”

Item 9: Report in accordance with Part XI, Section 179 of the Planning and Development Act 2000, as amended, and Part VIII, Article 80 and 81 of the Planning & Development Regulations 2001-2013 for the proposed development of an Inner Relief Road in Ennistymon, Co. Clare.

Report dated 3rd April, 2018 from John Corry, Administrative Officer, Transportation was circulated with the agenda together with report from Garreth Ruane, A/Senior Executive Planner in relation to the proposed development of an Inner Relief Road in Ennistymon. The report states that the overall route runs from a point located approximately 170 metres south east of Blake's Corner on the N85 National Road to a point located approximately 180 metres west of Blake's Corner on the N67 National Road, via Bogbere Street. The proposed works include:

- A new vehicular bridge crossing the Inagh/Cullenagh River approximately 80 metres upstream of the existing Bridge crossing.
- The pedestrianisation of the existing bridge
- The inclusion of a roundabout at the western end of the proposed new bridge crossing on the L-1084
- The relocation of the existing public car park adjacent to New Road (N85)
- The demolition of three existing properties (two retail/residential units and one residential unit) in the Ennistymon Architectural Conservation Area

Ar moladh Cllr. R. Nagle
Cuidithe ag Cllr. B. Slattery agus glacadh leis

“That pursuant to Part XI, Section 179 of the Planning and Development Act, 2000 (as amended) and Part VIII, Article 80 and 81 of the Planning and Development Regulations 2001 – 2010, Clare County Council proceed with the proposed development of an Inner Relief Road in Ennistymon, Co. Clare.”

Item 10: Report in accordance with Part XI, Section 179 of the Planning and Development Act 2000, as amended, and Part VIII, Article 80 and 81 of the Planning & Development Regulations 2001-2013 for the proposed development of an Innovation/Multi Service Centre in Parliament Street/Monastery Lane, Ennistymon, Co. Clare.

Report dated 4th April, 2018 from Leonard Cleary, Director of Rural Development was circulated with the agenda together with report from Candace Ingram, A/Senior Executive Planner in relation to the proposed redevelopment of an existing supermarket to provide an Innovation/Multi Service Centre at former Fitzpatrick's Supervalu supermarket, Parliament Street/Monastery Lane, Ennistymon, Co. Clare.

Ar moladh Cllr. B. Slattery

Cuidithe ag Cllr. R. Nagle agus glacadh leis

“That pursuant to Part XI, Section 179 of the Planning and Development Act, 2000 (as amended) and Part VIII, Article 80 and 81 of the Planning and Development Regulations 2001 – 2010, Clare County Council proceed with the proposed redevelopment of an existing supermarket to provide an Innovation/Multi-Service Centre at former Fitzpatrick's Supervalu supermarket, Parliament Street/Monastery Lane, Ennistymon, Co. Clare.”

Item 11: Draft Annual Report 2017.

The Draft Annual Report for 2017 was circulated with the agenda and was noted and approved by the members present.

Item 12: Annual Financial Statement 2017.

The Annual Financial Statement for 2017 together with a report was circulated in advance of the agenda and was noted by the members.

Ar moladh Cllr. G. Flynn

Cuidithe ag Cllr. G. Keating agus glacadh leis

“In accordance with Section 104 of the Local Government Act 2001, the approval of Council is sought for additional expenditure by Division as set out below:

		Exp
		€000
Division A	- Housing and Building	1,240
Division B	- Road Transport & Safety	5,489
Division C	- Water Services	155
Division D	- Development Management	2,052
Division E	- Environmental Services	794
Division F	- Recreation and Amenity	281

Ar moladh Cllr. G. Flynn

Cuidithe ag Cllr. G. Keating agus glacadh leis

“That Transfers to reserves as set out below is hereby approved:

	Total
	€000
A. Housing & Building	660
B. Transportation and Infrastructure	1,694
C. Water Supply & Sewerage	787
D. Development Incentives & Controls	3,644
E. Environmental Protection	1,433
F. Recreation & Amenity	799
G. Agriculture, Education, Health & Welfare	0
H. Miscellaneous Services	395
I. Support Services	<u>1,615</u>
	<u>11,026</u>

Item 13: Draft Community Support Scheme 2018.

Report dated 3rd April, 2018 from Leonard Cleary, Director of Rural Development was circulated with the agenda. The report states that the Rural Development Directorate was requested in quarter one of 2018 to examine the various grant schemes currently offered to local communities by Clare County Council. From a local community perspective, there is quite a range of internal Council grants available with different levels of capacity amongst voluntary groups to apply for and access such. The purpose of the examination was to consider improvements on how the Council administers the grants with a particular emphasis on two key points:

- (a) The need for co-ordinated customer contact regarding various community grants
- (b) More demonstrable transparency and good governance

The focus of this examination was on internal Council grants only. It did not examine National Government and other public grants, which are an entirely separate grant process.

A consultation process has been undertaken with the elected members in each Municipal District Committee. Many very practical suggestions were received from both elected members and staff. These have now been incorporated into a draft Scheme. The budget for the Scheme is as per the adopted Budget 2018.

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

“That the draft Community Support Scheme 2018 be adopted by Clare County Council.”

Cllr. J. Flynn outlined his reasons for proposing the adoption of this scheme. Cllr. G. Flynn advised that he had not supported the original draft scheme. Cllr. C. Curtin supported the scheme but felt the level of schemes could be broadened to include such

areas as the arts. Cllr. C. Crowe advised that during the consultation phase he had raised the issue of grass cutting and this is not covered in Section 4(i). He advised that if this issue cannot be dealt with at this meeting he will be putting forward an amendment. Cllr. I. Lynch referred to the support scheme for burial ground maintenance and provision. He advised that small towns relied heavily on this grant, and while he felt an allocation of €3,000 was small in general he agreed with the Draft Community Supports Scheme.

Mr. L. Cleary, Director of Rural Development advised that during consultation grass cutting was a major issue for all Municipal Districts. He advised that under Section 4(ii)(b) priming grants will cover grass cutting, and the final version of scheme can be amended to reflect this.

Item 14: Proposal for South Clare Strategic Development Zone (S.D.Z.).

Ar moladh Cllr. A. O’Callaghan
Cuidithe ag Cllr. C. Crowe agus glacadh leis

Prior to the presentation by Mr. B. McCarthy, Senior Planner, Mr. L. Conneally, Director of Economic Development spoke about the importance of this proposal as a key economic driver both for Clare and the surrounding area.

During his presentation Mr. B. McCarthy, Senior Planner referred to the following:-

- Evolution of Statutory Land-Use Policy in relation to University of Limerick – Clare Campus and in particular the Clare County Development Plan 2017 – 2023.
- The land zoned for University of Limerick and range of complementary uses, e.g. R & D, educational facilities.
- What the Strategic Development Zone (S.D.Z.) could provide.
- Process involved in applying for a S.D.Z.
- S.D.Z. Implementation
- An Bord Pleanála – review of S.D.Z.’s (2014)
- Re-opening of the Errina Canal which would be final link between Limerick – River Shannon and Northern Ireland.

The Cathaoirleach felt that this was a great proposal. The Chief Executive advised that this proposal was a consistent message for sustainable regional development and added value to both the region and the Clare economy. The development of a Strategic Development Zone adds value to the ongoing development of the Mid-West Region. He has had meetings with the new president of UL and he is anxious to develop the campus.

It was proposed by Cllr. T. O’Brien and seconded by C. Crowe that Standing Orders be suspended to allow time to discuss this issue.

A number of elected members spoke in favor of this proposal. Cllr. A. O’Callaghan stated that a lot of international R & D companies would like to establish a base specifically on a university campus. This is an ideal opportunity. Once an S.D.Z. has been established and a masterplan developed a company coming in can be shovel

ready in 6 weeks. He felt that our Oireachtas Members needed to support this, which is a natural progression to deliver on the University zoning in the Clare County Development Plan 2017-2023. Cllr. C. Crowe stated that in the past we have not been well positioned to take advantage of economic development. He indicated this proposal has the backing of him and no doubt his colleagues. He also stated that this will also complement development in Limerick city. Cllr. T. O'Brien complimented the Planning Department and all involved in putting this proposal forward. In fully endorsing the proposal to seek an S.D.Z., Cllr. P. Hayes highlighted how lucky Clare was in having a university with a land bank zoned and available for development. Cllr. M. Begley supported seeking the establishment of a S.D.Z. and the re-opening of the Errina Canal. His only query in relation to the project were those he raised in his submission on the Limerick Northern Distributor Road. Both Cllrs. G. Flynn and P. McMahon fully endorsed the proposal and stated that the local authorities in the region needed to work together to support this which will drive economic development for Clare, Shannon Town and Airport and the entire region. Cllr R. Nagle indicated that this proposal for the S.D.Z. and presentation by the Senior Planner was made earlier that morning to the Economic S.P.C. and received the unanimous endorsement of the Economic Development S.P.C. Cllr. J. Crowe felt that this proposal would benefit Shannon Airport, tourism and the entire Mid-West. In relation to the reopening of the Errina Canal, Cllr. I. Lynch advised that the support of the O.P.W. would be required. A number of elected members spoke about the benefits of re-opening of the Errina Canal creating the final waterway navigation link between Northern Ireland, East Clare, Limerick city and the Shannon Estuary.

The elected members requested that the Council proceed to seek endorsement to apply to the Government for the designation for South Clare Economic Strategic Development Zone, as quickly as possible. It was agreed that a submission be sent to the Minister to expedite seeking the designation by the Minister and Cabinet of the S.D.Z. designation.

It was agreed that a letter from the elected members would issue to the Minister and Oireachtas Members.

Item 15: Draft Speed Limit Scheme.

Report dated 4th April, 2018 from Tom Tiernan, Senior Engineer, Physical Development was circulated with the agenda. The report states that the Draft Speed Limit Scheme has emerged as a result of a process which has been ongoing for just over 2 years. The process commenced in October, 2015 when all elected members, all Area Engineers, the Councils Road Design Department, Transport Infrastructure Ireland, the Gardai, AA Ireland and all adjoining local authorities were notified of the Council's intention to commence a review of Speed Limit Bye Laws within the county and invited submissions in relation to same.

A summary of the proposed changes was outlined in the report.

The Chief Executive outlined how this scheme had been brought forward a few months previously and elected members had significant concerns in relation to a number of areas. It is very difficult to come to a situation which will deal satisfactorily with all issues. Where there is a proposed change to a speed limit it requires the approval of the T.I.I. He advised that they had reverted to the T.I.I. to

outline the concerns of the elected members and significant progress had been made. Where there is no change the status quo will remain.

While a number of elected members thanked the Chief Executive and Mr. T. Tiernan, Senior Engineer for their efforts they advised that they could not support the Draft Speed Limit Scheme because of particular issues in their area. It was agreed that the executive would revert to the T.I.I. and continue to reflect the view of the elected members.

Item 16: Presentation from Clare Men’s Shed Group at 3:00 p.m.

Mr. Frank McNamara, P.R.O. of Ennis Men’s Shed and member of Clare Men’s Shed Network. Newly co-opted to the Board of the Irish Men’s Shed Association and Flan Hehir, Ennis Men’s Shed and Volunteer Co-ordinator for I.M.S.A., and member of Clare Men’s Shed Network addressed the meeting. They informed elected members of the work that Men’s Sheds do within our Communities.

It was agreed to bring forward Notice of Motion No. 26.

Item 26. Long term vacant properties.

Ar moladh Cllr. P. Daly

Cuidithe ag Cllrs. J. Crowe agus J. Breen agus J. glacadh leis

“I ask Clare County Council to invite the owners of long term vacant properties (5-10 years or more) to a briefing hosted by the authority on options for bringing these properties back into commercial use.”

Liam Conneally, Director of Economic Development replied as follows;

“I welcome this motion which is very timely in the context of the work programme of the Economic Development directorate.

Bringing long term vacant properties back in to economic use is a key principle on which to re-vitalise towns and villages in County Clare. The County Development Plan 2017 – 2023 has a specific objective (CDP 6.15) “*to favourably consider the redevelopment of brownfield sites and disused agricultural or commercial buildings in urban and rural areas for industrial, enterprise or cultural developments subject to normal planning considerations.*”

The hosting of a briefing as suggested is a good way of bringing property owners together to give them information on planning, options for new enterprises, grant aid and other supports available from L.E.O. (Local Enterprise Office). In addition, it would be a good forum in which to bring to the attention of property owners the vacant property grant scheme from a commercial rates perspective.

This proposal will be developed in conjunction with the Economic Development S.P.C. and the Economic Forum.”

A number of elected members spoke in favor of this notice of motion some expressing the view that a proactive approach should be taken, by inviting property owners to a briefing where they will be informed about the various options and grants available to bring these vacant properties back to use. If the properties are not brought up to standard will have to pay commercial rates.

In response to a query raised about vacant sites Mr. L. Conneally, Director of Economic Development advised that currently there is no site on the Vacant Sites Register and the penalty is in the region of 3% of the value of the property and if the owner is not known a lean is put on the property.

Item 17. Rates incentive for business.

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

“I am proposing that Clare County Council considers incentivising a rates reduction for small to medium sized businesses, who have a proven record (through audited accounts) of sourcing their goods and services locally.”

Noeleen Fitzgerald, A/Head of Finance replied as follows:

“In 2016 the council introduced an early payment incentive grant for all commercial rates customers that are aligned to the annual payment of rates.

A cross directorate approach can be taken to include the Local Enterprise Office, Finance department and other directorates to review and propose a scheme as part of the annual budget process that would bring economic benefit to commercial rate payers.

This further suggestion to incentivising a rate reduction for small to medium sized businesses, which have a proven record of sourcing their goods and services locally, can be considered as part of this review.”

Cllr. P. Murphy outlined the reasons for putting forward this notice of motion. Cllr. M. Howard stated that our towns are dying due to on-line shopping and that we needed to look at ways of encouraging small businesses. Ms. N. Fitzgerald, A/Head of Finance confirmed the Council’s awareness of the local businesses and referred to the early payments scheme which has been a great success. An assessment of the scheme at the end of 2017 indicated that 60% of Ennis businesses had benefited from the scheme.

Item 18. Insurance costs.

Ar moladh Cllr. P. McMahon

“Ask Clare County Council how much insurance costs have increased on an annual basis since 2010 and what plans are in place to control these costs.”

Tom Tiernan, Senior Engineer, Roads & Transportation Department replied as follows:

“The total insurance premiums paid by the Council each year since 2010 are set out in the table below:

	Total(€)	Change from previous
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Period (Yr)		year
2010	2,309,078	
2011	2,380,466	+3%
2012	2,421,957	+2%
2013	2,262,277	-7%
2014	1,982,301	-12%
2015	2,080,703	+5%
2016	2,159,494	+4%
2017	2,514,622	+16%

Note as follows:

1. The figures in respect of 2010 – 2014 inclusive are an amalgamation of the premiums in respect of 3 separate local authorities which existed at the time – Clare County Council, Ennis Town Council and Kilrush Town Council – from 2015 onwards the Town Councils had been amalgamated into the County authority.
2. It is noteworthy that over 4 of the years referred to, the increase is quite modest (5% or less). In 2013 and 2014 there are significant reductions of 7 and 12% respectively and from 2016 – 2017 there is a significant increase of 16%. Over the entire period, the increase is just 8.9% which equates to an average annual increase of just 1.27%.
3. It is clear from the figures that the premiums can fluctuate fairly erratically from one year to the next. This is primarily down to the impact of public liability claims which can vary significantly – the public liability premium component can equate to anywhere between 50 and 60% of overall insurance costs for any given year – depending on the extent of claims and pay-outs over the pertinent period.

4. The degree to which the premium in relation to public liability insurance varies from one year to the next is reflective of trends around the country and not just in Co. Clare.

The Council has a no. of strategies in place which are orientated towards risk reduction and, by implication, keeping insurance costs controlled insofar as it is feasible to do so. These strategies include:

- The retention and updating (every 6 months) of a comprehensive Risk Register – to raise awareness of the risks associated with implementation of programmes and objectives and the development of ancillary mitigation measures.
- The development, updating, monitoring and implementation of the Council's very comprehensive Safety Management System which is designed to reduce/eliminate risk from the point of view of both staff and the general public across all of the services in which the Council is engaged.
- There is a requirement to comply with standards in relation to the implementation of works programmes – particularly standards which have public health, safety and welfare implications.
- Councillors are aware that an enhanced dividend was paid out by our insurers IPBMI this year and this has been specifically targeted to deal with risk areas including defective footpaths, road drainage, remediation of disused assets and the development of improved temporary traffic management plan strategies.

As indicated above, by far the most significant driver of fluctuation in insurance costs is the public liability claims component – the aforementioned measures are intended to facilitate minimisation of the Councils exposure to liability in this regard as well as in respect of many of the other components of our cover – notwithstanding the fact that we depend to a significant degree on all other Local Authorities taking a similar approach if our efforts are to be appropriately rewarded.”

Cllr. P. McMahon thanked T. Tiernan, Senior Engineer for his reply.

Item 19. Dog fouling.

Ar moladh Cllr. M. Howard

Cuidithe ag Cllr. B. Slattery agus glacadh leis

“County Clare is being destroyed by dog fouling on public thoroughfares, paths, woodland walks, beaches, lanes and green areas. I believe it is time to introduce a number of new approaches. I am requesting that this Council introduce a couple of new measures.

- Plain clothes dog wardens be employed to patrol know areas that are fouled daily.
- Along with a scheme where members of the public receive a financial award - currently in the UK a number of Councils have began offering £50 award to anyone who submitted pictures of dog owners not picking up which led to a prosecution.”

Carmel Kirby, Director of Physical Development replied as follows:

“Environment Section launched the Green Dog Walkers Campaign in 2016. This is a non confrontational, friendly way to raise awareness of dog owner responsibilities in relation to cleaning up after their dog. Volunteers wear a high-viz vest with “Leave

only Pawprints” on the back, to show that they have ‘taken the pledge’ to always clean up after their dog, to carry extra dog waste bags, be happy to be approached to ‘lend’ a dog waste bag to those without and to be a friendly reminder to other dog walkers to clean up after their dogs. Over 600 people have signed up to be Green Dog Walkers and pop up information stands were held in the county during the summers of 2016 and 2017. It is intended that this will happen again over the 2018 summer period.

Clare County Council also teamed up with the creators of internet animation series Slinky Shorts to launch the Green Dog Walkers. Funded under the Department of the Environment, Community and Local Government's Anti Litter Awareness Grant Scheme, the 80-second animated production highlights the responsibility of dog owners to clean up after their dog. It can be viewed on Facebook and Twitter and has been running in Ennis cinema for a 6 week period twice a year since 2017.

The majority of people walking dogs in public spaces are conscientious about picking up dog litter, and can help get the message out to others when leading by example.

Where education and awareness does not work Clare County Council has a number of enforcement options available to regulate poor and unacceptable behaviour. For example, Clare County Council has commenced an initiative in Lahinch to target those who are not conscientious and two fines have issued recently to individuals where they failed to clean up after their dogs which were observed fouling in public places on an early morning inspection. This type of action where multiple Community Wardens work together in a co-ordinated approach has been effective and involved early morning and evening inspections.

The Environment Section Enforcement Team is also exploring the option of locating CCTV cameras at particular black-spots to identify those not complying with the law.”

Cllr. M. Howard advised that she had taken part in the Green Dog Walkers Campaign which was very good but something needed to be done about the constant offenders. She referred to other schemes such as plain clothes dog wardens being introduced by other councils both here and in the U.K. A number of elected members spoke in favour of this notice of motion and particularly in relation to the health issue for young children and vulnerable people such as wheelchair users. Cllr. A. Norton said that she did not want the image going around that Clare and the county were dirty, there is only a small minority not cleaning up after their dogs.

In dealing with the issues raised Mr. J. Leahy, Senior Engineer advised that the majority of people are conscientious and the Environment Section has been educating people and referred to recent successes in bringing two cases to Court. The Environment Section Enforcement Team will explore further options.

Item 20. Road salting and gritting service.

Ar moladh Cllr. C. Crowe

Cuidithe ag Cllr. J. Flynn agus glacadh leis

“That Clare County Council provide a more expansive road salting and gritting service during extreme cold weather events by engaging the services of competent and insured agricultural contractors.”

Tom Tiernan, Senior Engineer, Roads & Transportation Department replied as follows:

“The response to this notice of motion would be influenced by what one’s interpretation might be of the term “extreme cold weather”. The most recent extreme cold weather event of the kind which impacted to a degree which would be outside of the norm expected during a “cold” Irish Winter occurred during the winter of 2010/11 when temperatures of -10 deg C or less were manifest over several days. This was 7 years ago – implying that such events don’t occur regularly enough to justify planning for same on an annual basis in the manner suggested. In the past and in particular during the aforementioned winter period, the Council demonstrated its capacity to be adaptable in terms of provision of communal grit depots, extending its salting services into local critical areas, facilitating community input and so on. In the event that such a situation would arise again, the Council’s flexibility to adapt would have to come to the fore again and this would include availing of the services and plant tendered through annual procurement procedures and, where appropriate, the use of local plant support from the agricultural sector where considered appropriate and necessary.

The use of supplementary resources in situations other than that described above would result in regular use of same on an annual basis and resources aren’t in place for such an approach. In any case, the Winter Maintenance Programme as presently structured works well in the vast majority of instances and tends to be found wanting only in circumstances which are outside our control such as where erratic shower activity conflicts with salting treatments on the designated road network.”

Cllr. C. Crowe explained his reasoning for putting forward this notice of motion. While the current system is working well he felt that it did not work for all areas and suggested contracting out some of the work to farm contractors. Cllr. C. Curtin was concerned that this would result in a reduction in our current manpower. Cllr. J. Flynn stated that this suggestion would supplement our current programme. Cllr. C. Crowe confirmed that this notice of motion was not intended to reduce the current workforce and suggested that the S.P.C. should look into this matter.

The Chief Executive stated that issues such as insurance cover etc. would need to be looked into.

It was agreed that this notice of motion would be referred to the Physical Development S.P.C.

Item 21. Sign maintenance.

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

“That this council would put in place a sign maintenance team in all Municipal Districts as some of our road signs are in appalling condition.”

Tom Tiernan, Senior Engineer, Roads & Transportation Department replied as follows:

“I would agree that road signage has not received the level of attention which is warranted to ensure that functionality and appearance are consistently up to the desired standards. Having said that, the vast bulk of signage on public roads is very functional and appropriately informative at all times and the signage to which the

notice of motion refers is, in general terms, the exception rather than the rule. I agree that there is room for improvement but that is consistent with the criticism which could be levelled at most aspects of road maintenance – all of which is a direct result of the serious depletion of resources which has been manifest over the past no. of years. Now that funding levels are improving, there will be capacity going forward to generally improve levels of service across all areas including in relation to maintenance of road signage. I have passed the concerns raised by this notice of motion on to all Area Engineers who in turn will highlight the issue with their General Services Supervisors – on foot of same, there will be enhanced emphasis on maintenance and presentation of signage throughout the public road network in future.”

It was agreed that this issue be highlighted to all Area Engineers.

Item 22. Capital projects for beaches.

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

“That the management of Clare County Council would give an update, with a time scale, of the capital projects planned for the three main beaches in 2018 and that the public toilet facilities should be available earlier and later in the year to accommodate the all year round water sports of swimming, surfing, diving, water skiing, kayaking, canoeing etc.”

Carmel Kirby, Director of Physical Development replied as follows:

“Jada Projects Ltd. has been awarded the contract for the refurbishment and extension of the public toilets and lifeguard hut at Spanish Point. They are currently setting up on site and it is envisaged that works will be complete by June 2018.

It is intended that the works at Lahinch will be completed by the end of 2018, subject to finalisation of the lease agreement with Lahinch Seaworld.

Clare County Council is progressing preliminary design on the upgrade of the existing toilet blocks in Kilkee. It is intended that the upgrade works on these facilities will be completed in 2019.

Clare County Council is conscious that the beaches in question are located on the Wild Atlantic Way and accordingly are facilitating arrangements to extend the period that public toilet facilities are open and available during the tourist season.”

Cllrs. M. Hillery and C. Curtin thanked Mr. J. Leahy, Senior Engineer and his staff for the work done thus far. They requested that the opening hours be extended as people are using the beaches for longer periods. Cllr. C. Curtin asked for an update in relation to Doolin. Cllr. J. Flynn referred to Ballyalla beach and the need for facilities.

In responding to the queries raised Ms. C. Kirby, Director of Physical Development confirmed that the toilets would be opened earlier in the season and the opening hours would be extended. In relation to Doolin, Mr. L. Cleary, Director of Rural Development advised that a briefing would be held shortly.

As there were still 9 notice of motions to be dealt with the Cathaoirleach proposed that the meeting be adjourned to Monday 16th April, 2018 at 3:45 p.m.

Cllr. J. Flynn suggested that the meeting be extended by half an hour to deal with the remaining notice of motions. The Cathaoirleach referred to the Standing Orders which state that Standing Orders can only be suspended once at any meeting. The meeting concluded at 6:30 p.m.

Signed: _____
Riarthóir Cruinnithe

Signed: _____
Cathaoirleach

Date: _____

Minutes of the adjourned April Meeting of Clare County Council held in the Council Chamber, Áras Contae an Chláir, New Road, Ennis, Co. Clare on Monday, 16th April, 2018 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, A. O'Callaghan, C. Crowe, J. Crowe, G. Flynn, P.J. Ryan, P. McMahan, M. McKee, C. Curtin, R. Nagle, I. Lynch, M. Hillery, P.J. Kelly, B. Chambers, G. Keating.

- Mr. Pat Dowling, Chief Executive.
- Ms. Ann Reynolds, Meetings Administrator.
- Ms. Loretta McNamara, Staff Officer.
- Ms. Anne Haugh, Director of Social Development.
- Mr. Liam Conneally, Director of Economic Development.
- Ms. Noeleen Fitzgerald, A/Head of Finance.
- Mr. Leonard Cleary, Director of Rural Development.
- Ms. Carmel Kirby, Director of Physical Development.
- Mr. John Leahy, Senior Engineer.

Apologies: Cllrs. P. Burke and B. Slattery

The Cathaoirleach, Cllr. Tom McNamara presided.

Vote of sympathy.

A vote of sympathy was expressed to Cllr. P. Burke on the death of his Aunt.

Cllr. G. Flynn referred to a notice of motion that had been brought forward at the January meeting in relation to training for Elected Members. He wished to thank the Chief Executive for organising this; he said that the feedback was very positive with an overall attendance of 80%.

Item 23. Ennis Dog Shelter.

Ar moladh Cllr. J. Flynn

“I ask Clare County Council the following questions with regard to the Ennis Dog Shelter (Pound) which is operated under the Control of Dogs Act on behalf of the County Council by Midland Animal Care Ltd since January 2016:-

- (a) Is the Shelter run in accordance with best animal welfare standards?,
- (b) Is there funding available and are there plans in place to continue to carry out improvements to the facilities, physical building and site at the Dog Shelter during 2018?

- (c) Please provide the dog statistics for the Dog Shelter since January 2016, in particular in terms of the figures for PTS (put to sleep).
- (d) Is there a need for a new Dog Shelter now or in the foreseeable future?
- (e) Is there a procedure in place, whilst taking into account health and safety at work legislation, for a member of the public to view a dog or dogs safely at a specified time or date at the Pound?

Carmel Kirby, Director of Physical Development replied as follows:

“Midland Animal Care Ltd has operated and managed the Ennis Dog Shelter on behalf of Clare County Council since January 2016. Staff from the Environment Section visit the dog shelter on a regular basis. The kennels are currently being checked twice weekly and have been found to be kept in a satisfactory condition and no animal welfare issues have been identified. Environment Section’s Senior Engineer, Chief Veterinary Officer and Administrative Officer recently met with Ian Kenny of Midland Animal Care, to discuss all work processes at the shelter and to ensure that best practice is being implemented. Staff at the shelter work to rehome dogs and transfer dogs to animal rescues.

The Ennis Dog Shelter has been in existence at the Gort Road Industrial Estate for in excess of thirty years and over that period, maintenance and improvement works have been carried out, including for example in more recent years, the provision of outdoor pens and outdoor kennels. Each year Clare County Council consults with the staff at the dog shelter in relation to any required improvement works. The 2018 programme of works being implemented incorporates general maintenance, minor upgrade works and additional storage. It is considered that the existing building is adequate for the purpose for which it was developed.

Statistics from January 2016 to the end of March 2018 are provided as follows:

Ennis Dog Shelter Statistics

	On hands at year start	Seized or found	Surrendered	Reclaimed	Rehomed or sent to Rescue	PTS	On hands at year end
2016	9	404	373	141	512	129	4
2017	4	381	352	106	607	19	5
2018 (to end March)	5	74	58	35	98	1	3

Ennis Dog Shelter is managed and operated by a private company, Midland Animal Care Ltd. on behalf of Clare County Council and decisions or arrangements in relation to access to the building and their workspace are at their discretion. It has been agreed that should any Councillors wish to view the facilities, they may do so by contacting the Administrative Officer in Environment Section and a visit will be arranged. The general public has access to the reception area and the outdoor runs, and pens, so that they may view dogs that are available for re-homing.”

Cllr. J. Flynn thanked the Director of Physical Development for her response. He advised that he had personally visited the Ennis Dog Shelter and found it to be in good order and he was particularly happy to see that the number of dogs that have had to be put to sleep has reduced over the years. He had a number of questions in relation to the new contract and the possibility of allowing a volunteer programme, official opening hours and unannounced visits.

In responding to the queries raised Mr. J. Leahy, Senior Engineer confirmed that the current contract is in place until the end of 2018. The shelter is open six mornings and one late night a week, opening hours will be looked at in more detail during the procurement process. He advised that under the Animal Health & Welfare Act if someone has a serious animal welfare concern they can contact the Gardai, Department of Agriculture, Food and The Marine or the ISPCA and the Environment Section will facilitate a visit.

Item 24. Flemish Decree Case.

Ar moladh Cllr. P.J. Kelly
Cuidithe ag Cllrs. C. Curtin, J. Flynn, I. Lynch, C. Crowe, P. McMahon, G. Flynn
agus glacadh leis

“That Clare County Council as planning authority for the county of Clare complies with the provisions of article 43 of the EU Treaty as legally defined by the European Court of Justice decision which is now known as the Flemish Decree Case.”

Brian McCarthy, Senior Planner, replied as follows:

“The Clare County Development Plan 2017-2023 contains an Urban and Rural Settlement Strategy consistent with the requirements of the national “Sustainable Rural Housing - Guidelines for Planning Authorities”. The recent preparation of the Clare County Development Plan 2017-2023 was subject to statutory public consultation and consultation with the prescribed bodies. Submissions were received by the (then) Department of the Environment, Community and Local Government. Throughout the two year Plan making process no objection was raised in relation to the settlement strategy.

Members will be aware of the publication in February of this year of “Project Ireland 2040 - The National Planning Framework - Ireland”(NPF). The N.P.F. requires that Planning Authorities ensure that, in providing for rural housing, a distinction is made between areas under urban influence and elsewhere. In this regard the N.P.F. states that it is a requirement that in certain areas of the countryside that applicants for rural housing “demonstrate a functional economic or social requirement for housing need” to live in the countryside.

Having regard to this recently adopted National planning policy; the current regional planning guidelines and the policies and objectives of the Clare County Development Plan 2017-2023 and their implementation; and in the absence of any detail, information or direction to the contrary, I am satisfied that Clare County Council as a Planning Authority continues to comply with the provisions of Article 43 of the EU Treaty on the freedom of movement of citizens. Naturally should there be any change in EU, national or regional legislation, plans or guidance, Clare County Council like all other Planning Authorities will be required to review its implications for local planning policy.”

Cllr. P.J. Kelly outlined how this issue had previously been discussed in relation to the County Development Plan. The Belgium Government was taken to the European Court of Justice and judgement issued against them stating that they were in contravention of article 43 of the EU Treaty. This judgement issued in May 2014 and successive Irish Ministers have stated that they would review the matters raised from an Irish prospective as a result of this judgement but we are still awaiting clarification. He stated that we have a duty to ensure that we will not be subject to any legal action. Cllr. C. Curtin referred to two circulars that had issued and advised that Clare County Council needed a clear decision from the Department in relation to this judgement. A number of Councillors spoke in favour of this notice of motion expressing the view that some rural areas had lost out due to the “local clause” and if more people could build houses where they wished it would help with the housing shortage. Cllr. J. Flynn referred to the 2016 Census which stated that 810,000 people had been born outside the country, and asked are we discriminating against the new Irish and returning immigrants.

In responding to the issues raised the Chief Executive advised that it was in all our interest that we get clarification from the Department. Implementation of EU law requires National Government to enact it. Mr. L. Conneally, Director of Economic Development advised that as of now Clare County Council is in compliance with current legislation. The motion was agreed without division.

It was agreed that the Council seek advice from the Department and revert to the members.

Item 25. Planning contributions.

Ar moladh Cllr. P.J. Kelly

“That, when a charge is registered on the property of an applicant as a result of failure to make or complete payment of planning contributions, the following administrative procedures be detailed:

- (a) Limit of liability to warrant actions
- (b) Details of how direction is given to County Solicitor
- (c) If direction referred to in (b) is in writing
- (d) If such a direction is the subject of Managers Order
- (e) If responses of County Solicitor are in written record.”

Liam Conneally, Director of Economic Development replied as follows:

“Development Contributions are essential to the provision of enabling infrastructure to accommodate development.

Development Contributions are attached to a development by way of conditions of the planning permission, which are required to be paid to Clare County Council prior to the commencement of development. The amount of development contribution is calculated in accordance with the Development Contribution Scheme in place at the time.

In the event that a developer commences work or completes work without payment of the required development contribution, Section 48 (15)(c) of the Planning Act 2000 provides for the recovery, as a simple contract debt in a Court of competent jurisdiction, any contribution or interest due to the planning authority.

The Council only initiates legal proceedings for non-payment of development contributions after every opportunity has been afforded to the developer, normally over a significant duration, to settle payment of outstanding contributions and to comply with the condition of the planning permission.

I have set out hereunder the administrative procedures as requested:

- (a) There is no specific limit of liability to warrant the action of taking legal proceedings for recovery of contributions due or registering a charge on a property but it would only be done where the amount due by the developer warrants such action and it is cost effective to do so. Decisions to proceed with a Court Summons are made on a case by case basis and again as a last resort.
- (b) The direction is given to the County Solicitor following the signing of a Chief Executive’s Order by a delegated officer to instruct the County Solicitor to initiate legal proceedings for non-payment of outstanding development contributions. This would be done following preparation of a file note summarising all efforts taken by the Council to recover the outstanding debt and justifying the action necessary to recover the outstanding contribution.
- (c) The direction to the County Solicitor is in writing.
- (d) The direction is the subject of a signed Chief Executive’s order.
- (e) With regard to the written records, initially, a Warning Letter will issue to the developer which will include yet another opportunity to make payment. The warning letter will advise that if payment has not been made within a set time a Court Summons will issue making a claim on the debt. The County Solicitor will take instruction from the Council before proceeding with a Court Summons.

The developer has the opportunity to defend their position during Court proceedings. In the event that the developer does not defend the claim or contest the amount, the

Council may get a judgement from the Court certifying that the debt is owed to the Council.

Once a Court judgement is obtained, there is a legal onus on the developer to comply with the judgement. Normally the County Solicitor will advise on how this judgement can be enforced and a decision will then be made by the Council on the most appropriate enforcement option. Enforcement by means of a judgement mortgage is just one method of enforcement of the Court judgement.

The legal files containing correspondence between the County Solicitor and the Council in relation to all such outstanding contributions are legally privileged and confidential.”

Cllr. P.J. Kelly outlined his reasons for putting forward this question.

Item 27. Meetings.

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

“In view of the increased demand by some senior officials for in committee meetings at County Council and Municipal District Meetings under the heading of briefings and failure to adhere to Standing Orders. I am calling on this practice to cease in the interest of accountability, transparency and the public interest. Standing Orders under Section 61 states quite clearly and in fact facilitates the holding of a meeting in committee or part of a particular meeting when at least one-half of the total number of elected members vote in favour of excluding the public and media in relation to the special nature of the meeting or of an item of business to be or about to be considered or for other special reasons.”

Ann Reynolds, A/Senior Executive Officer, Corporate Services replied as follows:

“The issue being raised has been brought to the attention of all area co-ordinators and meetings administrators for each Municipal District. There is full commitment to adherence to Standing Order 61 in the administration of Council meetings.

Briefings/workshops are arranged from time to time at both Municipal District and Council level, as a forum for information sharing with members. The holding of a briefing is not a statutory meeting and is not covered by Section 61 of Standing Orders governing Council meetings or the equivalent Standing Orders governing Municipal District Meetings, which deal with the right of the public and the media to attend Council meetings. Should the members determine that this matter requires review it is open to the members to refer the matter to the standing orders subcommittee for review.”

Cllr. G. Flynn confirmed that he was not saying that members of the public and media should attend all meetings but where issues of importance arise they should be able to attend. Cllr. C. Crowe stated that in the last number of years he has seen an increase in the number of meetings being held in camera.

The Chief Executive acknowledged the spirit in which the notice of motion had been put forward and agreed that going forward briefings should be the exception and not the rule.

Item 28. Oifigeach Gaeilge.

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

“Tá mé ag glaoch ar Comhairle Contae an Chláir chun Oifigeach Gaeilge a ceapagh, chun an gaeilge a chur ar agaidh sa contae, más rud é gur an bliain seo Bliain na Gaeilge 2018.”

Jason Murphy, Senior Executive Officer, Human Resources replied as follows:

“Tá sé i gceist fógraíocht le haghaidh post Oifigeach Forbartha na Gaeilge i mí na Bealtaine. Is post páirtaimseartha é seo ar feadh tréimhse dhá bhliain.

It is intended that this post of ‘Irish Language Development Officer’ will be advertised in May. This will be a part-time post for a period of two years.”

Labhair roinnt de na baill tofa ar son an fhógairt seo.

A number of elected members spoke in favour of this notice of motion.

Item 29. Caretaker in Drumcliffe Graveyard.

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

“That this Council appoint a full time caretaker in Drumcliffe Graveyard.”

Leonard Cleary, Director of Rural Development replied as follows:

“The Rural Development Directorate of Clare County Council continues to monitor the level of activity and assigned resources across the Burial Ground service. There are 200 known burial grounds in the county.

Drumbiggle burial ground is the largest Council run service with plans to develop a new county burial ground in Ennis shortly. There are a number of caretakers assigned on a part-time basis across the county, which is a positive support model to the service. The requirements across the service will be kept under review.”

Cllr. J. Breen advised that there had been a full-time caretaker in Drumcliffe Graveyard and felt that a full-time caretaker was required. A number of elected members expressed the view that a full-time caretaker was required to carry out necessary maintenance, security reasons and assist people in locating where family members are buried. Cllr. C. Crowe wished to know did Clare County Council only have caretaker in Council owned graveyards.

Mr. L. Cleary, Director of Rural Development advised that he would take on board the issues raised. He stated that Drumcliffe Graveyard would be full in about two years time and are currently looking for a location for a new graveyard. We currently

have over 15 caretakers looking after the graveyards we manage, some are responsible for more than one graveyard.

It was agreed that the Council continue to review this service.

Item 30. Biodiversity Officer.

Ar moladh Cllr. C. Curtin

Cuidithe ag Cllr. G. Flynn agus glacadh leis

“That the Chief Executive would consider the restoration of the post of Biodiversity Officer within the Council’s workforce”.

“Biodiversity is currently supported through the Heritage function within the Planning Department and the Environment Department through a variety of promotional activities, controls and statutory functions.

The key directorates are currently reviewing the business requirements and funding opportunities (through such organisations as the Heritage Council) in respect of this post.”

It was agreed that the Council continue to review this service.

Item 31. Leave for carers.

Ar moladh Cllr. M. Howard

Cuidithe ag Cllrs. A. O’Callaghan agus G. Keating agus glacadh leis

“This Council requests that Government provide a legal footing for the provision of leave for workers who are taking care of elderly parents.”

Cllr. M. Howard outlined her reasons for putting forward this notice of motion. Families want to be able to take out from work in order to help look after their elderly parents, for many the focus is on having time rather than financial issues. A number of elected members spoke in favor of this notice of motion sitting our aging population, lack of hospital beds and the desire of many elderly people and their families to stay in their own homes for as long as possible. While there are some supports available such as Carers Benefit, but this is not available to everyone, compassionate leave (3 – 5 days) and in the public sector in certain circumstances unpaid leave can be taken, more needs to be done. One note of caution was raised in relation to possible consequences for some employers with people taking time off.

It was agreed to forward this notice of motion onto the Department.

Item 32. Illegal parking of caravans and camper vans.

Ar moladh Cllr. C. Collieran Molloy

Cuidithe ag Cllr. C. Crowe agus glacadh leis

“Similar to Galway County Council Motion agreed on January 29th, 2018, that Clare County Council calls on the Minister for Transport [Minister Shane Ross, T.D.] and

Minister of Justice and Equality [Minister Charlie Flanagan T.D.] to provide each Local Authority with the necessary powers to deal with the illegal parking of caravans and camper vans on public and private roads, right of ways, and non-designated camp sites, including powers to remove and impound illegally parked caravans and to confiscate unclaimed caravans in a timely fashion similar to unclaimed motor vehicles. We request a reply from each Minister by July 1st 2018, such that this issue can become an agenda item for the July meetings of Local Authorities.”

Cllr. C. Colleran Molloy advised that there appears to be a lack of Government will to deal with this issue. She also referred to the E.P.A. Wastewater Directive and the effect of illegal encampments on the land. Cllr. C. Crowe said that there were also issues in relation to overcrowding and illegal dumping at these sites. Cllr. A. Norton advised that this matter had also been brought up at the Ennis Municipal Meeting. She referred to incidents where the Council had erected gates but the caravans had remained inside. Lack of legislation is hindering the efforts of both An Garda Síochana and the Council in dealing with these illegal encampments. Cllr. J. Flynn referred to both environmental and health and safety issues. Cllr. G. Flynn referred to the various Traveler Accommodation Plans and in relation to Transient Sites advised that they needed to be organized at national level. He advised that as Chair of the S.P.C. for Social Development he is willing to sit down with any member of our community to discuss these issues but we do need national guidelines. A number of elected members referred to the lack of representatives on the Traveller Accommodation Consultative Committee.

In responding to the issues raised the Chief Executive confirmed that we have a statutory duty to provide accommodation for all those with a housing need. Unfortunately, illegal encampments are not a new development and the Council is very conscious of the issues in relation to sanitation, housing, health and safety but we have to work within the legal framework. He advised that Ms. A. Haugh, Director of Social Development had just left a meeting with An Garda Síochana in relation to this issue.

A.O.B.

Cllr. G. Flynn referred to Notice of Motion No. 25 from the March 2018 meeting in relation to proposal for a redress scheme for owners of properties non compliant with building and fire regulations. He felt that this needed to be followed up on.

Item 33. Comhfhreagras.

Correspondence.

The following correspondence was circulated with the agenda:

1. Correspondence dated 28th March, 2018 from the Department of Health concerning the provision of full time professional counselors in secondary schools.
2. Correspondence dated 27th March, 2018 from An Garda Síochána regarding GoSafe Prosecutions.

3. Correspondence dated 14th March, 2018 from the Department of Communications, Climate Action and Environment regarding the digital age of consent.
4. Correspondence dated 14th March, 2018 from the Department of Justice and Equality regarding the digital age of consent.
5. Correspondence dated 14th March, 2018 from the Department of Communications, Climate Action and Environment regarding the recent study findings issued by N.U.I.G.
6. Correspondence dated 14th March, 2018 from the Department of Rural and Community Development in relation to increasing the 2018 allocation for the Local Improvement Scheme in County Clare.
7. Correspondence dated 16th March, 2018 from A.I.L.G. in relation to Data Protection.
8. Correspondence dated 26th March, 2018 from Deputy Joe Carey in relation to the Medical Assessment Unit at Ennis General Hospital.
9. Correspondence dated 26th March, 2018 from UL Hospitals regarding services at Mid Western Regional Hospital Ennis.
10. Correspondence dated 7th March, 2018 from the Department of Health concerning the current level of services at Mid Western Regional Hospital Ennis.
11. Correspondence dated 23rd March, 2018 from the Office of the Minister for Education and Skills regarding publicly funded higher education.
12. Correspondence dated 27th March, 2018 from the Office of the Minister for Higher Education in relation to publicly funded higher education.
13. Correspondence dated 23rd March, 2018 from the Office of the Minister for Education and Skills in relation to providing full time professional counselors in all secondary schools.
14. Correspondence dated 14th March, 2018 from the Department of Health concerning the provision of full time professional counselors in all secondary schools.
15. Correspondence dated 8th March, 2018 from the Office of the Minister for Education and Skills in relation to the introduction of First Aid training as part of the new Junior Certificate curriculum.
16. Correspondence dated 22nd March, 2018 from the Department of Public Expenditure and Reform in relation to redress scheme to provide financial support to purchasers of houses and apartments who now find that their property was not properly constructed and is non compliant with Building and Fire Regulations.
17. Correspondence dated 26th March, 2018 from Joe Carey T.D., in relation to redress scheme to provide financial support to purchasers of houses and apartments who now find that their property was not properly constructed and is non compliant with Building and Fire Regulations.

18. Correspondence dated 15th March, 2018 from the Department of Housing, Planning and Local Government in connection with a proposed redress scheme for owners of non-compliant buildings.
19. Correspondence dated 15th March, 2018 from the Office of the Minister for Employment Affairs and Social Protection regarding financial incentives to companies who are prepared to employ apprentices.
20. Correspondence dated 23rd March, 2018 from the Department of Business, Enterprise and Innovation regarding financial incentives to companies who are prepared to employ apprentices.
21. Correspondence dated 27th February, 2018 from the Office of the Minister for Agriculture, Food and the Marine concerning an annual coastal protection maintenance fund to local authorities.
22. Correspondence dated 9th March, 2018 from the O.P.W. regarding Coastal Protection maintenance.
23. Correspondence dated 14th March, 2018 from Deputy Pat Breen in relation to micro plastics.
24. Correspondence dated 13th March, 2018 from Deputy Pat Breen in relation to Mid Western Regional Hospital Ennis.
25. Resolution circulated by Sligo County Council in relation to broadcasting GAA matches.
26. L.A.M.A. Spring Training Seminar entitled “New National Planning Framework” taking place in Central Hotel, Donegal Town, Co. Donegal on 6th – 7th April, 2018.
27. A.I.L.G. Annual Training Conference 2018 taking place in the Park Hotel, Dungarvan, Co. Waterford on 12th and 13th April, 2018.
28. Sheehy Skeffington School 2018 taking place in the Ireland Institute, 27 Pearse Street, Dublin 2 on 14th April, 2018.
29. Irish Planning Institute Annual Planning Conference 2018 entitled “Ireland: 2040 and Beyond” taking place in the Rose Hotel, Tralee, Co. Kerry on 19th and 20th April, 2018.

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.

AILG training taking place in the Seven Oaks Hotel, Carlow on 17th February, 2018.

The Meetings Administrator informed the Members that the estimated average cost per Councillor attending this Conference was €341.71 including conference fee of €50.

It was agreed that Cllrs. M. Howard, T. O'Brien, R. Nagle and M. Begley attend this Conference.

AILG training taking place in Mullingar, Co. Westmeath on 22nd February, 2018.

The Meetings Administrator informed the Members that the estimated average cost per Councillor attending this Conference was €284.55.

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

Conference entitled "New Affordable Houses Schemes" taking place in the Four Seasons Hotel, Carlingford, Co. Louth on 9th – 11th March, 2018.

The Meetings Administrator informed the Members that the estimated average cost per Councillor attending this Conference was €82.78 including conference fee of €100.

It was agreed that Cllrs. T. O'Brien and R. Nagle attend this Conference.

LAMA 2018 Spring Training Seminar entitled "New National Planning Framework" taking place in the Central Hotel, Donegal Town, Co. Donegal on 6th & 7th April, 2018.

The Meetings Administrator informed the Members that the estimated average cost per Councillor attending this Conference was €607.37 including conference fee of €160.

It was agreed that Cllrs. A. O'Callaghan, B. Chambers, M. Howard, C. Colleran Molloy, M. Hillery, P. Daly, J. Crowe, J. Breen, P. McMahon, A. Norton, T. O'Brien, R. Nagle, P. Murphy, J. Cooney, P.J. Ryan, P.J. Kelly and M. Begley attend this Conference.

AILG training taking place in Dungarvan, Co. Waterford on 12th – 13th April, 2018.

The Meetings Administrator informed the Members that the estimated average cost per Councillor attending this Conference was €491.90 including conference fee of €135.

It was agreed that Cllrs. T. O'Brien, J. Crowe, A. Norton, M. Howard, P. McMahon, R. Nagle, J. Cooney, A. O'Callaghan, C. Colleran Molloy, P. Daly, P.J. Ryan, P.J. Kelly, B. Chambers, M. Hillery, J. Breen and M. Begley attend this Conference.

The meeting then concluded.

Signed: _____
Riarthóir Cruinnithe

Signed: _____
Cathaoirleach

Date: _____