

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, 12th March, 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, P. Burke, A. O'Callaghan, C. Crowe, J. Crowe, G. Flynn, M. McKee, C. Curtin, R. Nagle, I. Lynch, M. Hillery, P.J. Kelly, B. Chambers, G. Keating.

- Mr. Pat Dowling, Chief Executive.
- Ms. Carmel Greene, Meetings Administrator.
- Ms. Loretta McNamara, Staff Officer.
- Mr. Liam Conneally, Director of Social Development.
- Mr. Leonard Cleary, A./Director of Rural Development.
- Ms. Noeleen Fitzgerald, A./Head of Finance.
- Mr. Brian McCarthy, A./Director of Economic Development.
- Mr. Tom Tiernan, A./Director of Physical Development
- Mr. Sean Lenihan, Senior Engineer Water Services Department.
- Ms. Ann Reynolds, A./Senior Executive Officer.

Apologies: Cllrs. P. McMahon, P.J. Ryan, T. O'Brien and B. Slattery.

The Cathaoirleach, Cllr. Tom McNamara presided.

Votes of sympathy.

Votes of sympathy were expressed to the following:-

- The Collins family, Cranny, on the death of John Collins, R.I.P.
- The Scanlon family, Kilmaley on the death of John Scanlon, R.I.P.

St. Patrick's Day Parade in New York.

At the outset it was proposed by Cllr. B. Chambers, seconded by Cllr. J. Breen and agreed by all members present that the Cathaoirleach and Chief Executive accept the kind invitation of the County Clare Patriotic, Benevolent and Social Association of New York City to attend the St. Patrick's Day Parade in New York.

Item 1: Minutes of Council Meetings.

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

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

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

“That the Minutes of the adjourned February Meeting of Clare County Council held on 19th February, 2018 be adopted and signed.”

Item 2: Matters Arising.

There were no matters arising.

Item 3: Minutes of Municipal District Meetings.

a. 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 9th January, 2018 be noted.”

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

a. Ar moladh Cllr. C. Curtin
Cuidithe ag Cllr. J. Cooney agus glacadh leis

“That the minutes of the Physical Development S.P.C. meeting held on 27th November, 2018 be noted”.

Item 5: Minutes of the Corporate Policy Group Meetings.

The members noted the minutes of the meetings held on 2nd February and 12th February, 2018 as presented.

Discussion took place in relation to Register of Members Expenses as per the minutes of the 12th February, 2018 meeting. A number of Councillors expressed the view that the status quo should remain with PAYE, PRSI and USC deductions being recorded on the Register of Members Expenses where requested by the Elected Member. Cllr.

C. Curtin requested that their recommendation be recorded. Cllr. P.J. Kelly stated that Section 133 of the Local Government Act 2014 obliges the Chief Executive to be satisfied that the actions of the Corporate Policy Group are in accordance with Section 48 of the Local Government Act 2014. He felt that the Corporate Policy Group was trying to usurp the powers of the Council. He also referred to the use of the Boardroom by the Corporate Policy Group and not by the elected members generally. Cllr. G. Flynn advised that it had been as a result of the large number of Freedom of Information requests the Council had received around the issue of Councillor's expenses that it had been decided to make the full details available to the public. By doing this Clare County Council was ahead of most other local authorities.

In responding to the issues raised, the Chief Executive advised that he wished to dispel the view that the Corporate Policy Group was trying to usurp the powers of the Council. He said that Clare County Council was leading the way in how the Councillors expenses are made available to the public. Given the concerns raised by some of the elected members he stated that he would revert back to the Corporate Policy Group on this issue. In relation to the Boardroom the Chief Executive confirmed that it is available to all Councillors as well as being used to host visiting dignitaries etc.

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.

Item 7: Clare Local Community Development Committee Annual Report 2017.

The Clare Local Community Development Committee Annual Report 2017 was circulated with the agenda. The report states that Section 128B(1)(i) of the Local Government Reform Act 2014, requires the L.C.D.C. to prepare, adopt and submit an annual report to the local authority in respect of the performance of its functions in the previous calendar year.

The members noted the report as presented.

Item 8: Clare Joint Policing Committee Annual Report 2017.

The County Clare Joint Policing Committee Annual Report 2017 was circulated with the agenda.

The members noted the report as presented.

Item 9. Report from Audit Committee on Local Government Auditor's Report for the year ended 31st December, 2016.

Report from Tom Kirby, Chairman of the Clare Audit Committee was circulated with the agenda together with copy of the Local Government Audit Report for year ended 31st December, 2016.

The members noted the report as presented and Cllr. C. Curtin referred to the surplus in the general revenue reserve and thanked the former Head of Finance and his staff for their work in achieving this and wished his incumbent well.

Item 10. Clare County Council Audit Committee Annual Report 2016/2017.

The 2016/2017 Audit Committee Annual Report was circulated with the agenda. The report states that Section 60 of the Local Government Act 2014 requires that the Audit Committee report to the Council at least annually.

The report outlines details of the Audit Committee under the following headings:

- Functions of the Audit Committee
- Membership of the Committee
- Role and Responsibility of Internal Audit
- Detailed Matters Considered in 2016/17

The members noted this item as presented. Cllr. C. Curtin was happy to see that legal costs would be looked at to see how savings could be made. Cllr. P. Hayes, as a member of the Committee, hoped that the Audit Committee Annual Report gave an insight to Members of the workings of the Audit Committee and the various issues it deals with.

Item 11. Assistance under the Arts Act Grants 2018 – Grant recommendations.

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

97 applications were received in total and the recommendations for the award of the grants for 2018 were presented to the members for approval.

Ar moladh Cllr. J. Flynn
Cuidithe ag Cllr. M. Howard agus glacadh leis

| Applications for Events / Projects / Organisations | | |
|---|--------------------------|---------------|
| 25 Recommendations for Funding | | |
| Ref No | Name of Applicant | Amount |
| 6 | Doolin Writers Weekend | 750 |
| 9 | Kilrush Choral Society | 600 |

| | | |
|----|---|--------------|
| 18 | Ennistymon Art Trail | 550 |
| 19 | Inis Artists | 300 |
| 26 | Clare Garden Festival FRINGE | 450 |
| 27 | Kilrush Art Group | 390 |
| 32 | Ennis Musical Society | 750 |
| 34 | Clarecare Daycare Centre | 440 |
| 37 | Ennis Brass Band | 750 |
| 38 | Ballyvaughan Ukulele Orchestra | 600 |
| 40 | East Clare Musical Society | 750 |
| 42 | Scariff Harbour Festival 2018 | 750 |
| 45 | Killaloe Chamber Music Festival | 750 |
| 46 | Ennistymon Choral Society | 750 |
| 53 | District Daycare Centre Clarecastle | 350 |
| 56 | Clare Poets | 540 |
| 68 | Sparks Youth Film Festival | 750 |
| 72 | Siobhán McDonnell / Youth Arts | 600 |
| 79 | Dulick Centre | 490 |
| 81 | Feile Latino | 750 |
| 82 | Kilkee Playwrights Festival | 540 |
| 83 | Mountshannon Community Council | 600 |
| 91 | Ana Colomer / Spanish Arts Exchange Project | 750 |
| 92 | Obair | 600 |
| 95 | Burren College of Art | 450 |
| | Total Funding Allocated | 15000 |

Traditional Arts Applications

16 Recommendations for Funding

| Ref | Name of Applicant | Amount |
|------------|--|---------------|
| 4 | Crotty Galvin Traditional Music Festival | 500 |
| 5 | Oidhreacht an Chláir | 600 |
| 12 | Kilrush Music Feis 2018 | 300 |
| 13 | Fleadh Cheoil an Chláir 2018 | 500 |
| 21 | Blossom Harp Festival | 400 |
| 22 | Mountshannon Trad Festival | 400 |
| 25 | Kilrush Trad. Music and Set Dancing Festival | 500 |
| 41 | Enda Byrt | 400 |
| 51 | Mary Blake | 400 |
| 55 | Clarecastle/Ballyea Comhaltas | 500 |
| 58 | Kilfenora Trad Festival | 600 |
| 70 | Kincora Traditional Weekend | 600 |
| 71 | Ballynacally Groupa Ceoil | 300 |
| 77 | Christy McNamara | 400 |
| 84 | Dan Furey Weekend | 500 |
| 88 | Feile Chnoc na Gaoithe | 600 |
| | Totals | 7500 |

| Applications for Artists Support | | | |
|---|--------------------------|-------------------|---------------|
| 33 Recommendations for Funding | | | |
| Ref | Name of Applicant | Discipline | Amount |
| 1 | Patrick Stritch | Photography | 225 |
| 2 | Helen Lowe | Visual Arts | 225 |
| 3 | Michael Hanrahan | Visual Arts | 225 |
| 7 | Brendan P. Lynch | Visual Arts | 165 |
| 10 | Finbarr Dillon | Music | 165 |
| 14 | Dermott Petty | Theatre | 165 |
| 15 | Laura Mulcahy | Music | 225 |
| 20 | Jane Murtagh | Visual Arts | 225 |
| 24 | Avia Gurman | Film | 225 |
| 28 | David O'Rourke | Visual Arts | 225 |
| 30 | Aisling Drennan | Visual Arts | 225 |
| 31 | Maeve Collins | Visual Arts | 225 |
| 33 | Fiona O'Dwyer | Visual Arts | 225 |
| 35 | Christy Murphy | Poetry | 165 |
| 43 | Ian Kelly | Visual Arts | 160 |
| 44 | Nathalie El Baba | Visual Arts | 225 |
| 48 | Maria Kerin | Visual Arts | 225 |
| 49 | Martina Hynan | Visual Arts | 225 |
| 50 | Kieran Donnellan | Architecture | 165 |
| 52 | Patrick Stack | Poetry | 225 |
| 57 | Carol O'Neill | Music | 225 |
| 61 | Rachel MacManus | Visual Arts | 225 |
| 62 | Shelagh Honan | Film | 225 |

| | | | |
|----|------------------------------|-------------|-------------|
| 63 | Matthew Noone | Music | 225 |
| 64 | Isabelle Gaborit | Visual Arts | 225 |
| 67 | Siomha Brock | Music | 225 |
| 69 | Claudia Kinahan | Theatre | 225 |
| 75 | Sinéad Slattery | Visual Arts | 165 |
| 80 | Helen Houlihan | Music | 400 |
| 87 | Paul Berg | Visual Arts | 400 |
| 93 | Martha Misztal & Chloe Hayes | Visual Arts | 150 |
| 94 | Shane Gilmore | Visual Arts | 225 |
| 96 | Deirdre Carr | Poetry | 225 |
| 97 | Trudi van der Elsen | Visual Arts | 225 |
| | Totals | | 7500 |

The members commended the Director of Social Development, Liam Conneally and also the County Arts Officer, Siobhán Mulcahy for their dedicated work in this area.

Item 12. Creative Ireland Strategy 2018 - 2022.

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

Cllr. J. Flynn said that this was a very important strategy and it showed that a significant investment in this area. Cllr. C. Curtin stated that the strategy clearly showed that Clare was a county of contrast and commended Mr. L. Conneally, Director of Social Development and his team for their work.

The Cathaoirleach referred to the launch of the Lough Derg Blueways which is a multi activity recreational trail involving three local authorities. He wished it every success and complemented the work of the Rural Development Directorate and in particular that of Deirdre O'Shea. Cllr. G. Flynn, Chairperson of the Social Development S.P.C. asked that measures be taken to ensure that such events do not clash with S.P.C. meetings.

Cllr. G. Keating asked is it policy that Councillors are invited to all events in their area. The Chief Executive advised that the policy in relation to all public and community events is that all the Municipal District members are invited. He clarified

that the event that Cllr. Keating was referring to related to a contract signing and not a public event.

Item 13. Delegation of Soroptimists from County Clare on “Living in Limbo” at 3:00 p.m.

The Cathaoirleach, Cllr. T. McNamara welcomed and introduced the members of the Clare Soroptimists, President Pamela Clancy, members Bernadette Queally and Sarah Malone who along with Donnah Vuma a long time resident of the Knockalisheen Centre in Meelick were making a presentation to the elected members on “Living in Limbo” the right to have rights.

He outlined that the purpose of the Soroptimists delegation is to build awareness by way of the local representatives and media coverage of the inequities and inadequacies of the direct provision centres as Ireland’s response to asylum seekers. He stated that the motion to have this deputation was proposed by Cllr. C. Colleran Molloy at the January meeting of Clare County Council and it was agreed to by all the members.

President Pamela Clancy outlined the fact that the amounts paid to private companies were from public funds and could be put to much better and more compassionate use in providing accommodation for the residents. She also pointed out the critical need to improve the standards of living conditions for families and to give options to all residents to have social and educational gatherings in their own authentic style.

Ms. Donna Vuma, a young mother from Zimbabwe, who is still waiting for her asylum application to be processed then addressed the Council. She spoke of the feeling of safety that she now has but that that should not be at the expense of freedom. She stated that she has had her case heard twice in four years and spoke of the monotonous nature of life in direct provision. She outlined the effects of this on her children whose lives are forever limited by the arrangements that they have to live by. She asked that applications for asylum be dealt with more speedily by government and for residents to be allowed to work and for them to be treated with dignity and respect.

In conclusion, Cllr. C. Colleran Molloy, who had proposed the motion, thanked the Soroptimists and also thanked the elected members for their attendance. She stated that only 3% of applicants are granted asylum in Ireland and the remainder are left “Living in Limbo”. She asked the members to use their efforts to change this system.

The Cathaoirleach thanked the members of the deputation for their presentation.

Item 14. Rural Resettlement Ireland.

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

“We are calling on Clare County Council to bring to a conclusion the transfer of ownership of twenty one social houses from Rural Resettlement Ireland.”

Liam Conneally, Director of Social Development replied as follows:

“Rural Resettlement Ireland Limited has requested the transfer of the ownership of their 21 dwelling houses in Clare into the ownership of Clare County Council. As in all property transactions the Council must follow proper due diligence/process and in this regard to date Clare County Council has expended considerable time and resources to ascertain the detail of the individual properties including title, loans, folio confirmation, property condition surveys, tenancy agreements, etc. This information is required to ensure the proper transfer of these assets into the Council’s housing stock. As property loans for the properties are outstanding due diligence is also required to assess the financial exposure to the Council in taking over the ownership, management and maintenance of the Rural Resettlement Ireland properties. These works are ongoing.

In parallel to the property transaction Clare County Council must ensure the discharge our duties as the Housing Authority in providing security of tenure to residents and in that regard the tenancy agreements of the current Rural Resettlement Ireland tenants are being examined and again this process is ongoing.

As is the case in all large property transactions proper procedures in the Rural Resettlement Ireland transaction will be followed and the Council will take the necessary time to do this important work.”

In the absence of Cllrs. P. McMahon and T. O’Brien, Cllr. P. Murphy outlined why they had brought forward this notice of motion. While expressing his upmost faith in the Director of Social Development and his staff, he wished to know what was the timeline for the completion of the transfer.

Mr. L. Conneally, Director of Social Development advised that while initially it had been thought that this was a straight forward task it has turned out to be a major piece of work. Significant work has been done and it is hoped that the transfer will be completed by the end of 2018.

Item 15. Rural village public lighting scheme.

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

“That provision be made in the next estimates for the re-introduction of rural village public lighting scheme.”

Tom Tiernan, A/Director of Physical Development replied as follows:

“I concur with the suggestion that the Council needs to get back to a situation where it can facilitate the provision of additional public lighting to accommodate rural community needs whether it be in infill or extension contexts or, indeed, the introduction of public lighting for the first time where the nature and extent of development warrants it. However, it must be borne in mind that there are two significant public lighting undertakings which must be dealt with as a priority – these are:

1. The retrofitting of all public lights in the county with LED technology and

2. The replacement/remediation of significant sections of the existing public lighting infrastructure around the county which has suffered serious depreciation as a result of lack of resources.

With regard to No. 1 above, its urgent implementation is required to facilitate satisfying 2020 carbon footprint reduction requirements. This is dealt with in more detail in the response to another notice of motion on the March meeting agenda submitted by Cllr. M. Hillery – suffice to say that while its implementation will represent a significant challenge, it shouldn't result in a cost to the Council because of the energy savings it will deliver.

With regard to No. 2 above, a significant body of work and associated financial resource is required urgently if public safety interests are to be responded to appropriately – vast numbers of public lighting columns, outreach arms, underground cabling etc. need to be prioritised for replacement. While savings to evolve on foot of No. 1 above may cover some of the cost in the medium term, this will be of very little benefit in terms of the works which are now urgently needed. In this context, the Council needs to be thinking in terms of provision of funding to the value of at least €1m in 2019.

With regard to the aspiration set out in this notice of motion, it needs to be considered in the context of the foregoing – bearing in mind, in particular, the requirements as outlined under No. 2 above.”

Cllr. P.J. Kelly outlined the importance of public lighting to rural villages and felt that those villages that do not already have public lighting are not been looked after. He referred to previous community lighting schemes and noted that the Council managed to do so much with so little.

Item 16. Conversion of public lights to LED technology.

Ar moladh Cllr. M. Hillery

“That Clare County Council management would provide an update on the conversion of the 14,000 public lights to LED technology in the County to achieve 33% reduction in Carbon Footprint by 2020.”

Tom Tiernan, A/Director of Physical Development replied as follows:

“To date approximately 7% of public lighting infrastructure throughout the county has been converted to LED. This was achieved through our availing of funding/grant opportunities through T.I.I. and SEAI over the past 4 – 5 years and based on our capacity to demonstrate that significant energy savings would accrue on foot of the conversions proposed.

Separate to the foregoing and in response to the 2020 targets referred to in the notice of motion, a National Public Lighting Steering Group was established approximately 3 years ago with a view to development of a strategy to significantly reduce the energy usage of public lighting infrastructure – this being by far the single biggest energy user throughout all of the services provided directly by local authorities. In effect, this means that the strategy to facilitate conversion of all public lighting in the country to LED is being led nationally with the support of the Road Management

Office (R.M.O.) – and also with the support of the individual local authorities who have been providing critical inventory information to the process.

At this stage, it would appear that a funding mechanism has been identified through which low interest loans will be made available to local authorities to cover conversion costs in their respective jurisdictions. Based on calculations worked out around current maintenance and conversion costs, it has been determined that there will be significant energy savings over the 20 year period following conversion and that this in turn will more than cover loan costs – meaning that LED conversion will be implemented on a cost neutral basis and it is likely that there will also be a surplus in the medium to long term which will cover the cost of some of the large-scale column and other basic infrastructural replacement which is urgent.

Arising from the foregoing, the plan is to tender the LED conversion works on a regional basis and in this regard the indications are that the first region to benefit will be the southern region which includes Clare. In this regard, it is likely that tenders will be invited through the R.M.O. in 2019 to facilitate the required LED conversion for approximately 115,000 lights across the counties of Cork, Waterford, Limerick, Kerry and Clare with a view to having the works completed to enable compliance with 2020 targets as referred to in the notice of motion.”

Cllr. M. Hillery hoped that Clare would be included in the conversion programme in the near future in order to meet the requirements of the E.U. Directive.

The Chief Executive confirmed that Clare was included in the first contract under the National LED Programme.

Item 17. Health and safety audits of regional roads.

Ar moladh Cllr. J. Flynn

Cuidithe ag Cllr. G. Flynn agus glacadh leis

“That Clare County Council, in view of the many planning permissions granted in the periphery of towns and villages which resulted in significant subsequent housing development being built, arrange to have carried out urgent health and safety audits of busy regional roads that pass through these villages and urban suburbs in order to make for safer communities.

In addition to the regional road itself, the audit should also review for creation of adjoining sustainable communities, what road junction improvements, footpath improvements, traffic calming, bus stops and other infrastructure works are needed to improve road safety and accessibility for all road users trying to access schools/community halls/local shops/Church and recreational facilities. The audit could be done and reported on in phases starting with for example, regional roads having over 10,000 daily traffic levels at the locations in mind, then audit of the remaining regional roads having daily traffic levels over 5,000, etc.”

Tom Tiernan, A/Director of Physical Development replied as follows:

“While I agree in principle with the aspirations set out in this motion, I would have a concern that what is being suggested here would amount to a very elaborate and detailed study which would conclude with a vast array of recommendations in relation

to every access road to every town and village in the county and the communities in their vicinity which would generate very significant costs if implemented and which, in many cases, may not bring the kind of benefits which would justify such costs. Apart from this, the cost of the audit itself would be considerable and unless a means can be identified at an early stage of realistically funding what the audit report would recommend, it may turn out to be a somewhat futile exercise.

I would also ask the question regarding whether one would be going into the realms of fixing something that isn't broken or perhaps applying solutions that are disproportionate in terms of the severity of the problem. There are other approaches to dealing with community safety issues at present which yield dividends when implemented appropriately and which are more focussed on dealing with particular problems at particular locations once there is evidence to demonstrate that a solution is needed – an example of this is the Low Cost Safety Scheme of which a no. are approved every year in both rural and urban contexts. Another example of where there is a focus on community safety in an urban context is centred around the principle of reduced speed limits in housing estates – ancillary to this are the pilot traffic calming schemes which are being conducted in a no. of counties including Clare with a view to ensuring that 30 km/hr speed limits in housing estates can work as they are supposed to work.

As I indicate above, I concur, in general terms, with the aspiration implied by this notice of motion but would suggest that perhaps a more simplified version of what is suggested might be more practical. In this context, it might be appropriate to look at what might be achievable in terms of regularisation and standardisation in relation to the key fundamental requirements which pertain along the approach roads into towns and villages and to develop a short policy document that would, in effect, define targets in relation to these fundamental requirements. By fundamental requirements I would be referring to issues such as:

- Continuity of footpaths and the reasonable extent of their provision.
- Other aspects of activities such as pedestrian crossings and what would justify provision of same.
- Rectification of public lighting deficiencies.
- Determination of feasibility or otherwise in relation to provision of independent cycleways.
- And so on.

I believe that the foregoing would constitute a more simplified and less convoluted approach which could lead to the development of a schedule of works which would benefit every town and village in the county based on a standardised and consistent approach and at the same time provide for enhanced community safety in a consistent manner.”

Cllr. J. Flynn thanked Mr. T. Tiernan, A/Director of Physical Development for his reply. He referred to the resident from Roslevan who had first brought this issue to his attention. A number of elected members referred to issues in their area where new communities have been established but proper infrastructure has not been put in place to meet their requirements or existing infrastructure requires upgrading in order to meet health and safety requirements. The Cathaoirleach expressed the view that this notice of motion should also be brought before the Ennis Municipal District Meeting.

In responding to the concerns raised Mr. T. Tiernan, A/Director of Physical Development advised that the first step would be the development of policy guidelines with a view to addressing the key issues. He said that a safety audit would need to be more detailed and that a policy document would be an important first step. Cllr. J. Flynn said that he would make himself available to attend a workshop to work on a policy document and asked that one or two Councillors from each Municipal District put themselves forward. Cllr. G. Flynn advised that he would like to see an audit put in place for each of the four Municipal Districts.

Item 18. Inlet opening and drainage on minor roads.

Ar moladh Cllr. A. Norton
Cuidithe ag Cllr. M. Begley agus glacadh leis

“That this Council would carry out inlet opening and drainage on all minor roads in the county.”

Tom Tiernan, A/Director of Physical Development replied as follows:

“Minor roads have depreciated more than others over the past 10 years as a result of funding deficiencies arising mainly from the fact that the funding levels which were provided had to be prioritised in favour of the routes which had to provide for most traffic. In general terms, as is outlined in the draft 2018 SMDW which will be considered at all Municipal District meetings this month, funding levels in relation to road maintenance and management programmes are recovering and this in turn will gradually facilitate a capacity to increase the level of attention to be provided to minor roads. Of particular significance is the fact that for the first time a specific drainage works grant is being provided by the Department of Transport, Tourism and Sport. While much of the works identified under this heading in the SMDW relate to long overdue remediation works in respect of more formalised drainage infrastructure replacement, culvert repairs, arterial drainage works etc., there will also be an increased focus through this year in relation to fundamental works such as inlet opening including along all categories of local roads.”

In the absence of Cllr. P.J. Ryan this notice of motion was brought forward by Cllr. A. Norton.

Item 19. Unfinished estates.

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

“That in view of the large number of unfinished estates in the County and the difficulty the Council have in finding resources to finish these developments, I am calling on the local authority to be mindful of applications from developers with outstanding work to be completed in previous permissions and not validate Commencement Notices until all outstanding obligations are met.”

Brian McCarthy, A/Director of Economic Development replied as follows:

“Article 9 of S.I. No. 9 of 2014 (Building Control Amendment Regulations 2014) outlines the criteria for validation of a Commencement Notice. If a Commencement Notice submission complies with the requirements of Article 9 then the Building Control Department are obliged to validate the Notice. This statutory validation of a commencement notice does not allow for consideration of whether or not a developer has failed to fulfil his obligations in respect of previous planning permissions.

From a Planning Authority perspective, Section 35 of the Planning and Development Act 2000, as amended, makes provision for refusal of a permission for past failures to comply. However, the process may be lengthy and costly from a legal perspective.

The Planning Authority has been actively and successfully reducing the number of residential estates not yet taken in charge in the last number of years. Currently just under 200 such residential developments are listed as not taken in charge.

The legacy issues that exist on some of these developments are varied and each residential development presents a different range of complexities. The Planning Authority is actively working on the majority of the developments through various means. In cases where developers are still active, the Planning Department is either working with the developer to try to progress completion of the estate or failing this, is trying to progress matters through the enforcement process. In most cases however, the Developer is inactive and the Council is largely reliant on receivers/bondholders and their agents to address the completion of these developments.

The Council also assumes responsibility for estates where bond monies have been paid out. However, in many cases the bond money is insufficient and this, combined with reduced technical resources within the Planning Department, presents difficulties for the Council in terms of resolving issues and completing the estates to a satisfactory standard.

On developments that have been permitted more recently, the Planning Authority is adopting a more proactive Taking in Charge policy that requires a Certification procedure to be put in place by the Developer. This together with the phasing of developments will help to ensure that, in future, developments will be completed in accordance with the conditions of permission and to the standard required for Taking in Charge. In addition, the Planning Authority are reviewing the bond process and methodology and there may be scope to increase the security required so as to limit the Council’s exposure in cases where developers fail to fulfill their obligations with regard to outstanding works and the residents who live in these developments.”

The elected members raised issues in relation to who protects the purchasers of properties in unfinished estates, how often has Clare County Council used the powers under Section 35 of the Planning & Development Act 2000. They sought clarification in relation to the number of unfinished or those yet to be taken in charge, and also queried the process for taking in charge of waste water treatment plants in such housing estates.

Mr. B. McCarthy, A/Director of Economic Development advised that Article 9 of S.I. No. 9 of 2014 (Building Control Amendment Regulations 2014) does not allow for past failures by a developer to fulfil his obligations in respect of previous planning permissions as grounds for refusing new planning application. In relation to Section 35 of the Planning and Development Act 2000 he advised that this is very rarely used by Local Authorities throughout the country and Clare County Council has never used it as it is a very lengthy and costly process. He clarified that the figure of less than 200 related to estates not taken in charge and the figure for unfinished estates was much less than this. In respect to the taking in charge of waste water treatment plants, he advised that Irish Water do not want to take charge of these plants in private estates. Cllr. G. Flynn felt that the process under Section 35 of the Planning and Development Act 2000 does not appear to be strong enough to protect purchasers and asked what could be done to protect the public.

Upon the request of Cllr. J. Cooney Item No. 24 was brought forward.

Item 24. Public sewerage schemes.

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

“That Clare County Council request Irish Water and the Government, following the publication of the National Planning Framework Document ‘Ireland 2040’ and the introduction of a €1 billion Rural Regeneration Scheme, to provide funding to install public sewerage schemes in rural towns and villages who do not have same.”

A number of elected members outlined the importance of such vital infrastructure and the importance of everyone working together to improve the services for wastewater in the 50 villages and towns in County Clare. Cllr. M. Begley asked that the Chief Executive and his staff to put an application together to get Clare’s share of the available funding. Cllr. G. Keating advised they had met with Irish Water that morning in relation to scheme in Carrigaholt and had been advised that they did not have the funds available and asked that Carrigaholt be put forward as a pilot scheme and to submit this to Minister Michael Ring. Cllr. C. Curtin acknowledged that Mr. B. McCarthy Director of Physical Development had forwarded a submission to the Southern Regional Assembly in relation to the Regional Spatial and Economic Strategy (R.S.E.S.). In an effort to access funding, Cllr. J. Flynn suggested that we invite Stephen Blair, Director of the Southern Regional Assembly to address the Council on this matter. It was agreed that Mr. Stephen Blair would be invited to address a future meeting. Cllr. A. O’Callaghan paid tribute to all those involved in getting the Low Energy Waste Water Treatment Plant for Kilmurry.

The Chief Executive agreed that wastewater is a key piece of infrastructure for each town and village and as the primary civic and public authority, the Council needs to progress the discussions in the context of the National Planning Framework and the provisions of infrastructure. In relation to the Southern Regional Assembly he advised that while discussions have taken place with Mr. Blair, it is the Government that make the decisions on such funding allocations.

Item 20. Rates Incentives for Business.

“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.”

Cllr. P. Murphy requested that this item be deferred to the April meeting.

Item 21. Agreements with tour operators.

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

“That Clare County Council and Shannon Heritage re-examine the deals that they have with Paddywagon Tours and other similar day-tour operators so that incentives are offered for visitors to stay in our County on an overnight basis.”

Leonard Cleary, A/Director of Rural Development replied as follows:

“Clare County Council will commence the preparation of Clare Tourism Strategy in 2018. This will involve a range of stakeholders and will take account of the above motion.

The Cliffs of Moher Visitor experience is an example where there is currently a focused effort on retaining tourism bednights in County Clare.

It is part of the wider remit of Cliffs of Moher Centre Ltd to promote the County of Clare that includes overnight stays, visits to towns and villages and visiting other attractions as well as the use of Shannon Airport. This is done continually through all promotional activity, onsite and through group tour business.

The Cliffs of Moher offers incentives to those staying overnight in the County as follows:

- i. The Cliffs of Moher Centre Ltd introduced off peak pricing to incentivise since 2014 with a 33% discount to visit before 11:00 a.m. and after 4:00 p.m. Generally tours that stay within 1.5 hours of the Cliffs of Moher Visitor Experience will avail of the off peak pricing.
- ii. During peak periods when the Cliffs of Moher Visitor Experience is at capacity between 11:00 a.m. and 4:00 p.m. and groups can no longer be accepted during these hours, groups are advised to overnight in Co. Clare and to make an early or late visit.
- iii. From March 1st 2018 the Cliffs of Moher Visitor Experience will extend opening hours and will open from 8: 00 a.m. until 9:00 p.m. further incentivising visitors to come early or for sunsets and stay locally. This will be promoted to all group tour business.

- iv. From 2019 onwards day tour operators will pay a premium to visit the Cliffs of Moher Visitor Experience. In peak periods day tour operators will pay €7.50 per person in peak hours and €4.00 in off peak hours. The day tour operators will be incentivised by the off peak rate in the winter months November – February to visit the Cliffs of Moher when no other tour operators are visiting.
- v. The Cliffs of Moher Centre Ltd is working with all of the stakeholders to promote overnight stays including the Burren and Cliffs of Moher Geopark, the Burren Ecotourism Network, Clare Tourism Forum and Ennis Chamber of Commerce.

Feedback has been received from the day tour operators as follows:

- Some are staying overnight in Ballyvaughan, Doolin, Spanish Point on their other tour products, not on their day tour products.
- Some are visiting other attractions and businesses in North Clare particularly the Burren and Doolin.
- The day tour product is specific to a day tour and not an overnight tour.
- There isn't sufficient bed stock in the County.
- There aren't other major attractions in the County.
- They are not being approached by Co. Clare businesses to do business.

The above items will be considered as part of the Clare Tourism Strategy.”

Cllr. C. Crowe said that there is an onus on both Clare County Council and Shannon Development to expand the area where tourists visit and encourage additional bed nights and spend within the County. Cllr. R. Nagle advised that the Cliffs of Moher Centre Visitor Experience is expecting another very good year in 2018 and among its ethos is the spread of tourism throughout the County. The message he is getting from hoteliers is that there is a bed shortage within the County. He went on to state that while some people are of the opinion that the Cliffs of Moher is a drain on the Council's finances it is in fact bringing in money. A major boost to tourism would be if the number of international flights coming in and out of Shannon Airport could be increased. Cllr. J. Flynn advised that in 2025 it is expected that there will be 10 million tourists visiting the country but it is disturbing to read from Fáilte Ireland's figures that Clare has only half of the tourist spend of Kerry even though we have two of the major attractions in the Country. Cllr. G. Flynn stated as we are spending large amounts of money on these attractions we needed to see a return from our investment. He asked that the charges for parking at the Cliffs of Moher be classified as parking and not admission. Cllr. C. Colleran Molloy felt that the use of Airbnb should be encouraged.

Mr. L. Cleary, A/Director of Rural Development in replying to the queries raised referred to the briefing session held in January 2018 for the elected members on the strategy for the Cliffs of Moher going forward. Among the strategies being discussed are ways in which to encourage people to visit outside the peak visiting period and encourage overnight stays in the area. He confirmed that while the Cliffs of Moher Visitor Centre is self financing it requires continued investment.

Item 22. Funding for higher education.

Ar moladh Cllr. M. McKee

Cuidithe ag Cllrs. A. Norton agus C. Colleran Molloy agus glacadh leis

“That this Council supports the call for publicly-funded higher education and rejects income contingent loans.”

Cllr. M. McKee referred to the presentation made by the Union of Students of Ireland at the February Council Meeting. A number of elected members spoke in support of this notice of motion.

It was agreed to forward this notice of motion to both the Minister for Education & Skills and all other Local Authorities.

Item 23. Provision of professional counsellors to secondary schools.

Ar moladh Cllr. A. Norton

Cuidithe ag Cllr. R. Nagle agus glacadh leis

“That Clare County Council write to the Minister for Education and Skills Richard Burton and the Minister for Health, Simon Harris, requesting that they provide all secondary schools with full time professional counsellors to help and support our young students with the assistance they need.”

During discussion on this issue, the elected members referred to the number of young people taking their own lives and the need to support them with the issues they are dealing with. While it was acknowledged that there are a number of charities providing support it was felt that support needed to be provided in the schools. Cllrs. P. Murphy and C. Crowe advised that this issue has also come to their attention at national school level. Some of the elected members felt that they could benefit from training on mental health and awareness of those issues. Brochures in relation to training for this were circulated to members at the meeting. Cllr. M. Howard advised that she was arranging for “Safe Talk” training to be held in Ennis and that there were still some vacancies if people were interested.

Item 25. Redress scheme for owners of properties non compliant with Building and Fire Regulations.

Ar moladh Cllr. J. Flynn

Cuidithe ag Cllrs. G. Flynn, C. Curtin agus P.J. Kelly agus glacadh leis

“That Clare County Council call on the Minister for Housing, Environment and Local Government and the Minister for Finance to put in place a 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. These homeowners are victims of poor building methods and are now facing huge expense to address the necessary measures to bring their property up to a safe and compliant level. The purchasers of these properties followed due process in acquiring their property and trusted the legal, planning and regulatory measures in

place to protect them, but now find they are exposed to costs they cannot afford and could in extreme cases face the possibility of being rendered homeless if necessary remedial safety works are not carried out. (request motion be circulated to other Councils and Oireachtas members).”

Cllr. J. Flynn outlined the reasons for bringing forward this notice of motion. It was noted that the Oireachtas Committee on Housing has also called for a redress scheme. It was agreed that self regulation has failed many householders and the lack of resources for local authorities meant that many local authorities did not have the capacity to exercise regulations in this area.

It was agreed to forward this notice of motion to the Minister for Housing, Environment and Local Government and the Minister for Finance, the Oireachtas Members and other Local Authorities.

Item 26. Financial incentives to companies who employ apprentices.

Ar moladh Cllr. J. Breen

Cuidithe ag Cllr. C. Collieran Molloy agus glacadh leis

“That this Council calls on the Minister for Trade and Employment to introduce financial incentives to companies who are prepared to employ apprentices.”

Cllr. J. Breen advised that he knew at least five contractors who would take on an apprentice if they received the necessary support.

It was agreed to forward this notice of motion to the Minister for Trade and Employment and to circulate to the other local authorities.

Item 27. Digital Age of Consent.

Ar moladh Cllr. M. Howard

Cuidithe ag Cllr. J. Flynn agus glacadh leis

“That Clare County Council request the Minister for Justice and Equality, Mr. Charles Flanagan and Minister for Communications, Climate Action and Environment, Mr. Denis Naughten to reconsider the Digital Age of Consent. Heretofore the Digital Age of Consent was 16 and it is proposed to reduce it to 13 this summer.”

Cllr. M. Howard outlined why she thought that the Digital Age of Consent should remain at 16.

It was agreed to forward this notice of motion to both the Minister for Justice and Equality and Minister for Communications, Climate Action and Environment.

Item 28. Deep water fish living in North West Atlantic Ocean.

Ar moladh Cllr. J. Crowe

Cuidithe ag Cllr. C. Colleran Molloy agus glacadh leis

“That Clare Council request the Minister for Communications, Climate Action and Environment in view of the recent study findings issued by NUIG that 73% of deep water fish living in the North West Atlantic Ocean had ingested micro plastic, which is one of the highest recordings found worldwide; to tackle this ticking time bomb before it is too late.”

Cllr. J. Crowe outlined how the dumping of plastic into our waterways was a serious issue that needed to be addressed he referred in detail to a recent study issued by NUIG. He spoke of the need to move to recyclable or reusable cups or to incentives retailers to bring their own cups by giving them discounts. Cllr. M. Howard advised that Kilkee hoped to reach a plastic free status.

It was agreed to circulate this notice of motion to Oireachtas Members and all local authorities.

In accordance with Standing Orders, Cllr. J. Breen proposed a 10 minute extension of the meeting and this was seconded by Cllr. G. Flynn.

Item 29. Local Improvement Scheme.

Ar moladh Cllr. C. Curtin

Cuidithe ag Cllr. P.J. Kelly agus glacadh leis

“That, arising from the unprecedented interest in the Local Improvement Scheme 2018 for non-public roads in Clare, the Council requests the Minister for Rural and Community Development to increase appropriately the 2018 allocation for same above the 2017 figure.”

Leonard Cleary, A/Director of Rural Development replied as follows:

“The Clare Rural Development Strategy has identified the need to target improvement in rural road infrastructure. The Local Improvement Scheme, which is managed by the Roads Department, delivers in a significant way on this target. The Rural Development Directorate will work closely with the Physical Development Directorate to maximise funding opportunities for the Local Improvement Scheme from the Governments department of Rural and Community Development.”

Cllr. C. Curtin outlined the demand for this scheme with probably 100 applications being received before the closing date. A number of the elected members spoke of the need for an increase in funding.

The Chief Executive referred to the funding received in 2017 and felt optimistic of receiving increased grant allocations in 2018. Mr. L. Cleary, A/Director of Rural Development referred to a recent circular letter issued in relation to eight grant schemes. He said that the key message was to get the allocation spent within the prescribed time period and acknowledged the work done by the Roads Section to get the projects completed in 2017.

Item 30. Comhfhreagras. Correspondence.

Correspondence.

The following correspondence was circulated with the agenda:

1. Correspondence dated 20th February, 2018 from the Secretariat of the Local Electoral Area Boundary Committee in relation to submission on behalf of Clare County Council.
2. Correspondence dated 6th February, 2018 from the Data Protection Commissioner in relation to invitation to attend Council meeting.
3. Cllr. J. Breen welcomed the response received from the Data Protection Commissioner and requested that the reply be forwarded to both the AILG & LAMA.
4. Correspondence dated 22nd February, 2018 from the Office of the Minister for Justice and Equality regarding remuneration of people called for jury duty.
5. Correspondence dated 26th February, 2018 from the OPW regarding coastal protection maintenance.
6. Correspondence dated 6th March, 2018 from Deputy Michael Harty in relation to Mid West Regional Hospital, Ennis.
7. Resolution from Leitrim County Council in relation o Disabilities Tax Relief Scheme.
8. Resolution from Limerick City and County Council in relation to Drug Payment and Medical Card Schemes for chronic pain.
9. Cross Border Tourism Conference 2018 entitled “Growing your visitors – learning from the best” taking place in the Four Seasons Hotel, Carlingford, Co. Louth on 11th 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. B. Slattery and P. Daly 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 €339.91 including conference fee of €160.

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

The Cathaoirleach took the opportunity to acknowledge the work of Niall Barrett during his tenor as Head of Finance which brought Clare County Council to a surplus situation. He wished Noeleen Fitzgerald every success in her role as A/Head of Finance. He also thanked Carmel Greene for all her work and wished her every success in her new posting. He welcomed Ann Reynolds as the new Meetings Administrator. The Chief Executive and elected members supported his sentiments.

The meeting then concluded.

Signed: _____
Riarthóir Cruinnithe

Signed: _____
Cathaoirleach

Date: _____