

Minutes of the November Monthly Meeting of Clare County Council held in the Council Chamber, Áras Contae an Chláir, New Road, Ennis, Co. Clare on Monday, 11th November, 2019 at 3:45 p.m.

Present:

Councillors M. Howard, M. Nestor, J. Flynn, C. Colleran Molloy, P. Murphy, A. Norton, P. Daly, J. Cooney, P. Hayes, P. Burke, A. O’Callaghan, T. O’Brien, C. Crowe, J. Crowe, M. Begley, P.J. Ryan, P. McMahon, G. Flynn, S. Talty, J. Killeen, J. Garrihy, R. Garvey, P.J. Kelly, B. Chambers, G. Keating, C. Murphy, I. Lynch.

- Mr. Pat Dowling, Chief Executive.
- Ms. Ann Reynolds, Meetings Administrator.
- Ms. Margaret O’Rourke, Assistant Staff Officer.
- Ms. Anne Haugh, Director of Social Development.
- Mr. Liam Conneally, Director of Economic Development.
- Mr. Leonard Cleary, Director of Rural Development.
- Ms. Carmel Kirby, Director of Physical Development.
- Ms. Noeleen Fitzgerald, A/Head of Finance.

Apologies: Cllr. M. McKee.

The Cathaoirleach, Cllr. Cathal Crowe presided.

Vote of Sympathy.

At the outset a vote of sympathy was also extended to the following:

- the Finucane family, Lissycasey on the death of Teresa Finucane.
- the Kennedy family, Kilmaley on the death of Mary Kennedy.
- the Rodgers family on the death of Fr. J.J. Rodgers.
- the Harvey family, Querrin, Kilkee on the death of Kieran Harvey.

Deputation at December meeting.

The following proposal signed by Cllrs. P.J. Ryan, A. O’Callaghan, M. Begley, P.J. Kelly, B. Chambers, P. McMahon, C. Crowe, J. Crowe, G. Flynn, T. O’Brien and P. Hayes was read out by Ann Reynolds, Meetings Administrator.

“We, the undersigned, propose we invite Very Rev. Fr. Harry Bohan, Sociologist, to address our December Council Meeting, to have him share his views on Shannon Airport, past and present.”

This was agreed by the members present.

Item 1: Minutes of Council Meetings.

a. Ar moladh Cllr. B. Chambers
Cuidithe ag Cllr. S. Talty agus glacadh leis

“That the Minutes of the October Meeting of Clare County Council held on 14th October, 2019 be adopted and signed.”

Item 2: Matters Arising.

Cllr. P.J. Kelly referred to Item No. 21 at the October Council Meeting and stated that he has requested Billy Kelleher and Seán Kelly, Members of the European Parliament to raise this matter in the European Parliament.

Item 3: Minutes of Municipal District Meetings.

a. Ar moladh Cllr. M. Howard
Cuidithe ag Cllr. C. Collieran Molloy agus glacadh leis

“That the Minutes of the Ennis Municipal District Meeting held on the 10th September, 2019 be noted.”

Item 4: Minutes of the Corporate Policy Group Meetings.

The members noted the minutes of the meeting held on 7th October, 2019 as presented.

Item 5: Monthly Management Report.

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

Item 6: Nominations to Strategic Policy Committees.

Report dated 5th November, 2019 from Ann Reynolds, A/Senior Executive Officer, Corporate Services was circulated with the agenda. The report states that the S.P.C. Scheme 2019 - 2024 was adopted at the September Council meeting. Following this, nominations were sought from the following sectors as outlined in the S.P.C. Scheme:

- Agriculture/Farming,
- Environment/Conservation,
- Development /Construction,
- Business/Commercial,
- Trade Unions,

- Community/Voluntary and Social Inclusion Sectors.

The Nominees for the **Economic Development S.P.C.** are as follows:

Sector	Nominated Member
Elected Members (7)	Cllr. Pat McMahon (Chair) Cllr. P.J. Kelly Cllr. Pat Daly Cllr. P.J. Ryan Cllr. Michael Begley Cllr. Gabriel Keating Cllr. Johnny Flynn
Agriculture & Farming (1)	Rosaleen O'Reilly.
Environment/ Conservation (1) PPN	Emma Karan
Development/ Construction (1)	Pat Keogh
Business/ Commercial (1)	Pat Morris
Trade Unions (1)	Seamus Ryan
Social Inclusion (1) PPN	Elaine d'Alton

The Nominees for the **Physical Development S.P.C.** are as follows:

Sector	Nominated Member
Elected Members	Cllr. John Crowe (Chair) Cllr. Cathal Crowe Cllr. Alan O'Callaghan Cllr. Clare Colleran Molloy Cllr. Joe Cooney Cllr. Ian Lynch Cllr. Róisín Garvey
Agriculture & Farming	Kieran Woods
Environment/ Conservation (2)	Aisling Wheeler James Gillar

Development/ Construction (1)	Lorchan Hoyne, Keating Construction
Community/ Voluntary (1) PPN	Damon Matthew Wise
Social Inclusion (1) PPN	Padraic Hayes

The Nominees for the **Rural Development S.P.C.** are as follows:

Sector	Nominated Member
Elected Members	Cllr. Pat Hayes (Chair) Cllr. Bill Chambers Cllr. Cillian Murphy Cllr. Shane Talty Cllr. Joe Killeen Cllr. Mary Howard Cllr. Pat Burke
Agriculture & Farming (1)	Denis Tuohy
Environment/ Conservation (1) PPN	Anny Wise
Business/ Commercial (1)	Niamh O'Callaghan
Community/ Voluntary (1) PPN	Eugene Crimmins
Social Inclusion (1) PPN	Jean Tierney, Clare Youth Service

The Nominees for the **Social Development S.P.C.** are as follows:

Sector	Nominated Member
Elected Members	Cllr. Gerry Flynn (Chair) Cllr. Tony O'Brien Cllr. Mark Nestor Cllr. Paul Murphy Cllr. Joe Garrihy Cllr. Ann Norton Cllr. Mike McKee

Development/ Construction (1)	Larry Brennan, Woodhaven Developments Ltd.
Business/ Commercial (1)	William Cahir, Cahir Solicitors.
Trade Unions (1)	Tommy Guilfoyle
Community/ Voluntary (1) PPN	Trudy Leyden
Social Inclusion (1) PPN	Noel Kearney

The members noted the report and the final membership of the S.P.C.'s was approved having been proposed by Cllr. G. Flynn and seconded by Cllr. P. Hayes.

Item 7: Deputation from the second level students organising “Fridays for future Clare”

Following notice of motion submitted by Cllr. J. Flynn at the October Council meeting, it was agreed that Clare County Council invite a deputation from the second level students organising “Fridays for future Clare” to attend the November County Council meeting regarding the issue of Climate Change.

The Deputy Cathaoirleach introduced Kate Harty, Eleanor Dagnall-Wise, Aine Dempsey, Wiame Kanane, Orla Begley, Ciara McMahon, Rose Guy, Katie Duson, Jonah Krieger and Rhiannon Cloke students from Colaiste Muire Secondary School, Ennis.

A presentation on Climate Action in Clare was presented to the members outlining 8 key action areas for the future for sustainable development.

The elected members thanked the students for attending the Council meeting. The Deputy Cathaoirleach commended the students for their work and advised that Kate Harty, Aine Dempsey and Rose Guy would be representing Clare in the upcoming Dáil Youth Assembly.

Item 8. County Burial Ground.

Ar moladh Cllr. P. Murphy
Cuidithe ag Cllr. C. Colleran Molloy agus glacadh leis

"That Clare County Council source an alternative site for the future County Burial Ground to that which is currently proposed at Ballaghafadda (Kildysart Road, Clarecastle). The circa 50 acre landbank provides unrestricted access to Ballybeg Lough (not an S.A.C.) and onwards to Newhall Lake, Ballybeg Woods and the famine trail from Killone Abbey to the Rocky Road. These lands also have the potential to be promoted as a Shannon Estuary Way Destination, can possibly be a key component of the Ennis 2040 Spatial and Economic Strategy and compliment the adjacent light industry and enterprise zoned lands located at the other side of the main Ennis to Kildysart road. The development of a burial ground next to the water may impact

negatively on the potential of the lake and lakeshore to be used for a large scale recreation and tourism development for County Clare".

Monica Meehan, Senior Executive Officer, Rural Development replied as follows:

“The lands at Ballaghafadda offer unique potential to provide the local community and visitors with key facilities and new recreational offerings. The Council’s investment in this property asset took account of a range of factors. These include access to Ballybeg Lough and onwards to Newhall Lake, Ballybeg Woods and the famine trail from Killone Abbey to the Rocky Road and complementary to the adjacent Shannon Estuary Way. The aim of this significant investment is to balance the needs of recreation/amenity/tourism and burial grounds. It is suitable for various National Government Funding opportunities particularly in the amenity and tourism pillars of the project.

A briefing of Ennis Municipal District will be organised shortly.

The necessary provision of a new County burial ground has been spoken about for quite some time and indeed ten possible sites had been identified and researched during 2013 and 2014. The timely coming to market of the Ballaghafadda site during 2017 prompted Clare County Council to consider this site for the purpose of providing a burial ground due to the fact that the burial ground at Drumcliffe is nearing capacity. Clare County Council purchased the land at Ballaghafadda, Kildysert Road, Ennis in late 2017. The Clare County Development Plan 2017 – 2023 supports the provision of a burial ground at this site and also the development of a recreational area.

The site has two zonings; half the site is zoned for ‘community’ use and half for ‘tourism’ use.

The statement in the Clare County Development Plan 2017 – 2023 regarding the ‘community’ zoning which is noted as C4 advises *‘suitable uses could include tourism uses, compatible with the adjoining tourism zoning or crematorium with possible co-located burial ground, or other community based developments’*.

The statement in the Clare County Development Plan 2017 – 2023 regarding the ‘tourism’ zoning which is noted as TOU1 advises *‘opportunity for development that compliments its location directly adjacent to Ballybeg Lough’*.

In order to progress this project, the Council has established a cross-directorate Steering Group and has also undertaken some preliminary survey work, design concepts and costings. A design brief is currently being developed with a view to a design team being appointed in order to expedite this project. The Council is very conscious of the need to make progress on the delivery of a new county burial in particular and believes that a complimentary recreational space adjoining the burial ground will prove to be a major asset to the County.

It should be noted that the proposal for the provision of a burial ground and recreational area at this site has been advised to the consultants preparing the Ennis 2040 Plan.”

Cllr. P. Murphy outlined the potential use of this lake and lakeshore as a large scale recreation and tourism amenity for County Clare.

P. Dowling, Chief Executive informed the meeting that this matter has been discussed over the last couple of years and there will be further communication at Ennis Municipal District level. He stated time is running out in the context of having a burial ground available and that this option has been progressed over time and there has been broad acceptance. Mr. Dowling stated that there are other aspects of the site that can be developed further.

L. Cleary, Director of Rural Development addressed the meeting and stated that the next step in this process is a presentation to the members of Ennis Municipal District on what is proposed for the site. He stated that there is a proposal to develop a tourism amenity on the site and a separate part of the site will be developed for a burial ground. Mr. Cleary stated that it is very difficult to purchase land in the Ennis area and that tourism and amenity grants will be applied for.

Item 9. Designate beach areas as non-smoking.

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

“With the undisputed knowledge of the hazards of smoking and in the interests of promoting a healthy environment for our children and adults alike, I request that Clare County Council review the beach bylaws so as to designate beach areas as non-smoking.”

Carmel Kirby, Director of Physical Development replied as follows:

“The application of bye-laws is covered under Section 199 (1) of The Local Government Act 2001 which stipulates that a local authority may make a bye-law for or in relation to the use, operation, protection, regulation or management of any land, services, or any other matter provided by or under the control or management of the local authority, whether within or without its functional area or in relation to any connected matter.

However under Section 199(2)(b) it states that a bye-law may not be made under this subsection for a purpose as respects which provision for that particular purpose is made by or under any other enactment or may be made under such enactment.

The relevant enactments regarding smoking (tobacco) are the Public Health (Tobacco) Act 2002 and subsequent Regulations mainly Statutory Instrument No. 481/2003 - Tobacco Smoking (Prohibition) Regulations 2003 which gave effect to banning smoking in aircraft , vehicles, a place of work, licenced premises etc. There is also an option (currently not enacted) under Section 47(1)(g) of the Public Health (Tobacco) Act 2002 for the Minister to enact regulations which may prohibit or restrict the smoking of tobacco products in all or part of any other premises or place.

Therefore it is not appropriate in accordance with the Local Government Act 2001 for Clare County Council to enact bye laws which would designate beach areas as non-smoking as that purpose is already provided for by other legislation.”

Item 10. Composter bins and water butts.

Ar moladh Cllr. M. Howard
Cuidithe ag Cllrs. R. Garvey agus M. Nestor agus glacadh leis

“I request Clare County Council to provide subsidised composter bins and water butts to the general public as was done historically by the old Ennis Town Council.”

Carmel Kirby, Director of Physical Development replied as follows:

“Clare Local Authorities which included Ennis Town Council were instrumental in introducing compost bins to the wider public in county Clare in the early 2000s. The bins were sold at cost price and were not subsidised as that would be contrary to the polluter pays principle. At that time home composting was a relatively new concept and the bins were not stocked by hardware merchants unlike now where they are readily available. The promoting and selling of composting bins was part of a broader initiative to firstly introduce the concept to the public and secondly to divert compostable waste from landfill. This was in keeping with the waste hierarchy pyramid whereby landfill was to be the last resort for waste. Composting continues to be promoted through the green schools programme and local workshops. In addition the county council also accepts larger types of green waste, which would not be suitable for home composting, at their civic amenity sites. Legislation and policy has also moved on with the introduction of the *European Union (Household Food Waste and Bio-waste) Regulations 2015*. This legislation places a legal obligation on private kerbside waste collectors as of the 1st July 2016, to provide a dedicated brown bin service to all customers that reside within agglomerations greater than 500 persons. We now have over 29,000 households in County Clare availing of the brown bin service which caters for kitchen waste including compostable material.

I am not aware that Clare County Council ever provided water butts but again these are now stocked by all hardware merchants. Water is such a valuable resource we should conserve and reuse it wherever possible. Therefore in light of my comments above we do not intend to provide composters or water butts at this time and they are also now readily available to purchase.”

The elected members supported these initiatives and requested that the Council take steps to promote composting and water conservation. It was also noted that composting is a difficult task and that training and information should be made available to people who wish to pursue this task.

Item 11. Planting of native tree species.

Ar moladh Cllr. P. McMahon
Cuidithe ag Cllr. R. Garvey agus glacadh leis

“That this Council provide an update on plans to increase the planting of the native tree species on Council property and where appropriate the Council call on the Government to provide realistic grant aid for sowing native trees in commercial forestryes.”

Carmel Kirby, Director of Physical Development replied as follows:

“The recently adopted Climate Change Adaptation Policy has a number of objective themes one of which is in the area of “*natural resources and cultural infrastructure*”. Under Objective 1 “To provide for enhancement of natural environment to work

positively towards climate action” we have an action to develop a strategy to implement an active tree planting programme. This strategy will take into consideration the subject of the motion with regard to the suitability of planting trees on Council land. We will revert to the members when the strategy is formulated.

We will write to the Department of Agriculture Fisheries and the Marine regarding the provision of realistic grant aid to for sowing native trees in commercial forests.”

The elected members noted the value of planting trees and recommended that agencies work together to encourage people, farmers and agencies to plant more trees.

Item 12. Roads Programme Budget 2020.

Ar moladh Cllr. J. Cooney

Cuidithe ag Cllr. P. Hayes agus glacadh leis

“That Clare County Council allocate more funding from their 2020 Roads Programme Budget to local and minor roads throughout the county, as regional roads have been prioritised over the past number of years.”

John Leahy, Senior Engineer, Transportation Department replied as follows:

“The Department of Transport Tourism and Sport allocation for 2020 will be made known for Clare County Council at the end of January 2020. When allocations to each Municipal District are being distributed we will refer to the current 3 year non national roads programme and priorities from areas will be taken into account. Consideration will be given at that point to the relative distribution of grant funding between Regional & Local Primary, Secondary and Tertiary roads. The Department of Transport, Tourism and Sport grant allocation carries with it, conditions which include, that roads with higher traffic volumes and regional roads are prioritised. Notwithstanding this if there is a road with a lower volume that is of concern in a particular area then this should be highlighted to the Senior Executive Engineer in the area as a priority.

Preparation of the Schedule of Municipal District Works is a balance between the following:

- 1) Road condition assessment/survey
- 2) Even geographical spread
- 3) Status of road
- 4) Volume of traffic
- 5) Local needs

Local needs will be taken into account within the funding allocation available.”

The elected members requested that the Council concentrate on maintaining local rural roads and minor roads for one year as the people living on these roads are entitled to a good standard of road.

C. Kirby, Director of Physical Directorate stated that roads funding is gradually improving and that consideration will be given to this request.

Item 13. Status for upgrade and realignment works on N85.

Ar moladh Cllr. S. Talty

“What is the current status of planning for long overdue upgrade and realignment works on the N85 from Ennis to Ennistymon?”

Carmel Kirby, Director of Physical Development replied as follows:

“It is accepted that certain sections of the N85 between Ennis and Ennistymon requires upgrading and to this end, members will be aware that a plan to upgrade a 3km section from just west of Kilnamona Cross eastwards towards Ennis was being advanced. The preferred route was for the most part offline and in developing the design for same, surveys and geotechnical investigation work identified that there would be a significant cut and fill imbalance meaning that there would be a substantial volume of surplus material requiring to be disposed of offsite rendering that particular design unviable.

Further to ongoing discussion with Transport Infrastructure Ireland (T.I.I.), they have now given us approval to extend the scheme by a further 1.5km which will bring the proposed tie in point on the eastern side just up from Whelan’s Quarry. We are currently engaging in survey work that will inform the project brief for the appointment of consultants in early 2020 and I will keep members informed of progress in this regard.”

Item 14. Convictions for illegal dumping/littering.

Ar moladh Cllr. C. Crowe

Cuidithe ag Cllr. A. Norton agus glacadh leis

“That this Council asks the Courts Service to consider assigning those convicted for dumping / littering to community service work.”

Carmel Kirby, Director of Physical Development replied as follows:

“The assigning of community service or any other penalty is solely a matter for the presiding Judge who hears the particular case. It would be improper for the local authority to seek through the Court Service the imposition of a particular sanction in dumping / littering prosecutions.”

The following amended resolution was submitted by Cllr. C. Crowe, seconded by Cllr. G. Flynn and agreed by the members present.

“That this Council asks the Minister for Communications, Climate Action and Environment and the Minister for Justice and Equality to devise a scheme for community service, for legal implementation, for those convicted for dumping/littering offences.”

The elected members commended the staff in the environment directorate for the work they do in relation to illegal dumping and expressed frustration at the level of penalties for offenders.

Cathaoirleach, Cllr. C. Crowe informed the meeting of an initiative undertaken by Woodcock Hill Enhancement Committee and demonstrated a recording device being used by the Committee to help alleviate the problem of illegal dumping in the area.

P. Dowling, Chief Executive stated that the Council is the civic authority for the county and can only purchase cameras for its own use.

Item 15. Planning contribution scheme.

Ar moladh Cllr. P.J. Kelly

Cuidithe ag Cllr. J. Killeen agus glacadh leis

“That the planning contribution scheme be amended by discount adjustment in order to ensure that planning contributions are the same for rural areas and villages.”

Brian McCarthy, Senior Planner replied as follows:

“The proposal set out in this Notice of Motion is the same as that set out in September 2018. The members will be aware that Clare County Council, in common with other local authorities throughout the State, is required to source considerable amounts of money annually to fund a variety of public infrastructure projects. The Development Contribution Scheme, adopted in April 2017, enables the Council to provide funding for infrastructure and amenities such as town parks, public realm improvements, open spaces and playgrounds in addition to flood remediation works and road infrastructure.

The Development Contribution Scheme governs 16 different categories of development, of which 15 have the exact same level of contributions for rural areas and villages.

To enhance our rural villages and maintain vibrant rural communities, one of the categories in the adopted scheme provides for a lower contribution payable for residential development in our rural villages, thus incentivising residential development in these villages. The Council is also currently operating an early payment scheme to reduce the contributions payable for all single rural houses in the countryside.

As advised previously, amending the Development Contribution Scheme – in addition to the many reductions and exemptions provided for already – would have significant implications for the overall sustainability of the Development Contribution Scheme and its ability to deliver the required public infrastructure supports. In particular the reduction in income would have negative implications for the number of projects to be funded from the scheme and require the omission of a number of capital projects across Clare that could be potentially funded from the Scheme.

Equally importantly and as advised in previous Notices of Motion any such amendments cannot be provided for under this current scheme and would necessitate the preparation and adoption of a totally new Development Contribution Scheme. Such a new scheme would need to be prepared and adopted in the context of the next Clare County Development Plan 2023-2029.”

Cllr. P.J. Kelly proposed the following:

“amendment to Item 15 by adding the words ‘and that review of the present scheme under Section 48 would commence within thirty days’

Cllr. P.J. Kelly stated that people building houses in rural areas are paying more in development contributions than people in urban areas and he requested that a review of the Development Contribution Scheme commence within 30 days.

Cllr. J. Killeen in seconding the motion stated that positive support is needed to maintain society in rural areas.

Liam Conneally, Director of Economic Development addressed the meeting and stated that the development contribution scheme was adopted as part of the package of making the County Development Plan which makes provision of public infrastructure priorities to provide for development in line with Council's policy documents. Mr. Conneally stated that there is no provision in legislation to amend the current Development Contribution Scheme and that a new Scheme will have to be agreed if the members felt that the current scheme has fulfilled its purpose. Mr. Conneally informed the meeting that it is proposed to commence an early review of the County Development Plan in 2020 and the Development Contribution Scheme can be reviewed in parallel to this as policy and infrastructure policies may have changed since the adoption of the current Development Plan.

The elected members queried how long the review of the County Development Plan will take and if it is decided to go ahead with the review they questioned what will happen the current scheme. It was also noted that there needs to be a lower development contribution scheme rate in villages to encourage people to live in villages. The elected members expressed the view that the development contribution incentive is not a deciding factor for people when choosing a site for their house. The members also noted that the Development Contribution Scheme governs 16 different categories of development, of which 15 have the exact same level of contributions for rural areas and villages.

L. Conneally, Director of Economic Development stated that it will take 12 months to prepare a new scheme as the current scheme cannot be amended. He also informed the members that the current incentive for villages was included in the current Scheme as a result of national guidelines on the preparation of development contribution schemes published in 2013.

Cllr. P.J. Kelly again outlined concerns in relation to the decline of villages in west Clare.

A number of elected members stated that they felt the current scheme has worked for the past number of years and recommended that this issue be referred to the Economic Development S.P.C. for further discussion and recommendation for full Council.

P. Dowling, Chief Executive informed the members that a robust review of the County Development Plan will commence in 2020 and within that a review of the Development Contribution Scheme will also commence and stated that he will revert with timelines in January. He reassured the members that Clare County Council is working to help rural Ireland. Mr. Dowling suggested that an appropriate review be carried out by the Economic S.P.C. who will revert back with report

Cllr. C. Crowe requested a show of hands in favour of referring this item to the Economic Development S.P.C. This resulted in 14 which was a majority of members present in the Chamber at the time, therefore it was agreed to refer this item to the Economic Development S.P.C.

It was agreed that Item No. 21 be taken at this time as Cllr. P. Hayes had to attend another appointment.

Item 21. National Screening Protocol of all neonates.

Ar moladh Cllr. P. Hayes

Cuidithe ag Cllrs. A. Norton agus B. Chambers agus glacadh leis

“We Clare County Council call on the Minister for Health, Simon Harris and the H.S.E. to support a call for the introduction of a National Screening Protocol of all neonates (newborn infants) to effectively screen for immune compromise, in advance of the commencement of the administration of Live Virus Vaccines under the State Vaccination Programme, in line with H.S.E. National Immunization Advisory Committee guidelines as revised February 2019.”

It was agreed that this would be circulated to all other local authorities.

Item 16. Local Government Rates and Other Matters Act 2019.

Ar moladh Cllr. P.J. Ryan

Cuidithe ag Cllr. C. Murphy agus glacadh leis

“That this Council would brief the members on the recently enacted Local Government Rates and Other Matters Act 2019 with special attention to alleviation schemes which seems to imply that elected representatives will have to take on the responsibility for rates waver schemes.”

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

“The Local Government Rates and Other Matters Act 2019 was passed by the Oireachtas and enacted on 11 July 2019. The overarching purpose of the Act is to modernise the collection of commercial rates. Important elements of the Act include:

- A modernisation of rates legislation and practice, including variation of rates payment arrangements.
- Provision that newly valued properties and amendments to valuations of existing properties are effective immediately for rating purposes.
- The pro-rata levying of rates on occupiers based on period in occupation within a year.
- The potential application of interest payments on unpaid rates.
- Minimum charges for vacant commercial premises.
- Alleviation schemes.
- Rates Revaluation limitation order.

Only certain provisions of the Act were commenced immediately after enactment, for example those relating to the formula for Rate Limitation Orders in rates revaluation. Commencement of the remaining elements of the Act are being worked through with local authorities and, to be effective, are dependent on a number of factors including having ICT, human resources and administrative processes in place and the preparation of the requisite prescribed regulations; circulars and guidance for local authorities by the department. Commencement will be sequenced over a number of months with the main provisions of the act to be operational for the local authority budget cycle 2021.

The Act contains provisions in Section 15 relating to potential Alleviation Schemes. The work in respect of commencing this section of the act is underway. These provisions will empower the elected members of local authorities to devise and achieve policy objectives through locally targeted rates waiver schemes. The elected members have discretion to introduce waiver schemes that support objectives outlined in county development plans, local area plans, local economic and community plans or indeed the National Planning Framework.

This council has used Section 66 of the Local Government Act 2001 (Promotion of interests of local community.) to support local businesses by introducing in 2016 and maintaining each year since two commercial rates alleviation schemes. The first a Commercial Property Vacancy scheme that provides a grant over three years to a new occupier of a commercial premises and the second an Early Payment Incentive Scheme that is aligned to the annual payment of rates. The draft budget 2020 is being prepared on the basis of the continuation of these schemes into 2020. It is proposed to revisit these schemes and the provisions of the new legislation once commenced and post revaluation in County Clare when changes to the commercial rates valuations and distribution is finalised.

When the various elements of the act are commenced and Ministerial guidelines received, the finance department of the council will schedule a workshop with members to brief them on the various elements of the legislation.”

Item 17. Entry level scheme for outdoor Council employees.

Ar moladh Cllr. I. Lynch

Cuidithe ag Cllr. G. Flynn agus glacadh leis

“That Clare County Council trial an entry level scheme for the outdoor services of the council, the scheme aimed at recruiting unskilled youths would provide on the job experience as well as skills training through the national construction learning center developing their outdoor work skill set while providing a pathway for progression within the Council.”

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

“Since late 2015 Clare County Council has continued to recruit and stabilise our workforce numbers to ensure that the organisation can achieve our objectives and meet our commitments.

Recruitment is carried out in line with best practice and having regard to key legal obligations such as the Employment Equality Act which includes age as one of the nine grounds. The principles of the act are central to our practices.

The Human Resources Department recognises the benefits of having a diverse workforce distributed across the county and continues to consider new and innovative means to broaden that diversity and opportunity for the widest benefit – this includes both young people and our outdoor services.

In recent years Clare County Council has participated in various government employment initiatives which resulted in some participants entering our outdoor workforce. Training and development opportunities are offered to all employees and there is significant opportunity for career progression.

We have re-commenced the Student Co-op Scheme with local third level institutions and have engaged with Employability Clare to establish a number of successful placements across the organisation.

In recent months we have completed a competition for a ‘Heavy Vehicles Mechanic’ apprenticeship in our Machinery Yard, through the L.C.E.T.B., and discussions are on-going in respect of new opportunities that might be developed.

Open competitions, such as those for our outdoor services, are routinely advertised on our website (<http://www.clarecoco.ie/your-council/careers-in-the-council/default.html>), on www.localgovernmentjobs.ie and in the Clare Champion as they arise and they are open for all to apply. The Human Resources Department welcomes any queries in respect of these competitions.

The Human Resources Department will continue to identify new ways to broaden the workforce and offer opportunities to a diverse group.”

Item 18. Housing grants.

Ar moladh Cllr. G. Flynn

- “1. That a breakdown of the Council grants applied for under (HOP/ HAG/MAG) be provided from the 1st of January 2019 and also the number in arrears for 2018.
2. The total number of grants to be dealt with currently.
3. The date for re-opening of new applications.
4. The total expenditure over 2018/2019.”

Anne Haugh, Director of Social Development replied as follows:

1. The following is a breakdown of valid grant applications received up to 16th October, 2019:

Grant type	No. received in 2019	Value of works €
Housing Adaptation Grant for People with a Disability	75	902,000
Housing Aid for Older People	55	247,804
Mobility Aids Grant	62	271,750
Total applications received in 2019 to date	194	1,421,554

It is estimated that 230 Priority 1 emergency applications will be received for the full year in 2019, these applications equate to a funding requirement in the order of €1,685,000,

The breakdown of Applications on our waiting list (from 2018) at the beginning of this year was as follows:

Grant type	No. received in 2018	Value of works €
Housing Adaptation Grant for People with a Disability	139	1,312,700
Housing Aid for Older People	259	1,264,184
Mobility Aids Grant	120	671,116
Total applications received in 2018	518	3,248,000

It is important to note that 216 applications with a value of €1,263,449 were closed during the year as they were not proceeded with for a variety of reasons.

2. The total number of grants to be dealt with currently consists of approved and unapproved applications, broken down as follows:

(i) Approved applications that are currently being paid/awaiting receipt of a claim from Applicant:

Grant type	Number	Value of works €
Housing Adaptation Grant for People with a Disability	42	505,859
Housing Aid for Older People	52	234,288
Mobility Aids Grant	64	280,517
Total applications	158	1,020,664

(ii) Unapproved applications that are currently being assessed:

Grant type	Number	Value of works €
Housing Adaptation Grant for People with a Disability	20	180,000

Housing Aid for Older People	20	95,000
Mobility Aids Grant	15	75,000
Total applications	55	350,000

3. The three grant schemes will be re-opened from 2nd January, 2020 on this date we will accept new grant applications.
4. The following is the expenditure in grants over 2018/2019:

Grants paid 2018/2019:

Grant type	No. Approved and paid	Value of works
Total applications paid in 2018	422	2,966,803
Total applications paid in 2019	319	1,905,785

In conclusion it is expected this Council will administer payment of close to €3,000,000 on ~470 private house grants by year end. This will broadly clear the backlog of applications, however there will be a carryover of ~55 applications into 2020 with an associated value of €350,000 as the grant process is organic and dependent on many factors.”

Item 19. Insulation in social houses.

Ar moladh Cllr. R. Garvey
Cuidithe ag Cllr. S. Talty agus glacadh leis

“I propose that Clare County Council, in conjunction with the H.A.P. staff, carry out an assessment of all social houses to identify those without attic insulation. Then insulate all those without, to prevent fuel poverty arising this winter for those on low income.”

Anne Haugh, Director of Social Development replied as follows:

“Clare County Council was to the fore in the implementation of the Department of Housing, Planning and Local Government Energy Efficiency programme, which has been subject to many iterations since its introduction in September 2009. This funding mechanism has facilitated Clare County Council in upgrading social housing stock to minimum Building Energy Ratings (BER) of C3 (some properties did not attain a C3 as the works were cost prohibitive). It was necessary for this Council to augment the funding from the Department of Housing, Planning and Local Government as the Department of Housing, Planning and Local Government funding was capped at various percentages from 50-90% depending on the year of the scheme.

Since its inception in late 2009 all social housing properties have had attic insulation fitted. In 2014 the Department of Housing, Planning and Local Government announced a second phase of this programme to address solid construction properties, which as they do not have cavities could not benefit from cavity wall insulation. This programme provided funding for external insulation to solid construction properties. By the end of this year this Council will have completed phase 2 works to all solid construction estates in our stock. The recent stock condition survey has identified a small number of properties to be addressed in 2020.

Suffice as to say the energy performance of the social housing stock in the County is optimised with all properties upgraded over the past 10 years. The stock condition survey undertaken as part of the planned maintenance programme has identified a handful of properties where additional works are required to address energy performance and again these will be addressed during 2020 subject to funding.

In relation to private rented properties, Clare County Council has no role in the provision of energy efficiency upgrades to properties not in the ownership of this Council. It is however policy of this Council to only lease properties with a minimum BER of a C3 for a long-term lease property; and a minimum of a D2 for a short-term lease property. The same standard applies for properties supported in the R.A.S. scheme. That said there are legacy agreements in place for a small number of properties that do not meet this standard.

The Housing Assistance Payment, (H.A.P.) is a payment to a landlord who has made a property available to a qualified household. The local authority is not party to the rental contract as it is a private rental agreement between landlord and tenant. The landlord is obliged to register the tenancy with the Residential Tenancy Board (R.T.B.); the local authority has an obligation to inspect a percentage of private rented properties annually to assess compliance with Minimum Rented Standards legislation. In 2019 this Council will inspect ≥ 800 private rented properties. The rented standard legislation does not take into account the energy performance of a property; however since 1st January 2009 BER's are required for all properties offered for sale or rent."

Cllr. R. Garvey complimented the Housing Department for being pro-active in insulating houses and raised queries in relation to BER ratings for local authority housing. Anne Haugh, Director of Social Development responded to the queries raised.

Item 20. Trackers on lifebuoys.

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

"Local Authorities across Ireland spend in the region of €50,000 a year replacing an estimated 1,500 lifebuoys that are stolen or vandalised.

I request that Clare County Council contact both Minister for Communication, Climate Action and Environment, Mr. Richard Bruton and Minister for Justice and Equality, Mr. Charlie Flanagan to consider whether we can add low-tec trackers to the floats as a deterrent as well as assisting with the location of these life saving devices."

The elected members, in supporting Cllr. M. Howard, emphasised the importance of having life buoys in close proximity to waterways. It was noted that if a tracking

device was attached to the life buoys it would act as a deterrent to vandalism and help in locating the life buoys.

Item 22. Shannon Airport.

Ar moladh Cllr. C. Murphy
Cuidithe ag Cllr. P. McMahon agus glacadh leis

“That Clare County Council lead the setting up of a multi agency task force to provide an external support network and assist in the future development and marketing of Shannon Airport”.

The Councillors welcomed the recent announcement in relation to three new routes operating from Shannon Airport and noted that it is within the elected members remit to help promote and support these new routes. It was stated that route development is about demand and that external agencies can take a collaborative approach to assist in attracting new routes to Shannon Airport. The elected members stated that Clare County Council needs representation on the Board of Shannon Group.

P. Dowling, Chief Executive stated that there is ongoing engagement with Shannon Properties and Shannon Airport as it is a critical piece of infrastructure in the region. He advised that he will discuss the issues raised with Mary Considine, Chief Executive Officer, Shannon Group, in order to try to activate this notice of motion.

It was proposed by Cllr. C. Crowe, seconded by Cllr. P. Burke and agreed by the members present that time be extended to 6:45 p.m. in order to complete the business of the meeting.

Item 23. Diagnostic equipment in U.H.L.

Ar moladh Cllr. P. McMahon
Cuidithe ag Cllrs. P.J. Ryan agus P. Daly agus glacadh leis

“In view of the recent information by senior personnel of U.H.L. that many delays are caused by the lack of basic diagnostic equipment, that this Council call on the H.S.E. and the Minister for Health to provide this equipment as a matter of urgency.”

The elected members discussed the benefit of purchasing diagnostic equipment and negotiating staff working hours in reducing the number of patients on hospital trollies.

Item 24. Agriculture industry.

Ar moladh Cllr. J. Killeen
Cuidithe ag Cllr. P. Burke agus glacadh leis

“We in Clare County Council acknowledge the huge difficulties faced by farm families and the agri sector in general. We call on our Oireachtas members, M.E.P.’s and Minister for Agriculture to be much more proactive and help rescue an industry in crisis.”

The elected members discussed the difficult challenges being experienced by the agriculture sector due to the Mercosur Deal and Brexit. The members also felt that agri-environmental schemes need to be extended in order to support farming families

and keep farms viable in the future. The members discussed the Beef Exceptional Aid Measure (B.E.A.M.) which is a €100m fund jointly funded by the Government and the European Union and expressed disappointment that €22m of this fund has not been drawn down by Irish farmers.

Item 25. Comhfhreagras.

Vote of congratulations.

Congratulations were extended to the following:

- “Make Kilkee Plastic Free” on winning the silver award under “Plastic Reduction” category at the World Responsible Tourism Awards held at the World Travel Market in London recently.
- Cliffs of Moher Visitor Experience for being recognised as one of Europe’s Leading Tourist attractions for 2019 and for being nominated for a World Travel Award 2019.
- Scarriff Ogonnelloe Camogie Club on the occasion of their Senior Camogie team winning the Munster Senior Club Camogie Championship final. The members noted the great achievements by the Club this year in securing their first ever county senior title and continuing to secure the Munster title. The members extended best wishes to the Club as they continue in the All Ireland series.
- Ennis N.S. who started “Clare’s first Cycle Bus” an initiative encouraging pupils to cycle to school.

Correspondence.

The following correspondence was circulated with the agenda:

1. Correspondence from the Office of the Minister with Responsibility for Defence in relation to medals for bravery being awarded to a number of men from “A” Company, 35th Infantry Battalion.
2. Correspondence dated 4th November, 2019 from Rose Hynes, Chairman, Shannon Group in relation to Shannon Airport.
3. Correspondence dated 4th November, 2019 from the Department of Heritage, Planning and Local Government regarding the purchase of land for the development of social and affordable housing in County Clare.
4. Correspondence dated 17th October, 2019 from the Department of Housing, Planning and Local Government in connection with Clare County Council’s call for Government to comply with the terms of the Flemish Decree.
5. Correspondence dated 18th October, 2019 from the Department of Health concerning staffing shortages for diabetes services in University Hospital Limerick.
6. Correspondence dated 18th October, 2019 from the Department of Health concerning G.P.’s to refer patients to A&E in the private sector in the event of overcrowding.
7. Extract from NOAC Performance Indicator Report 2018.

8. Resolution circulated by Fingal County Council in relation to developing and implementing local migrant integration strategies.
9. Resolution circulated by Carlow County Council calling on the Minister for Health to re-instate the Rehabilitative Training Bonus for people with disabilities.
10. AILG elected members training Module 5 entitled “Climate Action - the Local Authority Response”.
11. Conference entitled “Irish Social Welfare System” taking place in O’Donovans Hotel, Clonakilty, Co. Cork on 6th – 8th December, 2019.
12. Conference entitled “First time home buyers incentives” taking place in The Four Seasons Hotel, Carlingford, Co. Louth on 13th – 15th December, 2019.

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 autumn training seminar 2019 being held in Hillgrove Hotel, Old Armagh Road, Monaghan on 11th and 12th September, 2019.

The Meetings Administrator informed the Members that the estimated average cost per Councillor attending this Conference was €608.26 including conference fee of €140.

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

AILG autumn training seminar entitled “The Planning Process, the Elected Member and the Office of the Planning Regulation” being held in the Crown Plaza Hotel, Dundalk, Co. Louth on 12th October, 2019.

The Meetings Administrator informed the Members that the estimated average cost per Councillor attending this Conference was €655.62 including conference fee of €108.35.

It was agreed that Cllrs. T. O’Brien and M. Begley attend this Conference.

NFLA All Ireland Sustainable Energy Forum Energy Policy Seminar taking place in City Hall, Dame Street, Dublin on 18th October, 2019.

The Meetings Administrator informed the Members that the estimated average cost per Councillor attending this Conference was €367.37.

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

IPB Members Engagement Forum taking place in the Sheraton Hotel, Athlone, Co. Westmeath on 24th October, 2019.

The Meetings Administrator informed the Members that the estimated average cost per Councillor attending this Conference was €350.

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

Housing Agency Seminar taking place in the Aviva Stadium, Lansdowne, Dublin 4 on 6th November, 2019.

The Meetings Administrator informed the Members that the estimated average cost per Councillor attending this Conference was €367.37.

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

The meeting then concluded.

Signed: _____

Riarthóir Cruinnithe

Signed: _____

Cathaoirleach

Date: _____