



COMHAIRLE | CLARE
CONTAE AN CHLÁIR | COUNTY COUNCIL

3 Feabhra, 2021.

DON CATHAOIRLEACH AGUS GACH BALL DEN CHOMHAIRLE

A Chomhairleoir, a chara,

Leis seo, iarraim ort, le do thoil, a bheith i láthair ag Cruinniú Míosúil na Comhairle a thionólfar ar **Dé Luain, an 8 Feabhra, 2021 AR 3:45 i.n. via ardán MS Teams.** Thíos faoi seo, gheofar sonraí den ghnó a dhéanfar ag an gcruinniú.

Iarrtar ort a bheith i láthair.

Mise le meas,

Riarthóir Cruinnithe

Please note:

This meeting is being held via MS Teams platform. The meeting will be open from 3.15 p.m. to allow all members time to access.

An Roinn Seirbhísí Corparáideach
Stiúrthóireacht Airgeadais agus Seirbhísí Tacaíochta
Áras Contae an Chláir, Bóthar Nua, Inis, Co. an Chláir, V95 DXP2

Corporate Services Department
Finance and Support Services Directorate
Áras Contae an Chláir, New Road, Ennis, Co. Clare, V95 DXP2

CLÁR OIBRE - AGENDA

1) Miontuairiscí na Cruinnithe seo leanas den Chomhairle.

1) Minutes of the following Council meeting.

- (a) Miontuairiscí Chruinniú mí Eanáir, a tionóladh ar an 11 Eanáir, 2021.
- (b) Minutes of January monthly meeting held on 11 January, 2020.

2. Matters Arising.

2. Nithe ag éirí as.

3. Minutes of Municipal District Meetings.

Miontuairiscí cruinnithe Ceantar Bardasach.

- (a) Ennis Municipal District meeting held on 1 December, 2020.
- (a) Cruinniú Ceantar Bardasach na hInse a tionóladh ar an 1 Nollaig, 2020.
- (b) Killaloe Municipal District meeting held on 11 November, 2020.
- (b) Cruinniú Ceantar Bardasach Cill Dá Lua a tionóladh ar an 11 Samhain, 2020.
- (c) Killaloe Municipal District Budget meeting held on 11 November, 2020.
- (c) Cruinniú Cháinainnéis Ceantar Bardasach Cill Dá Lua a tionóladh ar an 11 Samhain, 2020.
- (d) Shannon Municipal District meeting held on 17 November, 2020.
- (d) Cruinniú Ceantar Bardasach na Sionnainne a tionóladh ar an 17 Samhain, 2020.
- (e) West Clare Municipal District meeting held on 3 November, 2020.
- (e) Cruinniú Ceantar Bardasach Iarthar an Chláir a tionóladh ar an 3 Samhain, 2020.
- (f) West Clare Municipal District Budget meeting held on 10 November, 2020.
- (f) Cruinniú Cháinainnéis Ceantar Bardasach Iarthar an Chláir a tionóladh ar an 10 Samhain, 2020.
- (g) West Clare Municipal District Special meeting held on 27 November, 2020.
- (g) Cruinniú Speisialta Ceantar Bardasach Iarthar an Chláir a tionóladh ar an 27 Samhain, 2020.

4. Minutes of Strategic Policy Committee Meetings.

4. Miontuairiscí Cruinnithe Coiste Polasaí Straitéiseach.

- (a) Economic Development Strategic Policy Committee meeting held on 28 September, 2020.
- (a) Cruinniú Coiste Polasaí Straitéiseach Forbairt Gheilleagrach a tionóladh ar an 28 Meán Fómhair, 2020.

5. Minutes of Corporate Policy Group meeting held on 4 January, 2021.

5. Cruinniú Grúpa Polasaí Corparáideach a tionóladh ar an 4 Eanáir, 2021.

6. Monthly Management Report.

7. Disposal of lands at Shantraud, Killaloe, Co. Clare pursuant to Section 183 of the Local Government Act, 2001 and Section 211 of the Planning & Development Act, 2000.
8. Disposal of lands at Crovraghan, Kildysart, Co. Clare pursuant to Section 183 of the Local Government Act, 2001 and Section 211 of the Planning & Development Act, 2000.
9. Disposal of lands at Killerk, Darragh, Co. Clare pursuant to Section 183 of the Local Government Act, 2001 and Section 211 of the Planning & Development Act, 2000.
10. Ratification of a new HSE representative to the Clare LCDC.
11. Carrownagowan Wind Farm – Strategic Infrastructure Planning Application.

12. Curtha faoi bhráid na Comhairle ag Cllr. P. Burke:- (Deferred from January Council Meeting)

“I am calling on the Minister for Agriculture, Charlie McConalogue to instruct his officials to avail of the provision of a derogation which would allow for qualified persons other than veterinary practitioners to issue a prescription for routine veterinary medicines.“

13. Curtha faoi bhráid na Comhairle ag Cllr. P.J. Kelly:- (Deferred from January Council Meeting)

"That the following information on professional Consultancy Fees for 2019 and 2020 be made available

- (1) location of project
- (2) cost related to each project.”

14. Curtha faoi bhráid na Comhairle ag Cllr. P. Murphy:- (Deferred from January Council Meeting)

"I am proposing that a multi agency response taskforce comprising of Clare County Council, the Chief Superintendent of the Clare Division of an Garda Síochána, the Public Health Office of the H.S.E., Tusla and the Department of Education is formed as a matter of urgency. This is required to deal with the ongoing problems that arise as a result of illegal encampments across County Clare but particularly in the environs of Ennis, the M18 Motorway, Western Relief Road and its service roads, as well as Ballyveskill, Tiermaclane. Also, that Bye-Laws are introduced prohibiting overnight parking at these locations in order to address the issue of trespass at these locations and that T.I.I. are requested to sign the title pertaining to these access roads over to local landowners who would provide a wayleave for required access".

15. Curtha faoi bhráid na Comhairle ag Cllr. J. Crowe:- (Deferred from January Council Meeting)

“With Brexit now official and the United Kingdom gone from Europe it is now the time to develop Shannon as a leading European International Cargo Hub.”

16. Curtha faoi bhráid na Comhairle ag Cllr. S. Crawford:- (Deferred from January Council Meeting)

“Motion: That Clare Co. Council call on the Government to commence the Assisted Decision Making (Capacity) Act which was signed into law in December 2015.

The Assisted Decision Making (Capacity) Act was signed into law on the 30th December 2015. This Act applies to everyone and is relevant to all health and social care services. The Act is about supporting decision-making and maximising a person's capacity to make decisions. The Act will have significant implications for health and social care providers in the provision of safe person-centred care, based on respecting the individual rights of each person.

Key features of the Assisted Decision Making (Capacity) Act 2015:

It applies to everyone and to all health and social care settings.

It provides for the individual's right of autonomy and self-determination to be respected through an Enduring Power of Attorney and an Advance Healthcare Directive – made when a person has capacity to come into effect when they may lack decision-making capacity.

It provides for legally recognised decision-makers to support a person maximise their decision making powers.

It places a legal requirement on service providers to comprehensively enable a person make a decision through the provision of a range of supports and information appropriate to their condition. It abolishes the Wards of Court system.

It provides for a review of all existing wards to either discharge them fully or to transition those who still need assistance to the new structure.

It repeals the Lunacy regulations governing the Ward of Court system.

It establishes a Decision Support Service with clearly defined functions which will include the promotion of public awareness relating to the exercise of capacity by persons who may require assistance in exercising their capacity.

The Director of the Decision Support Service will have the power to investigate complaints in relation to any action by a decision-maker in relation to their functions as such decision-maker.”

17. Curtha faoi bhráid na Comhairle ag Cllr. J. Killeen:- (Deferred from January Council Meeting)

“We call on the Minister for Agriculture and the Government Partners to outline the funds, initiatives and schemes (with timelines) that will be put in place to support, enhance and protect farm family incomes, post Brexit.”

18. Curtha faoi bhráid na Comhairle ag Cllr. A. Norton:-

“I request that Clare County Council establish a Planning Contribution Waiver system for houses that are specifically designed and built for people with medically certified disabilities. Such a waiver system exists in Fingal County Council and other Dublin Councils.”

19. Curtha faoi bhráid na Comhairle ag Cllr. P.J. Ryan:-

“That this council would appoint a Conservation Officer as the position has been vacant for some time and there are community projects and other planning issues that need the input of same.”

20. Curtha faoi bhráid na Comhairle ag Cllr. A. O’Callaghan:-

“With 5 recycling centres in the hands of Clare County Council consideration to be given that the centres would be upgraded to take all kinds of materials both waste and recyclable.”

21. Curtha faoi bhráid na Comhairle ag Cllr. M. Nestor:-

“This motion is requesting Clare County Council to review the possibility of introducing a subsidised scheme, similar to other local authorities, that would allow for the provision of salt bins in housing estates throughout the county.”

22. Curtha faoi bhráid na Comhairle ag Cllr. M. Howard:-

“I request that Clare County Council assists the HSE in identifying a suitable location for a "vaccination centre" in the county.”

23. Curtha faoi bhráid na Comhairle ag Cllr. C. Murphy:-

“With regards to the following joint motion passed in July 2020

“That Clare County Council research and implement, within an agreed timeframe, a publicly accessible CRM system to record all notices of motion, replies and follow up actions to avoid duplication, to track recurring issues and to ensure effective management of all issues raised by elected members”

Co-signed by the following Cllr Cillian Murphy; Cllr Joe Garrihy; Cllr Ian Lynch; Cllr Johnny Flynn; Cllr Pat Hayes; Cllr Gerry Flynn; Cllr Mark Nestor; Cllr Joe Killeen; Cllr Pat McMahon; Cllr P J Kelly; Cllr Mary Howard

That an update be provided to the members as to the current status of the delivery of this management system.”

24. Curtha faoi bhráid na Comhairle ag Cllr. J. Flynn:-

“That Clare County Council review how it deals with historical NPPR charges in light of following request

To request the Chief Executive Officer in view of the fact that the Local Government (Charges) Act 2009 which introduced the Non Principal Private Residence Charge made it a matter for individuals to decide whether or not a payment was due and for the Local Authority to pursue any case where it considered that a payment was due and hadn't been made; that there was no reference to a Certificate of Exemption or Waiver in the said Act; that the Local Government (Household Charge) Act 2011 introduced the provision of Certificates of Exemption and Waiver; that the provision by the vendor of such Certificates has been incorporated into normal conveyancing practice which, in effect, has applied the 2011 legislation retrospectively; and that Section 9 Subsection 3 of the 2011 Act states that *(3) An applicant for a certificate of exemption or a certificate of waiver shall provide the relevant local authority with all such information as it may reasonably require for the purpose of its making a decision in relation to the application;* to instruct the relevant staff of the Local Authority to have regard to the fact that it is unreasonable to expect a property owner to have available documentary evidence that a property was their principal residence between 2009 and 2011 when there was no indication in the legislation current at that time that such evidence would be required; and that, specifically he instructs them to accept a sworn affidavit from a property owner to the effect that they are not liable for such payment as satisfying the requirements of Section 9, subsection 3 of the 2011 Act and that a Certificate of Waiver or Exemption be issued on such a basis.”

25. Curtha faoi bhráid na Comhairle ag Cllr. P. McMahon:-

“That Clare County Council examine innovative methods to support the marketing of Shannon International Airport.”

26. Curtha faoi bhráid na Comhairle ag Cllr. J. Garrihy:-

“In the context of Clare Rural Regeneration Strategy, Ireland 2040, balanced county population and economic sustainability and the vision of Revitalising Rural Ireland I call on Clare County Council to be innovators and leaders in the area of attracting and facilitating people to return to settle and live in our rural towns and villages that currently have or are earmarked in the near future for significant infrastructure investment - schools, post office, recreation and amenity, broadband, waste water and water services. To underpin, add value to and ensure this investment is not wasted I call on the local authority to instigate a program of affordable housing development and investment in serviced sites on state owed lands or in partnership with community owned lands or private landowners adjacent to towns and villages that are in effect shovel ready. I believe proactive local authority action as proposed is necessary to rejuvenate and ensure our county maximises the opportunities around the new thinking of quality of life, remote working highlighted over the last year in Covid. We must market, incentivise, invest and seek to revitalise our rural towns, villages and settlements for living communities and permanent sustainable populations in the same manner as we do for tourism and the Wild Atlantic Way to ensure other major state investment in these settlements is not wasted and that these communities thrive as intended.”

27. Curtha faoi bhráid na Comhairle ag Cllrs. G. Flynn, C. Colleran Molloy, J. Garrihy, S. Talty, A. Norton, T. O’Brien, J. Crowe, J. Killeen, P. Murphy agus J. Cooney:-

“We are calling on the Government to enforce the laws of the land that exist in relation to tackling the unauthorised occupation of public lands all over Ireland. Level 5 Covid restrictions have been in place for some time and are likely to continue in to the future. Local authorities are precluded from taking action at this time and in the interest of Public Health & Environmental considerations we are calling on the Government to engage a Task force and design a mechanism or policy to protect all citizens in Ireland from the unauthorized occupation of Public Lands. We would also request the circulation of this motion to the other 30 Local Authorities, The Oireachtas Members, LAMA & The AILG.”

28. Curtha faoi bhráid na Comhairle ag Cllrs. P. Daly, P. McMahon agus G. Keating:-

“In view of the hardship suffered by people on the average industrial wage and whose income dropped dramatically to the level of the temporary wage subsidy and the pandemic unemployment payment that this Council calls on the Government to waive the tax bill being sought.”

29. Curtha faoi bhráid na Comhairle ag Cllrs. C. Murphy, I. Lynch, P. O’Gorman, P. Hayes, S. Crawford agus P.J. Kelly:-

“Given the impact Covid 19 has had nationally on work and living patterns, and the opportunities this creates to ‘proactively address issues of town/village decline’ and to promote ‘compact growth’ in those settlements, we would ask the Minister of Housing, Local Government and Heritage that he undertake a review to the current National Planning Framework, and prior to the outcome, he remove reference to, and requirement for local authorities to adhere to, the two tiered approach to land zoning in the delivery of the next County Development Plan due to its negative impact on the ‘facilitation of the building of homes within the existing footprint of rural settlements’ and the ability to deliver on our own rural development goals. We further request this motion be forwarded to every one of our Oireachtas members and to every other local authority in Ireland for their observations.”

30. Curtha faoi bhráid na Comhairle ag Cllr. D. McGettigan:-

“This Council notes the centenary of the passing by the British Parliament at Westminster of the Government of Ireland Act in December 1920, the Act which provided for the Partition of Ireland.

We recall the deep injustices, divisions and conflict caused by this Act. We reiterate our support for the Good Friday Agreement and the political process arising from it, including the revoking of the Government of Ireland Act. We reaffirm our support for the self-determination of the people of Ireland as expressed in Article 3.1 of Bunreacht na hÉireann and for the bringing about of a United Ireland "by peaceful means with the consent of a majority of the people, democratically expressed, in both jurisdictions". Accordingly we call on both the Irish and British governments to fully implement the Good Friday Agreement and all their obligations with regard to the rights of citizens; we call on the British government to agree to set a date for the Irish Unity referendum as provided in the Agreement; we call on the Irish government to work for this outcome. We stand ready as a Council to work with all statutory bodies and with civic society to plan and prepare for the referendum on Irish Unity and for a positive outcome to the referendum."

31. Curtha faoi bhráid na Comhairle ag Cllr. S. Talty:-

"Clare County Council calls on the Minister for Health & the HSE to ensure that there are sufficient resources available at hospitals within the UHL group on a 24 hour basis to afford adequate protection to patients presenting with mental health difficulties in obvious need of support and protection. In particular, discharge should be delayed until consultation with the patients family, general practitioner or an appropriate community service has taken place."

32. Comhfhreagras/Correspondence.