

Minutes of Special Meeting of Clare County Council held in the Council Chamber, Áras Contae an Chláir, New Road, Ennis, Co. Clare on Monday, 8th December, 2014 at 3:30 p.m.

Present:

Councillors J. Breen, J. Flynn, P. Daly, A. Norton, T. McNamara, M. Howard, P. Murphy, C. Colleran Molloy, J. Cooney, P. Hayes, M. Begley, T. O'Brien, P. Burke, A. O'Callaghan, C. Crowe, J. Crowe, G. Flynn, P.J. Ryan, P. McMahan, M. McKee, C. Curtin, R. Nagle, B. Slattery, M. Hillery, P.J. Kelly, B. Chambers, G. Keating.

- Mr. Tom Coughlan, Chief Executive.
- Mr. Michael McNamara, Meetings Administrator.
- Ms. Siobhan Garvey, Staff Officer.

Apologies: Cllr. I. Lynch.

The Cathaoirleach, Cllr. John Crowe presided.

Corporate Plan.

The report before the members advised that a Special Meeting had been convened to discuss the Corporate Plan. The Meetings Administrator advised that the provisions of the Local Government Act 2001 require that the Corporate Plan be prepared and completed within 6 months of the new Council taking office. This was not possible as new guidelines were being awaited from the Department. These guidelines have now issued and the process will commence in the New Year.

The report before the members concluded that it was proposed to extend the period for the preparation and adoption of the Corporate Plan 2015-2019 to the end of September 2015. The members present agreed with this proposal unanimously.

The meeting then concluded.

Signed:

Riarthóir Cruinnithe

Signed:

Cathaoirleach

Date:

**Minutes of the December Monthly Meeting of Clare County Council held in the
Council Chamber, Áras Contae an Chláir, New Road, Ennis, Co. Clare on
Monday, 8th December, 2014 at 3:45 p.m.**

Present:

Councillors J. Breen, J. Flynn, P. Daly, A. Norton, T. McNamara, M. Howard, P. Murphy, C. Colleran Molloy, J. Cooney, P. Hayes, M. Begley, T. O'Brien, P. Burke, A. O'Callaghan, C. Crowe, J. Crowe, G. Flynn, P.J. Ryan, P. McMahan, M. McKee, C. Curtin, R. Nagle, B. Slattery, M. Hillery, P.J. Kelly, B. Chambers, G. Keating.

- Mr. Tom Coughlan, Chief Executive.
- Mr. Michael McNamara, Meetings Administrator.
- Ms. Siobhan Garvey, Staff Officer.

Apologies: Cllr. I. Lynch.

Votes of sympathy and Suspension of Standing Orders.

At the outset Cllr. P. Hayes proposed that the meeting be adjourned as a mark of respect to the late John Minogue of Tulla. Cllr. P. Hayes paid tribute to the former Councillor who served as a member of Clare County Council for 31 years from 1960 to 1991 inclusive.

This was seconded by Cllr. J. Cooney and agreed by the members present. It was agreed that Standing Orders be suspended to facilitate this unanimous decision of the Council.

Councillors present paid tribute to the late Mr. Minogue recalling his great support of the Tulla and Clare G.A.A. teams spoke about the warm welcome that he would extend to all visitors to Minogue's Pub, Tulla. Sympathies were extended to John's wife Kathleen, his daughter Sandra and his extended family.

Among those who had served as an elected member alongside John and paid tribute to him included Cllrs. P.J. Kelly, J. Breen, C. Curtin and P. McMahan.

A vote of sympathy was extended to the following:

- The family of Tom Cahill, Corofin.
- Betty Devanny, Clare County Council employee and her family on the death of her mother, Angela Glynn (nee Cahill), Kilmaley.
- Fiona Murren, Clare County Council employee and her family on the death of her father James Murren, Oranmore, Co. Galway.
- The family of Paddy Ryan, Newmarket-on-Fergus and Sixmilebridge.
- The family of Michael Arthur, Newmarket-on-Fergus.
- The family of Eileen Ryan (nee Kelly), Inagh.

- The family of Jarlaith (Gerry) Hassett, Connolly.
- The family of Sean Minogue, Miltown Malbay.

The Chief Executive joined in the expressions of sympathy in particular to the family of the late Councillor Minogue. He said it was evident that John Minogue was a very well respected public representative as he had got re-elected on several occasions as a non-party candidate.

Prayers were then recited for the late Mr. Minogue.

It was agreed that the meeting would be adjourned until Wednesday 10th December at 3:00 p.m. This meeting is to be followed by a Civic Reception to honour Rosie Foley, Killaloe.

The Meetings Administrator advised that Irish Water had notified the Council that they would be in a position to meet members on a one-to-one basis on Tuesday, 16th December, a 3 hour slot would be allocated to meet all members, it was agreed that morning time would suit best. It was agreed by all present that the proposed meetings would be discussed in further detail at the adjourned meeting to be held on 10th December.

The meeting then concluded.

Signed: _____
Riarthóir Cruinnithe

Signed: _____
Cathaoirleach

Date: _____

Minutes of the adjourned December Meeting of Clare County Council held in the Council Chamber, Áras Contae an Chláir, New Road, Ennis, Co. Clare on Wednesday, 10th December, 2014 at 3:00 p.m.

Present:

Councillors J. Breen, J. Flynn, P. Daly, A. Norton, T. McNamara, M. Howard, P. Murphy, C. Colleran Molloy, J. Cooney, P. Hayes, M. Begley, T. O'Brien, P. Burke, A. O'Callaghan, C. Crowe, J. Crowe, G. Flynn, P.J. Ryan, P. McMahan, M. McKee, C. Curtin, R. Nagle, B. Slattery, I. Lynch, M. Hillery, P.J. Kelly, B. Chambers, G. Keating.

- Mr. Ger Dollard, Acting Chief Executive.
- Mr. Michael McNamara, Meetings Administrator.
- Ms. Siobhan Garvey, Staff Officer.
- Ms. Anne Haugh, Director of Service.
- Mr. Niall Barrett, Head of Finance.
- Mr. Gordon Daly, Senior Planner.
- Mr. Tom Tiernan, Senior Engineer.
- Ms. Carmel Greene, Senior Executive Officer.

The Cathaoirleach, Cllr. John Crowe presided.

Item 1: Minutes of Council Meetings.

a. Ar moladh Cllr. J. Cooney
Cuidithe ag Cllr. A. O'Callaghan agus glacadh leis

“That the Minutes of the November Meeting of Clare County Council held on 10th November, 2014 be adopted and signed.”

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

“That the Minutes of the Budget 2015 Meeting of Clare County Council held on 12th November, 2014 be adopted and signed.”

Item 2: Minutes of Municipal District Meetings.

a. Ar moladh Cllr. C. Curtin
Cuidithe ag Cllr. B. Slattery agus glacadh leis

“That the Minutes of the West Clare Municipal District Meeting held on the 2nd September, 2014 be noted.”

b. Ar moladh Cllr. J. Crowe
Cuidithe ag Cllr. P. Hillery agus glacadh leis

“That the Minutes of the Killaloe Municipal District Meeting held on the 17th September, 2014 be noted.”

c. Ar moladh Cllr. P. McMahon
Cuidithe ag Cllr. J. Crowe agus glacadh leis

“That the Minutes of the Shannon Municipal District Meeting held on the 24th September, 2014 be noted.”

d. Ar moladh Cllr. B. Slattery
Cuidithe ag Cllr. M. Hillery agus glacadh leis

“That the Minutes of the West Clare Municipal District Budget Meeting held on the 7th October, 2014 be noted.”

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

“That the Minutes of the Shannon Municipal District Budget Meeting held on the 8th October, 2014 be noted.”

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

“That the Minutes of the Killaloe Municipal District Budget Meeting held on the 9th October, 2014 be noted.”

g. Ar moladh Cllr. B. Slattery
Cuidithe ag Cllr. C. Curtin agus glacadh leis

“That the Minutes of the West Clare Municipal District Adjourned Budget Meeting held on the 13th October, 2014 be noted.”

h. Ar moladh Cllr. J. Flynn
Cuidithe ag Cllr. A. Norton agus glacadh leis

“That the Minutes of the Ennis Municipal District Meeting held on the 4th November, 2014 be noted.”

Item 3: Minutes of the Corporate Policy Group Meetings.

The members noted the minutes of the meetings held on 3rd November, 2014 as presented.

Item 4: Disposal of property pursuant to Section 183 of the Local Government Act, 2001 and Section 211 of the Planning & Development Act, 2000. Proposed disposal of area of land at Barefield Village, Barefield, Co. Clare.

Report dated 26th November, 2014 from Michael McNamara, Senior Executive Officer, Corporate Services was circulated with the agenda together with map. The report states that it is proposed to sell a small area of land at Barefield village. The area of land in question measures 4.052 acres and is surrounded on the ground by the motorway and the railway line. The lands would have been acquired to facilitate the construction of the motorway and is now surplus to requirements and the N.R.A. have confirmed their agreement to the proposed sale.

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

“Notice having been served pursuant to Section 183 of the Local Government Act, 2001, Clare County Council approves pursuant to the powers vested on it at Section 211 of the Planning & Development Act, 2000, of the disposal of an area of land measuring 4.052 acres at Barefield village subject to the conditions as set out in the notice served on the members dated 26th November, 2014.”

Item 5: Disposal of property pursuant to Section 183 of the Local Government Act, 2001 and Section 211 of the Planning & Development Act, 2000. Proposed disposal of area of land at 6 Tullyglass Court Lower, Shannon, Co. Clare.

Report dated 27th November, 2014 from Michael McNamara, Senior Executive Officer, Corporate Services was circulated with the agenda together with map. The report states that some time ago

the Council approved the sale of an area of land at Tullyglass Court Lower, Shannon. The area in question measures 0.0165 hectares.

Approval is now sought for the sale of the same piece of property on the same terms. The purchasers will be responsible for the Councils legal costs in the matter.

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

“Notice having been served pursuant to Section 183 of the Local Government Act, 2001, Clare County Council approves pursuant to the powers vested on it at Section 211 of the Planning & Development Act, 2000 as amended, of the disposal of area of land measuring 0.0165 hectares at 6 Tullyglass Court Lower, Shannon subject to the conditions as set out in the notice served on the members dated 27th November, 2014.”

Item 6: Disposal of property pursuant to Section 183 of the Local Government Act, 2001 and Section 211 of the Planning & Development Act, 2000. Proposed disposal of site, wayleave and right of way at Ennis North – Clonroadmore Sewerage Scheme, Ennis, Co. Clare.

Report dated 26th November, 2014 from Sean Ward, Senior Engineer, Water Services was circulated with the agenda together with map. The report states that it is proposed to transfer a small area of land at Clonroadmore, Ennis for the purposes of providing an E.S.B. substation to supply an increased electrical load. The reason for this transfer is to increase the electrical capacity in the Sewerage Treatment Plant and thus improve the overall sewerage treatment capacity within the plant which will result in a more efficient and effective operating environment and improved service to the customer.

The process involves transferring a small plot of ground (20.3m²) and right of way access to the E.S.B. to facilitate construction of the new substation.

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

“Notice having been served pursuant to Section 183 of the Local Government Act 2001, Clare County Council approves, pursuant to the powers vested in it at Section 211 of the Planning & Development Act 2000, of the disposal of a small plot of land (20.3m²) situated at Clonroadmore, Ennis and Wayleave and Right of Way access to the E.S.B. as set out in Notice served on the Members dated 26th November 2014.”

Item 7: Report in accordance with Part XI, Section 179 of the Planning and Development Act 2000, as amended, and Part VIII, Article 80 and 81 of the Planning & Development Regulations 2001-2010 for the proposed construction of sea wall, Kilkee, Co. Clare.

Report dated 3rd December, 2014 from John Corry, Administrative Officer, Roads & Transportation Department was circulated with the agenda together with map of development proposed. The report states that permission is sought for proposed works at Strand Line, Dough, Kilkee which will

consist of seawall remedial works, pedestrian access points, steel railings, reconstruction of a section of damaged roadway.

Submissions were invited from the public in local newspaper of 26th September last and details of the submissions received are outlined in the report.

The recommendation of the Planning Department is that the development as proposed would proceed subject to the conditions outlined in the report of the Senior Planner.

Ar moladh Cllr. T. McNamara
Cuidithe ag Cllr. B. Slattery agus glacadh leis

“That pursuant to Part XI, Section 179 of the Planning and Development Act, 2000 (as amended) and Part VIII, Article 80 and 81 of the Planning and Development Regulations 2001 – 2010, Clare County Council proceed with the proposed construction of sea wall and associated works as outlined in the application lodged at Kilkee, Co. Clare.”

Item 8: Declaration of public roads pursuant to Section 11 of the Roads Act 1993 – Cul Daire, Lissycasey, Co. Clare.

Report dated 28th November, 2014 from Bernadette Haugh, Administrative Officer, Planning & Enterprise Development was circulated with the agenda together with map. The report states that the Statutory Notice under Section 11 of the Roads Act, 1993 of the Council’s intention to declare the road in the housing estate of Cul Daire, Lissycasey, Co. Clare to be a public road was published on 6th May, 2014. The relevant maps were available for public inspection until the 4th June, 2014 and the closing date for submissions was the 18th June, 2014.

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

“That Clare County Council in accordance with Section 11 of the Roads Act, 1993 declare the road in the housing estate of Cul Daire, Lissycasey, Co. Clare to be a public road.”

Item 9: Nominations to S.P.C.’s.

The Meetings Administrator advised that 4 sectoral nominees remained outstanding at this point. It was noted that all S.P.C.’s are proposing to hold a preliminary meeting in 2014.

Item 10: Monthly Management Report.

The monthly management report attached to the agenda included key objectives and main activities in the principal service areas and was noted by the members. On the proposal of Cllr. C. Curtin it was agreed that from hereon the monthly reports would refer to the key activities only across the various sections.

Item 11: Audit Report 2013.

The Statutory Audit Report to the Members of Clare County Council on the Accounts of Clare County Council for year ended 31st December, 2013 was circulated with the agenda.

This year's report included the Chief Executive's responses to all comments raised by the Auditor. Niall Barrett, Head of Finance responded to queries raised by members. The report as presented was noted by the members present.

Item 12: Group Water Schemes.

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

“That Clare County Council would clarify the position of Group Water Schemes not taken in charge by the Local Authority who receive their supply from a public source when Irish Water commence billing for water.”

Anne Haugh, Director of Service replied as follows:

“Documentation published at the time of the recent announcement on Water Reforms addressed the issue of Group Water Schemes as follows:

“Group Water Schemes set their own charges, reflecting their costs base. In some cases, they receive a bulk supply of water from Irish Water and the scheme will be billed as a non-domestic customer on the same terms as the local authority billed them in the past until these non-domestic charges are reviewed. Group water schemes benefit from a subsidy from local authorities to reduce the costs of domestic supply to their customers. The Department of the Environment, Community and Local Government has worked in partnership with local authorities and the National Federation of Group Water Schemes to deliver substantial improvements in quality of water supplied by these schemes.

Within this framework, work will continue, building to a new investment programme for the sector to end 2018 and revised subsidy arrangements aligned as far as possible with the approach to subsidy for public water schemes but tailored to the particular circumstances of the group water sector. Households in the group water sector who respond to the Irish Water campaign will be entitled to claim the water conservation grant from the Department of Social Protection.” (Water Reforms – Key Elements).

The above does not provide any real clarity on the issue of charging customers of group schemes served by a public supply or infrastructure. It is the case that some local authorities bill group schemes at the bulk meter but this is not the practice in Clare. Non-domestic customers on Group Schemes are billed directly by Clare County Council and it is our understanding that this is to continue for that particular category of customer with all income accruing to Irish Water.

The above also proposes that existing subsidy arrangements will be revised to align more with the recently announced Water Conservation Grant of €100 per year to all eligible households on public schemes. No further details have been made available to local authorities since the announcement and clarification has been sought by Clare County Council on these issues.”

Item 13: Group Water Schemes.

Ar moladh Cllr. C. Curtin

Cuidithe ag Cllr. P.J. Kelly, P. Burke agus G. Keating agus glacadh leis

“That the Director of Services inform the Council of the number of Group Water Schemes (private and public sourced supply) in the county and the arrangements for on-going financial, technical and administrative assistance to same from the Council, Department of the Environment, Community and Local Government and Uisce Eireann.”

Item 14: Group Water Schemes.

Ar moladh Cllr. J. Cooney

Cuidithe ag Cllr. P. Burke agus glacadh leis

“How many group water schemes are in the County. How many are private. How many have no active committee, and who will be responsible for these into the future.”

Anne Haugh, Director of Service replied as follows to both of the above motions:

“A Group Scheme can range from 2 houses sharing a bored well to a very large scheme of over 1,000 properties with full water treatment plan and large distribution networks and reservoirs. At present, we are reviewing all of our Group Water and Group Sewerage Scheme files to gather detailed data on them and to establish how many active committees are in place. It is estimated that we have 336 Group Water Supply Schemes and 11 Group Sewerage Schemes. This includes those under construction at present.

Where there is a scheme with no active committee, the Council will be encouraging the community to form a committee as without an active committee, the Group cannot apply or be paid the annual subsidy towards operational costs, cannot apply for upgrading or improvement or cannot apply to be taken in charge.

As of now, it is not clear what Irish Water’s policy will be on charging Group Schemes for water supplied to them from public supply or waste water discharged to the public sewerage system. It is also not clear if there will be changes to the subsidy arrangements which are in place at present whereby Group Water schemes can claim a subsidy from the Department towards their operational costs.

I understand that discussions are underway between Irish Water and the Department of the Environment at the present time.”

It was agreed that Item 26, notice of motion submitted by Cllr. P.J. Kelly on the agenda could be dealt with under these items as they relate to the same subject.

Item 26: Group Scheme Programme.

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

“That Clare County Council calls on the Government to continue the Group Scheme Programme for waste water treatment systems in small villages and to increase the level of grants available.”

Item 15: Irish Water.

Ar moladh Cllr. C. Colleran Molloy
Cuidithe ag Cllr. T. O’Brien agus glacadh leis

“I ask for clarification relating to the particular ramifications on Clare County Council's Budget for 2015 and subsequent years of the changes to the operations of Irish Water which were announced by the Minister for the Environment, Alan Kelly, T.D., on 19th November, specifically the following:

- (1) Irish Water exemption for commercial rates;
- (2) the Council's liability for non-payment of water bills by local authority tenants; and
- (3) actions to be taken to address the issues identified in (1) and (2) above.”

Anne Haugh, Director of Service and Ger Dollard, Director of Service replied as follows:

“It is important to acknowledge that at the time of responding to this motion no additional information has been made available to Clare County Council on the recent changes announced by Minister Alan Kelly beyond that which is openly available on the Department of Environment website and referenced hereunder:

Documentation published at the time of announcement of the recent water reforms specifies that as part of the review of the charging regime the Government has

“changed the approach to the treatment of water infrastructure for commercial rate purposes, such that subvention does not need to be paid to Irish Water to fund this cost and equivalent support is given directly to the local authorities through the Local Government Fund.” **(Fact Sheet 1 – Financing Irish Water)**

On the basis of the previous understanding that Irish Water would indeed be liable for commercial rates on water services assets transferred from the local authorities, an amount of €176,000 was included as anticipated income from this source in the 2015 Budget. This amount was based on the rates charges levied by Clare County Council on its water services section in previous years which would have been treated in the Budget as both an expenditure and matching income item. It should be noted that a further portfolio of water services assets have recently been submitted for valuation to the Valuation Office and this exercise when completed will increase the potential income from this source.

The reference to “equivalent support” being provided to local authorities through the Local Government Fund as quoted above is however unclear at this point given that Clare County Council will not be in receipt of any Local Government Fund allocation in 2015.

Further clarification is therefore awaited as to how any potential shortfall to local authorities as a result of this announcement will be addressed.

(2) The changes as announced also refer to the particular case of local authority tenants in the context of collection of unpaid water charges. As deposit arrangements do not apply in the case of a local authority tenancy, the document proposes as follows:

“where a customer is in arrears for more than 12 months and a late payment fee has accrued, Irish Water, having first provided the customer with the opportunity to pay the arrears or enter into a payment plan, will advise the local authority concerned of the amount of arrears and the local authority will be required, by law, to recover the amount outstanding over a twelve month period and remit the amount involved to Irish Water.” **(Water Reforms – Key Elements)**

Other than the document referred to above which represents the published document, the Council has received no specific instructions or circular regarding how the arrangements outlined are proposed to be implemented. It is also noted from media reports that the involvement of landlords in the recovery of water charges is to be the subject of further discussion and consideration. Until final arrangements are agreed and advised to the Council it is not possible to determine what potential liability might arise.

(3) Until such time as further clarification is received in relation to (1) and (2) above, there is no specific action which can be taken by the Council at this point.”

The members at this stage discussed the proposal by Irish Water to facilitate clinics with members on a one-to-one basis with Tuesday the 16th December earmarked for this. This proposal was outlined in letter of the 26th November last from Ray O’Dwyer, Head of Operations, Irish Water and was circulated in correspondence with the agenda. A lengthy discussion ensued during which several members expressed the view that meetings with Irish Water should be in the public forum. Three proposals were put forward as follows:

1. signed by Cllrs. G. Flynn, P. Hayes.

“That a vote be taken on whether members of Clare County Council accept or reject the offer from Irish Water to meet with Councillors on an individual basis.”

2. signed by Cllrs. J. Flynn and J. Cooney.

“a) That Irish Water meet the elected representatives at Municipal District level initially next Tuesday for 30 minutes per District to discuss the capital investment needs for each District in both water and waste water.

b) That the final hour be available for individual Councillors to discuss operation issues with Irish Water.

c) That Irish Water come before the full Council in the New Year.”

3. signed by Cllrs. P. Daly, T. McNamara, R. Nagle and P. McMahon.

“That Irish Water meet the Councillors publicly next Tuesday as a group and subsequently members of the Municipal Districts.”

As agreement could not be reached the Cathaoirleach proposed and it was agreed that the meeting take a five minute break so as to facilitate agreement among the three groupings. When the meeting resumed it was agreed that the Council would revert to Irish Water requesting that they meet the Council as a body initially on Tuesday morning next with one-to-one meetings thereafter with any members who wished to partake in same.

The Meetings Administrator is to notify Irish Water and advise the members on the outcome of same.

Item 16: Irish Water.

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

“In the interests of transparency that Clare County Council provide clarity on the following matters:

- A comprehensive list of all water-related assets transferring to Irish Water.
- A list of costs incurred by Clare County Council in the provision of these water assets.
- The indicative value of these assets to Clare County Council.
- The financial implications to this Council of transferring water assets to Irish Water.
- Whether the Council will be compensated as a result of this transfer of assets.
- Whether Irish Water is liable to pay commercial rates on these acquired assets.
- In the event that Irish Water is exempted from rates, is it possible that this Council may incur the loss of Commercial Rates revenue from other semi state companies located in County Clare.”

Anne Haugh, Director of Service replied as follows:

“Section 12 of the Water Services (No. 2) Act provides the mechanism for the transfer of water services assets of local authorities to Irish Water which will be achieved by designation of a vesting day or days by Ministerial Order. We are advised that the Department of Environment, Community and Local Government is currently drafting these Ministerial Orders for submission to the Minister so at the time of writing no water services assets have yet transferred to Irish Water. It is understood that the first Ministerial Order will give effect to a blanket transfer of all underground assets together with a limited number of the most significant above ground assets which have been identified by local authorities as straightforward in terms of clean title, accurate mapping etc., The process will involve subsequent Orders to transfer the entirety of the assets as the detailed and complex exercise is worked through in individual local authorities.

In preparation for the first Ministerial Order Clare County Council has submitted all the relevant details in relation to the following water services assets. It is likely that some or all of these will be included in the first vesting Order which is now not expected to take place until early in the New Year.

Castlelake Water Treatment Plant
Clareabbey Waste water Treatment Plant
Clonroadmore Wastewater Treatment Plant
Creeveroe, Killaloe Water
Drumcliffe Water Treatment Plant
Ennistymon Water Treatment Plant
Ennistymon Wastewater Treatment Plant
Kildysart Water Treatment Plant
Kilrush Waste water Treatment Plant
Knockalisheen Water Treatment Plant
Lahinch Wastewater Treatment Plant
Lisdoonvarna Wastewater Treatment Plant
Mountshannon Reservoir
New Doolough Water Treatment Plant
Newmarket on Fergus Wastewater Treatment Plant
Old Doolough Water Treatment Plant
Scarriff Reservoir
Tradaree Shannon Wastewater Treatment Plant

Work is currently ongoing and will be continuing over the coming months to compile the required information on all remaining assets and I would hope to be in a position to supply a comprehensive list of such assets by June 2015.

The question of the historical costing of the entire portfolio of assets is equally complex and indeed the historical origins of much of our infrastructure and networks means that financial data in relation to initial development/provision is not available. While more recent project costs would be available it must be borne in mind that such costs were generally funded by varying combinations of grants, loans and development levies so that the exact financial exposure of the Council would not necessarily equate to the cost of the asset. At the end of 2014 a sum of circa €23 million will be outstanding in respect of water service loans but the cost of servicing such borrowing is not being borne by the Council.

The Annual Financial Statement for Clare County Council shows a gross asset value of €700 million at the end of 2013 in respect of the water and sewage network.

The transfer of the assets when complete will have the effect of eliminating the portion of the Fixed Asset total in the balance sheet which relates to the value of the water services assets while, as noted above, the cost of servicing water related loans has also been removed from the council. Since Irish Water assumed responsibility for water services at the commencement of 2014 all operational and maintenance costs associated with the assets including payroll is being funded by Irish Water.

It is my understanding that compensation to local authorities for transfer of assets is not an issue which is being considered in the course of the overall water reform programme.

The issue of whether commercial rates will be payable by Irish Water on water services assets was addressed briefly in the recent changes announced by Minister Alan Kelly and documentation available on the website of the Department of Environment, Community and Local Government states that :

“the Government has changed the approach to the treatment of water infrastructure for commercial rate purposes, such that subvention does not need to be paid to Irish Water to fund this cost and equivalent support is given directly to the local authorities through the Local Government Fund.”

On the basis of the previous understanding that Irish Water would indeed be directly liable for commercial rates on water services assets transferred from the local authorities, an amount of €176,000 was included as anticipated income from this source in the 2015 Budget and further tranche of assets are awaiting valuation in the Valuation Office.

The reference to “equivalent support” being provided to local authorities through the Local Government Fund as quoted above is however unclear at this point given that Clare County Council will not be in receipt of any Local Government Fund allocation in 2015.

Further clarification is therefore awaited on this particular aspect of the recent review.

There is nothing to suggest at this point in time that the above revised arrangements will be extended to any other semi state companies.”

A number of queries were raised with regard to the retention of assets going forward to which Niall Barrett advised that legislation will dictate but full legal ownership will go to Irish Water.

Item 17: Speed Limits in Housing Estates.

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

“Call for reduction of vehicle speeds from 50 to 30 Kph. and other safety measures, such as speed ramps, in existing and new housing estates in County Clare.

I ask the Chief Executive Officer to provide a report on Clare County Council's proposals to develop and implement a plan to reduce vehicle speeds and improve road safety in existing and new housing estates in response to the following recent Government initiatives;

1. The Minister for Transport, Tourism and Sport, Mr. Paschal Donohue, T.D., request to local authorities to submit proposals to reduce speed limits in existing housing estates from 50 kilometres per hour to 30 kilometres per hour and to use other measures, such as speed ramps, in those estates aimed at improving safety for the most vulnerable road users such as pedestrians, cyclists and especially children.

2. The Minister for the Environment, Community and Local Government, Mr Alan Kelly, T.D., instruction dated 25th November 2014 to local authorities to place greater emphasis on road safety and street design considerations in the assessment of applications for planning permission in respect of new housing developments.”

Item 18: Speed Limits in Housing Estates.

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

“I am proposing that this council consider simple effective measures at reducing vehicle speeds in housing estates by considering them at initial design and planning application stages which might help prevent accidents and tragedies.”

Gerard Dollard, Director of Service replied as follows to both 17 & 18:

“I wish to confirm that the Council has received Circular Letter PL6/2014 - Control of vehicle speeds in “new” residential developments - and will be complying with its requirements.

The Council is acutely aware of the importance of using a range of measures to enhance road safety in housing schemes particularly for vulnerable road users and in urban areas generally.

The Design Manual for Urban Roads and Streets (DMURS) was jointly published by the Department of Environment, Community and Local Government and the D.T.T.A.S. in 2013. This provides new national guidance on street design to enhance the safety and attractiveness of urban roads and streets. The Manual is now the mandatory reference document for the local authority. It requires a collaborative, holistic approach to achieving its objectives. The principles of DMURS will be referenced in all new Development Plans and Local Area Plans in the future. It will also be the reference document in the assessment of road design in new residential developments for both the Roads and Planning Departments of the Council.”

Item 19: Standing Orders.

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

“With regard to in camera meetings, that Standing Orders be adhered to and due process observed. All decisions relating to in camera meetings should be decided in advance at public meetings of the local authority or relevant Municipal District.”

Michael McNamara, Senior Executive Officer, Corporate Services replied as follows:

“Standing Order No. 61 sets out the position in relation to meeting in camera/in committee and reads as follows:

Where the Council is of opinion that the absence of members of the public and representatives of the media from the whole or part of a particular meeting is desirable because of the special nature of the meeting or of an item of business to be or about to be considered at the meeting or for other special reasons, the Council may, by resolution in respect of which, at least one-half of the total number of members vote in favour, decide to meet in committee for the whole or part of the meeting concerned. The resolution in this instance shall indicate in a general way the reasons for the resolution and those reasons shall be recorded in the minutes of the meeting.”

Item 20: Inventory of Numbers of Operatives.

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

“That the Director of Services, Human Resources provide an Inventory of the Numbers of Operatives and Road Mileage Assigned to the Senior General Services Supervisors (including Acting) in Each Municipal District arising from the Recent Configuration of Services and that the Related Details of Location of the Specific Road Network and Plant Depot be circulated to the Elected Councillors of the relevant Municipal District.”

Tom Tiernan, Senior Engineer replied as follows:

“Notwithstanding the fact that the precise mileage hasn’t yet been calculated in relation to each of the 13 General Service Supervisors Areas in the county, I can outline the position in relation to each Municipal District as follows:

Municipal District of West Clare: The total road length is 2,167 km. and the entire district is sub-divided among six Senior General Services Supervisors:

North-West Clare primarily based out of Ennistymon and with other sub-depots further north most notably Hillery’s Quarry between Lisdoonvarna and Ballyvaughan – 13 staff

North Clare Central – centred around Inagh – 11 staff

Central West Clare – centred around Miltown Malbay – 10 staff

South Central West Clare – centred around Kilrush – 10 staff

Loop Head Peninsula – centred around Kilkee – 9 staff

Estuary Area – centred around Kildysart – 8 staff

Municipal District of East Clare: There are a total of 1,342 km. in the reconfigured East Clare and the area is sub-divided among 4 Senior General Services Supervisors as follows:

Crusheen to Galway Bay – centred around Crusheen – 9 staff

North-East Clare – centred around Bodyke – 9 staff

Central East Clare – centred around Tulla – 10 staff

South-East Clare – centred around Clonlara – 9 staff.

Municipal District of Ennis: This area is similar in layout and extent to that which pertained prior to recent changes i.e. the boundary of the new Municipal District equates to a combination of the old Ennis East and Ennis West. The total road length is 454 km. and is under the supervision of 2 Senior General Services Supervisors as follows:

Ennis East – centred around Keevagh – 10 staff

Ennis West – centred around Beechpark – 11 staff

Note that there is an additional crew mainly associated with Ennis town and whose primary responsibilities are street cleaning and other town matters – the total no. of staff in this crew is 15.

Municipal District of Shannon: There is just one Senior General Services Supervisor in the Shannon Area where the total length of road is 293 km. – centred around Shannon – 14 staff.

With regard to each of the foregoing, the reference “centred around” relates to the main base in each General Services Supervisors area. There are subsidiary bases in each area also which generally service parts of the General Services Supervisors area which are somewhat remote from the main base. When final maps and road lengths are determined in relation to each Senior General Services Supervisor area, this information can be provided to relevant Municipal District Councillors.”

Item 21: M18 Motorway.

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

“I propose that a full report be given to this Council into the recent emergency works that were carried out on the M18 motorway Ennis to Gort section and that the N.R.A. be invited to our next Council meeting to update us on all ongoing matters.”

Item 22: Irish Water.

Ar moladh Cllr. P. Hayes
Cuidithe ag Cllrs. R. Nagle agus A. O’Callaghan agus glacadh leis

“I am asking the Director of Service with responsibility for Water Services to give an update into present number of staff currently operating in each municipal district under the service agreement with Irish Water and any proposed changes in this area, and if the Director is confident that a proper level of service will be sustainable to the public in the future.”

Anne Haugh, Director of Service replied as follows:

“The Water Services Area structure is not aligned with the Municipal District structure. The current numbers of staff (full time equivalent) operating in each of the Water Services functional areas (as approved by Irish Water) is as follows:

Water Services.

The current numbers of staff operating in each of the Water Services functional areas is as follows;

Functional Area	No. of Staff
HQ Operational (including Water Conservation)	18.26
HQ Capital Team	5.91
North Clare Area	19
West Clare Area	18
Ennis Area Area	15

East Clare Area	15.62
Shannon Area	15.20
Scientific Staff	8.10
Non-Domestic Metering and Billing	15.54
TOTAL	130.63

Our submissions to Irish Water over the course of discussions on the Annual Service Plan and Budget have been to retain our full complement of staff together with some requests for additional staff in some areas. Confirmation of a proposed budget for 2015 similar to 2014 has been a positive outcome in this regard and should facilitate us in continuing to provide satisfactory levels of service.

The introduction of Irish Water and our changed role from one of direct service provider to agent has necessitated significant change in the management and reporting functions associated with the new arrangements. Discussions have commenced in recent weeks with the various unions to explore how these changes might influence service delivery structures and the organisation of work with a view to ensuring ongoing efficiencies and achieving required performance standards under the Annual Service Plan.”

Item 23: Local Improvement Scheme.

Ar moladh Cllr. J. Cooney
Cuidithe ag Cllrs. J. Crowe agus T. O’Brien agus glacadh leis

“That Clare County Council call on the Minister for Transport to re-instate the Local Improvement Scheme for 2015 in the interest of road safety.”

Item 24: Civic Reception.

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

“That this council would provide a civic reception for the dual winning Cratloe Panel and their trainers.”

Item 25: Pedestrian Safety.

Ar moladh Cllr. I. Lynch
Cuidithe ag Cllr. J. Flynn agus glacadh leis

“Despite continual requests by this council for funding and a major campaign by the R.S.A. on pedestrian safety, the N.R.A. continually fail to recognise the importance of public footpaths as part of the transport network within our towns and villages and their blatant neglected to attend to

the deteriorating state of these public footpaths under their direct responsibility, Clare County Council request the Minister of Transport to make an immediate application to the Department of Finance for additional funding to be made available exclusive for footpath repairs along national routes.”

Tom Tiernan, Senior Engineer replied as follows:

“While I would concur with any representations which might be made to the N.R.A. or Department of Transport to facilitate improved funding for the maintenance/upgrade of footpaths, the following points are relevant

The depletion of funding in relation to footpaths over the past number of years is merely a component of the overall funding depletion which has occurred across all areas for which the N.R.A. has responsibility. Of all the sub-headings in the National Route funding structure, the one which would be most appropriate to cover footpath maintenance requirements is “National Secondary Maintenance” – this particular allocation has reduced by 74% since 2008.

Notwithstanding the aforementioned funding reduction of 74% referred to under No. 1 above, the N.R.A. in recent times has initiated a planned maintenance strategy in relation to National Roads which involves periodic surveys under a variety of headings to be followed by planned remediation works. Among the headings are “footpaths” and some additional funding over and above that referred to above is available to be approved in a case by case basis. We are hopeful that this new planned maintenance approach will result in some significant remediation works on footpaths along National Routes.”

Item 27: Resource Teaching Hours.

Ar moladh Cllr. A. Norton
Cuidithe ag Cllr. I. Lynch agus glacadh leis

“That Clare County Council contact the Minister for Education to reinstate the resource teaching hours to the full allocation that existed prior the reduction in numerous budgets over the past several years.

Now that the economy is improving, the hours should be reinstated as an immediate priority and given that access to Education is one of the most important factors in this country for our children.”

Item 28: Property Tax.

Ar moladh Cllr. T. McNamara
Cuidithe ag Cllr. P.J. Ryan agus glacadh leis

“That this council call on the Minister for Environment, Community and Local Government Alan Kelly to ensure that all monies collected from the property tax in County Clare remain in County Clare and these monies be used to provide local services, in particular bringing estates up to an acceptable standard to be taken in charge by Clare County Council.”

Item 29: Quango's.

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

“That this Council call on the Taoiseach to answer the following questions in view of the promises he made when he took office in 2011 to reduce quango's:

1. How many quango's are in operation at present?
2. How many have been abolished?
3. How many have been amalgamated?
4. What is the entire saving to the taxpayer?”

Item 30: Fair Deal Scheme.

Ar moladh Cllr. T. McNamara
Cuidithe ag Cllrs. A. Norton agus P.J. Ryan agus glacadh leis

“In order to alleviate the growing number of patients waiting for unacceptable lengths of time on trolleys at University Hospital Limerick we call on this Council and the U.L. hospital Group to call on the Minister for Health Leo Varadkar to make funding available under the Fair Deal Scheme to back pay applicants to date of application in order that these patients within the Hospital Group can take up beds in Nursing Homes and free up acute beds.”

Item 31: Shannon Airport.

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

“That the Council express their serious concern to Aer Lingus Senior Management arising from their decision not to avail of the Shannon Cabin Crew for their Shannon – Boston flights in 2015 which are operated by Omni Air on their behalf. The Council requests that this decision be reversed.”

Item 32: Recruitment of Local Authority Workers.

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

"To ask the Minister of Finance to lift the ban on the recruitment of local authority workers so that urgently required general operatives can be hired by Clare County Council."

Item 33: Ennis General Hospital.

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

“I ask the Council to make contact with the H.S.E. and Department of Health to re-open the A. & E. at Ennis General Hospital due to the fact the A. & E. service at the Limerick Regional Hospital is totally inadequate for the numbers attending there.”

Item 34. Comhfhreagras.

- The Cathaoirleach, on behalf of the members, expressed thanks to Flan Brennan who is retiring shortly. He referred to Flan’s facilitating of Council Meetings and making arrangements for same both in the County Museum building and here at Áras Contae an Chláir for the past 12 – 13 years. On behalf of the members he wished Flan well in his retirement.
- Cllr. A. O’Callaghan wished to pass on his congratulations to all involved in the recent Pride of Place Awards Ceremony that took place in Treacy’s West County Hotel.
- A proposal was submitted by Cllr. A. Norton and seconded by Cllr. T. McNamara that the issues raised with regard to the treatment of patients at Arás Attracta, Co. Mayo be discussed by the Council. As a Civic Reception had been scheduled to take place at 6:30 p.m. and it was now this time, it was agreed by all present that this topic would be discussed for 5 minutes. A discussion took place surrounding the reported mis-treatment of patients at this care facility and the H.S.E. has been called on to carry out a report on this facility.

The Cathaoirleach took the opportunity to wish the members and the executive and the families a very Happy Christmas & New Year.

Correspondence.

The following correspondence was circulated with the agenda:

1. Correspondence dated 26th November, 2014 from Irish Water in relation to Irish Water Clinics for Elected Representatives.
2. Minutes of Community Liaison Monitoring Committee Meeting held on 5th March, 2014.
3. Correspondence dated 14th November, 2014 from The Department of Health concerning the University of Limerick Hospital Group.
4. Correspondence dated November 2014 from the Department of Health concerning medical cards entitlements.
5. Correspondence from the Health Service Executive in relation to medical cards.
6. Correspondence dated 17th November, 2014 from the Department of Communications, Energy and Natural Resources in relation to satellite broadband voucher scheme.

7. Correspondence from the Health Service Executive in respect of the N.H.S.S. (Fair Deal) Scheme for Nursing Home Applicants.
8. Correspondence dated 12th November, 2014 from the Department of Health concerning long term nursing home care under the Fair Deal Scheme.
9. Correspondence dated 27th November, 2014 from the Office of the Taoiseach regarding the introduction of water charges.
10. Correspondence dated 20th November, 2014 from the Department of Environment, Community and Local Government in relation to water charges.
11. Correspondence dated 17th November, 2014 from Minister of State at Department of Social Protection with Special Responsibility for Activation in relation to Community Employment Schemes.
12. Correspondence dated 13th November, 2014 from the Department of Communications, Energy and Natural Resources in relation to registration of SIM cards.
13. Correspondence dated 13th November, 2014 from the Office of the Minister for Justice & Equality in relation to registration of SIM cards.
14. Correspondence dated 13th November, 2014 from the Department of Communications, Energy and Natural Resources in relation to rural post offices.
15. Correspondence dated 27th November, 2014 from the Office of the Minister for Justice & Equality concerning prostitution.
16. Resolution adopted at a recent meeting of Kerry County Council in relation to the Defence Forces.
17. Elected Member's Training Seminar entitled "Protected Disclosures Act 2014" being held in the Connacht Hotel, Old Dublin Road, Galway City on 12th & 13th December, 2014.
18. Seminar entitled "Tourism Technology & Competitive Strategies for 2015" being held in the Four Seasons Hotel, Carlingford, Co. Louth on 12th – 14th December, 2014.
19. Nuclear Free Local Authorities All Ireland Forum Winter 2014 Meeting taking place in the Members Room, Dublin City Hall, Dame Street, Dublin 2 on 12th December, 2014.
20. Training Seminar entitled "Microsoft Excel Workshop for Councillors" being held in the Clonakilty Hotel, Clonakilty, Co. Cork on 19th – 21st December, 2014.
21. 26th Colmcille Winter School Conference entitled "The future of Local Government in Ireland under the new system" being held in the Colmcille Heritage Centre, Gartan, Church Hill, Letterkenny, Co. Donegal on 27th & 28th February, 2014.

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.

Finance Training for Elected Members being held in the Seven Oaks Hotel, Carlow on 16th September, 2014.

The Meetings Administrator informed the Members that the estimated average cost per Councillor attending this Conference was €340.33.

It was agreed that Cllrs. M. Begley, A. O'Callaghan and J. Crowe attend this Conference.

Housing Training for Elected Members being held in Nenagh on 16th October, 2014.

The Meetings Administrator informed the Members that the estimated average cost per Councillor attending this Conference was €207.01.

It was agreed that Cllr. M. Begley attend this Conference.

L.A.M.A. Autumn Training Seminar entitled "Putting people first – is it a reality?" being held in the Inishowen Gateway Hotel, Buncrana on 17th & 18th October, 2014.

The Meetings Administrator informed the Members that the estimated average cost per Councillor attending this Conference was €340.70 including conference fee of €180.

It was agreed that Cllrs. M. Begley and P. Burke attend this Conference.

A.I.L.G. Inaugural Annual Conference 2014 being held in Hotel Kilmore, Cavan on 29th & 30th October, 2014.

The Meetings Administrator informed the Members that the estimated average cost per Councillor attending this Conference was €65.15 including conference fee of €100.

It was agreed that Cllrs. M. Begley, P.J. Ryan, P. Burke, R. Nagle, P. Murphy and B. Slattery attend this Conference.

Planning Training for Elected Members being held in Ferrycarrig Hotel, Wexford on 6th November, 2014.

The Meetings Administrator informed the Members that the estimated average cost per Councillor attending this Conference was €378.08.

It was agreed that Cllrs. B. Slattery, R. Nagle, P.J. Ryan and P. Hayes attend this Conference.

Planning Training for Elected Members being held in Trim, Co. Meath on 18th November, 2014.

The Meetings Administrator informed the Members that the estimated average cost per Councillor attending this Conference was €375.64.

It was agreed that Cllrs. M. Howard, J. Cooney, P. Burke, M. Begley, T. O'Brien and P. Murphy attend this Conference.

Training Seminar entitled “The Effects of Budget 2015” taking place in the Clonakilty Hotel, Clonakilty, Co. Cork on 28th & 29th November, 2014.

The Meetings Administrator informed the Members that the estimated average cost per Councillor attending this Conference was €15.39 including conference fee of €65.

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

T.A.S.C. Conference taking place in the Royal College of Physicians, Dublin on 20th November, 2014.

The Meetings Administrator informed the Members that the estimated average cost per Councillor attending this Conference was €95.13.

It was agreed that Cllr. M. Hillery attend this Conference.

Elected Member’s Training Seminar entitled “Protected Disclosures Act 2014” being held in the Connacht Hotel, Old Dublin Road, Galway City on 12th & 13th December, 2014.

The Meetings Administrator informed the Members that the estimated average cost per Councillor attending this Conference was €62.40 including conference fee of €70.

It was agreed that Cllr. B. Chambers attend this Conference.

Safe Talk, Suicide Alertness Skills Seminar being held in Leixlip, Co. Kildare on 11th December, 2014.

The Meetings Administrator informed the Members that the estimated average cost per Councillor attending this Conference was €11.22.

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

Seminar entitled “Tourism Technology & Competitive Strategies for 2015” being held in the Four Seasons Hotel, Carlingford, Co. Louth on 12th – 14th December, 2014.

The Meetings Administrator informed the Members that the estimated average cost per Councillor attending this Conference was €36.15 including conference fee of €85.

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

The meeting then concluded.

Signed: _____
Riarthóir Cruinnithe

Signed: _____
Cathaoirleach

Date: _____