

Minutes of the October Monthly Meeting of Clare County Council held in the Council Chamber, Áras Contae an Chláir, New Road, Ennis, Co. Clare on Monday, 13th October, 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, I. Lynch, P.J. Kelly, B. Chambers, G. Keating.

- Mr. Tom Coughlan, Chief Executive.
- Mr. Michael McNamara, Meetings Administrator.
- Mr. Kieran O'Donnell, Administrative Officer.
- Mr. Ger Dollard, Director of Service.
- Ms. Anne Haugh, Director of Service.
- Mr. Niall Barrett, Head of Finance.
- Mr. Tom Tiernan, Senior Engineer.
- Mr. Sean Ward, Senior Engineer.

The Cathaoirleach, Cllr. John Crowe presided.

Congratulations.

Congratulations were extended to the following G.A.A. Club teams on their success in recent weeks:

- Cratloe G.A.A. Club on their historic Senior Hurling and Football Championship double.
- Naomh Eoin Football Club on their recent victory in the Junior Football Championship Finale.
- Kilmaley and Sixmilebridge Camogie Clubs on their recent Championship success.
- Kilmaley Minor Hurling Team on winning the Minor Hurling Championship.

Item 1: Minutes of Council Meetings.

a. Ar moladh Cllr. B. Chambers
Cuidithe ag Cllr. C. Crowe agus glacadh leis

“That the Minutes of the September Meeting of Clare County Council held on 8th September, 2014 be adopted and signed.”

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

“That the Minutes of the adjourned September Meeting of Clare County Council held on 15th September, 2014 be adopted and signed.”

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

“That the Minutes of the Special Meeting of Clare County Council held on 26th September, 2014 be adopted and signed.”

Item 2: Minutes of Municipal District Meetings.

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

“That the Minutes of the Ennis Municipal District Meeting held on the 14th July, 2014 be noted.”

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

“That the Minutes of the Shannon Municipal District Meeting held on the 15th July, 2014 be noted.”

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

“That the Minutes of the Killaloe Municipal District Meeting held on the 16th July, 2014 be noted.”

Item 3: Minutes of the Corporate Policy Group Meetings.

The members noted the minutes of the meeting held on 1st September, 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 Carrigoran.

Report dated 1st October, 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 dispose of the small areas of land attached to Carrigoran House Nursing Home. The areas in question measure in total .1390 hectares and were formerly part of the old road now abandoned fronting the Carrigoran property. The lands in question were acquired many years ago from Carrigoran and their land holding surrounds the areas in question.

Ar moladh Cllr. G. Flynn
Cuidithe ag Cllr. P. McMahon 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 small areas of land at Carrigoran subject to the conditions as set out in the notice served on the members dated 1st October, 2014.”

Item 5: Disposal of area of land pursuant to Section 183 of the Local Government Act, 2001 and Section 211 of the Planning & Development Act, 2000. Proposed disposal of property at No. 6 Mount, Ballycorick, Ballynacally, Co. Clare.

Report dated 15th September, 2014 from Mairead Corbett, Administrative Officer, Housing Directorate was circulated with the agenda together with map. The report states that it is proposed to dispose of property at No. 6 Mount, Ballycorick, Ballynacally, Co. Clare. The standard conditions of sale will apply.

Ar moladh Cllr. G. Keating
Cuidithe ag Cllr. B. Chambers 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 a house at No. 6 Mount, Ballycorick, Ballynacally, Co. Clare subject to the conditions as set out in the notice served on the members dated 15th September, 2014”.

Item 6: Disposal of area of land pursuant to Section 183 of the Local Government Act, 2001 and Section 211 of the Planning & Development Act, 2000. Proposed disposal of property at Laurel Lodge, Clare Road, Ennis, Co. Clare.

Report dated 22nd September, 2014 from Niall O’Keeffe, Administrative Officer, Housing Services was circulated with the agenda together with map. The report states that the above mentioned property is currently leased by Clare County Council to the Society of St. Vincent de Paul for a period of 20 years for a nominal rent. The Society has requested that the lease be extended to 99

years. It is proposed to grant this lease extension subject to the condition that the property continues to be used for the accommodation of homeless persons, or such other purpose as may be agreed with Clare County Council.

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

“Notice having been served pursuant to Section 183 of the Local Government Act, 2001, Clare County Council approves pursuant to the powers vested on it at Section 211 of the Planning & Development Act, 2000 as amended, of the disposal by means of a lease, of Laurel Lodge, Clare Road, Ennis, Co. Clare to The Society of St. Vincent de Paul at a nominal rent and subject to the conditions as set out in the notice served on the members dated 22nd September, 2014.”

Item 7: 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 property by means of a lease at Sixmilebridge Courthouse, Sixmilebridge, Co. Clare.

Report dated 1st October, 2014 from Michael McNamara, Senior Executive Officer, Corporate Services was circulated with the agenda. The report states that the previous Leasees of this building notified the Council last June of their intention to vacate the building at the end of June. The Council advertised for interested parties to apply to use same into the future and 4 No. responses were received:

The rent proposed as before is nominal and the Leasees will be responsible for the ongoing upkeep and maintenance of the building.

Ar moladh Cllr. P.J. Ryan
Cuidithe ag Cllr. A. O’Callaghan agus glacadh leis

“Notice having been served pursuant to Section 183 of the Local Government Act, 2001, Clare County Council approves pursuant to the powers vested on it at Section 211 of the Planning & Development Act, 2000 as amended, of the disposal by means of a lease, of Sixmilebridge Courthouse, Sixmilebridge, Co. Clare subject to the conditions as set out in the notice served on the members dated 1st October, 2014.”

Item 8: Fix date for Budget 2015 Meeting.

It was agreed that the Budget 2015 Meeting would take place on Wednesday, 12th November next at 3:00 p.m.

Item 9: Playground Maintenance Grant Scheme.

Report dated 7th October, 2014 from Gerard Dollard, Director of Services was circulated with the agenda. The report states that Clare County Council has operated a very successful community partnership model to help secure the delivery of 29 playgrounds throughout the county.

Many of these playgrounds have been in operation for a number of years now. A variety of different structures e.g. community groups, limited companies, co-operatives are in place to manage the individual playgrounds.

Issues are now beginning to arise in relation to the management and maintenance costs associated with these playgrounds, particularly relating to insurance, company audits, surveys and inspections, as well as general maintenance. There is also the need to give some consideration to future requirements for the upgrading of these facilities.

Mr. Dollard suggested that the overall policy in relation to community playgrounds needs to be considered by the Community and Cultural Strategic Policy Committee when same has been established and he recommended to Council that a playground maintenance support scheme would be put in place to assist communities in maintaining and operating these playgrounds. The assistance would be by way of financial support towards the costs arising. The members agreed this proposal. Mr. Dollard further recommended that the sum of €50,000 be allocated to these schemes for a two year period and that the scheme be funded from funds available to the Council in 2014 on revenue account.

Members welcomed the proposed allocation of €50,000 to assist the communities who were maintaining the playgrounds. Members also raised the need for the Council to allocate money into a capital fund to assist communities to construct new playgrounds and the need to make our playgrounds accessible to people with disabilities was highlighted as another area that needed significant investment.

Item 22: Community Playgrounds.

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

“That this Council would fund all community playgrounds in the County to a minimum of €2,000 to supplement community funding.”

The Cathaoirleach, Cllr. John Crowe drew the meetings attention to the recommendation agreed under Item No. 9 in regard to this same issue and stated that any funding implications would have to be considered in the context of Budget 2015.

Item 10: Monthly Management Report.

Report dated 7th October, 2014 from Michael McNamara, Senior Executive Officer, Corporate Services was circulated with the agenda. The report states that Section 136(2) of the Local Government Act, 2001 as amended by the Local Government Reform Act 2014 requires the Chief Executive to prepare and submit to the Council a Management Report.

The monthly management report attached to the agenda included the following:

- Revenue Account Expenditure and Income by Division including performance against figures provided in the adopted Budget 2014.
- Capital Account Expenditure and Income by Division.
- Details of rate collection level at end of June 2014.
- Key objectives and main activities in the principal service areas.
- Details in relation to the Local Community Development Committee.

The report outlined that the form and content of this report was discussed with the Corporate Policy Group and it is proposed to present this report on a monthly basis with the agenda for the monthly meeting. The meeting agreed with this proposal.

The report as circulated was noted by the members present and the Chief Executive responded to a number of queries raised.

Item 11: Consideration of additional funding – 2014.

Report dated 8th October, 2014 from Tom Coughlan, Chief Executive was circulated with the agenda. Mr. Coughlan refers to report dated Friday, 26th September 2014, which, in the context of the Local Property Tax set out the financial position of the Council.

Since that report was circulated, the Council has been advised that a claim for recoupment in respect of the expenditure on February storm damage may be submitted to the Department. This notification addresses what was a significant risk and therefore the Council may wish to consider additional expenditure in the current year.

This matter was considered by the Corporate Policy Group at a meeting on Friday, 3rd October and attached for the members consideration was schedule of potential additional expenditure areas in respect of the current year.

The expenditure provisions in respect of 2014 include the provision for additional roads related expenditure in each Municipal District in the sum of €50,000 per district. The provision also includes a sum of €50,000 in respect of assistance to community playgrounds.

The members agreed with the proposals set out in the report for the additional expenditure in 2014 in the areas outlined.

Item 12: Nominations to Strategic Policy Committees.

Report dated 13th October, 2014 from Michael McNamara, Senior Executive Officer, Corporate Services was circulated at the meeting. The report states that nominations have been received from the Community, Voluntary Social Inclusion Sectors and the Business/Commercial/Development Construction Sectors as follows:

Community, Voluntary Social Inclusion Sectors.

- | | | |
|----------------------------------|---|---|
| Planning and Housing S.P.C. | - | Pat Shannon, Social Inclusion. |
| Environment and Transport S.P.C. | - | Maurice Harvey, Community (environment) |
| Social Inclusion: | - | Pat Gaughran & Ann Maire O’Doherty |
| Cultural Services & Art S.P.C. | - | Sheila Considine & Mike Hogan. |

These nominations were received via the Clare Community Forum as an interim measure pending the appointment of the Public Partnership Network (P.P.N.) at which stage the P.P.N. in Clare will be invited to select nominees.

Business/Commercial/Development Construction Sectors.

| | | |
|--|---|------------------------------------|
| Planning and Housing S.P.C. | - | Richard Woods, Jim Woods & Co. |
| Environment and Transport S.P.C. | - | Joe Corbett, Banner Cars. |
| Economic Development & Enterprise S.P.C. | - | Pat Morris, Essilor. |
| Cultural Services & Arts S.P.C. | - | Patrick Kwara, Unite Translations. |

Two further nominees are awaited from the Business/Commercial Sector.

Nominees are also awaited from the Agriculture/Farming Sector and from the Trade Unions.

The members noted the report, but as additional nominees were awaited it was not possible to finalise the membership of the S.P.C.'s.

Item 13: Cedra Report.

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

“Appointment of a Minister for Rural Economic Development to implement the Cedra Report recommendations and it’s potential for County Clare.

That Clare County Council set up a working group made up of Elected members (1 or 2 per Electoral area) and officials to report within 3 months to the full council on where there may be economic and employment opportunities for Clare in regard to the Government implementation of the Commission for Economic Development of Rural Areas (Cedra) Report and it's 34 recommendations. This is in light of the recent appointment of a Minister for Rural Affairs (Ann Phelan T.D.) with responsibility for implementation of the Cedra Report”.

The members welcomed the Cedra Report and also the appointment of a Minister with responsibility for Rural Affairs. A detailed discussion was held on whether the S.P.C. for Economic Development & Enterprise or a new working group would be the best forum for discussing the issues raised in the report. Following a show of hands, it was agreed by 14 votes to 10, that a new Working Group should be established. It was also agreed that each Municipal District would nominate two members to this Working Group. The Chief Executive pointed out that many of the recommendations of the Cedra Report are for national government to consider.

Item 14: Assistance to community and voluntary bodies.

Ar moladh Cllr. G. Flynn
Cuidithe ag Cllrs. C. Curtin, M. Begley agus I. Lynch agus glacadh leis

“That Clare County Council put a policy and protocol in place to deal with applications to the Council for funding and other assistance to community and voluntary bodies concerning various events and other activities that benefit the social and community life within the County of Clare.”

Gerard Dollard, Director of Services replied as follows:

“The Council did operate an application scheme for significant community grants when funding was available in previous years. The Community Grants Scheme for significant projects ceased when overall funding was not available for such a purpose. The Council continue to operate various Grant Schemes in the form of priming grants, burial ground grants and so on.

The Council has also, in recent years, operated Grant Schemes for tourism related projects under The Gathering and the Community Tourism Diaspora Fund.

As part of the annual budget, the Council has approved individual funding applications where these are known at the particular time. During the course of the year if significant items arise these are also brought to the attention of the Council. However, the Council will receive requests to assist and support various events and other activities that benefit the social and community life in the county. These, where received, are considered as part of the overall budgets available and are normally of a minor nature.

The matter of a policy or protocol to deal with all applications for funding can be considered by the Community and Cultural S.P.C. However, the putting in place of a complex process for minor expenditure will not be to the benefit of the wider community and only serve to constrain and stifle initiative on various events and activities.”

Item 15: Department Circulars.

Cllr. P.J. Kelly in moving the motion proposed an amended wording of this motion to read as below.

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

“That Clare County Council, mindful of successful challenges to a circular from a Government Department, seeks appropriate legal opinion of the lawfulness of circulars in general.”

Item 16: Logo.

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

“That Clare County Council would consider a public competition for a logo suitable for use on signage and other materials.”

Item 17: Irish Water.

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

“That in the interest of clarity and transparency concerning the arrangement for staff of Clare County Council to work for Irish Water under a Service Level Agreement, that details be provided by Clare County Council on the following items:

1. How many former staff in Clare County Council now work for Irish Water under the S.L.A.
2. Could a breakdown be provided from the different sections affected and a clear indication of title and positions previously held within the Council.
3. What are the implications for the Councils Budget
 - (a) How much is paid out of payroll for Irish Water Agents that previously worked full time or part time for the Council.
 - (b) What income is received by the Council from Irish Water for the provision of any service to them, either directly or indirectly.”

Carmel Greene, Senior Executive Officer, Water Services Department replied as follows:

- “1. It is important to point out that the Service Level Agreement (S.L.A.) signed between Clare County Council and Irish Water provides that the staff who are working under the S.L.A. are still employed directly by Clare County Council.

As part of the preparation of the Annual Service Plan, a Headcount Plan is prepared and has to be agreed with Irish Water. The Headcount Plan for 2014 consisted of 144.71 full time equivalents (FTE), 5.95 for Capital Works (CAPEX) and 138.76 on the Operational side (OPEX).

2. The staff consist of approx 35 Grades of staff across the various departments, such as Water Services Headquarters, Water Services Area staff, Revenue Department and Scientific Staff.
3. For the year 2014, Clare County Council proposed a payroll budget to Irish Water of €6,624,186 for its staff who work for Clare County Council under the S.L.A. Irish Water imposed a cut of €3,085 on this proposed budget and the final budget for 2014 for payroll (including allowances, Employer’s P.R.S.I. and overtime) amounts to €6,112,542. This is fully recouped from Irish Water each month. Any variations or exceedences in this budget have to be accounted for on a monthly basis. To date, the Council has not exceeded the payroll budget.

Work is underway in preparing the 2015 Headcount Plan and this will have to be agreed with Irish Water. It is clear from the documentation issued by the Irish Water and the Regulator that Irish Water will be seeking a reduction in overall S.L.A. costs.

In relation to Goods and Services, any expenditure incurred on public water supply and waste water services, within the budget agreed with Irish Water, is fully recouped.”

- Members expressed their continued concerns about the operation of Irish Water.

- They also highlighted the importance for staff who are currently working in the Water Services area to be considered as Clare County Council staff so that they feel secure in their employment.
- Anne Haugh, Director of Service advised the members that the Council was currently in discussions with Irish Water around the budget for 2015. Due to expenditure restrictions imposed by the Commission for Energy Regulation, Irish Water were obliged to cut their costs and this was likely to have a knock on effect in the S.L.A. costs. Irish Water are currently proposing a 7.9% reduction in payroll costs for 2015. This would have serious implications for the budget of Clare County Council for 2015. Members were concerned with this proposal and requested details in writing from the Director of Service. The following motion was proposed by Cllr. G. Flynn, seconded by Cllr. P. Hayes and agreed by the members.

“That Irish Water be requested to attend Clare County Council meeting to brief the members on the provision of water and wastewater services.”

Item 18: Irish Water.

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

“That Clare County Council compile a list of all substandard water mains in the county (of poor quality/pressure) and submit an appropriate application for remedial works to Irish Water.”

Sean Ward, Senior Engineer, Water Services replied as follows;

“Clare County Council has submitted, and will continue to submit as necessity arises, business cases to Irish Water for funding of replacement of water mains which have a significant history of bursts and/or major leakage. To have a chance of success, a business case needs to demonstrate that the cost of replacing the main can be justified by savings on either repairs costs to bursts, or treatment & pumping costs of leaking water, or both.

Irish Water has stated clearly that water conservation will be one of its primary drivers for investment, and has recently approved a project to replace c. 18 km. of defective mains in Ennis and Clarecastle to reduce leakage. Frequent discussions are taking place with Irish Water with a view to identifying, and making cases for, other such projects throughout the county based on studies which the Council carried out over the years preceding the commencement of Irish Water.”

Item 19: Irish Water.

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

“I propose that Clare County Council seek clarification from Irish Water on the following issues,

- (1) Actual detail on Irish Waters responsibilities to boundaries of properties
- (2) what are property owners responsibilities,
- (3) Detail of call out costs associated with site visits.”

Sean Ward, Senior Engineer, Water Services replied as follows:

“Regarding (1) and (2) above, I understand that, subject to finalisation, Irish Water’s position on the respective responsibilities of Irish Water and householders is as follows:

Water service pipe – Irish Water is responsible for the water main, and for the service pipe from the connection with the main to a point 225mm from the property boundary. The householder (or a number of householders jointly if it is a shared service) is responsible for the remainder of the pipe into the property. However Irish Water is responsible for the meter irrespective of where it is located along the service pipe.

Connection to sewer – Irish Water is responsible for the sewer, and the householder (or a number of householders jointly if it is a shared connection) is responsible for the entire length of the connection pipe from the property to the sewer.

Regarding (3), Clare County Council acting as agent of Irish Water does not levy any call-out costs if it is necessary to visit a property to investigate a complaint or issue received via Irish Water’s call centre. I am not aware of any proposals by Irish Water to levy charges in the future either for (a) site visits by Clare County Council to investigate issues, (b) visits directly by Irish Water personnel or contractors relating to domestic meters.”

Members again expressed their concern with Irish Water and their management of repairs and maintenance of the water services network.

33. Comhfhreagras.

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. B. Slattery 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 Cllrs. M. Howard, T. O’Brien and C. Curtin 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. T. O’Brien, P. Hayes and B. Chambers 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. T. O’Brien and P. Hayes 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 €78.08.

It was agreed that Cllrs. T. O’Brien and C. Curtin attend this Conference.

The meeting then concluded.

Signed: _____
Riarthóir Cruinnithe

Signed: _____
Méara

Date: _____

**Minutes of the adjourned October Meeting of Clare County Council held in the
Council Chamber, Áras Contae an Chláir, New Road, Ennis, Co. Clare on
Monday, 20th October, 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, M. Begley, T. O'Brien, P. Burke, A. O'Callaghan, C. Crowe, J. Crowe, G. Flynn, P.J. Ryan, P. McMahan, C. Curtin, B. Slattery, I. Lynch, P.J. Kelly, B. Chambers, G. Keating.

- Mr. Tom Coughlan, Chief Executive.
- Mr. Michael McNamara, Meetings Administrator.
- Ms. Siobhan Garvey, Staff Officer.
- Mr. Ger Dollard, Director of Service.
- Ms. Anne Haugh, Director of Service.
- Ms. Caroline O'Connor, Financial Accountant
- Mr. Tom Tiernan, Senior Engineer

The Cathaoirleach, Cllr. John Crowe presided.

Cliffs of Moher Visitor Centre.

The Cathaoirleach opened the meeting by congratulating the Cliffs of Moher who earlier had welcomed their 1 millionth visitor to the attraction this year. The visitor received a prize to the value of €5,000 which includes flights and accommodation for a return trip to Clare during 2015. The Cathaoirleach complimented the management and staff of the Cliffs of Moher and Tourism & Community Section of Clare County Council on this great achievement. These sentiments were agreed by all present.

Item 12: Nominations to S.P.C.'s.

The Meetings Administrator advised that nominees are still awaited to the S.P.C's from various sectors, therefore it was agreed that this item be carried forward to the November meeting.

Item 20: Storm damage.

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

“That the management would give a progress report on the repairs to storm damaged public coastal defence infrastructure and the Clare Co. Co. expenditure to date. What amount of funding has the

Local Authority received from the government up to the end of September? What criteria will be used in the preparation of multi annual programme needed to protect Co. Clare's coastline?"

In the absence of Cllr. M. Hillery this was proposed by Cllr. B. Chambers and seconded by Cllr. T. McNamara.

Item 21: Storm damage.

Ar moladh Cllr. C. Curtin

Cuidithe ag Cllr. G. Keating agus glacadh leis

“That the County Manager update the Council on the following matters arising from the storm damage to the Clare coastline including the Shannon Estuary in January and February:-

- (a) Estimated costs for remediation works submitted by the County Council in March and latterly in September to the Departments of Transport, O.P.W., Agriculture and Environment.
- (b) Response to date indicating sums allocated under specific headings
- (c) Recovery of costs for works completed at this time.
- (d) Schedule of road restoration and improvement works carried out under the €2,094,925 for storm damaged roads in the 2014 Roadworks Programme.
- (e) Progress on the impasse with the O.P.W. for request of €12,128,860 towards additional coastal protection works in the county consequent to letter dated 8th September.
- (f) A timeframe for the drawdown of the allocated funds together with this latter figure from the O.P.W. and the designated Department of Agriculture Scheme Allocation in view of the short span remaining in 2014 and the necessity to ring-fence such funds.
- (g) Other sources of possible funding for damage to coastal infrastructure not included in these earlier submissions.
- (h) The Councils proposals for a multi-annual Coastal Protection Programme of works on the Clare coastline and negotiations with the relevant agencies on same.”

Tom Tiernan, Senior Engineer replied as follows:

“Given that both of the Notices of Motion submitted by Cllrs. Hillery and Curtin respectively relate in general to the same issue and also are significantly similar with regard to the detail sought, I propose to deal with both through a single response as follows.

Given that all of the queries raised in Cllr. Hillery’s Notice of Motion are effectively contained in Cllr. Curtin’s also, the following response is structured based on the points raised by Cllr. Curtin and in similar order.

- (a) The key submission pertaining in relation to damage arising from storms which evolved in late December, 2013 and January and February of this year was made on February 25th last to the Emergency Response Unit of the Department of the Environment, Community & Local Government. In this context, the Department of the Environment has responsibility for co-ordination of emergency response in a National context and for pursuit of and allocation of

funding to deal with the issues across the various sectors involved. The Emergency Response Unit is effectively the liaison body between affected local authorities and the various Government Departments and agencies who individually have a responsibility to work with local authorities in relation to their respective needs. The overall estimate submitted was €38,122,888 and this breaks down as follows:

| | |
|--|-------------|
| • Clean-up and subsequent necessary works | €1,388,748 |
| • Roads | €3,118,125 |
| • Tourism infrastructure | €2,037,700 |
| • Piers and Harbours | € 336,000 |
| • Coastal protection works (repair) | €13,062,907 |
| • Coastal protection works (strengthening) | €14,273,860 |
| • Other | €3,905,548 |

The only application submitted in September of this year was in relation to the appointment of Consultants to deal with coastal strengthening requirements at Cloughaninchy – which was approved – the sum applied for was €200,000.

(b) The sums allocated to date under the headings referred to under (a) above are as follows:

| | |
|--|------------|
| • Clean-up and subsequent necessary works | € 608,878 |
| • Roads | €2,094,925 |
| • Tourism infrastructure | € 979,200 |
| • Piers and Harbours | € 273,000 |
| • Coastal protection works (repair) | €3,276,433 |
| • Coastal protection works (strengthening) | € 200,000 |
| • Other | €4,582,079 |

Apart from the foregoing, approval was confirmed by the Department of the Environment recently that it is in order to submit claims in respect of the storms which took place in February under a no. of headings as follows:

| | |
|---|------------|
| • Tourism infrastructure | €1,058,500 |
| • Piers and Harbours | € 63,000 |
| • Other | €1,078,469 |
| • Clean-up and subsequent necessary works | € 779,870 |

giving a total of €2,979,839. This is not additional funding over and above that originally approved in February of this year in relation to storms which occurred in January but rather it facilitates the flexibility to claim in respect of damage caused in February from the January storms allocation. In effect, this will be claimed from the “Other” category referred to above in which a total of €4,582,079 is available.

- (c) To date a total of €17,000 has been claimed and of this €156,659 has been recouped. Now that clarification has been provided to the effect that recouping of costs associated with the February storms can be proceeded with, the pertinent applications will be submitted to the various relevant Departments in respect of the unclaimed portions within the coming week – these claims will total €2.79m.
- (d) The schedule of roads to be catered for under the allocation of €2,094,925 is incorporated in the Roadworks Programme which was approved by the Council at the April, 2014 meeting. To date, a small proportion of the roads referred to in that schedule have been completed and a contract to the value of €1.5m is presently being implemented. By the end of 2014, the following Road Restoration works will have been completed.

| Location | Length |
|------------------------------|---------------|
| Ross Road | 800m |
| Carrigaholt | 300m |
| Carrigaholt (L6024) | 200m |
| Rhinvella (L2002) | 1,000m |
| Kilbaha (R487) | 1,400m |
| Cloughaninchy (L2088) | 1,200m |
| Seafield (L2090) | 300m |
| Doonmore | 500m |
| Cappagh (L2504) | 200m |
| Rhynagonnaught (L6098) | 100m |
| Liscannor (R478) | 600m |
| Access to Cappagh Playground | 300m |
| Flaggy Shore | 2,000m |
| Clahane | 600m |
| Doolin | 450m |
| Aughinish | 2,200m |

In addition to the above, car parks at Whitestrand (Miltown Malbay) and Doolin have been restored.

The cost out-turn in relation to the above will be in the region of €1.6m. A local road at Dooras, O'Callaghans Mills has also been significantly raised with a view to ensuring access to a no. of residential properties during extreme high water table conditions.

Arising from various difficulties and risks associated with achieving completion of the remaining roads on the schedule, the Department of Transport has given its approval to carry over €480,000 of the original allocation to 2015.

- (e) There isn't an impasse with the O.P.W. regarding the Council's application for €2,128,860 towards strengthening works which the Council considers are required at a no. of locations along the coastline. A no. of weeks ago, the O.P.W. confirmed that it will consider applications from the Council to facilitate appointment of Consultants to deal with sites where strengthening is required. Following on from that clarification, such an application was submitted in respect of Cloughaninchy and has since been approved. Further applications will be submitted. Going forward, sites in relation to which the Council considers strengthening to be a requirement will be dealt with on a case by case and stage by stage basis – the first stage being an application to facilitate appointment of Consultants to deal with feasibility, planning, design etc. It is clear at this stage that no funding will be considered for strengthening works unless the earlier stages in the required process determine that strengthening works are appropriate, justified and approved from a planning point of view.
- (f) To date, a total of just over €3.7m. has been spent on clean-up, subsequent essential works, tourism infrastructure, piers and harbours, coastal remediation works and roads. A further €m. (approximately) will be spent under these headings prior to the end of 2014 – leaving a total of approximately €1m. to be spent post January 1st, 2015. It is envisaged that the required works at Strandline, Kilkee, which are presently the subject of a Part 8 planning application, will commence early in the new year and will cost well in excess of €1m. – leaving approximately €0.75m. of the originally allocated €16.8m. to be scheduled for expenditure. A schedule of works and associated programme will be developed in relation to this sum over the coming weeks. We are planning ahead on the basis that the totality of this €16.8m. will be available to Clare County Council to facilitate this programme as was articulated in letter dated February 27th, 2014 from the Emergency Response Co-Ordination Office in the Department of the Environment, Community & Local Government.
- (g) Pursuant upon notification of available funding by the Emergency Response Co-Ordination Office as referred to under (f) above, we have been and are continuing to liaise with the various Government Departments and Agencies responsible for administration of the various sub-components of the overall funding package. These Departments and Agencies include, the Department of the Environment, the Department of the Marine, the Department of Transport, Tourism & Sport and the Office of Public Works. Notwithstanding the fact that coastal strengthening applications are to be dealt with as outlined under (e) above, we don't at present envisage any other sources of funding emerging in relation to coastal restoration or enhancement.
- (h) As outlined under (f) above, the Council will be collating a schedule of works and associated programme over the coming weeks in relation to available funding which has not yet been expended or committed. The works to be scheduled will be repair/restoration works rather than strengthening or enhancement works and will pertain in respect of public infrastructure. The programme will be developed on the assumption that no further funding will become available on foot of storms which occurred in February of this year.”

In addition to the written reply issued in advance of the meeting by Tom Tiernan, Senior Engineer, he also replied to a number of queries raised during a discussion on the matter and reported that works in Kilkee are currently going through the Planning and Tendering processes and it is expected that works will begin at this location in January 2015. The Council are focused on securing the public infrastructure and are happy where possible to support private individuals who may need to seek assistance from the O.P.W.

Item 23: Hedge cutting grant.

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

“That Clare County Council increase the hedge cutting grant from €25 to €50 per km. to encourage landowners to cut hedges and vegetation on public roads and also double the funding for the scheme in the interest of road safety.”

Tom Tiernan, Senior Engineer replied as follows;

“The scheme is pitched at the level (in grant terms) at which it is pitched to encourage landowners to take seriously a responsibility which is theirs under the law and also to ensure that as many people as possible can benefit. It would appear that many people are still not aware of their responsibilities in this regard and, therefore, an enhanced P.R. campaign to deal with this is to get underway shortly – this will be focussed and will be designed to encourage people to embrace their legal responsibilities alongside the many landowners around the county who are already doing so. To increase the grant would be unfair to the people who have taken this responsibility seriously for many years and would also result in a reduction of the Council’s own allocation for hedgecutting which is needed to facilitate implementation of the desired level of service along the more strategically important roads in the county.”

Cllr. J. Cooney thanked Tom Tiernan for his reply on this matter and advised the meeting that 16 applications have been received under the scheme to date in advance of the 1st December 2014 deadline.

Item 24: Violence against women.

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

"This Council recognizes that the trafficking, exploitation and abuse of women and girls is taking place in Co. Clare and throughout the country within and as a direct result of prostitution. This Council understands prostitution to be a form of men's violence against women that affects individuals, communities, and society as a whole and that human trafficking for sexual exploitation is a modern form of slavery and an abuse of human rights.

This Council calls on the Minister for Justice and Equality to implement the Justice Committees unanimous recommendations to introduce laws which make it an offence to pay for sex and is seeking such laws. This legislation must criminalise the demand for paid sex, decriminalize the seller and provide social supports for those wishing to exit prostitution. This Council recognises the

need for this legislation to be enacted in this jurisdiction and will convey its views to the Minister for Justice and Equality."

Item 25: Medical cards entitlements.

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

"I ask the Council to contact the H.S.E. and the Department of Health with a view to having the decisions made locally in relation to medical cards entitlements."

Item 26: NAMA.

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

"That a representative from N.A.M.A. be requested to attend the November Meeting of the Council to answer the following:

1. The location and amount of property they have in County Clare.
2. What are the implications for the taxpayer?"

Ger Dollard reported that N.A.M.A. are in ownership of no lands in the county but that their role is to take on the management of the loans etc. of land/property. In response to a query raised regarding the ownership of Áras Contae an Chláir, Ger Dollard confirmed that the Council owns the building.

Item 27: Shannon Airport.

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

"That the Council request the Shannon Airport Authorities to consider the introduction of a specialised takeaway food facility at Shannon Airport for persons boarding on flights. A similar facility exists at Heathrow Airport."

Item 28: Fair Deal Scheme.

Ar moladh Cllr. T. McNamara
Cuidithe ag Cllr. I. Lynch agus glacadh leis

"That this Council call on the H.S.E. and the Minister for Health, Leo Varadkar to immediately address the escalating waiting lists for long term nursing home care under the Fair Deal Scheme and the unacceptable waiting time applicants have to wait for approval under this scheme."

Item 29: Vacant Housing Incentive Scheme.

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

“That further to my July 2014 Motion and in light of the recent report issued by the Planning Authority regarding the number of non-holiday vacant houses in County Clare, that Clare County Council requests the Minister for Housing to introduce a Vacant Housing Incentive Scheme in order to maximise the utilisation of these properties to address the Housing Waiting Lists and to help in the regeneration of our rural communities.”

As items 30 and 31 relate to the same matter, it was agreed that these motions would be dealt with together. Agreed by all present.

Item 30: National Broadband Scheme.

Ar moladh Cllr. C. Colleran Molloy
Cuidithe ag Cllr. T. McNamara agus glacadh leis

“Being aware that the National Broadband Scheme (**N.B.S.**) was going to expire in August 2014 further to a five year E.U. approval received in 2008, Clare County Council calls on the Minister for Communications, Alex White T.D., to explain why there is now a delay in funding causing an inordinate gap in State subvention under the newly termed National Broadband Plan (**N.B.P.**),*this gap being caused by the time involved in the “mapping” process and the E.U. “state-aid” approval process.

*County Clare N.B.P. areas identified are: Ardnacrusha, Aughinish, Ballinruan, Ballycannan, Ballynacally, Ballyvaghan, Ballyvelaghan, Beaclugga, Bodyke, Caher, Carran, Carrigaholt, Connolly, Coolmeen, Craggagh, Cranny, Creagh, Cross, Derragh, Doolin, Doonaha, Drumandoora, Drumdigus, Finvarra, Flagmount, Inagh, Kilbaha, Kilbane, Kilkee, Kilkishen, Killadysert, Killinaboy, Kilmaley, Kilmihil, Kilmore. Kilmurry, Kilnamona, Kilshanny, Knock, Labasheeda, Lissycasey, Lisdeen, Mahonburgh, Mauricesmills, Mountshannon, Moyasta, Newtown, Oatfield, O'Callaghansmills, Ogonnelloe, Querrin, Quilty, Ruan, Spanish Point, Tullig, Whitegate.”

Item 31: Broadband.

Ar moladh Cllr. C. Colleran Molloy
Cuidithe ag Cllrs. T. McNamara agus J. Cooney agus glacadh leis

“That Clare County Council calls on the Minister for Communications, Alex White T.D., to apply for maximum EU structural funding available in period 2014-2020 for the satellite broadband voucher scheme to ensure that all Irish citizens will be beneficiaries of the stated EU goal that all European citizens can avail of 30mega bytes of broadband by 2020.”

Item 32: Shannon Doc.

Ar moladh Cllr. I. Lynch
Cuidithe ag Cllr. G. Keating agus glacadh leis

"In light of recent reports of misinformation from Shannon Doc dispatch center leading to unnecessary journey, causing anxiety and unjust stress on patients, this council request shannon doc undertake an immediate review of dispatch procedures to eliminate further such events occurring as well as ensure continual improvement, service efficiency and provision of the best possible patient care."

Item 33. Comhfhreagras.

The following correspondence was circulated at the meeting:

- Details of regional briefing by Irish Water for elected representatives. Briefing for Clare members is listed for Silver Springs Moran Hotel, Tivoli, Cork on Thursday, 30th October next from 11:00 a.m. to 1:00 p.m.
- Reply from the Department of Communications, Energy and Natural Resources to notice of motion regarding the expiry of the National Broadband Scheme (N.B.S.) in County Clare as agreed at the September meeting.

Correspondence.

The following correspondence was circulated with the agenda:

1. Correspondence dated 29th September, 2014 from U.L. Hospitals regarding the upgrade of Ennis Hospital to a Model 3 hospital.
2. Correspondence dated 24th September, 2014 from the Office of the Minister for Transport and Sport in relation to road traffic offences.
3. Correspondence dated 19th September, 2014 from the Department of Environment, Community and Local Government in relation to the staffing moratorium including the recruitment of core staff in the local authority.
4. Correspondence dated 11th September, 2014 from the Department of Health concerning the re-opening of the Accident and Emergency Unit at Ennis General Hospital.
5. Correspondence dated 24th September, 2014 from the Department of Finance regarding the 9% V.A.T. rate for the hospitality sector.
6. Correspondence dated 22nd September, 2014 from the Department of Health concerning funding to upgrade Ennis General Hospital.
7. Correspondence dated 18th September, 2014 from the Minister for Communications, Energy & Natural Resources in relation to funding for the National Broadband.
8. Correspondence dated 17th September, 2014 from the Department of Environment, Community & Local Government regarding the Building Control Regulations.
9. Correspondence dated 17th September, 2014 from the Department of Environment, Community & Local Government regarding social housing.

10. Correspondence dated 18th September, 2014 from the Office of the Minister for Agriculture, Food and the Marine in relation to efforts of the farming organisations to address falling farm incomes.
11. Correspondence dated 7th October, 2014 from Limerick City & County Council regarding Joint Policing Committee.
12. Local Authority Members Association 2015 Community & Council Awards.
13. e-mail from Patricia McCarthy conveying her thanks and appreciation for a lovely evening to mark her retirement as a member of Clare County Council.
14. Correspondence dated 20th September, 2014 from John J. O'Neill in relation to local property tax.
15. Motion passed at meeting of South Dublin County Council in relation to local property tax.
16. Notice of Motion adopted by the Members of the Carrickmacross Castleblaney Municipal District in relation to the possibility of the introduction of an adequate high level grant aid scheme for buildings that are listed, both commercial and residential.
17. Training seminar entitled "Septic Tank Options – Natural Treatment Systems in the Context of the E.P.A. Code of Practice" being held in the Forge, Moycullen on 18th October, 2014.
18. 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.
19. Training seminar entitled "Productivity & Time Management" being held in Clonakilty Hotel, Clonakilty, Co. Cork on 18th October, 2014.
20. A.I.L.G. Inaugural Annual Conference 2014 being held in Hotel Kilmore, Cavan on 29th & 30th October, 2014.
21. Training seminar entitled "Microsoft Excel Workshop for Councillors" being held in Clonakilty Hotel, Clonakilty, Co. Cork on 31st October & 1st November, 2014.
22. Conference entitled "Planning for Climate Change" taking place in Dublin on 12th March, 2015.
23. Training seminar entitled "Budget 2015 Review" taking place in Clonakilty Hotel, Clonakilty, Co. Cork on 7th & 8th November, 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 & Budgetary Process for Local Authorities 2015 for Elected Members being held in the Fairway Hotel, Dundalk, Co. Louth on 11th 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 Cllr. C. Curtin attend this Conference.

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 Cllr. J. Breen 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 Cllrs. G. Flynn, J. Breen, P. Daly, B. Slattery and P.J. Kelly 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. P. McMahon, P.J. Ryan, B. Chambers, A. O’Callaghan, B. Slattery, P. Daly, J. Cooney and J. Breen 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 €565.15 including conference fee of €100.

It was agreed that Cllrs. C. Curtin, P.J. Ryan, G. Keating, A. O’Callaghan and B. Chambers attend this Conference.

The meeting then concluded.

Signed: _____
Riarthóir Cruinnithe

Signed: _____
Méara

Date: _____