

**Minutes of the June Monthly Meeting of Clare County Council
held in the Active Centre, Bridge Complex, Sixmilebridge, Co. Clare
on Monday, 8th June, 2015 at 3:45 p.m.**

Present:

Councillors J. Breen, J. Flynn, P. Daly, A. Norton, T. McNamara, M. Howard, P. Murphy, C. Colleran Molloy, P. Hayes, T. O'Brien, A. O'Callaghan, C. Crowe, J. Crowe, G. Flynn, P.J. Ryan, P. McMahon, 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.
- Mr. Ger Dollard, Director of Service.
- Ms. Anne Haugh, Director of Service.
- Mr. Niall Barrett, Head of Finance.
- Mr. Sean Ward, Senior Engineer.
- Mr. Tom Tiernan, Senior Engineer.

Apologies: Cllrs. M. McKee, I. Lynch, J. Cooney and M. Begley.

The Cathaoirleach, Cllr. John Crowe presided.

Welcome.

The Cathaoirleach, Cllr. J. Crowe welcomed members, officials and the media to Sixmilebridge. He said it was a proud day for him to have the meeting hosted in his home village. He invited Fr. Harry Bohan, P.P. to address the meeting.

Fr. Bohan addressed the meeting and referred to some historical and current features of Sixmilebridge. He wished the Cathaoirleach and members well in their deliberations.

Votes of Sympathy.

The Cathaoirleach proposed votes of sympathy to the following:

- Cllr. Joe Cooney on the death of his mother.
- The family of Martina Downes, member of the Housing Section staff who had died in recent days.

A number of other members and the Chief Executive joined in the expressions of sympathy and the meeting agreed to a 15 minute adjournment as a mark of respect.

Item 1: Minutes of Council Meetings.

a. Ar moladh Cllr. B. Chambers
Cuidithe ag Cllr. P. Hayes agus glacadh leis

“That the Minutes of the May Meeting of Clare County Council held on 11th May, 2015 be adopted and signed.”

Item 2: Minutes of Municipal District Meetings.

a. Ar moladh Cllr. B. Chambers
Cuidithe ag Cllr. M. Hillery agus glacadh leis

“That the Minutes of the West Clare Municipal District Meeting held on the 3rd March, 2015 be noted.”

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

“That the Minutes of the Shannon Municipal District Meeting held on the 25th March, 2015 be noted.”

c. Ar moladh Cllr. T. O’Brien
Cuidithe ag Cllr. P. Hayes agus glacadh leis

“That the Minutes of the Killaloe Municipal District held on the 25th March, 2015 be noted.”

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

“That the Minutes of the West Clare Municipal District held on the 30th March, 2015 be noted.”

e. Ar moladh Cllr. B. Chambers
Cuidithe ag Cllr. B. Slattery agus glacadh leis

“That the Minutes of the West Clare Municipal District held on the 30th March, 2015 be noted.”

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

“That the Minutes of the Shannon Municipal District held on the 30th March, 2015 be noted.”

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

“That the Minutes of the Ennis Municipal District held on the 5th May, 2015 be noted.”

Item 3: Minutes of S.P.C. Meetings.

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

“That the minutes of the Economic Development and Enterprise S.P.C. meeting held on 9th February, 2015 be noted”.

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

“That the minutes of the Cultural, Arts, Community, Recreation and Amenity S.P.C. meeting held on 17th February, 2015 be noted”.

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

“That the minutes of the Environment and Transportation S.P.C. meeting held on 23rd February, 2015 be noted”.

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

“That the minutes of the Environment and Transportation S.P.C. meeting held on 23rd March, 2015 be noted”.

Item 4: Minutes of the Corporate Policy Group Meetings.

The members noted the minutes of the meetings held on 1st May, 2015 as presented.

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 the Glen, Kilrush, Co. Clare.

Report dated 25th May, 2015 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 an area of land at the Glen, Kilrush.

Ar moladh Cllr. B. Chambers
Cuidithe ag Cllr. C. Curtin 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 off Griffin Road, Kilrush, measuring 0.033 ha. subject to the conditions as set out in the notice served on the members dated 25th May, 2015.”

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 by means of a lease of property at Kilkee Dive Centre, Kilkee, Co. Clare.

Report dated 25th May, 2015 from Michael McNamara, Senior Executive Officer, Corporate Services was circulated with the agenda. The report states that it is proposed to offer a lease of Kilkee Dive Centre.

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 as amended, of the disposal by means of a lease of property at Kilkee Dive Centre, Kilkee subject to the conditions as set out in the notice served on the members dated 25th May, 2015.”

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 2001-2013 for the proposed construction of new coach park attendant’s cabin and associated works built into grassed mound near coach park entrance at the Cliffs of Moher Visitor Centre, Lislorkan North, Liscannor, Co. Clare.

Report dated 26th May, 2015 from Gordon Daly, Senior Planner was circulated with the agenda together with map. The report states that it is proposed to construct new coach park attendant’s cabin and associated works built into grassed mound near coach park entrance at the Cliffs of Moher Visitor Centre, Lislorkan North, Liscannor, Co. Clare.

Ar moladh Cllr. R. Nagle
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 new coach park attendant’s cabin and associated works built into grassed mound near coach park entrance at the Cliffs of Moher Visitor Centre, Lislorkan North, Co. Clare.”

Item 8: 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 2001-2013 for the proposed alterations to and change of use of existing temporary car park and construction compound to car park and coach park at Ballaghaline, Doolin, Co. Clare.

Report dated May, 2015 from Gordon Daly, Senior Planner was circulated with the agenda together with map. The report states that it is proposed to alter and change use of existing temporary car park and construct compound to car park and coach park at Ballaghaline, Doolin, Co. Clare.

Ar moladh Cllr. R. Nagle
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 car park in Doolin, Co. Clare.”

Item 9: Monthly Management Report.

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

The Chief Executive confirmed that going forward a progress report on the Local Community Development Company would be added to the monthly management report on foot of a request from the meeting.

Item 10: Overdraft facility for the twelve month period to 30th June, 2016.

Report dated 15th May, 2015 from Niall Barrett, Head of Finance was circulated with the agenda. The report states that the current overdraft facility, which the Council has in place, expires on 30th June, 2015. The Council requires a new facility to be in place for the period of twelve months to 30th June, 2016. It is proposed to maintain the overdraft facility of €15 million in line with the existing overdraft limit approved by members.

Ar moladh Cllr. R. Nagle
Cuidithe ag Cllr. T. O’Brien agus glacadh leis

“That pursuant to the provisions of Section 106 of the Local Government Act, 2001 the Council hereby approves of borrowing up to a maximum of €15 million by way of overdraft facility from the Council’s Treasurer Allied Irish Banks, p.l.c. for the year ending 30th June, 2016.”

Item 11: Non Statutory Public Consultation on Strategic Environmental Assessment for the National Wastewater Sludge Management Plan (N.W.S.M.P.).

Report prepared by Sean Ward, Senior Engineer provided some background details in relation to this matter and noted that submissions were invited on or before 24th June,

2015. Mr. Ward circulated a further report at the meeting which provided some observations on the questions which are being addressed in the consultation process.

Item 12: Signs on Council vehicles.

Ar moladh Cllr. M. Howard
Cuidithe ag Cllr. P. Murphy

“That Clare County Council imitate the initiative of other local authorities- (Wexford, Mayo, Donegal) by placing signs on Council vehicles to indicate that the appropriate space to give a cyclist when overtaking to a minimum of 1.5m clearance.”

Tom Tiernan, Senior Engineer, replied as follows:

“As a general rule signage along a public road or otherwise located to attract the eye of motorists should be kept to a minimum – it should be provided on the basis of necessity or having seriously considered whether proposed signage is appropriate. Where signage is provided it should be appropriately sized and it should project clear concise appropriate information which can instantly be picked up by the driver’s eye without distraction from the main focus which is to drive safely.

I assume that this Notice of Motion is based upon a logo entitled “Staying Alive at 1.5” which has become prominent in campaigns requesting motorists to ensure to give cyclist road users adequate space to cycle safely on public roads. While the logo is well designed and does send out a very clear message I am not sure that the most appropriate place from which to project this message is from the back of moving Council vehicles. While we would be open to considering the adoption of such an initiative we haven’t received any indication that the initiative where adopted in this way has had any meaningful impact. Where the logo is used on the back of vehicles in Wexford and Mayo I would have a concern that it would have the effect of enticing drivers to go too close to the vehicle in front – something which is frequently discouraged in campaigns by the Road Safety Authority and others. While the logo has a constructive message I think that this message is best projected in a variety of ways – other than from the back of moving vehicles. I remain open to correction on this if I can be provided with evidence to demonstrate significant benefit.”

Item 13: Recycling centres.

Ar moladh Cllr. A. O’Callaghan
Cuidithe ag Cllr. C. Crowe

“Request Clare County Council to suspend charges on recycling centres for 6 months to help sort out illegal dumping issue.”

Anne Haugh, Director of Service replied as follows:

“Clare County Council introduced charges at Clare County Council’s Amenity Centres based at Ennis, Inagh, Shannon, Scariff and Lisdeen on 2nd February, 2009.

Clare County Council spent over €1.5 million in 2014 on the operation of its five civic amenity centres and on the 54 bring bank sites throughout the county. The charges levied go towards the costs of maintaining and operating this level of recycling

infrastructure. The cost of processing waste recyclables has significantly increased in the last 18 months.

Clare County Council receive funding from the Department of Environment Community and Local Government towards the operation and maintenance of recycling facilities. This funding has been decreased by over 40% in the last 12 months.

The cost of suspending charges at recycling centres for 6 months is not budgeted for in 2015.

There is no evidence to suggest that the introduction of free charges for recyclables will have any effect on the illegal dumping issue as from experience the type of materials that are being dumped in the County are wide ranging, including both municipal waste and recyclables.

Clare County Council already provides free recycling at 54 Bring Bank facilities and the public can also bring free of charge to the 5 Civic Amenity Centres Waste Electrical items, clothes, waste batteries and fluorescent tubes.

Clare County Council provides free passes to Council's waste management facilities to various groups including community groups, voluntary groups, tidy towns associations, residents associations etc. in respect of voluntary community clean-ups throughout the county on an ongoing basis. The National Spring Clean Campaign focuses on community clean-ups and in 2015 in excess of one hundred groups participated in County Clare in this national campaign which is very positive.

Under the New Household Waste Legislation which will come into effect for all Households on 1st July, 2016 all households will have to provide evidence to prove that they have a contract with a waste collection contractor or an alternative method of disposing of their waste. Fixed penalty notices will also be introduced.

Clare County Council, in an effort to tackle the issue of illegal dumping, have introduced new Presentation of Waste Bye Laws. As part of the Bye Laws householders have to provide evidence of how they are managing their waste. The Environment Section are currently carrying out surveys of households in estates countywide as part of this process.”

Anne Haugh, Director of Service in responding stated she was not in favour of reducing the charges. She referred to the budgeted income from this source which goes towards the cost of providing the various services in this area and stated there was no alternative source of income.

Item 14: Clare’s rural communities.

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

"That Clare County Council would outline the proposed incentives they intend to introduce to halt the decline of Clare's rural communities and what schemes the Government could introduce to assist in reversing this decline."

Gerard Dollard, Director of Service, replied as follows:

“The development of rural communities has been a key focus of the Commission for Economic Development of Rural Areas (C.E.D.R.A.) which recently issued a detailed report containing 34 recommendations to Government. The Councillor will be aware of the Working Group established by Clare County Council to examine this report and also the submission from the Council to the Minister which was agreed at the May meeting of Council.

It is clear that the C.E.D.R.A. report and the Council’s submission do contain many incentives and initiatives that could be supported by Central Government that would assist in halting the decline of rural communities.

Separately, the Council will, through the County Development Plan and other Plans such as the preparation of the Local Economic and Community Plan, ensure a key focus is the development of rural communities in County Clare.

I attach copy of the submission made in relation to C.E.D.R.A. for your information.”

Item 15: N.P.P.R.

Ar moladh Cllr. P.J. Ryan

Cuidithe ag Cllr. G. Flynn agus glacadh leis

“That this Councils Finance Department would furnish proof of N.P.P.R. payments or exemptions in a speedy manner as this is now a requirement for disposal of a property.”

Niall Barrett, Head of Finance replied as follows:

“Section 7 of the Local Government Charges Act 2009 provided that any unpaid N.P.P.R. charges remain as a charge on a property for a period of 12 years after the charge was due. Thus when a property is being sold the question of N.P.P.R. payment status arises.

If the N.P.P.R. was paid on a property this can be proved by obtaining from the council a Certificate of Discharge for that property. To issue such a certificate the council requires one of the following references for the payments made – either the N.P.P.R. account number involved; or the property address involved, or the P.P.S. number linked to the payment at the time of payment. Once the required valid reference is provided the certificate is issued promptly.

Section 4 of the Local Government Charges Act 2009 defines the criteria when a Certificate of Exemption would issue on a property. The property will therefore not be on the N.P.P.R. database as a declaration will not have been made in respect of the property for the period in question. A certificate of exemption can only issue once the applicant supplies documentary evidence that the property complies with Section 4 of the Local Government Charges Act 2009.

In general the majority of requests for certificates of exemption relate to the sale of one’s principal private residence. In these circumstances supporting documentation is required to evidence that the property was the address of the individual involved at the times in question. On receipt of a request for a certificate of exemption for the sale of a principal private residence an information letter outlining the requirements and a list

of sample documents is sent to the applicant in order to ensure clarity of what the necessary requirements are. The following are a list of sample documents, any one of which will meet the requirement:

- Social Welfare Office, pension, unemployment benefits or other benefits correspondence;
- Statement of income/ tax etc (P60);
- Confirmation from your local Tax Office of the address as per their records (P21);
- Bank/Credit Union statement;
- Drivers licence (date of issue certifies that point in time);
- For 2013, confirmation from the Revenue Commissioners that the property was declared as the property owner's principal private residence on the 2013 L.P.T. Return will also suffice. This can be downloaded from the Revenue on line website using your P.P.S. number, property ID and PIN.

These requirements are set out on the council's website in the section dealing with N.P.P.R. Once the supporting documentation required is supplied, the certificate of exemption is issued promptly."

The Head of Finance acknowledged that the process is slow but the Council is working as fast as possible to process all requests received.

Item 16: The Venue project.

Ar moladh Cllr. G. Flynn

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

"Having recently attended a public meeting concerning the development of The Venue project in Shannon, Clare County Council provide information on the following issues:

- (a) Could Clare County Council indicate what practical support they will be providing to this project and will The Venue project be included as a Capital Expenditure priority in the upcoming budgetary process.
- (b) Do Clare County Council envisage providing civic office space and facilities for the public within The Venue project when completed".

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

"Shannon Venue Ltd. were granted permission recently subject to conditions for the construction of a 2630 m2 two storey Community, Civic and Arts Centre with the theatre apex datum at 18.255m above MSL Malin Head, in Shannon Town Centre at the junction of Bothar na Rinne and Sli Cara. The proposed building includes a 366 seat theatre, stage, changing and green room, performance space, studios cafe/bar, administration offices, associated signage and ancillary spaces. The application includes works to the main entrance off Shannon Town centre Access Road and a secondary entrance off Sli Cara Road, reconstruction of 2 metres high eastern site boundary wall, 60 car parking spaces and associated lighting, bicycle parking, internal

roadways and pedestrian paths, site works, landscaping, ancillary and associated works.

- a. The Centre proposed will not be Council owned, so the Council will not be incurring capital expenditure on same.
- b. The Council does not envisage requiring Civic Office space and facilities for the public within the Venue when the project is completed.”

Responding to a number of queries raised the Chief Executive advised the meeting that capital expenditure can only be incurred if ownership is with the Council and in this case the Council has no legal interest in the proposed development. If the Council were to get involved in the development, funding would have to be provided by way of raising a loan which would require approval from both the Council and the Department of Environment. He also stated that careful consideration needs to be given as to how the cost of running the centre in the future are to be met.

Item 17: Homelessness.

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

“I call on the Chief Executive to provide details of the total number of persons within the Clare County Council area known to be homeless; the number of families within the catchment area known to be homeless and the number of dependents in those families; also provide details of the emergency accommodation being provided for homelessness; the number of persons accessing these services; and details of any waiting lists for access to such services.”

Gerard Dollard, Director of Service replied as follows:

“Clare County Council and the Department of Social Protection deliver homelessness services from the Council offices at Áras Contae an Chláir. Staff from both organisations work together with voluntary and non-governmental services to seek solutions for persons presenting as homeless or at risk of homelessness.

The Council only has data on the persons who present as homeless at the service counter:

- At present there are 13 no. persons in the homeless hostel. These persons are individual males. The hostel is full.
- There are 14 no. family units availing of financial assistance from the Department of Social Protection towards emergency accommodation. These vary from 1 person units to 8 persons family units.

As such there is not a waiting list for homelessness services in the sense that there is a general housing waiting list. Services are accessed and dealt with on a daily basis.”

Item 18: Legal services.

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

“That arising from the Chief Executives indicative completion date of 31st March for the adjudication process on tenders for legal services over the next six years to the Council, he would update the elected members on same with its outcome, terms of new contract and possible implications for budget.”

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

“The process of procuring legal services for the Council is nearing completion and the final stage of the process is scheduled for the coming week. Following the completion of that stage, the Council would hope to have a party ready for appointment in July 2015. The contract with the successful party will be finalised on completion of the procurement process.

As regards the possible implications for budget, the procurement process practically completed at this stage, should ensure that the Council are getting very competitive rates for the various legal transactions the Law Agent will be required to undertake over the coming years. As pointed out previously, the level of legal work can vary substantially from year to year, so it is not possible to determine in advance, with any degree of accuracy, the actual legal costs that may arise going forward.

The Council will be advised when the new contract is in place.”

The Chief Executive advised the meeting that the Council is currently at the adjudication stage of the procurement process and would provide further information once this process had been completed. He further reported that an outside, independent team have been selected to assess the tenders with a view to achieving a best quality service and value for money.

Item 19: H.S.E. waiting lists.

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

“That Clare County Council call on the H.S.E. to address the inordinate and deadly delays in waiting lists for by-pass operation patients.”

Item 21: Shannon Airport.

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

“That Clare County Council call on the Shannon Group to change the name of Shannon Airport to Shannon International Airport to ensure maximum recognition abroad.”

Item 22: Planning permission.

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

“That Clare County Council calls on the N.R.A. not to object to planning permission applications by sons of farmers who inherit farms adjacent to national secondary routes.”

Item 23: Election posters.

Ar moladh Cllr. P.J. Kelly
Cuidithe ag Cllr. A. O’Callaghan agus G. Keating agus glacadh leis

“That Clare County Council calls on candidates for forthcoming general election to desist from putting election posters on display.”

Anne Haugh, Director of Service replied as follows:

“Clare County Council Environment Section encourages all election candidates to minimise the amount of paper and cardboard that they use. We encourage this in the interests of sustainability and to minimise the possibility of littering once elections are concluded.

Posters are not classed as litter unless or until they are allowed to remain in place beyond the designated time for removal.”

After a short discussion on this topic, Cllr. J. Flynn advised the meeting that he wished to dissent from this proposal and after a show of hands the motion was carried.

Item 24: Wild Atlantic Way.

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

“We call on Clare County Council to request the N.R.A. and Fáilte Ireland to erect adequate directional signage along the route of the M18 identifying access to the Wild Atlantic Way.”

Gerard Dollard, Director of Service replied as follows:

“The Council has been in ongoing discussions with Fáilte Ireland in relation to the development of the Wild Atlantic Way. Two significant issues in relation to signage have been raised as follows:

- the necessity to signpost the Wild Atlantic Way from Shannon International Airport which is the gateway airport for the Wild Atlantic Way;
- the necessity to direct visitors from the major routes, including the M18 to the Wild Atlantic Way. It is accepted that there are significant logistical issues to be addressed in such a proposal.

The Council will continue to pursue these issues with Fáilte Ireland in the context of the ongoing development of the Wild Atlantic Way project.”

Item 25: Illegal dumping.

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

“That Clare County Council call on the Minister for Environment to change the legislation that where dumping take place on a persons property that the person who dumped the waste are responsible not the owner of the property.”

This motion was moved by Cllr. J. Crowe in the absence of Cllr. J. Cooney.

Anne Haugh, Director of Service replied as follows:

“The person who deposits the waste IS responsible in the first instance. Only if this party cannot be identified does it fall on the landowner to remove the waste under the law.

The legislation covering this is contained in the Waste Management Acts 1996 (as amended) and states that the “Waste Authority” (i.e. in our case Clare County Council) will pursue the “waste holder” for transgressions of the law. “Waste holder” is defined as the “waste producer” or “the person who is in possession of the waste”. Therefore, Clare County Council will first attempt to pursue the waste producer, i.e. the party who deposited the waste, if it can be established who this is. If it transpires that the identity of the party who deposited the waste cannot be determined, then Clare County Council has no option but to pursue the person in possession of the waste, which usually means the person who owns or is in control of the land on which the waste is situated.

The law takes this form because, if landowners were not held responsible for waste on their land, there would be no other remedy available to the Waste Authority other than to undertake every clean-up themselves, an option which is simply not practical nor affordable. The law, as written, puts a responsibility on landowners to reasonably secure and manage their land and keep it free of waste. It also prevents unscrupulous landowners from depositing waste, or allowing others to deposit waste for profit, on their land and then expecting the Waste Authority to remove the waste at public expense.”

University Hospital Limerick.

A proposal was submitted to the meeting relating to Item 20 on the Agenda and it was agreed by all present that both items would be discussed at the end of the meeting.

“We call to suspend Standing Orders in light of the ongoing problem in relation to waiting time and patients on trollies at University Hospital, Limerick we the undersigned call on the H.S.E. West to immediately address this issue.”

Proposed by Cllr. T. McNamara, seconded by Cllrs. P.J. Ryan, P. Hayes, B. Chambers, P. Daly, A. Norton, R. Nagle and agreed.

Item 20: H.S.E.

Ar moladh Cllr. J. Flynn

Cuidithe ag Cllrs. C. Curtin agus G. Flynn agus glacadh leis

“That Clare County Council request the Minister for Health to request the H.S.E. to carry out urgently the following:

1. Review of position to date vis a vis resources, structures and staffing put in place in Clare following re-configuration of acute hospital in the mid-west.
2. A Health Needs Assessment (H.N.A.) of County Clare in terms of residents, economy and civil protection needs.”

A lengthy discussion took place on the difficulties being encountered by both patients and staff at the University Hospital Limerick at present. Bed shortages and lack of resources are at a critical level at the Hospital and many agreed that the notion of a Centre of Excellence at this location is not realistic and that resources should go back into the General Hospitals in Nenagh and Ennis to deal with patients in both localities. It was reported that initially the new Accident and Emergency Unit was announced to be completed in 2016 but this will not now happen. All agreed that the crisis situation in Limerick needs to be raised at a Government level.

Item 26: Comhfhreagras.

Cllr. P. Hayes reported that he was not satisfied once again with the response recently issued from the N.R.A. in connection with ongoing difficulties with sections of the Ennis to Gort Motorway.

Cathaoirleach, Cllr. J. Crowe thanked each member and the executive for attending today’s meeting in his home village of Sixmilebridge.

Correspondence.

The following correspondence was circulated at the meeting:

- Copy of correspondence issued by the Chief Executive to all members of staff in relation to the attainment by Clare County Council of the N.S.A.I. Excellence Through People Award.
- Briefing on Strategic Environmental Assessment of Irish Water’s proposed 25 year National Wastewater Sludge Management Plan.

The following correspondence was circulated with the agenda:

1. Report on visit of Clare County Council Delegation to Yunnan Province, China.
2. Correspondence dated 6th May, 2015 from the Department of Social Protection in relation to welfare payments.

3. Correspondence dated 12th May, 2015 from the Office of the Minister for Agriculture, Food and the Marine in relation to T.B.
4. Correspondence dated 20th May, 2015 from the National Roads Authority regarding the emergency works carried out on the M18 motorway Ennis to Gort section.
5. Correspondence dated 22nd May, 2015 from the Office of the Minister for Agriculture, Food and the Marine in relation to the use of a “panic button” to help reduce the high number of farm accidents and fatalities.
6. Correspondence dated 28th May, 2015 from the Central Bank of Ireland in relation to the provision of proper maintenance of the A.T.M. services and full counter services at bank branches.
7. Correspondence dated 13th May, 2015 from Catherine O’Hara, Administrative Officer, Municipal District of Ennis in relation to St. Patrick’s Day 2016.
8. Correspondence dated 13th May, 2015 from Dublin City Council in relation to safe and secure accommodation for victims of domestic violence and that they are re-housed as a matter of priority.
9. Correspondence dated 18th May, 2015 from Kerry County Council in relation to the levying of rates on private childcare providers.
10. Seán Mac Diarmada Summer School entitled “The relevance of the 1916 Proclamation in the Ireland of Today” taking place in Kiltyclogher, Co. Leitrim on 12th & 13th June, 2015.
11. Training Seminar for Local Authorities entitled “The Councillors’ Development Plan ‘A Reserved Function?’” taking place in White’s Hotel, Wexford on 26th – 28th June, 2015.
12. Byrne Perry Summer School taking place in Gorey Library & Adult Learning Centre, Civic Square, The Avenue, Gorey, Co. Wexford on 26th – 28th June, 2015.
13. Elected Members Training Seminar entitled “Planning and Building Regulations” taking place in the Connacht Hotel, Dublin Road, Galway on 27th & 28th July, 2015.
14. Elected Members Training Seminar entitled “Changes to Community Development” taking place in the Connacht Hotel, Dublin Road, Galway on 31st July to 1st August, 2015.
15. I.C.L.R.D. Planning Seminar entitled “The Housing Debate: What Role for Local Government in Rebuilding our Communities?” taking place in Maynooth University Campus on 10th September, 2015.

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.

Briefing by Irish Water for elected representatives taking place in the Silver Springs Moran Hotel, Tivoli, Cork on Thursday, 30th October, 2014.

The Meetings Administrator informed the Members that the estimated average cost per Councillor attending this Conference was €273.37.

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

A.I.L.G. “In Service” Training taking place in the Brehon Hotel, Killarney on 17th February, 2015.

The Meetings Administrator informed the Members that the estimated average cost per Councillor attending this Conference was €283.25.

It was agreed that Cllr. T. O’Brien attend this Conference.

A.I.L.G. “In Service” Training taking place in Arklow, Co. Wicklow on 21st February, 2015.

The Meetings Administrator informed the Members that the estimated average cost per Councillor attending this Conference was €179.48.

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

A.I.L.G. Annual Conference taking place in the Nuremore Hotel, Carrickmacross, Co. Monaghan on 12th/13th March, 2015.

The Meetings Administrator informed the Members that the estimated average cost per Councillor attending this Conference was €662.55 including conference fee of €125.

It was agreed that Cllr. T. O’Brien attend this Conference.

L.A.M.A. Spring Training Seminar taking place in Ard Rí House Hotel, Milltown Road, Tuam, Co. Galway on 10th & 11th April, 2015.

The Meetings Administrator informed the Members that the estimated average cost per Councillor attending this Conference was €127.74 including conference fee of €180.

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

A.I.L.G. “In Service” Training taking place in Kilkenny on 7th May, 2015.

The Meetings Administrator informed the Members that the estimated average cost per Councillor attending this Conference was €351.56 including conference fee of €50.

It was agreed that Cllrs. T. O’Brien and A. Norton attend this Conference.

“The Courthouse” Restoration Conference taking place in “The Courthouse”, Oughterard, Co. Galway on 29th May, 2015.

The Meetings Administrator informed the Members that the estimated average cost per Councillor attending this Conference was €195.25 including conference fee of €50.

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

Irish National Radon Forum taking place in Johnstown Castle, Wexford on 3rd June, 2015.

The Meetings Administrator informed the Members that the estimated average cost per Councillor attending this Conference was €370.08.

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

A.I.L.G. "In Service" Training taking place in Dungarvan, Co. Waterford on 9th June, 2015.

The Meetings Administrator informed the Members that the estimated average cost per Councillor attending this Conference was €298.60.

It was agreed that Cllrs. T. O'Brien, P. Daly, R. Nagle and P. McMahon attend this Conference.

Seminar entitled "The Lough Derg Nature Trail" taking place in Portumna, Co. Galway in May, 2015.

The Meetings Administrator informed the Members that the estimated average cost per Councillor attending this Conference was €135.80.

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

Seminar entitled "Local Government & Economic Development" taking place in Bunclody, Co. Wexford on 3rd & 4th July, 2015.

The Meetings Administrator informed the Members that the estimated average cost per Councillor attending this Conference was €154.97 including conference fee of €70.

It was agreed that Cllr. T. O'Brien attend this Conference.

A.I.L.G. "In Service" Training taking place in the Hodson Hotel, Roscommon on 25th June, 2015.

The Meetings Administrator informed the Members that the estimated average cost per Councillor attending this Conference was €303.12 including conference fee of €50.

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

A.I.L.G. Autumn Seminar taking place in Inchydoney, Clonakilty, Co. Cork on 1st and 2nd October, 2015.

The Meetings Administrator informed the Members that the estimated average cost per Councillor attending this Conference was €491.48 including conference fee of €25.

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

A.I.L.G. "In Service" Training taking place in Cork on 17th October, 2015.

The Meetings Administrator informed the Members that the estimated average cost per Councillor attending this Conference was €18.48 including conference fee of €50.

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

The meeting then concluded.

Signed: _____
Riarthóir Cruinnithe

Signed: _____
Cathaoirleach

Date: _____

**Minutes of the Annual General Meeting of Clare County Council held in the
Council Chamber, Áras Contae an Chláir, New Road, Ennis, Co. Clare on
Friday, 26th June, 2015 at 3:00 p.m.**

Present:

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

- 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.

Apologies: Cllrs. T. McNamara, Cllr. P. Murphy, Cllr. P.J. Ryan, Cllr. A. Norton, Cllr. G. Keating.

The Cathaoirleach, Cllr. John Crowe presided.

The outgoing Cathaoirleach, Cllr. J. Crowe thanked the Leas Cathaoirleach, fellow Councillors, media, Chief Executive, Council staff and his family for all their assistance and support over the previous year during his term of office. He stated that he was very proud and it was a huge honour for him to represent Clare as the first citizen. He reflected on what was a very busy year and highlighted a number of positive projects progressed and supported by the Council which he was delighted to have been associated with including the continued growth of Shannon International Airport, the opening of the new Doolin Pier, Ennis being awarded the Fleadh Cheoil 2016, visitor numbers exceeding 1,000,000 at the Cliffs of Moher and the purchase of Holy Island as a new tourism product for the county to name but a few. The Cathaoirleach concluded his speech by stating that the title of "Mayor" should be re-introduced, outlining that this title is recognised internationally and the title of "Cathaoirleach" can be lost when travelling outside the country.

The outgoing Leas Cathaoirleach, Cllr. T. O'Brien thanked his fellow colleagues, Council Executive, media and all staff of the Local Authority for their support and assistance during his term as Leas Cathaoirleach. He wished the incoming Cathaoirleach and Leas Cathaoirleach the very best for the year ahead.

Several members paid tribute to the Cathaoirleach and Leas Cathaoirleach for the manner in which they conducted the business of the Council in a fair, inclusive and impartial manner during their year in office.

The Chief Executive, Tom Coughlan, also joined in the tributes to both for the way they carried out their respective roles during the year.

Item 1: Election of Cathaoirleach of the Council for the coming year.

The outgoing Cathaoirleach called for nominations for the post of Cathaoirleach for the forthcoming year. At this point in the meeting the following proposal was put forward and read by the Meetings Administrator:

“We propose Cllr. James Breen for the position of Cathaoirleach of Clare County Council for the year 2015-2016”

Signed by: Cllr. M. Begley, Cllr. C. Curtin, Cllr. A. Norton, Cllr. G. Flynn, Cllr. P.J. Ryan, Cllr. M. McKee and Cllr. I. Lynch.

As there were no other nominations Cllr. J. Breen was declared elected as Cathaoirleach of Clare for the coming year.

Cathaoirleach, Cllr. J. Breen thanked the outgoing Cathaoirleach and Leas Cathaoirleach for their contribution over the past year. He spoke of the honour it was to be accepting the role of Cathaoirleach and thanked his wife and family for their ongoing support.

Several elected members present wished Cllr. J. Breen well in his role as Cathaoirleach and offered their support and help to him in the coming year.

The Chief Executive, Tom Coughlan, wished the new Cathaoirleach well and looked forward to working with him in the coming year. He assured him of the co-operation of all staff during his year in Office.

Item 2: Election of Leas Cathaoirleach of Council for coming year.

The Cathaoirleach, Cllr. J. Breen called for nominations for the position of Leas Cathaoirleach.

Cllr. J. Cooney proposed Cllr. M. Howard and this was seconded by Cllr. J. Flynn.

As there were no other nominations for the post the Cathaoirleach declared Cllr. M. Howard elected as Leas Cathaoirleach for the coming year.

Members and the Chief Executive joined in wishing Cllr. M. Howard well in her role as Leas Cathaoirleach over the coming 12 months.

Cllr. M. Howard thanked her fellow members for giving her the honour to hold the role of Leas Cathaoirleach.

Approval for payment of the Cathaoirleach and Leas Cathaoirleach allowances for the forthcoming year was proposed by Cllr. P. Burke and seconded by Cllr. J. Cooney and agreed by the members present.

Item 3: Schedule of Ordinary Meetings for next twelve months.

The Schedule of Meetings was circulated with the agenda and was proposed by Cllr. R. Nagle and seconded by Cllr. P. Daly and agreed by the members present.

It was stated that the next meeting will be held on Monday, 13th July, 2013 at 3:45 p.m.

The meeting then concluded.

Signed: _____
Riarthóir Cruinnithe

Signed: _____
Cathaoirleach

Date: _____