

Minutes of the November Monthly Meeting of Clare County Council held in the Council Chamber, Áras Contae an Chláir, New Road, Ennis, Co. Clare on Monday, 9th November, 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, J. Cooney, P. Hayes, M. Begley, T. O'Brien, P. Burke, A. O'Callaghan, C. Crowe, J. Crowe, G. Flynn, P.J. Ryan, P. McMahon, 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.
- Ms. Siobhan Garvey, Staff Officer.
- Mr. Ger Dollard, Director of Service.
- Ms. Anne Haugh, Director of Service.
- Mr. Niall Barrett, Head of Finance.

The Cathaoirleach, Cllr. J. Breen presided.

Votes of sympathy.

At the outset votes of sympathy were extended to the following:

- Margaret O'Rourke and Kitty Moroney, Clare County Council employees on the death of their father Pat O'Rourke R.I.P., Inagh.
- The Corry Family on the death of Matthew Corry R.I.P, Tulla.
- Danny and Geraldine Mungovan and Family on the death of their son Stephen R.I.P, Quilty.

Item 1: Minutes of Council Meetings.

a. Ar moladh Cllr. B. Chambers
Cuidithe ag Cllr. J. Cooney agus glacadh leis

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

Item 2: Minutes of the Corporate Policy Group Meetings.

The members noted the minutes of the meeting held on 5th October, 2015 as presented.

Item 3: Monthly Management Report.

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

Item 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 Claireen, Ennis, Co. Clare.

Report dated 20th October, 2015 from John Corry, Administrative Officer, Transportation was circulated with the agenda together with map. The report states that it is proposed to dispose of an area of land measuring 0.0565 Ha. approx. at Claireen, Ennis, Co. Clare subject to the conditions set out in the notice served on the members,

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

“Notice having been served pursuant to Section 183 of the Local Government Act, 2001, Clare County Council approves pursuant to the powers vested on it at Section 211 of the Planning & Development Act, 2000 as amended, of the disposal of area of land measuring 0.0565 ha. approx. at Claireen, Ennis, Co. Clare subject to the conditions as set out in the notice served on the members dated 20th October, 2015.”

Item 5. Draft Burial Ground Bye-Laws 2015 County Clare – Report on submissions.

Report dated 5th October, 2015 from Gerard Dollard, Director of Service was circulated with the agenda together with submissions received on the Draft Burial Ground Bye-Laws 2015 County Clare, correspondence received from John Shaw, County Solicitor in relation to the regulation of Burial Ground Bye-Laws, Revised Draft Burial Ground Bye-Laws 2015 – County Clare and list of burial grounds in County Clare.

Ar moladh Cllr. B. Chambers
Cuidithe ag Cllr. T. McNamara

“Pursuant to the provisions of Section 199(1) of the Local Government Act 2001 and the Local Government Act 2001 (Bye Laws) Regulations 2006, the Council hereby adopts the revised Draft Burial Ground Bye Laws 2015 County Clare dated October, 2015. The Council further resolves that these Bye Laws are to be reviewed after 12 months in operation.”

Cllr. C. Crowe and Cllr. B. Slattery expressed their opposition to adopting the Draft Burial Ground Bye-Laws 2015 as presented. They highlighted concerns with regard to required depths of graves and access to burial sites within the County.

Ger Dollard, Director of Service responded to the queries raised and referred to the fact that the depth of graves is already referred to in 1888 Regulations and that the proposals relating to the depth of graves has been deleted from these Bye-laws.

At this point in the meeting a vote was called by the Cathaoirleach on the resolution proposed by Cllr. B. Chambers and seconded by Cllr. T. McNamara which resulted as follows:

In favour: Cllrs. J. Breen, J. Flynn, P. Daly, A. Norton, T. McNamara, P. Murphy, C. Colleran Molloy, J. Cooney, P. Hayes, M. Begley, P. Burke, A. O'Callaghan, J. Crowe, G. Flynn, P. McMahan, M. McKee, C. Curtin, I. Lynch, P.J. Kelly, B. Chambers, G. Keating. (21)

Against: Cllrs. C. Crowe, P.J. Ryan, B. Slattery. (3)

Abstentions: Nil.

The Cathaoirleach declared the resolution adopted.

Item 6. Appointment of Representative to the Governing Body of the National University of Ireland, Galway.

Correspondence dated 2nd November, 2015 from Michael McNamara, Senior Executive Officer, Corporate Services regarding appointment of representative to the Governing Body of the National University of Ireland, Galway was circulated with the agenda.

The report states that the term of Office of the existing N.U.I.G. (University Governing Authority) will expire on January 31st, 2016. The Cathaoirleach of Clare County Council proposes to appoint Monday, 11th January, 2016 as the day on which the Election Meeting of Clare County Council shall be held for the purpose of appointing a representative to the Governing Body of the National University of Ireland, Galway.

This was agreed by the members present.

Item 7. Proposed Variation no.3 to the Ennis & Environs Development Plan 2008-2014

Consideration of the proposed Variation no.3 to the Ennis & Environs Development Plan 2008-2014 and the "Chief Executive's Report to Elected Members on Submissions received to the proposed Variation no.3 to the Ennis & Environs Development Plan 2008-2014".

Making of Variation no.3 to the Ennis & Environs Development Plan 2008-2014.

Report from Tom Coughlan, Chief Executive dated 29th October, 2015 circulated with the agenda outlined that the statutory four week period to facilitate public submissions expired on 6th October, 2015 and attached to the report for the consideration of the members was the Chief Executive's report on the outcome of the statutory public consultation process.

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

Resolution to make the Variation no. 3 to the Ennis & Environs Development Plan 2008-2014

Following consideration by the Elected Members of:

- a. The proposed Variation no.3 to the Ennis & Environs Development Plan 2008-2014, dated September 2015;
- b. The associated Strategic Environmental Assessment (S.E.A.) – Screening Statement and the Appropriate Assessment (A.A.) - Screening Statement, dated September 2015;
- c. The "Chief Executive's Report to Elected Members on Submissions received to the Proposed Variation No.3 to the Ennis & Environs Development Plan 2008-2014", dated 29th October 2015;
- d. The Mid West Regional Planning Guidelines 2010-2022;
- e. The policies and objectives of the Ennis & Environs Development Plan 2008-2014;
- f. The policies and objectives of the Minister contained in the Guidelines prepared under Section 28 of the Planning and Development Act, 2000 (as amended);
- g. Any relevant policies or objectives for the time being of the Government or Minister for Government;
- h. The statutory obligations of any local authority in the area
- i. The proper planning and sustainable development of the area to which the plan relates; and
- j. Our determination, in accordance with Section 177V of the Planning and Development Act, 2000 (as amended), that the proposed variation, subject to the modifications recommended in the Chief Executive's Report, is not likely to have any significant adverse effects on the integrity of any European site within, or adjacent to, the plan area

therefore, in accordance with the provisions of Section 13 of the Planning and Development Act, 2000 (as amended) this Council hereby resolves to make the Variation no.3 to the Ennis & Environs Development Plan 2008-2014, subject to the following:

To include all recommendations in the "Chief Executive's Report to Elected Members on Submissions received to the Proposed Variation No.3 to the Ennis & Environs Development Plan 2008-2014", dated 29th October 2015."

This resolution was agreed by all members present.

Item 8. Employment opportunities for Clare.

Ar moladh Cllr. J. Flynn

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

“That Clare County Council set up a Working Group made up of elected members (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 “People, Place and Policy – Growing Tourism to 2025.”

Gerard Dollard, Director of Services replied as follows:

“The setting up of a Working Group is entirely a matter for the Elected Members of Clare County Council. However the capacity of the Executive to support the range of groups and committees already in operation is a significant challenge. At the present time there is a very extensive programme of work involved in the preparation of the Local Economic and Community Plan, the Local Development Strategy, the Draft County Development Plan and other initiatives such as CEDRA not to mention the committee structure already in place to the Strategic Policy Committee scheme.

All of the above groupings and committees place a resource demand not only on the executive but on the elected members themselves in terms of workshops and meetings.

Tourism is an area whereby Clare County Council as a Local Authority is particularly active compared with other counties. Tourism is viewed as a very important activity in the County and many of the programmes and resources of the Council are towards directed towards maximising benefit from this sector.

At the present time the Tourism remit falls under the Strategic Policy Committee for Enterprise and Economic Development and will also feature as part of the actions proposed under the Local Economic and Community Plan, the Local Development Strategy for LEADER and the County Development Plan.”

After a discussion it was agreed that the CEDRA working group would take on this proposal and report within six months back to the full Council.

Item 9. Expenditure.

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

“That details be provided of all items of expenditure to date in 2015 which were not provided for in the 2015 agreed estimates.”

Niall Barrett, Head of Finance replied as follows:

“Quarterly accounts up to the end of September are currently in the process of preparation. Prior to the finalising of these accounts indications are that at the end of September all budget headings by service are less than the budget allocations for the full year with the exception of Property Management and non Irish Water water services costs. Provision of secure fencing at a cost of €25k around an isolated site that contains communications masts and equipment was the primary reason for the additional expenditure in the Property Management service. Energy costs, amounting to €18k incurred in waste water treatment plants taken in charge by the Council but not yet taken over by Irish Water are the reason for the additional expenditure in the water services non Irish Water service.

It should also be noted that the total Roads grant allocations notified to date in 2015 exceed budget by approx €2m. This will result in an additional expenditure in 2015 which will be matched with the additional grant income.”

Cllr. P.J. Kelly referred to a number of areas of expenditure and sought details in relation to same. The Chief Executive undertook to examine the areas referred to by Cllr. Kelly.

Item 10. Outstanding charges.

Ar moladh Cllr. M. Hillery

“That Clare County Council list the amount of outstanding water charges, rates, development levies and other charges for the last three years due to the Local Authority and what plans are in place to collect same.”

This motion was not moved in the absence of Cllr. M. Hillery.

Item 11. Playground Grant Scheme.

Ar moladh Cllr. C. Crowe

Cuidithe ag Cllr. P. Hayes

“To ask the Clare County Council C.E.O.:

- (i) If, in his opinion, the now lapsed Playground Grant Scheme has adequately provided for the needs of all parts of the county?
- (ii) To report to the elected members on what populated parts of the county are currently lacking playground facilities.
- (iii) To make a budgetary provision for re-establishing the Playground Grant Scheme.”

Gerard Dollard, Director of Services replied as follows:

“The Community Playground Capital Grant Scheme 2006-2009 provided funding of €2m in development contributions towards the development of 28 playgrounds in the county.

A number of playgrounds were also developed as a result of co-funding solely from LEADER and millennium funds.

Schemes, to date, have provided for extensive coverage throughout the county but there are locations where further playground provisions could be considered. It is suggested that local communities in such areas could prepare preliminary proposals in these areas to ensure that the broad framework for a scheme is in place in the event of capital funding becoming available.

The Council introduced a Community Playground Support Scheme in 2014 to provide funding for 2014/2015. An overall allocation of €50,000 was approved by the Council. This scheme provided funding to groups towards playground operational and maintenance costs. The scheme will expire at 31st December 2015.

It is unlikely that the provision of capital or revenue funds will be possible for 2016 due to the constraints on funding generally. This is a matter for consideration as part of Budget 2016.”

Item 12. Housing Allocation Policy.

Ar moladh Cllr. G. Flynn

Cuidithe ag Cllr. C. Curtin agus glacadh leis

“In view of the limited role of Elected Councillors in Housing Allocation Policy, that Clare County Council put in place a public consultation process in the form of workshops in each Municipal District Area:

- (a) To facilitate engagement with the public and especially housing applicants struggling to find accommodation in the current crisis.
- (b) That landlords be invited to participate and all the various schemes available be discussed concerning different possible approaches to tackling the crisis.
- (c) That Elected Members be given the opportunity to have an input to the agenda for the workshops.”

Gerard Dollard, Director of Services replied as follows:

“The Housing Department of Clare County Council has from time to time engaged in information sessions on various aspects of housing delivery. These sessions would have included affordable housing, voluntary housing etc. In undertaking any public information session, it is important to consider the target group for the Information Sessions in terms of the needs of landlords and applicants, which are very different.

There is a significant degree of personal and confidential information that would not be appropriate for a workshop format either for housing applicants or landlords.

It would be worthwhile to concentrate on the deliverable realities on the supply side when presenting information on the demand side. This could include existing Council stock, existing house acquisitions and leasing initiatives in line with the Government's Social Housing Strategy.

The Council would be happy to arrange some information sessions for landlords on the variety of leasing options available to ascertain if further improvements can be made in bringing forward housing stock for applicants on the Council's housing list.”

It was agreed that the Council would meet with members at Municipal District level to explore options, possibilities and initiatives.

Item 13. Housing.

Ar moladh Cllr. A. Norton

Cuidithe ag Cllr. P. Murphy agus glacadh leis

“That Clare County Council looks into the viability of purchasing distressed mortgage houses from the owners / banks with a view to leasing them back to the home owners in question to avoid the possibility of these home owners being made homeless.”

Gerard Dollard, Director of Services replied as follows:

“There is a national scheme in place to address this issue. Clare County Council participates in same.

The Mortgage to Rent Scheme is a Government initiative and is in operation to help homeowners who are at risk of losing their homes due to mortgage arrears with their bank. Under this Scheme a borrower surrenders ownership of their home voluntarily to their lender. A Voluntary Housing Body will then purchase the house and become their landlord. The borrower will no longer own their home but will continue to live in it as a tenant of the Housing Body and pay an income related rent. The key stakeholders involved in the process are the borrower, the lender, the approved Voluntary Housing Body and the Council.

The Housing Agency, working with Department of Environment, Community & Local Government, provides a background co-ordinating and supporting role for all stakeholders. They manage a panel of approved housing bodies and introduce stakeholders to the process at the appropriate time. The Council's role is confined to assessing demand for the property type and estimating market rents in the area, agreeing to sign a Payment and Availability Agreement for the property and processing a Social Housing Support application from the Mortgage to Rent applicant. To apply a borrower needs to contact their lender to check if they are eligible for the Scheme.

The Citizens Information Board is also operating a Mortgage Arrears Information Helpline for potential applicants.”

Item 14. Lynx Cargo Project.

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

“That Clare County Council asks the Shannon Group for an up to date on the Lynx Cargo Project and any other initiatives in relation to the freight business.”

Item 15. Renovation of buildings.

Ar moladh Cllr. G. Keating
Cuidithe ag Cllrs. P.J. Kelly, B. Slattery agus R. Nagle agus glacadh leis

“That Clare County Council request the Government to introduce an Incentive Scheme to allow for the renovation of unused buildings and listed buildings in County Clare as a pilot scheme”.

Item 16. Legal Services.

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

“That, arising from the Disclosure to the Notice of Motion (October 2015) on the Procurement Process for Legal Services over the next 6 years to Clare County Council whereby the actual rates tendered by the successful firm are protected under Section 36(1) b of the Freedom of Information Act 2014, the Council calls on the Commissioner for Information to clarify same and requests the Government party whips in both Dáil and Seanad Éireann to up-date the Council on the implications for same with the current Legal Services Regulation Bill.”

Item 17. Wild Atlantic Way.

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

“That Clare County Council collaborate with Limerick County Council to develop a tourist route on both sides of the Shannon Estuary similar to the very successful Wild Atlantic Way.”

Gerard Dollard, Director of Services replied as follows:

“As members are aware the Wild Atlantic Way project has been successful and is still in a state of further development. Contracts have recently been awarded for the erection of photo points and interpretation panels in a number of locations along the Wild Atlantic Way.

The overall project, managed by Fáilte Ireland in conjunction with Local Authorities, is very much seen as a work in progress on a scheme that has yet to reach its full potential.

The suggestion in the Notice of Motion to develop a tourist route on both sides of the Shannon Estuary is a very positive suggestion that would have to sit within an overall marketing initiatives such as the Wild Atlantic Way for it to reach its significant potential. Such a development would also require the support not just of the Local Authority but also that of Fáilte Ireland in recognising such a tourist route as part of a wider marketing initiative. The continued progression of the Wild Atlantic Way project envisages the creation of loops off the main route and the proposal in the Notice of Motion may fall into such a category.

The Council is happy to progress the matter with Limerick City and County Council and with Fáilte Ireland so that the initiative can be assessed as a tourism marketing initiative.”

Item 18. Road tax.

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

“That this Council requests that Minister Kelly and Minister Noonan would consider the inclusion of road tax in the cost of fuel as this form of road tax is very successful in other European Countries.”

Item 19. Fracking.

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

“Based on the vast available evidence and the well documented international concerns on the detrimental effects of fracking on:

- the environment

- its potential impacts on local communities
- the damage to all farming and tourism industries which are the backbone of the economy in Co. Clare with particular reference to the strong probability in the Clare Area, of contamination to the ground water supply, due to the nature of the local geology.

I will propose that the Council call on the Minister for Communications, Energy and Natural Resources to ban fracking” and also include this proposal in our new county development plan.”

Gerard Dollard, Director of Services replied as follows:

“For purposes of this response, it is assumed the proposal referred to in the above motion, is the proposal to include a ban on fracking in the County Development plan. You will be aware that presently, the Draft Clare County Development Plan 2017-2023 is under consideration by the Members in accordance with the provisions of Section 11(5)(b) of the Planning Acts. The Members have until 25th November within which to make any amendments or additions by resolution to the Draft Development Plan in accordance with the provisions Section 11(5)(c) of the Act.

Whilst noting and respecting the wishes and function of the Members to prepare Development Plan policy in accordance with the proper planning and sustainable development of the area, I am obliged to inform you that case law, specifically *Glencar Exploration Plc v Mayo County Council* indicates that any development objective in a Development Plan must be positive in character and that an objective which aims to prevent development cannot be such an objective. The proposal to ban fracking would not meet these legal requirements.”

The following further resolution was proposed by Cllr. P. Hayes, seconded by Cllrs. T. McNamara, J. Flynn and C. Curtin and agreed by the members present.

“It is the strategic goal of C.D.P. to adopt the precautionary principle in respect of development where significant environmental implications are involved, and this Council wishes to safeguard the unspoilt/green image and reputation of County Clare.”

In responding, Ger Dollard, Director of Service stated that the Senior Planner will consider appropriate wording having regard to views expressed.

Item 20. Burglar alarms.

Ar moladh Cllr. P. Daly

Cuidithe ag Cllrs. J. Crowe agus P. McMahan agus glacadh leis

“We call on the Minister for Justice to consider allocating grant aid towards the installation of burglar alarms in homes, due to the substantial amount of house robberies in recent times.”

Item 21. Commercial rates.

Ar moladh Cllr. I. Lynch
Cuidithe ag Cllr. C. Curtin agus glacadh leis

"That Clare County Council once again call on the Minister for Local Government to immediately review the archaic legislation governing commercial rates in order to introduce a fair rates system for struggling businesses bases on turn over not square footage."

Item 22. Comhfhreagras.

The following correspondence was circulated with the agenda:

- Correspondence dated 9th November, 2015 from Michael McNamara, Senior Executive Officer, Corporate Services in relation to mass for deceased members and staff of Clare Local Authorities which is being held on Friday, 13th November, 2015 in the Cathedral, Ennis.
- Correspondence dated 14th October from the A.I.L.G. concerning the proposed changes to the A.I.L.G. constitution was noted by the members present.

The following correspondence was circulated with the agenda:

1. Correspondence from the Association of Irish Local Government in relation to Consultation regarding technical changes to A.I.L.G. Constitution.
2. Correspondence dated 23rd October, 2015 from the Department of Environment, Community & Local Government in connection with the issue of pyrite in County Clare.
3. Correspondence dated 22nd October, 2015 from the Department of Communications, Energy and Natural Resources regarding renewable energy.
4. Correspondence dated 13th October, 2015 from the Department of Health concerning the ambulance service in Clare.
5. Correspondence dated 27th October, 2015 from the Department of Finance in relation to the delivery of services to the public by the banking sector.
6. Correspondence dated 21st September, 2015 from Dublin City Council in relation to accessing information held by the local authority with regard to housing policy.
7. Correspondence dated 8th October, 2015 from the Office of the Minister for Education and Skills concerning the standardization of school uniforms.
8. Correspondence dated 7th October, 2015 from the Department of Finance concerning the ambulance service in County Clare.
9. Correspondence dated 13th October, 2015 from the Department of Health concerning the fire service.
10. Correspondence dated 19th October, 2015 from the Office of the Taoiseach in relation to the Halawa family.
11. Correspondence dated 28th October, 2015 from the Department of Finance in relation to job growth in County Clare.

12. Correspondence dated 15th October, 2015 from the Office of the Minister for Education and Skills regarding resource hours for children with special needs.
13. Notice of motion received from Ashbourne Municipal District regarding Irish Water.
14. Resolution received from Donegal County Council in relation to bus passes.
15. Resolution received from Cork City Council in relation to the revised Junior Certificate Curriculum.
16. Resolution passed by Galway City Council in relation to the H.A.P. system.
17. Northern & Western Regional Assembly Training event entitled “New Regions, New Roles, New Responsibilities” taking place in the Meadow Court Hotel, Loughrea, Co. Galway on 20th November, 2015.
18. Conference entitled “A Practical Guide to Budget 2016” taking place in the Clonakilty Hotel, Clonakilty, Co. Cork on 4th – 6th December, 2015.
19. Training seminar for Councillors entitled “Local Government Environment Policy; opportunities for local communities” taking place in the Seven Oaks Hotel, Athy Road, Carlow on 4th – 5th December, 2015.
20. Conference entitled “E.U. Cohesion Policy 2014-2020” taking place in the Four Seasons Hotel, Carlingford, Co. Louth on 11th – 13th December, 2015.
21. Training seminar entitled “Housing Public Policy & Local Government” taking place in Park House Hotel, Main Street, Edgeworthstown, Co. Longford on 11th & 12th December, 2015.
22. Conference entitled “Mobile Marketing of Tourist Destinations” taking place in the Clonakilty Hotel, Clonakilty, Co. Cork on 18th – 20th December, 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.

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 €493.48 including conference fee of €25.

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

L.A.M.A. Autumn Training Seminar entitled “The Lobbying Act – Implications for Councillors” taking place in Hotel Kilkenny, College Road, Kilkenny on 9th & 10th October, 2015.

The Meetings Administrator informed the Members that the estimated average cost per Councillor attending this Conference was €574.95 including conference fee of €180.

It was agreed that Cllrs. P. Burke and J. Crowe attend this Conference.

A.I.L.G. Training Seminar taking place in Silver Springs Hotel, Co. Cork on 17th October, 2015.

The Meetings Administrator informed the Members that the estimated average cost per Councillor attending this Conference was €326.39 including conference fee of €50.

It was agreed that Cllrs. P. Burke, P. McMahon, P.J. Ryan, J. Crowe and B. Slattery attend this Conference.

Heritage Council Conference entitled “Realising the Potential of Irelands Towns – Policies and Priorities” taking place in Kilkenny on 5th November, 2015.

The Meetings Administrator informed the Members that the estimated average cost per Councillor attending this Conference was €267.17 including conference fee of €55.

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

A.I.L.G. Training Seminar for elected members taking place in Red Cow Hotel, Dublin on 14th November, 2015.

The Meetings Administrator informed the Members that the estimated average cost per Councillor attending this Conference was €438.62 including conference fee of €50.

It was agreed that Cllrs. P. McMahon and J. Cooney attend this Conference.

Geopark Life Seminar taking place in Ennistymon on 19th & 20th November, 2015.

The Meetings Administrator informed the Members that the estimated average cost per Councillor attending this Conference was €38.34.

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

The meeting then concluded.

Signed: _____
Riarthóir Cruinnithe

Signed: _____
Cathaoirleach

Date: _____

Minutes of the Budget 2016 Meeting of Clare County Council held in the Council Chamber, Áras Contae an Chláir, New Road, Ennis, Co. Clare on Friday, 20th November, 2015 at 3:00 p.m.

Present:

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

- Tom Coughlan, Chief Executive.
- Michael McNamara, Meetings Administrator.
- Siobhan Garvey, Staff Officer.
- Ger Dollard, Director of Service.
- Niall Barrett, Head of Finance.
- Anne Haugh, Director of Service.
- Caroline O'Connor, Management Accountant.
- Helen Walsh, County Librarian
- Siobhán Mulcahy, County Arts Officer

The Cathaoirleach, Cllr. J. Breen presided.

At the outset, the Cathaoirleach called on the Chief Executive to give a brief overview of the Budget. Mr. Coughlan advised that the Council's main objective was to maintain the existing level of services which is a challenge given an increase in costs with a relatively static level of income. He highlighted that the Budget 2016 shows an overall revenue expenditure of €102.8m which on a positive note will be mainly spent locally e.g. in payroll and goods and services etc. He reminded members that income has to balance with expenditure and that if an increase in spending is required in any given area then an area of expenditure must decrease accordingly.

Mr. Coughlan highlighted the main aspects of Budget 2016. He reported that the Department of Transport had not yet advised of the roads allocation for 2016 but the Budget had been prepared on the basis of the same level of funding as that received in 2015. He reminded members that the rates harmonisation process would be commencing in 2016 which would see rates increase in Kilrush and Ennis in order to move closer to the County rate as required by law, the details of this process had been outlined to the members of these areas at separate Municipal District workshops. He reported the a new Grant Scheme would come into operation for 2016 for owners of vacant commercial properties along with a new Incentive Scheme for rate payers who have discharged their rates on time. He was pleased to report to members that the Department had by way of a phone call earlier in the day advised him that they would be in a position to provide an additional allocation to the Local Authority in the sum of €360,000, following this notification the Corporate Policy Group had met and he

referred members to his report circulated at the meeting with a recommendation for the allocation of these additional funds.

He concluded by thanking the Cathaoirleach, the Corporate Policy Group and all the Elected Members for their advice, assistance and constructive approach in reviewing the issues surrounding the Budget. He also thanked the contribution of all staff in the Council in preparing this Budget especially the staff in the Finance Department and Directors of Services.

The Head of Finance, Niall Barrett, addressed the meeting and outlined the main changes in the Budget process this year which included the introduction of new terminology and processes that would be involved in the harmonisation of the rates and calculation of the base year adjustment and their impact on the rates for 2016.

Division A. Housing and Building

Division D Development Management

Cllr. G. Flynn, Chair of the Planning & Housing S.P.C. addressed the meeting and provided a brief overview of activities for these areas. He referred to the main issues contained in the Budget relevant to both areas and under the remit of the Planning & Housing S.P.C.

Cllr. R. Nagle, Chair of the Economic Development & Enterprise S.P.C. provided an overview of activities in this area and highlighted the ongoing work taking place in the Local Enterprise Office. He referred to the continued success of the Wild Atlantic Way, Shannon International Airport and also the hosting of the Fleadh in Ennis in 2016.

A number of queries were raised by members regarding these divisions which were all responded to by Ger Dollard. Mr. Dollard also drew the members attention to the Capital Reports contained in the Budget book relative to these divisions pursuant to the provisions of Section 135 of the Local Government Act 2001.

Division B Road Transport and Safety

Division C Water Services

Cllr. J. Cooney, Chair of the Environment & Transportation S.P.C. addressed the meeting and provided an overview of the activities under these areas. In his presentation Cllr. J. Cooney referred to the Budget proposals in the Roads, Environment and Water Services areas.

The Cathaoirleach drew the members attention to the Capital Reports for these areas as outlined in the Budget book.

Ger Dollard, Director of Service, responded to a number of queries from members in relation to parking charges in Ennis and Anne Haugh, Director of Service responded to similar queries as regards Kilrush.

Division E Recreation and Amenity

Division F Agriculture, Education, Health & Welfare

Cllr. P. Hayes, Chair of the Cultural Services & Arts (including Community, Recreation and Amenities) S.P.C. addressed the meeting and outlined activities

proposed in these areas including the Library Service, Glór, Leisure Centres and Burial Grounds. He highlighted details of the capital programmes relevant to those divisions.

Division G Agriculture, Health & Welfare

Division H Miscellaneous Services

Cllr. J. Cooney went through the proposals in the Budget for dog control and veterinary services.

Queries raised by members concerning rates and motor tax were responded to by Niall Barrett, Head of Finance.

Division J Central Management Services

The Cathaoirleach drew the members attention to the proposals contained in this division and same were noted by the members present.

The Cathaoirleach thanked the S.P.C. Chairs, the Chief Executive, Directors of Services and Head of Finance for their overviews and presentations and then opened the debate to the floor.

The Cathaoirleach reminded members that they needed to make a decision to either adopt or reject the Budget as presented or adjourn the discussion to a later date.

Cllr. J. Cooney proposed the adoption of the Budget as presented but subject to the amendments arising from the allocation of the €360,000 extra allocation. This was seconded by Cllr. R. Nagle.

At this stage, a number of members including Cllr. P. Daly, A. Norton, I. Lynch, T. McNamara and C. Colleran Molloy referred to the harmonisation proposals and their impact on rate payers in both Ennis and Kilrush. Cllr. C. Crowe queried proposals going forward for Westbury Area Office and the Chief Executive replied that the lease was coming to an end in March/April 2016 and that the issue will be reviewed at that stage.

Cllr. J. Flynn submitted the following proposed amendment signed by Cllrs. I. Lynch, M. Howard and P. Murphy;

“That Clare County Council utilise the €360,000 government funding allocated today 20th November 2015 for “reduction in rates income” to assist in achieving the balanced budget and thereby refrain from any increase in rates in Ennis and Kilrush as proposed (which it is estimated to deliver only €49,000 net after incentives).”

Referring to this amendment, the Chief Executive pointed out that the Council had a legal requirement to commence harmonisation of the rates and that the proposed amendment did not provide for any adjustment to the rate.

Following a discussion, a number of members expressed their opposition at which point the Cathaoirleach called a vote on this amendment which resulted as follows:

In favour: Cllrs. J. Flynn, P. Daly, T. McNamara, M. Howard, P. Murphy, C. Colleran Molloy and I. Lynch (7)

Against: Cllrs. J. Breen, A. Norton, J. Cooney, P. Hayes, T. O'Brien, P. Burke, A. O'Callaghan, C. Crowe, J. Crowe, G. Flynn, P.J. Ryan, P. McMahon, M. McKee, C. Curtin, R. Nagle, B. Slattery, P.J. Kelly, B. Chambers and G., Keating (19).

Abstentions: Nil

The Cathaoirleach declared this amendment defeated.

The Cathaoirleach then called a vote on the proposal of Cllr. J. Cooney, seconded by Cllr. R. Nagle in relation to the adoption of the Budget.

The following resolution was read out by the Meetings Administrator as proposed by Cllr. J. Cooney and seconded by Cllr. R. Nagle.

"That pursuant to Section 103 of the Local Government Act 2001 (substituted by Section 58 of the Local Government Reform Act 2014) the Draft Budget 2016 as amended by the allocation of the additional funding of €360,000 received by the Council and notified to the members by the Chief Executive by memo dated 20th November, 2015 be and is hereby adopted. The distribution of the €360,000 to be as set out in the memo dated 20th November, 2015 from the Chief Executive and circulated to the members at the Budget meeting."

The vote on this resolution resulted as follows:

In favour: Cllrs. J. Breen, A. Norton, J. Cooney, P. Hayes, T. O'Brien, P. Burke, A. O'Callaghan, J. Crowe, G. Flynn, P.J. Ryan, P. McMahon, M. McKee, C. Curtin, R. Nagle, B. Slattery, B. Chambers and G. Keating. (17)

Against: Cllrs. J. Flynn, P. Daly, T. McNamara, M. Howard, P. Murphy, C. Colleran Molloy, C. Crowe, I. Lynch and P.J. Kelly (9).

Abstentions: Nil.

The Cathaoirleach declared this resolution carried.

When the Meetings Administrator read out the further resolution to be voted on, clarity was sought by members on the wording of same. When clarification was provided, the Cathaoirleach requested the Meetings Administrator to read out the resolution to be voted on as set out below.

Proposed by Cllr. J. Cooney and seconded by Cllr. T. O'Brien:

"That the Council hereby determine in accordance with Budget 2016, the rate set out in Table A (General Annual Rate on Valuation of €72.99) and the base year adjustment of €5.53 discount for the former Kilrush Town Council Rating Authority area giving €67.46 as set out in Table C and €3.77 discount for the former Ennis Town Council Rating Authority area giving €69.22 as set out in Table C."

The Cathaoirleach called a vote on this resolution which resulted as follows:

In favour: Cllrs. J. Breen, P. Daly, A. Norton, T. McNamara, J. Cooney, P. Hayes, T. O'Brien, C. Crowe, J. Crowe, G. Flynn, P.J. Ryan, P. McMahon, M. McKee, C. Curtin, R. Nagle, B. Slattery, B. Chambers and G. Keating. (18).

Against: Cllrs. J. Flynn, M. Howard, P. Murphy, C. Colleran Molloy, I. Lynch and P.J. Kelly (6).

Abstentions: Nil.

The Cathaoirleach declared this resolution carried.

The Cathaoirleach thanked the members, Chief Executive, Directors of Services and Head of Finance and their staff for their co-operation in the preparation and adoption of the Budget for 2016. He also thanked members of the Corporate Policy Group for their input into the Budget process.

The meeting then concluded at 6:00 p.m.

Signed: _____
Riarthóir Cruinnithe

Signed: _____
Cathaoirleach

Date: _____

Minutes of the Special Meeting of Clare County Council held in the Council Chamber, Áras Contae an Chláir, New Road, Ennis, Co. Clare on Wednesday, 25th November, 2015 at 3:30 p.m.

Present:

Councillors J. Breen, J. Flynn, 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, M. McKee, C. Curtin, R. Nagle, I. Lynch, M. Hillery, P.J. Kelly, B. Chambers, G. Keating.

- Mr. Tom Coughlan, Chief Executive.
- Mr. Michael McNamara, Meetings Administrator.
- Ms. Siobhán Garvey, Staff Officer.
- Mr. Ger Dollard, Director of Service.
- Mr. Brian McCarthy, Senior Planner.

The Cathaoirleach, Cllr. J. Breen presided and welcomed the members to this Special Meeting to consider the Draft Clare County Development Plan 2017-2023 and proposed amendments to same.

The Chief Executive highlighted to members that the consultation process in relation to the drafting of the Plan as presented began in January 2015 and had resulted in over 20 briefings taking place including at Municipal District level. As required by legislation members have had 8 weeks to consider the Draft and amendments which is the maximum time permitted. For the first time the Plan includes both Kilrush and Ennis Towns and all areas of the county and if adopted by members will go on public display within 2 weeks. He concluded by saying that the Plan when finally adopted will cover the period 2017-2023.

At this point in the meeting the Cathaoirleach asked if any member wished to declare an interest in the plan, they would be welcome to sit in any discussions but a declaration should be made to the meeting.

Cllr. J. Flynn advised the meeting that he would like to be excluded and to withdraw from any discussions dealing with Volume 3 of the Draft Plan where it deals with the Settlement of Barefield and the Wind Energy Strategy due to personal interests in those specific areas. There was no discussion on these areas and Cllr. J. Flynn did not have to withdraw.

Brian McCarthy, Senior Planner circulated the following proposal for consideration by members:

“That following consideration by the Elected Members of:

- a) The Draft Clare County Development Plan 2017-2023 dated 1st October 2015;
- b) The associated Strategic Environmental Assessment (Environmental Report) and Appropriate Assessment (Natura Impact Report), dated 1st October 2015;

- c) The Mid West Regional Planning Guidelines 2010-2022;
- d) The policies and objectives of the Minister contained in the Guidelines prepared under Section 28 of the Planning and Development Act, 2000 (as amended);
- e) Any relevant policies or objectives for the time being of the Government or Minister for Government;
- f) The statutory obligations of any local authority in the area;
- g) The proper planning and sustainable development of the area to which the plan relates;

Therefore, in accordance with the provisions of Section 11(5)(c) of the Planning and Development Act, 2000 (as amended) this Council hereby resolves to make the amendments to Draft Clare County Development Plan 2017-2023 as set out in report entitled “Proposed Amendments to the Draft County Development Plan 2017-2023 of 25th November, 2015” and so adopt the Draft Plan as amended.”

Cllr. T. O’Brien proposed the adoption of this resolution. This was seconded by Cllr. T. McNamara.

The Cathaoirleach asked if any member wished to dissent from the Resolution proposed. As there was no dissention, the Cathaoirleach declared the Resolution adopted unanimously.

The meeting then concluded.

Signed: _____
Riarthóir Cruinnithe

Signed: _____
Cathaoirleach

Date: _____