

**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, 12<sup>th</sup> October, 2015 at 3:45 p.m.**

**Present:**

Councillors J. Breen, P. Daly, A. Norton, T. McNamara, 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, M. Hillery, P.J. Kelly, B. Chambers, G. Keating.

- Mr. Tom Coughlan, Chief Executive.
- Mr. Kieran O'Donnell, 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. Tom Tiernan, Senior Engineer.

The Cathaoirleach, Cllr. James Breen presided.

**Vote of Sympathy**

At the outset a vote of sympathy was extended to the families of those who tragically lost their lives in the fire at Carrickmines, Co. Dublin and to the family of Garda Anthony Golden who lost his life while serving his community.

**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 September Monthly Meeting of Clare County Council held on 14<sup>th</sup> September, 2015 be adopted and signed.”

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

“That the Minutes of the adjourned September Meeting of Clare County Council held on 21<sup>st</sup> September, 2015 be adopted and signed.”

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

“That the Minutes of Special Meeting of Clare County Council held on 28<sup>th</sup> September, 2015 be adopted and signed.”

**Item 2: Minutes of Municipal District Meetings.**

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

“That the Minutes of the West Clare Municipal District Special Meeting held on the 14<sup>th</sup> July, 2015 be noted.”

b. Ar moladh Cllr. G. Keating  
Cuidithe ag Cllr. B. Slattery agus glacadh leis

“That the Minutes of the West Clare Municipal District Meeting held on the 14<sup>th</sup> July, 2015 be noted.”

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

“That the Minutes of the Killaloe Municipal District held on the 15<sup>th</sup> July, 2015 be noted.”

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

“That the Minutes of the Shannon Municipal District held on the 21<sup>st</sup> July, 2015 be noted.”

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

“That the Minutes of the Ennis Municipal District held on the 1<sup>st</sup> September, 2015 be noted.”

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

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

“That the minutes of the Environment & Transportation S.P.C. meeting held on 25<sup>th</sup> May, 2015 be noted.”

b. Ar moladh Cllr. G. Flynn  
Cuidithe ag Cllr. P. Murphy agus glacadh leis

“That the minutes of the Planning & Housing S.P.C. meeting held on 3<sup>rd</sup> June, 2015 be noted.”

c. Ar moladh Cllr. P.J. Ryan  
Cuidithe ag Cllr. G. Keating agus glacadh leis

“That the minutes of the Economic Development & Enterprise S.P.C. meeting held on 7<sup>th</sup> September, 2015 be noted.”

**Item 4: Minutes of the Corporate Policy Group Meetings.**

The members noted the minutes of the meetings held on 7<sup>th</sup> September and 21<sup>st</sup> September, 2015 as presented.

**Item 5: 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.

Cllr. C. Curtin welcomed the progress made on the County of Culture and Festivals Project and asked if details relating to all submissions made for funding along with details of how applications were shortlisted could be made available to members.

Cllr. C. Curtin also asked if further information on the Local Improvement Schemes could be made available.

It was highlighted by Cllr. C. Curtin and Cllr. G. Keating that a number of Wild Atlantic Way signs now need replacing and additional signage was required in some areas such as Loop Head and Scattery Island.

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

Report dated 23<sup>rd</sup> September, 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 lands measuring 0.106 acres in Shannon.

Ar moladh Cllr. G. Flynn  
Cuidithe ag Cllr. P.J. Ryan 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 0.106 acres at Drumgeely, Tullyglass, Shannon subject to the

conditions as set out in the notice served on the members dated 23<sup>rd</sup> September, 2015.”

**Item 7: Fix date for Budget meeting.**

It was agreed that the Budget meeting would take place on Friday, 20<sup>th</sup> November, 2015 at 3:00 p.m.

**Item 8: Draft Burial Ground Bye-Laws 2015 County Clare – Report on submissions.**

Report dated 5<sup>th</sup> October, 2015 from Gerard Dollard, Director of Services was circulated with the agenda together with submissions received on the Draft Burial Ground Bye Laws 2015 County Clare, revised draft Burial Ground Bye Laws 2015 County Clare and list of Burial Grounds in County Clare was circulated with the agenda. The report states that the amended version of the bye-laws are now proposed for adoption.

Director of Service, Ger Dollard reported that the Council would be commencing a consultation process with the H.S.E. with regard to the depths of graves and a pilot of this would take place. He recommended that the Bye Laws should be adopted and that a further review would take place after 12 months.

It was proposed by Cllr. C. Crowe, seconded by Cllr. B. Slattery and agreed by all present that this item would be deferred until the November meeting. In the meantime, discussions should take place on any outstanding issues to enable the matter to be considered in full in November.

**Item 9: Winter Maintenance Strategy Review.**

Report dated September, 2015 from Tom Tiernan, Senior Engineer was circulated with the agenda. The report states that the need for the review arises from the fact that it has been 4 years since the last review which took place after the 2009/10 Winter season. In carrying out this review account has been taken of the following insofar as it is reasonable and appropriate to do so in a Co. Clare context.

- “Review of the Transport Response to Severe Weather in the period November, 2009 to January, 2010” - issued by the Department of Transport in September, 2010.
- “Winter Service Manual” – issued by the N.R.A. in October, 2010.
- Submissions made by Councillors –in June, 2015 and more recently in July, 2015.
- Additional facilities/resources being provided by the Council – new Salt Saturator – Brine Unit & installation of weighbridge to control vehicle weights prior to exiting onto public roads.
- Funding resources.
- Experience gained in responding to recent severe weather events.

This review endeavours to examine in as much detail as is feasible and reasonable, all of the various issues arising through the above documents, submissions, experience etc. with a view to provision of an amended strategy which will be as effective and as

fair as possible for users of the main road network throughout Co. Clare and for the people of Clare as a whole.

A number of members expressed concerns with regard to the level of priority given to a number of local roads in their respective Municipal Districts.

Tom Tiernan, Senior Engineer advised the meeting that resources available dictate the level of priority that can be given to local and regional roads. The 2015/2016 winter maintenance programme proposed is the same as the 2014/2015 one.

The following 3 proposals were submitted to the meeting and read out by the Meetings Administrator:

1. Proposal submitted by Cllr. C. Curtin and signed by Cllrs. B. Chambers, P.J. Kelly, M. Hillery and G. Keating.

“That R484 for its full length be included as Priority 1 in the Winter Maintenance Programme (amended strategy) as presented at Council meeting on 12/10/2015”.

2. Proposal submitted by Cllr. M. Begley and signed by Cllrs. J. Cooney and T. O’Brien.

“That Clonlara Village from the junction of the R463 South to south of the village below the Old Canal”.

3. Proposal submitted by Cllr. J. Cooney and signed by Cllr. A. O’Callaghan and J. Crowe.

“R462 from Cratloe to Tulla be included in Priority 1”.

All three proposals were accepted by the members.

The Cathaoirleach then called for a vote in relation to the adoption of the revised Winter Maintenance Strategy including the 3 proposal submitted at the meeting. The vote resulted as follows:

**In favour:** Cllrs. J. Breen, A. Norton, P. Murphy, J. Cooney, M. Begley, T. O’Brien, P. Burke, A. O’Callaghan, C. Crowe, J. Crowe, G. Flynn, P.J. Ryan, C. Curtin, I. Lynch, M. Hillery, P.J. Kelly, B. Chambers, G. Keating. (18)

**Against:** Cllrs. P. Daly, T. McNamara, P. Hayes, P. McMahon, B. Slattery. (5)

The Cathaoirleach declared the Winter Maintenance Strategy was adopted subject to the proposals as outlined above being included.

#### **Item 10: Approve grants under County of Culture funding scheme.**

Report from Siobhán Mulcahy, County Arts Officer was circulated with the agenda. The report states that Clare - County of Culture is a new initiative of Clare County Council, the aim of which is to celebrate the wonderful Banner County. This initiative will coincide with the designation of Ennis as the host town for Fleadh Cheoil na hÉireann 2016 and will maximise the opportunity to promote the County as a cultural tourism destination nationally and internationally.

In June 2015, expressions of interest were invited, by way of public advertisement, from new or existing festivals/events which celebrate the culture of County Clare.

A total of 26 proposals were received, which were shortlisted down to 8 from whom more detailed information was requested.

Further to the assessment of these proposals, the following recommendations are before the Council for approval.

**1. Ennis Street Arts Festival - €10,000**

To expand and further develop the family friendly/outdoor element of their programme.

**2. Feakle Traditional Music Festival - €10,000**

To hold a separate weekend in April celebrating the Tulla Ceilí Band

**3. Consairtin Ennis - €10,000**

To further develop this festival as an international exponent of the concertina, an instrument traditionally associated with West Clare

**4. Voltage / Glór Ennis - €10,000**

To work with Age and Opportunity Ireland to create an arts week celebrating the contribution of older artists and musicians nationally and internationally.

Funding is available from the allocation already approved by the Council for the County of Culture initiative.

Approval was given by members for all proposals outlined above.

**Item 11: Briefing by Chief Fire Officer at 2:30 p.m. regarding new Building Control Regulations.**

Adrian Kelly, Chief Fire Officer and Angela Naughton, Senior Assistant Chief Fire Officer provided a presentation to members which outlined the new changes to the Building Regulations that have come into effect since the 1<sup>st</sup> September 2015. The main change now allows for a relaxation of the regulations for single dwellings and extensions by way of an introduction of an opt-out clause by which homeowners will have to declare to the Local Authority that they are either opting in or out of these regulations and the need to declare that they understand the consequences of both. All other aspects to the Building Regulations are required to be adhered to by any developer or either a single dwelling or multiple dwellings.

**Item 12: Presentation by the Halawa Family at 3:00 p.m. as agreed at the adjourned September meeting.**

Following a proposal submitted to the Council at the September monthly meeting by Cllr. M. McKee, Somaia and Omaira Halawa were welcomed to the Chamber by the Cathaoirleach. Somaia and Omaira Halawa outlined to the members the terrible conditions that their brother Ibrahim is experiencing at present while he is being held in custody by Egyptian authorities. Ibrahim was 17 when first taken into custody and has now spent 2 years and 4 months in prison in Egypt and has yet to face trial. The sisters were also held but released after spending 3 months in prison. They are appealing to the members and Government to assist in any way possible in getting their brother freed. Members pledged their support to the Halawa family and a

number of members reported that they had discussed the matter with Deputy Pat Breen, Chairman of the Joint Committee of Foreign Affairs & Trade who has visited Egypt and remains committed to assist in this matter in order to find a positive outcome.

The following resolution was proposed by Cllr. M. McKee, seconded by Cllrs. J. Crowe, C. Collieran Molloy and J. Breen and agreed by the members present.

“That Clare County Council supports the call for the release of Ibrahim Halawa, an Irish citizen, and calls on the Taoiseach to personally intervene on his behalf.”

It was agreed that this motion would be circulated to all local authorities in the state and a copy to be sent to the Egyptian Embassy in Dublin.

**Item 13: Entities.**

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

“That the following details be provided

- (a) Number of entities in which the Council has a financial share.
- (b) The amount and value of shares in each entity.
- (c) Annual return from each entity.
- (a) Number of entities, if any, in which the Council has a guarantee or underwriting role.
- (b) The risk level in each case.
- (c) Annual review process.”

**Kieran O’Donnell, Administrative Officer, Corporate Services replied as follows:**

“Entity: Shannon Broadband Limited

Shares held Ordinary Shares: 80,000 at a nominal value of €1 each

Redeemable Preference Shares: 96,255 at a nominal value of €1 each

The council does not receive any financial return from this entity. The council does not have a guarantee in place for this company. The council has a staff member on the board of the company and receives annual accounts for the company.

Entity: Glor Irish Music Limited

Shares held Ordinary Shares: 2 at a nominal value of €2 each

The council does not receive any financial return from this entity. The council provides an annual operating subvention to the company amounting to €70k per annum and provides the building in which the company operates. The council has two staff members and two council members on the board of the company, and receives annual accounts for the company. At the end of 2014 Glór had accumulated losses of €1k.

Entity: Cliffs of Moher Centre Limited

Shares held Ordinary Shares: 50 at a nominal value of €1 each

The council does not receive any financial return from this entity. The council has two staff members as Directors and Secretary of the company, and receives annual accounts for the company. At the end of 2014 Cliffs of Moher Centre Limited had no accumulated losses.

Entity: Lahinch Seaworld and Leisure Centre PLC

Shares held Ordinary Shares: 120,000 at a nominal value of €1.27 each

The council does not receive any financial return from this entity. The council provides an annual operating subvention for the company amounting to €101k per annum. The council has one staff members and two council members on the board of the company, and receives annual accounts for the company. In the financial year to October 2014 the company made an operating loss of €128k. The council has guaranteed a loan facility of €250,000 plus interest and penalties for this entity. The council has also provided a ten year guarantee in respect of the capital grants secured for the facility.

Entity: Clare Community Radio Holdings PLC.

Shares held Ordinary Shares: 1650 at a nominal value of €1.27 each

The council does not receive any financial return from this entity. The council does not have representation on the board of the company.

Entity: Kilkee Waterworld Ltd.

Shares held To be confirmed

The council does not receive any financial return from this entity. The council provides an annual operating subvention for the company amounting to €100k per annum. The council has one staff member and one council member on the board of the company and receives annual accounts for the company. In the financial year to December 2014, the company made an operating profit of €20,703. The council has guaranteed a loan facility of €100,000 and the outstanding balance is €7,790. The guarantee expires on the 1<sup>st</sup> September 2017. The council has also provided a ten year guarantee in respect of the capital grants secured for the facility.

Entity: Shannon Swimming & Leisure Centre Ltd.

The council does not receive any financial return from this entity. The council provides an annual operating subvention for the company amounting to €105k per annum. The council has one staff member on the board of the company. The council receives annual accounts for the company. The council has also provided a ten year guarantee in respect of the capital grants secured for the facility.

The council has in the past given guarantees for both Voluntary Housing and R.R.I. developments.”

Following a discussion on the matter, the Chief Executive replied to a number of queries raised and reported that the majority of the support provided to these entities was historic in nature. These projects would have been developed using E.R.D.F. funding which would have been granted subject to the Council taking interest in the project. These entities are providing community facilities and are not profit let businesses being run based on a private sector type business model. Members were



reminded that support offered to these entities was subject to approval from the Council each year and the members have the discretion to increase or reduce support.

**Item 14: Budget 2016.**

Ar moladh Cllr. G. Flynn

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

“In view of the recent meetings concerning property tax and the detailed information provided by the Finance Department, that Clare County Council follow the same criteria when calculating the 2016 Budget for the County:-

- That all programmes are transparent and clearly show how public money is managed.
- That a public consultation process be put in place.
- That the Council call on the Minister for Finance to account for the apparent wastage and over-runs when managing the National Budget with no clear cost analysis measures”.

**Niall Barrett, Head of Finance replied as follows:**

“There have been significant changes in relation to the budget and related processes recently, arising from the Local Government Reform Act 2014 and regulatory changes. These changes shortened the time period available for the budget processes, as well as adding additional steps, including the local property and municipal district processes. Other changes include the presentation of the schedule of municipal district works to the municipal districts when the road grant information is available at the start of the financial year.

In each case, the processes, timelines and formats to be used are largely determined by the legislation and/or regulations that are in place. In the case of the local property tax process this includes provision for a public consultation process, with any decision on the matter resting with the council. In the case of the budget the legislation provides for consultation with the councils corporate policy group as part of the budget generation process, with the budget itself requiring the approval of the members. The format of the financial information provided is specified in detail in the budget schedules required. In addition, the council receives a budget report which gives background to the spending programmes; as well as an overview briefing on the budget. Public notice is given of the fact that the draft budget has been prepared and of the place and time of the budget meeting. It should be noted that the council can, and does receive submissions on the budget from interested parties, often in the form of requests for funding. Importantly the expanded processes, and shorter timelines, are being dealt with in the context of the same or reducing human and other resources which has proved to be very challenging for all concerned in the process”.

Niall Barrett, Head of Finance responded to a number of queries raised and advised the meeting that the timelines and guidelines for preparing and adopting the Budget are rigidly set by the Department.

**Item 15: County of Culture & Creativity.**

In the absence of Cllr. J. Flynn, Cllr. C. Curtin formally moved this motion.

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

“That Clare County Council, having a history of supporting the provision of Artists/Crafters work spaces, investigate the feasibility of working with others to achieve the development of Artist work spaces in Ennis as the capital town of our County of Culture & Creativity.”

**Siobhán Mulcahy, County Arts Officer replied as follows:**

“The Arts Office of Clare County Council has supported the creative sector in Clare with

- a) the development of the 7 studio spaces for artists at the Tulla Stables Studios (currently with 100% occupancy)
- b) supporting the Ennistymon Courthouse Gallery and Studios (currently with 100% studio occupancy in their 5 studios)
- c) ongoing advice and assistance to individuals and groups in the county and in the Ennis area in particular in relation to studio spaces / creative spaces.

The lack of space for creative activity in Ennis is of concern and the Arts Office is aware of a significant number of organisations and individuals seeking space in which to create work, store work and display work.

The Arts Office will work with any interested parties in helping to redress this issue by

- continuing to raise this issue with the Western Development Commission to influence their priorities as part of the Creative Momentum transnational project to promote creative industries in the West of Ireland
- Work with any interested parties to advance this issue in a strategic and coherent way.
- To assess the feasibility of establishing an artists’ organisation – a structure that would enable the leasing of commercial properties, as has happened in other towns and cities in the country.”

**Item 16: Shannon Industrial Estate.**

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

“That Clare County Council would examine the possibility of co-operating with or assisting Shannon Group in the modernisation of the Shannon Industrial Estate.”

**Gerard Dollard, Director of Services replied as follows:**

“The Council has ongoing engagement with the Shannon Group in relation to matters that relate to Shannon Airport and surrounding industrial zone.

The Airport and Industrial zone are key strategic locations and their input and importance status is fully reflected in the County Development Plan and other Plans.

The Council will continue to work with all parties to bring about further improvements at Shannon Airport and the adjoining industrial zone.”

**Item 17: Public lighting.**

Ar moladh Cllr. J. Cooney

Cuidithe ag Cllrs. J. Crowe, T. McNamara and T. O'Brien agus glacadh leis

“I call on Clare County Council to make every effort not to cut off public lighting in all housing estates throughout the county, and that all repairs will be carried out over the winter months in the interest of safety.”

**Gerard Dollard, Director of Services replied as follows:**

“Since 2014, the Council has been receiving notifications on a number of developments regarding threatened cut off of power supply to public lighting. This notification usually arises from non-payment of bills over a period of time. This arises where the developer is in liquidation/receivership and also where the Developer simply abdicates his/her responsibility for a development and fails to progress the completion of the development in accordance with the conditions of the Planning Permission for handover to the Council under our Taking in Charge policy. The Planning Authority has met with the utility providers on this particular issue on two occasions in the past twelve months in an effort to contain the issue.

Responsibility for public lighting rests with the person in control of the development, until such time as the development has been Taken in Charge by the Council. Consequently, the issue is not one for the Council but primarily for the account holder. However, notification to the Council seems to be standard procedure by the utility providers and where such notifications are received the Council has engaged with the ‘person in control’ of the property which in some cases is the Developer, Receiver or a Liquidator. Such engagement, has secured the continuity of the public lighting supply.

In the case of developments where the Council are pursuing a claim on the bond, the Council has notified the bondholders of the threat of disconnection in an effort to secure their active engagement in averting the disconnection, the costs of such intervention being reimbursed from the available bond. In the past 12 months, the Council has averted the threat of disconnection of public lighting on 23 residential estates across the County through active intervention with all parties as outlined above.

This is a complex issue and the circumstances associated with each development are entirely different. The Council will continue to work with parties involved towards ensuring a continuity of electricity supply to residential estates in County Clare in the interest of the residents of these developments.

It should be noted that each development on which public lighting is taken in charge places an additional cost on the Council in terms of electricity supply and maintenance costs. These costs need to be provided for in the annual budget.”

**Item 18: Taking in charge.**

Ar moladh Cllr. I. Lynch

Cuidithe ag Cllrs. G. Keating and Cllr. G. Flynn agus glacadh leis

“That this Council review its policy on taking in charge in relation to the taking in charge of holiday developments.”

**Gerard Dollard, Director of Services replied as follows:**

“The overriding document in terms of Taking in Charge is the relevant Planning Permission and associated conditions of the permission. In practice, the grant of planning permissions for apartment complexes and holiday home developments include a condition that a properly constituted management company be established for the purpose of maintaining the public lighting, roads, footpaths, parking areas services and open spaces and as a consequence of this condition, the requirement for residents to sign up to a management company would have been incorporated into their contracts of sale at the time of purchase of such dwellings.

In such cases, the development will be subject to a release of bond application as opposed to a Taking in Charge application where the Developer submits a release of bond application on completion of the development in accordance with the Planning Permission and to the satisfaction of the planning authority.

Overall, the Council is, at present, dealing with 166 developments on which issues require to be addressed. The Council's focus, from a taking in charge perspective, is on residential developments where the tenure is permanent occupation. From a financial point of view the Council simply does not have the resources to assume responsibilities for holiday home developments where alternative arrangements should be in place for the ongoing management and maintenance of such developments.”

**Item 19: Social housing.**

Ar moladh Cllr. P.J. Ryan

Cuidithe ag Cllr. C. Crowe agus glacadh leis

"That this council would be provided with a detailed account of funds drawn down since our last budget, to provide social housing in the County, and also specify what amounts were allocated to new build and house purchase”.

**Gerard Dollard, Director of Services replied as follows:**

“The sum of €1,842,062 has been claimed to date in 2015 from the Department of the Environment, Community and Local Government in respect of house purchases.

It is anticipated that contracts will be signed for the majority of house purchases agreed (65 no.) and funding drawn down before year end.

No funding for new build has been claimed to date. The social housing construction project consisting of 12 units at Tullyglass, Shannon is at planning stage whilst the 12 unit project at Seaview Park, Quilty is at design stage. Some design team fees in respect of these projects will be claimed before year end. Claims for Departmental

funding are currently being prepared for both the Vacant Stock and Energy Efficiency Programme. The Council will also be claiming funding in 2015 for the Cuan an Chláir Project consisting of 12 units at Cahercalla Ennis as this Scheme is completed and the Final Account is with the Department for approval.

The Council will be making claims as expenditure arises but have been assured by the Department that adequate capital funding is available to meet the housing programme that is being progressed in County Clare.”

Ger Dollard responded to a number of queries raised and advised the meeting that only monies spent can be drawn down and that further claims would be submitted to the Department before year end. Vacant properties are being looked at but the purchasing and letting of housing must be based on the demand in a particular area and the suitability of the housing for the need.

Cllr. C. Curtin requested that a similar report be compiled showing details for each of the Municipal Districts.

**Item 20: Capital Assistance Scheme.**

Ar moladh Cllr. P. Murphy

Cuidithe ag Cllr. J. Crowe agus glacadh leis

“I am requesting that the Chief Executive, outline in detail the protocol/criteria that is used by Clare County Council when prioritising applications for the Capital Assistance Scheme. Also, that he would outline on the role of elected members and Housing S.P.C. in the decision making process”.

**Gerard Dollard, Director of Services replied as follows:**

“When issuing a Call for Proposals under the Capital Assistance Scheme, the Department of Environment, Community and Local Government issues criteria to be included in the assessment of priority of each application for funding. Specifically included in the 2015 criteria were

1. All applications must comply with the terms and conditions of the Capital Assistance Scheme as set out in Memorandum VCU: 2/02 and Circular VHU: 2/08;
2. The extent to which the proposals address the housing need as identified in the Housing Needs Assessment;
3. Deliverability within the timescales envisaged, i.e. substantially completed and funding drawn down by November 2017 at the latest;
4. Projects should be in a position to progress without delay following funding approval, with some recoupable expenditure to be incurred in 2015;
5. Value for Money – Proposals must be cost effective and fit-for-purpose and will be required to demonstrate sound Capital Appraisal and proper Financial Management and Procurement

Proposals received are subject to an administrative assessment prior to submission to the Department. Elected members do not have a direct role in the assessment process. However, in working to identify the nature and extent of housing needs for people with specific accommodation requirements, the Council consult with local inter-agency/co-ordinating groups that deal with issues straddling housing and special need,

such as the Planning and Housing S.P.C., Clare Homelessness Alliance and the Housing and Disability Steering Group.”

**Item 21: Coastal protection works.**

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

“That the executive of Clare County Council would present a progress report on the provision of coastal protection works following the storms of 2014.”

**Tom Tiernan, Senior Engineer, Transportation replied as follows:**

“The following are the key current pertinent points.

- A framework of consultants was established in 2014 so that appointments could be accelerated in situations where substantial or complex works are required and where approval is confirmed by the O.P.W. to proceed to carry out feasibility studies in the context of coastal defence strengthening requirements.

**Strengthening and Remediation Projects.**

*The following table sets out the current position in relation to Strengthening and significant Remediation projects:*

<b>Project</b>	<b>Current Situation</b>
Cloughaninchy	Draft Feasibility Study completed and will be submitted to O.P.W. shortly
Kilkee	North terrace substantially completed and construction of South terrace to get underway by end of October - to be completed before the 2016 tourist season.
New Quay/Aughinish	Approval confirmed by O.P.W. to proceed to Feasibility. Consultant appointed and commission ongoing.
Doolin	Consultant procurement process almost completed.
Liscannor Bay <ul style="list-style-type: none"> <li>• Clehane</li> <li>• Adjacent to Pitch and Putt course</li> </ul>	Consultants appointed and Feasibility Study ongoing.

<ul style="list-style-type: none"> <li>• Liscannor</li> <li>• Lehinch North</li> </ul>	
Lehinch Central (Promenade Area)	Part VIII ongoing. Pending Part VIII approval, construction contract to get underway in Q4, 2015
Lehinch South	Consultants appointed – design work and Planning preparation underway.
Whitestrans (Milltown Malbay)	Consultants appointed – Feasibility Study underway
Spanish Point	Ditto
Quilty	Ditto
Whitestrans (Doonbeg), Rhyngonnaught, Carradotia (Moneypoint), Cappagh.	Gone to tender – all retaining wall construction jobs.
Doonmore (Doonbeg)	Consultant appointed – design work ongoing – preparation for formal Planning process ongoing.
Knock	Sea wall remediation – works underway.
Ross Bay	Strengthening requirements – not yet approved to go to Feasibility Stage
Kilbaha	Consultants appointed and Feasibility Study underway
Kilcredaun	Consultants appointed – design work ongoing – preparation for Planning process ongoing.
Ballycar, Newmarket on Fergus	Road reconstruction ongoing

- Expenditure in 2014 closed out at €5.8 million – leaving a balance available of more than €1.8 million out of the €7.6 allocated by the Department of the Environment in February of last year.
- A programme of works on foot of the outstanding elements of the funding package which was originally confirmed early last year was prepared and submitted to the Department of the Environment and the O.P.W. at the beginning of this year – as required by letter of February 27<sup>th</sup>, 2014. The primary characteristics of the programme are:

- Distribution of repair funding (€1.8 million) across approximately 20 sites.
- Preparation of Feasibility Studies and commencement of implementation of strengthening works at up to 10 locations – subject to funding approval on foot of outputs of Feasibility Studies – see above table.
- Most of the proposed repair works are to be carried out in 2015 while much of the proposed strengthening works (if approved) will extend beyond 2015 through 2016, 2017 and 2018.

Cllr. B. Slattery had requested at the July meeting that Cregg Beach be included in the Lahinch works. Tom Tiernan, Senior Engineer confirmed that this was being facilitated. The meeting noted that an announcement had been made in the past week that an additional €1.4m was being made available but this has not been confirmed in writing to the Council at this point.

**Item 22: Procurement of legal services.**

Ar moladh Cllr. C. Curtin

Cuidithe ag Cllr. G. Flynn agus glacadh leis

“That arising from query raised at the termination of the September Council meeting and subsequent discussion with the Chief Executive on the competition process for the procurement of legal services by Clare County Council for the next 6 years the Chief Executive clarify and outline

- No. of tenders received with name of successful tenderer
- Team members of the assessment panel with their relevant qualifications and experience with the process
- Criteria for evaluation of the most advantageous tenderer
- Rates of fee including fixed and hourly rates for time spent on files
- Rate for statutory Council meeting appearance
- Projected annual savings for the service.”

**Kieran O’Donnell, Procurement Officer, replied as follows:**

“3 tenders were received. The successful firm was Michael Houlihan and Partners with John Shaw as the nominated County Solicitor.

The Assessment Panel was made up as follows

- A retired Chief Executive who has significant experience in this area and who fully understands the specific needs of local authorities for legal services
- A full-time Law Agent for one of the largest local authorities in the country.
- A representative from Achilles Procurement Services, who had experience of running similar competitions for other local authorities and for other public bodies.

The following criteria were used to evaluate the Most Economic Advantageous Tender



- Demonstration of an understanding of the legislative and regulatory environment in which Clare County Council operates. (10%)
- Methodology for governing the delivery of the required services. (10%)
- Draft Service Level Agreement. (10%)
- Technical Merit of Human Resources Offered. (30%)
- Extent in which Clare County Council can place confidence in the tenderer's delivery of the services as specified. (5%)
- Cost. (35%)

To compare costs, the Council used a combination of methods. For routine transactions e.g. conveyancing, preparation of leases, district court appearances etc, there is a fixed fee agreed. For other more complicated cases, the costs will be based on the number of hours spent on the file and again, there are fixed hourly rates agreed that can be charged.

The actual rates tendered by Michael Houlihan and Partners are protected under Section 36(1)(b) of the Freedom of Information Act 2014 and cannot be released.

Section 3.12 of the Council's Invitation to Tender document deals with the attendance at meetings of Clare County Council. It states

“The County Solicitor will be required to attend meetings of Clare County Council when requested to do so. No fee will be payable for attendance at these meetings”.

It is impossible to quantify the actual savings that will arise in 2016 as a result of this competition as expenditure on legal services is directly related to the level of legal activity which is difficult to anticipate in advance. As outlined in (d) above, this competition has introduced a new costing mechanism. This new costing method will facilitate enhanced management of costs and a more transparent system of charging for services.”

In response to a number of queries raised, the Chief Executive reported that although value for money was a key component in the tender process, a number of other factors had significant importance such as knowledge of Local Government and associated laws and availability of key experienced personnel. Achilles Procurement who are procurement specialists provided the Council with the method and breakdown for the selection process based specifically on the service we were tendering for and their experience of running many similar competitions in the public sector.

**Item 23: Economic recovery.**

Ar moladh Cllr. J. Flynn

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

“Government Budget 2016 – That Clare County Council request the Minister for Finance, Mr. Michael Noonan, T.D. to ensure that the economic recovery delivers real results in Clare by delivering job growth through financial incentives such as

- Increasing the Local Government Fund to Clare by €10m. for 2016 in order that Clare County Council ring-fence that amount to reduce commercial

rates in the county. This would help existing employment to be sustained and attract new job creation.

- Extend the 9% V.A.T. rate to other tourism related activities.
- Reduce the current 23½% V.A.T. rate to 21%.
- Remove tax, P.R.S.I. and other unfair anomalies for self-employed to ensure equal treatment.”

**Item 24: Resource hours.**

Ar moladh Cllr. C. Crowe

Cuidithe ag Cllr. A. Norton agus glacadh leis

“That this Council calls on the Minister for Education to reverse the 15% cut to resource hours for children with special needs”.

**Item 25. Comhfhreagras.**

- Cllr. C. Crowe asked if any update could be provided on the Civic Reception proposed for the Clare Hurling team of 1995. It was reported that a letter of invitation has issued to the County Board but they have not responded to the Council at present.
- It was agreed that any notice of motions received for future meetings which were “Questions” would be clearly identified in the agenda being circulated for the meeting.

**Correspondence.**

**The following correspondence was circulated with the agenda:**

1. Correspondence dated 28<sup>th</sup> September, 2015 from the Competition and Consumer Protection Commission regarding the motor insurance industry.
2. Correspondence dated 10<sup>th</sup> September, 2015 from the Department of Transport, Tourism and Sport in relation to illegal encampments.
3. Correspondence dated 28<sup>th</sup> September, 2015 from the Minister for Education and Skills regarding the standardization of school uniforms.
4. Correspondence dated 28<sup>th</sup> September, 2015 from the Office of the Taoiseach relating to end of life issues.
5. Correspondence dated 23<sup>rd</sup> September, 2015 from the Department of Environment, Community and Local Government in connection with resolution regarding micro energy systems.
6. Correspondence dated 25<sup>th</sup> September, 2015 from the Department of Communications, Energy & Natural Resources regarding renewable energy.
7. Correspondence dated 29<sup>th</sup> September, 2015 from the Office of the Minister for Agriculture, Food and the Marine regarding the request to increase the slaughter period from 30 to 36 months in order to help small and medium producers of beef.
8. Correspondence dated 30<sup>th</sup> September, 2015 from the I.F.A. regarding the request to increase the slaughter period from 30 to 36 months in order to help small and medium producers of beef.

9. Correspondence dated 9<sup>th</sup> September, 2015 from the Department of Environment, Community and Local Government in relation to housing allocations in County Clare.
10. Correspondence dated 5<sup>th</sup> October, 2015 from the Department of Health concerning ambulance stations in Clare.
11. Resolution adopted by Sligo County Council in relation to the 2012 Credit Union Act.
12. Resolution adopted by Tipperary County Council in relation to suicide awareness.
13. Resolution adopted by Leitrim County Council in relation to travel pass.
14. Resolution adopted by Leitrim County Council in relation to inheritance tax
15. Resolution adopted by Galway County Council in relation to commercial rates.
16. Support & Advocacy Service for Older People National Conference taking place in Croke Park Conference Centre, Dublin on 16<sup>th</sup> October, 2015.
17. Conference entitled “A Practical Guide to Budget 2016” taking place in the Clonakilty Hotel, Clonakilty, Co. Cork on 23<sup>rd</sup> – 25<sup>th</sup> October, 2015.
18. Nuclear Free Local Authorities All Ireland Forum Autumn Seminar taking place in Council Chamber, Town Hall, Dundalk, Co. Louth on 30<sup>th</sup> October, 2015.
19. Conference entitled “Consumer Rights Bill – Landmark reform of Consumer Law” taking place in The Clonakilty Hotel, Clonakilty, Co. Cork on 6<sup>th</sup> – 8<sup>th</sup> November, 2015.
20. Conference entitled “Regulation of Lobbying Act 2015” taking place in the Four Seasons Hotel, Carlingford, Co. Louth on 20<sup>th</sup> – 22<sup>nd</sup> November, 2015.
21. Elected Members Seminar entitled “Urban Regeneration and Housing Act 2015” taking place in the Connacht Hotel, Dublin Road, Galway on 20<sup>th</sup> & 21<sup>st</sup> November, 2015.
22. Elected Members Seminar entitled “Regulation of Lobbying Act 2015” taking place in the Connacht Road, Dublin Road, Galway on 27<sup>th</sup> – 28<sup>th</sup> November, 2015.
23. Elected Members Seminar entitled “The Town Renewal Plan” taking place in the Connacht Hotel, Dublin Road, Galway on 11<sup>th</sup> & 12<sup>th</sup> 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. “In Service” Training taking place in the Nuremore Hotel, Carrickmacross, Co. Monaghan on 12<sup>th</sup> and 13<sup>th</sup> March 2015**

The Meetings Administrator informed the Members that the estimated average cost per Councillor attending this Conference was €28.56

It was agreed that Cllr. P.J. Kelly attend this Conference.

**A.I.L.G. “In Service” Training taking place in Kilkenny on 7<sup>th</sup> 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 Cllr. M. Begley attend this Conference.

**Conference entitled “Regulation of Lobbying Act 2015” taking place in the Clonakilty Hotel, Clonakilty, Co. Cork on 7<sup>th</sup> – 9<sup>th</sup> August, 2015.**

The Meetings Administrator informed the Members that the estimated average cost per Councillor attending this Conference was €84.63 including conference fee of €100.

It was agreed that Cllrs. R. Nagle and T. McNamara attend this Conference.

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

The Meetings Administrator informed the Members that the estimated average cost per Councillor attending this Conference was €93.48 including conference fee of €25.

It was agreed that Cllrs. P. Daly, J. Cooney, A. O’Callaghan, R. Nagle, P. McMahon, A. Norton, T. McNamara, G. Keating, P.J. Ryan, M. Begley, G. Flynn and B. Slattery 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 9<sup>th</sup> & 10<sup>th</sup> October, 2015.**

The Meetings Administrator informed the Members that the estimated average cost per Councillor attending this Conference was €74.95 including conference fee of €80.

It was agreed that Cllrs. J. Cooney, R. Nagle, T. McNamara, A. Norton, M. Begley and P.J. Ryan attend this Conference.

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

The Meetings Administrator informed the Members that the estimated average cost per Councillor attending this Conference was €26.39 including conference fee of €50.

It was agreed that Cllrs. B. Chambers, P. Murphy, R. Nagle, P.J. Kelly, P. Daly, A. Norton, J. Cooney, R. Nagle, M. Hillery, M. Begley, T. O’Brien, C. Collieran Molloy and G. Keating attend this Conference.

**A.I.L.G. “In Service” Training taking place in Kilkenny on 7<sup>th</sup> 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 Cllr. T. McNamara attend this Conference.

The meeting then concluded.

**Signed:** \_\_\_\_\_  
**Riarthóir Cruinnithe**

**Signed:** \_\_\_\_\_  
**Cathaoirleach**

**Date:** \_\_\_\_\_