

**Minutes of the September Monthly Meeting of Clare County Council held in the Council Chamber, Áras Contae an Chláir, New Road, Ennis, Co. Clare on Monday, 14<sup>th</sup> September, 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, 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.
- Ms. Helen Walsh, County Librarian.
- Mr. Adrian Kelly, Chief Fire Officer.

**Apologies:**

Councillor J. Crowe.

The Cathaoirleach, Cllr. James Breen presided.

**Votes of sympathy.**

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

- Noel McMahon and Sean McMahon, Clare County Council employees on the death of their father and grandfather respectively Sean McMahon, Tulla Road, Ennis (former Station Officer, Ennis Fire Station).
- Sean O'Grady, Clare County Council employee on the death of his mother, Elizabeth (Betty) O'Grady, Crusheen.

Prayers were recited for the deceased.

**Item 1: Minutes of Council Meetings.**

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

“That the Minutes of the July Monthly Meeting of Clare County Council held on 13<sup>th</sup> July, 2015 be adopted and signed.”

b. Ar moladh Cllr.  
Cuidithe ag Cllr. agus glacadh leis

“That the Minutes of the adjourned July Meeting of Clare County Council held on 24<sup>th</sup> July, 2015 be adopted and signed.”

A resolution to amend the minutes from the meeting held on the 24<sup>th</sup> July, 2015 was submitted by Cllr. C. Crowe and signed by Cllrs. C. Crowe, P.J. Kelly, M. McKee, C. Collieran Molloy, G. Flynn and I. Lynch.

The minutes under Items 8 and 9 to be amended by adding the following paragraph.

“The Cathaoirleach, Cllr. J. Breen asked if the elected members had any counter proposals to make. Cllr. C. Crowe said that he would like to make one. Cllr. J. Breen stated that as he had not received any other proposal in writing, he was proceeding to deal with the motion which was put to the meeting and would not consider any further proposals”.

The Cathaoirleach advised the meeting that he would consider this proposal and deal with it further at the next meeting.

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

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

“That the Minutes of the West Clare Municipal District Special Meeting held on the 5<sup>th</sup> May, 2015 be noted.”

b. Ar moladh Cllr. B. Chambers  
Cuidithe ag Cllr. R. Nagle agus glacadh leis

“That the Minutes of the West Clare Municipal District Meeting held on the 5<sup>th</sup> May, 2015 be noted.”

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

“That the Minutes of the Shannon Municipal District Meeting held on the 26<sup>th</sup> May, 2015 be noted.”

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

“That the Minutes of the Killaloe Municipal District Meeting held on the 27<sup>th</sup> May, 2015 be noted.”

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

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

f. Ar moladh Cllr. C. Curtin  
Cuidithe ag Cllr. B. Chambers agus glacadh leis

“That the Minutes of the West Clare Municipal District Annual General Meeting held on the 22<sup>nd</sup> June, 2015 be noted.”

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

“That the Minutes of the Ennis Municipal District Meeting held on the 24<sup>th</sup> June, 2015 be noted.”

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

“That the Minutes of the Ennis Municipal District Annual General Meeting held on the 24<sup>th</sup> June, 2015 be noted.”

i. Ar moladh Cllr. M. Begley  
Cuidithe ag Cllr. J. Cooney agus glacadh leis

“That the Minutes of the Killaloe Municipal District Meeting held on the 26<sup>th</sup> June, 2015 be noted.”

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

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

“That the minutes of the Economic Development & Enterprise S.P.C. meeting held on 11<sup>th</sup> May, 2015 be noted.”

b. Ar moladh Cllr. G. Flynn  
Cuidithe ag Cllr. A. Norton agus glacadh leis

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

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

The members noted the minutes of the meeting held on 6<sup>th</sup> July, 2015 as presented.

**Suspension of Standing Orders.**

At this point in the meeting the following proposal was submitted to the Council proposed by Cllr. C. Curtin and seconded by Cllrs. M. Hillery, M. Begley, A. Norton, R. Nagle, B. Chambers, P.J. Ryan, J. Cooney, G. Flynn, G. Keating, B. Slattery, J. Flynn and P.J. Kelly.

“We propose the suspension of Standing Orders to facilitate the presentation of a report by the Senior Engineer on flooding in the Municipal Districts of the County on last Friday night and Saturday morning.”

It was agreed by all members present that this presentation would take place once all headed items on the agenda were dealt with.

**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.

Responding to a number of queries raised Ger Dollard advised the meeting that a submission had been made to the Department with regard to the CEDRA and REDZ programmes but to date a response had not issued, however one is expected in the coming weeks and this would be communicated with members.

He further advised that CLDC are currently carrying out public consultation meetings about the county. With regard to Housing, in particular the issue of homelessness and refurbishing Council owned homes for re-letting, Ger Dollard advised that the area of homelessness is a challenge and that the Council is currently dealing with approximately 25 cases and to date the budget provided for the refurbishment of local authority homes has already been spent.

**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 property at Ballyalla, Ennis, Co. Clare.**

Report dated 2<sup>nd</sup> September, 2015 from Mairead Corbett, Administrative Officer, Housing Directorate was circulated with the agenda together with map. The report states that it is proposed to dispose of property at Ballyalla, Ennis.

Ar moladh Cllr. A. Norton  
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 property at Ballyalla subject to the conditions as set out in the notice served on the members dated 2<sup>nd</sup> September, 2015.”

**Item 7: Disposal of property pursuant to Section 183 of the Local Government Act, 2001 and Section 211 of the Planning & Development Act, 2000. Proposed disposal of property at Lee Park, Shannon, Co. Clare.**

Report dated 17<sup>th</sup> August, 2015 from Mairead Corbett, Administrative Officer, Housing Directorate was circulated with the agenda together with map. The report states that it is proposed to dispose of property at Lee Park, Shannon.

Ar moladh Cllr. M. McKee  
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 property at Lee Park, Shannon subject to the conditions as set out in the notice served on the members dated 17<sup>th</sup> August, 2015.”

**Item 8: Report in accordance with Part XI, Section 179 of the Planning and Development Act 2000, as amended, and Part VIII, Article 80 and 81 of the Planning & Development Regulations 2001-2013 for the proposed works on bridge at Lissyneillan, Mullagh, Co. Clare.**

Report dated 18<sup>th</sup> August, 2015 from Gordon Daly, Senior Planner was circulated with the agenda together with map. The report states that the existing bridge structure will remain in place. The works will involve widening the deck through careful removal of existing masonry on the eastern elevation, construction of arch barrel section and careful reinstatement to match the original eastern elevation. A temporary bridge will be constructed to the west of the existing structure during the works. A safety barrier will be fitted adjacent to the new deck. New masonry parapets will be provided. The works are located at Lissyneillan Bridge, Lissyneillan along the N67 south of Quilty and north of Creegh. The bridge traverses the Annageeragh River.

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

“That pursuant to Part XI, Section 179 of the Planning and Development Act, 2000 (as amended) and Part VIII, Article 80 and 81 of the Planning and Development Regulations 2001 – 2010, Clare County Council proceed with the proposed works on bridge at Lissyneillan, Mullagh, Co. Clare.”

**Item 9: Financial Report for half year to 30<sup>th</sup> June, 2015.**

Financial Report for half year to 30<sup>th</sup> June, 2015 was circulated with the agenda. The report is a financial review of the Council’s income and expenditure account for the first six months of 2015, together with an overview of the activity on capital projects in the same period. The members noted the report as presented.

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

“Pursuant to the provisions of Section 104 of the Local Government Act 2001, additional expenditure to be incurred in 2015 in the amount set out below in respect of the following is hereby approved:-

Division B	Road Transport and Safety	€2,156,000”
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The Head of Finance, Niall Barrett responded to a number of queries raised by the members in relation to aspects of the report and advised that income for N.P.P.R. was slightly ahead of budget this year to date as a result of a number of properties being sold and N.P.P.R. arrears being collected. It is expected that the 2016 net figure for L.P.T. will not be any lower than what was received in 2015.

Collections for rates, rents and housing loans are in line with collection levels for last year.

In the area of expenditure, additional monies were spent in Traveller Accommodation in response to emergency works that had to take place at a number of locations, however there may be a possibility that the Department may recoup this.

**Item 10: Set date for meeting to consider Local Property Tax 2016.**

It was proposed by Cllr. G. Flynn, seconded by Cllr. J. Flynn and agreed by all members present that this meeting would take place at 2:30 p.m. on Monday, 28<sup>th</sup> September, 2015.

**Item 11: Taking in Charge Policy for Private Roads.**

Report dated 8<sup>th</sup> September, 2015 from John Corry, Administrative Officer, Transportation was circulated with the agenda.

This policy document has been prepared to facilitate the taking into charge by Clare County Council, where appropriate, of roads which heretofore have not been the responsibility of the local authority.

The report states that the Draft Taking in Charge Policy for Private Roads has been approved by the Environment & Transportation S.P.C. and has also appeared on the

meeting agendas of each of the Municipal Districts for their information. The Draft Policy is now recommended for the Council's approval.

The Draft Policy as presented was proposed by Cllr. T. O'Brien, seconded by Cllr. M. Hillery and agreed by all present.

### **Suspension of Standing Orders.**

At this point in the meeting as agreed by all members Standing Orders were suspended in order for an update to be provided by the Senior Engineer to members on the flooding which took place on Friday 11<sup>th</sup> and Saturday 12<sup>th</sup> September.

A number of members complimented the swift action taken by Council employees, Fire Service personnel and locals in response to the flooding that had taken place in particular in the Miltown area.

Tom Tiernan reported that a considerable amount of rain fell on Friday evening in particular in areas along the west coast of the county during a short period of time. This resulted in culverts and drainage systems being unable to cope with the intense amount of water entering them, with many overflowing as was the case in Church St., Miltown Malbay. Clonbony Bridge in Miltown Malbay also had to be closed due to damage and the N.R.A. had been made aware of this and they would be assessing the damage at this location. At Rineen, sliding on the embankments was reported and damage at this location is being assessed at present.

### **Item 12: Consultation procedure.**

Ar moladh Cllr. P.J. Kelly

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

“That the C.E.O. prepares a document detailing consultation procedure with members:

- a. as prescribed in law.
- b. in updating Councillors on a regular and timely basis on work programmes, development and operational activities and other stated statutory functions at both municipal and county level.”

### **Tom Coughlan, Chief Executive replied as follows:**

“Legislation requires that the Chief Executive must prepare an annual progress report in respect of the Corporate Plan, which must be submitted to the Elected Council at the same time as the authority's Draft Budget or any other time as the Elected Council may decide by Resolution. Details of progress must be included in Clare County Council's Annual Report.

In accordance with legislation, the Chief Executive is required to produce monthly Management Reports (known as Management Reports) for the Council. The Management Reports set out details of services provided, policy implementation and other performance details.

Notwithstanding the requirement to prepare reports for the full Council on a monthly basis, efficiencies are achievable through integrating management reporting for

Committees of the Council including the Strategic Policy Committees (S.P.C.'s), the Audit Committee and the Corporate Policy Group (C.P.G.).

In any event, good communication and consultation between Elected Members and the Council's Executive is essential for the effective running of Clare County Council.

I note that in this month's Agenda, both the Monthly Management Report and the Financial Report for the half year to 30<sup>th</sup> June are before the Members for their consideration. In accordance with legal requirements, I will continue to ensure that Members receive all prescribed reports in a timely fashion and in the format prescribed in legislation.

In general, consultation between Elected Members and Council staff takes place on a daily basis in both a formal and informal basis. Formally some matters are discussed during Strategic Policy Committee meetings, Municipal District meetings, Meetings of the full Council and when Special Meetings and briefings are held on specific issues. Informally, Elected Members discuss issues with staff members on a regular basis."

**Item 13: Budget 2016.**

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

"That a sum of money be provided in the estimates to support outdoor festival events which involve the participation of persons, groups or organisations from outside the county."

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

"The Council, as part of its tourism promotion budget, endeavours to support festivals and events that bring an economic, social and cultural benefit to the county. In addition, the General Municipal Allocation in each of the Municipal Districts has, and can be, used to fund events as agreed by the Elected Members.

The Council has also recently sought expressions of interest from festivals/events in relation to its overall County of Culture programme for 2016.

General support for festivals and events can be considered as part of Budget 2016 and in the consideration by the Municipal Districts of the General Municipal Allocation for 2016."

**Item 14: Budget 2016.**

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

"I request Clare County Council to provide financial support in 2016 Budget for the running of the Clare Older People's Council (O.P.C.).

That Clare County Council, in line with a number of other Local Authorities, make provision in the formulation of the 2016 budget for financial support for the Clare Older People's Council (O.P.C.), a voluntary group who work to improve the quality



of life of all older people in the County. Such financial support would ensure that the Clare O.P.C. can continue to work effectively and efficiently in partnership with the other Clare Age Friendly County Strategy stakeholders to achieve the implementation of the excellent Strategy”.

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

“Clare County Council led the development of Clare Age-Friendly Strategy. It is now supporting its key delivery structures (Alliance Board, Implementation Team, Business of Ageing Forum, The Older People’s Council). This involves providing:

- support to the Alliance Board (Chaired by Mr. Gerry Kelly) in the form of Staff, meeting rooms, and operational costs)
- support to the Implementation Team (Chaired by Ms. Maria Molloy) in the form of Staff and meeting rooms
- support to the Business of Ageing Forum (Chaired by Mr. Liam Toland) in the form of Staff and meeting rooms.

Support for The Older People’s Council was provided until the end of March 2015 under the former Local Community Development Programme by Clare Local Development Company which took the form of Staff and small financial support.

The programme’s successor (Social Inclusion Community Activation Program - SICAP) did not contain such support. However, the Review of SICAP allows for “LCDCs.... to engage with the Programme Implementers on referring particular target groups to SICAP”. The mid-term review process will be conducted by the Local Community Development Committee during September 2015.

This approach offers the best means of substantial on-going support for The Older People’s Council. In the interim the Council will consider a small financial contribution from existing budgets.”

**Item 15: Budget 2016.**

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

“That Clare County Council -

- (1) Substantially increase the proposed budgetary allocation for The 1916 Rising/War of Independence commemorative events and actions.
- (2) Include the provision of ‘Gardens of Remembrance’ at multiple locations throughout the county as part of its commemoration plans for The 1916 Rising.”

**Helen Walsh, County Librarian/1916 Steering Committee Co-ordinator replied as follows:**

“(1) The Council will shortly receive €30,000 for community responses to the commemoration of 1916. Through the consultation process, 31 applications for funding were received and 30 allocated funding. The one application that did not receive funding did not fulfil the criteria necessary to avail of funding. The

commemoration of 1916 is deemed to be quite separate from any commemoration of the War of Independence which will be commemorated between 2019-2021. It is expected that a second tranche of funding will be released from Central Government in early 2016, of equal value to the first and may require a commitment for matched funding from each Local Authority. The County Programme has been submitted to the 1916/2016 Co-ordination office in Dublin. The programme was presented to the 1916 commemoration sub-committee of the Cultural, Arts, Community, Recreation and Amenity Services S.P.C. on 2<sup>nd</sup> September and deemed ready to pass on to 2016 Office in Dublin. There are 66 separate activities listed, with a proportion of these being led by the Library, Arts Heritage services and County Museum and Archives services. Most of this programming will be completed within the existing budgets for these Departments. At present, it is not envisaged that extra funding is required to complete the programming for the year.

(2) The “Gardens of Remembrance” initiative is being led by Senator Mark Daly and of late has got the backing of the 2016 Office. The 7 signatory gardens designed by Diarmuid Gavin can be installed on existing public land in conjunction with Tidy Towns and community organizations with some input from Local Authorities. This information was made available to individuals and groups who participated in the consultation process in June – to date, only one garden is being proposed and this applicant has received notification of funding. A small number of applicants wish to dedicate part of existing commemorative sites to 1916 and have likewise been granted funding. Information has been passed on to other individuals who were considering gardens but no further applications for gardens have been received.”

Helen Walsh responded to a number of queries raised and advised the meeting that the deadline for receipt of submissions for funding was set by the Department and was brought forward to the end of August at their request which did not permit any available opportunity to bring this to the attention of members. Local Historians have been involved in all meetings held locally to date and will continue to do so throughout 2016. It is intended that the Clare Programme will be launched in October 2015. A sum of €30,000 was provided as seed funding for 2015 and is to be matched for 2016 but it is further anticipated that another €30,000 will be provided also. It is hoped that the current committee will remain in place after the 2016 celebrations to work on further projects in relation to the commemoration.

**Item 16: L.I.S. Scheme.**

Ar moladh Cllr. J. Cooney  
Cuidithe ag Cllr. M. Begley agus glacadh leis

“That Clare County Council include one road in each Municipal District for the L.I.S Scheme in it roads budget programme.”

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

“As we move towards the last quarter of 2015, I take it that this motion refers to the budget to be prepared for 2016. The indications from the Department of Transport, Tourism and Sport are that there will be little or no increase in road grant allocations for 2016. Therefore, as things stand, we expect that funding levels next year will continue to be in the region of 45% less than they were at the end of the boom period in 2008. Over the past 7 years or so it has been necessary to leave many of the county’s roads to deteriorate – particularly Local Secondary and Local Tertiary roads

– because of the inadequacy of funding levels over that period. In such circumstances, I cannot advise in favour of any policy which would involve expenditure of public money on roads for which the Council doesn't have responsibility when it doesn't have adequate funding to look after a significant proportion of the roads for which it does have responsibility.”

Tom Tiernan advised the meeting while responding to queries raised, that Local Improvement Schemes have not been ring-fenced for funding for the past number of years with public funding being prioritised towards public roads and this is unlikely to change in the near future.

**Item 17: Medical emergencies.**

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

“Clare County Council as an emergency service provider, through the fire service, would review its policy on attending medical emergencies and would also pioneer a project in conjunction with the health service, utilising the availability of current vehicles and trained staff providing additional cover in medical emergencies by deploying fire service staff (2) in station van/jeep in situations where attendance at a scene by ambulance is outside the clinical guidelines and attendance by fire service is quicker due to location and availability”.

**Adrian Kelly, Chief Fire Officer replied as follows:**

“The most recent policy document on fire safety and fire services in Ireland is “Keeping Communities Safe”. This is the outcome of a fire services review process undertaken in 2011/12, which considered the roles to be performed by fire authorities. It concluded that there are both ‘core’ and ‘discretionary’ fire service roles. The provision of specific assistance by fire service crews at the request of the National Ambulance Service (N.A.S.) is regarded as a discretionary role, in so far as it is not a statutory function of fire authorities.

Over recent years, there are examples of the N.A.S. calling on assistance from fire services in cases where, for example, the N.A.S. experiences difficulty, because of distance from an ambulance base or when N.A.S. ambulance resources are responding to another call, in responding to an emergency call for assistance within acceptable timeframes.

Clare County Fire and Rescue Services generally respond to mobilisation requests and calls for assistance from other emergency services, and provide assistance as required for the public. To the end of July in 2015, Clare County Fire & Rescue Service have responded on 16 occasions to Ambulance Assistance calls. However, there is no agreement for interaction between the services nationally and such response is judged on an authority by authority basis.

The potential for fire services to provide assistance to the N.A.S., as medical first responders, and to assist the N.A.S. in meeting response targets, is recognised. However, any proposal for such assistance should be subject to appropriate governance arrangements and developed in the context of a service agreement dealing with the scope of assistance to be provided, mobilisation arrangements, equipment,

initial and on-going training, patient handover to N.A.S. or H.S.E. personnel, recoupment of costs, etc.

The Council must be conscious of the statutory function of fire authorities, together with the responsibility for the safety, health and welfare of fire service personnel when reviewing the areas of response of the Fire Service to incidents outside the statutory role. Minimum crewing levels are in place to ensure an effective and appropriate response is mobilised to incidents that are attended by the Fire Service, and the selective response (mentioned in the notice of motion) with providing reduced numbers of personnel to a medical emergency, may cause available crew in a Station fall under the minimum required to mobilize to a fire-related incident.

The Department of Environment, Community and Local Government (DoECLG) has held discussions with the Department of Health (DOH) to examine the scope for standardising fire service provision of assistance to the N.A.S. and to explore the potential for suitable arrangements to govern same. It is my understanding that the Department of Health has indicated that it would be supportive of the development of fire service emergency first responder (E.F.R.) capability. Further discussions, including with staffing interests, may establish if this is a viable option.

It is also worth noting that there are significant costs implications for the local authority in responding routinely to emergency calls for assistance by the N.A.S. The costs involved in providing this assistance fall in the first instance to the fire service, which has no statutory responsibility for the provision of ambulance or medical services. In the past, fire services have experienced difficulty in recouping costs of mobilisations from the N.A.S. In the absence of a suitable service arrangement, which includes recoupment arrangements in respect of costs, local authorities could in effect be paying for part of the N.A.S./H.S.E. service.”

Adrian Kelly responded to a number of queries raised and advised the meeting that the statutory role of the firefighter is to control fires and assist in rescues etc. Retained firefighters provide cover all over the county and at present the service is stretched. Providing back up and taking on an additional role would be difficult with current staffing levels and agreeing to provide support locally to the ambulance service would be premature as approval would need to be required on this at a national level. The Clare Fire Service this year to date has assisted the ambulance service in 16 instances and at present, Clare firefighters are trained at a First Responder level to assist in medical emergencies. It was agreed that this notice of motion would be sent to the relevant Minister.

**Item 18: Staff appointments.**

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

“That the Chief Executive Officer up-date the Council on recent new staff appointments (category and location), up-grading of existing position holders and the current status of Service Level Agreements with its implication for deployment of staff and impact on service delivery in each of the Municipal Districts”.

**Sobhán O’Keeffe, A./Senior Executive Officer, Human Resource Department  
replied as follows:**

“I wish to set out details of staff appointments from 1<sup>st</sup> January, 2015 to date under a number of headings;

1. Appointment of new staff to Clare County Council following open competitions
2. Appointment of existing staff of Clare County Council to permanent positions following confined competitions
3. Appointment of existing staff of Clare County Council on promotion to acting arrangements following confined competitions.”

**Appointment of new staff to Clare County Council.**

The following table gives details of the appointment of new staff to Clare County Council following Open Competitions.

<b>Post Title</b>	<b>Start Date</b>	<b>Section/Department</b>	<b>Employment Status</b>
Assistant Planner	20-Jul-2015	Planning & Enterprise Development	Permanent Wholetime
Assistant Planner	20-Jul-2015	Planning & Enterprise Development	Permanent Wholetime
Clerical Officer	10-Aug-2015	Housing	Temporary Wholetime
Clerical Officer	20-Jul-2015	Corporate Services	Temporary Wholetime
Clerical Officer	07-Sept-2015	Fire Services	Temporary Wholetime
Clerical Officer	07-Sept-2015	Ennis Municipal District	Temporary Wholetime
Environmental Assessment Officer	08-Jun-2015	Planning & Enterprise Development	Permanent Wholetime
Executive Engineer	22-Jul-2015	Housing	Temporary Wholetime
Executive Engineer	27-Jul-2015	Planning & Enterprise Development	Temporary Wholetime
Executive Engineer	24-Aug-2015	Road Design	Temporary Wholetime
Assistant Engineer	01-Sep-2015	Road Design	Temporary

			Wholetime
Graduate (Under Local Authority Graduate Scheme)	11-May-2015	Tourism & Community Development	Temporary Wholetime
Graduate (Under Local Authority Graduate Scheme)	06-Jul-2015	Housing	Temporary Wholetime
Head of Enterprise (L.E.O.)	10-Aug-2015	Planning & Enterprise Development	Permanent Wholetime
Professionally Qualified Social Worker	07-Sept-2015	Housing	Permanent Wholetime
Lifeguard Instructor – E.L.C.	02-Jan-2015	Ennis Leisure Complex	Permanent Wholetime
Fitter Plumber	28-Aug-2015	Water Services	Temporary Wholetime
Fitter Plumber	29-May-2015	Water Services	Temporary Wholetime
Fitter Plumber	08-May-2015	Water Services	Temporary Wholetime
General Operative	12-Jun-2015	Shannon Municipal District	Temporary Wholetime
General Operative	12-Jun-2015	Shannon Municipal District	Temporary Wholetime
General Operative	17-Apr-2015	Water Services	Temporary Wholetime
General Operative	03-Jul-2015	Water Services	Temporary Wholetime
General Operative	03-Jul-2015	Machinery Yard	Temporary Wholetime
General Operative	03-Jul-2015	Environment	Temporary Wholetime
General Operative	19-Jun-2015	West Clare Municipal District	Temporary Wholetime
General Operative	12-Jun-2015	West Clare Municipal	Temporary

		District	Wholetime
General Operative	19-Jun-2015	West Clare Municipal District	Temporary Wholetime
General Operative	13-Feb-2015	Water Services	Temporary Wholetime
General Operative	03-Jul-2015	Water Services	Temporary Wholetime
General Operative	19-Jun-2015	Killaloe Municipal District	Temporary Wholetime
General Operative	19-Jun-2015	West Clare Municipal District	Temporary Wholetime
General Operative	12-Jun-2015	Killaloe Municipal District	Temporary Wholetime
General Operative	03-Jul-2015	Ennis Municipal District	Temporary Wholetime
General Operative	03-Jul-2015	Ennis Municipal District	Temporary Wholetime
General Operative	14-Sept-2015	Ennis Municipal District	Temporary Wholetime
Heavy Vehicle Mechanic	24-Apr-2015	Machinery Yard	Temporary Wholetime
Retained Firefighter	04-Aug-2015	Fire & Building Control	Temporary Part Time
Retained Firefighter	02-May2015	Fire & Building Control	Temporary Part Time

- **Appointment of existing staff of Clare County Council on promotion**

The following table gives details of the appointment of existing staff of Clare County Council on promotion to permanent positions following confined competitions.

<b>Post Title</b>	<b>Start Date</b>	<b>Section/ Department</b>	<b>Employment Status</b>
Assistant Estate Management/Community Liaison Officers	17 July 2015	Housing	Permanent Wholetime

Assistant Estate Management/Community Liaison Officers	17 July 2015	Housing	Permanent Wholetime
Advocacy Officer	23 July 2015	Housing	Permanent Wholetime
Clerk of Works/Building Inspector	05 July 2015	Housing	Permanent Wholetime
Clerk of Works / Building Inspector	05 July 2015	Housing	Permanent Wholetime
Executive Planner	13 June 2015	Planning	Permanent Wholetime
Executive Planner	13 June 2015	Planning	Permanent Wholetime
Homelessness Officer	24 Aug 2015	Housing	Permanent Wholetime
Supervisor – Traveller Accommodation	01 May 2015	Housing	Permanent Wholetime
Facilities Management Attendant	31 July 2015	Corporate Services	Permanent Wholetime
Facilities Management Attendant	31 July 2015	Corporate Services	Permanent Wholetime
Executive Engineer	13 July 2015	Ennis Municipal District	Permanent Wholetime
Executive Engineer	13 July 2015	Road Design	Permanent Wholetime

- **Appointment of existing staff of Clare County Council on promotion to acting arrangements following confined competition**

The following table gives details of the appointment of existing staff of Clare County Council on promotion to acting arrangements following confined competition.

<b>Acting Title</b>	<b>Substantive Post</b>	<b>Start Of Acting</b>	<b>Section/ Department</b>
Acting Assistant Staff Officer	Clerical Officer	17-July-2015	Housing



Acting Assistant Staff Officer	Clerical Officer	22-June-2015	Transportation
Acting Assistant Staff Officer	Clerical Officer	20-June-2015	Transportation
Acting Executive Technician	Technician Grade 1	10-Aug-2015	Housing
Acting Senior Executive Planner	Executive Planner	13-June-2015	Planning
Acting Senior Staff Officer	Staff Officer	29-June-2015	Housing
Acting Administrative Officer	Senior Staff Officer	04-May-2015	Environment
Acting Assistant Regional Caretaker Grade 3	General Operative	12-June-2015	Water Services
Acting Assistant Regional Caretaker Grade 3	General Operative	17-July-2015	Water Services
Acting Environmental Awareness Officer	Technician Grade 1	20-April-2015	Environment
Acting Regional Caretaker Grade V	General Operative	12-June-2015	Water Services
Acting Regional Caretaker Grade V	Assistant Regional Caretaker Grade 3	9-June-2015	Water Services
Acting Environmental Technician Grade 1	Technician Grade 1 (Civil/Arch)	29-June-2015	Environment
Acting Water Services Supervisor	Fitter Plumber	02-March-2015	Water Services
Acting I.S. Project Leader	I.S. Network Support Officer	13-April-2015	I.T.
Acting Senior Staff	Staff Officer	22-June-2015	Finance

Officer			
Acting Staff Officer	Assistant Staff Officer	20-July-2015	Human Resources
Acting Staff Officer	Assistant Staff Officer	22-June-2015	Motor Tax

In relation to the Service Level Agreement (S.L.A.) with Irish Water, work is currently ongoing on the Headcount submission for Budget 2016. The Council intends to seek that the number of staff covered under the S.L.A. be at least maintained and submissions will be made for an increase in staffing in some area of water services operations. Any such requests for an increase in headcount will be the subject of discussions with Irish Water.”

**Item 19: Social housing.**

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

“That Clare County Council put in place adequate assessment procedures in relation to social housing being provided for members of the public under various schemes

1. That copies of agreements be provided to tenants
2. That the Council make sure houses are fit for purpose and properly maintained
3. That a household waste disposal policy be adhered to.”

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

- “1. Tenants are all provided with a copy of their tenancy whether they are tenants of Council owned properties or R.A.S., H.A.P. or Social Leasing tenants.
2. All Council houses that become vacant are subject to refurbishment works before they are re-let:
  - Social leasing houses are inspected and if works are required they must be carried out before a lease commences.
  - R.A.S. houses are inspected before a contract is signed and the landlord is informed of what works are required. In addition, it is stated in a R.A.S. contract that tenants are required to pay charges including waste, water etc.
  - H.A.P.: All H.A.P. properties need to be inspected within 8 months of a H.A.P. tenancy commencing.
- 3 All Council and Leasing tenants are required to obtain a refuse collection service for a minimum period of 6 months before they are handed the keys to a property. If we become aware that a tenant no longer has a refuse service, the estate management unit contacts them. If required, enforcement action is taken.”

**Item 23(a): L.N.D.R. project.**

Ar moladh Cllr. M. Begley  
Cuidithe ag Cllr. C. Crowe agus glacadh leis

“That the C.E.O. clarify and update the members on the status of the L.N.D.R. project in the light of the decision taken by Limerick City and County Council rejecting a variation of its C.D.P. which would accommodate the part of the project in its jurisdiction.”

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

“The delivery of the L.N.D.R. project is key objective of the Mid-West Area Strategic Plan 2012-2030, the Regional Planning Guidelines 2012-2022, and the Development Plans for Clare County Council and Limerick City and County Councils.

The route of proposed L.N.D.R., as it pertains to County Clare, was incorporated by way of variation/amendment into the Clare County Development Plan 2011-2017 and the South Clare Local Area Plan 2012-2018. This continues to remain in force.

Noting that the Variation to the Limerick City and Council’s Development Plan, as it solely relates to element of the route in Limerick, has not been adopted, available options are being considered with a view to determining the most appropriate way to progress the L.N.D.R. project. The Elected Members of Clare County Council will be updated on the progress.”

Tom Tiernan advised the meeting that all stakeholders involved will liaise with a view to examining further options that might be available in progressing the project and that the Elected Members would be briefed when any further information is made available. The Chief Executive further reported that it would be impossible to put a timeframe on this but that as this is part of a National Strategy, efforts will be made to work with all bodies involved.

**Item 35. Comhfhreagras.**

**Submission to the Department of Communications, Energy and Natural Resources on the Renewable Electricity Support Scheme.**

The following submission was proposed by Cllr. J. Flynn, seconded by Cllrs. G. Keating, G. Flynn and C. Curtin and agreed by all present.

“Clare County Council to submit to the Department of Communications, Energy and Natural Resources and Minister Alex White T.D. In order to promote uptake of renewable energy systems under Building Regulations in new homes and now urge government to provide a meaningful financial support structure and micro or pico refit tariff as a means to finance such initiative as not only support to the rural economy of Co. Clare but the country’s share of the countries commitment to the Global climate change strategy.

Export tariff for domestic and/or community PV Solar.

A micro or pico renewable energy export tariff structure is considered to be an equitable means to balance the statutory investment by constituents by recompensing them for excess energy passed to the grid and enables them to have ownership of their

part in reaching the countries statutory European requirements to become carbon neutral.”

### **Correspondence.**

- It was proposed by Cllr. M. Begley, seconded by Cllr. P.J. Ryan and agreed by all members present that the Cathaoirleach would accept the invitation issued to him to attend the Clare Association Annual Dinner Dance in New York on 24<sup>th</sup> October, 2015.

### **The following correspondence was circulated at the meeting:**

- Letter dated 14<sup>th</sup> September, 2015 from Kieran O’Donnell, Meetings Administrator in relation to notice of motion from Cllr. M. Begley which was omitted in error from the September agenda.

### **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.

#### **Irish National Radon Forum taking place in Johnstown Castle, Wexford on 3<sup>rd</sup> June, 2015.**

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

It was agreed that Cllr. A. O’Callaghan 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 €584.63 including conference fee of €100.

It was agreed that Cllr. A. O’Callaghan attend this Conference.

#### **ICLRD Planning Seminar entitled “The Housing Debate: What Role for Local Government in Rebuilding our Communities?” taking place in Maynooth University Campus on 10<sup>th</sup> September, 2015.**

The Meetings Administrator informed the Members that the estimated average cost per Councillor attending this Conference was €379.59.

It was agreed that Cllr. G. Keating attend this Conference.

**Conference entitled “Regulation of Lobbying Act 2015” taking place in the Four Seasons Hotel, Carlingford, Co. Louth on 18<sup>th</sup> – 20<sup>th</sup> September, 2015.**

The Meetings Administrator informed the Members that the estimated average cost per Councillor attending this Conference was €742.98 including conference fee of €100.

It was agreed that Cllr. C. Colleran Molloy attend this Conference.

**Conference entitled “Mobile Marketing Tourist Destinations” taking place in the Clonakilty Hotel, Clonakilty, Co. Cork on 25<sup>th</sup> – 27<sup>th</sup> September, 2015.**

The Meetings Administrator informed the Members that the estimated average cost per Councillor attending this Conference was €56.91 including conference fee of €100.

It was agreed that Cllr. T. O’Brien 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. T. O’Brien, M. Hillery, B. Chambers and C. Colleran Molloy 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. T. O’Brien, P. Murphy, A. O’Callaghan, M. Hillery, B. Chambers and C. Colleran Molloy attend this Conference.

The meeting then concluded.

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

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

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

**Minutes of the adjourned September Meeting of Clare County Council held in the Council Chamber, Áras Contae an Chláir, New Road, Ennis, Co. Clare on Monday, 21<sup>st</sup> September, 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, T. O'Brien, C. Crowe, G. Flynn, P.J. Ryan, P. McMahan, M. McKee, C. Curtin, R. Nagle, B. Slattery, M. Hillery, P.J. Kelly, B. Chambers, G. Keating.

- Mr. Tom Coughlan, Chief Executive.
- Mr. Kieran O'Donnell, Meetings Administrator.
- Ms. Siobhan Garvey, Staff Officer.
- Mr. Ger Dollard, Director of Service.
- Ms. Anne Haugh, Director of Service.
- Mr. Tom Tiernan, Senior Engineer.

The Cathaoirleach, Cllr. J. Breen presided.

**Vote of sympathy.**

At the outset a vote of sympathy was extended to the family of Jack Fennell, R.I.P., who had served as a Town Councillor with Kilrush Town Council for a period of over 40 years. The Chief Executive joined members in paying tribute to his service as Town Councillor.

**Entente Florale 2015**

The Cathaoirleach congratulated the Kilrush community and the staff of the Council for their role in assisting Kilrush town successfully obtaining a Gold Medal in the Entente Florale Awards which were held in Bristol. These sentiments were echoed by a number of members. The Chief Executive also congratulated the local community and also Anne Haugh, John Corry and Brendan Keogh for their roles and highlighted the huge achievement this was for the town of Kilrush as it was only their first year being selected to compete in the awards.

**Item 1 (b). Minutes of Council Meetings.**

The Cathaoirleach advised the meeting that the proposal he received to amend the minutes of the meeting of the 24<sup>th</sup> July, 2015 at the meeting of the 14<sup>th</sup> September, 2015 was now being withdrawn. He had received a new proposal to amend the minutes under items 8 and 9 by adding the following paragraph.

“The Cathaoirleach, Cllr. J. Breen asked if the elected members had any counter proposals to make. Cllr. C. Crowe said that he would like to make one. Cllr. J. Breen stated that as he had not received any other proposal in writing, he was proceeding to deal with the motion which was put to the meeting and would not consider any further proposals”.

This amendment was proposed by Cllr. C. Crowe and seconded by Cllrs. T. O'Brien and C. Colleran Molloy. The Cathaoirleach advised the meeting that he was in favour of the proposed amendment and this was agreed by all members present.

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

“That the Minutes of the adjourned July Meeting of Clare County Council held on 24<sup>th</sup> July, 2015 be adopted and signed.

**Item 20: Social housing.**

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

“To ask Clare County Council to provide in tabular form the number of houses purchased in each location by the Department of the Environment, Community and Local Government to address the social housing need in Clare.”

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

“Clare County Council has, at this point, agreed to purchase 57 dwellings spread throughout the County with particular emphasis in areas of high social housing need such as Ennis, Kilrush and Shannon. Contracts have been signed for 27 of these properties and transactions have closed in the case of 15 houses to date. The following gives a breakdown by Municipal District:

**Social Housing Need.**

The following table gives a breakdown by Municipal District of dwellings purchased for social housing need.

<b>Municipal District</b>	<b>Purchases Agreed</b>	<b>Contracts Signed</b>	<b>Transactions Closed</b>
	<b>No. of houses</b>	<b>No. of houses</b>	<b>No. of houses</b>
Ennis	30	12	9
West Clare	16	9	3
Killaloe	2	2	0
Shannon	9	4	3

The Council has requested Departmental approval to purchase a further 30 no. units for delivery in 2016/2017. Many of these additional units proposed for purchase have been researched and are dispersed across the various Municipal Districts in order to

attain a further balance having regard to population and housing need. The acquisition of houses is part of an overall approach to meeting housing needs involving:

- house purchase.
- social housing leasing /R.A.S. /H.A.P.
- construction.”

Responding to a number of queries raised, Ger Dollard reported that of the 16 houses obtained in the West Clare Municipal District, 11 of these were second hand and 5 new dwellings. He advised that the Council must look at the housing demand and supply where there is a demand and suitable accommodation available while bearing in mind value for money. He advised the members that the social leasing scheme will be an option going forward in which the Council will be long term leasing dwellings in areas of demand from landlords to be used for social housing.

**Item 21: Illegal dumping.**

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

“That Clare County Council would allow domestic waste being transported by car into the various collection sites free of charge in order to reduce the amount of illegal dumping taking place in the county.”

**Anne Haugh, Director of Service replied as follows:**

“The Polluter Pays Principle underpins EU environmental policy and legislation and is applied by Member States. Specifically, EU and Irish waste legislation requires that households as well as other waste producers must pay for the costs of disposing of their waste. Irish Government policy is to apply the polluter pays principle. This means that the generator of the waste is obliged to ensure that the waste is properly managed. This applies equally to householders and Irish businesses. Clare County Council will continue to comply with existing legislation and policies, and will continue to charge for all waste disposal, including waste being transported by car into the dedicated collection sites.

There is a hierarchy of favoured options when dealing with waste, the most favoured option is prevention, then minimisation, followed by re-use, recycling and finally disposal. A new plan for the management of waste in the Southern Region (which includes Co. Clare) for the next 5 years is in place. The plan aims to move our management of waste from a linear disposal model, to a circular economy model, so that waste becomes a future resource of raw material. The Southern Waste Region is currently carrying out an education and awareness campaign, to encourage everyone to “Do 1 More Thing”, where everyone aims to do one more thing to prevent or reduce household waste, send less waste to landfill and recycle more.

The issue of illegal dumping taking place in the county is one which is being addressed through the work of Clare County Council’s dedicated Waste Enforcement Team. The Team (inter alia) responds and takes appropriate enforcement action in relation to waste and litter complaints. Where evidence of acts of littering or illegal dumping is found then action is taken under relevant litter pollution and waste



management legislation. The Waste Enforcement Unit takes a proactive approach in dealing with illegal waste and litter activities, including vehicle checkpoints, use of CCTV surveillance, targeting of illegal dumping at problem locations. The team works in co-operation with municipal district offices, the general public, community groups and facilitates planned inspections of waste facilities, audits of waste collection permit holders and provides information to the public.”

Anne Haugh, Director of Service reported that domestic waste is accepted in many recycling centres about the county.

**Item 22: Lobbying legislation.**

Ar moladh Cllr. P.J. Ryan

Cuidithe ag Cllr. P. Hayes agus glacadh leis

“That this Council would clarify the position of its elected members and their constituents regarding the Lobbying Legislation.”

**Siobhan Garvey, Staff Officer, Corporate Services replied as follows:**

“The Regulation of Lobbying Act 2015 was enacted on the 1<sup>st</sup> September 2015. This Act provides that the Standards in Public Commission will establish and maintain an online Register of Lobbying and oversee compliance with the legislative provisions.

The purpose of this Register is to make information available to the public on the identity of those communicating with “Designated Public Officials” on specific policy, legislative matters or prospective decisions. Lobbyists will have to register with the Standards Commission and will be required to submit returns of their lobbying activities 3 times a year. Lobbyists have until the 21<sup>st</sup> January, 2016 to return any lobbying communications that have taken place from the 1<sup>st</sup> September, 2015 onwards.

- “Designated Public Officials” include the following:
- Ministers and Ministers of State,
- Members of Dáil Éireann and Seanad Éireann,
- Members of the European Parliament for constituencies in the State,
- Members of Local Authorities
- Special Advisers appointed under section 11 of the Public Service Management Act,
- Public servants of a prescribed description
- Any other prescribed office holders or description of persons

The main provisions of the Act to be noted by Elected Members are as follows:

- The Act places no statutory obligation on Elected Members to register lobbying communications or to submit a return when lobbied. The statutory obligation to register is on the person lobbying and in the case of professional lobbyists, information must be provided about their clients.

- Designated Public Officials including Elected Members names will appear on the register as a result of lobbying communications. There is a right under the Act to seek correction of any information which is inaccurate, out of date or misleading. You are advised to check information on the Register in relation to you and ensure it is accurate.
- Communications between you (in your capacity as an Elected Member) and other designated public officials or public servants are exempt.
- A significant amount of clinic communications are exempt where the matters relate to an individual's private affairs or is communicated by a micro-business with less than 10 employees. A full listing of other exempt communications can be found in a guidance document previously circulated to Elected Members by the Department of Public Expenditure and Reform. Copies of this document can be forwarded to anyone not in receipt of same.
- Communications in relation to the initiation, development or modification of any public policy or of any public programme. The preparation or amendment of any law and the award of any grant, loan or other financial support, contract of other agreement, or of any licence or other authorisation involving public funds are deemed as "relevant matters" and must be recorded by the lobbyist.
- It is important to begin to identify yourself as a Designated Public Official in all your communications with outside groups, stakeholders, etc. so that they can assess whether the communication is a lobbying communication. It is suggested that you would include the following statement at the end of all email and written communication: "*Designated Public Official under the Regulation of Lobbying Act*".
- Public bodies are required to publish the names of Designated Public Officials on their website. A list of each of the Designated Public Officials in Clare County Council is available from the Council website.

The Chief Executive has nominated me to act as liaison between the Local Authority and the Standards Commission in relation to this Act. As liaison I will be responsible for maintaining and updating the list of Designated Public Officials.

I have submitted a request to the Standards Commission seeking a briefing on the main provisions of the Act for all Elected Members, once this has been confirmed and a date provided by further communication will issue.

I also will be attending a training seminar as liaison in the coming week to gain a greater understanding of my role and the provisions of the Act and if any member has a specific query on a particular aspect of the Act I would be happy to raise this query on their behalf. Further information can also be found on [www.lobbying.ie](http://www.lobbying.ie)."

Cllr. P.J. Ryan expressed his concern that with the introduction of this new legislation the role of the Elected Member could be diluted and that the public may not be inclined to discuss matters with elected members as they would then have to register any lobbying communication.

It was advised that a suitable date for a briefing is currently being arranged with the Standards in Public Office Commission and once finalised will be communicated to all members. Efforts are being made to hold this briefing at the earliest available date.

**Item 23: Open spaces.**

Ar moladh Cllr. C. Crowe

Cuidithe ag Cllr. P. McMahon, P.J. Ryan agus M. McKee agus glacadh leis

“That Clare County Council appraise the cost of cutting all green/open spaces in the county.”

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

“The bulk of public open space in the county is maintained by entities such as Community Groups, Tidy Towns Committees, FÁS Schemes etc. Nearly all of the grass cutting that is carried out by Clare County Council is being maintained in this way because it has been as such for many years before policy changes in this regard began to evolve which resulted in public open spaces in new housing estates etc. being the responsibility of the communities which benefit from them. This change in approach came about by and large through the 1990’s and has been found to be a positive development for a no. of reasons as follows:

- Where public open space demands the attention of communities from a maintenance point of view, it can become a focus for communities and be instrumental in developing community spirit.
- Where communities take on the responsibility, they tend to be much more attentive to the issue than the local authority can be – in many cases the result surpasses normal expectation in that flower beds and various other innovations emerge which are all for the benefit and well-being of the community.
- Cost savings from the local authority perspective.

At present most of the grass cutting and green area maintenance work carried out under the control of Clare County Council is done by contract – mostly in the Shannon and Ennis Municipal Districts, the overall annual cost is in the region of €250,000. If the local authority were to take over responsibility for day to day maintenance of all public open spaces in the county, this cost would escalate by 200 – 300% at least. Given that the current approach is working as well as it is and given the benefits of such an approach, I don’t think that consideration should be given to changing it – especially when one considers that the Council is not presently adequately funded to properly look after basic necessary infrastructure such as the local road network throughout the county.”

In responding to queries raised Tom Tiernan, Senior Engineer reported that the Ennis and Shannon Municipal Districts require the largest amount of grasscutting and maintenance of open areas, but smaller grasscutting contracts exist in other areas of the county. With reference to a query raised regarding use of funding received via the Local Property Tax, Tom Tiernan advised that this would have to be discussed during the budget process but income from the Local Property Tax was limited.

It was agreed that Items 24 and 26 would be taken together as they relate to the same subject.

**Item 24: Special Olympics Summer Games.**

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

“That Clare County Council acknowledge in an appropriate way the wonderful achievements of Paul Kirrane and Pat Rutherford in golf, at this year's Special Olympics Summer Games in Los Angeles.”

**Item 26: Civic Reception.**

Ar moladh Cllr. A. Norton  
Cuidithe ag Cllr. T. McNamara agus G. Flynn agus glacadh leis

“That a civic reception be awarded to our successful bronze medallists at the recent Special Olympic World Games in Los Angeles, Paul Kirrane and Pat Rutherford”.

It was agreed that Items 25 and 27 would be taken together as they relate to the same subject.

**Item 25: Civic Reception.**

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

“Calling on Clare County Council to host a civic reception for all the medal winners at the world championship handball in Canada this month”.

**Item 27: Civic Reception.**

Ar moladh Cllr. J. Cooney  
Cuidithe ag Cllr. P. Murphy, J. Crowe agus C. Colleran Molloy agus glacadh leis

“That Clare County Council hold a civic reception for all the handballers who won medals at the world championship held in Calgary, Canada recently.”

It was agreed that a suitable Civic Reception would be arranged to honour Paul Kirrane and Pat Rutherford and the medal winners in the World Handball Championships at the earliest possible opportunity. Cllr. P. Murphy proposed that the Council should also honour the successful members of the Clare Water Safety Team on their recent All Ireland success. This was seconded by Cllr. J. Cooney and agreed by the members present. It was also agreed that these Civic Receptions would be held together.

**Item 28: Halawa family.**

Ar moladh Cllr. M. McKee  
Cuidithe ag Cllr. J. Breen agus glacadh leis

“That a representative of the Halawa Family be allowed to address the October meeting of the Council.”

**Item 29: Cycle Association of Clare.**

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

"Considering the increasing upsurge of popularity of cycling as a hobby/pastime, and the potential risks and dangers associated with it for all road users, I am requesting that a delegation from the Cycle Association of Clare are invited to give a presentation to a meeting of Clare County Council at the earliest available opportunity"

**Item 30: Standardised school uniforms.**

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

"That Clare County Council write to the Minister for Education, Jan O'Sullivan requesting that all school uniforms be standardised without a school crest so as to reduce cost of uniforms to parents."

**Item 31: End of life issues.**

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

"That this Council request the government to initiate a meaningful consultation process to include ordinary people and interest groups on the highly contentious arguments relating to end of life issues."

**Item 32: Beef producers.**

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

"That this Council call on the Minister for Agriculture to increase the slaughter period from 30 to 36 months in order to help small and medium producers of beef."

It was agreed by all members present that this Notice of Motion would also be forwarded to each Local Authority, the I.F.A. and the Beef Forum.

**Item 33: Motor insurance industry.**

Ar moladh Cllr. T. McNamara  
Cuidithe ag Cllr. M. Howard agus glacadh leis

"That Clare County Council ask the Competition and Consumer Protection Commission to investigate if a monopoly exists within the motor insurance industry"

where premiums have risen by over 20% in 2015 or any other contributing factors to justify this increase.”

**Item 34: Clare Ambulance Service.**

Ar moladh Cllr. I. Lynch

Cuidithe ag Cllr. R. Nagle agus P. Burke agus glacadh leis

“That this council request the Minister for Health, Minister Finance and the National Ambulance service to take immediate actions to

A) ensure that all ambulance stations in Clare have adequate recourse allocated at all times ensuring each station and the rapid response vehicle are manned providing required ambulance cover and to ensure additional resources are immediately employed to cover any unforeseen situations such as employee absenteeism.

B) to review the current position of running of the ambulance as a national or regional service in order to implement the ambulance needs and requirements at a local level, ceasing the practice of sacrificing the rural one ambulance station such as Kilrush, Ennistymon and Scariff for redeployment of resources leaving large parts of the county without any ambulance cover.”

**Item 35. Comhfhreagras.**

**Flooding Damage**

Cllr. C. Curtin requested that the Council receive an update with regard to the recent flooding that had taken place in the Miltown Malbay area in particular at the Clonbony Bridge location which remains closed.

Tom Tiernan reported that the bridge at Clonbony had received a considerable amount of structural damage and that Transport Infrastructure Ireland has assessed this damage on two occasions since the flooding and have determined that it would be unsafe to open, even partially, the bridge. The T.I.I. and Council have met on the matter and the T.I.I. are treating the matter as urgent, it is expected that Contractors will be on site in the coming days to begin repair works. Until structural works take place it is necessary to keep the bridge closed to traffic for safety reasons. A timescale on completion of works is difficult to identify at this point but priority is being given to this.

**Correspondence.**

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

1. Correspondence dated 16<sup>th</sup> July, 2015 from Irish Water in relation to representative from Irish Water to attend a meeting of Clare County Council.
2. Correspondence dated 16<sup>th</sup> July, 2015 from Cheng Yunchaun, Vice President of Yunnan Provincial People’s Association for Friendship with Foreign Countries.
3. Correspondence dated 26<sup>th</sup> August, 2015 from Shannon Group in relation to tribute to Dr. Tony Ryan, Founder of G.P.A. and Ryanair.

4. Correspondence dated 28<sup>th</sup> August, 2015 from the Department of Transport and Sport in relation to the National Aviation Policy for Ireland.
5. Correspondence dated 24<sup>th</sup> August, 2015 from the Department of Environment, Community and Local Government concerning Councillors access to housing information.
6. Correspondence dated 21<sup>st</sup> August, 2015 from the Data Protection Commissioner in relation to Councillors access to housing information.
7. Correspondence dated 19<sup>th</sup> August, 2015 from the Department of Health concerning screening for ovarian cancer.
8. Correspondence dated 13<sup>th</sup> July, 2015 from Fáilte Ireland in relation to Wild Atlantic Way Signage.
9. Correspondence dated 28<sup>th</sup> July, 2015 from the N.R.A. in relation to directional signage on the M18 identifying access to the Wild Atlantic Way.
10. Correspondence dated 15<sup>th</sup> July, 2015 from the N.R.A. concerning planning applications and national roads.
11. Correspondence dated 21<sup>st</sup> July, 2015 from the Department of Foreign Affairs and Trade in relation to the Book of Condolence for the victims of the Berkeley incident.
12. Correspondence dated 13<sup>th</sup> July, 2015 from the Department of Environment, Heritage and Local Government concerning the use of the title “Mayor”.
13. Correspondence dated 10<sup>th</sup> August, 2015 from the Office of the Minister for Social Protection regarding rent supplement limits.
14. Correspondence dated 17<sup>th</sup> August, 2015 from the Department of Health concerning the W.H.O. Obesity predictions.
15. Correspondence dated 14<sup>th</sup> August, 2015 from the Department of Finance concerning the working living wage.
16. Correspondence dated 17<sup>th</sup> July, 2015 from the Office of the Minister for Social Protection in relation to the working living wage.
17. Correspondence dated 29<sup>th</sup> July, 2015 from UL Hospitals Group regarding the ovarian cancer blood test.
18. Correspondence dated 20<sup>th</sup> August, 2015 from the Department of Transport, Tourism and Sport about illegal encampments.
19. Correspondence dated 24<sup>th</sup> August, 2015 from the Office of the Minister for Justice and Equality in relation to access to housing information.
20. Correspondence dated 28<sup>th</sup> July, 2015 from the Office of the Minister for Education and Skills regarding the pupil teacher ratio.
21. Correspondence dated 20<sup>th</sup> July, 2015 from Rehab Group in relation to nominations for the 2015 People of the Year Awards.
22. Resolution adopted and approved by Donegal County Council regarding the re-introduction of Salmon Licences.
23. E-mail received on 17<sup>th</sup> August, 2015 regarding Southern Assembly – Assembly’s You Tube channel.
24. Resolution passed by Monaghan County Council in relation to the Kevin Bell Repatriation Trust.
25. Resolution passed by Cork County Council in relation to state job activation measures.

26. Resolution adopted by Carrickmacross Castleblaney Municipal District regarding maps used for the new GLAS Environmental Scheme are the same as those used for the REPS Scheme.
27. Resolution passed by Leitrim County Council in relation to single farm payment cuts and penalties imposed on farmers.
28. Resolution passed by Leitrim County Council in relation to fencing on farms.
29. Resolution passed by Donegal County Council in relation to visa waivers for our undocumented Irish in the US.  
It was proposed by Cllr. M. Howard and agreed by all present that Clare County Council would support the efforts of Donegal County Council in relation to the visa waivers and the undocumented Irish in the US.
30. Resolution adopted by Limerick City and County Council regarding the marketability of lands designated for the hen harrier.
31. Conference entitled “Regulation of Lobbying Act 2015” taking place in the Four Seasons Hotel, Carlingford, Co. Louth on 18<sup>th</sup> – 20<sup>th</sup> September, 2015.
32. Conference entitled “Mobile Marketing Tourist Destinations” taking place in the Clonakilty Hotel, Clonakilty, Co. Cork on 25<sup>th</sup> – 27<sup>th</sup> September, 2015.
33. A.I.L.G. Autumn Seminar entitled “Local Government Reform ’12 months on” taking place in Inchydoney Island Lodge & Spa Hotel, Clonakilty, Co. Cork on 1<sup>st</sup> October, 2015.
34. 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.
35. N.A.D. Annual Conference 2015 entitled “Planning and leadership for inclusive mainstream public services to people with disabilities” taking place in Croke Park Conference Centre on 12<sup>th</sup> October, 2015.
36. Association of Irish Festival Events Annual Conference 2015 entitled “Co-operation & Collaboration – New Processes for the Sector” taking place in Shearwater Hotel, Ballinasloe, Co. Galway on 6<sup>th</sup> & 7<sup>th</sup> November, 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.

### **ICLRD Planning Seminar entitled “The Housing Debate: What Role for Local Government in Rebuilding our Communities?” taking place in Maynooth University Campus on 10<sup>th</sup> September, 2015.**

The Meetings Administrator informed the Members that the estimated average cost per Councillor attending this Conference was €379.59.

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



**ICSH National Social Housing Conference taking place in Tullamore, Co. Offaly on 16<sup>th</sup> & 17<sup>th</sup> September, 2015.**

The Meetings Administrator informed the Members that the estimated average cost per Councillor attending this Conference was €719.32 including conference fee of €33.61.

It was agreed that Cllr. G. Flynn attend this Conference.

**A.I.L.G. “In Service” Training taking place in Dungarvan, Co. Waterford on 9<sup>th</sup> June, 2015.**

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

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

The meeting then concluded.

**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 Monday, 28<sup>th</sup> September, 2015 at 2:30 p.m.**

**Present:**

Councillors J. Breen, J. Flynn, P. Daly, A. Norton, T. McNamara, P. Murphy, 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, 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. Siobhán Garvey, Staff Officer.
- Mr. Ger Dollard, Director of Service.
- Mr. Niall Barrett, Head of Finance.
- Ms. Caroline O'Connor, Management Accountant.

**Apologies:** Cllr. M. McKee.

The Cathaoirleach, Cllr. J. Breen presided.

A briefing in relation to the Local Property Tax had taken place directly before this meeting. A report had issued to all members in advance of the briefing session which outlined that the Finance (Local Property Tax) Act 2012 as amended provided that a local authority may pass a resolution that the basic Local Property Tax rate should, for a period specified in the resolution, stand varied (either upwards or downwards) by a specified percentage in respect of relevant residential properties situated in the local authority's functional area. The report also provided an overview of the current Council's finances along with outlining the potential impact on discretionary funding and delivery of services based on a decision being made to decrease the rate of LPT by varying percentages. A number of members spoke at this briefing and any questions that were raised were answered by both the Chief Executive and the Head of Finance.

The Chief Executive requested the members to consider not making any adjustment to the rate of Local Property Tax for 2016 as the additional funding arising would be required to offset additional expenditure in payroll, pensions, insurances and to allow increased funding in other areas identified by elected members during 2015.

The Cathaoirleach outlined that this special meeting had been called specifically to deal with the LPT as outlined in the Finance (Local Property Tax) Act 2012 and at this point invited members to address the meeting to outline their views on the impact a decrease or increase to the LPT would make in the county.

A number of members felt that a 15% decrease would provide much needed relief to LPT payers and households in the county and a decrease would indicate to the Government that Clare County Council were opposed to this charge. Members expressed a view that the Council's contribution to the National Equalisation Fund was being used to fund neighbouring counties and this is not satisfactory. Many members expressed the view that decreasing the LPT by 7.5% would provide some relief to LPT payers but would also provide an additional sum to be spent by the Council which could be divided equally between each Municipal District and be used for discretionary

expenditure e.g. hedge cutting, playgrounds etc. and that the individual saving by reducing the LPT would be fairly insignificant in many cases i.e. less than €1 per week.

At this point in the meeting the Cathaoirleach outlined the importance of the Council's decision which they were being asked to make and with this in mind, he proposed an adjournment of 15 minutes so members could consider the proposals put forward. This proposal for an adjournment was agreed by all present.

Following an adjournment of 15 minutes the meeting resumed. A query was raised regarding the possibility of ring-fencing any remaining sum left to the Council as a result of a partial reduction of the rate of LPT to see if a commitment would be given that this would be divided equally between each Municipal District. In response the Chief Executive outlined that such a commitment could not be provided at this time as allocations made available for the Municipal Districts was a budgetary matter, which can only be determined once the Council knows what expenditure it has to allocate after contractual financial commitments are met. Ultimately, the adoption of the Budget was also a reserved function of the elected members.

The Cathaoirleach proposed that the members adjourn the meeting for a further 10 minutes to once again consider the proposals. A number of members were not in favour of a further adjournment so a vote was taken on this proposal, which resulted as follows:

**Those in favour of a further 10 minute adjournment:** Cllr. J. Breen, J. Flynn, P. Murphy, J. Cooney, P. Burke, J. Crowe, P. McMahon, C. Curtin, B. Slattery and G. Keating. (10).

**Those against a further 10 minute adjournment:** Cllrs. P. Daly, A. Norton, T. McNamara, P. Hayes, M. Begley, T. O'Brien, A. O'Callaghan, C. Crowe, G. Flynn, P.J. Ryan, R. Nagle, I. Lynch, M. Hillery, P.J. Kelly and B. Chambers. (15)

This proposal to adjourn the meeting was defeated by 15 votes to 10.

The Cathaoirleach advised that he had received two resolutions in writing. He was going to take the second resolution first as it was an amendment to the original resolution received.

The following amendment to the resolution was proposed by Cllr. J. Flynn, J. Crowe, J. Cooney, P. Murphy, P. Burke, B. Slattery and G. Keating.

“The Clare County Council reduce the LPT by 7.5% with equal distribution of the funds to each municipal district”.

The Cathaoirleach agreed that a vote would take place, which resulted as follows:

**In favour:** Cllrs. J. Flynn, P. Murphy, J. Cooney, P. Burke, J. Crowe, P. McMahon, C. Curtin, B. Slattery, P.J. Kelly and G. Keating (10).

**Against:** Cllrs. P. Daly, A. Norton, T. McNamara, P. Hayes, M. Begley, T. O'Brien, A. O'Callaghan, C. Crowe, G. Flynn, P.J. Ryan, R. Nagle, I. Lynch, M. Hillery and B. Chambers (14).

**Abstentions:** Cllr. J. Breen. (1)

This proposal was deemed to have been lost by 14 votes to 10.

The Cathaoirleach put the original resolution before the members and this was proposed by Cllrs. G. Flynn, T. McNamara, M. Begley, M. Hillery, B. Chambers, P.J. Ryan, A. Norton, I. Lynch, A. O'Callaghan, T. O'Brien, R. Nagle, P. Daly, P. Hayes and C. Crowe and read to the meeting by the meetings administrator.

“We propose a 15% reduction in Local Property Tax (L.P.T).”

The Cathaoirleach agreed that a vote would take place, which resulted as follows:

**In favour:** Cllrs. P. Daly, A. Norton, T. McNamara, P. Hayes, M. Begley, T. O'Brien, A. O'Callaghan, C. Crowe, G. Flynn, P.J. Ryan, R. Nagle, I. Lynch, M. Hillery and B. Chambers (14)

**Against:** Cllrs. J. Flynn, P. Murphy, J. Cooney, P. Burke, J. Crowe, P. McMahon, C. Curtin, B. Slattery, P.J. Kelly and G. Keating (10)

**Abstentions:** Cllr. J. Breen. (1)

This proposals was deemed to be carried by 14 votes to 10.

Ar moladh Cllr. G. Flynn

Cuidithe ag Cllr. T. McNamara agus glacadh leis

“That in accordance with the provisions of Section 20 of the Finance (Local Property Tax) Act 2012 (as amended), that the basic rate of local property tax should stand varied downwards by fifteen per cent (15%) for the period 1 November, 2015 to 31 October, 2016, in respect of relevant residential properties situated in the administrative area of Clare County Council.

The meeting then concluded.

**Signed:**

\_\_\_\_\_  
**Riarthóir Cruinnithe**

**Signed:**

\_\_\_\_\_  
**Cathaoirleach**

**Date:**

\_\_\_\_\_