

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, 10th October, 2016 at 3:45 p.m.

Present:

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

- Mr. Pat Dowling, Chief Executive.
- Ms. Carmel Greene, Meetings Administrator.
- Ms. Karen Stackpoole, Staff Officer.
- Mr. Gerard Dollard, Director of Service.
- Ms. Anne Haugh, Director of Service.
- Mr. Niall Barrett, Head of Finance.
- Mr. Liam Conneally, Director of Service.
- Mr. Leonard Cleary, A/Director of Service.
- Mr. Tom Tiernan, Senior Engineer.

The Cathaoirleach, Cllr. Bill Chambers presided.

Votes of sympathy

A vote of sympathy was extended to the following:

- Ms. Imy Whelan Breen on the passing of her father Mr. Willie Whelan, Cooraclare, R.I.P;
- Ms. Siobhán Garvey on the passing of her mother Ms. Carmel O'Dea, Doonbeg, R.I.P;
- Ms. May Finucane on the passing of her brother Mr. Gerard Finucane, Kildysart, R.I.P.

Prayers were recited for the deceased.

At the outset Cllr. Bill Chambers congratulated Cllr. P. Daly on his appointment as President of the AILG. Cllr. Curtin paid tribute to the outgoing President of AILG, Cllr. J. Crowe.

Fix date for Budget meeting.

It was agreed that the Budget meeting would take place on Friday, 11th November, 2016 at 3:00 p.m.

Suspension of Standing Orders.

The following proposal was submitted in writing to the Meetings Administrator and signed by Cllrs. P.J. Kelly, C. Curtin and J. Cooney

“We, the undersigned, wish to propose the suspension of standing orders for a period of five minutes in order to propose the following:

“That Clare County Council calls on the Government to immediately implement the agreed programme for Government with regard to An Post with a view to preserving and expanding the services of rural post offices.”

The members discussed this issue. They were unanimous in voicing their concerns regarding the future of post offices in rural Ireland. It was proposed by Cllr. P.J. Kelly and seconded by Cllr. C. Curtin to write to the Minister and in doing so calling on the Government to invest in and expand the services provided at post offices in order to protect their viability into the future.

Item 1: Minutes of Council Meetings.

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

“That the Minutes of the September Meeting of Clare County Council held on 12th September, 2016 be adopted and signed.”

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

“That the Minutes of the adjourned September Meeting of Clare County Council held on 19th September, 2016 be adopted and signed.”

Cllr. C. Curtin expressed his dissent in relation to the above minutes and asked that it be recorded .

c. Ar moladh Cllr. J. Cooney
Cuidithe ag Cllr. T. McNamara agus glacadh leis

“That the Minutes of the Special Meeting of Clare County Council on the Local Property Tax held on 19th September, 2016 be adopted and signed.”

Item 2: Minutes of Municipal District Meetings.

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

“That the Minutes of the Shannon Municipal District Meeting held on the 12th July, 2016 be noted.”

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

“That the Minutes of the West Clare Municipal District Meeting held on the 12th July, 2016 be noted.”

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

“That the Minutes of the Killaloe Municipal District held on the 20th July, 2016 be noted.”

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

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

“That the minutes of the Economic Development & Enterprise S.P.C. meeting held on 21st March, 2016 be noted”.

b. Ar moladh Cllr. G. Keating
Cuidithe ag Cllr. R. Nagle agus glacadh leis

“That the minutes of the Economic Development & Enterprise S.P.C. meeting held on 9th May, 2016 be noted”.

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

“That the minutes of the Environment & Transportation S.P.C. meeting held on 30th May, 2016 be noted”.

Item 4: Minutes of the Corporate Policy Group Meetings.

The members noted the minutes of the meetings held on 2nd September and 5th September, 2016 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.

Tom Tiernan, Senior Engineer responded to queries raised by Cllr. C. Curtin regarding the long awaited hydrological report for Ballyvaughan and Miltown Malbay. He advised the members that the Consultants were actively working on this report and that the urgency of its completion had been emphasised to them. He further advised, however, that he had not received confirmation of a completion date from them.

Item 6: Draft submission on CFRAMS Study for the Shannon River Basin District.

Report dated 5th October, 2016 from Anne Haugh, Director of Services, Transportation, Environment, Water & Emergency Services Directorate was circulated with the agenda together with Submission. The report states that the CFRAMS Study for the Shannon River Basin has been ongoing since 2011. Following the public consultation and optioneering phases of the process, draft Flood Risk Management Plans have been issued by the O.P.W.

In accordance with the European Communities (Assessment and Management of Flood Risks) Regulations 2010 it is a reserved function of the Council to examine and consider the draft flood risk management plan and to make any observations as it thinks proper.

Over the past number of weeks members have been consulted on a number of occasions on the draft plans and on the proposed detail of the submission to be made from Clare County Council. Specifically members received a briefing from the O.P.W. at the September Council meeting and the matter was discussed at the Environment and Transportation S.P.C. meeting. Briefings were also conducted at municipal district level where comments/observations of members were sought.

Following on from this process a draft submission on the plan has now been prepared.

The next step in the process is the consideration of the submissions by the O.P.W. making any alterations they think proper and submission to the Minister who may approve the Plan, refuse to approve the plan or refer it back to the O.P.W. for revision.

On confirmation of the Plan by the Minister, the Council will once again receive a copy which it must examine and consider and within three months of receipt, decide to adopt or otherwise as a reserved function.

John Leahy, Senior Engineer, Environment gave a presentation to the members on the draft submission prepared by the Council with particular emphasis on Springfield/Clonlara, Shannon Town/Airport and Ennis Town. A question and

answers segment followed. The members posed questions in relation to the draft report and John Leahy replied to all queries raised. The members further emphasised their concerns in relation to the O.P.W.'s assessment of Springfield, Clonlara as the flood event of 2015 was not considered in this report. They are also of the opinion that as Shannon Town and Airport are hydraulically connected for coastal flood events that the flood risk cannot be considered in isolation on either side. Cllr. J. Flynn also expressed the wish that the Fergus Drainage Committee be re-instated. He is also of the opinion that as part of the Ennis Flood Relief Scheme measures should be put in place to protect areas on the outskirts of the town for example Ballyalla. This sentiment was supported by Cllr. P. Burke. The members thanked John Leahy for his very detailed presentation and for taking into account the wishes of the elected members in compiling this robust submission.

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

“That this Council, having examined and considered the draft Flood Risk Management Plans for County Clare as received from the Commissioners of Public Works hereby approve of the submission of the report and appendices dated 10th October 2016 to the Commissioners of Public Works to reflect the observations of Clare County Council in accordance with Section 18 (2)(c) of the European Communities (Assessment and Management of Flood Risks) Regulations 2010.”

Item 7: Consideration of proposal to re-name Lees Road facility.

Report dated 21st September, 2016 from Gerard Dollard, Director of Services was circulated with the agenda. The report states that the following resolution was passed at the September meeting of Ennis Municipal District and that it was agreed that the proposal would be forwarded to the full Council for approval.

“That Clare County Council change the name of Lees Road to O’Sullivan Park in memory of John O’Sullivan who had a huge impact on sporting life in the County.”

The members discussed this motion at length and acknowledged the support shown for this proposal by members of public seated in the public gallery. Many members were in support of the proposal as they felt that John O’Sullivan deserved this honour and that it was a fitting tribute in remembering a great man for sport in County Clare and in particular the Community Games. Some members however, were generally not in support of naming public facilities after individuals. The Cathaoirleach at this point asked the members if they wished to take a vote to the matter and it was agreed that a vote was not needed as the majority were in favour of this proposal.

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

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 footpath works at Doonmacfeilim, Doolin, Co. Clare.

Report dated 5th October, 2016 from Anne Haugh, Director of Service, Transportation, Water Services & Environment was circulated with the agenda together with report from Senior Planner. The report outlines details of the proposed development to carry out footpath works at Doonmacfeilim, Doolin, Co. Clare.

Details of the submissions received are outlined in the report.

The report states that it is proposed to proceed with the works subject to the conditions outlined in the report of the Senior Planner.

Ar moladh Cllr. B. Slattery
Cuidithe ag Cllr. T. McNamara 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 footpath works at Doonmacfeilim, Doolin, Co. Clare.”

Item 9: Civic Reception for St. Patrick’s Pipe Band, Tulla.

The Civic Reception to celebrate and honour St. Patrick’s Pipe Band, Tulla who have been in existence for 80 years, took place at 6:45 p.m. following the Council Meeting. The Cathaoirleach paid tribute to the past and present members of the band highlighting that the Tulla Pipe Band is a main stay feature of many great sporting and cultural occasions. The Chief Executive also supported the sentiments expressed saying that the civic reception was a fitting tribute and an important endorsement.

It was decided by the members to take Item No. 16 on the Agenda first.

Item 16: Animal Welfare.

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

"That Clare County Council furnish details of

- i) Dogs impounded in 2014, 2015, 2016.
- ii) Dogs euthanised in 2014, 2015, 2016.

iii) Horses impounded in 2014, 2015, 2016.

iv) Horses euthanised in 2014, 2015, 2016"

Anne Haugh, Director of Services replied as follows:

The following table gives details of the number of dogs impounded.

Year	Surrendered	Seized	Total Impounded	Euthanised
2014	471	522	993	270
2015	393	399	792	180
2016 (up to 31/08/16)	274	250	524	100

A dog is surrendered to the pound when it is handed over by a member of the public for whatever reason. A dog may be seized and taken to the pound when the Dog Warden is called out, and no owner claims ownership of the dog.

All healthy dogs received at the shelter in 2016 have been successfully re-homed. The Euthanised figures represent dogs which have been seized on grounds of livestock worrying, biting incidents, aggression or welfare grounds.

The following table gives details of the number of horses impounded.

Year	Impounded	Euthanised
2014	35	35
2015	47	47
2016 (up to 31/08/16)	9	8

For Clare County Council to impound a horse, the Gardai must ask the Council to impound, having declared animal to be stray under Section 37 of the Control of Horses Act, 1996.”

Cllr. C. Crowe suggested that in an effort to re-home more dogs if photographs of dogs looking for new homes could be placed on the Council’s website each week thus keeping this important issue to the fore of people’s mind on a regular basis.

Item 10: Standing Orders.

Ar moladh Cllr. P.J. Kelly

Cuidithe ag Cllrs. C. Colleran Molloy, A. O’Callaghan, C. Crowe, M. Hillery, P.J. Ryan, P. Daly, M. Begley, J. Breen, J. Flynn, P. Murphy, G. Keating, M. Howard agus P. Burke agus glacadh leis

“That, in the interest of accountability, Standing Orders be amended by inserting “matters arising and not referred to elsewhere on the agenda” immediately after the minutes.”

Carmel Greene, Senior Executive Officer, Corporate Services replied as follows:

“This matter was considered at the meeting of the Standing Orders Committee held in May 2016 and no change to standing orders was proposed by the Members of that committee. The minutes of this meeting were agreed by full Council.

Should the members require that this matter be re-visited by the Standing Orders Committee, a meeting of that sub-committee can be arranged.”

Cllr. P.J. Kelly, in proposing his motion, stated his view that morale was very low amongst the members and that they were elected by the people to ensure accountability. He further advised the meeting that matters arising were allowed at a recent meeting of the West Clare Municipal District and it was an excellent meeting. He queried why four financial issues have not been dealt with thus far and an explanation or the reason why that has been the case.

Cllr. C. Colleran Molloy in seconding the motion stated that she had contacted nine other local authorities on this issue and outlined that six of the nine contacted allow this practice and include “matters arising” on their agendas. Cllr. J. Breen supported this motion and asked that the Standing Orders Committee consider this matter. Cllr. G. Flynn, Chair of the S.O. Committee undertook to arrange a meeting of the Standing Orders sub-committee.

The Chief Executive informed the meeting that there is no attempt not to be transparent but that there is a real need to balance this with efficiency and effectiveness at meetings. At this point Cllr. P.J. Kelly called for a vote on the matter and the Cathaoirleach ruled that a vote would not be taken as the matter has to go back to the Standing Orders Committee for further discussion.

Item 11: Reporting

Ar moladh Cllr. C. Curtin

Cuidithe ag Cllrs. I. Lynch agus M. McKee agus glacadh leis

“That reporting mechanisms to the elected members and general public on Council activities at Corporate and Municipal District levels be reviewed and a report presented on same.”

Carmel Greene, Senior Executive Officer, Corporate Services replied as follows:

“In accordance with the provisions of Section 51 of the Local Government Reform Act, 2014, the Chief Executive prepares a monthly “Management Report”, which sets out how services have been provided in the previous month, gives details of activities and events in the various directorates and gives updates on how various projects are progressing.

This report is presented to Members as part of the Council meeting agenda book.

In line with the introduction of the revised Directorates, the format and content of this report will be reviewed to ensure that it is providing the required information to elected members. On completion of the review, it is intended that the draft format of the revised management report will be presented to the Council at the November meeting.

It is also intended that the Monthly Management Report will be put on the Council’s website, thus making it available to the public.”

Cllr. C. Curtin outlined that the Chief Executives report was first introduced during the transformation of local government in 2014. It is his opinion that the members are often the last in line to receive important information from the council executive. He emphasised that the Elected Members need to receive important information on a regular basis in order that they are kept abreast of what is happening “on the ground”. He asked the Chief Executive to introduce new reporting mechanisms in order to achieve this.

Cllr. I. Lynch echoed the sentiments of Cllr. C. Curtin and suggested that Human Resources should be included in Management Reports, more information should be provided on housing and that Tenders should be notified to the Elected Members so that they can spread the word amongst smaller businesses in their communities. He also asked that progress reports be provided on how motions passed have been progressed by the council’s executive.

The Chief Executive noted all comments made on this motion and undertook to look at the Management Reports and make them more integrated and improve communication. He will also ensure that the elected members are informed of staff changes as they arise.

Item 12: Meeting at Ailwee Cave.

Ar moladh Cllr. J. Breen

Cuidithe ag Cllr. M. Howard agus glacadh leis

“Now that the Ailwee Cave is celebrating its 40th anniversary, I propose that the November meeting of Clare County Council be held at the cave.”

Carmel Greene, Senior Executive Officer, Corporate Services replied as follows:

“A letter of invitation to hold a meeting of the Council in Ailwee Cave to celebrate its 40th Anniversary was received from the Director of the Centre on 16th September 2016.

The Council wishes to congratulate the Ailwee Cave and Bird of Prey Centre on reaching this historic milestone and will continue to promote the excellent work that they do in managing this excellent tourist facility.

Standing Order No. 5 provides that

“In so far as practicable the place for holding meetings of the Council shall be the Council Chamber, Áras Contae an Chláir, New Road, Ennis and meetings shall normally be held there, provided that the Council may from time to time by resolution appoint an alternative location for a particular meeting. “

I wish to advise the Members that there is a pre-existing commitment that the Council will host a Civic Reception for the Oscar Traynor winners after the November meeting of Council in Áras Contae an Chláir.”

Cllr. J. Breen requested the council to respect the invitation to hold a meeting at the cave. He pointed out that the Council has previously met outside of the Chamber and suggested that next month’s planned civic reception for the Oscar Traynor winners could be changed to another date. Some members agreed with this sentiment saying that tourist attractions such as Ailwee Cave need to be applauded and recognised. However some members objected to this proposal saying that the place to hold meetings is the headquarters of Clare County Council and that the upcoming civic reception should not be deferred. Instead a vote was taken by a show of hands and the motion was passed with a date for the meeting to be decided.

Item 13: Planning permissions.

Ar moladh Cllr. P.J. Kelly

This motion was not seconded

“That a report be made available on the circumstances, if any, past and present where (a) general conditions of planning permissions have been amended (b) where financial conditions have been amended and reference be made to the statutory provisions of empowerment.”

Gerard Dollard, Director of Services replied as follows:

“A similar motion was put before the December 2012 meeting and October 2013 meeting of the Council. I attach herewith copy of my reply in both cases.

I note that the present motion in referring to “past and present” does not specify any time period, nor does it specify any particular item of concern.

I am not in a position to add anything further to my replies of 6th December 2012 and 8th October 2013 in the absence of knowledge of the particular issue that might be causing concern.”

Cllr. P.J. Kelly advised the chamber that he was following a definite line of enquiry on some planning files in relation to conditions that appeared to have been waived by the Planning Authority and which were causing him extreme concern.

The Chief Executive, in response, dismissed any suggestion of impropriety by the Planning Authority and called attention to the fact that he had not been given any detail of the issues raised but undertook to examine the matter on receipt of such information.

Item 14: Housing Developments.

Ar moladh Cllr. I. Lynch

Cuidithe ag Cllr. C. Colleran Molloy agus glacadh leis

“That a full list, presented by, Housing Development Name, location and number of households in the development, for each municipal district be made available indicating

- a) All housing developments that are not taken in charge by Clare County Council
- b) All housing developments that do not require taking in charge i.e. council developments
- c) All housing developments that are currently in process of taking in charge
- d) The status of bonds for each development to be taken in charge

Where a bond is not in place for a development could the council provide details of what options are available to residents in these developments and also detail the requirements for management companies for new developments?”

Helen Quinn, Senior Executive Planner, Planning & Enterprise Development replied as follows:

“The Planning Authority has attached a list of developments on the Planning Residential Estates Register under each Municipal District.

The Planning Authority do not have sufficient information available on each of the estates to make a determination at this point as to whether or not the estate will be subject to a Formal Taking In Charge Process at any stage into the future. As issues surrounding estate management and developer company status evolves it is impossible to make the requested information available for the entire list of estates at this point.

Where a bond is not in place for a development the Planning Authority are actively investigating other options whereby funds can be sourced to address the key issues within developments. For example in 2016, 12 estates have been approved for funding by the Department of Housing, Planning, Community & Local Government. These estates are being progressed presently and ultimately it is envisaged that they will be Taken in Charge by the Local Authority. Funding options such as this will continue to be explored as they are made available, however it should be noted that this funding is limited and also requires an element of funding to be provided by the County Council.”

Cllr. I. Lynch thanked the Senior Executive Planner for the information provided. He asked that the list be placed on the Council’s website. He also asked that it be a standard planning condition that a Management Company must be in place until the estate is taken in charge.

Gerard Dollard, Director of Service responded to the queries raised and outlined the progress being made and the wider issues that need to be addressed in the areas of bonds, management companies, taking in charge etc.

Item 15: Town Teams.

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

“Following the local & national economic collapse, the findings of the CEDRA report and in the interest of renewal of Ennis and other rural towns in Clare that Clare County Council work with others to establish "Town Teams" in each of the 6 Rural Economic Development Zones REDZ identified in Clare in the Council's own Local Economic & Community Plan 2016-2021. This approach would mirror the example of Roscommon County Council in 2015 of setting up with Leader at least 6 such "town teams" as an endeavour to stimulate Town and Village Renewal in Roscommon.”

Gerard Dollard, Director of Services replied as follows:

“A similar motion has been submitted to the October meeting of Ennis Municipal District. I attach below the text of my reply to that motion:

“The Town Team concept was discussed as part of the Commission for Economic Development of Rural Areas (CEDRA) Working Group some time ago. It was agreed at that meeting that an engagement would take place with each Municipal District on the overall concept and the idea of establishing Town Teams at Municipal District level. A detailed consultation was held with all four Municipal Districts and the outcome of that process would indicate that the Elected Members do not see the necessity to establish Town Teams at Municipal District level.

The key issues arising in relation to such an outcome would seem to be as follows:

- the lack of resources to fund Town Team structure;
- the existence of the Municipal District structure and the capability of that to meet any necessary requirements;
- the exclusion of village “teams” from the model;
- the existing arrangements that are already in place to engage with and consult with local groups as the need requires;

In relation to the Ennis Municipal District, it is clear that there is ongoing engagement with the business community on a variety of matters and also with the local community, e.g. Tidy Towns Committee, on a range of issues affecting Ennis. It is also the case that engagement sought at Municipal District level with the Elected Members has been facilitated where agreed by the Elected Members.”

Cllr. J. Flynn acknowledged the work of the new Chief Executive in creating a new Directorate and the appointment of a Director of Service for Rural Development within Clare County Council. He circulated an extract from a Leader document in relation to their proposals for Ennistymon, Kilrush and Ennis. The members echoed the sentiments of Cllr. J. Flynn. They also added that the new Director of Rural Development must work in a collaborative fashion with the rural communities and the CEDRA sub-committee. They further emphasised that they welcome anything from government that would assist rural renewal and that would also give small towns an incentive to promote urban renewal.

The Chief Executive responded to all issues raised and noted the valid points made by the Elected Members. He is of the opinion that Clare needs to draw up its own

Strategy with a lot of “joined up thinking”. He informed the members that he will revert to them early next year with a draft Strategy for Rural Development.

Item 17: Flooding on railway lines.

Ar moladh Cllr. P. McMahon

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

“I ask Clare County Council for an update on what is being done by the Council, O.P.W., Irish Rail and local farmers to find a solution for the ongoing problems of flooding on our railway lines, roads and seriously threatened householders over a long number of years.”

Tom Tiernan, Senior Engineer replied as follows:

“This is a very broad question and could be responded to in a very lengthy and convoluted manner which may not be overly helpful in context of serving the purposes of the question. Therefore, I will attempt to outline the current position under a no. of bullet points as follows:

- With regard to railway lines, this is primarily an issue for Irish Rail and the Office of Public Works. Some time ago, the Council facilitated a meeting with both parties with a view to clarification of responsibilities and arising from same there is a clear understanding that Irish Rail is the lead authority in terms of pursuit of resolution. In this context, Consultants engaged by Irish Rail have since identified the most appropriate solution to the problems which arise at Ballycar near Newmarket-on-Fergus and it is a matter for Irish Rail to pursue that resolution. Clare County Council has implemented road improvements in the same area within the past two years with a view to minimisation of inconvenience to local residents during periods when the rail flooding problem evolves.
- The Council liaises with the O.P.W. regularly in relation to the need for and development of major and minor flood relief strategies and schemes. Significant success has been achieved over the years – particularly in the Ennis and North Clare areas.
- Following on from the flood events of last winter, Clare County Council secured funding to the value of €3.8m. to deal with a variety of roads issues across the county arising from flood damage and submergence and significant remediation will have been achieved in this context by the end of the year.
- Where feasible the Council endeavours to investigate cause and prospective solutions in relation to particular situations with a view to identification of solutions and pursuit of funding to implement same. Cases in point include: Springfield (Clonara), Miltown Malbay, Mortyclough in North Clare etc.
- There is a recognition that flooding and drainage issues are multi faceted – in terms of cause, responsibility, maintenance and remediation costs, agency involvement, private input and so on. In this context, a meeting is to take place on October 17th involving a no. of interests including the Council, the O.P.W., Inland Fisheries and farming community representatives. This is to explore the nature and extent of drainage and flooding problems which

continue to pose a risk to communities, business interests, the road network and so on and to consider strategy options to deal with same.

It is clear that the problem is multi-dimensional and is being exacerbated as a result of inadequate maintenance funding, lack of clarity in relation to policy and responsibility in some cases and, it would appear, the climate change adaptability challenge. Clare County Council continues to pursue the overall flooding/drainage issue insofar as it is feasible to do so.”

The members thanked Senior Engineer, Tom Tiernan for his very comprehensive reply. They repeated again that people who are using the railway are constantly being discommoded due to flooding and that now is the time to do something about a situation that is ongoing for years.

Item 18: Roadworks Programme.

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

“That the management of Clare County Council would provide the financial allocation made by the government for the Roadworks Programme in 2016 and compare it to the 2008 figure. What finances would be required to bring the County's road network up to 2008 standard of repair?”

Tom Tiernan, Senior Engineer replied as follows:

“The table below sums up the funding allocations which were made available to the Council in both 2008 and 2016 to facilitate implementation of the respective Roadworks Programmes in both years.

Funding Allocations.

The following table sums up the funding allocations which were made available to the Council in both 2008 and 2016.

Funding Category	2008	2016
Non National Route Grants		
Strategic R & L	400,000	150,000
Low Cost Safety	315,000	290,000
Discretionary	2,416,000	3,099,700
Restoration Improvement	9,720,000	6,516,447
Training	57,750	60,000

Regional Roads Signage	300,000	0
Bridge Inspections	0	0
Bridge Rehabilitation	0	766,200
Footpaths (in former Town Commissioner towns)	188,000	0
Restoration Maintenance	3,763,000	1,834,240
Winter Maintenance	0	0*
Specific Improvement	3,500,000	250,000
Speed Limits	0	75,000
Local Improvement Schemes	906,000	0
Town Block Grants		
Ennis Town Council Block Grant	605,000	0
Kilrush Town Council Block Grant	204,000	0
Own Resources	5,316,110	2,817,540
N.R.A./T.I.I. Allocations		
National Route Improvement	2,155,000	2,126,000
National Route Maintenance	1,265,000	691,000
Supplementary		
Additional funding allocated during year (National Routes)	500,000	100,000
Additional funding allocated during year (Non National Routes)	500,000	
Overall Totals	32,110,860	18,776,127

From the above table the following points are pertinent:

Total roads funding has reduced from €32.1m. in 2008 to €18.8m. this year – representing an overall reduction of 41.5% over the period.

The total allocation provided in 2008 in relation to the two main restoration grants (Restoration Improvement and Restoration Maintenance) (RI and RM) was €13,483,000. In 2016, the equivalent total allocated was €8,350,687 – implying a shortfall of more than €6m. when compared with 8 years ago.

The RI and RM allocations are the key grants used to support the integrity of roads structure and surfacing throughout the network and between them they should facilitate approximately 10% of the network each year. The equivalent percentage facilitated in 2016 is 4.69% which means that Restoration Works are being facilitated every 21.3 years on average throughout the Clare road network instead of every 10 years.

Notwithstanding the fact that the overall accumulated shortfall in restoration grants since 2008 was approximately €40m, the cost of restoring the overall road network to 2008 standards would be of the order of €100,000,000 to €120,000,000.”

Item 19: Japanese Knotweed.

Ar moladh Cllr. J. Cooney

Cuidithe ag Cllr. P. Hayes agus glacadh leis

“That Clare County Council hold information evenings for all four municipal districts to inform the general public on the dangers of Japanese Knotweed and call on the Government to set up a task force to deal with this serious issue.”

The members agreed that the general public, are unaware of the issues surrounding Japanese Knotweed. Information evenings in conjunction with Teagasc would be very beneficial as a way of getting the information out to the wider community.

Director of Service, Anne Haugh acknowledged that this issue is very problematic, in particular, because there is no co-ordinated strategy at national level. She did advise however the whilst she is awaiting a national protocol Clare County Council will facilitate information sessions at Municipal District Level and will also engage with the Biodiversity Data Centre for more advice and information. The members agreed to write to the Minister for Arts, Heritage and the Gaeltacht, Heather Humphreys regarding the setting up of a task force at national level to deal with this serious issue.

Item 20: Better public services.

Ar moladh Cllr. G. Keating

Cuidithe ag Cllr. P. Burke agus glacadh leis

“To ask Clare County Council to collaborate with local entrepreneurs in order to identify innovative projects for consideration for funding under Enterprise Ireland’s Small Business Innovation Research Programme which would tackle the challenges facing the public sector leading to better public services and improved effectiveness and value for money in view of the success of the three pilot projects successfully managed under the Scheme since 2014 including Dublin City Council’s project to encourage more cyclists into the City; the E.S.B. Ecars smart technology solutions for shared access parking and the SEAI’s Ber Scheme.”

Gerard Dollard, Director of Services replied as follows:

“The Small Business Research Initiative (SBIR) is a mechanism which enables public sector bodies to connect with innovative ideas and technology businesses, to provide innovative solutions for specific public sector challenges and needs.

SBIR falls under the category of pre-commercial procurement (PCP). PCP as defined by the European Union, involves the purchase of research by a Government entity, which is undertaken with the objective of stimulating innovation that the contracting authority or some other party may benefit from at a later stage, when goods or services are not currently available or developed from the outcomes of the research.

Through SBIR, the Public sector can:

- Identify innovative solutions by reaching out to organisations from different sectors including small and emerging businesses
- Create new technical solutions through accelerated technology development, whilst risk is reduced through a phased development programme
- Provide applicants with a transparent, competitive and reliable source of early-stage funding.

Through SBIR potential suppliers or companies can:

- Compete for each demand driven project in a transparent manner
- Demonstrate a route to market for their solution (SBIR is particularly suited to small and medium-sized business, as contracts are of relatively low value and operate in short timescales)
- Focus on specific identified needs, increasing the chance of exploitation as developments are 100% funded – it is not a government grant
- Retain the intellectual property generated from the project (with certain rights of use retained by the contracting department)

SBIR is a competitive programme channelled through an open call to industry prepared and published by Public sector organisations. It is a two-phased development approach commencing with initial feasibility and followed by a final, detailed, product development stage.

I understand that this programme has just been launched and that briefing sessions will be arranged for local authorities in relation to the scheme. When full details are available including the process for making applications, the Council will be happy to consider same and will welcome any suggestions for projects under the details of the scheme as outlined above.”

Item 21: Social leasing of property.

Ar moladh Cllr. G. Flynn
Cuidithe ag Cllr. M. McKee agus glacadh leis

“That Clare County Council review the Policy relating to social leasing of property for applicants in need of accommodation. Public money is paid to private landlords and in some cases properties are not of a high standard and tenants find it very

difficult to get necessary repairs carried out. At the moment the Council's role is minimal when leasing these properties and apart from paying out public money, have little role in making sure the condition of these properties are maintained. At a time when we have a housing crisis and we are more dependent on the private sector for accommodation I think the Council should have more oversight on making sure these properties are fit for purpose."

Liam Conneally, Director of Service replied as follows:

"There is merit in reviewing existing policies in the housing sector, including leasing, to identify areas for improvement. This is to ensure that the customer receives the best possible service within the resources available and to ensure compliance with statutory regulations.

There are three schemes whereby the lease of property provides a social housing solution:

- R.A.S.; Rental Accommodation Scheme - this involves a three-way agreement between the landlord, tenant and local authority. The local authority inspects the property and the landlord is responsible for maintenance.
- Social Leasing - this involves a separate agreement firstly between the local authority and the landlord and secondly between the local authority and the customer who is appointed a tenant of the local authority. The local authority inspects the property and where a lease is less than 10 years, the landlord is responsible for maintenance. Where a lease is greater than 10 years, the local authority is responsible for maintenance.
- H.A.P.; Housing Assistance Payment. This scheme replaces the former DSP (Department of Social Protection) Rent Allowance /Supplement Scheme whereby the customer received the payment directly and negotiated with the landlord whose tenant they became. H.A.P. differs in that it involves a payment on behalf of the local authority to a landlord directly based on the customer identifying a property and the landlord agreeing to participate in the scheme. The local authority inspects the property and the landlord is responsible for maintenance.

In relation to the above schemes, the Council has a specific role in administering the lease fee or the payment. The Council has a lead role in making sure the condition of these properties is compliant and maintained.

As well as the local authority providing social housing through acquisition and construction of properties, the private sector has a major contribution to make to the housing solution.

An increase in the supply of houses from private landlords and quality developers is urgently needed to respond to the housing needs of customers eligible for social housing in Clare.

In instances of private sector rented tenancies, the local authority has a role as regulator and inspector. In this regard, in addition to other duties a unit of local authority staff inspects properties on behalf of the R.T.B. (formerly PRTB); Private Rented Tenancies Board.

During the period of the recession all public sector bodies downsized to respond to the financial challenges within the economy. Clare County Council reduced staffing by 25% (@250 no.). This had an impact on all service areas including the Housing Department.

In recent times the local authority's Housing Department has begun to scale-up in terms of frontline staff capacity. In this regard an additional technical resource has recently been assigned to the Housing Department who joins a very dedicated team of existing staff for inspections. This resource will be dedicated to the specific service area of social leasing and H.A.P. and will greatly contribute to the inspection of properties. Both P.R.T.B. and R.A.S. inspections will be inspected by existing team members.

In instances where repairs or issues arise during an inspection, the local authorities technical and administration team follow up with landlords or the Council's Maintenance Team depending on the terms of the lease."

Cllr. G. Flynn in summing up, stated that he is looking forward to new ideas and actions in the housing area in order to safeguard the interests of the tenants. The Director of Services, Liam Conneally thanked the members for their comments and further undertook to examine any individual properties if the members wish to bring them to his attention.

Item 22: Staffing.

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

"That the Director of Services, Human Resources update the Council on the following staffing matters for each service division covering the period 1/1/2015 to 1/10/2016:-

- Number of retirees and category of posts,
- Number of new appointments and category of posts,
- Number of "upgrading" from "acting" to permanent in specific category of posts,
- Number of vacancies and the category of posts involved,

and the impact of these changes for an enhanced delivery of services within the 4 municipal districts of Clare as underlined in the recent decision on the Local Property Tax 2017."

Jason Murphy, Senior Executive Officer, Human Resources replied as follows:

"With regard to the specific queries in respect of staffing levels please see the appendices attached:

- Number of retirees and category of posts: APPENDIX 1
- Number of new appointments and category of posts: APPENDIX 2
- Number of "upgrading" from "acting" to permanent in specific category of posts: APPENDIX 3
- Number of vacancies and the category of posts involved: APPENDIX 4

The Local Property Tax for 2017 was discussed by Council in September 2016. An additional €1.5m. was identified during that meeting and the allocation of expenditure will be dealt with as part of the current budget process.

The Human Resources Department remains committed to working with Management across the 4 Municipal Districts to strive to deliver the agreed Service Delivery Plan for 2017.”

APPENDIX 1:

The following table outlines the number of retirees and category of posts:

Environment, Transportation, Water (Directorate)	
18	General Operative
4	Driver Class 1
1	Driver Class 2
1	Carpenter
1	Waterworks Caretaker 5
1	General Services Supervisor
1	Waste Water Inspector
2	Water Services Supervisor
1	Administrative Officer
1	Chief Technician
1	Executive Technician
Corporate Services	
1	Facilities Attendant
1	Senior Executive Officer
1	Chief Executive
1	Print Room Attendant
Finance (Directorate)	

1	Branch Librarian
2	Executive Librarian
1	Senior Executive Librarian
1	Library Attendant
1	Senior Executive Officer
Housing and Planning (Directorate)	
2	Clerical Officer
3	Staff Officer

APPENDIX 2: Appointments

The following table outlines the number of appointments.

Housing and Planning (Directorate)	
1	Lifeguard
1	Administrative Officer
6	Clerical Officer
3	Executive Engineer
1	Social Worker
2	Technician Grade 1
2	Assistant Planner
1	Environmental Assessment Officer
2	Graduate
1	Head of Enterprise
1	Geologist
Environment, Transportation, Water (Directorate)	

1	Foreman
20	General Operative
2	Executive Engineer
1	Senior Engineer
5	Clerical Officer
8	Retained Fire-fighter
1	Heavy Vehicle Mechanic
2	Assistant Engineer
1	Harbour Controller
2	Technician Grade 1
1	Technician Grade 2
4	Fitter Plumber
1	Traffic/Litter Warden
Corporate Service	
1	Facilities Management Attendant
1	Communications Officer
1	H&S Officer
1	Technician Grade 2
Finance (Directorate)	
4	Clerical Officers
1	Library Attendant
1	Executive Librarian
2	Facilities Management Attendant
Management Team	
1	Chief Executive

1	Director of Service
84	

APPENDIX 3: Number of “upgrading” from “acting” to permanent in specific category of posts

The following table outlines the number of “upgrading” from “acting” to permanent in specific category of posts.

Housing and Planning (Directorate)	
1	Assistant Staff officer
2	Clerk of Works (Building Inspectors)
1	Executive Technician
3	Staff Officers
1	Supervisor (Traveller Accommodation)
1	Senior Planner
Environment, Transportation, Water (Directorate)	
1	Administrative Officer
2	Community Warden
4	Retained Driver Mechanics
1	Staff Officer
3	Assistant Staff Officer
1	Executive Engineer
1	Fitter Plumber
1	Senior Staff Officer
1	Technician Grade 1
Corporate Service	
1	Technician Grade 1

Finance (Directorate)	
5	Assistant Staff Officer
5	Staff Officers

APPENDIX 4: Number of Vacancies:

The staff numbers are constantly changing and at any point in time there are known forthcoming vacancies and the filling of same is being planned. As per the details in Appendix 2 above there are vacancies in the area of General Operatives/Ganger which are currently being worked on. Water Services and Library Services staffing is currently under review.

In addition to the areas listed above the following vacancies exist at 1st October 2016 and are being processed:

- Print Room Attendant X 1: Recruitment process proceeding
- Driver Class X2: Recruitment process proceeding
- Senior Executive Technician X2: Panels Formed: Recruitment process proceeding
- SGSS and Forman: Offers made – process proceeding.”

Cllr. Curtin thanked Jason Murphy, S.E.O. in Human Resources for the detailed report provided showing the high level of activity across the board in Clare County Council. He queried if these appointments were within the Core Staff of Clare County Council and it was confirmed that they were within the existing complement of staff. The members did however, voice their concerns on the loss of staff in the Library service and asked that these be filled immediately. They also re-iterated the need to recruit a print room attendant immediately in order that the print room can be re-opened and available to staff. The members also see as a priority the regularisation of acting arrangements for supervisors and foremen.

The Chief Executive replied to all queries raised and advised the members that he hopes to meet with the department officials by year end in the context of workforce planning and he will endeavor at all times to ensure resources are where they are most needed.

Item 23: Periodic payment orders.

Ar moladh Cllr. C. Colleran Molloy

“With Heads of Legislation approved in May 2015, that Clare County Council call on the Taoiseach and the Government to prioritize the introduction of Periodic Payment Orders allowing periodic payments to be made to catastrophically injured claimants over their lifetime.”

It was agreed that this notice of motion would be deferred to the November meeting.

Item 24: Marketing strategy for Shannon Airport.

Ar moladh Cllr. P.J. Ryan

Cuidithe ag Cllr. P. Daly agus glacadh leis

“That this Council would request the new C.E.O. of Shannon Airport Authority to draw up a marketing strategy for Shannon Airport as a destination from North America.”

Cllr. P.J. Ryan stated that this was a very serious problem that had been ongoing for years. All flights from New York and Boston have to book an inward flight to Ireland through Dublin. There is no facility to fly into Shannon from these American airports. It is important that Shannon is not forgotten about and that it become an integral flight destination from North America.

Item 25: Mobile phone companies.

Ar moladh Cllr. P. Hayes

Cuidithe ag Cllr. agus glacadh leis

“I propose that Clare County Council call on the Minister for Telecommunications and Natural Resources to intervene with the mobile phone companies to provide a proper and sustainable service to the public and that the telecommunications regulator introduce a charter of rights for customers.”

The members held a brief discussion on this motion. It was unanimously agreed that this issue isn't being discussed at all at national level. Mobile phone coverage in rural parts of County Clare is extremely bad. Lives are at risk as people are dependent on good mobile coverage to get in contact with emergency services.

Item 26. Comhfhreagras. Correspondence.

Correspondence.

- Cllr. P. J. Ryan requested that the new C.E.O. of Shannon Airport be invited to address the Council. The Chief Executive informed the members that this would be arranged in due course.

The following correspondence was circulated with the agenda:

1. Correspondence dated 9th September, 2016 from the Office of the Minister for Justice and Equality in relation to road safety issues.
2. Correspondence dated 26th September, 2016 from the Office of the Minister for Social Protection regarding the possible re-instatement of the Bereavement Grant.
3. Correspondence dated 12th September, 2016 from Mark Donnellan on behalf of “The Tulla Ceili Band” in relation to the recent Civic Reception held in their honour.
4. Correspondence dated 9th September, 2016 from Leonard Cleary, Senior Executive Officer, Housing Department in relation to housing grants.
5. Circular EPS/1/2016: Launch of Public Consultation for Ireland’s second Aarhus Convention National Implementation Report 2017.
6. Irish Water publishes the National Wastewater Sludge Management Plan (NWSMP).
7. Resolution from Kerry County Council regarding the post office network.
8. Resolution from Carlow County Council regarding water and sewage lines.
9. Conference entitled “Ordinary Homes, Ordinary Places: Planning, designing and building supportive communities for people with disabilities” taking place in Croke Park Conference Centre, Hogan Mezzanine Suite, Jones Road, Dublin 1 on 11th October, 2016.
10. AILG Autumn Seminar 2016 being held in Amber Springs Hotel, Gorey, Co. Wexford on 13th & 14th October, 2016.
11. National Freedom of Information (FOI) Conference being held in Hotel Kilkenny, Kilkenny City on 20th October, 2016.
12. ICSH Housing Finance Conference being held in Newpark Hotel, Castlecomer Road, Kilkenny on 20th & 21st October, 2016.
13. Training Seminar for Councillors entitled “Rebuilding Ireland – Action plan for housing and homelessness” taking place in the Park House Hotel, Edgeworthstown, Co. Longford on 4th & 5th November, 2016.
14. Conference entitled “Waterways Ireland – The vision and expectations for 2017-2020” taking place in the Clonakilty Hotel, Clonakilty, Co. Cork on 11th – 13th November, 2016.
15. 2 day Microsoft Excel Workshop for Councillors taking place in Clonakilty Hotel, Clonakilty, Co. Cork on 23rd & 24th November, 2016.
16. 2 day Microsoft Excel Workshop for Councillors taking place in Clonakilty Hotel, Clonakilty, Co. Cork on 30th November and 1st December, 2016.

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.

Local Authority Members Association (LAMA) Spring Training Seminar entitled “Planning & Flood Plains Insurance & Finding Solutions” taking place in Sligo Park Hotel, Pearse Road, Sligo on 1st & 2nd April, 2016.

The Meetings Administrator informed the Members that the estimated average cost per Councillor attending this Conference was €622.82 including conference fee of €160.

It was agreed that Cllr. P. Hayes attend this Conference.

AILG Annual Conference 2016 taking place in Buncrana, Co. Donegal on 5th & 6th May, 2016.

The Meetings Administrator informed the Members that the estimated average cost per Councillor attending this Conference was €537.67 including conference fee of €125.

It was agreed that Cllr. P. Hayes attend this Conference.

AILG Training taking place in Douglas, Co. Cork on 10th September, 2016.

The Meetings Administrator informed the Members that the estimated average cost per Councillor attending this Conference was €390.56 including conference fee of €100.

It was agreed that Cllrs. P. Murphy, C. Crowe, B. Chambers and P. Hayes attend this Conference.

LAMA Autumn Training Seminar taking place in Westlodge Hotel, Bantry, Co. Cork on 30th September & 1st October, 2016.

The Meetings Administrator informed the Members that the estimated average cost per Councillor attending this Conference was €613.53 including conference fee of €160.

It was agreed that Cllrs. T. McNamara, P. Daly, A. O’Callaghan, J. Breen, A. Norton, R. Nagle, J. Crowe, B. Chambers, P.J. Kelly and P. Hayes attend this Conference.

AILG Autumn Seminar 2016 being held in Amber Springs Hotel, Gorey, Co. Wexford on 13th & 14th October, 2016.

The Meetings Administrator informed the Members that the estimated average cost per Councillor attending this Conference was €457.52 including conference fee of €50.

It was agreed that Cllrs. R. Nagle, P.J. Kelly, P. Murphy, P. Daly, J. Cooney, M. McKee, J. Crowe, J. Breen and P. Hayes attend this Conference.

AILG Training taking place in Kilkenny on 27th October, 2016.

The Meetings Administrator informed the Members that the estimated average cost per Councillor attending this Conference was €365.37 including conference fee of €50.

It was agreed that Cllrs. A. O'Callaghan and J. Breen attend this Conference.

The meeting then concluded.

Signed: _____
Riarthóir Cruinnithe

Signed: _____
Cathaoirleach

Date: _____