

**Minutes of the December Monthly Meeting of Clare County Council held in the
Council Chamber, Áras Contae an Chláir, New Road, Ennis, Co. Clare on
Monday, 10th December, 2018 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. Ann Reynolds, Meetings Administrator.
- Ms. Margaret O'Rourke, Assistant Staff Officer.
- Ms. Anne Haugh, Director of Social Development.
- Mr. Leonard Cleary, Director of Rural Development.
- Ms. Carmel Kirby, Director of Physical Development.
- Ms. Carmel Greene, Senior Executive Officer, Economic Development.
- Mr. Cyril Feeney, Senior Engineer.
- Mr. Sean Lenihan, Senior Engineer.
- Mr. John Leahy, Senior Engineer.
- Mr. John Corry, Administrative Officer, Physical Development.
- Mr. Barry Keating, Administrative Officer, Finance & Support Services.
- Ms. Trina Rynne, Financial Accountant.
- Ms. Siobhan McNulty, Senior Executive Officer, Social Development.

The Cathaoirleach, Cllr. Michael Begley presided.

Item 1: Minutes of Council Meetings.

a. Ar moladh Cllr. B. Chambers
Cuidithe ag Cllr. T. O'Brien agus glacadh leis

“That the Minutes of the November Meeting of Clare County Council held on 12th November, 2018 be adopted and signed.”

b. Ar moladh Cllr. B. Chambers
Cuidithe ag Cllr. T. O'Brien agus glacadh leis

“That the Minutes of the adjourned November Meeting of Clare County Council held on 16th November, 2018 be adopted and signed.”

c. Ar moladh Cllr. B. Chambers

Cuidithe ag Cllr. J. Flynn agus glacadh leis

“That the Minutes of the Statutory Budget Meeting of Clare County Council held on 16th November, 2018 be adopted and signed.”

Item 2: Matters Arising.

- Cllr. C. Curtin informed the meeting that to his knowledge, Cllr. P. Burke had met with Minister Eoghan Murphy in relation to government funding for County Clare. Cllr. P. Burke addressed the meeting and stated that he had met with Minister Murphy and had been assured that the government are looking at ways in which money collected in the county will stay in the county.
- Cllr. C. Collieran Molloy informed the members that she will be participating in a vigil being held in Ennis this evening to honour the memory of 225 women who have died tragically in Ireland through violence since 1996. This vigil is being marked by a candlelight walk from Ennis Garda Station to the Court House at 6:30 p.m.
- Cllr. P. Hayes extended congratulations to Clare County Council on being named Local Authority of the Year 2018 at the Chambers Ireland Excellence in Local Government Awards recently. Clare County Council was also named overall winner in 3 award categories.
- Cllr. G. Keating extended a vote of sympathy to the Barry family, Inch on the recent death of their sister Eileen Smyth in Wicklow.
- Cllr. P. Murphy stated that Jim Warny, Ennis resident and sole Irish member of the Thai rescue operation had attended a reception with An Taoiseach recently.
- Cllr. M. Howard extended congratulations to Mary Fitzgerald, founder of Clare Haven Services, who was named as the Christine Buckley Volunteer of the year at the Volunteer Ireland Awards during the weekend. Laura Brennan was also honoured at this reception for raising awareness of the HPV vaccine.

Item 3: Minutes of Municipal District Meetings.

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

“That the Minutes of the Shannon Municipal District Meeting held on the 18th September, 2018 be noted.”

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

“That the Minutes of the Shannon Municipal District Budget Meeting held on the 30th October, 2018 be noted.”

c. Ar moladh Cllr. P. Hayes
Cuidithe ag Cllr. A. O’Callaghan agus glacadh leis

“That the Minutes of the Killaloe Municipal District Meeting held on the 26th September, 2018 be noted.”

d. Ar moladh Cllr. P. Hayes
Cuidithe ag Cllr. A. O’Callaghan agus glacadh leis

“That the Minutes of the Killaloe Municipal District Budget Meeting held on the 31st October, 2018 be noted.”

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

“That the Minutes of the Ennis Municipal District Meeting held on the 9th October, 2018 be noted.”

Item 4: Minutes of S.P.C. Meetings.

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

“That the minutes of the Rural Development S.P.C. meeting held on 18th September, 2018 be noted”.

Item 5: Minutes of the Corporate Policy Group Meeting.

The members noted the minutes of the meeting held on 5th November, 2018 as presented.

Item 6: Monthly Management Report.

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

Cllr. C. Curtin asked for an update on the appointment of Bio-diversity Officer. C. Greene, Senior Executive Officer stated that there is no change in relation to this appointment. At present the work requirements in relation to Bio-diversity are being met by contract arrangement where required.

Cllr. G. Flynn referred to the taking in charge process and requested that more emphasis be placed on this in the new year. He requested an indicative timeline in relation to the Shannon embankment project as well as an update on the LNDR project.

Cllr. J. Flynn referred to the watermains replacement work being undertaken and also sought an update on the noise pollution issue due to the upgrade works at Clonroadmore.

Cllr. G. Keating expressed concern that Querrin is not included on the storm damage projects.

Cllr. P. Hayes requested that Irish Water personnel be invited to come in to the Council Chamber to brief and update the elected members in public.

P. Dowling, Chief Executive addressed the meeting and stated that he noted the comments in relation to taking in charge and stated that the Council is working to progress this. He stated that the Council are taking the Shannon embankments project very seriously and that Consultants will be appointed shortly.

C. Kirby, Director of Physical Development informed the meeting that collaboration has taken place in relation to Shannon embankment and the O.P.W. are to appoint consultants. She confirmed that Clare County Council is the lead authority in relation to the LNDR project and a positive meeting took place with the Department of Transport, Tourism Strategic Group and she confirmed that the project is progressing. She stated that there will be funding available in 2019 for the N19.

Cllr. C. Crowe raised concerns in relation to the LNDR. He stated that the Council needs to provide improved infrastructure in Meelick and stated that the village of Parteen will be divided and requested that an unobtrusive Masterplan be produced.

C. Feeney, Senior Engineer responded to queries raised by Cllr. J. Flynn and stated that the Conservation/Find & Fix Team are coming to Ennis next month.

Mr. Feeney responded to the noise pollution issue and stated that Irish Water have carried out additional works to abate this noise issue.

Item 7: Clare PPN Nomination to Clare Joint Policing Committee.

Report dated 22nd November, 2018 from Annette Donnellan, IS Project Leader was circulated with the agenda. The report states that at a recent election the Clare PPN elected Madeline McAleer as the new Clare PPN representative for the Joint Policing Committee.

Ar moladh Cllr. J. Flynn

Cuidithe ag Cllr. P. Hayes agus glacadh leis

“That Madeline McAleer be appointed to Clare Joint Policing Committee.”

Item 8: Older People’s Council nomination to Clare Joint Policing Committee.

Report dated 22nd November, 2018 from Deirdre O’Shea, Administrative Officer, Rural Community & Tourism Department was circulated with the agenda. The report

states that at a meeting of the Clare Older People's Council on 13th November, 2018 the members agreed that Ms. Mary Leahy be approved to represent the Older People's Council on the Joint Policing Committee as a replacement for Mr. Dermot Hayes who recently stepped down.

Ar moladh Cllr. P. Hayes

Cuidithe ag Cllr. J. Crowe agus glacadh leis

“That Ms. Mary Leahy be appointed to Clare Joint Policing Committee.”

Item 9: Community Support Scheme 2019.

The Community Supports Scheme 2019 Guidelines for Applicants was circulated with the agenda. The report states that as part of our commitment to supporting community endeavour, Clare County Council has launched its Community Supports Scheme for 2019. It is available to support community and voluntary groups wishing to undertake specific projects under the relevant categories of the scheme. This new approach co-ordinates separate grant schemes to community groups operated by various Council departments into a single structured scheme. While retaining the range of professional input from each Council department into the grants, there will now be a single staff contact point for community groups in the Rural Development Directorate. There will also be a single application form rather than the previous contacts with a number of Council departments with different application processes.

An addendum to this item was circulated during the Council meeting. The addendum stated that Clare County Council's "Working Group on the Action Plan for Rural Development" met on Friday, 7th December and reviewed the 2019 Community Support Grant Scheme. While the Working Group agreed to recommend to the Council the adoption of the draft 2019 Community Support Grant Scheme, the elected members identified a gap in the community tourism area. The Working Group requested that another category be added to the scheme to include support for community tourism groups who demonstrate a sustainable tourism model and are implementing a related code of practice.

Cllr. J. Flynn stated that he wished to dissent from this proposal due to the financial shortfall in this years budget.

Cllr. P. Hayes proposed that the scheme be adopted and this was seconded by Cllr. G. Flynn and agreed by the members present.

Item 10: Matthew Thomas, C.E.O., Shannon Group to address meeting at 3:00 p.m.

Matthew Thomas, C.E.O., Shannon Group addressed the meeting at 3:00 p.m. He informed the members that Shannon Group is a commercial, semi-state company focused on being a catalyst for economic growth. An Economic Impact Study carried out last year shows that the Group supports 46,500 jobs, generates €3.6 billion in Gross Value Added and contributes €1.2 billion in Exchequer returns.

2018 has been a good year with Shannon Airport being the fastest growing airport in Ireland outside of Dublin. Shannon Group launched new routes and expanded services including Bristol, Reus, Toronto, and Norwegian. For 2019 routes to Ibiza

and East Midlands are commencing. Shannon Group have undertaken significant investment in the Airport since separation, including a €2m+ runway overlay.

There has also been significant investment by Shannon Commercial Properties, with €40 million invested in the Free Zone by end 2018. This investment includes new office blocks and Starbucks. Within Shannon Heritage a refit of Cliffs of Moher store has been completed and the Malahide and Newbridge business has been secured for the next five years.

The work of Shannon Group has been recognised at various industry awards including winning Limerick Chamber Mid-West Business of the Year. Other awards won include Airport of the Year award for European Regional Airline Association and the Regional Excellence Award for Shannon Commercial Properties.

Mr. Thomas stated that Shannon Groups strategic direction will see continued focus on growth in high quality international connectivity, investment in critical infrastructure and developing our tourism product.

Suspension of Standing Orders.

As the time had reached 3:45 p.m., it was proposed by Cllr. T. O'Brien, seconded by Cllr. G. Flynn and agreed that Standing Orders be suspended so that the discussion with Matthew Thomas, C.E.O., Shannon Group could continue following the formal commencement of the meeting and statutory business.

The Cathaoirleach invited the elected members to address Mr. Thomas with any queries they may have.

The elected members complimented Mr. Thomas on his presentation and emphasised their support for Shannon Airport. Queries were raised in relation to, Green Energy, Shannon Groups commercial occupancy, marketing budgets, transatlantic flights to and from Shannon Airport and accessibility for people in the West of Ireland. Concern was expressed that there is no membership from Clare County Council on the Board of Shannon Airport. A request was made to re-open the tourist information office in Killaloe. The potential of providing a theme park in the region was also raised.

Mr. Thomas stated that Shannon Airport is the fastest growing airport in Ireland this year, and it has grown 33% since separating from Dublin Airport Authority in 2012. He informed the members that Shannon Group have a commercial mandate and they are allocating their marketing budget to increase the numbers using the airport from the west of Ireland and to increase the number of tourists coming to the mid west region. They are also committed to improving European connectivity. He stated that membership on the Board of Shannon Group is not within his role as it is a role for the Minister for Transport, Tourism and Sport. He referred to the challenge posed by the embankment defences and he commended the Council on the lead taken in protecting the embankment.

P. Dowling, Chief Executive thanked Mr. Thomas for his comprehensive report. He echoed the sentiment that Shannon Group is still quite young and that there is a lot of excellent work going on. He stated that the Council will make significant progress on the Shannon embankments under our economic development programme. He stated that Clare County Council is the only civic authority for county Clare and is the lead agency in economic development under law, and the Council will fulfill that role in a

positive way. He stated that Clare County Council must play a real partnership role in ensuring the viability of the airport.

Mr. Thomas thanked the elected members for their support.

Item 11. Insurance Claims.

Ar moladh Cllr. C. Curtin

Cuidithe ag Cllrs. G. Flynn, M. McKee, J. Flynn, I. Lynch agus P.J. Kelly agus glacadh leis

“That the Chief Executive update the Council on insurance claims against Clare County Council in 2016, 2017 and 2018 under the following headings:-

- (i) No. of claims
- (ii) Categories
- (iii) Awards made
- (iv) Legal costs
- (v) Annual insurance bills (I.P.B., etc.)

and arising from same the Council and executive consider and implement a policy including appropriate protocols to reduce and ultimately eliminate the number of such claims and the resulting financial burden on the Councils annual budget.”

John Corry, Administrative Officer, Roads & Transportation Department replied as follows:

“Below is the information requested in respect of Public Liability Insurance claims for the period from 1/1/2016 – 5/12/18.

I. Number of Claims

The number of new claims made against Clare County Council in the period 1/1/2016 – 5/12/2018 was 210.

II. Categories

We have combined footpath and footpath slipping/tripping into one group. Here are the top three causes in terms of numbers of claims:

- Footpath Slipping/Tripping - 73
- Pothole – 50
- Road – 41

III. Awards made

The year on year pay outs for claims finalised, including legal costs, in the period requested were:

- 2016: €1,716,493
- 2017: €845,134
- 2018: €1,089,625

IV. Legal Costs

We are not in a position to provide a breakdown on legal fees for each claim, as some payments are made as “all in” combining award and legal fees, however I.P.B.

estimates the average cost for legal fees equates to 40% - 42% of the overall cost of claims paid. All claims and legal costs are managed through I.P.B.

V. Annual Insurance Bills

The Public Liability insurance premiums payable to I.P.B. in respect of the respective years are as follows:

- 2016-2017 - €1,122,841
- 2017-2018 - €1,403,551
- 2018-2019 - €1,543,906

It is important to note that insurance premiums are based on the value of claims made in the period, rather than claims paid in the period, as some claims can take up to 3, 4 or 5 years to be fully processed. Please note that, as at today's date, the total value of public liability claims made in the above period is estimated by I.P.B. at €4,698,584. The value of these claims have already exceeded the premium paid to I.P.B. In addition the value of the 2017 and 2018 claims may increase or decrease as I.P.B. complete the full investigation process.

Clare County Council are conscious of the need to try and reduce the number of insurance claims being submitted. Accordingly €1.6m. was included in the Schedule of Municipal District Works for 2018 to facilitate the remediation of an extensive schedule of defective footpaths throughout the county. The criteria used to determine the content of the programme focused on locations where footpath conditions posed a risk to users or where there was a history of occurrence of mishaps or accidents or the submission of public liability claims. This funding was financed by a Dividend from I.P.B."

Cllr. C. Curtin expressed concern regarding the serious impact insurance costs are having on the Councils budget.

Item 12. Insurance Claims.

Due to the absence of Cllr. M. Hillery, this motion was moved by Cllr. P. Hayes
Cuidithe ag Cllr. C. Crowe agus glacadh leis

"That the management of Clare County Council would provide all the insurance claims made against the Local Authority in 2018 and the amount paid in each case. Due to the ever increasing insurance premium can the Council carry out an assessment of the risk areas to reduce the number of claims being made in the future."

John Corry, Administrative Officer, Roads & Transportation Department replied as follows:

"A total of 106 insurance claims have been made against Clare County Council to date in 2018. Of this number of claims liability has been denied on 13 claims, 30 claims have been settled and 63 claims are presently under consideration.

Clare County Council cannot provide details on each individual claim as to do so would be in breach of GDPR legislation. A total of €1,089,625 was paid out in respect of Public Liability claims finalised in 2018 to date.

Clare County Council are conscious of the need to try and reduce the no of insurance claims being submitted. Accordingly €1.6m. was included in the Schedule of Municipal District Works for 2018 to facilitate the remediation of an extensive

schedule of defective footpaths throughout the county. The criteria used to determine the content of the programme focused on locations where footpath conditions posed a risk to users or where there was a history of occurrence of mishaps or accidents or the submission of public liability claims. This funding was financed by a Dividend from I.P.B.”

P. Dowling, Chief Executive stated that he shares the concerns of the elected members in relation to insurance costs and he informed the members that the Council work very closely with insurers, the process of footpath reinstatements is ongoing and that we must always defend ourselves as a county and a Council.

Item 13. Noise pollution.

Ar moladh Cllr. J. Breen

“That a report be brought before this Council in relation to noise pollution, clearly indicating the maximum decibels allowed to emanate from any source in this County.”

Carmel Kirby, Director of Physical Development replied as follows:

“There are various different pieces of legislation and guidance that each contain sections which relate to noise and noise pollution.

It is a complex area of legislation, for example, depending on the source of a noise complaint one or more of the following may apply,

- The Environmental Protection Agency (E.P.A.) Act 1992,
- Control of Dogs Act 1986,
- Roads Act 1993,
- National Roads Authority Guidelines,
- Building Regulations 1997 – 2007,
- E.P.A. – Industrial Emissions and I.P.C. Licensing,
- Planning and Development Act 2000,
- Environmental Noise Directive (E.N.D.),
- Environmental Noise Regulations (2006),
- The European Communities (Protection of Workers) Exposure to Noise Regulations 1990,

Currently there is no statutory or “neighbourhood” (houses, local businesses) noise limit specified in Irish legislation. The Environmental Protection Agency (E.P.A.) “Guidance Note for Noise in relation to scheduled activities” recommends the following;

“.....the noise attributable to on-site activities should not generally exceed a free-field L_A,T value of 55 dB by daytime (08:00 – 22:00), at any noise sensitive location. During night-time (22:00 – 08:00), the noise attributable to on-site activities should not exceed a free-field L_Aeq, T value of 45 dB.”

In simple terms a level of 55 dB is consistent with normal conversation levels.

Members of the public and Local Authorities can use Section 107 and 108 of the E.P.A. Act 1992 (Noise) Regulations 1994 to limit a neighbourhood noise nuisance. In general, Clare County Council does not become involved in disputes between neighbours in relation to noise issues. It may consider serving a notice in relation to industrial or commercial sources of noise pollution where it has previously conditioned noise levels as a condition of a planning permission. Where breaches or complaints are detected or received in relation to such developments, enforcement action may be initiated by the Council under the relevant Acts. “

Item 14. Public drinking water fountains.

Ar moladh Cllr. M. Howard

Cuidithe ag Cllr. C. Colleran Molloy agus glacadh leis

“Considering the difficulty presented by single use plastics mostly water bottles. I request that Clare County Council install public drinking water fountains throughout the County.”

Carmel Kirby, Director of Physical Development replied as follows:

“Clare County Council welcomes and supports any initiative which aims to reduce the quantity of single-use plastics being introduced into the environment considering the many difficulties they present. The European Parliament voted in October 2018 to ban certain single-use plastics and under the proposed directive, items such as plastic straws, cotton swabs, disposable plastic plates and cutlery would be banned by 2021, and 90 per cent of plastic bottle recycled by 2025.

In support of this Notice of Motion, Clare County Council will consult with Irish Water (I.W.) in the first instance to determine their policy on the matter and if there are any costs around connection fees or charges for water usage at public drinking water fountains.

We will also consult with the Health Service Executive (H.S.E.) in regard to any public health implications with respect to the inspection, cleaning and maintenance of any public drinking water fountains that may be installed.

We will revert to the Members in early 2019 when this consultation has been completed.”

Item 15. Per Cent for Art Scheme Projects.

Ar moladh Cllr. C. Curtin

Cuidithe ag Cllr. G. Flynn agus glacadh leis

“That the Director of Services report on the Per Cent for Art Scheme Projects completed with funding from the Quilty Mullagh Feakle Scarriff Sewerage Scheme and arising from same the Council would review any outstanding applications in the relevant Municipal Districts.”

Siobhán Mulcahy, County Arts Officer replied as follows:

“Clare County Council's public art strategy outlined in the Clare Arts Development Plan, states that 'public art commissions through the Per Cent for Art Scheme ... will be allocated from the pooling of Per Cent for art funds across the relevant departments of Clare County Council'.

This is in line with the ***Public Art: Per Cent for Art Scheme General National Guidelines - 2004.***

The Per Cent for Art Funding associated with the Quilty/Mullagh/Feakle/Scarriff Sewerage Scheme was pooled in accordance with this policy along with per cent for art monies from other capital projects countywide.

As per Clare County Council's public art strategy this pooled funding was divided equally between

- a) one significant artistic projects that had a county-wide remit and was relevant to the county as whole
- b) at least one key project to be undertaken per electoral area

The following are the projects commissioned to date:

Countywide: The Clare Concerto – a musical commission by Dave Flynn, performed by the Irish Memory Orchestra featuring three movements - North Clare, East Clare and West Clare, premiered in glór in November 2013 and performed all over the world subsequently. The Clare Concerto offered young Clare musicians the opportunity to rehearse and perform with the Orchestra through an apprentice Scheme.

East Clare: Mná Brian Ború - A Semi-Staged Sean Nós Opera by Dave Flynn for vocalists and The Irish Memory Orchestra performed in Killaloe in 2014 to mark the millennium of the death of Brian Ború. An apprentice scheme for young musicians also accompanied this project.

West Clare: The Gangani Legacy – a sound and music composition project by composer Ian Wilson working with communities in West Clare. The project will create a 40-minute sound work that will include contributions (spoken and musical) from people of all backgrounds and walks of life from West Clare. The outcome of the project will be two performances in West Clare and the availability of a high quality CD recording of the work. This project is currently underway and is expected to culminate in performances in November 2019.

North Clare: Folk Radio is a concept for a new artists-led, on-line radio station and digital sound archive, based at X-PO in Kilnaboy. Led by artist Tom Flanagan this community-based project will seek to engage the wider and existing communities active in and around X-PO, a former post office. Folk Radio will aim to make a series of radio programmes, exploring the meaning of ‘the rural’, in the context of a community that is made up of both local and newcomers to the area. Folk Radio relates to a long tradition of radio in empowering local communities with the tools to interrogate cultures and opinions of people and their traditions. It also relates to X-PO’s own history, as its late Postmaster, John Martin “Mattie” Rynne, was a keen shortwave and citizen broadcasting enthusiast. Broadcasting will begin in 2019.

Shannon: The intergenerational project ‘Delta Resonances’ consisting of dance, film, and live performance is led by dancer Katherine O'Malley. The project aims to deliver

a process of creative engagement with the local community in Shannon drawing inspiration, themes, and direction from the connections made with the community and a focus on how environment, place, memory and culture suggest meaning and value. The unique and diverse community of Shannon town will be a starting point for the project, with a creative focus on stories and practices from locals and various nationalities that have settled in Shannon. Questioning what emerges through the generation, what do we take with us, Delta Resonances will connect youth community groups and schools with people that have an interest and practice in the traditional skills that have survived time, together with senior citizen and active retired groups in Shannon, who possess a memory of these skills and practices.

This project is currently in the research phase with dance workshops and filming due to take place in January 2019.

Clare County Council's public art policy is currently being reviewed as part of the preparations for a new County Arts Development Plan and in tandem with the recently published *Arts Council's Public Art Policy 2018.*"

Item 16. Article 43 of EU Treaty.

Ar moladh Cllr. P.J. Kelly

"That a progress report be made on executive application of unanimously agreed motion No. 24 (Article 43 of EU Treaty) of the April 2018 meeting."

Brian McCarthy, Senior Planner replied as follows;

"Notice of Motion no. 24 of the April 2018 meeting of Clare County Council stated

"That Clare County Council as planning authority for the county of Clare complies with the provisions of article 43 of the EU Treaty as legally defined by the European Court of Justice decision which is now known as the Flemish Decree Case."

In summary, the recorded minutes of the meeting indicate that the response to the Notice of motion stated that "having regard to the recently adopted National Planning Policy (N.P.F.); the current regional planning guidelines and the policies and objectives of the Clare County Development Plan 2017-2023 and their implementation; and in the absence of any detail, information or direction to the contrary, I am satisfied that Clare County Council as a Planning Authority continues to comply with the provisions of Article 43 of the EU Treaty on the freedom of movement of citizens."

The April Notice of Motion concluded by stating that "should there be any change in EU, national or regional legislation, plans or guidance, Clare County Council like all other Planning Authorities will be required to review its implications for local planning policy." The minutes conclude by agreeing to request the Council to seek advice from the Department and revert to the Members.

By way of update, the Department of Housing and Planning indicated that a Working Group on the examination of the 2005 *Sustainable Rural Housing - Guidelines for Planning Authorities* in the context of Article 43 of the EU Treaty, was reconvened in mid-November 2018 and stated that "engagement with the EU Commission on the

matter is on-going.”

Cllr. P.J. Kelly stated that it was agreed that the Council would seek advice from the Department and revert to the Council. He expressed disappointment that this matter has not been addressed.

Item 17. Workshops.

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

“That the CEO put in place Workshops in January 2019 similar to the very successful events organised at the beginning of 2018 and that all directorates participate to inform the members of all the measures in place for the year ahead. The template already exists from previous engagement.”

Ann Reynolds, A/Senior Executive Officer, Corporate Services replied as follows:

“A comprehensive programme of information briefings was held in March/April 2018. The Programme was delivered in five modules across the five directorates. The sessions were well attended and feedback from the members was all positive.

A similar programme of information briefings can be drafted for consideration by the Corporate Policy Group with a view to holding a number of such briefings in Quarter 1 of 2019.”

Item 18. Tourism promotion.

Ar moladh Cllr. P. Murphy

"I wish to receive the following information,

- i) What was the annual tourism promotional budget for the county for 2016, 2017 and 2018?
- ii) Is Clare County Council privy to tourism Ireland's budget for the same years?
- iii) Is there a joined up approach from Clare County Council and Tourism Ireland in relation to promotion of Clare? and
- iv) Has any consideration been given to previous notice of motion of mine calling for a "Circle of Clare" to be established?"

Monica Meehan, Senior Executive Officer, Rural Development replied as follows:

- i) The annual tourism promotion budget for 2016 - 2018 as per the relevant job code is as per the following table. The 2016 and 2017 figures provided for the contribution towards Fleadh Cheoil na hÉireann:

2016	2017	2018
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€191,000	€115,000	€131,000
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- ii) Tourism Ireland’s remit is to promote the island of Ireland overseas as a holiday and business tourism destination. Various marketing programmes are delivered in over 20 markets worldwide. Targeted marketing activity includes advertising online, on TV and outdoor sites, in cinemas and in newspapers and magazines, eMarketing, overseas publicity, co-operative marketing with carriers and other partners and promotions to the travel trade and consumers. Tourism Ireland’s overall funding from the Department of Transport, Tourism and Sport in each of the years is €39.5m in 2016, €40.8m in 2017 and €42.4m in 2018.

Clare County Council has an excellent working relationship with both Tourism Ireland and Fáilte Ireland as the key tourism agencies in Ireland.

- iii) The response to the June 2017 motion regarding the ‘Circle of Clare’ referenced the Shannon Estuary and Burren loops which are being led by Fáilte Ireland and recommended that the full delivery of initiatives emanating from the Wild Atlantic Way would be in place before consideration would be given to any further marketing initiative and that all marketing initiatives for the county would sit together, complement each other and not cause confusion.

The Council in partnership with Shannon Heritage is embarking on the preparation of a ten year tourism strategy for the county.

TEAM Tourism Consulting have been appointed to undertake this process which will include a review and analysis of the current situation, stakeholder consultation, identification of market opportunities and brand positioning, identification of strategic priorities and initiatives. The strategy document will be accompanied by an action plan. It is envisaged that the process will conclude in July 2019. Consideration of the ‘Circle of Clare’ proposal can form part of the strategy review and planning process.”

Cllr. P. Murphy raised queries in relation to the tourism budget, Circle of Clare initiative and marketing tourism attractions in Clare.

L. Cleary, Director of Rural Development responded to queries raised. He stated that the tourism budget does not include staff costs and that the Council work very closely with Fáilte Ireland. He informed the members that the preparation of a new tourism strategy has commenced.

Item 19. Cliffs of Moher.

Ar moladh Cllr. C. Crowe

“That Clare County Council furnish details of incentives given to large tour operators that include the Cliffs of Moher site in itineraries.”

Leonard Cleary, Director of Rural Development replied as follows:

“Clare County Council does not give incentives to large tour operators that include the Cliffs of Moher site in their itinerary.

The fact that the Cliffs of Moher is the second largest visitor attraction in the country presents a situation whereby tour operators need to offer this visit to their customers. This creates large visitor flows, which tend to concentrate between 11:00 a.m. and 4:00 p.m. daily. If the customer wishes to choose to visit the Cliffs of Moher outside of these peak times, then lower price rates are available. This seeks to influence customer behaviour by diverting visitor flows to the off-peak hours. This could have a second benefit in that the customer may choose to overnight in Clare resulting in a higher visitor spend in the county. The key principal of this dynamic pricing is that the customer chooses the time and price of their visit.

On a related point a new Tourism Strategy for County Clare is currently being prepared. In addition, a new Cliffs of Moher Strategy will plan the way forward for how the Cliffs can best develop for the benefit of other tourism businesses in Clare.”

Item 20. Insurance premiums.

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

“Need to reduce insurance premiums for Irish Consumers.

In order to tackle the high insurance premiums, that Clare County Council call on the Government to implement the recommendations of the recently presented final report of the Personal Injuries Commission (PIC) as soon as possible and in particular two recommendations;

- 1) to deal with excessive awards - that the upcoming Judicial Council (which is expected to be on statute basis by end this year) compile guidelines for use by judges of “appropriate general damages“ awards for various types of personal injury, and
- 2) to deal with fraudulent activities - need the establishment of an Irish Garda Fraud Investigation Bureau with similar powers that the Insurance Fraud Enforcement Department have in the UK.”

The elected members expressed the view that funding needs to be made available for funding the Garda Fraud Unit and that as there is no penalty for perjury in this country, legislators need to legislate for this.

Item 21. Data Centre for Ennis.

Ar moladh Cllr. P. Daly
Cuidithe ag Cllrs. T. McNamara agus J. Breen agus glacadh leis

“We ask Clare County Council to ensure that our five Clare Oireachtas members give their full support in assisting the delivery of a Data Centre for Ennis.”

This motion was supported by all and members spoke in favour of the overall project. Cllr. J. Cooney and Cllr. P. Murphy stated that the Fine Gael Oireachtas members are supportive of the project.

Item 22. Junction 12, 13 and 14 on the M18 motorway.

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

“I am asking that Clare County Council contact Transport Infrastructure Ireland (T.I.I.) to immediately review Junction 12, 13 and 14 on the M18 motorway in terms of road safety and traffic movements. There have been a number of incidents at these junctions over the last number of months and immediate attention is required.”

John Leahy, Senior Engineer, Roads & Transportation Department replied as follows:

“Clare County Council will write to Transport Infrastructure Ireland (T.I.I.) to request a review of the junctions listed on the M18 motorway as per the motion.”

The elected members raised concerns in relation to the junctions in question and stated that criteria may need to be reviewed to enable the safe movement of traffic at these locations.

Item 23. “Opt-out Organ Donation” Human Tissues Bill.

Ar moladh Cllr. M. McKee
Cuidithe ag Cllr. M. Howard agus glacadh leis

“That Clare County Council, while welcoming news that legislation is being prepared in relation to the ‘Opt-out Organ Donation’ Human Tissues Bill, seek an up-date on the progress of this from the Minister for Health.”

Item 24. Rural Transport System.

Due to the absence of Cllr. P.J. Ryan, this motion was moved by Cllr. M. Begley
Cuidithe ag Cllr. J. Breen agus glacadh leis

“That this Council would call on Minister Shane Ross to introduce a Rural Transport System for all of County Clare.”

Item 25. Coach services to and from Shannon Airport.

Ar moladh Cllr. P. McMahon
Cuidithe ag Cllr. M. Begley agus glacadh leis

“I would ask Shannon Group to meet Bus Éireann to review and upgrade their coach services to and from Shannon Airport as the general public are not fully aware of the coach services they provide to and from the airport.”

Item 26. Driver Licence Exchange Scheme.

Ar moladh Cllr. M. Howard

Cuidithe ag Cllrs. G. Keating agus A. O'Callaghan agus glacadh leis

“Clare County Council requests the Minister for Transport, Tourism and Sport, Mr. Shane Ross to introduce changes to the Driver Licence Exchange Scheme to facilitate returning emigrants particularly from the U.S.A.”

Item 27. Comhfhreagras. Correspondence.

- Cllr. J. Flynn referred to correspondence received from the Department of Housing, Planning and Local Government regarding the inspection of properties that are being rented to clients in receipt of H.A.P. assistance. He welcomed the regulations for housing inspections under the H.A.P. scheme and expressed concern that there is no follow up with landlords in relation to follow up works.

The following correspondence was circulated with the agenda:

1. Correspondence dated 26th November, 2018 from William J. Lewis, President, Clare Association in New York congratulating Clare County Council on being named Local Authority of the Year 2018.
2. Correspondence dated 15th November, 2018 from the Department of Health concerning Ennis General Hospital.
3. Correspondence dated 26th November, 2018 from the Department of Transport, Tourism and Sport regarding verge trimming on roads.
4. Correspondence dated 6th November, 2018 from the Office of the Minister for Education and Skills in relation to funding of Outdoor Education and Training Centres.
5. Correspondence dated 6th November, 2018 from the Department of Housing, Planning and Local Government regarding inspection of properties that are being rented to clients in receipt of H.A.P. assistance.
6. Correspondence dated 22nd November, 2018 from the Department of Transport, Tourism and Sport regarding V.A.T.
7. Correspondence dated 20th November, 2018 from the Office of the Minister for Employment Affairs and Social Protection in relation to Community Employment Schemes.
8. Correspondence dated 20th November, 2018 from the Department of Health concerning the Loneliness Taskforce “A Connected Island”.
9. Correspondence dated 21st November, 2018 from the Department of Transport, Tourism and Sport regarding a scheduled service from Shannon Airport to France.
10. Correspondence dated 3rd December, 2018 from the Department of Transport, Tourism and Sport in relation to Rural Transport Programme.
11. Correspondence dated 21st November, 2018 from the Department of Housing, Planning and Local Government in connection with funding for maintenance on secondary and minor roads.

12. Correspondence dated 6th November, 2018 from Dublin City Council in relation to outdoor educational centres.
13. Resolution circulated by Kilkenny County Council supporting the proposal from historian Catherine Corless for a full DNA analysis of the children found in the septic tanks in Tuam.
14. Resolution circulated by Kilkenny County Council supporting the immediate implementation of 24/7 cardiac care in UHW.
15. Conference entitled “The Finance Act 2018” taking place in the Four Seasons Hotel, Carlingford, Co. Louth on 11th – 13th January, 2019.
16. Conference entitled “Understanding the Asylum Process in Ireland” taking place in O’Donovan’s Hotel, Clonakilty, Co. Cork on 18th – 20th January, 2019.
17. Conference entitled “Retirement Entitlements and Taxation Benefits for Councillors” taking place in The Clonakilty Hotel, Clonakilty, Co. Cork on 25th – 27th January, 2019.

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.

AILG training taking place in the Seven Oaks Hotel, Carlow on 17th February, 2018.

The Meetings Administrator informed the Members that the estimated average cost per Councillor attending this Conference was €341.71 including conference fee of €50.

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

LAMA 2018 Spring Training Seminar entitled “New National Planning Framework” taking place in the Central Hotel, Donegal Town, Co. Donegal on 6th & 7th April, 2018.

The Meetings Administrator informed the Members that the estimated average cost per Councillor attending this Conference was €607.37 including conference fee of €160.

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

AILG training taking place in Dungarvan, Co. Waterford on 12th – 13th April, 2018.

The Meetings Administrator informed the Members that the estimated average cost per Councillor attending this Conference was €404.52.

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

LAMA 2018 Autumn Training Seminar taking place in the River Island Hotel, Castleisland, Co. Kerry on 28th & 29th September, 2018.

The Meetings Administrator informed the Members that the estimated average cost per Councillor attending this Conference was €10.92 including conference fee of €180.

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

AILG training taking place in Sligo on 13th October, 2018.

The Meetings Administrator informed the Members that the estimated average cost per Councillor attending this Conference was €58.19 including conference fee of €55.

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

AILG training taking place in Springfield Hotel, Leixlip, Co. Kildare on 17th November, 2018.

The Meetings Administrator informed the Members that the estimated average cost per Councillor attending this Conference was €108.36 including conference fee of €55.

It was agreed that Cllrs. P. Hayes and A. O'Callaghan attend this Conference.

AILG training taking place in Hotel Kilmore, Cavan on 22nd November, 2018.

The Meetings Administrator informed the Members that the estimated average cost per Councillor attending this Conference was €73.42 including conference fee of €55.

It was agreed that Cllr. A. Norton attend this Conference.

Conference entitled "Thinking outside the Ballot Box: Democracy and the EU" taking place in the Hilton Hotel, Dublin on 8th February, 2019.

The Meetings Administrator informed the Members that the estimated average cost per Councillor attending this Conference was €35.37 including conference fee of €15.

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

National Biodiversity Conference taking place in Dublin Castle on 20th – 21st February, 2019.

The Meetings Administrator informed the Members that the estimated average cost per Councillor attending this Conference was €20.37.

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

The meeting then concluded.

Signed: _____
Riarthóir Cruinnithe

Signed: _____
Cathaoirleach

Date: _____