

Minutes of the January Monthly Meeting of Clare County Council held in the Council Chamber, Áras Contae an Chláir, New Road, Ennis, Co. Clare on Monday, 14th January, 2019 at 3:45 p.m.

Present:

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

- Mr. Pat Dowling, Chief Executive.
- Ms. Ann Reynolds, Meetings Administrator.
- Ms. Margaret O'Rourke, Assistant Staff Officer.
- Ms. Anne Haugh, Director of Social Development.
- Mr. Liam Conneally, Director of Economic Development.
- Mr. Leonard Cleary, Director of Rural Development.
- Ms. Carmel Kirby, Director of Physical Development.
- Ms. Noeleen Fitzgerald, A/Head of Finance.
- Mr. John Leahy, Senior Engineer.
- Mr. Cyril Feeney, Senior Engineer.
- Mr. Sean Lenihan, Senior Engineer.
- Mr. John Corry, Administrative Officer, Transportation.

The Cathaoirleach, Cllr. Michael Begley presided.

Vote of sympathy.

At the outset a vote of sympathy was extended to the following:

- The Murphy family, Kilkishen on the death of Michael Murphy.
- The O'Dwyer family, Quilty on the death of Paschal O'Dwyer.
- The Slattery family, Scarriff on the death of Laurence Slattery.
- The Bugler family Scarriff, on the death of Nancy Bugler.
- The Drennan family, Claureen, Ennis on the death of Linda.
- The Hegarty family, Kilnamona on the death of Michael.

Item 1: Minutes of Council Meetings.

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

“That the Minutes of the December Meeting of Clare County Council held on 10th December, 2018 be adopted and signed.”

Item 2: Matters Arising.

Item 3: Minutes of Municipal District Meetings.

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

“That the Minutes of the West Clare Municipal District Meeting held on the 21st September, 2018 be noted.”

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

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

c. Ar moladh Cllr. P. Daly
Cuidithe ag Cllr. A. Norton agus glacadh leis

“That the Minutes of the Ennis Municipal District Meeting held on the 14th November, 2018 be noted.”

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

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

“That the minutes of the Social Development S.P.C. meeting held on 5th September, 2018 be noted”.

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

“That the minutes of the Physical Development S.P.C. meeting held on 24th September, 2018 be noted”.

Item 5: Minutes of the Corporate Policy Group Meetings.

The members noted the minutes of the meeting held on 3rd December, 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 welcomed the recently undertaken Reading the Local Landscape course. He requested an update on meeting with Irish Water concerning replacement of mains as well as an update on flood relief schemes from the O.P.W.

Cllr. J. Flynn raised the issue of noise pollution due to the upgrade works at Clonroadmore and suggested that the Council purchase noise monitoring equipment to address this issue. Cllr. Flynn also referred to climate change, energy reduction performance and the upgrade of the Clare Dog Shelter.

Cllr. J. Breen requested an update on the Part VIII for the N85 at Kilnamona. Sean Lenihan, Senior Engineer responded to Cllr. Breens query and stated that the T.I.I. design was given to the affected landowners last January and some of the landowners had concerns regarding flood risk. Flood risk consultants have been engaged. The design is currently being worked on and following T.I.I. approval, this project should be ready for Part VIII during the summer.

In response to issues raised Carmel Kirby, Director of Physical Development informed the meeting that the meeting with the O.P.W. is scheduled for next week and the Draft Climate Change Strategy is being prepared.

Cllr. G. Keating referred to the development of the “Little Ark” Kilbaha as a visitor centre and stated that it will be a great asset to the peninsula. Leonard Cleary, Director of Rural Development stated that this visitor attraction project is being led by Kilballyowen Community Development Ltd.

Cllr. P. Hayes referred to the roadworks programme and welcomed the increase in funding, but stated that in the national context and in comparison to other counties Clare’s allocation is still very low.

Cllr. R. Nagle welcomed the progress on the N85 and requested that the landowners in question be kept informed of proposals.

Cllr. P. Burke welcomed progress on Holy Island, Lough Derg.

Cllr. B. Slattery informed the meeting that the Southern Regional Assembly have prepared a draft Regional Spatial and Economic Strategy for the whole of the Southern Region for the period 2019-2031. He stated that this is a consultation document and the Southern Regional Assembly will consider all submissions made in writing until Friday, 8th March next before adopting the R.S.E.S. Cllr. P. McMahon stated that it is vital that new submissions concerning Clare are submitted before the closing date.

Cllr. G. Flynn stated that the announcement in relation to the Shannon embankments has been much appreciated by the Shannon community.

P. Dowling, Chief Executive informed the meeting that the recent announcement in relation to Shannon embankments was as a result of 1½ years intensive negotiation and that this work will benefit Shannon as a community, airport etc. In relation to roads funding, he stated that pressure will continue and that officials and elected members have a role to play in trying to increase funding. If we get more funding we will use it, there will be long term benefit and gain for the county.

He acknowledged the work being done by Cllr. B. Slattery and Cllr. P. McMahon on the Southern Regional Assembly in keeping Clare items to the fore.

Cllr. C. Crowe raised the problem of gas emissions from the Parteen Meelick waste treatment plant. Cllr. Crowe also informed the meeting that residents in Parteen were without water for six days during the Christmas period and stated that capital investment is needed in this area. He complimented the Council staff in Water Services who had to deal with this problem.

Cllr. M. Begley supported Cllr. Crowe on this issue and questioned the undue length of time it took to get working on it.

Cyril Feeney, Senior Engineer responded to Cllr. Curtin's request for an update on meeting with Irish Water on 10th January last in relation to mains replacement. He stated that work will begin in Dereen, Liscannor on 8th April, Doonbeg on 4th March and Bealaha in mid February. Work on Miltown Malbay to Mullagh will follow on when work on Bealaha contract is complete as the same contractor has been appointed to both works. Cllr. Curtin thanked C. Feeney for the progress report.

C. Kirby, Director of Physical Development stated that T.I.I. fund major capital projects and that not all projects submitted to T.I.I. receive funding. She informed the meeting that the availability of materials led to the delay in addressing the water leak in Parteen during the Christmas period and that discussions are taking place with Irish Water in relation to a more permanent solution in Parteen.

In relation to the gas emissions in Parteen Meelick, C. Feeney stated that he has put forward proposals to Irish Water to alleviate this issue.

Item 7. Housing Programme.

Ar moladh Cllr. P. McMahon

Cuidithe ag Cllrs. P.J. Ryan agus P. Daly agus glacadh leis

“That Clare County Council examine the potential to part fund its housing programme, through the bond option, which is popular in many countries.”

Anne Haugh, Director of Service replied as follows:

“As the motion states the use of Housing bonds as a source of funding for infrastructure projects and particularly affordable housing is popular across many EU and US municipalities. This method has proven successful in attracting external investment to complement or replace government funding of housing programmes.

This approach has also been put forward in Ireland as a potential means of generating the significant capital needed to stimulate housing supply either through direct delivery by local authorities or Approved Housing Bodies or to facilitate private development by delivering the essential infrastructure to open up suitable lands for

housing. Institutions such as credit unions and pension funds have been suggested as potential investors but it is clear that legislative change would be required to enable local authorities to operate in this way.

In a similar type proposal, Cork County Council has recently announced that it has set up a joint venture company with Ireland Strategic Investment Fund (I.S.I.F.), a National Treasury Management Agency (N.T.M.A.) managed fund, to provide funding for infrastructure to open up lands for housing development in Cork. Both Cork County Council and the I.S.I.F. have invested seed capital of €1.5 million for a 50% shareholding with a committed annual investment of €150,000 for 10 years. The JV will have debt facilities up to €25 million. It may well be that this model can be replicated in other local authorities and Clare County Council will closely monitor this initiative as it is implemented.

Clare County Council is one of a number of local authorities that have been approved for funding under the Local Infrastructure Housing Activation Fund (L.I.H.A.F.) aimed at delivering the necessary infrastructure to open up lands for housing development in Claureen, Ennis.

The serviced site fund is another initiative recently announced by the Department of Housing, Planning and Local Government which also provides opportunities to develop Council owned lands for affordable housing and in this regard the Council has submitted proposals for consideration in relation to lands in Shannon and Ennis.

Subject to the necessary legislative and fiscal amendments necessary to give effect to the raising of capital by local authorities, Clare County Council remain open to exploring any such opportunities to fund its infrastructural investments, including housing bonds as suggested in the motion.”

Item 8. Housing support.

Ar moladh Cllr. M. Howard

“Clare County Council as a housing authority has obligations to facilitate the provision of suitable, cost effective, quality accommodation and housing support for people in need of housing.

This housing support is provided in many ways.

- Social rented tenancies in local authority owned properties.
- Sourcing social housing properties from the private sector through schemes such as the Rental Accommodation Scheme and the leasing Initiative.
- Accessing accommodation provided by Voluntary and Co-operative Housing.
- Provision of traveller accommodation.
- Provision of accommodation for homeless people.

However one group of people needs to be considered and provided for - those with physical disabilities that heretofore have been cared for at home by family members.

Clare County Council needs to plan to provide supported accommodation for this sector of our community. Has Clare County Council's Housing Department any plan to facilitate this section of our society?"

Anne Haugh, Director of Service replied as follows:

“Clare County Council is the lead authority in the Housing and Disability Steering Group, an interagency representative group, who meet quarterly to coordinate the delivery of housing and related support services to people with a disability.

As per the 2018 Housing Needs Assessment there are 99 households with a self declared disability on the housing waiting list this equates to ~10% of the net number of households in need of accommodation.

Table A1.5: Main Need for Support for Those Households Qualified for Social Housing by Local Authority

Key	Basis of Need													Key	Basis of Need												
A	Dependent on Rent Supplement													H	Disability - Other												
B	Unsuitable accommodation – household circumstances													I	Disability – intellectual												
C	Require separate accommodation													J	Exceptional medical needs or compassionate grounds												
D	Institution, emergency accommodation or hostel													K	Overcrowded accommodation												
E	Disability – physical													L	Unfit accommodation												
F	Disability – sensory													M	Unsustainable mortgage												
G	Disability – mental health																										

	A	B	C	D	E	F	G	H	I	J	K	L	M	TOTAL
Carlow														
2018	79	124	100	24	32	10	30	0	22	5	40	12	21	499
2017	195	177	77	18	34	7	30	0	20	7	58	11	17	651
Cavan														
2018	77	410	120	1	15	0	7	0	5	20	30	17	35	737
2017	91	389	89	1	20	0	12	0	20	8	27	18	30	705
Clare														
2018	259	362	83	123	35	1	30	6	27	14	29	27	8	1,004
2017	808	658	103	49	61	5	66	6	33	32	53	69	9	1,952
Cork City														

In order for the Council to plan for and support those with disabilities who are transitioning from home settings to supported independent living the individuals must first be approved eligible for social housing support.

In this regard this Council through the Housing and Disability Steering Group works closely with service providers to identify and support those in need of accommodation as the support package is critical to achieve independent living for the individual.”

Item 9. Housing construction in traditional locations.

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

“That Clare County Council as Planning Authority for the county of Clare regard housing construction in traditional locations in rural areas as enhancement of our heritage rather than a defilement of same.”

Brian McCarthy, Senior Planner replied as follows:

“The construction of housing in rural areas of Clare, in particular with appropriate siting and design, can contribute to and enhance not only our heritage, but also the

character and vibrancy of rural areas. In 2018, over 280 rural houses were granted by Clare County Council.”

In response to query raised by Cllr. P.J. Kelly, Liam Conneally, Director of Economic Development stated that as part of the Development Plan, Clare County Council have prepared and published “County Clare Rural House Design Guide” which is a guide for anybody planning, designing or building a house in rural County Clare.

Item 10. Road Safety.

Ar moladh Cllr. G. Flynn

Cuidithe ag Cllr. A. Norton agus glacadh leis

“Clare County Council prioritise road safety at all junctions throughout the county of Clare and where required the Road Design Section come up with solutions to resolve the serious traffic hazards that exist for motorists and pedestrians trying to negotiate some of these junctions that are now experiencing additional use since planning was given by the Council for many residential areas with little or no consideration given to the vulnerability of new communities going about daily manoeuvres at these health and safety hazards.”

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

“Safety at junctions is a priority in Clare and many locations have been successfully treated over the years.

Funding for improvements to junctions currently is granted under the following streams:

1. Low Cost Safety for Regional and Local roads. The locations for which funding is applied are identified by the following methods:
 - a. the Road Design Office studies the accident database and identifies those with treatable accident patterns
 - b. the Area Engineers submit locations which they have identified or have been brought to their attention via public representatives or members of the public

The number and severity of accidents determines a priority list and the Department of Tourism, Transport and Sport funds on the basis of that ranking.

Examples of such Low Cost Safety Schemes are St. Aidans School pedestrian crossing, Meelick Village and Sandpitt Cross on the R352 Scarriff road.

We are awaiting the 2019 grant announcement.

2. HD 15 sites identified by TII on National roads
The Road Design Office prepares a survey, studies accident patterns, designs a scheme, costs the scheme, produces a Feasibility Report and applies to T.I.I. for funding. Depending on the cost a Section 38 or Part VIII may be required.

Example: N85 Moanreel near Ennistimon.

Locations on National roads which have not come through the HD 15 reports could also receive funding if a sufficient case can be made for an improvement scheme.

The National road schemes which are currently under design are N85 Clareabbey roundabout, N85 Shanaway Road Junction and N68 Derrycrossaun Cross.

In producing reports on new planning applications the T.I.I. standards are utilised and the distance back from a national or regional road is recommended to the Planning section.

Deficiencies noted at a junction near a proposed development are flagged in the planning report and certain conditions applied.”

The elected members present extended their support for this notice of motion and stated that the Council need to mitigate against accidents in the best interest of pedestrians, cyclists and motorists. It is a county wide issue and these issues are being raised on an ongoing basis by constituents at various locations including Monument Cross, Newmarket on Fergus, Ballymacahill, Corrovorrin, Shanaway Road, Clareabbey, Sixmilebridge and other locations.

The elected members felt that T.I.I. have a role to play and that a list needs to be compiled for the whole county and submitted to T.I.I.

John Leahy, Senior Engineer informed the members that eight schemes have been developed for funding in 2019 and if funding is received, these schemes will be delivered.

P. Dowling, Chief Executive stated that this is a very important issue that needs to be examined at Municipal District level in order to prioritise the key locations that are eligible for funding. He assured the members that the Council will engage with T.I.I. in a more robust fashion to get a positive outlook for County Clare.

Item 11. Local Improvement Scheme.

Ar moladh Cllr. C. Curtin

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

“That the Director of Services report under the following headings on the Local Improvement Scheme for non-Council roads serving houses, public amenities and land holdings etc. in rural Clare:-

- (i) No. of applications approved and completed in 2017
- (ii) No. of applications approved and completed in 2018
- (iii) No. of applications on file for each Municipal District at 1/1/2019

and arising from same that the Council would request the Minister for Community and Rural Affairs for an increased allocation in 2019 (i.e. before June 2019) to assist the clearance of the backlog awaiting approval.”

Carmel Kirby, Director of Physical Development and Leonard Cleary, Director of Rural Development replied as follows:

(i) 2017

Clare County Council was allocated total grant funding of €866,744 for Local Improvement Schemes from the Department of Rural and Community Development. This funding facilitated the approval and completion of L.I.S. works to 27 roads in 2017.

(ii) 2018

Clare County Council was allocated total grant funding of €1,038,844 for Local Improvement Schemes from the Department of Rural and Community Development. This funding facilitated the approval and completion of L.I.S. works to 30 roads in 2018.

(iii) Due to the fact that the previously existing list of applications in respect of Local Improvement Schemes was several years in existence and was found, in many cases, not to reflect current realities, it was decided in early 2018 to re-advertise the scheme and to develop an up-to-date list of expressions of interest. A total of 280 applications were received. As outlined at (ii) above a total of 30 applications were approved in 2018 & works carried out on same. This then leaves a balance of 250 applications on hand as at 1/1/2019. The breakdown of this list by Municipal District is as follows:

• Ennis Municipal District:	21
• Killaloe Municipal District:	41
• Shannon Municipal District:	3
• West Clare Municipal District:	<u>185</u>
Total	250

Further assessment and prioritisation of these L.I.S. applications will be taking place in the coming weeks so that Clare County Council will be in a position to seek further grant aid as soon as a call is made for such funding in 2019.

To date the funding received from the Minister for Rural and Community Development has involved a cross-directorate approach. This delivers on the Rural Development Strategy's transport target."

Cllr. C. Curtin stated that it is imperative that this funding is allocated in June of each year. The elected members welcomed the return of this scheme and stated that this is an extremely beneficial scheme and the Council need to make the strongest case possible to get the money earlier and an increase in the allocation.

P. Dowling, Chief Executive stated that the Council executive are pressing with relevant Ministers in Government for funding. He emphasised that Clare has the competency to deliver projects on the ground when the funding is made available.

Item 12. Cleaning and dredging on rivers.

Ar moladh Cllr. J. Cooney

Cuidithe ag Cllr. P. Hayes agus glacadh leis

"That Clare County Council carry out cleaning and dredging on all their rivers at least once every five years as some of these are in a very bad state and are causing severe flooding."

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

“A new drainage works grant was made available in 2018 by the Department of Transport, Tourism and Sport from which Clare County Council received €448,500. This was also supplemented from other funding sources including I.P.B. grant of €300,000.

The funding was divided as follows:

	€
Ennis Municipal District	95,000
Killaloe Municipal District	248,000
Shannon Municipal District	59,000
West Clare Municipal District (North)	165,750
West Clare Municipal District (South)	180,750

Drainage works including – repairs to existing drains, cleaning and removal of vegetation from drains, cleaning and removal of trees and saplings from river beds and replacing of damaged drainage culverts were carried out in each area on a priority basis.

Even though this funding was welcome in 2018, it was limited. A similar programme of work will be put in place in 2019 and we are hopeful that this grant category will be continued.

We have emphasised to the Department the benefit of this grant and requested an increase in 2019.”

Item 13. Implications of G.D.P.R. on Community C.C.T.V. schemes.

Ar moladh Cllr. C. Crowe

“That the Chief Executive & County Solicitor-

1) Brief elected members on the implications of G.D.P.R. on Community C.C.T.V. schemes and whether or not the concerns raised by the County and City Manager’s Association have been adequately dealt with the Department of Justice.

2) Clarify if still images and/or video captured by private citizens of this county is admissible in cases that involve illegal-dumping. Will Clare County Council use footage supplied to prosecute the offender? Will the individual who collected the footage be named?

3) Give some general advise and guidance on what basic principles private citizens, Tidy Towns committees, residents’ associations, etc must adhere to if operating small scale C.C.T.V. operations for detecting illegal dumping.”

Noleen Fitzgerald, A/Head of Finance, Corporate and Human Resources replied as follows:

“1) A response is awaited from the Department of Justice on the matters raised by the C.C.M.A. in relation to Community based C.C.T.V. schemes.

The Community based C.C.T.V. scheme is designed to provide financial assistance to qualifying local organisations towards meeting the capital costs associated with the establishment of local community C.C.T.V. systems. Funding is provided by the Department of Justice and to draw down this funding one of the requirements is that the local authority agrees to act as data controller.

However there are further issues to be considered such as:

- resources are also required to allow the council to discharge its' data protection duties as data controller e.g. for ongoing operational costs including monitoring of the operation of the scheme, ensuring the security of data processing, and appropriate technical and organisational measures in order to meet the requirements of the Regulation and protect the rights of data subjects.
- There are obligations in record-keeping, dealing with access requests and breaches.
- Replacement of obsolete technology
- Other requirements include for 'Privacy by Design' (This means the inclusion of data protection measures from the outset of designing a processing system) and a Data Protection impact assessment may be required thus indicating the need for proactive consultation with the local authority at an early stage in the project.

The Data Protection Commission (D.P.C.) recently issued a document 'Data Protection and Community Based C.C.T.V. Schemes' (available on their website www.dataprotection.ie)

The D.P.C. is currently carrying out a very broad inquiry into surveillance of citizens by the State sector for law enforcement purposes through the use of technologies such as C.C.T.V. etc. This inquiry is currently focussing on local authorities and in a second module on An Garda Síochána. One of the many aspects of the inquiry is the auditing of the deployment of Community based C.C.T.V. systems. It is anticipated that revised guidance will be provided by the D.P.C. in due course in light of the findings of its inquiry.

The Council together with, Tipperary County Council and Limerick City & County Council are working in co-operation to achieve compliance with G.D.P.R. Consultants have been engaged and are currently preparing policies and procedures to assist the three local authorities in demonstrating compliance with the G.D.P.R., which includes a C.C.T.V. layered policy.

2) Under the Waste Management Act 1996, as amended, the environment section has powers to investigate environmental incidents including the use of C.C.T.V. The Local Authority is the "data controller" of Council owned C.C.T.V.

If a private citizen provides "images and/or videos", that person is the "data controller". The permission of the "data controller" would be required in order to use the "data" in a legal case. To date the Council has not used images submitted by third parties in illegal dumping cases and would require legal advice on a case by case basis on this matter.

3) Individuals and organisations can seek guidance from the Data Protection Commissioner (D.P.C.). The D.P.C. has guidance in relation to data protection

principles and matters on its website. This is set out clearly in the categories 'For individuals' and 'For organisations'.

The documentation provided by the Department of Justice & Equality in relation to the Community based C.C.T.V. scheme also gives useful information e.g. the Code of Practice for Community based C.C.T.V. systems.

It should be noted that this states:

Section 38 of the Garda Síochána Act, 2005 lays down the conditions governing the operation of C.C.T.V. schemes in a public place. This includes the need for all C.C.T.V. schemes operating in public areas to have written authorisation of the Garda Commissioner. Section 38(1) provides as follows:

“The Garda Commissioner may authorise the installation and operation of C.C.T.V. for the sole or primary purpose of securing public order and safety in public places by facilitating the deterrence, prevention, detection and prosecution of offences.”

All persons involved in the planning, supervision or operation of such a C.C.T.V. scheme should familiarise themselves with this document from the outset.

The G.D.P.R. (Article 2 (2) (c)) does not apply to the processing of personal data by a natural person in the course of a purely personal or household activity e.g. Private cctv systems (that record within the boundaries of the private property and do not extend into public areas e.g. footpaths etc).”

P. Dowling, Chief Executive stated that this matter is receiving close attention at national level and that the C.C.M.A. are engaging with the Data Commissioner in this regard. He assured the members that legal advice is being sought nationally and that he will keep them updated as this issue evolves.

Suspend Standing Orders.

It was agreed by the members that Standing Orders would be suspended to extend the time in order to complete the business of the meeting. As there was one half of the members of the whole Council present, this was proposed by Cllr. G. Flynn and seconded by Cllr. C. Curtin.

It was agreed that Item No. 21 be discussed at this time.

Item 21. Limerick Regional Hospital.

Ar moladh Cllr. J. Breen

Cuidithe ag Cllr. C. Collieran Molloy agus glacadh leis

“In view of the fact that Limerick Regional Hospital has the largest amount of people waiting on trollies for admission, that this Council propose a vote of no confidence on the Minister for Health, Mr. Simon Harris.”

Cllr. J. Breen requested that this motion be forwarded to An Taoiseach and request that Ennis A&E be re-opened as Limerick is overcrowded and understaffed.

Cllr. J. Flynn proposed the following counter motion:

“That Clare County Council request Minister Harris to provide additional funding to (1) alleviate the annual trolley crisis at University Hospital Limerick, and (2) to consider re-opening 24 hour A&E at Ennis as a Model 3 hospital.”

This was seconded by Cllrs. B. Slattery, P. Burke, P. Murphy, J. Cooney, M. Howard and G. Keating.

It was agreed that this was not a valid amendment to a motion in accordance with Standing Orders. Cllr. T. McNamara suggested that as an alternative the Council would request the Minister for Health, Simon Harris to meet the four members of the H.S.E. West within the next four weeks or else we consider supporting James Breen motion.

Cllr. J. Breen agreed to defer this motion for one month pending the outcome of meeting with Minister Harris.

Item 14. Customer Survey.

Ar moladh Cllr. C. Curtin

Cuidithe ag Cllrs. G. Flynn, P.J. Kelly agus J. Flynn agus glacadh leis

“That a Customer Survey be carried out forthwith by the Council to gauge the level of satisfaction of the general public of Clare with the delivery of its services and its consequent impact on the communities of Clare.”

Noeleen Fitzgerald, A/Head of Finance, Corporate and Human Resources replied as follows:

“Customer feedback is important in shaping how the Council delivers services into the future. A Business Review unit has been established and is developing a work programme to include the following areas: Branding/Website Review, Communications/Customer Service Review, Service Catalogue, Municipal Districts Review.

As part of the work on the Branding/Website Review Project, a company was engaged to conduct research which will provide guidance for the development of a Clare brand including communication and website optimisation. In quarter 4 2018 a wide range of views were collected by this company from a number of groups (General Public/Service Users, Visitors, Councillors, Businesses, Investors) focussing on tourism, community, business and investment. While this research did include an element of customer satisfaction it had a broader remit. This process is ongoing.

The National Oversight and Audit Committee (N.O.A.C.) has engaged IPSOS MRBI to conduct a survey of the general public to establish their level of satisfaction with their experience of engaging with their local authority. A number of such surveys have been completed across the country. The next round for the survey will be the medium sized local authorities which will include Clare and it is expected that this will commence in February/March 2019. The total results from these surveys will be statistically robust and provide a benchmark for all future surveys.

Clare County Council is fully committed to engaging with this process and the feedback provided will further inform the Business Review Work Programme.”

Item 15. Money owed to local authority for services provided.

Due to the absence of Cllr. M. Hillery at this time, this motion was moved by Cllr. B. Chambers

“That the management of Clare County Council would provide the amount of money owed to the local authority for services provided and how they propose to collect same?”

Noeleen Fitzgerald, A./Head of Finance, Corporate and Human Resources replied as follows:

“Set out in the table hereunder by income department are the amount of outstanding charges as per the audited accounts in the years 2014 to 2017 with a draft annual financial statement figure at December 2018. The 2018 accounts will be finalised in due course and presented to council.

The comparable amounts owing for Commercial Rates, Housing Rents, Loans and Development Contributions in the years 2014 to 2018 sets out a €5.2million reduction in amount of money owed to the Local Authority. This is a 22% positive improvement in customer payments over the years as they enter into payment plans to address outstanding arrears on their accounts.

Income Source	Draft AFS 2018 €'000	AFS 2017 €'000	AFS 2016 €'000	AFS 2015 €'000	AFS 2014 €'000
Commercial Rates	10,500	10,780	11,075	12,143	13,686
Development Contributions	5,800	6,648	7,236	7,722	7,993
Housing Loans & Rents	1,775	1,858	1,728	1,627	1,639
Fire Charges	544				
LEO Refundable Aid	400				
Other Charges	593				

The Council has dedicated resources in the various departments assigned to the ongoing engagement with customers to facilitate payment arrangements. Where there is no positive engagement, legal proceedings are initiated.

Commercial Rates

The council continues to address amounts outstanding in respect of Commercial Rates. Outstanding balances have reduced from €13.7m in 2014 to a projected balance of €10.5m in 2018 a cumulative 23% reduction (€3.1m) over that period. The amounts due are being actively pursued through engagement with customers in agreeing payment plans, or through legal action, where necessary. The National Oversight and Audit Committee (N.O.A.C.) report on Local Authority Performance Indicators 2017 published the national mean collection percentage across thirty one local authorities at 83.6%, with Clare reporting 86% (eight in the listing of thirty one authorities)

Development Contributions

The balance in relation to Development Contributions of €5.8m compares to €6.68m in the previous year. This sum outstanding includes development contributions deferred based on extension of time developments or based on agreed payment plans with customers. The council continues to pursue the collection of all outstanding contributions on completed developments via invoicing once a commencement notice

has been submitted and through the enforcement process or legal action where payment is not made as per the condition of the planning permission.

Fire Charges

The council continues to actively pursue the outstanding charges through ongoing engagement with customers, facilitating payment through a range of payment options. Where there is no positive engagement, legal proceedings are to be initiated.

Housing Loans and Rents

The Council continues to make every effort in dealing with housing arrears cases, including regular meetings with customers, facilitating payment through a range of payment options, making agreements for the payment of arrears and the close monitoring of all accounts where difficulties with payments have arisen. The Housing Department are in ongoing communication with a number of loan customers where loans have become unsustainable and other options are being progressed with a view to reducing arrears such as the Mortgage Arrears Resolution Process, Voluntary Surrender and Mortgage to Rent.

All rent accounts that are in arrears are monitored on a monthly basis and in cases where tenants of the council do not engage to address these rent arrears in a satisfactory manner an escalating warning procedure is commenced. This can culminate in a tenancy warning letter (previously notice to quit) being served on a tenant. It should be noted that over 5,000 rent accounts have been reviewed between 2017 and 2018 which has resulted in significant additional income for the Council. The amount of rents collected has risen from €6.38m in 2016 to €7.76m in 2018."

It was agreed to take Items No. 16 and 20 together.

Item 16. Promote Shannon Airport.

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

"That Clare County Council liaise with Shannon Airport Group with a view to developing a more effective strategy to promote the recognition of the airport locally, nationally and internationally."

Item 20. Rebranding Shannon Airport.

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

"In a bid to boost numbers using Shannon International Airport, and to endeavour making the most of the potential that the " Wild Atlantic Way" brand has for the western seaboard, I am requesting that Clare County Council call on management at Shannon Group to consider rebranding the airport accordingly".

The elected members wished the Chief Executive well on his application for appointment to the Board of Shannon Group plc.

Item 17. Support our youth.

Ar moladh Cllr. A. Norton
Cuidithe ag Cllr. P. Murphy agus glacadh leis

“That Clare County Council write to the Minister for Health and the Minister for Children and Youth Affairs to ensure that no young person feels alone, isolated and disconnected from others around them. County Clare needs to support our youth.”

Cllr. P.J. Ryan requested that the meeting time not be extended in future as it is very disheartening to discuss a notice of motion when many elected members are not present in the Council Chamber.

Item 18. Driving test.

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

“That this Council would request that Minister for Transport, Shane Ross would immediately take action to ensure that nobody has to wait any longer then 6-8 weeks for a driving test and furthermore anybody that has taken a driving test and failed on minor faults should be allowed to drive unaccompanied provided they reapply for a new test immediately.”

Cllr. G. Flynn stated that he supports the first part of this notice of motion but cannot support the second part in relation to unaccompanied learner drivers. Cllr. J. Flynn agreed with Cllr. G. Flynn.

After a brief discussion on this item the Cathaoirleach asked the members for a show of hands in support of the proposal as presented and it was agreed to record the results in the minutes. This resulted in a majority in agreement and the motion was deemed passed.

In favour: Cllrs. P.J. Ryan, P. McMahon, B.Chambers, T. McNamara, M. Begley (5).

Against: Cllrs. G. Flynn, J. Flynn, P. Murphy, C. Curtin (4)

Item 19. Fracking for shale gas.

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

“Objection to possible use of imported fracked gas in Ireland on climate and environmental grounds.

As a campaigner against the use of fracking for shale gas in Clare and Ireland, I ask Clare County Council to object to the possibility of fracked gas being imported into the Shannon Estuary for use in Ireland’s energy systems.”

Item 22. Invite Eir representatives to brief elected members.

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

“I am asking that Clare County Council invite representatives of EIR to our Council Meeting to update us on the present rollout of broadband in the county and their future plans in this area.”

Item 23. Comhfhreagras. Correspondence.

The following correspondence was circulated with the agenda:

1. Correspondence dated 2nd January, 2019 from the Office of the Minister for Business, Enterprise and Innovation in relation to the implementation of the recommendations of the second and final report of the Personal Injuries Commission.
2. Correspondence date 2nd January, 2019 from the Department of Transport, Tourism and Sport regarding the provision of public transport in County Clare.
3. Correspondence dated 2nd December, 2018 from the E.S.B. in relation to Moneypoint Power Station.
4. Correspondence dated 14th December, 2018 from the Department of Transport, Tourism and Sport regarding the V.A.T. increase.
5. Correspondence dated 11th December, 2018 from the National Transport Authority concerning the licensing of small public service vehicles (SPSVs).
6. Correspondence dated 7th January, 2019 from Shannon Group regarding Bus Éireann coach services to and from Shannon Airport.
7. Correspondence dated 7th January, 2019 from Joe Carey, T.D., in relation to the delivery of a Data Centre for Ennis.
8. Correspondence dated 20th December, 2018 from the Department of Health concerning opt-out organ donation.
9. Correspondence dated 14th December, 2018 from the Department of Health concerning opt-out organ donation.
10. Resolution circulated by Donegal County Council.
11. Resolution circulated by Donegal County Council.
12. Resolution circulated by Monaghan County Council.
13. Notice of dates and venues for A.I.L.G. Training in January 2019.
14. Conference entitled “A Guide to EU Educational Programmes” taking place in The Four Seasons Hotel, Carlingford, Co. Louth on 8th – 10th February, 2019.
15. Conference entitled “Good Governance of Community, Voluntary & Charitable Organisations in Ireland” taking place in O’Donovan’s Hotel, Clonakilty, Co. Cork on 22nd – 24th February, 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.

A.I.L.G. training taking place in Kilkenny on 15th November, 2018.

The Meetings Administrator informed the Members that the estimated average cost per Councillor attending this Conference was €342.96 including conference fee of €55.

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

A.I.L.G. 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 €408.36 including conference fee of €55.

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

Conference entitled "EU Cohesion Policy 2014-2020" taking place in the Four Seasons Hotel, Carlingford, Co. Louth on 14th – 16th December, 2018.

The Meetings Administrator informed the Members that the estimated average cost per Councillor attending this Conference was €408.36 including conference fee of €55.

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

A.I.L.G. training taking place in Mullingar Park Hotel, Mullingar on 19th January, 2019.

The Meetings Administrator informed the Members that the estimated average cost per Councillor attending this Conference was €352.82 including conference fee of €55.

It was agreed that Cllrs. A. O'Callaghan, C. Colleran Molloy, P. McMahon and B. Chambers attend this Conference.

A.I.L.G. training taking place in Horse & Jockey Hotel, Co. Tipperary on 24th January, 2019.

The Meetings Administrator informed the Members that the estimated average cost per Councillor attending this Conference was €301.76 including conference fee of €55.

It was agreed that Cllrs. M. Hillery and C. Curtin attend this Conference.

Lecture in N.U.I.G.

The Meetings Administrator informed the Members that the estimated average cost per Councillor attending this Conference was €214.19.

It was agreed that Cllr. C. Curtin 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 €382.37 including conference fee of €15.

It was agreed that Cllr. M. Hillery attend this Conference.

The meeting then concluded.

Signed: _____
Riarthóir Cruinnithe

Signed: _____
Cathaoirleach

Date: _____