

**Minutes of the November Monthly Meeting of Clare County Council held in  
Glór, Ennis, Co. Clare on Monday, 9<sup>th</sup> November, 2020 at 3:45 p.m.**

**Present:**

Councillors M. Howard, M. Nestor, J. Flynn, C. Colleran Molloy, P. Murphy, A. Norton, P. Daly, J. Cooney, P. Burke, A. O’Callaghan, J. Crowe, M. Begley, P.J. Ryan, P. McMahon, P. O’Gorman, S. Talty, J. Killeen, J. Garrihy, S. Crawford, P.J. Kelly, B. Chambers, G. Keating, C. Murphy.

**Attending remotely:** Cllrs. P. Hayes, D. McGettigan, I. Lynch and T. O’Brien.

- 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, Director of Finance and Support Services.
- Mr. Cyril Feeney, Senior Engineer, Physical Development.
- Mr. Seán Lenihan, Senior Engineer, Physical Development.
- Mr. John Leahy, Senior Engineer, Physical Development.

**Apologies:** Cllrs. G. Flynn.

The Cathaoirleach, Cllr. Mary Howard presided and referred to the new operating guidance adopted at the October meeting which included a provision for remote access to meetings. Cllr. Howard informed the members that the adoption of revised Standing Orders is listed on the agenda and this includes a provision and procedures for remote meetings as the Ministerial Order has now been signed. Cathaoirleach, Cllr. M. Howard stated that four members were accessing the meeting remotely using MS Teams.

**Vote of Sympathy.**

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

- The Cassidy family, Ruan on the death of Theresa Cassidy.
- The O’Dea family, Cooraclare on the death of Brendan O’Dea.
- The Smyth family Doonbeg on the death of Charlene Smyth.
- The McMahon family, Kilmurry, Sixmilebridge on the death of Tommy McMahon.
- The Griffin family Crusheen and Kilmihil on the death of Michael Griffin.

Cllr. S. Talty proposed that the meeting be adjourned for 5 minutes as a mark of respect to the late Jimmy Nagle, Ennistymon, former member of Clare County Council. He stated that Jimmy was a Councillor in the Ennistymon Electoral Area from 1979 – 1999 and he was also a local publican, undertaker and farmer. The elected members supported the adjournment and sympathy was extended to the Nagle family. The meeting then adjourned for 5 minutes.

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

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

“That the Minutes of the October Meeting of Clare County Council held on 12<sup>th</sup> October, 2020 be adopted and signed.”

b. Ar moladh Cllr. A. Norton  
Cuidithe ag Cllr. B. Chambers agus glacadh leis

“That the Minutes of the adjourned October Meeting of Clare County Council held on 19<sup>th</sup> October, 2020 be adopted and signed.”

**Item 2: Matters Arising.**

Under matters arising Cllr J. Flynn referred to Item 7 in the minutes of the October Council meeting and in particular to the response given by Anne Haugh, Director of Social Development in response to his query in relation to Westbrook House and the recent An Bord Pleanála decision. He indicated his disagreement with the statement as recorded in the minutes that the current use of Westbrook House as emergency accommodation for homeless services clients was a continuation of the use which had existed prior to the Council acquisition of the property.

**Item 3: Minutes of Municipal District Meetings.**

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

“That the Minutes of the Ennis Municipal District Meeting held on the 1<sup>st</sup> September, 2020 be noted.”

b. Ar moladh Cllr. P. Daly  
Cuidithe ag Cllr. C. Colleran Molloy agus glacadh leis

“That the Minutes of the Ennis Municipal District Special Meeting held on the 9<sup>th</sup> July, 2020 be noted.”

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

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

“That the minutes of the Physical Development S.P.C. meeting held on 19<sup>th</sup> February, 2020 be noted”.

b. Ar moladh Cllr. J. Cooney  
Cuidithe ag Cllr. J. Garrihy agus glacadh leis

“That the minutes of the Physical Development S.P.C. meeting held on 28<sup>th</sup> September, 2020 be noted”.

**Item 5: Minutes of the Corporate Policy Group Meetings.**

The members noted the minutes of the meeting held on 5<sup>th</sup> October, 2020 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.

**Item 7: Standing Orders – Regulate proceedings in relation to remote Council meetings.**

Statutory Instrument S.I. No 445 of 2020, Civil Law and Criminal Law (Miscellaneous Provisions) Act 2020 (Section 29) (Local Authorities) (Designation) Order 2020 together with Circular letter Ref: LG 07-2020, and Draft Standing Orders 2020 were circulated with the agenda.

S.I. 445 of 2020 allows for meetings to be held remotely by local authorities. Any decision made or vote taken or other act done at such a meeting shall be as good and effectual as a decision made or vote taken or other act done by the members concerned would have been if such a meeting had been held in person. The arrangements that apply for the regulation of meetings are matters for the members to determine subject to the provision of Part 6 and Schedule 10 of the Local Government Act 2001.

Circular letter LG 07-2020 outlines guidelines for supplementary Standing Orders regulating the proceedings in relation to remote meetings of the Council. Local authorities may avail of this order as required, to facilitate attendance and participation at meetings to ensure the efficient carrying out of council business while also protecting the health and safety of elected members and local authority staff. The guidelines state that it is a matter for elected members of each local authority to decide if and how meetings of the local authority will be held remotely and where

elected members take such a decision, they should consider appending supplementary standing orders to their existing Standing Orders in order to regulate the holding of remote meetings.

The Draft Standing Orders 2020 as circulated included amendments in relation to

- Place of meeting and address of Principal Offices
- Management of Remote meetings
- Procedures Remote meetings.
- Operating the Standard Operating Guidance as agreed at the October meeting of Clare County Council.

P. Dowling, Chief Executive addressed the meeting and stated that the recently signed Ministerial Order facilitates remote meetings which will continue into the future. Mr. Dowling advised that the adoption of the revised Standing Orders as circulated will give effect to the Ministerial Order in line with the national template.

Cllr. C. Collieran Molloy asked for clarification in relation to the duration of the new rules. P. Dowling, Chief Executive responded that this will be a decision for the elected members as it will be kept under review for the duration of the covid 19 pandemic.

Cllr. P.J. Kelly asked if legal advice had been sought in relation to the revised standing orders and if Councillors can vote remotely during the estimates meeting.

P. Dowling, Chief Executive responded to the queries raised by stating that local authorities are following the advice received from the Minister for Housing, Local Government and Heritage and that Councillors can vote remotely at meetings.

Ar moladh Cllr. C. Collieran Molloy  
Cuidithe ag Cllr. P. O’Gorman agus glacadh leis

“That pursuant to the provisions of Section 44, Schedule 10, Article 16 of the Local Government Act, 2001, the revised Standing Orders as circulated with the Agenda be adopted for the regulation of the proceedings and business of Clare County Council. These Standing Orders are effective from 9<sup>th</sup> November, 2020.”

#### **Item 8: Proposal to establish an Ennis 2040 Strategic Development Designated Activity Company (DAC)**

Report dated 19<sup>th</sup> October, 2020 from Liam Conneally, Director of Economic Development was circulated with the agenda. The report provided a background to the Ennis 2040 Spatial and Economic Strategy.

The report continued that in order to deliver on the objectives set out in the Ennis 2040 Strategy, it is proposed to establish a local authority wholly owned special purpose vehicle, in the form of Ennis 2040 Strategic Development Designated Activity Company (DAC), to deliver a programme of targeted investment and property development. The role of Ennis 2040 DAC will be to promote the economic development, social integration and environmental improvement of the town of Ennis

and its environs in County Clare. This will include, without limitation, formulating a strategic plan for specific sites, and engagement in the construction and development of some of the sites across the various development sectors (commercial, residential, office, social, community and recreational amenities) on a not for profit basis.

Key to the success of the DAC will be its leadership team, recognising the need for a respected Executive Chairman and Board with a diverse knowledge of financial management, commercial development, property development, business expertise and governance, as well as a team to drive and deliver on a planned investment programme. Nine transformational sites have been identified as potential development opportunities for Ennis 2040 DAC and initially, it is anticipated the team would be tasked with assessing the viability and potential of these sites amongst other projects. Furthermore, a public-private partnership approach is paramount to the successful implementation of this strategy, whilst the DAC will also collaborate with education providers and international investment agencies, e.g. the IDA and EI, to enhance the overall offering in the town.

Clare County Council has already identified people of this calibre and is currently in discussion with senior business leaders and potential executive team members. The Board will be chaired by an independent external nominee in line with best practice and executive members of the board will be endorsed by the Chief Executive. The Economic Development Directorate will provide the executive management support to the Board and staff.

The report concluded that it is proposed that two elected members will sit on the board as Directors of the Ennis 2040 Strategic Development DAC. Nominations for these positions were sought by the Cathaoirleach.

Cllr. P. Murphy proposed that Cllr. M. Nestor and Cllr. C. Colleran Molloy be appointed to the Board of Ennis 2040 Strategic Development Designated Activity Company (DAC). This was seconded by Cllr. A. Norton and agreed by the members present.

#### **Item 9: Overdraft Facility in 2021.**

Report dated 29<sup>th</sup> October, 2020 from Noeleen Fitzgerald, Director of Finance and Support Services was circulated with the agenda. The report states that an overdraft facility is required to be in place for the twelve month period commencing January 2021 to December 2021 in line with Departmental guidelines. The members approved an increased overdraft facility up to June 2021 at the June Council meeting up to a maximum of €30 million. It is proposed to seek approval for this existing overdraft limit of €30 million for the calendar year January 2021 until December 2021.

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

“That pursuant to the provisions of Section 106 of the Local Government Act, 2001 the Council hereby approves of borrowing up to a maximum of €30 million by way of overdraft facility from the Council’s Treasurer for the year ending 31<sup>st</sup> December, 2021.”

**Item 10. Capital projects.**

Ar moladh Cllr. P.J. Kelly

“That the following information be provided with regard to capital projects in each electoral area, in the four year period ending December 2020:

- (1) Location of project(s) in each electoral area
- (2) Cost of each project
- (3) Total investment in each electoral area
- (4) Process of selecting each project.”

**Noeleen Fitzgerald, Director of Finance and Support Services replied as follows:**

“Capital Projects are planned and delivered by the Directorate and section across the council’s services. These can be planned from the PMO Capital office, Tourism Unit, Rural Department, Economic, Environment, Housing Capital, Sports and Recreation, Libraries or from the Municipal District. The projects are reported to members in the monthly management report and also on actual expenditure incurred in the Half Year Finance Report and in the Annual Financial Statement (AFS) Appendix 6. The attached sets out the reporting on project planning on capital works, the spend over the last three and a half years on projects by LEA (€151m) and listing the main projects in that LEA.

Below is the extract of Appendix 6 of the AFS 2017 to June 2020 by directorate.

	2017	2018	2019	6 Months to June 2020	Total
	€'000	€'000	€'000	€'000	€'000
Housing & Building	20,381	26,088	27,266	8,896	82,632
Road Transportation & Safety	8,234	8,446	15,459	4,241	36,381
Water Services	643	945	293	104	1,984
Development management	2,746	2,625	3,472	1,114	9,958
Environmental Services	1,285	1,456	634	275	3,651
Recreation & Amenity	1,420	2,269	2,413	1,917	8,018
Agriculture, Education & Welfare	47	131	237		414
Miscellaneous	663	889	4,760	1,658	7,971
<b>Total</b>	<b>35,419</b>	<b>42,850</b>	<b>54,534</b>	<b>18,206</b>	<b>151,009</b>
<b>Total Value of Projects where expenditure &gt;€50,000</b>					<b>147,005</b>

When this data is further analysed for all projects with a total expenditure >€50k, the breakdown by electoral area is as follows in the table underneath. This data gives a broad indication of the expenditure in each LEA excluding Local Authority Housing Construction and Purchase.

Electoral Area	Ennis	Ennistymon	Kilrush	Killaloe	Shannon
€m	€19.1m	€14.4m	€6.55m	€12.0m	€4.0m

Some of the key projects within the Electoral Areas are as follows:

Electoral Area	Project	€m
Ennis EA	Bindon Court - LIT Campus	1.1
	County Library	1.8
	Ennis Public Realm	0.6
	Flood Relief Schemes	7.4
	Quin Road Campus	2.4
	Town & Village	0.3

	Land	1.3
	County Burial Ground	0.7
	Footpath Refurbishment	0.4
	John O’Sullivan Park	0.5
	Northern Relief Road	0.4
	Taking In Charge	1.3
	Other	0.9
<b>Killaloe EA</b>	Shannon Bridge Crossing	9.8
	Town & Village and ORIS	0.7
	Inis Cealtra – Holy Island	0.1
	Blueway	0.2
	Footpath Refurbishment	0.3
	Taking In Charge	0.3
	Hinterland Projects	0.2
	Other	0.4
<b>Shannon EA</b>	Shannon Looped Walks	0.3
	Shannon Town Park	1.6
	Town & Village	0.3
	Shannon Burial Ground	0.2
	Shannon Allotments	0.1
	Group Water Schemes	0.1
	N19 Airport Access Road	0.2
	Limerick Northern Distributor Road	0.3



	Footpath Refurbishment	0.3
	Taking In Charge	0.2
	Other	0.4
<b>Ennistymon EA</b>	Ennistymon Inner Relief Road	0.6
	Cliffs of Moher Capital Programme	3.0
	Ennistymon Multi Service Centre	2.4
	Lahinch & Spanish Point Public Toilets	0.8
	Lahinch Public Realm Works	0.8
	Storm Damage Remedial Works	4.2
	Group Water Schemes	0.4
	Footpath Refurbishment	0.2
	Pier and Harbours	0.5
	Burren Life	0.4
	Lahinch RRDF	0.5
	Other	0.6
<b>Kilrush EA</b>	Vandeleur Garden & Turret Lodge	0.4
	Loop Head Lighthouse	0.1
	Kilkee Fire Station	0.7
	Kilrush Town Hall Refurbishment	0.3
	Kilrush Digital Hub	0.2
	Storm Damage & Flood Relief	1.3
	Kilrush Library Refurbishment	0.2
	Town & Village	0.2

	Group Water Schemes	0.5
	Land For Education	0.5
	Footpath Refurbishment	0.3
	Carshare	0.15
	SIFP Estuary Framework	0.2
	Road Restoration	1.2
	Taking In Charge	0.1
	Other	0.2

The Section 135 capital report is more inclusive and reflective of projects that are at a planning stage/preliminary stage. Section 135 of The Local Government Act 2001 requires the Chief Executive to prepare and submit to the elected council a report indicating the programme of capital projects proposed by the local authority for the forthcoming and the following three local financial years having regard to the availability of resources. This report is presented to members of Clare County Council each year as part of the statutory process. In November 2019, this report outlined the Councils proposed capital programme and long-term strategic objectives in capital for the period 2020-2022. The three-year proposed capital programme for 2021-2023 is being prepared as part of the budget process and will be presented to members at the statutory budget meeting in November.

The council will be presented with detail of the three-year capital programme at the November Statutory meeting.”

Cllr. P.J. Kelly stated that he was happy with the reply but disappointed in relation to capital funds in West Clare.

**Item 11. Remote working.**

Ar moladh Cllr. P. McMahon

“Ask the Chief Executive to outline impact of having staff working from home in recent months, on the efficiency of the Council administration and services, his plans if any to extend home working post covid, staff feedback to date and future opportunities in this area.”

**Noeleen Fitzgerald, Director of Finance and Support Services replied as follows:**

“The impact of COVID-19 on Clare County Council has been unprecedented, presenting challenges to the organisation financially and also how we deliver services

while protecting the lives of our staff and citizens. It has also introduced change and opportunity in how we deliver our services. One of these significant changes is the rollout of remote working for staff that has been successfully achieved with all services continuing to be delivered uninterrupted throughout the pandemic.

One of the objectives of the [Programme for Government](#) is to promote remote working so that it can become part of the new normal. The benefits include reduced business costs, better work-life balance, less traffic, fewer greenhouse gas emissions and time saved on the commute. For some a mix of working remotely and from their base will become the new way of doing things.

The following are the findings of a recent review of remote working experiences to date in the Council:

The top three facilitators to remote working were:

- Good Wi-Fi
- Role suitable to remote working
- Strong communication within team.

The main advantages to remote working were identified as:

- More flexibility over the working day/week,
- Reduced commuting
- Work output has increased.

The main dis-advantages to remote working were identified as:

- Loss of social aspect of work
- Not being able to switch off from work

Impact on Communications

- 1) No significant impact between line managers/ Teams/ Colleagues
- 2) Email was flagged as the preferred method of communication
- 3) Over 40% of staff using 'MS Teams' to communicate with colleagues.

COVID-19 presented the Management and Staff of Clare County Council with an opportunity to explore remote working on a short to medium term basis. Essential services continued to be delivered and internal work processes continued while staff worked offsite. Having made the required investment in IT hardware, software and communications technology, the management and implementation of remote working will be the subject ongoing review and development. Policies and procedures will continue to be developed and reviewed to address challenges in the area of Health and Safety, Data Protection, Staff Welfare and Engagement.

Clare County Council has been facilitating visitors/other remote workers to work and live in Clare through its digital strategy and digi hubs rollout. This is a prime opportunity for the Council to lead by example and further develop its own work practises and HR policy in this area.”

Cllr. P. McMahon noted that this is a new scenario that local authorities can progress into the future. Cllr. McMahon outlined his and his colleagues experiences of engagement with Council staff who are working from home at this time.

## **Item 12. Illegal encampments.**

Ar moladh Cllr. C. Colleran Molloy

“That the Council provide the following information to the members:-

- (1) How many illegal encampment sites are currently *in situ* in County Clare?
- (2) Where are the illegal encampment sites situated in County Clare?
- (3) With respect to each illegal encampment site what efforts are being made by Clare County Council to have the sites removed?
- (4) With respect to the three illegal encampment sites located in the vicinity of the Kilrush Road:
  - a. What legal action has been taken by the Council regarding the illegal encampment located (for over 2 years) next to the overpass on the Kilrush Road?
  - b. If legal action has been taken by the Council regarding the illegal encampment located next to the overpass on the Kilrush Road, what was the outcome?
  - c. What is the current status of the legal action taken by the Council regarding the illegal encampment located next to the overpass on the Kilrush Road?
  - d. What are the total costs (including legal costs) being borne by the County Council for actions taken to address the removal of the illegal encampment located (for over 2 years) next to the overpass on the Kilrush Road?
- (5) With respect to the two illegal encampment sites located in the vicinity of the Rocky Road Roundabout:
  - a. What action (if any) has been taken by the Council regarding the two illegal encampment sites next to the Rocky Road Roundabout?
  - b. What options are available to the County Council to take action to address these encampments?
  - c. What are the costs being borne by the County Council for actions taken to address the removal of these illegal encampment sites located at the Rocky Road Roundabout?
- (6) With respect to the all the County’s illegal encampment sites, what are the costs being borne by the County Council for actions taken to address these illegal encampments?
- (7) With respect to all illegal encampment sites located in the County:
  - a. Does the Council have responsibility to ensure the welfare of animals on these Council lands?
  - b. Does the Council have authority to remove animals from these Council lands?”

**Anne Haugh, Director of Social Development replied as follows:**

““That the Council provide the following information to the members:-

- (1) How many illegal encampment sites are currently **in situ** in County Clare?

There are currently 6 unauthorised encampments in Clare.

- (2) Where are the illegal encampment sites situated in County Clare?

The encampments are located in the Ennis Municipal District Area in the townlands of Kilbrecken, Skehanagah, Killoo, Cahircalla Beg and Cahircalla More.

(3) With respect to each illegal encampment site what efforts are being made by Clare County Council to have the sites removed?

Notices pursuant to Section 10 of the Housing (Miscellaneous Provisions) Act 1992 as amended by Section 32 of the Housing (Traveller Accommodation) Act 1998 and Section 21 of the Housing (Miscellaneous Provisions) Act 2002 have been issued to the occupants of the encampments at Killoo and Cahircalla Beg. These notices which required the occupants to remove the temporary dwellings from the above locations, have not been complied with to date.

It should be noted that at present local authorities have been advised by the Department of Housing in a Circular not to remove families from unauthorised sites on local authority owned lands for the duration of the current level 5 restrictions.

Clare County Council instituted legal action seeking a permanent injunction restraining trespass on lands at Cahircalla More (Kilrush Road). In October 2019 the High Court granted a permanent injunction Court of Appeal. The appeal has been heard by the Court of Appeal and judgement is awaited. This judgement was subsequently appealed.

(4) With respect to the three illegal encampment sites located in the vicinity of the Kilrush Road:

- a. What legal action has been taken by the Council regarding the illegal encampment located (for over 2 years) next to the overpass on the Kilrush Road?
- b. If legal action has been taken by the Council regarding the illegal encampment located next to the overpass on the Kilrush Road, what was the outcome?
- c. What is the current status of the legal action taken by the Council regarding the illegal encampment located next to the overpass on the Kilrush Road?

As outlined above Clare County Council took legal action seeking a permanent injunction restraining trespass on lands at Cahircalla More (Kilrush Road). In October 2019 the High Court granted a permanent injunction to the Council. This judgement was subsequently appealed to the Court of Appeal. This appeal has been heard by the Court of Appeal and judgement is awaited.

- d. What are the total costs (including legal costs) being borne by the County Council for actions taken to address the removal of the illegal encampment located (for over 2 years) next to the overpass on the Kilrush Road?

Approximately €150,000 has been expended to date on legal costs relating to the removal of the illegal encampment at this location.

(5) With respect to the two illegal encampment sites located in the vicinity of the Rocky Road Roundabout:

- a. What action (if any) has been taken by the Council regarding the two illegal encampment sites next to the Rocky Road Roundabout?
- b. What options are available to the County Council to take action to address these encampments?

c. What are the costs being borne by the County Council for actions taken to address the removal of these illegal encampment sites located at the Rocky Road Roundabout?

Notices pursuant to Section 10 of the Housing (Miscellaneous Provisions) Act 1992 as amended by Section 32 of the Housing (Traveller Accommodation) Act 1998 and Section 21 of the Housing (Miscellaneous Provisions) Act 2002 have been issued to the occupants of the encampments at Cahircalla Beg, next to the Rocky Road Roundabout. These notices which required the occupants to remove the temporary dwellings from the above locations have not been complied with to date.

Local authorities have been advised by Department Circular not to remove families from unauthorised sites for the duration of the current level 5 restrictions. Options available to the Council to address the encampments will be considered when the restrictions outlined above no longer apply. It should be noted however that the available legislation to quickly tackle illegal encampments is inadequate. In addition the judicial process to address trespass is very cumbersome and prolonged.

No legal costs have been borne by the Council in relation to the current encampments at Cahircalla Beg.

(6) With respect to the all the County's illegal encampment sites, what are the costs being borne by the County Council for actions taken to address these illegal encampments?

Approximately €150,000 has been expended to date on legal costs relating to the removal of the current illegal encampments in the county.

In addition this Council has incurred additional costs for the provision of services to unauthorised sites for the protection of public health following recommendations from the HSE. These costs are currently recoupable as they relate to the current pandemic.

(7) With respect to all illegal encampment sites located in the County:

a. Does the Council have responsibility to ensure the welfare of animals on these Council lands?

Under the Animal Health and Welfare Act 2013, animal owners have a duty to protect their animals. Owners must ensure all necessary steps to ensure that an animal is kept and treated in a matter which safeguards its health and welfare. The Department of Agriculture, Food and the Marine are the Authority for enforcing this legislation.

Any complaints relating to the mistreatment of animals on Council lands are reported to the Department of Agriculture, Food and the Marine for their investigation.

b. Does the Council have authority to remove animals from these Council lands?"

The Council has authority to remove animals from their lands. The Council will carry out an assessment on a case-by-case basis and take the necessary action if removal of animals is required."

Cllr. C. Colleran Molloy informed the meeting that she raised this issue in order inform the public that Clare County Council is doing its best to address the difficult issue of illegal encampments under the parameters available. Cllr. Colleran Molloy sought clarification in relation to the level of co-operation between Clare County

Council and An Garda Síochána and she expressed concern in relation to animal welfare at these locations, the danger posed by unleashed dogs, delivery of goods to unauthorised sites and the interruption to public lighting due to interference with electricity supply.

Anne Haugh, Director of Social Development responded to queries raised by Cllr. C. Colleran Molloy and stated that Clare County Council work closely with An Garda Síochána and rely heavily on their co-operation which is dependent on resources available. Ms. Haugh stated that this is a complex area that service providers can address within the confines of the law but unfortunately legislation is not as advanced as necessary.

Carmel Kirby, Director of Physical Development informed the meeting that Clare County Council has a contract with “Hungry Horse Outside” for horse control and “Midland Animal Care” for dog control, who assist in dealing with animal welfare issues notified to the Council. In relation to the query on goods being delivered to unauthorised sites Carmel Kirby stated that communication has issued to local suppliers requesting them to contact Ennis Municipal District before supplying goods to council property. In relation to interference with public lighting, Carmel Kirby confirmed that the public lights in question have been removed for safety reasons.

#### **Item 13. Wastewater treatment plants.**

Cllr. J. Cooney requested that this item be deferred to the December Council meeting.

“I call on Clare County Council give an update on progress of wastewater treatment plants for villages in the County that do not have same in light of the fact that it seems to be progressively more difficult to achieve planning permission for the onsite wastewater treatment system even though site assessors recommend that sites are suitable in the countryside in order to revitalize our rural communities.”

P. Dowling, Chief Executive stated that the issues raised in this notice of motion are the responsibility of Irish Water. Mr. Dowling informed the elected members that he has had discussions with Ministers in relation to advancing the progress of wastewater treatment plants in villages in Co. Clare. Mr. Dowling undertook to have a reply available at the December Council meeting.

#### **Item 14. Illegal dumping.**

Ar moladh Cllr. A. O’Callaghan

“In light of all the illegal dumping and using CCTV to get convictions. I am asking again for clarity on whether the footage can be used in a court of law.”

**Cyril Feeney, Senior Engineer, Physical Development Directorate replied as follows:**

“The admissibility or otherwise of CCTV footage in court proceedings is strictly a matter for the judicial system to adjudicate on. The Data Protection Commissioner has raised concerns under the General Data Protection Regulations regarding the use of such surveillance technology for the prosecution of certain waste management

offences. The concerns relate to the applicability of waste management legislation and if it is appropriate or has the legal basis to secure a conviction. Notwithstanding the Data Protection Commissioner's concerns we are currently preparing a submission to the Garda Commissioner, following recent backing by the Joint Policing Committee, to seek permission to utilise CCTV technology under the Garda Síochána Act. Subject to the Commissioner's approval we are confident that this would provide a more robust legal footing in the use of CCTV for the prosecution of illegal dumping offences."

Cllr. A. O'Callaghan expressed disappointment in relation to obstacles being encountered by local authorities when seeking to convict illegal dumping offenders.

C. Feeney, Senior Engineer addressed the meeting and stated that Clare County Council is preparing a detailed submission to the Garda Commissioner following recent support from the Joint Policing committee. Mr. Feeney stated that Clare County Council operate under the Waste Management Act and the Litter Pollution Act and An Garda Síochána operate under An Garda Síochána legislation.

#### **Item 15. Air quality.**

Ar moladh Cllr. C. Murphy

Cuidithe ag Cllr. P. O'Gorman agus glacadh leis

"That Clare County Council undertake a county wide public awareness campaign around the extremely significant impact that better indoor air quality, through ventilation & low-cost filtration, in our homes, businesses and public buildings has in reducing the spread of Covid 19.

Furthermore that Clare County Council forward the information used to support this awareness campaign, and any templates created, to all other local authorities to build awareness at a national level of the impact better indoor air quality has in reducing the spread of COVID 19."

#### **Cyril Feeney, Senior Engineer, Physical Development Directorate replied as follows:**

"The current global pandemic has highlighted many issues surrounding public health and the transmissibility of Covid-19. However although Clare County Council have continued to provide their essential front line services and other innovative measures to assist in the community response we are not the competent authority for replying to this notice of motion. The competent authority is the Health Service Executive (HSE) under Statutory Instrument No. 390/1981 - Infectious Diseases Regulations 1981 and as amended by Statutory Instrument No. 53/2020 - Infectious Diseases (Amendment) Regulations 2020. We will forward the motion to the HSE for their expert advice."

Cllr. C. Murphy acknowledged that the HSE are the competent authority in relation to this and outlined details of public health advice that identifies the importance of proper ventilation in preventing the spread of Covid 19 indoors. Cllr. C. Murphy provided details of readily available air purification appliances.

It was agreed that Items No. 16 and 17 would be discussed together.



**Item 16. Rural post offices.**

Ar moladh Cllr. P.J. Kelly

Cuidithe ag Cllrs. J. Garrihy, C. Murphy, G. Keating, J. Killeen, S. Crawford agus J. Cooney agus glacadh leis

“That Clare County Council requests the Government to urgently enact the private members motion unanimously adopted by Dáil Éireann on rural post offices on 16<sup>th</sup> December 2016 and that Mr. Tom O’Callaghan, spokesman on rural post office development be permitted to address the Council at December meeting.”

**Item 17. Post office network.**

Ar moladh Cllr. P. Hayes

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

“We request that Clare County Council call upon the Minister for Climate Action, Communications Networks and Transport, Mr. Eamon Ryan, T.D, the Minister of Finance, Paschal Donohoe T.D and the Minister for Public Expenditure and Reform, Michael McGrath T.D to urgently enact the private members motion passed on the 11th November, 2016 by the previous Government regarding the future of the Post Office Network. This is a matter of urgency to ensure the sustainability of our existing community Post Office Network.”

Cllr. P.J. Kelly stated that an urgent solution is required to save rural post offices and requested that Clare County Council facilitate a presentation by Mr. Tom O’Callaghan. Cllr. G. Keating requested that standing orders be suspended to allow Mr. Tom O’Callaghan address the meeting as he was present in the public gallery. Cathaoirleach, Cllr. M. Howard requested a show of hands which resulted in a majority of members present in favour of permitting Mr. O’Callaghan address the meeting.

Mr. Tom O’Callaghan addressed the meeting and stated that he works within the post office network and is active in a campaign to protect the rural post office network.

Mr. O’Callaghan informed the members that up to 20 of Clare’s post offices are facing closure when supports, which are being paid as part of an existing contract, come to an end in July. Mr. O’Callaghan outlined how Irish post offices can expand services by creating a financial model similar to initiative provided in post offices in New Zealand and Germany whereby profits go back to the community and not to shareholders. Mr. O’Callaghan called on the Minister for Climate Action, Communications Networks and Transport, the Minister for Finance and the Minister for Public Expenditure and Reform to enact private members motion passed in 2016 regarding the future of the Post Office Network as this is a matter of urgency due to the potential closure of 600 post offices in urban and rural communities in the near future. Mr. O’Callaghan called on communities to unify to prevent these closures.

The Councillors present thanked Mr. O’Callaghan for his presentation and it was agreed that the notice of motion would be forwarded to all local authorities.

**Item 18. National screening programme for haemochromatosis.**

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

“That Clare County Council call on the HSE and the Minister for Health to put in place a national screening programme for Haemochromatosis. Furthermore, that as a chronic condition with simple treatment, that the sufferers of Haemochromatosis be offered free treatment and supervision for life. The early diagnosis of this condition prevents cancers, organ failure and a deterioration in the quality of life of sufferers.”

Cllr. M. Howard outlined the importance of early diagnosis of haemochromatosis.

#### **Item 19. Gambling laws.**

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

“That this Council would request that Minister for Justice, Helen Mc Entee would update gambling laws with specific reference to online gambling and also urgently appoint a gambling regulator, as gambling laws have not been updated in this country since 1931.”

The elected members agreed that gambling laws need to be updated as online gambling is currently unregulated and is causing serious problems and concerns for people.

#### **Item 20. Gym closures due to Covid 19 restrictions.**

Ar moladh Cllr. D. McGettigan  
Cuidithe ag Cllr. P. O’Gorman agus glacadh leis

“Ask the Minister for Health the reasoning and evidence used to decide to close gyms under the new current restrictions.

We heard from numerous experts and mental health service providers how these restrictions affect people's well being. We note that during earlier restrictions we had good weather so people took to exercising outdoors but unfortunately now the fine weather has gone and the dark, wet nights are the reality.

Gym owners and users had put in place regimental structures to make gyms safe. There is over 40,000 signatures on a petition asking the Government to reconsider this decision so, I ask, can this be done?”

The elected members shared the view that attending gyms should be allowed in order to protect peoples mental and physical health.

#### **Item 21. Covid 19 restrictions.**

Ar moladh Cllr. P. Daly  
Cuidithe ag Cllrs. P. McMahon, M. Begley agus J. Crowe agus glacadh leis

“We ask the Government to look at the possibility of easing some of the current restrictions under weekly review, as the number of covid cases drops with a view to

allowing some additional sectors to trade and giving more small businesses hope into the future.”

The elected members agreed that level 5 restrictions were introduced for our well being but felt that some restrictions should be eased if the number of positive covid 19 cases continue to decrease.

**Item 22. Roll out of broadband in County Clare.**

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

“I propose that Clare County Council call upon National Broadband Ireland (NBI) to outline their plans for the roll out of broadband in County Clare, with particular detail in relation to how areas will be prioritised, timescale of the project and how they plan to interact with other providers.”

**Leonard Cleary, Director of Rural Development replied as follows:**

“Contact has been made with National Broadband Ireland (NBI) and they have agreed to present to Clare County Council on the details and timescales on their plans of the rollout of Broadband in County Clare. They have indicated that they can present to the monthly Council Meeting in person, online or if deemed necessary attend a special meeting on same. A follow up contact will now be made with a view to scheduling same.”

The elected members outlined the importance of broadband and connectivity for households as students and families are doing business from home. The inadequate engagement by broadband providers with customers was raised by the members. It was felt that elected representatives need to know the timescale and details on the future for broadband connectivity so that constituents can be advised.

**Item 23. Support Irish farm families.**

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

“We, the members of Clare County Council call on the Minister of Agriculture, Charlie Mc Conalogue, Minister Simon Coveney and Partners in Government to take the necessary steps to maintain Irish Market Share on supermarket shelves in the UK post Brexit, thereby underpinning and supporting Irish Farm Families.”

The elected members agreed that the government and the IFA should work on behalf of Irish farmers to get the best deal possible for Irish beef producers. It was also agreed that security for all is needed and the Government and supporters within the EU should work to ensure our markets remain on UK shelves.

**Item 24. Comhfhreagras/Correspondence.**

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

1. Statutory Instrument No 445 of 2020 Order allowing for meetings to be held remotely by local authorities.
2. LG 07-2020 – Guidelines for Supplementary Standing Orders regulating the proceedings in relation to remote meetings of the Council.
3. Correspondence dated 29<sup>th</sup> October, 2020 from the Department of Housing, Local Government and Heritage in relation to Budget 2021 and Housing Delivery.
4. Correspondence received from Deputy Michael McNamara in relation to Defective Concrete Blocks Grant Scheme.
5. Correspondence dated 22<sup>nd</sup> October, 2020 from the Department of Health in relation to restrictions at maternity hospitals.
6. Correspondence dated 14<sup>th</sup> October, 2020 from the Department of Environment, Climate and Communications in relation to Aviation Policy.
7. Correspondence dated 23<sup>rd</sup> October, 2020 from the Department of Transport regarding driving test centres.
8. Correspondence dated 23<sup>rd</sup> October, 2020 from the Department of Transport regarding driving licence appointments.
9. Correspondence received from the Office of the Taoiseach in relation to awarding military medals.
10. Resolution circulated by Wexford County Council in relation to rural waste water systems in rural villages.
11. Resolutions circulated by Meath County Council in relation to (a) the availability of details of confirmed Covid 19 cases and (b) the introduction of a remunerated DUMP (dispose of unwanted medicines properly) scheme.
12. Correspondence dated 6<sup>th</sup> October, 2020 from Senator Robbie Gallagher regarding the Restart Grant Scheme.

The meeting then concluded.

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

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

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