Minutes of the January Monthly Meeting of Clare County Council held in Glór, Ennis, Co. Clare on Monday, 11th January, 2021 at 3:45 p.m.

Present:

Councillors M. Howard, P. Daly, J. Crowe, P.J. Ryan, P. McMahon, G. Flynn, P. O'Gorman, B. Chambers, G. Keating, C. Murphy.

Attending remotely: Cllrs. M. Nestor, J. Flynn, C. Colleran Molloy, P. Murphy, A. Norton, J. Cooney, P. Hayes, P. Burke, A. O'Callaghan, T. O'Brien, M. Begley, D. McGettigan, S. Talty, J. Killeen, J. Garrihy, S. Crawford, I. Lynch.

Apologies: Cllr. P.J. Kelly.

Officials Present:

- Mr. Pat Dowling, Chief Executive.
- Ms. Ann Reynolds, Meetings Administrator.
- Ms. Margaret O'Rourke, Assistant Staff Officer.

Attending remotely:

- 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. Seán Lenihan, Senior Engineer, Physical Development.
- Mr. Cyril Feeney, Senior Engineer, Physical Development.
- Mr. John Leahy, Senior Engineer, Physical Development.

The Cathaoirleach, Cllr. Mary Howard presided.

Vote of Sympathy.

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

- The Kelly family Corofin, on the death of Michael Kelly.
- The Doherty family, Quin, on the death of JJ Doherty.
- The Garrahy family, Miltown Malbay, on the death of James Garrahy
- The Collins family, Kilmihil on the death of Cyril Collins.
- The Hegarty family, Rathfarnham, Dublin and Lahinch on the death of Sean Hegarty of Hegarty Demolition Ltd. His wife Carmel is from Miltown Malbay. Sean was a founding member of Friends of Clare GAA, a former Chairperson of the Clare Association in Dublin & a former Clare person of the Year.
- The Griffin family, Kilnamona on the death of Éibhleann Ní Ghríofa.

Item 1: Minutes of Council Meetings.

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

"That the Minutes of the December Meeting of Clare County Council held on 14th December, 2020 be adopted and signed."

Item 2: Matters Arising.

There were no matters arising.

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

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

"That the minutes of the Social Development S.P.C. meeting held on 9th September, 2020 be noted".

Item 4: Minutes of the Corporate Policy Group Meetings.

The members noted the minutes of the meeting held on 7th December, 2020 as presented.

Item 5: Monthly Management Report.

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

Cllr. G. Flynn referred to the public lighting enhancement programme and requested that briefings take place in each municipal district to agree programme of works at local level.

Cllr. P. Burke complimented work being carried out by Clare County Council on a number of projects in the Killaloe Municipal District and in particular the work completed on upgrading road in Whitegate which is greatly appreciated by the local residents.

Cllr. J. Flynn requested an update on the construction of Clare County Library as well as progress on the LIHAF road at Claureen, Ennis.

Cllr. M. Begley welcomed the new traffic system at Larkins Cross.

Cllr. J. Garrihy paid tribute to the promotion of tourist attractions whereby top musicians were filmed at locations in County Clare for "Ireland in Music" which

premiered by RTE during Christmas. Cllr. J. Garrihy also complimented Clare County Council for sponsoring programme on TG4 in which the Kilfenora Ceili Band performed.

Cllr. A. Norton raised queries in relation to the Beach Bye Laws.

Responding to the public lighting enhancement programme, P. Dowling, Chief Executive stated that Cork County Council are leading this project and that contractors will be appointed shortly. Mr. Dowling stated that the members will be updated when more detail is available.

Mr. Dowling informed the meeting that work is ongoing to progress the new County Library project.

Referring to query in relation to Beach Bye Laws, P. Dowling, Chief Executive stated that a staff member from Physical Directorate would contact Cllr. Norton directly.

S. Lenihan, Senior Engineer responded to query in relation to LIHAF.

Item 6: N.U.I.G. Appointment.

Report dated 6th January, 2021 from Ann Reynolds, A/Senior Executive Officer, Corporate Services was circulated with the agenda. The report states that one nomination paper was received before the closing date, signed by Cllrs. Pat Hayes and Tony O'Brien, nominating Cllr. P.J. Kelly to be the Council's representative on the Governing Body of N.U.I.G. The report states that the Council's representative will serve for a four year term from 1st February, 2021.

Ar moladh Cllr. C. Murphy

Cuidithe ag Cllr. B Chambers agus glacadh leis

"That Cllr. P.J. Kelly be appointed to the Governing Body of N.U.I.G. on behalf of Clare County Council".

The members joined in wishing Cllr. P.J. Kelly well during his term of office.

Item 7. Safe Ireland Report.

Ar moladh Cllr. M. Howard

Cuidithe ag Cllrs. D. McGettigan, S. Crawford agus A. O'Callaghan agus glacadh leis

"The recent Safe Ireland Report exposes the enormous prevalence and patterns of domestic violence in this country exacerbated by a pandemic that has locked women and families down with their abuser.

This report also underscores the enormous strains that domestic violence services throughout the country are under, and have been under since the start of this crisis, but in reality this has been so for many years.

The government consistently name checks domestic violence and sexual violence as a priority concern, but calling something a priority means that it also has to be resourced and funded as a priority.

Clare County Council calls on the government to resource and fund the H.S.E., Gardai, refuges along with supporting and counselling services and charities."

Cllr. M. Howard provided details of increased levels of domestic violence during 2020 which has led to extra demand on domestic violence services. The elected members present agreed that the government be requested to resource and fund the H.S.E., Gardai, refuges along with supporting and counselling services and charities.

Item 8. Breast screening backlog.

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

"Last March as the Covid Pandemic began all BreastCheck appointments were cancelled immediately and consequently there is a huge backlog of women awaiting a mammogram or a follow up appointment.

In order to effectively deal with this backlog of over 153,000 women Clare County Council requests Minister Donnelly seeks to make breast screening in all private hospitals free to all women and utilise all available resources and facilities to ensure the best outcomes for all women."

The elected members expressed concern in relation to the number of women awaiting a mammogram or follow up appointment. It was agreed that the age for accessing mammograms should be reduced as earlier diagnosis can provide an improved prospect of recovery.

Item 9. Tourism promotion.

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

"That this Council requests that the Minister for Tourism, in conjunction with Fáilte Ireland and other relevant bodies give serious consideration to a new tourism promotion strategy, for example "Trace your Irish Roots" - connect to your Irish Heritage, to replicate the success of "The Gathering Ireland" in 2013. It is now time under the current climate to come up with a new initiative which will aid the promotion of Shannon airport and tourism in Ireland."

The elected members agreed that Clare Tourism needs to be ready with new initiatives to attract tourists to County Clare when the tourist season resumes.

The news that Ryanair will re-open its base at Shannon Airport in April 2021 was welcomed and congratulations were extended to Shannon Group.

P. Dowling, Chief Executive outlined details of a discussion he had with Paul Kelly, Chief Executive Officer, Fáilte Ireland in relation to tourism and hospitality in 2021. Mr. Dowling stated that Fáilte Ireland has allocated €0m business continuity grant to assist the tourism sector and agreed that there is a need to come up with creative ideas, marketing and promotion of tourism being mindful of the safety of people at all times. Mr. Dowling noted that 2021 presents another difficult year for the tourism sector and he informed the meeting that Clare County Councils internal tourism group will continue to work on promoting County Clare.

Item 10. Planning policy.

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

"I am calling on Minister Darragh O'Brien and Minister of State Peter Burke to urgently review planning policy in relation to the Development of Residential property.

1/ What I am looking for is more clarity and transparency in relation to developers applying for private residential development and disposal of the total development when completed for social housing.

2/ Developers are required to deliver on Part V of their obligations in the delivery of a portion of the development for Social and Affordable Housing and this has to be agreed with the planners with input from Senior Officers within the housing section.

3/ Planning and housing have a duty to deliver balanced tenure and sustainable communities where a mix of housing would be available for both private and social needs.

4/ The development of large scale social housing requires considerable assistance and support at local level and in some instances local services are not sufficient to provide school placements and other essential supports for some vulnerable families and this has to be a consideration for planners.

5/ Currently members of the public wishing to purchase their own property are finding it very difficult to find private property for sale as the policy in planning is mostly focused on the delivery of social housing and in turn this policy puts more pressure on local authorities waiting lists and for the lower to middle income bracket they cannot get on the list due to income thresholds.

Public confidence needs to be strengthened in the whole planning process and I am hopeful the Ministers will find the balance required in the development of vibrant communities."

Cllr. G. Flynn provided details of the Part V planning process and stated that he felt that a mixed tenure of housing for private purchasers as well as social housing is required countywide. The elected members agreed that the provision of Council owned serviced sites would provide an opportunity for balanced tenure in communities and a sustainable opportunity for people wishing to purchase houses. It was also agreed that a mix of social, holiday and permanent housing is needed to maintain vibrancy in coastal towns.

The elected members felt that there needs to be a balance of social and affordable houses in towns and villages and agreed that local authorities should take the lead and plan ahead in the context of their County Development Plans.

Cllr. G. Flynn requested that this resolution be circulated to other local authorities and this was agreed by the members present.

P. Dowling, Chief Executive informed the members that mixed tenure developments have existed for 30 years and that local authorities have always promoted and tried to develop mixed tenure developments by providing private, social and affordable housing for the elderly, disabled and mixed ethnic population in many jurisdictions. Mr. Dowling stated that the elected members can discuss these proposals further in the context of the County Development Plan.

Item 11. Prescription for routine veterinary medicines.

Cllr. P. Burke requested that this item be deferred to the February Council Meeting. "I am calling on the Minister for Agriculture, Charlie McConalogue to instruct his officials to avail of the provision of a derogation which would allow for qualified persons other than veterinary practitioners to issue a prescription for routine veterinary medicines."

Item 12. Tax free bonus for lifesavers, healthcare professionals, caregivers and HSE frontline staff.

Ar moladh Cllr. J. Garrihy Cuidithe ag Cllr. M. Howard agus glacadh leis

"We call on the Minister for Health to recognise the incredible commitment and work during the pandemic of our lifesavers, healthcare professionals, caregivers and H.S.E. frontline staff by providing a tax free bonus payment of €500 to all workers in the sector."

The following amendment was proposed by Cllr. J. Garrihy, seconded by Cllr. M. Howard and agreed by the members present.

"In light of the incredible service and commitment given to the country by our frontline staff, healthcare workers, carers and lifesavers over the period of the Covid 19 Global Pandemic I call on the government to explore any and every manner to tangibly recognise this extraordinary above and beyond service.

I propose this recognition should be in the form of direct tax free bonus payment similar to the €500 one off payment scheme introduced in Scotland, a tax credit, additional paid leave, or other appropriate clear and tangible reward to mark this commitment.

To do this I call on the Department of Health to lead a cross department group with the achievement of above as its one objective."

The elected members agreed that tangible recognition should be extended to those who continue to work on the frontline, putting their lives at risk and that they should be rewarded for their valiant service. It was also felt that the population can support frontline workers in minimizing the spread of covid-19 by looking after our own health, staying at home and reducing social interactions.

Cllr. J. Garrihy thanked his colleagues for their support and requested that this resolution be circulated to other local authorities. This was agreed by the members present.

Item 13. Professional Consultancy Fees.

Due to the absence of Cllr. P.J. Kelly it was agreed that this item be deferred to the February Council Meeting.

"That the following information on professional Consultancy Fees for 2019 and 2020 be made available

(1) location of project(2) cost related to each project."

Item 14. Clare tourist attractions and Shannon Airport.

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

"That Clare County Council consider strategies to assist Clare tourist attractions and Shannon Airport to benefit from an early surge of tourists, if the covid vaccine proves effective."

Leonard Cleary, Director of Rural Development replied as follows:

"Following the completion of the Clare Tourism Strategy 2030, an Action Plan is currently being finalised by the Clare Tourism Taskforce. This is under the auspices of the Clare Tourism Department. These actions have a particular focus on the sentiment of the Motion."

The elected members agreed on the importance of attracting tourists to County Clare when the tourist season resumes. The work of Clare County Councils Tourism Department was acknowledged together with the need to nurture our tourism industry.

Item 15. Homeless Action Team operating hours.

Ar moladh Cllr. M. Nestor Cuidithe ag Cllr. S. Talty agus glacadh leis

"This motion is requesting Clare County Council to review the possibility of extending the operating hours of the Homeless Action Team beyond 5 pm. This extension is being requested with the view to assisting those sleeping rough on our streets to gain access to overnight accommodation in one of the Councils Homeless hubs."

Anne Haugh, Director of Social Development replied as follows:

"Significant work has taken place with respect to addressing street homelessness with all clients having been offered the opportunity to avail of emergency accommodation as additional beds were recently procured. At this juncture the only such instances where people present as street homeless are those who have declined the service or due to significant behavioural issues have been discharged due to risk they pose to staff and others. This situation is extremely rare and when it does occur there is an outreach worker who engages and is available daily to work with the client and to support them to reengage appropriately. Generally, these clients have complex needs and the support worker assists them in engaging with the appropriate services such as Mental Health, Addiction and Disability.

The H.A.T. team work with clients and the agencies in particular An Garda Siochana to ensure accommodation solutions are available to those most in need outside of business hours.

Invariably homelessness does not arise suddenly and in that regard the Council are satisfied that the service available within and outside of business hours caters to the genuine need of those experiencing homelessness."

Cllr. M. Nestor outlined his experience when engaging with the homeless services out of office hours recently. The elected members supported Cllr. M. Nestor and agreed that additional resources should be made available to provide services to vulnerable people in our society.

P. Dowling, Chief Executive stated that homelessness is a complex service that the Council are providing and that the H.A.T. team are working with families and individuals on an ongoing basis. Mr. Dowling stated that multiple agencies are working together to provide this service by ensuring each situation is responded to when they arise.

A. Haugh, Director of Social Development addressed the meeting and stated that arrangements were put in place prior to Christmas to ensure that any rough sleeper in Ennis has been offered emergency accommodation during Christmas and January and that there is nobody sleeping on the streets of Ennis during Christmas that didn't choose to do so. Ms. Haugh informed the meeting that there are people who choose not to engage with services.

Ms. Haugh stated that the assessment for an appropriate solution is a process that has to be gone through in order to explore suitable options. This is a complex process which involves other agencies and support workers.

Item 16. Multi agency response taskforce.

Cllr. P. Murphy requested that this item be deferred to the February Council Meeting.

"I am proposing that a multi agency response taskforce comprising of Clare County Council, the Chief Superintendent of the Clare Division of an Garda Siochana, the Public Health Office of the H.S.E., Tusla and the Department of Education is formed as a matter of urgency. This is required to deal with the ongoing problems that arise as a result of illegal encampments across County Clare but particularly in the environs of Ennis, the M18 Motorway, Western Relief Road and it's service roads, as well as Ballyveskill, Tiermaclane. Also, that Bye-Laws are introduced prohibiting overnight parking at these locations in order to address the issue of trespass at these locations and that T.I.I. are requested to sign the title pertaining to these access roads over to local landowners who would provide a wayleave for required access".

Item 17. Bus shelters.

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

"In the interest of public health and safety, I propose that Clare County Council, in conjunction with Bus Eireann, establish the viability of installing bus shelters in towns and villages around the county lacking such facilities."

John Leahy, Senior Engineer, Physical Development replied as follows:

"Currently the Road Design section is engaging with the National Transport Authority, Bus Eireann and Transportation Infrastructure Ireland in relation to bus shelters in County Clare.

Six new bus shelter locations along with the upgrade of a further five are currently being considered. Construction of one bus shelter has commenced in Shannon and is due to be completed in early 2021.

The 11 proposed bus shelters are at various locations across the Municipal Districts."

Cllr. J. Cooney thanked J. Leahy, Senior Engineer for his response and stated that it is important that bus shelters be installed in towns and villages to provide shelter for children, the elderly and people with disabilities from a public health point of view. Cllr. J. Cooney requested details of the locations of the 11 proposed bus shelters across the county referred to in the reply.

The elected members supported Cllr. J. Cooney and felt that this is a very relevant issue. The new enhanced Bus Eireann timetables linking Lahinch and Kilkee was welcomed. The elected members expressed concern at the lack of public transport in some towns and villages.

J. Leahy, Senior Engineer responded to query raised by Cllr. J. Cooney and stated that the five bus shelters currently being upgraded are in Shannon and the six new bus shelters will be in Kilkee, Lisdoonvarna, Crusheen, Newmarket on Fergus, Westbury and Limerick Road in Ennis. Mr. Leahy informed the meeting that other areas can be included in this programme of works going forward. This was welcomed by the elected members present.

Item 18. New Clare County Development Plan.

Ar moladh Cllr. C. Murphy

"Can I be provided with answers to the following questions relating to the new Clare County Development Plan?

- a) Will The 'Methodology for a Tiered Approach to Land Zoning' as detailed in Appendix 3 of the National Planning Framework (NPF) be implemented for the new County Development Plan.
- b) Will the implementation of Appendix 3, as written in the NPF, mean lands currently zoned in some of our towns and villages will fall outside the definition of both Tier 1 and Tier 2 and result in them being de-zoned?
- c) Has the planning directorate in CCC already assessed the county for those lands, currently zoned, that will not be included as Tier 1 and Tier 2 and are likely to be de-zoned?
- d) If not, when is it planned to undertake this assessment?
- e) When can we expect the results of this assessment to be furnished to us?"

Liam Conneally, Director of Economic Development replied as follows:

"The Forward Planning Team is now concluding the Chief Executive's Report following the first stage of public consultation on the Clare County Development Plan 2022-2028. On 15th January 2021 the Chief Executive's (CE) report will be issued to

the Elected Members for their consideration. Following instruction from the Members the CE will commence the drafting of the Draft Plan itself, a copy of which will be made available to the Elected Members in Q2 of 2021.

The making of a County Development Plan is a statutory process that follows specific legislative timelines.

Section 9(6) states that a "development plan shall in so far as is practicable be consistent with such national plans, policies or strategies as the Minister determines relate to proper planning and sustainable development." The National Planning Framework has been determined by Government as such a document and therefore the Clare County Development Plan must have regard to it.

Section 10 (1A) requires that the County Development plan written statement "shall include a core strategy which shows that the development objectives in the development plan are consistent, as far as practicable, with national and regional development objectives set out in the National Planning Framework and the regional spatial and economic strategy and with specific planning policy requirements specified in guidelines under *subsection (1)* of *section 28*"

This means is that the upcoming CDP review has to have regard to the National Policy Objectives set out in the NPF which include the following:

National Policy Objective 72a

Planning authorities will be required to apply a standardised, tiered approach to differentiate between i) zoned land that is serviced and ii) zoned land that is serviceable within the life of the plan.

National Policy Objective 72c

When considering zoning land for development purposes that cannot be serviced within the life of the relevant plan, such lands should not be zoned for development.

Aligning the County Development Plan with these National Planning Objectives will have the result that some lands currently zoned within settlements across the County will no longer be proposed for zoning in the upcoming plan.

As the Forward Planning Team progress to draft the new County Development Plan the amount of land affected and the settlements concerned will become clearer. Engagement with the Elected Members will be held where this issue can be examined in advance of the Draft Plan going on public display (anticipated to be in August 2021). It is incumbent on the Planning Authority to ensure that adequate lands are zoned across the County to facilitate growth during the lifetime of the new County Development Plan. Within the Plan-making process it will be a considerable challenge for us to facilitate growth in un-serviced towns and villages while complying with the National Planning Framework objectives."

Cllr. C. Murphy expressed concern in relation to the provision of services by Irish Water to the required zoned land areas. Cllr. C. Murphy stated that there is increased demand for rural homes due to the recent shift in work practices and that local authorities need to take ambitious intervention to take advantage of the remote work providers. Cllr. C. Murphy felt that it is important to ensure that rural and coastal communities are zoned in the County Development Plan.

Item 19. Title of Cathaoirleach, Leas Cathaoirleach and Mayor.

Ar moladh Cllr. P. Murphy Cuidithe ag Cllrs. A. Norton agus M. Nestor

"The Local Government Reform Act 2014 set up the Municipal Districts in Ireland of which there are four in County Clare. The Act, along with the Local Government Act 2001, details the legal and statutory use of the titles of Cathaoirleach, Leas Cathaoirleach and Mayor. In the case of County Clare the only allowable use of the title of Mayor is for the position of Mayor of Ennis. There is no position of Mayor of Clare. Therefore, I request that the executive use the correct titles of Cathaoirleach of County Clare and Mayor of Ennis in all correspondence and media releases."

Cllrs. P. Murphy, A. Norton and M. Nestor provided details of Local Government legislation which provides for the titles of Mayor and Cathaoirleach, which they felt should be adhered to. They also outlined the importance of using our native language when using the title of the county's first citizen.

The elected members agreed that the first citizen of our county is a very important role and it was noted that the current Chain of Office contains the title "Mayor of Clare". The elected members felt that discretion should be exercised in relation to this as the title Mayor is recognised world wide and the importance of this when promoting County Clare internationally for tourism and economic reasons was outlined. Some members requested that this resolution be withdrawn.

It was felt that the Councillors who proposed this resolution were entitled to have the issue discussed.

P. Dowling, Chief Executive addressed the meeting and stated that submissions have been made to Government in the past in relation to the use of titles. Mr. Dowling stated that County Clare has one first citizen in any given year and each Municipal District has a Chairperson, one of whom is called Mayor which is provided for in Local Government legislation. Mr. Dowling emphasised that the international aspect is very important and stated while the title Cathaoirleach is the Irish name, it can pose difficulties internationally. The proposers of the resolution stated that they felt it is important that the correct titles are being used in line with legislation that exists and they requested that the resolution remain.

Items 20 - 23.

As the time had reached 5:40 p.m. it was agreed that the remaining items be deferred to the February Council meeting having been proposed by Cllr. P.J. Ryan, seconded by Cllr. P. McMahon and agreed by the members present.

Item 24. Comhfhreagras/Correspondence.

The following correspondence was circulated with the agenda:

- 1. Correspondence from the Office of the Minister for Defence and Minister for Foreign Affairs dated 10th December, 2020 regarding Jadotville.
- 2. Correspondence from the Office of the Minister for Foreign Affairs and Minister for Defence dated 21st December, 2020 in relation to Brexit and farming families.
- 3. Correspondence from the Health Service Executive dated 22nd December, 2020 in relation to the resumption of disability day services and respite care.
- 4. Correspondence from the Department of Health dated 8th December, 2020 regarding haemochromatosis screening and treatment.
- 5. Correspondence from the Minister for Finance dated 16th December, 2020 in relation to proceeds of crime legislation.
- 6. Resolution circulated by Waterford City & County Council in relation to support to the former Debenhams workers.
- 7. Online training webinar for local authority members being hosted by the AILG in conjunction with the OPR on Friday, 22nd January 2021 entitled "The Decision on the Planning Application and Appeal".

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 entitled "The Development Plan making process" taking place in Dooley Hotel, Waterford on 15th February, 2020.

The Meetings Administrator informed the Members that the estimated average cost per Councillor attending this Conference was €38.88 including conference fee of €5.

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

AILG Annual Conference taking place in Longford on 4th & 5th March, 2020.

The Meetings Administrator informed the Members that the estimated average cost per Councillor attending this Conference was €444.49.

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

The meeting then concluded.

Signed:

Riarthóir Cruinnithe

Signed:

Cathaoirleach

Date: