

Minutes of the July Monthly Meeting of Clare County Council held via MS Teams on Monday, 12th July, 2021 at 3:45 p.m.

Present via MS Teams:

Present:

Councillors M. Howard, M. Nestor, J. Flynn, C. Colleran Molloy, P. Murphy, A. Norton, P. Daly, J. Cooney, P. Hayes, P. Burke, A. O’Callaghan, T. O’Brien, J. Crowe, M. Begley, P.J. Ryan, P. McMahon, G. Flynn, D. McGettigan, P. O’Gorman, S. Talty, J. Killeen, J. Garrihy, S. Crawford, P.J. Kelly, B. Chambers, G. Keating, C. Murphy, I. Lynch.

- 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.
- Ms. Noeleen Fitzgerald, Director of Finance and Support Services.
- Mr. Seán Lenihan, Senior Engineer, Physical Development.
- Mr. John Leahy, Senior Engineer, Physical Development.
- Mr. Cyril Feeney, Senior Engineer, Physical Development.
- Ms. Bernadette Haugh, A/Senior Executive Officer, Rural Development.

The Cathaoirleach, Cllr. P.J. Ryan presided.

Vote of sympathy.

At the outset Cllr. P. Daly extended a vote of sympathy to the O’Brien family, Knockanean, Ennis on the recent death of their son and brother Fionn. Tributes were paid to Fionn who worked as a Clare County Council Lifeguard in Spanish Point. Cllr. Daly stated that Fionn was a very dedicated lifeguard and a very talented hurler, footballer and rugby player. Cllr. Daly proposed that the meeting be adjourned for 15 minutes as a mark of respect. This was seconded by Cllr. J. Flynn and agreed by the members present.

A vote of sympathy was also extended to the following:

- The Scanlan family, Ennis on the death of Mary Scanlan.
- The Connolly family, Ennis on the death of Martin Connolly.
- The Griffin family, Roscommon on the death of Sr. John Bosco, Sisters of Mercy, Tulla

The meeting then adjourned for 15 minutes and resumed at 4:05 p.m.

Cathaoirleach, Cllr. P.J. Ryan informed the meeting that he had been asked by Cllr. D. McGettigan to raise an issue in relation to the extension of the Defective Concrete Blocks Scheme to County Clare. Cllr. Ryan stated that there was unanimous support for four notice of motions in relation to this matter at the October Council meeting last year. Cllr. Ryan gave an outline on progress at this point -

“Work is ongoing on the case for having Clare added to the defective concrete blocks scheme. Testing and sampling has been completed on a number of homes in the county. Clare County Council have facilitated this process by means of a grant. Over the coming weeks a report summarising the findings of this testing will be submitted to the Department of Housing and will be the basis for a decision on the extension of the scheme to County Clare.

The Council has been requested by the Action Group to seek the same exemption from Local Property Tax as has been applied in Donegal and Mayo.

As part of the submission to the Department the Council will request that the same exemption from Local Property Tax would apply to Clare as it does to other counties that are part of the scheme. Cathaoirleach, Cllr. P.J. Ryan sought the members support to proceed on this basis. This was agreed by the members present.

Item 1: Minutes of Council Meetings.

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

“That the Minutes of the June Meeting of Clare County Council held on 14th June, 2021 be adopted and signed.”

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

“That the Minutes of the adjourned June Meeting of Clare County Council held on 21st June, 2021 be adopted and signed.”

c. Ar moladh Cllr. C. Colleran Molloy
Cuidithe ag Cllr. M. Begley agus glacadh leis

“That the Minutes of the Annual General Meeting of Clare County Council held on 25th June, 2021 be adopted and signed.”

Item 2: Matters Arising.

Cllr. G. Flynn referred to Item No. 15 on the agenda for the June Council Meeting and informed the meeting that Cllr. P.J. Kelly was correct in his action to submit an amendment pursuant to Standing Order No 25 which states:

“25. The following Motions may be made without notice at a Meeting:-

(i) For the adoption, amendment or referring back of any Report.”

Item 3: Minutes of Municipal District Meetings.

a. Ar moladh Cllr. C. Colleran Molloy
Cuidithe ag Cllr. P. Murphy agus glacadh leis

“That the Minutes of the Ennis Municipal District Meeting held on the 4th May, 2021 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 Annual General Meeting held on the 11th June, 2021 be noted.”

c. Ar moladh Cllr. C. Colleran Molloy
Cuidithe ag Cllr. P. Murphy agus glacadh leis

“That the Minutes of the Ennis Municipal District Meeting held on the 11th June, 2021 be noted.”

d. 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 22nd June, 2021 be noted.”

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

a. Ar moladh Cllr. G. Keating
Cuidithe ag Cllr. M. Begley agus glacadh leis

“That the minutes of the Economic Development S.P.C. meeting held on 1st March, 2021 be noted”.

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

“That the minutes of the Physical Development S.P.C. meeting held on 24th February, 2021 be noted”.

Item 5: Minutes of the Corporate Policy Group Meetings.

The members noted the minutes of the meeting held on 8th June, 2021 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.

P. Dowling, Chief Executive referred to the Local Improvement Scheme 2021 and informed the members that the Department of Community and Rural Development has requested an indication as to the number of Local Improvement Schemes on hand and the number of roads that can be delivered in 2021. The Senior Engineer in Transportation Department has collated and submitted a list. If there are additional funds they will be allocated on this basis as increased funding has been sought nationally.

P. Dowling, Chief Executive also referred to the range of schemes available to the hospitality sector and informed the members that the Town and Village Streetscape Enhancement Scheme has been announced which will allocate a sum of €200,000 for a minimum of two towns per county. Mr. Dowling stated that more detail will issue on this, which will be forwarded to the elected members. Mr. Dowling also stated that local authorities are requesting that all counties receive an allocation for each Municipal District which will help improve the look of towns and villages.

Cllr. C. Murphy acknowledged the work being undertaken pursuant to the adoption of the Clare Tourism Strategy. Cllr. Murphy welcomed the construction of the new bus shelter in Kilkee and requested an update on the safe overtaking signs for Kilkee.

Cllr. J. Garrihy complimented the works undertaken at Doolin Pier which provides an enhanced space for people to enjoy. Cllr. Garrihy welcomed the temporary solution being examined for parking in Doolin also. Cllr. Garrihy welcomed the recent announcement in relation to Shannon Heritage properties and called on central government to recognise and fund the work being undertaken by Clare County Council in this regard. Cllr. Garrihy also requested that Clare County Council look at community owned and private assets in our county with a view to enhancing the operation of tourism projects such as the Spa Wells in Lisdoonvarna in order to drive wellness projects in the county.

Cllr. J. Flynn supported Cllr. J. Garrihy in relation to the Spa Wells in Lisdoonvarna and acknowledged the work ongoing in the county from a tourism perspective. Cllr. J. Flynn raised concerns regarding the Climate Change Strategy in particular the sea level rise and the coastal barrage in Clarecastle. Cllr. J. Flynn requested that this be examined and that Council officials engage with the Regional Climate Action Office.

Cllr. J. Killeen requested an email with precise details on the Local Improvement Scheme announcement. Cllr. J. Killeen suggested that an incentive package be made available to offer tourists reduced rates for visitor attractions in County Clare in order to increase their stay within the county.

Cllr. G. Keating welcomed the announcement in relation to the LIS scheme and also welcomed the bus shelter in Kilkee.

Cllr. M. Begley expressed concern in relation to the flood defence project in Springfield, Clonlara and requested an update. S. Lenihan, Senior Engineer, Physical Development responded and stated that additional GI work and site investigation work had taken place and that a very detailed and technical report has been studied by the Consultants. Mr. Lenihan stated that Clare County Council officials are meeting with the consultants and the OPW on Wednesday and undertook to revert to Cllr. Begley after this meeting.

Cllr. P. Daly complimented the Tourism team on the way the grants have been processed for the hospitality sector.

Cllr. P. Hayes acknowledged the huge undertaking in relation to the taking in charge of the Shannon Heritage sites which will be challenging but opportunistic and stated the importance of the due diligence process. Cllr. Hayes expressed hope that national funding will be allocated to Clare County Council and requested that the rights of the workers be protected.

Cllr. Hayes requested an update in relation to the transfer of staff to single water utility Irish Water.

Cllr. P. Hayes welcomed the construction of the bus shelter in Crusheen and stated that work is ongoing in relation to sourcing an alternative site for a second bus shelter in the Killaloe Municipal District.

P. Dowling, Chief Executive responded and stated that negotiations continue between Irish Water and the Department and that Clare County Council is represented through the LGMA. Mr. Dowling stated that a full meeting of Chief Executives is scheduled to take place on Thursday and that he will seek an update and inform Councillors accordingly. In relation to Shannon Heritage sites, Mr. Dowling stated that the due diligence process is commencing. Mr. Dowling informed the members that he will be meeting staff in August and that there will be engagement with unions. Mr. Dowling also stated that this integration will be a long difficult process and that relevant expertise will be brought in.

Cllr. G. Flynn requested an update in relation to the flood defences in Shannon Town and the N19 improvement scheme. Cllr. G. Flynn expressed disappointment in relation to lack of support for LIS in Cratloe.

J. Leahy, Senior Engineer responded to Cllr. G. Flynn and stated that a list of LIS works has been submitted to the Department seeking to double the initial allocation which is an ambitious target and that any additional funding received will be used.

S. Lenihan responded to queries raised in relation to the flood defences in Shannon Town and the N19 improvement scheme. Mr. Lenihan stated that progress has been made on both schemes and that a lot of work has been done in relation to tender competitions, topographical and GI surveys but stressed that these are slow moving projects that have to progress in accordance with government policy. Mr. Lenihan undertook to provide a briefing at a Shannon Municipal District meeting in relation to these projects.

P. Dowling, Chief Executive reassured Cllr. G. Flynn that these significant projects will be built as agencies worked together and convinced government that they are worthy of funding.

Cllr. P. Burke welcomed the allocation of funding for Clonrush Burial Ground.

Cllr. J. Cooney complimented Council staff on the works carried out on Clooney TVR Project. Cllr. J. Cooney also complimented the ongoing work being carried out at Ballycuggeran amenity and stated that the Council have put in a fantastic effort so that people can enjoy the area.

Item 7: Local Property Tax (Local Adjustment Factor) 2022.

Report on Local Property Tax (Local Adjustment Factor) 2022 was circulated with the agenda. The report has been prepared in accordance with Local Property Tax (Local Adjustment Factor) regulations 2021 (SI 285), section 20 of the Finance (Local Property Tax) Act 2012 as amended by Section 5 of the Finance (Local Property Tax) Act 2013. Under legislation a local authority may as a reserved function resolve to vary the basic rate of the Local Property Tax in respect of relevant residential properties within its functional area by a maximum +/- 15%.

The elected members will as a reserved function be presented with a draft 2022 statutory budget to adopt in November 2021. In advance of preparing this draft budget, the members are required to decide in relation to Local Property Tax Local Adjustment Factor (LAF) by August 2021 in order that it can have effect from 1st November (liability date for Revenue). This report provides the information as required by regulation to this council relevant to the decision making process.

Elected members must consider the following factors in coming to their decision:

1. The Local Authorities estimation of the income it will receive and the expenditure it will incur in the period for which the varied rate is to have effect, i.e. the year 2022
2. The financial position of the local authority,
3. Feedback from the public consultation

This year members are not required to consider the financial effect of the varied rate as it is a year of property revaluation and such information is not available and it will not be available until the revaluation process has advanced, and the associated returns from property owners have been received and analysed by the Revenue Commissioners.

The report provided details of (a) the Council Financial Position (b) estimation of income and expenditure for the period for which the varied rate is to have effect (c) balancing income with expenditure (d) potential impact on liable person (e) public consultation.

In conclusion the report states that if the council decides to maintain the Clare County Council 2021 LPT rate this will maintain essential LPT funding of €1.5m to assist with the demands outlined and given the unprecedented challenges outlined, these funds are critical to meet emerging future demands.

It is recommended to members that there is no change in the level of Local Property Tax (LPT) Local Adjustment Factor payable by Clare homeowners for 2022, to maintain the 2021 Local Property Tax rate at 15% above the standard rate.

P. Dowling, Chief Executive addressed the meeting and advised that the decision on the Local Property Tax for 2022 is a reserved function and that the deadline for a

decision has changed to the end of August and not September as has been the practice. Mr. Dowling recommended that there be no change for 2022 as the Local Property Tax rate of €1.5m is very significant in order to assist with demands and the unprecedented challenges facing Clare County Council.

Cllr. D. McGettigan stated that she did not agree with maintaining the 2021 Local Property Tax rate as it does not take into account people's ability to pay.

Cllr. P. Hayes stated that the income from the Local Property Tax has become a funding mechanism for local authorities. Cllr. Hayes raised concern in relation to the equalisation fund as it is difficult to have to fund other local authorities and noted that the government are currently debating amendments to the Property Tax Bill. Cllr. Hayes formally proposed that the level of Local Property Tax stay the same as the 2021 Local Property Tax rate at 15% above the standard rate.

Cllr. G. Flynn stated that he felt that the Local Property Tax is a means of extracting additional taxes from homeowners which is then used to supplement government funding. Cllr. G. Flynn stated that retired people do not have adequate means to spend on Local Property Tax. Cllr. G. Flynn stated that he did not support the additional 15% and proposed that the standard rate apply for 2022.

Cllr. J. Cooney complimented Noeleen Fitzgerald, Director of Finance and Support Services and her team on producing the report and seconded Cllr. P. Hayes proposal that the Local Property Tax stay the same as the 2021 Local Property Tax rate at 15% above the standard rate.

Cllr. J. Flynn acknowledged the benefit of the €1.5m being spent in local areas and public amenities and also supported the proposal that the rate remain the same as the 2021 rate.

The Cathaoirleach, Cllr. P.J. Ryan called for a vote that the basic rate of local property tax should stand retained varied upwards by per cent 15% for the period 1 November 2021 to 31 October 2022, which resulted as follows:

In favour: Cllrs. M. Howard, M. Nestor, J. Flynn, C. Colleran Molloy, P. Daly, J. Cooney, P. Hayes, P. Burke, A. O'Callaghan, T. O'Brien, 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 and I. Lynch. (24)

Against: Cllrs. G. Flynn and D. McGettigan. (2)

Abstentions: Nil. (0)

Not present: Cllrs. P. Murphy and A. Norton. (2)

The Cathaoirleach declared the vote carried.

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

“That in accordance with the provisions of Section 20 of the Finance (Local Property Tax) Act 2012 (as amended), that the basic rate of local property tax should stand retained varied upwards by per cent 15% for the period 1 November 2021 to 31 October 2022, in respect of relevant residential properties situated in the administrative area of Clare County Council.”

Item 8: Proposed Projects for funding applications under Rural Funding Schemes 2021.

Report dated 23rd June, 2021 from Bernadette Haugh, A/Senior Executive Officer, Rural Development Directorate was circulated with the agenda. The report states that at their meeting on 23rd June, the members of the Working Group for the Action Plan for Rural Ireland considered the list of proposed projects under the following national funding schemes, identifying the projects to be submitted to the Department of Rural and Community Development for consideration as part of the national competitive process:

- (a) Town & Village Renewal Scheme 2021
- (b) Outdoor Recreation and Infrastructure Scheme 2021
- (c) Rural Regeneration and Development Fund – third call category 2

The proposed projects were approved by the Working Group and it was agreed that the report should be brought before the July meeting of Clare County Council for endorsement. The members agreed the recommended projects be submitted to the Department having been proposed by Cllr. J. Garrihy and seconded by Cllr. P. Hayes.

Item 9: Local Festivals and Participative Events Funding.

Report dated 6th July, 2021 from Leonard Cleary, Director of Rural Development was circulated with the agenda. The report states that the Councils Working Group for the Action Plan for Rural Ireland met on 23rd June and recommended projects to be approved for Fáilte Ireland funding.

The report states that events scheduled to physically take place this year, have been advised that they need to seek written permission from the Mid-Western Public Health Section / H.S.E. that the event can proceed. The event organiser will need to contact the H.S.E. to seek this clarification. In line with current Government Guidelines on Covid-19, the event cannot be funded without same. The members agreed the recommended projects be submitted to the Department having been proposed by Cllr. J. Cooney and seconded by Cllr. D. McGettigan.

Item 10: Casual Trading Bye-Laws 2021.

Report dated 25th June, 2021 from Carmel Greene, Senior Executive Officer, Economic Development was circulated with the agenda. The report states that a review of the Casual Trading Bye Laws has taken place over the last number of months. Discussions and workshops were held with each Municipal District regarding the need for a review of the Casual Trading Bye Laws which included a review of locations for casual trading bays and the presentation of stalls.

In line with the Casual Trading Act 1995, the Draft Casual Trading Bye Laws were advertised in two local newspapers and put on public display for one full month. As part of the process, submissions received were considered by each Municipal District in the making of the new Bye Laws.

Each of the Municipal Districts have now adopted the Casual Trading Bye Laws for the Municipal District area as set out in the report. The Casual Trading Bye Laws 2021 are available for viewing on the Clare County Council website.

The members noted the report as presented.

Item 11. Local Improvement Scheme.

Ar moladh Cllr. P.J. Kelly

“That an explanation be given as to why a decision to raise a loan of €1.6 million in 2016 to assist the local improvement scheme was not complied with.”

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

“Following the adoption of a resolution in March 2016, an application for loan approval to the value of €1.6m was submitted to the Department of Environment, Community and Local Government. A response from the Department sought further information specifically in relation to a) the term of the loan (b) the interest rate of the loan (c) the provision to repay the loan and (d) the sources of finance. The correspondence also specified that the Council had to show a provision to repay the loan within the 2016 budget and future budgets or demonstrate a source of funding to be used to repay the loan.

As the 2016 Budget did not contain any such provisions a response issued to the Department which confirmed that the matter including the queries raised would receive further consideration in the course of the 2017 Budget discussions. The outcome of the 2017 Budget process introduced G.M.A. funding to the value of €80,000 which was applied at Municipal District level towards an agreed programme of works including local road improvement works. The 2017 adopted budget and subsequent budgets did not contain specific provisions to service the proposed loan of €1.6m. G.M.A. funding across all Municipal Districts for 2021 is €1.27m.

It should be noted that the Local Improvement Scheme applies to private roads only. The local authority focus is on the public road network as a priority.”

Cllr. P.J. Kelly expressed disappointment that this matter was not pursued by the executive and requested that the process of repaying the loan be reactivated as many loans have been raised since.

P. Dowling, Chief Executive stated that Clare County Council has been successful in lobbying for L.I.S. funding as the revenue for L.I.S. funding has doubled and this will enable the Council to get through the backlog. Mr. Dowling stated that he will continue to lobby his colleagues at government level to make more money available.

Cllr. J. Flynn clarified figures in relation to loan raised for the car park in the Market area of Ennis.

Item 12. Communication.

Ar moladh Cllr. S. Crawford
Cuidithe ag Cllr. J. Garrihy agus glacadh leis

“We call on Clare County Council to address Communication from principle, process and practice perspectives.”

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

“Clare County Council recognises the importance of good communication in the delivery of its functions and aims to ensure there is clear, consistent and appropriate communication between the Council and relevant stakeholders, both within the organisation and externally.

We engage with our audiences by providing information; increasing awareness; encouraging action; building consensus; changing behaviour; promoting community participation; resolving conflict; or asking for input.

In order to communicate effectively, Clare County Council has identified key stakeholder groups, the messages that are relevant to them, and the best means of communicating those messages. A number of key audiences are as follows.

Citizens and service users

Clare County Council communicates with citizens and service users, both residents and visitors, via the following channels: web, newsletters, email, social media, traditional media, advertising, face-to-face, customer service telephone, Public Participation Network and Local Community Development Committee. A new community engagement platform (yoursay.clarecoco.ie) has been developed during the Covid-19 pandemic to facilitate and enhance consultation with the public.

Key topics of communication to citizens and service users include the services we offer and how to access them, where to go for advice and changes in services.

Elected Members

It is essential that Members are kept up to date on key issues. This is achieved through regular communications, such as: briefing meetings, web, newsletters, email, social media, Strategic Policy Committees (S.P.C.), Corporate Policy Group (C.P.G.), specific Members' workshops such as on the County Development Plan, the Budget process, face-to-face, Monthly Management Reports to Council, and telephone interaction. Policy development and the preparation of reports to Council encompasses research of legislation and best practice on the subject matter, relevant background information, results of any studies completed, feedback on consultations and recommendation(s) to the members.

Key topics of communication to Elected Members include policy developments, topical issues, levels of service and reserved functions.

Businesses

Clare County Council communicates with external businesses and business stakeholders via the following channels: web, newsletters, email, social media, traditional media, targeted consultations, advertising, face-to-face, telephone liaison, and with Clare Chambers, IDA Ireland, LEO Clare, Enterprise Ireland, among others.

Key topics of communication to businesses include the services we offer and how to access them, where to go for advice and changes in services.

Media

Clare County Council communicates with the media via the following channels: email, web, social media, media releases, media statements, replies to media queries, media conferences, face-to-face and telephone.

Key topics of communication with the media include promotion of ongoing and upcoming work in the Council, crisis communications and strategic issues.

Council staff and agents

Clare County Council communicates with staff and agents via the following channels: intranet and extranet, newsletters, web, email, social media and face-to-face meetings and through our PMDS system.

Key topics of communication with staff and agents include the services Clare County Council provides, Council priorities and objectives as outlined in the Corporate Plan and other corporate documents, and Council policies and procedures.

Clare County Council aims to continuously improve communications and engagements with all stakeholders and welcomes all feedback.”

Cllr. S. Crawford provided an outline on the concept of clear and consistent communication and stated that communication is a two way process which needs to be brief, accurate and complete and deliver a definitive message. Cllr. Crawford expressed disappointment as she felt the Ennis DAC workshop was inappropriately handled recently and felt that this could have been avoided if appropriately communicated.

The elected members in supporting Cllr. Crawford agreed that Clare County Council as an organisation can improve on communication policies. The elected members agreed that they would like to be more involved at the formation level when strategies are being devised. It was agreed that there are many platforms available for communicating. The members felt that a refresher meeting for new Councillors would be useful.

The elected members acknowledged that there has been improvements in the means of communication in Clare County Council by way of the Monthly Management Report and noted that everybody has suffered with communication issues due to covid 19. The members agreed that there needs to be investment in ICT in the Council Chamber as MS teams is not an ideal setting for meetings but were mindful that there is still a pandemic and restrictions must be adhered to.

L. Conneally, Director of Economic Development addressed the meeting and stated that covid-19 has impacted everybody and despite all the communication platforms available, face to face meetings are still the preferred option. In relation to statutory plans, Mr. Conneally stated that these often transcend from one Council to the next and acknowledged the request to explain the process to newly elected Councillors. Mr. Conneally stated that the Chairperson of Ennis DAC has given total commitment to the Ennis 2040 DAC and noted that he is providing assistance in a voluntary capacity and acknowledged that he has a very demanding work schedule. Mr. Conneally informed the meeting that it is important that the skills, knowledge and business background of the committee are kept on board. Referring to the workshop held recently, Mr. Conneally informed the members that the Chairman had to leave due to other work commitments.

Mr. Conneally agreed that the ICT in the Council Chamber is not satisfactory and informed the meeting that this is being worked on to provide a solution.

P. Dowling, Chief Executive addressed the meeting and agreed that technology in the Council Chamber will be improved. Mr. Dowling stated that there are 1,000 staff in Clare County Council who provide more than 700 services daily. Mr. Dowling felt that communication will always be a challenge and stated that he will look at ways it can be improved throughout the organisation. Referring to the recent unveiling of a plaque to commemorate the mother and baby home in Kilrush, Mr. Dowling stated that Council officials made a very strong effort and engaged with Councillors and the local community during the entire process. Mr. Dowling also noted the strong ongoing engagement with Councillors during the covid 19 pandemic.

Cllr. S. Crawford thanked the members for their support and stated that there needs to be collaborative communication in order to hear the voices of all the people.

Item 13. Appointment of Diversity and Inclusion Officer.

Ar moladh Cllr. I. Lynch
Cuidithe ag Cllr. S. Crawford agus glacadh leis

“The Clare County Council will appoint a diversity and inclusion officer(s) to ensure

a) diversity and inclusion amongst staff

b) to assist the council and municipal districts identify, celebrate and encourage greater diversion and inclusion within our communities.”

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

“Clare County Council is committed to the principles of equality of opportunity, fairness and accessibility for all, in the services that it provides to the community and in its role as an employer. In line with our statutory obligations under Section 42 of the Irish Human Rights and Equality Commission Act 2014, Clare County Council is committed to embedding and developing a culture of respect for human rights and equality, diversity and inclusion among our staff and for the people to whom we provide services.

Clare County Council will build on ongoing work and engagement in this area with the Irish Human Rights and Equality Commission by implementing the Public Sector Equality and Human Rights Duty. We have rolled out some workshops in this area with the overall aim to Eliminate Discrimination, Promote Equality, and Protect Human Rights of Staff and Service Users. We will continue to develop practices that promote the right of everyone to participate in all aspects of life in County Clare. The Council’s Equality Officer is part of the role of the Administration Officer in the Learning and Development Unit of Human Resources and we will co-ordinate this process in Clare County Council.”

Cllr. I. Lynch acknowledged that Clare County Council is very diverse and inclusive within its staff and stated that the raising of the rainbow flag at the Municipal District office recently visually demonstrated that the Council is an inclusive organisation. Cllr. Lynch felt that the Council should be responsive to events in order to show that communities are inclusive and open to diversity as people have to feel safe and

comfortable where they live. Cllr. Lynch stated that he would like to be informed of the name of the Councils Diversity and Equality Officer.

Item 14. Hedge cutting policy.

Ar moladh Cllr. J. Cooney

“That Clare County Council outline their hedge cutting policies and if these works are not being carried out what is the outcome, and is the Community hedge cutting scheme in place for 2021.”

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

“Clare County Council’s Hedgecutting policy is set against the background that local authorities have an overseeing role and responsibility to ensure that public roads are free of obstruction and impediment including the requirement that overgrown trees, verges, hedgerows etc. do not interfere in any way with the effective and safe operation of the public road network.

Under Section 70 of the Roads Act 1993, landowners are responsible for trees, hedgerows etc. on or inside their boundaries adjacent to public roads. The Act obliges landowners and occupiers to take all reasonable care to ensure that such trees, hedges and other vegetation are not or could not become a danger to people using or working on a public road.

Section 40 of the Wildlife Act, 1976 as amended by Section 46 of the Wildlife (Amendment) Act 2000 restricts the cutting of hedges during the growing season i.e. between March 1st and August 31st each year. Therefore, unless such hedgecutting has to be carried out during this period to facilitate public health and safety, all works of this nature should be implemented between September 1st and the end of February. Hedgecutting notices may be served on landowners that are not engaging with the Local Authority.

Notwithstanding the foregoing, the Council does provide a budget on an annual basis to facilitate hedgecutting along the most strategically important routes across the county. The extent to which the Council can fulfil this role is governed by the budget at its disposal. A provision of €5,000 has been provided in the 2021 Schedule of Municipal District Works to facilitate hedgecutting by the Council where deemed appropriate.

The Community Hedgecutting Grant Scheme has since its introduction by Clare County Council in 2013 been intended as a means of making landowners aware of their responsibilities and an encouragement to them to actively take on that responsibility on the ground. Both objectives have been achieved and in particular significantly increased numbers of landowners are now maintaining and managing their own roadside hedgerows. Clare Council Council will advertise the availability of the Community Hedgecutting Grant Scheme in the coming weeks to facilitate those wishing to cut roadside trees & hedges from September.”

Cllr. J. Cooney acknowledged that hedgecutting is restricted during the growing season between 1st March and 31st August and stated that it is important that the Council is ready and prepared to carry out these works on 1st September for safety

reasons. Cllr. Cooney highlighted concerns in relation to overhanging branches and trees and noted the responsibilities of landowners. Cllr. Cooney stated that media outlets should be used to make landowners aware of their responsibilities. Cllr. Cooney welcomed the grants available to assist landowners for hedgecutting.

The elected members felt that safety should come first and that proper clearing of sight lines at all road junctions should be carried out for safety purposes.

Item 15. Domestic waste collection.

Ar moladh Cllr. D. McGettigan
Cuidithe ag Cllr. G. Flynn

“I am calling on this Council to bring domestic waste collection back under the control of Clare County Council.

Local Authorities successfully managed waste collection for decades across the state, it's time to do so again to help curb the illegal dumping that is prevalent in the County.”

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

“The current private sector waste collection system in Ireland emerged after 1983, when local authorities began charging for household waste collection. Private sector waste collection involvement was encouraged by Government policy in 1998, in a document entitled, “Waste Management -Changing our Ways”, as a method of meeting national waste objectives. The prevalence of the private sector was accelerated by decisions of local authorities to exit the household waste collection market. The structure was endorsed in the Department of the Environment, Community and Local Government’s 2012 Policy document, “A Resource Opportunity-Waste Management Policy in Ireland”. The operation of household waste collection is now the responsibility of the private sector, with central and local government involvement mainly focused on issuing and managing waste licences and the roll out and enforcement of environmental regulations e.g. Litter and Waste Management Acts. It is not currently envisaged that local authorities would re-enter the waste collection service industry. There would be significant capital and operational costs required for the local authority to engage in such an activity in an already very competitive private sector market.

Equally there is no evidence to suggest that a local authority collection service would alleviate illegal dumping which occurs across the country. Illegal waste activity is primarily driven by undercutting whatever the market rate that exists for waste collection and also by individuals who refuse to dispose of their waste in a responsible legal manner. Unfortunately, this would not change with a local authority led service.”

Some elected members in supporting Cllr. D. McGettigan felt that it was a retrograde step by local authorities to abolish the waste collection service. It was agreed that there may be financial gain for local authorities to collect waste as private and commercial operators are running successful waste collection businesses. The members also felt that a waiver scheme could be introduced.

Cllr. M. Begley stated that he did not support the proposal in principle and queried if postcodes could be used to ensure that every house has a private waste disposal system. Cllr. Begley also noted that some local authorities have a waiver system arrangement with waste collection operators and felt that this should be examined.

P. Dowling, Chief Executive addressed the meeting and stated there is no evidence to suggest that illegal dumping would cease if the service was under the control of the local authority and that illegal dumping arises from individuals personal behaviour.

Cllr. D. McGettigan thanked the members for their comments and requested that this motion be referred to the Ministers office for consideration and advice in relation to the governments position on the matter.

Item 16. Illegal waste.

Ar moladh Cllr. A. Norton

“That Clare County Council give an update on the progress made on the removal of the illegal waste dumping sites across the county including the site on the Tulla Road. Secondly can the Council give an update on the progress for a plan for remediation of the sites include timelines for completion and enforcement if necessary.

Can Clare County Council also give an update on the number of enforcement officers in the council and how many enforcement notices were served over the past 3 years.”

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

“The Waste Enforcement Team has responsibility for inspecting illegal dumping sites throughout the County, including sites within the Ennis Municipal District. Since 2018, a total of 2987 complaints relating to illegal dumping sites have been received. Of these cases 97% have been successfully resolved, with 3% remaining open. Each enforcement case is considered on an individual basis and enforcement action depends on the nature of the individual circumstances.

Relating to remediation works, the timeframe for completion of these works varies and depends on the complexity, scale and legal issues involved. The Council is conscious that private property may be subject to illegal waste and litter activities by third parties and do provide support and advice to landowners in preventing this illegal activity. Under waste management legislation, there is a duty on landowners to secure lands and prevent illegal waste activity taking place on their lands.

The Environment Section has a programme of initiatives to support and strengthen Council action against illegal dumping. These include:

- Routine patrols within the four municipal areas, in both a pro-active patrol capacity and in response to complaints received from the public and other government agencies i.e. the EPA, An Taisce, Coillte etc.
- Implementation and enforcement of the Waste Management Bye-laws
- Anti-Dumping Initiative to identify high risk or problem areas and implement measures to prevent a re-occurrence of dumping.

- Continuation of environmental awareness and education promoting effective waste management.

Members of the public are encouraged to report illegal waste activity, which can be done via a wide range of advertised media:

- By telephone on the anti-litter hotline on 1800 606 706 or 065 6846331. By email to enviroff@clarecoco.ie with the details of the complaint.
- By letter to the Environment section, Aras Contae an Chlair, New Road, Ennis.

The staffing structure for the Waste Enforcement Team is determined by Department of Environment, Climate and Communications, which assists the council in maintaining current high standards in environmental enforcement. The multi disciplinary waste enforcement team, which investigates illegal dumping, monitors waste facility permits and certificates, and oversees compliance with all relevant regulatory waste legislation includes the following;

- a Waste Enforcement Officer,
- Environmental Patrol Officer,
- 3 Environmental Community Wardens
- Part-time Litter Warden.

These officers work in co-operation with other members of the office-based Waste Enforcement Team and various Departments within the Council, to monitor, enforce and ensure removal of illegal waste throughout the County. Since 2018, a total of 110 enforcement notices have been served on landowners instructing them to remove waste from their lands and 627 fines have been issued to individuals for offences under the Litter Pollution Act and Waste Management Bye-laws.”

Cllr. A. Norton stated that this notice of motion had been submitted as a result of queries being received from members of the public in relation to illegal dumping at landfills. Cllr. Norton stated that she is aware of illegal waste on this particular site and expressed disappointment that work has not been carried out.

Item 17. County Development Plan process.

Ar moladh Cllr. C. Murphy

Cuidithe ag Cllrs. P. Hayes, J. Cooney, G. Flynn, A. Norton, J. Crowe, P.J. Kelly, A. O’Callaghan, C. Colleran Molloy, P. O’Gorman agus T. O’Brien agus glacadh leis

“In response to the disruptions caused by Covid-19 restrictions, and in light of imminent new Rural Housing Strategy and the Wind Energy Strategy, we call on Clare County Council to utilise the new reserved function available to the elected members through the Planning and Development (Amendment) (No.3) Bill 2021, whereby the Local Authority, through a proposal from the elected members and a simple majority, can extend the time for completion of the County Development Plan process by up to twelve months to give the elected members, and the public, the time needed to engage more fully in the process and ensure the plan represents the best interests and ambitions of the people of Clare.”

The submitters of this notice of motion requested that this be deferred on the basis that a special meeting take place to discuss the issue when the legislation is signed into law. It was felt that in the interim period the Council needs to be pro active in engaging with the public in order to formulate a better County Development Plan for the people of County Clare. It was also agreed that more needs to be done for rural towns and villages as the current plan is not satisfactory.

P. Dowling, Chief Executive informed the members that there is still a requirement to proceed in the context of the Planning and Development Act 2000 and to adhere to the timelines which the Council is governed by as new legislation and guidelines are still awaited. Mr. Dowling requested that the Councillors participate in the workshop taking place on Thursday as it will be a useful exercise.

Item 18. Resources within the Planning Department.

Ar moladh Cllr. S. Talty

Cuidithe ag Cllrs. J. Killeen agus J. Garrihy agus glacadh leis

"Ask the Economic Development Director to assess & address the adequacy of resources within the planning department currently. In particular the pre-planning function, which is bedevilled by delays as resources are concentrated on dealing with an increasing number of full planning applications."

Liam Conneally, Director of Economic Development replied as follows:

"As with all sections within the Local Authority, the Planning Authority are constantly reviewing resource levels based on customer demands and needs. So far this year we have received over 700 planning applications which is an increase of over 36% from the same period in 2020. In terms of pre-planning queries received these are also up 33% from last year. Section 5 applications and Section 254 licence applications have also increased, the latter to facilitate outdoor dining. As well as the increase in activity in Development Management, significant staff resources have gone into the preparation of the pre-Draft Development Plan which has recently been furnished to the elected members.

I acknowledge that there is a delay in some pre-planning applications, priority at the moment is to facilitate duties of a statutory and strategic nature and which will facilitate economic activity. It is anticipated that the backlog of pre-planning requests will be cleared by the end of the year.

Overall while there has been a significant increase in activity within the Planning Section I am satisfied that there is, at present, sufficient resources in the section to deal with same."

The submitters emphasised that they were not criticising the planning section and acknowledged that planning applications have to take priority as there are statutory timelines involved. It was felt that the pre-planning function could give a clear understanding of issues and challenges that need to be addressed and would make applicants aware if planning permission could be obtained or not. The members noted that the Local Area Planners are dealing with all pre-planning and planning applications and felt that extra resources are needed to bring the planning function to

full strength in order to speed up the pre-planning process. The members supported and complimented the staff in the planning department on how they carry out their work in a pressurised environment.

Item 19. Vacant property owned by Council.

Ar moladh Cllr. G. Flynn
Cuidithe ag Cllr. D. McGettigan agus glacadh leis

“I am calling on Clare County Council to make financial provision for the upgrades required to bring vacant property owned by the Council up to a standard for rental to assist the qualified applicants on the social housing support list. I would also request that funding is also provided for maintenance to existing tenancies in need of enhancing.”

Liam Conneally, Director of Economic Development replied as follows:

“The County Development Plan making process is governed by the Planning and Development Act 2000, as amended, which sets out clear timelines and public engagement processes. To-date there has been no new amendment made to this legislation to facilitate an extension to the Development Plan preparation timeline. In the absence of such legislation being enacted and a commencement order being signed by the Minister the request set out in this motion is premature and cannot be facilitated at this point in time.

Currently, new draft legislation is going through its stages in the Dáil which will consist of two elements. The first being a proposal to extend the existing Development Plan subject to certain criteria and the second being the provision for an extension of the new Plan making period. As soon as this legislation becomes an Act and is commenced, I will inform the members.

This proposed new legislation is as a result of the impact of COVID 19 on the Plan making process rather than as a result of any new guidelines which the Department may have in preparation. New guidelines can issue at any time in the Plan making process and this is dealt with by local authorities as different sets of ministerial guidelines issue. The preparation of s 28 Guidelines is not in itself a reason for an extension of the time for the plan making process.

While I acknowledge that there has been disruption to local authority services as a result of the COVID 19 pandemic, I want to assure you that to date all statutory requirements associated with the preparation of the new development plan have been met and at this point in time I do not consider that there is a requirement to extend the period for making the plan beyond the current 99 week timeframe.”

Cllr. G. Flynn noted that there is a revenue account in the housing department and felt that monies raised from housing income should be kept for developing and repairing housing stock in order to meet the demand for affordable, social and private housing.

Item 20. Development of Shannon Airport as Ireland’s Electric Airport.

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

“In order to assist Ireland achieve climate action targets in reducing emissions from aviation that Clare County Council request the Government, it’s related Government Departments, and Shannon Group plan for designation and development of Shannon Airport as Ireland’s Electric Airport using green electricity to power green aviation initially short haul and long haul in the future with battery improvement.”

Cllr. J. Flynn stated that the aviation industry has to change due to climate change and the need to decarbonise and that airline companies are procuring electric planes. Cllr. Flynn felt that there is an opportunity for Shannon Airport to embrace this change by improving infrastructure and being ready to meet this initiative.

Cathaoirleach, Cllr. P.J. Ryan advised that the time to finish the meeting would have to be extended if the members wished to deal with the outstanding items on the agenda. This was proposed by Cllr. P. Hayes, seconded by Cllr. A. O’Callaghan and agreed by the members.

Item 21. National security.

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

“In view of the recent cyber attack on the HSE that Clare County Council call on the Government to enhance the role of the Irish Aviation Authority in national security.”

Cllr. P. McMahon stated that 80% of aircraft travel through the Irish Aviation Authority facility at Ballygreen. Cllr. McMahon stated that all aircraft have a radar that is recognised worldwide. Cllr. McMahon informed the meeting that unidentified aircraft have been detected and expressed concern in relation to the potential risks involved and therefore called on the government to enhance the role of the Irish Aviation Authority in national security.

Item 22. Free car parking for airline passengers at Shannon Airport.

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

“That this Council would request Shannon Airport Management, that for a trial period they would provide free car parking for airline passengers to try and boost passenger numbers at the airport.”

The elected members agreed that initiatives to incentivise people to use Shannon Airport should be considered. It was also agreed that a suite of incentives linking tourist destinations and attractions would bring tourists through Shannon Airport and stay in County Clare.

Item 23. HPV vaccine.

Ar moladh Cllr. M. Howard
Cuidithe ag Cllr. D. McGettigan agus glacadh leis

“Now that we have an efficient and effective Covid Vaccination Programme, Clare County Council appeals to Minister for Health Mr Stephen Donnelly to seriously consider using our vaccination centres along with our vaccinators and pharmacists to administer the HPV vaccine.

We appeal to the Minister to use the centres as part of a "catch-up" programme as the HPV Vaccination Programme was not completed in some counties. We are requesting the Minister to offer the HPV Vaccine free of charge to ALL secondary school students.”

Cllr. M. Howard provided details of the reduction in the uptake of the HPV vaccine due to covid 19 restrictions. Cllr. Howard stated that if people opted to access the HPV vaccine privately it could cost in the region of €400 - €600. Cllr. Howard suggested that the vaccination centres established to administer the covid 19 vaccine be used to administer the HPV vaccine in order to catch up and increase the uptake of the HPV vaccine. It was agreed that this notice of motion would be circulated to all local authorities.

Item 24. Funding for community defibrillators and training.

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

“Due to recent events, that the Department of Health provide funding to all communities throughout County Clare for defibrillators and training. There needs to be more than one covering each area.”

The elected members in supporting Cllr. J. Crowe agreed that the running costs involved in providing defibrillators can cause problems for local communities. The members agreed that training and maintenance of defibrillators is very important as they are a vital piece of material to have in communities as they can save lives. The members felt that it is important that residents associations have defibrillators in housing estates. It was agreed that this notice of motion would be circulated to all local authorities.

Item 25. Comhfhreagras/Correspondence.

P. Dowling, Chief Executive addressed the meeting and informed the members that communication had been received from the Department of Housing, Local Government and Heritage in relation to wastewater schemes in rural villages, particularly Broadford Pilot Wastewater Scheme. Mr. Dowling stated that investment is primarily through Irish Water while the Department operates the Rural Water Programme directly.

Complimentary to Irish Water’s Programme, the Department is currently examining wastewater requirements in the context of villages and similar settlements that do not have access to public wastewater infrastructure.

Officials in the Department have been instructed to prepare a report on this topic at national level. This report will include the analysis of a baseline survey of all rural

local authorities to quantify and qualify the number of villages and similar settlements concerned. This process is at an advanced stage and the Department will be in a position to consider the matter further in relation to these villages and similar settlements identified in the survey together with Clare County Councils request to be a pilot when the final report is available.

Cllr. G. Keating asked if Carrigaholt could be included in the report.

Cllr. J. Garrihy stated that Doolin needs urgent investment and will be ready if there is any opportunity to include it.

P. Dowling, Chief Executive responded and stated that Broadford, Doolin and Carrigaholt were proposed and that it is important to start with one project. Mr. Dowling assured Cllrs. Keating and Garrihy that he will continue to work on their requests.

Correspondence.

The following correspondence was circulated with the agenda:

1. Correspondence dated 21st June, 2021 from the Department of Defence in relation to the recent opening of the Clare Civil Defence Headquarters in Ennis by Minister Coveney.
2. Correspondence dated 2nd July, 2021 from the Office of An Taoiseach in relation to the Aer Lingus decision to permanently close its cabin crew base in Shannon Airport.
3. Correspondence dated 22nd June, 2021 from Deputy Cathal Crowe concerning Aer Lingus decision to permanently close its cabin crew base at Shannon Airport.
4. Correspondence dated 2nd July, 2021 from the Minister for Transport in regarding the rebuilding of Shannon Airport.
5. Correspondence received from the Department of Transport regarding Aer Lingus services in Shannon Airport.
6. Correspondence dated 7th July, 2021 from the Office of An Tánaiste regarding the Aer Lingus decision to permanently close its cabin crew base at Shannon Airport.
7. Correspondence dated 5th July, 2021 from the Department of Transport regarding Shannon Airport.
8. Correspondence dated 29th June, 2021 from the Department of Children, Equality, Disability, Integration and Youth in relation to the Mother and Baby Homes Commission of Investigation.
9. Correspondence dated 28th June, 2021 from the Department of Health regarding Womens' Health.
10. Motion circulated by the Municipal District of Carrickmacross – Castleblaney in relation to support for carers.

11. Resolution circulated by Mayo County Council in relation to carers allowance scheme.
12. Motion circulated by Fermanagh & Omagh District Council in relation to Israeli security forces.
13. Motions circulated by Meath County Council in relation to the Irish banking system and the establishment of the Transport Support Scheme.
14. Motion circulated by Waterford City & County Council in relation to adult literacy.
15. Resolution circulated by Kerry County Council in relation to Home School Liaison Officers.
16. Resolution circulated by Sligo County Council in relation to funding for the provision of small wastewater treatment systems.
17. Motion circulated by Wicklow County Council in relation to the installation of automated external defibrillators in new housing estates.
18. Elected members training webinar entitled “Delivery of High Quality Housing Appropriate to its setting” taking place on 23rd July.

Cathaoirleach, Cllr. P.J. Ryan thanked the members and the executive for their co-operation during his first meeting as Cathaoirleach and wished everybody a happy holiday period.

The meeting then concluded.

Signed: _____
Riarthóir Cruinnithe

Signed: _____
Cathaoirleach

Date: _____