

## **Minutes of December Monthly Meeting of Clare County Council**

**Location:** Held in the Council Chamber, Áras Contae an Chláir, New Road, Ennis, Co. Clare and via MS Teams

**On:** Monday, 12<sup>th</sup> December, 2022

**Time:** 3:00 p.m.

### **Present:**

#### **Councillors**

M. Howard, J. Flynn, C. Colleran Molloy, P. Murphy, P. Daly, T. O'Callaghan, J. Cooney, P. Burke, A. O'Callaghan, T. O'Brien, J. Crowe, M. Begley, P.J. Ryan, P. McMahon, G. Flynn, P. O'Gorman, J. Killeen, J. Garrihy, P.J. Kelly, G. Keating, C. Murphy, I. Lynch.

#### **Officials**

- Mr. Pat Dowling, Chief Executive.
- Ms. Ann Reynolds, Meetings Administrator.
- Ms. Margaret O'Rourke, A/Staff Officer.
- Ms. Anne Haugh, Director of Social Development.
- Mr. Leonard Cleary, Director of Rural Development.
- Dr. Carmel Kirby, Director of Physical Development.
- Ms. Noeleen Fitzgerald, Director of Finance and Support Services.
- Mr. Jason Murphy, A/Director of Service, Ukrainian Response Team.
- Mr. John Leahy, Senior Engineer, Physical Development.
- Mr. Seán Lenihan, Senior Engineer, Physical Development.
- Ms. Carmel Greene, Senior Executive Officer, Economic Development.

#### **Present via MS Teams:**

Cllrs. A. Norton, P. Hayes, D. McGettigan, S. Talty, L. Grant, B. Chambers,

The Cathaoirleach, Cllr. T. O'Brien presided.

#### **Votes of sympathy.**

A vote of sympathy was extended to the following:

- The Rutherford family, Ennis on the death of Mary Rutherford, RIP.

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

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

“That the Minutes of the November Meeting of Clare County Council held on 14<sup>th</sup> November, 2022 be adopted and signed.”

b. Ar moladh Cllr. A. O’Callaghan  
Cuidithe ag Cllr. M. Howard agus glacadh leis

“That the Minutes of the adjourned November Meeting of Clare County Council held on 21<sup>st</sup> November, 2022 be adopted and signed.”

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

“That the Minutes of the Statutory Budget Meeting of Clare County Council held on 25<sup>th</sup> November, 2022 be adopted and signed.”

**Item 2: Matters Arising.**

Cllr. P.J. Kelly extended thanks to the Councils legal advisor for the legal opinion received and expressed disappointment that there was an embargo on the disclosure of the contents and discussion at meetings.

**Item 3: Correspondence/Comhfhreagras.**

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

1. Correspondence dated 14<sup>th</sup> November, 2022 from the Department of Finance in relation to Mica Redress Scheme.
2. Correspondence dated 15<sup>th</sup> November, 2022 from the Department of Housing, Local Government and Heritage in relation to waste water issues in towns and villages in County Clare.
3. Correspondence dated 10<sup>th</sup> November, 2022 from the Department of Housing, Local Government and Heritage in relation to National Planning Framework.
4. Correspondence dated 29<sup>th</sup> November, 2022 from the Department of Health regarding GP service in County Clare.
5. Correspondence dated 29<sup>th</sup> November, 2022 from the Department of Agriculture, Food and the Marine in relation to ash tree plantations that have suffered from Ash Dieback Disease.
6. Correspondence dated 30<sup>th</sup> November, 2022 from the Department of Education in relation to the retirement age for school bus drivers.

7. Correspondence dated 5<sup>th</sup> December, 2022 from the Department of Health regarding the introduction of a Smart ID card.
8. Correspondence dated 23<sup>rd</sup> November, 2022 from the Department of Education regarding the retirement age for school bus drivers.
9. Correspondence dated 23<sup>rd</sup> November, 2022 from the Department of Housing, Local Government and Heritage in relation to legislation covering third party tenancies that are subsidised by public funding and the role of local authorities in this policy.
10. Correspondence dated 23<sup>rd</sup> November, 2022 from the Department of Justice in relation to legislation covering third party tenancies that are subsidised by public funding and the role of local authorities in this policy.
11. Correspondence dated 23<sup>rd</sup> November, 2022 from the Department of Finance in relation to rates.
12. Correspondence dated 25<sup>th</sup> November, 2022 from the Department of Public Expenditure and Reform in relation to local authority funding.
13. Notice of motion circulated by Wicklow County Council in relation to the European Maritime Fisheries Fund.
14. Resolution circulated by Monaghan County Council in relation to deferring the introduction of a concrete/block levy for the foreseeable future.
15. Resolution circulated by Monaghan County Council in relation to installing solar panels in pensioners and retired people's homes.
16. Resolution circulated by Sligo County Council in relation to staffing issues in the health service.
17. Resolution circulated by Sligo County Council in relation to changing place facility for people with disability in new buildings.
18. Resolution circulated by Sligo County Council in relation to criteria for individuals to qualify for a social employment scheme.
19. Resolution circulated by Mayo County Council in relation to taking in charge of estates across Ireland.
20. Celtic Conference entitled "The Finance Act" taking place in the Four Seasons Hotel, Carlingford, Co. Louth on 6<sup>th</sup> -8<sup>th</sup> January, 2023.
21. Celtic Conference entitled "Local Authority Procurement Process" taking place in O'Donovans Hotel, Clonakilty, Co. Cork on 20<sup>th</sup> – 22<sup>nd</sup> January, 2023.
22. Celtic Conference entitled "Modular Housing in Ireland" taking place in the Four Seasons Hotel, Carlingford, Co. Louth on 3<sup>rd</sup> - 5<sup>th</sup> February, 2023.
23. Celtic Conference entitled "Protecting your Mental Health as a Public Representative" taking place in O'Donovans Hotel, Clonakilty, Co. Cork on 3<sup>rd</sup> – 5<sup>th</sup> March, 2023.
24. Association of Irish Regions Conference entitled "Bringing International, National and Local Leaders together to focus on Regional Development" being held in Monaghan Town on 7<sup>th</sup> – 9<sup>th</sup> February, 2023.

**Item 4: Minutes of Municipal District Meetings.**

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

“That the Minutes of the Ennis Municipal District Meeting held on the 1<sup>st</sup> November, 2022 be noted.”

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

“That the Minutes of the Killaloe Municipal District Meeting held on the 21<sup>st</sup> September, 2022 be noted.”

c. Ar moladh Cllr. G. Flynn  
Cuidithe ag Cllr. P. O’Gorman agus glacadh leis

“That the Minutes of the Shannon Municipal District Meeting held on the 20<sup>th</sup> September, 2022 be noted.”

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

“That the Minutes of the Shannon Municipal District Meeting held on the 8<sup>th</sup> November, 2022 be noted.”

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

“That the Minutes of the West Clare Municipal District Meeting held on the 6<sup>th</sup> September, 2022 be noted.”

**Item 5: Minutes of S.P.C. Meetings.**

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

“That the minutes of the Physical Development S.P.C. meeting held on 31<sup>st</sup> May, 2022 be noted”.

**Item 6: Minutes of the Corporate Policy Group Meetings.**

The members noted the minutes of the meeting held on 7<sup>th</sup> November, 2022 as presented.

**Item 7: Monthly Management Report.**

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

Cllr. C. Murphy referred to emergency accommodation being provided and queried if there has been engagement with the Department asking if they would consider 6 month minimum as he felt this is critical from a stability point of view for both the people displaced from Ukraine and the accommodation providers. Cllr. C. Murphy asked if there is a maximum percentage of hotel beds in any particular unit permissible.

Cllr. C. Murphy praised the work done on water services in Doonbeg and also commended the Derelict Sites team for the work output on vacancy and dereliction.

Jason Murphy, A/Director of Service, Ukrainian Response Team responded and stated that the “Offer a Home Scheme” is a national scheme which has already been rolled out. Mr. Murphy stated that 30 properties have been offered across the county and that due diligence has to be carried out on these properties. Mr. Murphy stated that information has been requested from the Department in relation to the maximum number of hotel beds available.

Cllr. P. Hayes referred to the future delivery of water services and the issue of vacant placements and queried the recruitment process going forward.

Cllr. S. Talty welcomed the work on active travel schemes. Cllr. Talty referred to Ennistymon Inner Relief Road and queried the timelines for the judicial review process.

Dr. Carmel Kirby, Director of Physical Development addressed the meeting and stated that there is a WRC Framework between the parties, LGMA and Irish Water and that the details are to be worked out. Ms. Kirby stated that a new SLA is to be put in place in January 2023 whereby staff integration will be worked out and that work is in progress on this issue.

Clr. J. Flynn requested progress update on the LIHAF. Cllr. J. Flynn referred to air quality reports for Ennis and requested if this can be monitored and reported on next month.

Responding to the query on LIHAF, Dr. C. Kirby, Director of Physical Development stated that the design stage is under way and that discussions are ongoing with landowners. Dr. Kirby undertook to report on the air quality.

Referring to Ennistymon Inner Relief Road, P. Dowling, Chief Executive stated that there is a right for a judicial review and that it is hoped that work will commence in 2023.

Cllr. P. Burke welcomed funding allocated for Inis Cealtra and requested an update on the proposed residential units in Scarriff.

Cllr. J. Garrihy welcomed the active travel initiatives which have had a major impact across the county in providing safe routes to schools. Cllr. J. Garrihy referred to challenges being experienced in rural areas this week due to the dangerous road conditions. Cllr. J. Garrihy requested an update on the Doolin visitor building.

Members queried if all regional roads are included in the gritting programme and outlined incidents experienced by constituents due to dangerous road conditions.

Ms. A. Haugh, Director of Social Development responded to query raised by Cllr. P. Burke and stated that work on post tender administration is ongoing and it is hoped to sign contracts in January and go to site immediately thereafter.

Dr. C. Kirby, Director of Social Development stated that Doolin Pier is still a priority project and that when the parking issue is resolved it will then progress to design stage. Dr. Kirby informed the meeting that there is a plan in place for road gritting and requested that the elected members contact either herself or John Leahy, Senior Engineer, Physical Development if there are any specific roads to be considered.

P. Dowling, Chief Executive informed the members that resources are being deployed to carry out road gritting twice daily and that this will continue and intensify as necessary.

Some members suggested that grit be made available for schools.

J. Leahy, Senior Engineer, Physical Development addressed the meeting and stated that all national roads, most regional and busy local roads as per the P3 routes as set out in the winter maintenance plan, which are available on the Council website. This is supplemented by additional salting by the Municipal Districts. Mr. Leahy continued that the situation will be monitored for the duration of this cold spell.

#### **Item 8: Co-option to fill vacancy on Clare County Council.**

Report dated 5<sup>th</sup> December, 2022 from Ann Reynolds, Senior Executive Officer, Corporate Services was circulated with the agenda. The report states that it is proposed to fill the casual vacancy on the Council arising from the resignation of Mark Nestor. The vacancy will be filled in accordance with Section 19 of the Local Government Act 2001, i.e. the person to be nominated by the same registered political party who nominated for election the member who caused the casual vacancy.

The report states that correspondence has been received from the Fianna Fáil Party nominating Tom O'Callaghan, Beechvilla, Clareabbey, Clarecastle, Co. Clare for co-option to Clare County Council. Mr. O'Callaghan provided his written consent to this co-option.

By virtue of his proposed co-option to the Council, Tom O'Callaghan will also fill the vacant Councillor positions on the following:

- Ennis Municipal District Committee
- Social Development Strategic Policy Committee

- Active Ennis Sports and Leisure Committee

Ar moladh Cllr. P. Daly

Cuidithe ag Cllr. C. Colleran Molloy agus glacadh leis

“That Tom O’Callaghan, Beechvilla, Clareabbey, Clarecastle, Co. Clare be co-opted to fill the casual vacancy in Clare County Council pursuant to Section 19 of the Local Government Act 2001.”

Ar moladh Cllr. P. Daly

Cuidithe ag Cllr. C. Colleran Molloy agus glacadh leis

“That Tom O’Callaghan, Beechvilla, Clareabbey, Clarecastle, Co. Clare be co-opted to fill the casual vacancy in

- Ennis Municipal District Committee
- Social Development Strategic Policy Committee
- Active Ennis Sports and Leisure Committee.”

The elected members welcomed Cllr. Tom O’Callaghan to Clare County Council and wished him well in his political career and stated that they looked forward to working with him.

The elected members acknowledged the contribution made to Clare County Council by Cllr. O’Callaghan’s predecessor Mark Nestor.

P. Dowling, Chief Executive extended best wishes to Cllr. O’Callaghan and assured him of the full support and co-operation of staff in the organisation.

Cllr. T. O’Callaghan addressed the meeting and thanked the Fianna Fáil Party for nominating him to fill the vacancy and stated that it is a privilege to be co-opted to the seat on Clare County Council. Cllr. O’Callaghan acknowledged Mark Nestor who vacated the seat and wished him every happiness in his new vocation. Cllr. O’Callaghan stated that people and communities must be at the forefront of decisions made and undertook to work to find solutions for constituents.

**Item 9: Disposal of property at Clancy Park, Ennis, Co. Clare pursuant to Section 183 of the Local Government Act, 2001 and Section 211 of the Planning & Development Act, 2000.**

Report dated 21<sup>st</sup> November, 2022 from Anne Haugh, Director of Social Development was circulated with the agenda together with map. The report states that it is proposed to dispose of property at Clancy Park, Ennis, Co. Clare subject to the conditions as set out in the notice served on the members dated 21<sup>st</sup> November, 2022.

Ar moladh Cllr. P. Daly

Cuidithe ag Cllr. C. Colleran Molloy agus glacadh leis

“Notice having been served pursuant to Section 183 of the Local Government Act, 2001, Clare County Council approves pursuant to the powers vested on it at Section 211 of the Planning & Development Act, 2000 as amended, of disposal of property at

Clancy Park, Ennis, Co. Clare subject to the conditions as set out in the notice served on the members dated 21<sup>st</sup> November, 2022.”

**Item 10: Disposal of lands to the rear of New Cottages, Ennistymon, Co. Clare pursuant to Section 183 of the Local Government Act, 2001 and Section 211 of the Planning & Development Act, 2000.**

Report dated 17<sup>th</sup> November, 2022 from Carmel Greene, Senior Executive Officer, Economic Development was circulated with the agenda together with map. The report states that it is proposed to dispose of an area of lands measuring 0.0155 hectares at the rear of New Cottages, Ennistymon, Co. Clare subject to the conditions as set out in the notice served on the members dated 17<sup>th</sup> November, 2022.

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

“Notice having been served pursuant to Section 183 of the Local Government Act, 2001, Clare County Council approves pursuant to the powers vested on it at Section 211 of the Planning & Development Act, 2000 as amended, of disposal of lands to the rear of New Cottages, Ennistymon, Co. Clare subject to the conditions as set out in the notice served on the members dated 17<sup>th</sup> November, 2022.”

**Item 11: Disposal of lands at Burton Street, Market Street, Kilrush, Co. Clare pursuant to Section 183 of the Local Government Act, 2001 and Section 211 of the Planning & Development Act, 2000.**

Report dated 17<sup>th</sup> November, 2022 from Carmel Greene, Senior Executive Officer, Economic Development was circulated with the agenda together with map. The report states that it is proposed to dispose of an area of lands measuring 0.005 hectares at Burton Street, Kilrush, Co. Clare subject to the conditions as set out in the notice served on the members dated 17<sup>th</sup> November, 2022.

Ar moladh Cllr. C. Murphy  
Cuidithe ag Cllr. I. Lynch agus glacadh leis

“Notice having been served pursuant to Section 183 of the Local Government Act, 2001, Clare County Council approves pursuant to the powers vested on it at Section 211 of the Planning & Development Act, 2000 as amended, of disposal of lands at Burton Street, Market Street, Kilrush, Co. Clare subject to the conditions as set out in the notice served on the members dated 17<sup>th</sup> November, 2022.”

**Item 12: Disposal of lands at Knockadereen, Tullycrine, Kilrush, Ennis, Co. Clare pursuant to Section 183 of the Local Government Act, 2001 and Section 211 of the Planning & Development Act, 2000.**

Report dated 17<sup>th</sup> November, 2022 from Carmel Greene, Senior Executive Officer, Economic Development was circulated with the agenda together with map. The report states that it is proposed to dispose of lands at Knockadereen, Tullycrine,

Kilrush, Co. Clare subject to the conditions as set out in the notice served on the members dated 17<sup>th</sup> November, 2022.

Ar moladh Cllr. I. Lynch  
Cuidithe ag Cllr. C. Murphy agus glacadh leis

“Notice having been served pursuant to Section 183 of the Local Government Act, 2001, Clare County Council approves pursuant to the powers vested on it at Section 211 of the Planning & Development Act, 2000 as amended, of disposal of lands at Knockadereen, Tullycrine, Kilrush, Co. Clare subject to the conditions as set out in the notice served on the members dated 17<sup>th</sup> November, 2022.”

**Item 13: Disposal of lands at Carraig Hill, Shannon, Co. Clare pursuant to Section 183 of the Local Government Act, 2001 and Section 211 of the Planning & Development Act, 2000.**

Report dated 17<sup>th</sup> November, 2022 from Carmel Greene, Senior Executive Officer, Economic Development was circulated with the agenda together with map. The report states that it is proposed to dispose of an area of lands measuring 0.006 hectares at Carraig Hill, Shannon, Co. Clare subject to the conditions as set out in the notice served on the members dated 17<sup>th</sup> November, 2022.

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

“Notice having been served pursuant to Section 183 of the Local Government Act, 2001, Clare County Council approves pursuant to the powers vested on it at Section 211 of the Planning & Development Act, 2000 as amended, of disposal of lands at Carraig Hill, Shannon, Co. Clare subject to the conditions as set out in the notice served on the members dated 17<sup>th</sup> November, 2022.”

**Item 14: Adoption of Mid-West Region Homelessness Action Plan 2022 - 2025**

Report dated 5<sup>th</sup> December, 2022 from Pádraig MacCormaic, A/Senior Executive Officer, Social Development was circulated with the agenda together with the Draft Mid West Region Homelessness Action Plan 2022-2025. The report states that in accordance with Section 37 of the Housing (Miscellaneous Provisions) Act 2009, the Mid West Region Homelessness Action Plan 2022-2025 was prepared by the local authorities of Limerick and Clare and the Health Services Executive (H.S.E.). Limerick City and Council is the designated lead authority of the Mid-West region.

The Mid-West Region Homelessness Action Plan 2022-2025 sets out the priorities for the region for the next three years. The Plan specifies the measures to be undertaken to address homelessness in the administrative areas of Limerick City and Council, and Clare County Council, working in close partnership with the H.S.E. and other bodies providing services to address homelessness.

The draft Mid West Region Homelessness Action Plan 2022-2025 was presented to the meeting of the Limerick City and County Home and Social Development Strategic

Policy Committee on 19<sup>th</sup> October 2022 who recommended that it be forwarded to the full Council where it was adopted on 28<sup>th</sup> November, 2022.

The draft Plan was presented to Clare County Council Social Development S.P.C. on 6<sup>th</sup> December 2022 and the S.P.C. recommended that it be forwarded to the full Council meeting, scheduled for the 12<sup>th</sup> December, 2022.

The report continues that if members adopt this Plan, the previous Plan 2013-2018 will stand revoked and this Plan shall remain in force until 31<sup>st</sup> December 2025.

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

“That pursuant to Section 37 of the Housing (Miscellaneous Provisions) Act 2009 Clare County Council adopt the Mid West Region Homelessness Action Plan 2022 – 2025.”

Cllr. J. Flynn noted the significant increase in the number of homelessness since 2018 and queried if Bedford Row should be included on the Committee as they can assist families be re-established. Cllr. J. Flynn requested an update on the winter initiative.

P. Dowling, Chief Executive agreed that there are ongoing challenges in relation to homelessness and stated that every effort is being made to address this. Referring to the Bedford Row suggestion, Mr. Dowling stated that there has been engagement in the past and undertook to investigate if this can be re-activated.

A. Haugh, Director of Social Development stated that there are a small number of rough sleepers in Ennis and Kilrush who have been engaged with and have been offered a bed. Ms. Haugh stated that there will be a bed available for anybody who needs one.

**Item 15: Approval of Draft Policy on Twinning/Sister City Arrangements.**

Report dated 7<sup>th</sup> December, 2022 from Deirdre O’Shea, A/Head of Tourism was circulated with the agenda together with the Draft Policy on Twinning/Sister City Arrangements. The report states that the Draft Policy on Twinning/Sister City Arrangements was drafted and considered and agreed by the Clare Twinning Committee on 7<sup>th</sup> December, 2022.

The Policy as presented was approved by the members present having been proposed by Cllr. M. Howard and seconded by Cllr. P. Murphy.

**Item 16: H.S.E. presentation at 2:00 p.m.**

Cathaoirleach, Cllr. T. O’Brien welcomed Dr. Mai Mannix, Director of Public Health Mid-West, Mr. David Frawley, C.F.O., UL Hospitals Group and Ms. Maria Bridgeman, Chief Officer, Community Healthcare Mid-West to the meeting via MS Teams.

Dr. Mai Mannix, Director of Public Health Mid-West addressed the meeting and briefed the members on the following:

- RSV in the Mid-West
- Covid-19 in the Mid-West
- Measles

Mr. David Frawley, C.F.O., UL Hospitals Group provided a presentation addressing the following issues:

- Deloitte report on patient flow
- Waiting list improvement plan
- Winter plan 2022/2023
- Capital developments

Ms. Maria Bridgeman, Chief Officer, Community Healthcare Mid-West discussed the following in her presentation:

- Primary Care Services
- Enhanced Community Care Programme
- Primary Care Centre Developments
- Older Persons Services
- Disabilities Services
- Mental Health Services
- Health & Wellbeing Services

The elected members thanked the H.S.E. personnel for their presentations and raised queries in relation to the following:

- An update on the development of the Primary Care Centre in Killaloe
- Why are young adults being cared for in nursing homes and not in the community
- Delays in wheelchair users getting equipment
- Lack of information on disability services in the community as young people need speech therapy and physiotherapy.
- Damage caused by delay in accessing services due to lack of available therapists
- High number of outpatients awaiting treatment
- Cost of outsourcing

The queries raised were addressed by Mr. David Frawley, C.F.O., UL Hospitals Group and Ms. Maria Bridgeman, Chief Officer, Community Healthcare Mid-West.

Cathaoirleach, Cllr. T. O'Brien thanked the H.S.E. personnel for their presentations and informed the members that the presentation slides would be circulated to them and any additional questions should be forwarded to Ann Reynolds, Meetings Administrator who would arrange to forward them to the H.S.E. for reply.

P. Dowling, Chief Executive thanked Dr. Mai Mannix, Director of Public Health Mid-West, Mr. David Frawley, C.F.O., UL Hospitals Group and Ms. Maria Bridgeman,

Chief Officer, Community Healthcare Mid-West and took the opportunity to wish them and all H.S.E. staff a happy and peaceful Christmas.

**Item 17: Kaftrio for all children with Cystic Fibrosis.**

Ar moladh Cllr. M. Howard

Cuidithe ag Cllr. C. Collieran Molloy agus glacadh leis

“Clare County Council request the Minister for Health Mr Stephen Donnelly to urgently consider giving all children with Cystic Fibrosis the drug Kaftrio. There is absolutely no reason why these children cannot have this wonder drug.”

Cllr. M. Howard informed the meeting the most recent drug to treat Cystic Fibrosis is Kaftrio - a drug that hugely stops the progression of Cystic Fibrosis which was introduced to Ireland approximately two years ago.

Cllr. Howard continued that there are approximately 175 children with Cystic Fibrosis in Ireland in the 6 - 12 age bracket. 140 of those children started the drug in May and that 35 children were not included due to a rare genotype and were informed that they would not be getting the drug due to a "glitch" or "omission" of their genotypes of their being listed in the contract made in 2017. Cllr. Howard stated that the children's consultants are in agreement that all the children are eligible and should have immediate access to the drug.

Cllr. Howard concluded that of the 35 children there are two who live in Co. Clare.

The elected members in supporting this notice of motion welcomed the advances in the development of drugs to assist people with cystic fibrosis and felt that these children should not be discriminated against and that this drug should be sanctioned for the children affected.

**Item 18. Legal Services.**

Ar moladh Cllr. P.J. Kelly

“That the following information with regard to the Councils legal service provider be made available

(a) Cost of service for years ending

1. 2019

2. 2020

3. 2021

(b) Date present contract expires

(c) Date when tenders will be sought for future legal service provision.”

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

- (a) The figures below reflect the cost per year of the Council’s legal service provider.

	<b>2019</b>	<b>2020</b>	<b>2021</b>
Revenue	513,208	333,184	327,190
Capital	340,115	241,208	250,549
	<b>853,323</b>	<b>574,392</b>	<b>577,740</b>

Note:

- (i) Costs incurred on the Council’s capital projects are fully recoupable by Clare County Council.
- (b) The current contract with Michael Houlihan and Partners expires on 31<sup>st</sup> December 2022
- (c) A mini-competition for supply of legal services to Clare County Council commenced via Etenders in September 2022. The tender was published by the Office of Government Procurement to form a mini-competition amongst the 8 legal service suppliers on the OGP framework that can serve Clare County Council.

Two separate lots were advertised for tender as follows:

- Multi Disciplinary Services lot and
- Property, Estates and Conveyancing Lot.

The closing date for this competition was 28<sup>th</sup> September 2022. The procurement process was managed and overseen by the Office of Government Procurement. The assessment of tenders has been completed and the successful and unsuccessful tenders are currently being notified. Michael Houlihan and Partners was the successful tenderer for both lots and contracts are currently being prepared to appoint Michael Houlihan and Partners.”

Cllr. P.J. Kelly informed the meeting that he was unaware that the current County Solicitor term was due to end and another due to begin. Cllr. Kelly felt that the majority of people felt that Clare County Council should have an in-house Solicitor. Cllr. Kelly noted that the County Solicitor is serving the county well but at a cost. Cllr. P.J. Kelly also noted that a new partnership exists in the County Solicitor practice. Cllr. Kelly queried when the proposal to appoint the County Solicitor was to come before the Council and if the Councillors will be given a report on issues raised.

P. Dowling, Chief Executive advised that the appointment of MHP Sellors, which is a combination of Michael P. Houlihans and Sellors, has been formalised. Mr. Dowling

stated that he is satisfied that a transparent procurement process was implemented and felt that this company will continue the standard set and improve in the period ahead.

Cllr. Kelly questioned the duration of the appointment.

Mr. Dowling responded that the appointment is for an initial period of two years.

#### **Item 19. Mica/Pyrite Re-dress Scheme.**

Ar moladh Cllr. G. Flynn

Cuidithe ag Cllr. D. McGettigan agus glacadh leis

“I am requesting Clare County Council to contact the Minister for Housing Darragh O’Brien and request information concerning the Mica/ Pyrite Re-Dress Scheme for County Clare Households.

1/ When will the individual owners of damaged homes in Clare receive confirmation that they are eligible for funding to rebuild their homes.

2/ Will the Government accept reports from private consultants in determining the damage to properties or will the confirmation have to come from the local authority.

3/ Will the Government consider 100% funding for homeowners that may want to Right Size their homes for their current needs.

4/ Clare is approved for access to the re-dress scheme but residents of crumbling homes in Clare need clarification and transparency from The Government in regard to timelines and this needs to be addressed urgently.

I would also request the circulation of this motion to our local Oireachtas Members if it receives support from the members.”

Cllr. G. Flynn acknowledged the presentation given to Social Development S.P.C. the previous week and informed the meeting that this item remains on the S.P.C. agenda. The elected members acknowledged the work done by the Council’s Housing Department and agreed that urgency and information is required from Government to deal with this issue.

#### **Item 20. Emergency Accommodation for Ukrainians.**

Ar moladh Cllr. P. McMahon

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

“In view of recent Government decisions to give local authorities responsibility in the area of emergency accommodation for Ukrainian refugees, that every effort be made to fully utilise the large stock of recently vacated town and village and rural homes which are otherwise likely to remain unoccupied.”

**Jason Murphy, A/Director of Service, Ukrainian Response Team replied as follows:**

“At the current time the accommodation of Ukrainian Beneficiaries of Temporary Protection is being coordinated in the main by the Department of Children, Equality, Disability, Integration & Youth (DCEDIY) and in County Clare there are

approximately 3,600 people accommodated in 29 multi-occupancy settings across 14 settlements.

The provision of suitable accommodation for our guests nationally is under ongoing review and earlier this year the International Red Cross put a call out for ‘pledged’ accommodation with Local Authorities later providing assistance to match those pledged properties (both shared and vacant) to Ukrainian beneficiaries.

In recent weeks a new government initiative, ‘Offer A Home’, has been launched. This call-out is led by local authorities and aims to make use of unoccupied houses and apartments to house Ukrainian families and those wishing to share together. Property owners can offer homes at the newly created website: [www.offerahome.ie](http://www.offerahome.ie) or by contacting Clare County Council at [offerahome@clarecoco.ie](mailto:offerahome@clarecoco.ie). Deirdre Ryan, Administrative Officer in Ukrainian Services Development is leading on this initiative.

While rent will not be payable to those who offer properties, a tax-free recognition payment of €800 per month is available from the Department of Social Protection to those who offer accommodation to Ukrainians, this rate applies from 1<sup>st</sup> December 2022.

To date approximately 28 unoccupied properties have been offered across the county with varying timescales of availability. The team assembled in Clare County Council are engaging with those people offering these unoccupied homes and the inspection process is underway – We have also engaged through the Community Response Forum for information and call-outs to the Ukrainian community to find families interested in moving into these unoccupied homes. We expect to have Ukrainian families in some these homes early in the new year.

While the ‘Offer-A-Home’ scheme will not address the wider issue of vacancy or dereliction in the County on its own it does go hand-in-hand with a range of other active measures such as Croi Conaithe, Buy & Renew, Repair & Lease and Derelict Sites. While these initiatives are very targeted at a property level there are a range of wider programmes such as Town Centre First, Active Travel and Town & Village Renewal which further aim to enhance town centres, making them more vibrant and attractive to new residents and to those who might invest in and renew vacant property.”

The elected members acknowledged the assistance being provided by local authorities in assisting displaced Ukrainian people and the contribution they are providing to our communities.

## **Item 21. Agri Environmental Scheme Acres.**

Ar moladh Cllr. J. Killeen

Cuidithe ag Cllr. J. Garrihy agus glacadh leis

“While welcoming the introduction of the Agri Environmental Scheme Acres for 30,000 farmers we call on the Minister for Agriculture to review the supports in the Scheme in relation to the Burren area of North Clare and the Hen Harrier area of East Clare.”

The elected members provided details of the new ACRES scheme (Agri Climate Rural Environment Scheme which replaces the Glas scheme. The members felt that

farmers availing of this scheme should also receive an EIP (European Innovation Partnership Scheme) type scheme in order to incentivise and make it sustainable for people on the ground to operate as well as improve bio-diversity and maintain these unique special habitats. The members agreed that this support is vital for farmers to ensure that their farming practices are environmentally friendly and economically sustainable.

**Item 22. Town Centre First and Croi Conaithe Scheme.**

Ar moladh Cllr. C. Murphy

Cuidithe ag Cllr. G. Flynn agus glacadh leis

“To ask that Clare County Council would arrange a roadshow type of event in each LEA to highlight both Town Centre First and the Croi Conaithe scheme for owners and potential purchasers of vacant or derelict properties.”

**Liam Conneally, Director of Economic Development replied as follows:**

“In early 2023, it is proposed to amalgamate the Vacant Homes and Derelict Sites functions of Council under the Senior Executive Officer, Economic Development to improve communication with owners of vacant and derelict properties while promoting the Government grants now available for this work. The team will work closely with the Housing Section and the Town Regeneration Officer as part of a co-ordinated approach to the regeneration of our Towns and Villages in line with the Town Centre First policy.

In this regard it is my intention that the Economic Directorate will organise briefings and workshops with the elected members and other stakeholders early in 2023. In advance of these briefings an integrated communication strategy is being developed for Town Centre First/Activation of Vacant Homes and Derelict Sites, and the positive suggestion of doing road-shows in conjunction with Croí Cónaithe/Town Centre First will form part of our communications strategy. Local media including press and radio, as well as social media will be integral to this strategy as well as the importance of communication with the various community networks, LCDC, PPN, solicitors and auctioneers who are dealing daily with property transactions.”

The elected members welcomed the proposal to hold workshops and briefings as they felt the schemes available are technical and stakeholders need information on the grants available. The members felt that there can be sensitivity around ownership of properties and suggested that private space be made available at the workshops to facilitate engagement with people. The elected members felt that this initiative will put a strong focus on re-invigorating settlements as it will bring buildings from vacant and derelict to habitable. It was suggested that any media campaign be extended outside the county as many property owners do not live locally.

It was also requested that the housing options workshops be reinvigorated as people need to know what their options are.

**Item 23. Environmental impact of any existing and proposed extractive industries.**

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

“I ask Clare County Council to review and acknowledge more fully the potential of environmental impact of any existing and proposed extractive industries (including mining) and to amend the wording in Statutory documents such as the Draft County Development Plan to ensure best standards in order to protect the environment.

Potential amended wording could be similar to the example in Leitrim’s draft County Development Plan as below:

A) To ensure that the extraction of minerals and aggregates protects to the maximum practicable extent the visual quality of the receiving landscape and do not adversely affect the environment or adjoining existing land uses

B) The planning authority will not facilitate the development of the extractive industry and permit such workings unless it has been shown that the following criteria can be met; having taken into account the reduced demand for aggregates that will come about through improved recycling of construction and demolition waste:

1. The environment and the landscape will be safeguarded to the greatest possible extent during all life-cycle stages of the process,
2. Such operations have good access to, or are within reasonable distance of, the national or regional road network and do not adversely affect the residential or tourism amenity of the area,
3. Satisfactory provision will be made for a beneficial after use of the land that does not conflict with other planning objectives for the area,
4. The working, landscaping, restoration and after-care of the site will be carried out to the highest standards in accordance with the approved scheme.

C) Where proposals for the working out of minerals and aggregates are submitted in the Area of Outstanding Natural Beauty AONB or an Area of High Visual Amenity (AHVA), existing landscape quality shall remain the overriding priority and such proposals must illustrate that the benefits of the development will outweigh any adverse environmental consequences. The planning authority shall evaluate the need to conserve the environment, character and natural beauty of AONBs and AHVAs and the extent to which the proposed development would materially damage these qualities. It shall also examine the national need for that specific mineral or aggregate substance to be worked and the availability of the resource in less sensitive locations.

D) regarding Gold ore mining

The use of the following chemicals as a processing agent shall not be permitted as part of any proposed processing operation located above or adjacent to surface or groundwaters, or which could potentially impact such Waters regardless of their location - mercury, cyanide or cyanide compounds, breakdown products of cyanide, or sulphuric acid. These present an unreasonable risk of environmental harm due to

the toxicity of such chemicals and their demonstrated potential to cause damage to the environment.”

**Helen Quinn, A/Senior Planner replied as follows:**

“It is recognised by this Council that extractive industries contribute to the construction sector, employment generation and the economic wellbeing of Co. Clare. Clare County Council also recognises the serious potential environmental implications which can arise from extractive industries and as such has included appropriate objectives in the Draft Clare County Development Plan 2023 – 2029 to ensure best practice in the safe harnessing of Co. Clare’s natural resources whilst also affording maximum protection to the environment.

The following key objectives of the draft Clare County Development Plan 2023 - 2029 address the concerns raised in this motion:

**CDP Objective 8.13**

It is an objective of Clare County Council: To require the application of the precautionary principle to Unconventional Oil/Gas Exploration and Extraction (UGEE) projects/operations proposed within the County subject to the requirements of CDP Objective 3.1.

**CDP Objective 8.14** Development Plan Objective: Minerals, Mining and Quarrying CDP 8.14.

It is an objective of Clare County Council: To promote the extraction of minerals and aggregates and their associated processes where such activities do not have a significant negative impact on the environment, landscape, public health, archaeology, or residential amenities of the receiving environment and where such operations are in compliance with all national regulations and guidelines applicable to quarrying and mining activities.

**CDP Objective 3.1** It is an objective of Clare County Council:

- a) To require compliance with the objectives and requirements of the Habitats Directive, specifically Article 6(3) and where necessary 6(4), Birds, Water Framework, and all other relevant EU Directives and all relevant transposing national legislation;
- b) To require project planning to be fully informed by ecological and environmental constraints at the earliest stage of project development and any necessary assessment to be undertaken, including assessments of disturbance to species, where required;
- c) To protect, manage and enhance ecological connectivity and improve the coherence of the Natura 2000 Network;
- d) To ensure that European sites and Natural Heritage Areas (designated proposed NHAs) are appropriately protected;
- e) To require the preparation and assessment of all planning applications in the plan area to have regard to the information, data and requirements of the Appropriate Assessment Natura Impact Report, SEA Environmental Report and Strategic Flood Risk Assessment Report contained in Volume 10 of this Development Plan; and

f) to require compliance with the objectives of the Water Framework Directive and support the implementation of the 3rd Cycle River Basin Management Plan (and any other iteration during the lifetime of the CDP).

Regarding the particular reference to the use of chemicals such as cyanide in extractive industries, it is noted that this chemical is typically not persistent in the environment following use in the extractive industry, and ultimately degrades to products existing in nature, including carbon dioxide, ammonia and nitrates. However, the use of any/all chemicals associated with a proposed site will be considered in the various consenting procedures that apply to mining and extractive industries (prospecting licences, waste enforcement, planning etc).

In summary, I am satisfied that the objectives of the Draft Clare County Development Plan 2023-2029 are sufficient to enable the protection of our natural resources from the potential environmental impact associated with existing and proposed extractive industries (including mining). These objectives in the Draft Plan allow for the support of the industry, regardless of the technique or compound used, while also ensuring that best practice standards are followed to ensure the protection of the environment.”

The elected members agreed that extractive industries put water sources at risk and felt that there is a requirement on extractive industries to protect our ground water and public water supplies. The members agreed that this subject should be given cognizance in County Development Plan workshops.

P. Dowling, Chief Executive noted the universal support outlined and gave a commitment to engage with his colleagues in economic development to examine how to strengthen the position in the context of the County Development Plan.

#### **Item 24. Signage Maintenance Team.**

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

“That this council would request all Municipal Districts to appoint a sign or signage maintenance team as there are numerous signs all over the county damaged/unreadable and covered in overgrown foliage including Stop and Yield sign that could potentially cause a major accident.”

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

“There is an extensive road network in County Clare with in excess of 4400 km of roads in the county. Signage maintenance on the national routes is carried out by the T.I.I. Contractor.

Signage maintenance at regional and local road junctions is carried out by the Municipal Districts as part of their routine maintenance activities which can include hedge cutting at junctions. Junctions on regional and highly trafficked local roads are prioritised. Where there are specific visibility issues these are addressed by the Municipal Districts. If there is a particular location that is of concern, please contact the relevant Municipal District Office.

Notwithstanding the above, this will be highlighted and brought to the attention of the Senior Executive Engineers in the Municipal Districts at the next monthly Roads & Transportation meeting with the Municipal Districts.”

The elected members noted that many signs in the county are damaged and cannot be seen or read due to graffiti, foilage or are dirty and felt this should be addressed for safety reasons and due to the fact that Clare is a tourist county. It was suggested that signs be strategically located being mindful of large vehicles and hedge cutting.

**Item 25. Rural and Community Development.**

Cllr. J. Garrihy requested that this item be deferred to the January Council meeting.

“That Clare County Council review its commitment to focus on and resourcing of Rural and Community Development.”

**Item 26. Anti-social behaviour.**

Ar moladh Cllr. P. Daly

Cuidithe ag Cllrs. J. Crowe agus P. McMahon agus glacadh leis

“We call on Clare County Council to co-ordinate with the Clare Division of the Garda Síochána particularly when a tenant of the Council causes regular anti-social behaviour, to ensure that the interest of the neighbouring tenants be protected.”

**John Corry, Administrative Officer, Social Development replied as follows:**

“Clare County Council’s Estate Management team undertakes both routine and responsive calls to tenants to manage and mitigate against complaints of anti-social behaviour. We work very closely with members of the Garda Síochána and meet with senior officials on a monthly basis. There is also ongoing engagements for open cases where we have concerns from an anti-social behaviour perspective, and in particular where this is affecting daily routines of other tenants and residents. This partnership approach has been very effective in dealing with anti-social behaviour.

Clare County Council manages in excess of 3,000 tenancies. The vast majority of these properties are occupied by law abiding tenants and their families, and it is accepted that only small numbers of persons are involved in anti-social behaviour. The Council also recognises that it has a responsibility to all its tenants to promote the peaceful occupation and enjoyment of our dwellings. Accordingly, it is the policy of this Council that anti-social behaviour will not be tolerated and we take proactive action to seek to prevent such behaviour by improving the effective management of our estates and where it occurs, the Council will, if necessary use all legislative means available to it in combating such behaviour. The Elected Members adopted an Anti-Social Behaviour (ASB) policy in March 2021 in accordance with the Housing (Miscellaneous Provisions) Act, 2009 and the Housing (Miscellaneous Provisions) Act 2014 for the prevention and reduction of anti-social behaviour.

In 2021 Clare County Council employed 3 Tenancy Enforcement Officers [TEO] to support the work of the Estate Management team. Any matters that need to be brought to the attention of the Estate Management unit can be done so by emailing [asb@clarecoco.ie](mailto:asb@clarecoco.ie). The working hours of the Tenancy Enforcement team are flexible to meet required need, involving working after hours and weekends as the need

dictates. The TEO team can be contacted out of office hours, should the need arise, by contacting the Council Emergency Phone no. (087) 4169496.”

The elected members complimented the work being carried out by the Tenancy Enforcement Officers and acknowledged the engagement between Clare County Council and An Garda Síochána. The members felt that the majority of Council housing tenants are law abiding and expressed concern that a small number of tenants are causing problems and engaging in anti-social behaviour which is having a serious impact on their neighbours and communities. The members felt that legislation needs to be strengthened as there is currently no mechanism to manage and mitigate for this problem. The members felt that this behaviour has public perception consequences as members of the public have concerns about local authorities building social houses in their areas.

**Item 27. Paperless payslips.**

Ar moladh Cllr. L. Grant  
Cuidithe ag Cllr. D. McGettigan agus glacadh leis

“Call on Clare County Council to explore the option of switching all staff to paperless payslips. I would ask the council to engage with MyPay to see if this is worthwhile. I would also ask to council to find out the following:

How much it costs the council to have payslips printed and posted to staff? How much money would be saved if all staff were moved to the paperless model?

I understand email addresses would need to be collected for outdoor staff, but this could be an opportunity for the council to save money.”

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

“Following on from Cllr. Grants query to Human Resource Section and response issued in early November, the payroll process on behalf of the local authority sector is managed by MyPay which is a shared service operated by Laois County Council. This is one of the success stories in relation to shared service functions of Local Authorities.

This council does not issue or incur the direct postage charge in issuing payslips to employees as required under the Payment of Wages Act 1991. This is completed by the shared service, MyPay. I can confirm that over 59% of our employees do receive their payslips electronically via the online payroll portal system. The remaining staff do receive their payslips from MyPay through the post.

The Council has engaged with MyPay regarding this motion and can confirm that they are currently piloting electronic payslips in two sites. The outcome of this pilot program will influence and may change current practise in this area.”

Cllr. L. Grant informed the meeting that he felt this proposal would be an opportunity for Clare County Council to save money. The members felt that a hybrid system should be available and that staff should have a choice on how they receive their payslips.

Cllr. G. Flynn advised that he would not support this as Councillors do not have a mandate for this and he felt that it is important that staff should choose how they receive notification in relation to their payslip.

P. Dowling, Chief Executive stated that the local authority sector has 30 shared services developed across a range of services which inherently brings about savings and efficiency.

N. Fitzgerald, Director of Finance and Support Services stated that this issue has been raised with MyPay and confirmed that they are currently piloting electronic payslips in two sites and undertook to provide further updates on this.

Cllr. S. Talty congratulated Helen Quinn, A/Senior Planner and her team on the recent PR initiative in relation to Residential Zoned Land Tax and highlighted the deadline for submissions from landowners and members of the public which is 1<sup>st</sup> January 2023.

Cathaoirleach, Cllr. T. O'Brien thanked his fellow Councillors for their help and co-operation to date. Cathaoirleach, Cllr. O'Brien extended thanks to the staff in Clare County Council and noted their dedication, commitment and loyalty to Clare and commended their service to the elected members and citizens of County Clare. The Cathaoirleach thanked the members of the press present as they play an integral part in promoting the message of Clare County Council. The Cathaoirleach wished everybody a peaceful Christmas and New Year.

The meeting then concluded.

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

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

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