

Minutes of the October Monthly Meeting of Clare County Council held in the Council Chamber, Áras Contae an Chláir, New Road, Ennis, Co. Clare and via MS Teams on Monday, 9th October, 2023 at 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, J. Crowe, M. Begley, P.J. Ryan, P. McMahon, G. Flynn, D. McGettigan, S. Talty, J. Killeen, J. Garrihy, P.J. Kelly, C. Murphy, G. Keating

- Mr. Pat Dowling, Chief Executive.
- Ms. Ann Reynolds, Meetings Administrator.
- Ms. Mary McMahon, Administrative Officer, Corporate Services.
- Mr. Leonard Cleary, Director of Tourism Development.
- Dr. Carmel Kirby, Director of Economic Development.
- Ms. Anne Haugh, Director of Social Development
- Ms. Noeleen Fitzgerald, Director of Finance & Support Services.
- Mr. Jason Murphy, A/Director of Rural Development and Ukrainian Services.
- Ms. Siobhán McNulty, A/Director of Physical Development.
- Mr. Padraig MacCormaic, A/Senior Executive Officer, Social Development.

Present via MS Teams:

- Cllrs. A. Norton, L. Grant, P O’Gorman and I. Lynch.

Absent: Cllrs. B. Chambers, P. Hayes, T. O’Brien.

The Cathaoirleach, Cllr. J. Cooney congratulated Ennis Tidy Towns on their success at the international ‘Communities in Bloom’ challenge 2023 competition. Mayor of Ennis, Cllr. Pat Daly acknowledged the great achievement and the combined work of the local authority, Ennis Tidy Towns & Ennis MD.

The Cathaoirleach, Cllr. J. Cooney acknowledged the achievement by the Cliffs of Moher in winning Irelands most Instagrammable destination.

Cllr. Gabriel Keating also acknowledged this award, noting the other visitor destinations who were also competing for this award.

Votes of sympathy.

Votes of sympathy were extended to the following:

- The Dillon family, Crusheen on the death of Sinéad Dillon, RIP.
- The Fleming family, Killarney, Co. Kerry on the death of Damian Fleming RIP.
- The McInerney family, Kilnamona on the death of Teresa McInerney, RIP.

Item 1: Minutes of Council Meetings.

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

“That the Minutes of the September Meeting of Clare County Council held on 11th September 2023 be adopted and signed.”

- b. Ar moladh Cllr. J. Crowe
Cuidithe ag Cllr M. Howard agus glacadh leis

“That the Minutes of the Special Meeting of Clare County Council held on 18th September 2023 be adopted and signed”

Item 2: Matters Arising.

There were no matters arising.

Item 3. Comhfhreagras/Correspondence.

The following correspondence was circulated with the agenda:

1. Correspondence dated 27th September, 2023 from CCMA in relation to National Electoral Registration System.

Cllrs. Gerry Flynn and Johnny Flynn expressed concerns in relation to the request to include PPSN numbers when registering to vote, and also to the introduction of the new national registration system.

2. Correspondence dated 19th September, 2023 from the Department of Housing, Local Government and Heritage in relation to Vacant Property Refurbishment Grant queries.
3. Correspondence dated 10th September, 2023 from the Office of Minister Roderic O’Gorman, T. D., in relation to asylum seekers.

Cllr. G Flynn noted the late response from Minister Roderic O’Gorman and requested that a further letter is issued to the Minister as the response did not address the query raised. This was seconded by Cllr. J. Garrihy.

4. Correspondence dated 27th September, 2023 from the Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media concerning GAAGo.
5. Correspondence dated 28th September, 2023 from the LGMA in relation to the use of CCTV and mobile recording devices in waste and litter enforcement.
6. Correspondence dated 14th September, 2023 from the Department of Environment, Climate and Communications in relation to Irelands refinement for gas supply.
7. Correspondence from the Department of Transport regarding the National Car Testing Company.
8. Correspondence dated 13th September, 2023 from the Department of Transport regarding the overview of laws in relation to bus operators and school transport.
9. Correspondence dated 15th September, 2023 from the Department of Education in relation to school transport.
10. Correspondence dated 13th September, 2023 from the Department of Justice in relation to Clare Gardai resources.
11. Resolution circulated by Cork County Council in relation to policies to reduce road deaths.
12. Resolution circulated by Mayo County Council in relation to Croi Conaithe Scheme.
13. Resolution circulated by Leitrim County Council in relation to the Ash Tree Conservation project.
14. Resolution circulated by Dun Laoghaire Rathdown County Council in relation to fossil fuel non-proliferation Treaty.
15. Resolution circulated by Limerick City and County Council in relation to funding for the NTPF.
16. Resolution circulated by Sligo County Council in relation to free school transport.
17. Resolution circulated by Limerick City and County Council in relation to funding support for the Cuan Mhuire Association in Bruree.
18. Resolution circulated by Limerick City and County Council in relation to tax placed on residentially zoned land.

19. Conference entitled “A Practical Guide to Budget 2024” taking place in The Four Seasons Hotel, Carlingford, Co. Louth on 13th – 15th October, 2023.
20. Conference entitled “The First Home Scheme – Helping Homeowners get onto the property ladder” taking place in O’Donovan’s Hotel, Clonakilty, Co. Cork on 20th – 22nd October, 2023.
21. Conference entitled “Modular Housing in Ireland” taking place in The Four Seasons Hotel, Carlingford, Co. Louth on 4th – 5th November, 2023.
22. Details of LAMA Autumn Seminar.

Item 4: Minutes of Municipal District Meetings.

- a. 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 19th July, 2023 be noted.”

- b. Ar moladh Cllr. P.J. Ryan
Cuidithe ag Cllr. P. O’Gorman agus glacadh leis

“That the Minutes of the Shannon Municipal District deferred Meeting held on the 18th July, 2023 be noted.”

- c. Ar moladh Cllr. G. Keating
Cuidithe ag Cllr. J. Garrihy agus glacadh leis

“That the Minutes of the West Clare Municipal District Meeting held on the 17th January 2023 be noted.”

- d. Ar moladh Cllr. G. Keating
Cuidithe ag Cllr. I. Lynch agus glacadh leis

“That the Minutes of the West Clare Municipal District Meeting held on the 7th March 2023 be noted.”

- e. Ar moladh Cllr. S. Talty.
Cuidithe ag Cllr. G. Keating agus glacadh leis

“That the Minutes of the West Clare Municipal District Special Meeting held on the 27th March, 2023 be noted.”

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

“That the Minutes of the West Clare District Meeting held on the 3rd May, 2023 be noted.”

- g. Ar moladh Cllr. G. Keating
Cuidithe ag Cllr. J. Garrihy agus glacadh leis

“That the Minutes of the West Clare Municipal District Meeting held on the 4th July 2023 be noted.”

Item 5: Minutes of S.P.C. meetings

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

“That the minutes of the Economic Development Strategic Policy Committee meeting held on 6 March, 2023 be noted”

- (b) Ar moladh Cllr. P. Daly
Cuidithe ag Cllr. Ml. Begley agus glacadh leis

“That the minutes of the Economic Development Strategic Policy Committee meeting held on 8 May, 2023 be noted”

- (c) Ar moladh Cllr. P. O’Gorman
Cuidithe ag Cllr. J. Crowe agus glacadh leis

“That the minutes of the Physical Development Strategic Policy Committee meeting held on 6 June 2023 be noted”

- (d) Ar moladh Cllr. P. Burke
Cuidithe ag Cllr. P. Hayes agus glacadh leis

“That the minutes of the Rural Development Strategic Policy Committee meeting held on 18 April, 2023 be noted”

- (e) Ar moladh Cllr. G. Flynn

Cuidithe ag Cllr. P. Murphy agus glacadh leis

“That the minutes of the Social Development Strategic Policy Committee meeting held on 7 June, 2023 be noted”

Item 6: Minutes of Corporate Policy Group meeting

The members noted the minutes of the meeting held on 4th September 2023 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.

The Chief Executive commented on the transition of services to Uisce Éireann, effective from 20th September 2023. He assured members that the Council were working with employees, providing ongoing support to them in their decision to remain with the Council or transfer to Uisce Éireann. He also noted the partnership between Simply Blue and the ESB on pioneering the Saoirse Wave Energy project off the County Clare coast, and the significance of this project for the County.

Cllr. P.J. Ryan highlighted the invaluable information held by Water Services staff, and that this link should continue.

Cllr. G. Flynn noted the transfer of services to Uisce Éireann is an undermining of public services. Water services staff delivered a very high level of work and suitable employment should be found for those returning to the local authority.

Cllr. Michael Begley requested that the road network which facilitated the Flood Relief Scheme works at Springfield be resurfaced once works are completed.

Cllr. Joe Garrihy acknowledged the progression of Clár grants for various projects, including the grant to Kilfenora school for a Games area in their yard.

Cllr. Garrihy also complimented the personnel involved in organising the Women’s Irish Open.

Cllr. Garrihy also expressed satisfaction of the revalidation of the Geopark for UNESCO Global Geopark status.

He noted he was looking forward to seeing progress on the Cliffs of Moher strategy and requested that the Doolin Visitor Centre be given more priority.

Cllr. Cillian Murphy acknowledged the work of Doonbeg Tidy Towns group in securing Clár funding for a sensory garden. He also acknowledged the Rural Development team for their work on this project.

Cllr. Murphy acknowledged the work of the derelict sites team on progressing the CPO of the Waterfront building in Kilkee.

Cllr. Pat O Gorman complimented all those involved in the Women's Irish Open and Newmarket festival. Cllr. J. Cooney concurred, stating it was a brilliant showpiece for the county.

Cllr. Pat Daly noted the negative impact of the transfer of Water Services to Uisce Éireann. He requested that a meeting is held with Senior Manager level in Uisce Éireann.

Cllr. Cooney advised of workshop taking place with Uisce Éireann on October 25th.

Cllr. P. McMahon complimented all involved in the Irish Open and Newmarket festival.

Pat Dowling acknowledged the concerns raised on transfer of services to Uisce Éireann. He also thanked everyone involved in the Irish Open and acknowledged the work of Adrian Kelly and the staff of Shannon Municipal District.

Item 8: Disposal of lands (by lease) at Ballycasey, Shannon, at Co. Clare pursuant to Section 183 of the Local Government Act, 2001 and Section 211 of the Planning & Development Act, 2000.

Report dated 20th September, 2023 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 land (by lease) measuring 2.93 hectares at Ballycasey, Shannon, Co. Clare subject to the conditions as set out in the notice served on the members dated 20th September, 2023.

Ar moladh Cllr. D. McGettigan
Cuidithe ag Cllr. P. McMahon 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 site at Ballycasey, Shannon, Co. Clare subject to the conditions as set out in the notice served on the members dated 20th September, 2023.”

Item 9: Disposal of lands (by lease) at Tullyglass, Shannon, Co. Clare pursuant to Section 183 of the Local Government Act, 2001 and Section 211 of the Planning & Development Act, 2000.

Report dated 20th September, 2023 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 (by lease) measuring 0.159 hectares at Tullyglass, Shannon, Co. subject to the conditions as set out in the notice served on the members dated 20th September, 2023.

Ar moladh Cllr. D. McGettigan
Cuidithe ag Cllr. M. Begley 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 site at Tullyglass, Shannon, Co. Clare subject to the conditions as set out in the notice served on the members dated 20th September, 2023.”

Item 10: Disposal (by lease) of ground at Tullyvarraga, Shannon, at Co. Clare pursuant to Section 183 of the Local Government Act, 2001 and Section 211 of the Planning & Development Act, 2000.

Report dated 7th September, 2023 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 (by lease) measuring 0.497 hectares subject to the conditions as set out in the notice served on the members dated 7th September, 2023.

Ar moladh Cllr. J. Crowe
Cuidithe ag Cllr. D. Mcgettigan 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 site at Tullyvarraga, Shannon, Co. Clare subject to the conditions as set out in the notice served on the members dated 7th September, 2023.”

Item 11: Disposal (by lease) of ground at Lacka, Sixmilebridge, at Co. Clare pursuant to Section 183 of the Local Government Act, 2001 and Section 211 of the Planning & Development Act, 2000.

Report dated 21st September, 2023 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 piece of ground (by lease) measuring 0.24 hectares subject to the conditions as set out in the notice served on the members dated 21st September, 2023.

Ar moladh Cllr. J. Crowe
Cuidithe ag Cllr. P. O’Gorman 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

site at Lacka, Sixmilebridge, Co. Clare subject to the conditions as set out in the notice served on the members dated 21st September, 2023.”

Item 12: Overdraft Approval 2024.

Report dated 21st September, 2023 from Noeleen Fitzgerald, Director of Finance and Support Services was circulated with the agenda. The report states that an overdraft facility is required to be in place for the twelve-month period commencing January 2024 to December 2024 in line with Departmental guidelines. The members approved an overdraft facility up to December 2023 at the October 2022 Council meeting up to a maximum of €20 million. It is proposed to seek approval of the Minister to retain this facility of €20 million for the calendar year January 2024 until December 2024.

The report continues that the Council incurs a cost when the overdraft facility is utilised as no cost arises by having the facility in place and the availability of the overdraft facility is deemed necessary in the current climate with a revenue and capital programme in excess of €200m annually where expenditure is incurred in advance of the “expenditure claims process”. This facility will manage cash flow by addressing issues such as seasonal fluctuations or grant claims timelines.

Cash flow continues to be reviewed on a daily basis and any overdraft facility will only be utilised to the extent that it is required.

The report noted that Circular Fin 03/2009 requires Local Authorities to maintain a neutral impact on the GGB - the net bank position at the end of 2023 on the councils capital account should be similar to the net position at the end of 2023. This in effect means that this council cannot commit to incurring expenditure on projects where the funding has not been identified and secured.

Ar moladh Cllr. P. Daly
Cuidithe ag Cllr. M. Howard agus glacadh leis

“That pursuant to the provisions of Section 106 of the Local Government Act, 2001 Clare County Council hereby approves of borrowing up to a maximum of €20 million by way of overdraft facility from the Council’s Treasurer for the year ending 31st December 2024.”

Item 13: Briefing by Brian Connolly, Senior Manager of Operations, Bus Eireann, at 1.30 p.m.

Cathaoirleach, Cllr. J. Cooney introduced and welcomed Brian Connolly, Senior Manager of Operations, and Joe O’Sullivan, People Operations Manager, Limerick, Bus Eireann.

Brian Connolly addressed the meeting and thanked the members for the invitation and outlined the current situation and the future plans by Bus Eireann for the Clare region:

- Bus Eireann has 2,700 employees, with 80% of these front facing.

- 90 million passengers journey each year, this equates to 5 times around the world, with revenues of €366 million in 2019.
- Its main customer journey is for work purposes, followed by visits to family/friends, leisure, 3rd level education and healthcare.
- It operates Europe's largest school bus service, on a cost-recovery basis. There are 4,875 children in county Clare travelling on the 288 school transport routes, this is an increase of 40%.
- CSAT surveys are held throughout the year, customer satisfaction has improved significantly over the last few years, the latest survey was 92%.
- 63 Bus Eireann employees live in county Clare, there are 12 routes, and 300 stops.
- The National Transport Authority (NTA) is responsible for: bus stops, shelters, fare price, timetables, routes, purchases of vehicles, and sets out required service standards.
- Bus Eireann is responsible for the Expressway service, school transport operations, PSO operations, customer information and relations, driver recruitment and training, vehicle deployment and training, vehicle deployment and maintenance and achieving service commitments. They are having issues with driver recruitment; staff retention is difficult due to retirements and staff mobility.
- The city cash fares are back to 2007 levels.
- Outlined various route changes planned for the county.

Cathaoirleach, Cllr. J. Cooney thanked B. Connolly for the presentation and opened the meeting up to the members for comments and questions. The elected members thanked Mr. Connolly for his presentation, welcomed the improvements to services and raised some concerns in relation to the following:

- Suspension of school transport for some Clare families even though they had paid for a bus ticket.
- Cratloe to schools in Shannon iout of service due to no driver available.
- Limerick to Shannon route not very punctual.
- Buses have past people by, even when they have their hands out to flag the bus to stop.
- Some bus shelter timetables not operational, or none displayed.
- Request for stops on rural bus routes at various locations, for example outside a person's house, local shop.
- Bus stop removed at Ballymorris, Cratloe and has not been replaced.
- Request for timeline on installation of bus stop at Setrights Cross.

B. Connolly discussed the issues raised and highlighted that the school bus service was not within his remit but undertook to take the issues raised back to the School Bus Coordinator and request that they attend a future council briefing.

Cathaoirleach Cllr J. Cooney thanked Mr. Connolly and Mr. O'Sullivan and wished them well with their continued work.

Item 14: Impact of creation of DAC on local businesses and suppliers of services.

Ar moladh Cllr. G. Flynn

Cuidithe ag Cllrs. D. McGettigan, T. O’Callaghan, J. Flynn, P. O’Gorman agus M. Begley agus glacadh leis

“We are calling on the Chief Executive of Clare County Council to examine the impact on local businesses and suppliers of services who make rate contributions to the County budget and now find that the creation of Designated Activity Companies is having a negative impact on their business and placing them at a disadvantage in regards to the tendering regime for goods and services that has the potential to impact on employment and the loss of jobs in County Clare and the possibility of companies going out of business.” (M)

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

“The involvement in DAC’s as a local authority has been part of the councils delivery model for many years with the “Interest in Subsidiary and Associated companies” forming part of the Annual Financial Statements presented to members. DAC’s are not new to this council in delivering on its objectives, for example. Kilrush Amenity Trust Ltd was established in 1997, Shannon Broadband Ltd established in 2003 , Cliffs of Moher Visitor Centre Ltd. established in 2001 and Glor Music Ltd established in 2001. Changes in Company law over the years have resulted in some structure or name changes without changing the overall objective of the entity. The objectives of the DAC’s result in the procurement being either the DAC and/or the council direct.

Clare County Council’s and its subsidiary’s (DAC’s) procurement policy and procedures are governed by: • EU Directives in relation to Procurement; • National Legislation in relation to Procurement; • Public Procurement Policy / Guidance as principally set out by the OGP; • The Public Spending Code; • The Capital Works Management Framework; and • Case law. The council has a robust procurement policy and procedures in place to address this responsibility.

All of the councils owned DAC’s are subject to the same public procurement legislation and guidelines on the use of public funds as set out above. Any contract awards are procured in line with these guidelines.

The structures therefore should not impact local businesses and suppliers as suggested. Where the members have identified or interpreted that there is a disadvantage, it should be brought to the attention of the responsible Directorate to review as the ultimate aim of the DAC’s is the support of the councils’ objectives within public procurement legislation and guidelines.

Individually with the DAC’s, their own internal procurement governance procedures as approved by their board will address this.”

Cllr. G. Flynn expressed concern that the work of DAC’s was having a negative impact on businesses. He noted small suppliers cannot compete with larger businesses in the tender process, yet they are expected to pay rates. Cllr. Flynn stated he was not in support of DAC’s, which interfered with delivery of services.

The elected members, in agreement with Cllr. Flynn, expressed support for protection of small businesses and the need for transparency and accountability to give existing businesses a fair playing field. They sought protection of local jobs, having a high minimum threshold for procurement and the showing of positive discrimination towards local businesses.

Item 15: Development of deep sea port at Moneypoint.

Ar moladh Cllr. P.J. Kelly

Cuidithe ag Cllrs. T. O'Callaghan agus glacadh leis

“That Shannon Estuary Economic Taskforce put the development of deep sea port at Moneypoint on the top of its priority list” (M)

Cllr. P.J. Kelly noted that there was no opportunity to reply to the presentation by Shannon Estuary Economic Taskforce and that development of the deep sea port should be top of their list.

The members agreed with Cllr. Kelly, noting potential of this development and the need to improve the roads infrastructure to aid development.

Pat Dowling noted that Shannon Estuary is now a national priority for the Government and that plans for development will happen, reaping significant economic benefits for County Clare.

Item 16: Water leaks on N67.

Ar moladh Cllr. G. Keating

Cuidithe ag Cllrs. Cillian Murphy agus glacadh leis

“I am proposing as a matter of urgency that Clare County Council request Uisce Éireann to address the constant issue of water leaks on the N67 where the old pipeline needs to be replaced in the interest of householders, farmers, business and industry who are being left without a water supply on a regular basis including three recent leakages which are of a recurring nature.” (M)

Cyril Feeney, Senior Engineer replied as follows:

“In spite of the passing of the effective date where Uisce Éireann has assumed full responsibility for the management and maintenance of water services in the County, Clare County Council continues to be actively engaged with Uisce Éireann across a broad range of infrastructural deficits including the replacement of watermains. It is noted that considerable work was recently completed which was the replacement of the watermains through Doonbeg village (N67) and another section of watermain on the N67 at Bealaha was also replaced in 2019.

The Council will continue to liaise with Uisce Éireann to resolve the outstanding sections of watermains, in particular south of Doonbeg, which are still in need of remediation.”

Cllr. G. Keating acknowledged the reply, in particular the commitment given to continue to liaise with Uisce Éireann.

The elected members outlined the inconvenience caused by this issue and the need for Elected members and council staff to continue to liaise with Uisce Éireann to resolve matters.

Item 17: Radar System in Shannon Airport.

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

“Clare County Council request Met Eireann for an update on the new Radar System promised for Shannon Airport.” (M)

Cllr. M. Howard noted the benefits of this radar system.

The elected members outlined the benefit to farmers and relevance to the Climate Action Plan.

Item 18: Tenancy Agreements.

Ar moladh Cllr. P. McMahon

“I will ask Clare County Council (Housing Department) to outline their policy on tenants who have broken their or breached their tenancy agreement and the steps taken to terminate their tenancy.” (Q)

Pádraig MacCormaic, A/Senior Executive Officer, Social Development Directorate replied as follows:

“All tenants sign a Tenancy Agreement with the Council when being made tenants of Council properties and they attend pre tenancy meeting where the agreement and expectations of tenants are explained to them. There is in excess of 40 conditions within these agreements, and these cover items such as

- Rent payments,
- Maintenance and upkeep of the property,
- Refuse collection,
- Unauthorised occupants,
- Keeping of pets,
- Responsibilities of tenants,
- Anti Social Behaviour.

Clare County Council have a team of Estate Liaison Officers and Tenancy Enforcement Officers who engage with tenants in relation to breaches of tenancy agreements, or in relation to any complaints received. There is a separate team of Account managers who manage rent issues.

The elected Members adopted an Anti Social Behaviour Strategy in March 2021 and this Strategy , in accordance with The Housing [Miscellaneous Provisions] Act 2014, details steps which can be taken in relation to Anti Social behaviour issues.

The Council follows steps which may include

- Meeting with tenants : To discuss issues and /or complaints in relation to tenancy breaches

- Verbal Warnings : Usually issued for first instance, and for less serious breaches
- Tenancy Notification : Advising of breaches and measures to be taken by tenant(s)
- Tenancy Warning : Advising measures required to avoid legal action being initiated
- Exclusion Order : Sought through District Court re person other than the tenants
- Possession Applications : Sought through District Court seeking vacant possession of property
- Referral to County Sherriff : For enforcement of eviction when Possession Order granted

Certain steps may be bypassed depending on seriousness of offences. However securing a Possession Order through the District Order will require clear evidence that all available and reasonable options had been explored in relation to engagement with tenants, and working collaboratively with other agencies and support services, to resolve issues outside of the judicial system.

Clare County Council has been very proactive in dealing with anti-social behaviour since the adoption of the current Anti-Social Behaviour Strategy. Each anti-social behaviour complaint received is investigated and dealt with by our Estate Management and Tenancy Enforcement teams. This year to date we have received 665 anti-social behaviour complaints with a total of 105 Tenancy Notifications and Warning Letters issuing in accordance with the Strategy. We have also referred a number of cases to our legal team to seek Repossessions, with some successfully granted through the District Court and a number of other cases presently before the Court for consideration this month.

The Tenancy Enforcement team carry out continued patrols of Local Authority housing estates and Traveller sites and have a very visible presence to manage and mitigate against complaints of antisocial behaviour with over 7,700 observations of tenancies as part of these patrols in the year to date. The working hours of the TEO 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.”

Cllr. P. McMahon acknowledged the reply and noted the importance of working with other agencies.

Item 19; Croi Conaithe policy.

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

“I am calling on The Minister for Housing, Darragh O’Brien to address the Croi Conaithe policy in regards to grants for vacant and derelict housing as the current situation is not of benefit to many lower income individuals & families when they are trying to access the grants. The requirement that a property has to be vacant for 2 years needs to be removed as it acts as a barrier to many people who may have

an opportunity to acquire a cheaper home and in turn having the potential to take some pressure off the social housing support list.” (M)

The elected members outlined the difficulty in meeting the criteria to qualify for the grant and expressed support for removal of clause whereby property has to be vacant for 2 years.

Cllr G. Flynn requested this Notice of Motion is circulated to Oireachtas members.

Item 20: Incentive to passengers travelling through Shannon Airport.

Ar moladh Cllr. P.J. Ryan

Cuidithe ag Cllr. P. McMahon agus glacadh leis

“That this Council would consider providing an incentive of 10% discount to any passenger travelling through Shannon Airport to any of the Clare County Council managed tourist facilities and that Clare County Council in conjunction with Shannon Airport would also put a package in place to incentivise people to travel through Shannon for the Ryder Cup”. (M)

Leonard Cleary, Director of Tourism Development replied as follows:

“The ‘Clare Tourism Strategy 2030’ sets out a clear objective of marketing Shannon Airport as a key access point for visitors to County Clare. This avoids a long unnecessary trek across the country from Dublin Airport.

The Tourism Directorate will work with Shannon Airport Group to test this discount concept with the provision of a QR Code with a discounted offer for nominated Clare County Council Tourism Operated sites in the Arrivals Hall at Shannon Airport or the feasibility of presentation of a Boarding Pass with Shannon Airport as the destination access point.

In addition, the use of Shannon Airport for the Ryder Cup is high on the priority list for all key stakeholders and in advance of 2027 there will be substantial advertising of this access route to International Travel Operators and the Commercial Private Aviation Sector. Shannon Airport Group is represented on the Clare Tourism Advisory Forum and this will be a standing item in the lead up to the 2027 Ryder Cup to ensure that legacy events such as the JP Mc Manus Pro-Am of 2022 and the more recent Women’s Irish Open events are capitalised, as the passenger traffic substantially increased through Shannon Airport during these events.”

Cllr. P.J. Ryan welcomed the positive reply from Leonard Cleary, including the target to advertise use of Shannon Airport for the Ryder Cup.

Elected members expressed support for this initiative of encouraging people to visit tourism sites in the region.

Item 21: Broadband roll out.

Ar moladh Cllr. T. O’Callaghan

Cuidithe ag Cllr. A. O’Callaghan agus glacadh leis

“I request Clare County Council to ask Government for an update on broadband roll out throughout the County”. (M)

Elected members highlighted the advantages of broadband, and the necessity of it in both urban and rural areas.

Cllr. G. Flynn requested that this Notice of Motion is circulated to Oireachtas members.

Item 22: Pilot community benefit fund for structured community groups.

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

“I call on Clare County Council to research the establishment of an additional pilot Community Benefit Fund for structured community groups. This scheme could be designed as a reciprocal support to acknowledge the local resident and host communities who welcome visitors to specific popular areas and where there are Council operated tourism facilities that may be in a position to contribute towards a pilot scheme.” (M)

Leonard Cleary, Director of Tourism Development replied as follows:

“In decades past, Clare County Council established a Community Fund for the host Community adjacent to Ballyduffbeg Waste Management facility in Inagh/Kilnamona. This was to recognise the impact of the facility on the host community in terms of heavy goods traffic and environmental processes. This community fund was ring-fenced for the host community.

As part of the recent consultation on a strategic approach to visitor facilities in Ennistymon Electoral Area, there was feedback on the need to develop community projects to address sustainable tourism, traffic and transport congestion. Also, to reciprocate the support and patience of the host communities while traffic and transport solutions are being worked out in the Electoral Area.

Clare County Council’s Tourism Development Directorate will research the establishment of an additional pilot Community Benefit Fund for structured voluntary groups. It is proposed that the initial pilot could be in the Ennistymon Electoral Area to recognise the contribution of the voluntary host communities and businesses in an area that is highly traversed by visitor traffic. The impact of this high level of visitor traffic is unique to this Electoral Area and is not a feature of other Municipal Districts per se. In due course, if other MD areas experience similar impacts, then research on funding of an expanded pilot could be considered. The research will consider if locally generated tourism revenue in North Clare could support this pilot.

The research will also have to consider the systems, assessment procedures and processes of the already established Community Grants Unit. This is operated on a cross-directorate basis by the Rural and Community Department, to facilitate specialist inputs by the specific Directorate relevant to the grant category, with the recommendation to the full Council Meeting being made by the Rural Development Working Group. Also, the need for this pilot to be additional to existing Community Grant Schemes and in no way to impact negatively on other Municipal Districts. It would be essential that such a pilot grant scheme could support projects that link and integrate with adopted tourism strategies and plans.

In conclusion, detailed research on a pilot is needed.”

Cllr. J. Garrihy welcomed the response from Leonard Cleary, stating this initiative would help enhance and build relationships in rural communities.

Elected members agreed that there is a need to recognise the role of communities who welcome visitors to their area.

Item 23: Price of fuel.

Ar moladh Cllr. A. O’Callaghan
Cuidithe ag Cllr. J. Killeen agus glacadh leis

“With another price increase coming on the 31st of October on petrol (8 cent), diesel (6 cent) and SFGO (green diesel - 3 cent), that this local authority would write to the Minister and request this tax not to go ahead with the price of fuel already rising.” (M)

Cllr. A. O Callaghan and elected members noted the unsustainable rising costs of fuel and the impact on schools, homes & businesses.

Item 24: Traffic calming measures in housing developments.

Ar moladh Cllr. J. Crowe
Cuidithe ag Cllr. P. O’Gorman agus glacadh leis

“In future housing developments and as part of the planning process, there should be a planning condition to all new housing applications stating that part of the conditions would be that traffic calming measures would be part of the development, as a matter of safety for all concerned.” (M)

Helen Quinn, A/Senior Planner replied as follows:

“All planning applications are assessed in accordance with the provisions of the Development Plan together with Regional and National Guidelines including:

- Design Manual for Urban Roads and Streets,
- Traffic Management Guidelines,
- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, and
- Smarter Travel – A Sustainable Transport Future

In addition, applications are assessed in consultation with the Roads Department and the Area Municipal District Office. The Planning Authority takes a holistic and integrated approach to urban design and landscaping that seeks to instinctively alter road user behaviour, and which in turn reduces the necessity for more conventional traffic calming measures (such as physical barriers and the road geometry). This approach seeks to achieve higher quality urban environments, self-regulating streets and improved urban connectivity.

In this approach, whilst continuing to provide for the safe and convenient movement of vehicles, the design of developments for pedestrians and cyclists is given high priority so as to create secure, connected places that work for all members of the community.

Where aspects of the design do not achieve a safe pedestrian or cycling environment then, the Planning Authority may condition traffic calming or other road safety measures to be carried out. However, the emphasis through the design/planning stage is to ‘design-out’ such measures and these are only implemented where all other options have been exhausted.”

Cllr. J. Crowe requested that this Notice of Motion is circulated to all local authorities.

Elected members highlighted the importance of having traffic calming measures installed at construction phase.

At this point the Cathaoirleach sought support to extend the meeting up to 6.30 p.m. to finish the items on the Agenda

This was proposed by Cllr. J. Killeen and seconded by Cllr. T. O Callaghan and agreed by all.

Item 25: Urban Regeneration Development Fund.

Ar moladh Cllr. C. Colleran Molloy
Cuidithe ag Cllrs. T. O’Callaghan agus glacadh leis

“From the Government’s inception of the Urban Regeneration Development Fund (URDF) funding: -

- (1) please identify in tabulated form (with totals readily identifiable) the approved County Clare projects, the funding cost attributable to each one, the portion of funding for each that has been or is being provided by Clare County Council?
- (2) of the portion provided or to be provided by Clare County Council, please identify the source of this funding by the Council.
- (3) please provide URDF comparable figures & projects in our neighbouring Counties of Tipperary, Limerick, Galway and Kerry.
- (4) in light of the discommoding of Ennis businesses occasioned from October 2023 to October 2025 for the public realm enhancements on O’Connell Street, Barrack Street, Bank Place, and the Height, could a system be devised wherein adversely impacted businesses could reclaim some or all of their commercial rates paid during this 24 month period upon submission of proof of losses when compared to previous year, say 2022 to 2023?” **(M)**

Carmel Greene, for Dr. Carmel Kirby, Director of Physical Development replied as follows:

“Since the inception of the Government’s Urban Regeneration Development Fund (URDF) programme of funding in 2018, the following are the details for County Clare where the towns of Ennis and Shannon were beneficiaries of significant investment under this important Town Regeneration fund:-

URDF Project	Total Approved Project Cost	Funded by Government under URDF	Funded by Clare County Council	
Ennis - Project A : Parnell Street Bow-ways and Laneways	5.337 m	4.003 m	1.334 m	Funded by Development contributions and own resources
Ennis - Project B : High Street, Bank Place, O'Connell Square, O'Connell Street, Barrack Street and Barrack Square	12.027 m	8.744 m	2.914 m	To be funded by a loan to be drawn down during 2024
Shannon – Shannon Masterplan and preliminary design stage for One Shannon Hub and associated public realm	0.816 m	0.612 m	0.204 m	Funded by Council's own resources

With regard to Question 2, the portion of funding provided by Clare County Council has been funded as set out in the Table above.

With regard to Question 3, I have sought the details of the comparable figures for URDF funded projects in our neighbouring Counties of Tipperary, Limerick, Galway, and Kerry. Please note that the URDF fund only applies to towns of over 10,000 in population. The information will be provided in a follow up reply.

With regard to Question 4, the public realm enhancements planned for O'Connell Street, Barrack Street, Bank Place, and the Height represent a significant investment by Clare County Council and Government to greatly improve the area and enhance its attractiveness and accessibility for all and encourage continued and future investment in the town.

Commercial Rates are the main funding source for the general provision of services by the Council and the match funding of this and many other schemes. It is important to note that this match funding investment on the two phases URDF and a loan of €7.1m has in recent years been made from the annual budget process. There is no mechanism in the absence of Ministerial approval for the waiving of all or part of the annual Rates.

The Local Government Rates and Other Matters Act 2019 was passed by the Oireachtas in 2019. The overarching purpose of the Act was to modernise the collection of commercial rates. The Act contains provisions in Section 15 relating to potential Alleviation Schemes, that have not been commenced. These provisions will empower the elected members of local authorities to devise and achieve policy

objectives through locally targeted rates waiver schemes into the future subject to their annual budget process and the Minister's regulations, once commenced.

Since 2016, Clare County Council has put in place a number of grant schemes to support local businesses including a 10% grant aligned to the annual payment of rates. In supporting businesses, the Council may enter into an agreement to spread the cost of the commercial rates over the full trading year with monthly payments.

Clare County Council understands that the Public Realm works will potentially have an adverse effect on the day to day trading activities of a number of businesses affected by the street closure.

Through our Local Enterprise Office, we will support those businesses with specific focus on:

- Providing one to one mentor support to assist with overcoming the challenge presented by the upgrade works.
- Businesses can avail of various productivity consultancies which will assist in identifying cost savings to offset any adverse effect on their profitability.
- The Local Enterprise Office are currently devising a workshop to be delivered by an expert retail advisor specifically focusing on overcoming challenges which can disrupt normal trading activity. This is planned to be delivered prior to the busy Christmas trading period.
- There are financial supports available to either develop or enhance the online presence of businesses.

While acknowledging the justifiable concerns of the businesses affected by these works, I am confident that these works will enhance the commercial fabric of Ennis and ensure we develop and enhance the commercial viability of our capital town.”

Cllr. C. Colleran Molloy acknowledged the comprehensive reply and noted the commitment to a follow up reply in relation to question 3.

Cllr. T O'Callaghan expressed the need to consider small businesses while upgrade works are taking place.

Item 26: Abandoned Vehicles.

Ar moladh Cllr. P. Murphy

“Given the high volume of what appears to be many abandoned/off the road vehicles strewn across public roads and carparks, as well as in both local authority and private estates, I am requesting the following information, exactly what powers Clare County Council has in dealing with these vehicles (that more often than not have no road tax, insurance or NCT on display) that are taking up parking spots, causing nuisance in some cases by being parked on footpaths and are eyesores to the wider public. Also, what role do the Gardai have in dealing with this issue.” (Q)

Brendan Flynn, Senior Executive Engineer, Physical Development replied as follows:

“Abandoned vehicles are covered by Section 71 of the Waste Management Act 1996-2008 (as amended). The relevant pertinent information is available on the Council website at [Abandoned vehicles | Enforcement | Environment | Services | Clare County Council \(clarecoco.ie\)](#)

The key points of this legislation are summarised hereunder:

1. Vehicles abandoned in a public place are considered an offence under the Waste Management Act 1996-2008 (as amended).
2. Vehicles on public roads which are causing obstruction or road safety hazard should be reported to An Garda Siochana.
3. While a vehicle with no tax or insurance may be an indicator that a vehicle is abandoned, the issue of no tax or insurance on a vehicle on a public road does not automatically deem a vehicle abandoned.
4. If a vehicle does not have Tax or Insurance on a public road, this is a matter for An Garda Siochana.
5. Vehicles in estates which are owned by persons resident in the estate may not be deemed abandoned.
6. Vehicles on private lands, private car parks or in estates not taken in charge by the County Council may not be deemed abandoned or investigated.
7. Broken down vehicles, poorly parked vehicles or vehicles involved in residential parking disputes are not considered abandoned.

The Environment Section will investigate complaints of abandoned vehicles and take action if the vehicle is suspected as being abandoned in a public place. The actions taken are as follows:

- A notice is placed on the vehicle.
- The registered owner is written to and is given seven days in which to remove the vehicle.
- If it is not removed within the seven days, the Council arranges to have it removed to the Central Waste Management Facility, Ballyduffbeg, Inagh.

The Council liaises with An Garda Siochana as in addition to the Environmental Legislation noted above, abandoned vehicles are also referenced in the Roads Traffic Act, 1968.”

Cllr. P. Murphy thanked Brendan Flynn for his reply and noted the difficulty in dealing with this issue.

Conferences.

Reports on Seminars/Conferences attended.

With regard to seminars/conferences attended, reports completed in accordance with Section 142 of the Local Government Act 2001 were made available at the meeting.

AILG Autumn Training Seminar 2023 being held in Sligo Park Hotel, Sligo on 13th – 14th September, 2023.

The Meetings Administrator informed the Members that the estimated average cost per Councillor attending this Conference was €699.67 including conference fee of €165.

It was agreed that Cllrs. G. Keating, M. Begley, J. Crowe, T. O’Callaghan, C. Colleran Molloy, P.J. Kelly, C. Muphy, P. McMahon, P. Daly attend this Training Seminar.

Women’s Business & Political Network entitled “Supporting female candidates in the upcoming local elections” taking place in Hyatt Centric Hotel, The Liberties, Dublin 8 on 15th September, 2023.

The Meetings Administrator informed the Members that the estimated average cost per Councillor attending this Conference was €469.69 including conference fee of €80.

It was agreed that Cllr. C. Colleran Molloy attend this Conference.

AILG Elected Members Module 5 Training entitled “Elected Member Personl Security” being held in The Rose Hotel, Tralee, Co. Kerry on 21st October, 2023.

The Meetings Administrator informed the Members that the estimated average cost per Councillor attending this Conference was €459.45 including conference fee of €80.

It was agreed that Cllrs. C. Colleran Molloy, J. Crowe and P. Daly attend this Conference.

AILG Elected Members Module 5 Training entitled “Elected Member Personl Security” being held in Hotel Kilmore, Cavan on 19th October, 2023.

The Meetings Administrator informed the Members that the estimated average cost per Councillor attending this Conference was €369.59 including conference fee of €80.

It was agreed that Cllr. T. O’Callaghan attend this Conference.

The meeting then concluded.

Signed: _____
Riarthóir Cruinnithe

Signed: _____
Cathaoirleach

Date: _____