

Minutes of the February Monthly Meeting of Clare County Council held via MS Teams on Monday, 8th February, 2021 at 3:45 p.m.

Present via MS Teams:

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

- Mr. Pat Dowling, Chief Executive.
- Ms. Ann Reynolds, Meetings Administrator.
- Ms. Margaret O’Rourke, Assistant Staff Officer.
- Ms. Anne Haugh, Director of Social Development.
- Mr. Liam Conneally, Director of Economic Development.
- Mr. Leonard Cleary, Director of Rural Development.
- Ms. Carmel Kirby, Director of Physical Development.
- Ms. Noeleen Fitzgerald, Director of Finance and Support Services.
- Mr. Cyril Feeney, Senior Engineer, Physical Development.
- Mr. Seán Lenihan, Senior Engineer, Physical Development.
- Mr. John Leahy, Senior Engineer, Physical Development.

The Cathaoirleach, Cllr. Mary Howard presided.

Vote of Sympathy.

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

- The Counihan family, Ennis on the death of Humphrey Counihan.
- The Frawley family, Ennis on the death of Bridie Frawley.
- The Maguire family, Ennistymon on the death of Anne Maguire.
- The Browne family, Moyasta, Kilrush on the death of Malachy (Mal) Browne.
- The Bugler family, Ennis on the death of Maura Bugler
- The Organ family Ennistymon and Ballinderreen, Co. Galway on the death of Michael Organ.

Clare County Council Statement on the Final Report of the Commission of Investigation into Mother and Baby Homes

Cathaoirleach, Cllr. Mary Howard read out the following statement on behalf of Clare County Council on the Final Report of the Commission of Investigation into Mother and Baby Homes.

“Clare County Council acknowledges the publication of the *Final Report of the Commission of Investigation into Mother and Baby Homes*, and the distressing findings contained in the Report.

The Report lays bare the failure of the State and society to provide support and protection to vulnerable women and children at a time of need.

Having read and carefully considered the Report findings, Clare County Council offers its sincere apology for its role in this dark chapter in our nation’s history.

Clare County Council acknowledges Chapter 16 of the Report, which relates specifically to the Kilrush-based County Nursery, which was owned and financed by Clare County Council during the period 1922-1932.

It is with profound regret that Clare County Council acknowledges its role in the failure to meet the care needs of women and children resident in the County Nursery during its decade of operation.

Following the publication of the Report, An Taoiseach Micheál Martin issued a formal apology on behalf of the State to former residents of the Mother and Baby Home institutions.

The Government now intends to give detailed consideration to the Report over the coming months with a view to developing a comprehensive Government Action Plan spanning 8 themes, as follows:

- A survivor-centred approach
- Apology
- Access to personal information
- Archiving and databases
- Education and research
- Memorialisation
- Restorative recognition
- Dignified burial.

Clare County Council will actively participate with Government in furthering the development of the Government Action Plan as it relates to local government.

Clare County Council is committed to supporting local measures that form part of the suite of follow-up actions, and has already commenced work in relation to memorialisation and access to archives and records.”

Item 1: Minutes of Council Meetings.

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

“That the Minutes of the January Meeting of Clare County Council held on 11th January, 2021 be adopted and signed.”

Item 2: Matters Arising.

Item 3: Minutes of Municipal District Meetings.

a. Ar moladh Cllr. A. Norton
Cuidithe ag Cllr. C. Colleran Molloy agus glacadh leis

“That the Minutes of the Ennis Municipal District Meeting held on the 1st December, 2020 be noted.”

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

“That the Minutes of the Killaloe Municipal District Meeting held on the 11th November, 2020 be noted.”

c. Ar moladh Cllr. P. Hayes
Cuidithe ag Cllr. P. Burke agus glacadh leis

“That the Minutes of the Killaloe Municipal District Budget Meeting held on the 11th November, 2020 be noted.”

d. Ar moladh Cllr. M. Begley
Cuidithe ag Cllr. P. O’Gorman agus glacadh leis

“That the Minutes of the Shannon Municipal District Meeting held on the 17th November, 2020 be noted.”

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

“That the Minutes of the West Clare Municipal District Meeting held on the 3rd November, 2020 be noted.”

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

“That the Minutes of the West Clare Municipal District Budget Meeting held on the 10th November, 2020 be noted.”

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

“That the Minutes of the West Clare Municipal District Special Meeting held on the 27th November, 2020 be noted.”

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

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

“That the minutes of the Economic Development S.P.C. meeting held on 28th September, 2020 be noted”.

Item 5: Minutes of the Corporate Policy Group Meetings.

The members noted the minutes of the meeting held on 4th January, 2021 as presented.

Item 6: Monthly Management Report.

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

Cllr. M. Begley stated that it is imperative that bridge works on the Wooden Bridge in Springfield be advanced as a matter of urgency.

Cllr. M. Begley referred to the Limerick Northern Distributor Road (L.N.D.R.) and stated that the plan should be advanced as it is. Cllr. Begley asked if the idea of a dual carriageway should be reconsidered and revert to link road to the Clare campus in UL.

Cllr. P. Hayes raised the issue of a proposal from the Department concerning the transfer of staff to single water utility. Cllr. Hayes requested that Clare County Council support the retention of workers within the local authority service rather than transfer to single utility.

Cllr. J. Flynn requested an update with regard to the new County Library. Cllr. J. Flynn also requested an update on the gritting of footpaths throughout the county in view of weather forecast for the coming week.

Cllr. J. Flynn expressed concern in relation to air quality issue in Ennis and South Clare due to an increase in the use of smokey coal.

Cllr. P. Murphy asked if Councillors could attend the upcoming online Irish language sessions.

Cllr. C. Murphy complimented Clare County Council on the swift action taken in relation to insurance issue raised recently. Cllr. C. Murphy requested an update on Kilkee Wastewater Treatment Plant.

Cllr. P.J. Ryan requested a timeframe regarding the public lighting retrofitting project.

In response to query concerning the Limerick Northern Distributor Road (L.N.D.R.) P. Dowling, Chief Executive stated that this is a critical piece of infrastructure for the region and that the Project Appraisal documents are currently with the Department of Transport.

Referring to Service Level Agreement with Irish Water Mr. Dowling stated that discussions are ongoing between the Department of Environment and Irish Water and that the LGMA are representing the local authority sector in those talks. Mr. Dowling informed the meeting that the interests of staff is paramount.

Mr. Dowling stated that Councillors will be facilitated to access the upcoming online Irish language sessions.

Anne Haugh, Director of Social Development stated that the recent court decision has not impacted the tendering process in relation to the new County Library.

C. Kirby, Director of Physical Development informed the members that Limerick City and County Council are leading Phase 1 of L.N.D.R. which is currently awaiting the approval of the Minister for Transport. Ms. Kirby stated that Clare County Council will lead Phase 2 and that a meeting with the Department of Transport is being arranged.

Replying to query concerning the public lighting retrofitting project, Ms. Kirby stated that the regional tenders will be evaluated in mid-February and the contractor will subsequently be appointed.

Ms. Kirby stated that Kilkee Wastewater Treatment Plant works are ongoing and confirmed that a full programme of gritting will take place to deal with weather conditions forecast.

Item 7: Disposal of lands at Shantraud, Killaloe, Co. Clare pursuant to Section 183 of the Local Government Act, 2001 and Section 211 of the Planning & Development Act, 2000.

Report dated 29th January, 2021 from Seán Lenihan, Senior Engineer, Physical Development Directorate was circulated with the agenda together with map. The report states that it is proposed to dispose of an area of lands measuring 1.89 hectares at Shantraud, Killaloe, Co. Clare subject to the conditions as set out in the notice served on the members dated 29th January, 2021.

Ar moladh Cllr. P. Hayes
Cuidithe ag Cllr. J. Cooney 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 Shantraud, Killaloe, Co. Clare subject to the conditions as set out in the notice served on the members dated 29th January, 2021.”

Item 8: Disposal of lands at Crovraghan, Kildysart, Co. Clare pursuant to Section 183 of the Local Government Act, 2001 and Section 211 of the Planning & Development Act, 2000.

Report dated 20th January, 2021 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 0.054 hectares at Crovraghan, Kildysart, Co. Clare subject to the conditions as set out in the notice served on the members dated 20th January, 2021.

Ar moladh Cllr. C. Murphy
Cuidithe ag Cllr. J. Garrihy 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 Crovraghan, Kildysart, Co. Clare subject to the conditions as set out in the notice served on the members dated 20th January, 2021.”

Item 9: Disposal of lands at Killerk, Darragh, Co. Clare pursuant to Section 183 of the Local Government Act, 2001 and Section 211 of the Planning & Development Act, 2000.

Report dated 25th January, 2021 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 0.49 hectares at Cragbrien, Darragh, Ennis, Co. Clare subject to the conditions as set out in the notice served on the members dated 25th January, 2021.

Ar moladh Cllr. J. Cooney
Cuidithe ag Cllr. A. Norton 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 Killerk, Darragh, Co. Clare subject to the conditions as set out in the notice served on the members dated 25th January, 2021.”

Item 10: Ratification of a new H.S.E. representative to the Clare LCDC.

Report dated 29th January, 2021 from Bernadette Haugh, Chief Officer, Clare LCDC was circulated with the agenda. The report states that the H.S.E. Mid-West has nominated Bedelia Collins H.S.E., Health Promotion & Improvement/Health & Wellbeing Manager to fill the vacancy of membership on the LCDC.

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

“That Bedelia Collins be appointed to the LCDC.”

Item 11: Carrownagowan Wind Farm – Strategic Infrastructure Planning Application.

Report from Pat Dowling, Chief Executive was circulated with the agenda. The Chief Executive report is in accordance with the requirements of Section 37E (4) and 37E (5) of the Planning and Development Act, 2000, as amended, and Planning and Development (Strategic Infrastructure) Act 2006, in relation to the Carrownagowan Windfarm (Strategic Infrastructure Development. The development consists of 19 no. wind turbines with an energy output of between 90 to 110MW, with a 30-year lifespan. The main components of the development are as follows:

- 19 No. Wind Turbines (blade tip height up to 169m)
- 19 No. Wind Turbine foundations and Hardstand areas
- 1 No. Permanent Meteorological Mast (100m height) and foundation and associated hardstand areas
- 1 No. Substation (110kV) including associated ancillary buildings (electrical building including control, switchgear and metering rooms, and the operational building including welfare facilities, workshop and office) security fencing and all associated works
- Upgraded Site Entrance
- New and upgraded internal site service roads (8.4km of existing tracks to be upgraded and 11.4km of new service roads to be constructed)
- Provision of an on-site Visitor cabin and parking

Associated Development Components:

- Underground electrical collection and SCADA system linking each wind turbine to the on-site project substation
- Construction of new roadways and localised widening along turbine delivery route
- 2 No. Temporary construction site compounds and additional mobile welfare units.
- 3 No. Borrow pits to be used as a source of stone material during construction
- 3 No. peat /spoil deposition areas (at borrow pit locations).
- Associated surface water management systems.
- Treefelling for wind farm infrastructure.
- The application is accompanied by an Environmental Impact Assessment Report (EIAR) and a Natura Impact Statement (NIS).

Cllr. J. Flynn informed the meeting that he would like to withdraw from discussion on this item as he is involved in renewable energy. Cllr. J. Flynn stated that he has no involvement in this project.

The elected members welcomed and supported the Chief Executive' report in respect of the proposed wind farm at Carrownagowan. It was felt that it is a comprehensive and fair report which articulates and outlines the planning policy, site planning history, wind energy policy and guidelines.

The elected members expressed concerns in relation to the potential visual impact challenge posed by the windfarm and requested that serious consideration be given to this issue. It was noted that the level of public consultation required was impacted by the covid 19 pandemic and it was requested that a mechanism be put in place to inform people of updates and proceedings going forward. An update on the lifespan of the turbines was also requested and queries were raised in relation to the removal of the wind turbines at end of life stage. The elected members felt that not enough information has been made available in relation to the proposed community fund, and it was noted that some communities will be impacted more than others. Disappointment was expressed at the fact that new Wind Energy Guidelines are not in place.

P. Dowling, Chief Executive acknowledged the sentiments of the elected members and stated that the members views will be included with the Councils submission to An Bord Pleanala in this statutory process. Mr. Dowling undertook to engage with the project proposers and will raise the concerns raised by the members.

L. Conneally, Director of Economic Development noted the concerns of the members that the Chief Executive Report did not reference the decommissioning of the site and their request that An Bord Pleanala would include an end of life decommissioning condition on any permission granted.

Ar moladh Cllr. P. Hayes

Cuidithe ag Cllr. T. O'Brien agus glacadh leis

“We attach 3 points to accompany the Chief Executive report on Carrownagowan Windfarm (Strategic Infrastructure Development).

1. The community fund (as referenced in the final paragraph of the planners report) needs to reflect the overall huge impact that a development of this size and magnitude will have on the entire East Clare community. We recommend that in the event of a grant of permission, that an independent forum be set up which will be representative of the entire community of East Clare.
2. We have serious concerns as to the lack of proper consultations with all communities in the East Clare area. We are in no way apportioning any blame to the applicants. We recognise the ability to engage in robust and thorough consultation during a pandemic is not possible. We believe a way must be found to inform all communities and stakeholders of the contents and impacts of the proposed windfarm prior to a final decision by the Board.
3. That An Bord Pleanala would include an end of life decommissioning condition on any permission granted.”

Item 12. Prescription for routine veterinary medicines.

Ar moladh Cllr. P. Burke

Cuidithe ag Cllr. A. Norton agus glacadh leis

“I am calling on the Minister for Agriculture, Charlie McConalogue to instruct his officials to avail of the provision of a derogation which would allow for qualified persons other than veterinary practitioners to issue a prescription for routine veterinary medicines.” (M)

Cllr. P. Burke referred to EU Directive which stipulates that a veterinary prescription is necessary in order to purchase animal medicines. The elected members present supported Cllr. Burke and agreed that this will bring hardship on the farming community who can make their own assessments in relation to animal medicines supported by co-ops. It was felt that this will remove competition from the industry and the elected members agreed that a clause should be included enabling professional persons other than vets to prescribe animal medicines which would retain the role of current stakeholders.

Item 13. Professional Consultancy Fees.

Ar moladh Cllr. P.J. Kelly

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

- (1) location of project
- (2) cost related to each project.” (Q)

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

“The table A attached outlines the Professional Consultancy costs processed for payment during the period 2019 and 2020. It should be noted that the 2020 figures are still not complete and reflect the costs processed to date for the year.

It is important to note that approximately 85% of the overall costs for both years relate to capital projects that are fully funded and primarily recouped from grant income as part of our capital works programme. These costs do not therefore form part of our Revenue operational budget.

25% of the overall costs in both years relate to the SHIP Social Housing Investment Programme where we have a number of local authority housing construction projects in progress.

In all areas, the narrative “other” reflects a combination of small project balances relevant to each electoral area.”

Table A

	2019	2020
	€000	€000
Ennis EA	981	1,130
Burial Grounds	10	2
N85 Kilnamona	53	-
Other	12	15
Roadworks Programme	34	3
Storm Damage & Flood Relief	166	574
Economic Development	225	130
Property Management	89	83
Ennis Public Realm and mobility planning	293	231
Library Development	70	92
EMD Festival and Events	28	1
Ennistymon EA	876	587
Cliffs of Moher Capital Programme	407	478
Doolin Pier Visitor Services Centre	106	-
Ennistymon Inner Relief Road	183	43
Ennistymon Multi Service Building	42	4
Other	2	9
Roadworks Programme	20	-
Storm Damage & Flood Relief	55	26
Burren Geopark	39	26
Lahinch Public Realm	21	1

Killaloe EA	806	493
Inis Cealtra - Holy Island	9	38
Other	1	2
Roadworks Programme	13	-
Shannon Bridge Crossing	783	452
Kilrush EA	339	611
Cappa Enhancement Strategy	-	19
Fire Service Capital Projects	9	0
Kilrush Sports Complex	-	20
Maritime Strategy	71	107
Other	26	16
Storm Damage & Flood Relief	18	144
West Clare Railway Greenway	-	99
Maritime Strategy	58	17
Loophead Lighthouse RRDF	7	51
Carshare Pilot Project	125	-
Vandeleur Garden & Turret Lodge	25	137
Shannon EA	282	842
Burial Grounds	16	13
Limerick Northern Distributor Road	69	63
N19 Airport Access Road	27	325
Other	10	0
Roadworks Programme	50	64
Shannon Town Masterplan	-	148
Shannon Town Park	66	12

Storm Damage & Flood Relief	30	198
Active Travel Measures	13	19
Housing countywide	1,226	1,212
Housing Construction & Remediation	1,226	1,212
Countywide Projects	700	613
Burial Grounds	23	2
Corporate Services	82	37
Development Plans	49	41
Fire Service Capital Projects	74	35
Other	34	81
Roadworks Programme	-	4
Water Services	45	4
Property Management	13	24
Taxation & Finance Consultancy	25	34
Tourism Development and Promotion	175	91
Rural Development	32	6
ICT Services	20	30
Heritage and Biodiversity	16	65
Coroner & Inquest Services	93	76
Library Development	-	2
Food Safety Authority Services	18	81
Grand Total	5,210	5,488

Cllr. P.J. Kelly stated that there is a skilled workforce in Clare County Council who are capable of carrying out work being referred to consultants. Cllr. P.J. Kelly requested that Clare County Council use the skills that exist currently and employ other people with appropriate skills to do jobs given to consultants.

The elected members agreed to take Items No 14 and No 27 together.

Item 14. Multi agency response taskforce.

Ar moladh Cllr. P. Murphy

Cuidithe ag Cllr. G. Flynn agus glacadh leis

"I am proposing that a multi agency response taskforce comprising of Clare County Council, the Chief Superintendent of the Clare Division of an Garda Síochána, the Public Health Office of the H.S.E., Tusla and the Department of Education is formed as a matter of urgency. This is required to deal with the ongoing problems that arise as a result of illegal encampments across County Clare but particularly in the environs of Ennis, the M18 Motorway, Western Relief Road and its service roads, as well as Ballyveskill, Tiermaclane. Also, that Bye-Laws are introduced prohibiting overnight parking at these locations in order to address the issue of trespass at these locations and that T.I.I. are requested to sign the title pertaining to these access roads over to local landowners who would provide a wayleave for required access". (M)

Anne Haugh, Director of Social Development and Carmel Kirby, Director of Physical Development replied as follows:

"Clare County Council has recently established a Housing High Level Steering Group with representation from An Garda Síochána, the H.S.E. (Disability, Mental Health, Drugs & Alcohol and Traveller Health), Tusla, Probation Services, Department of Social Protection, Irish Traveller Movement, Traveller Mediation Service, North Clare Family Resource Centre and others as required. The group had an inaugural meeting where a working group was established. The working group has met once with another meeting due. The groups aim is to deliver an interagency approach to housing in Co. Clare and to work collaboratively to tackle issues that give rise to homelessness, anti-social behaviour and within Traveller accommodation.

In addition, a new Tenancy Enforcement Team has been appointed and will commence in the coming weeks. This team will investigate fully any complaints relating to alleged failure of tenants to abide by the conditions of their letting agreements. The role includes addressing illegal encampments, property and estate inspections, support to the Community Warden in relation to waste management, support to communities in relation to anti-social behaviour of property owners. This team will collaborate closely with the Gardai in all aspects of their role and the Chief Executive and Director of Service will maintain an oversight and co-ordination role in this partnership approach as the role evolves over the coming months.

At present there are bye laws in place that prohibit overnight parking of caravans and motorhomes. These bye laws apply to designated parking spaces such as car parks and on-street car parking spaces. The locations specified in this notice of motion do not fall within this criteria. The transfer of lands adjacent to motorway infrastructure can be considered on a case by case basis. The transfer of any such lands would require approval by Council as well as consent by Transport Infrastructure Ireland."

Item 27. Unauthorised occupation of public lands.

Ar moladh Cllr. G. Flynn

Cuidithe ag Cllrs. C. Colleran Molloy, J. Garrihy, S. Talty, A. Norton, T. O'Brien, J. Crowe, J. Killeen, P. Murphy agus J. Cooney agus glacadh leis

“We are calling on the Government to enforce the laws of the land that exist in relation to tackling the unauthorised occupation of public lands all over Ireland.

Level 5 Covid restrictions have been in place for some time and are likely to continue in to the future. Local authorities are precluded from taking action at this time and in the interest of Public Health & Environmental considerations we are calling on the Government to engage a Task force and design a mechanism or policy to protect all citizens in Ireland from the unauthorized occupation of Public Lands. We would also request the circulation of this motion to the other 30 Local Authorities, The Oireachtas Members, LAMA & The AILG.” (M)

The elected members agreed that this is a county wide issue which is very distressing for communities, families and landowners due to trespass, health and safety, sanitization, anti-social element and impact of children missing out on education and essential supports. The elected members agreed that this is a multi-faceted issue that warrants a multi- agency response and they called on the Government to support local authorities, to enforce the laws that exist in our country and appoint a designated Minister to address this issue.

Item 15. Leading European International Cargo Hub in Shannon.

Ar moladh Cllr. J. Crowe

Cuidithe ag Cllr. J. Flynn agus glacadh leis

“With Brexit now official and the United Kingdom gone from Europe it is now the time to develop Shannon as a leading European International Cargo Hub.” (M)

Liam Conneally, Director of Economic Development replied as follows:

“It is my understanding that the Shannon Group are and have been actively exploring numerous options which will increase the usage of the airport facilities including discussions with the major logistical operators who arrange the movement of goods through various transport channels. As is normal Shannon Group are being supported in these initiatives by Clare County Council. In addition, the support of Shannon Group has been identified as an immediate key priority of the Clare Economic Task Force. The Clare Economic Task Force has been convened by the Chief Executive comprising public and private sector leaders to inform and guide appropriate economic measures to meet the County’s economic challenges and more immediately those posed by both Covid 19 and Brexit. Shannon Group are an important stakeholder in the Clare Economic Taskforce.”

The elected members supported Cllr. J. Crowe and discussed the impact post Brexit is having on importing and exporting products to and from Ireland. The elected members agreed that Shannon Airports potential should be exploited due to its long runway, road infrastructure, area of land surrounding it and its success on being the only landing option in Ireland for the Antonov An-225 Mryia jet when delivering PPE from China in 2020 which proved that it has the capacity to deal with large cargo.

The elected members welcomed engagement between Shannon Group and Amazon which could potentially be a very large employer in the region.

Item 16. Assisted Decision Making (Capacity) Act.

Ar moladh Cllr. S. Crawford

Cuidithe ag Cllr. S. Talty agus glacadh leis

“Motion: That Clare Co. Council call on the Government to commence the Assisted Decision Making (Capacity) Act which was signed into law in December 2015.

The Assisted Decision Making (Capacity) Act was signed into law on the 30th December 2015. This Act applies to everyone and is relevant to all health and social care services. The Act is about supporting decision-making and maximising a person’s capacity to make decisions. The Act will have significant implications for health and social care providers in the provision of safe person-centred care, based on respecting the individual rights of each person.

Key features of the Assisted Decision Making (Capacity) Act 2015:

It applies to everyone and to all health and social care settings.

It provides for the individual’s right of autonomy and self-determination to be respected through an Enduring Power of Attorney and an Advance Healthcare Directive – made when a person has capacity to come into effect when they may lack decision-making capacity.

It provides for legally recognised decision-makers to support a person maximise their decision making powers.

It places a legal requirement on service providers to comprehensively enable a person make a decision through the provision of a range of supports and information appropriate to their condition.

It abolishes the Wards of Court system.

It provides for a review of all existing wards to either discharge them fully or to transition those who still need assistance to the new structure.

It repeals the Lunacy regulations governing the Ward of Court system.

It establishes a Decision Support Service with clearly defined functions which will include the promotion of public awareness relating to the exercise of capacity by persons who may require assistance in exercising their capacity.

The Director of the Decision Support Service will have the power to investigate complaints in relation to any action by a decision-maker in relation to their functions as such decision-maker.” (M)

Cllr. S. Crawford outlined that many people through ill health or brain injury can lack decision making capacity about health, welfare, finance and economic decisions. The elected members agreed with Cllr. S. Crawford that this legislation needs to be enacted as a matter of urgency so as to provide individuals rights of autonomy and self determination.

Cllr. A. O’Callaghan requested that Item No. 20 be taken at this time. This was agreed by the members.

Item 20. Upgrade recycling centres.

Ar moladh Cllr. A. O’Callaghan
Cuidithe ag Cllr. D. McGettigan agus glacadh leis

“With 5 recycling centres in the hands of Clare County Council consideration to be given that the centres would be upgraded to take all kinds of materials both waste and recyclable.” (M)

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

“Clare County Council currently operates 5 No. Civic Amenity sites at Ennis, Shannon, Scarriff, Lisdeen and Inagh providing a geographical spread across the county. In addition we also operate 50 Bring Bank facilities which are situated in many of our towns and villages. The Amenity sites all accept a broad range of recyclable materials the details of which are available on the Council website. In addition the sites at Scarriff, Lisdeen and Inagh also accept municipal waste.

There are a number of factors to be considered in any proposed upgrading of the current Amenity sites to facilitate the receipt of additional waste/recyclable streams. The sites are licenced by the EPA and therefore a new licence application would be required which would enforce more onerous compliance conditions especially to deal with municipal waste.

Our Amenity sites are somewhat constrained in size due to the numerous recycling streams that are already provided. The sites, with the exception of Inagh, would not be able to facilitate the introduction of receiving new waste/recyclable materials because of the infrastructure and space which would be required to accommodate such a proposal. What is being proposed would potentially require additional land to be purchased or a new site selected with all the associated costs of development and ultimate operation.

We must also be cognisant of the Regional Waste Management strategy which is to promote the use of kerbside collections. The introduction by the local authority of new waste disposal facilities could potentially be detrimental to that overall regional strategy. Kerbside collection is a highly efficient service and currently over 29,000 households in county Clare avail of the 3 bin collection system. The current Kerbside collection providers also offer services to remove large waste items via skips or large industrial bags.

The Department of Environment, Climate & Communications recently supported a national study by the regional waste management planning offices into the operation of Civic Amenity Sites (CAS) and the sustainability of CAS operations. This study evaluated operations at 30 of the 96 local authority CAS using data gathered in 2019. The initial study has found that of the 16 Local Authority operated CAS, one achieved a small surplus and the remaining 15 incur significant deficits. This national review is continuing to examine services provided, geographic location and cost structures across the country. In tandem with this Clare County Council Environment section is reviewing the operations of the 5 Civic Amenity Sites which include 3 waste transfer stations (household waste/black bags). Once both reviews are complete, we will determine what, if any, additional recyclable streams can be provided together with a thorough review of EPA licensing requirements, cost implications and charging

mechanisms. This review will also look at municipal waste but as previously stated the preference would be to encourage use of the kerbside collection service.”

The elected members agreed that facilities should be in place to accept all recyclable materials at the five recycling centres in the county with the intention of assisting the people who are doing the right thing by recycling.

Item 17. Farm family incomes, post Brexit.

Ar moladh Cllr. J. Killeen

Cuidithe ag Cllr. J. Garrihy agus glacadh leis

“We call on the Minister for Agriculture and the Government Partners to outline the funds, initiatives and schemes (with timelines) that will be put in place to support, enhance and protect farm family incomes, post Brexit.” (M)

Cllr. J. Killeen provided details of farm incomes in 2018 and 2019 and expressed concern in relation to beef farm incomes due to Brexit and CETA. Cllr. J. Killeen outlined various schemes in which farmers participate so as to protect their income. The elected members noted that farming families are a key element in rural communities and the importance of sustaining their livelihoods was outlined.

Cathaoirleach, Cllr. M. Howard requested that Item No. 22 be taken at this time. This was agreed by the members.

Item 22. Location for a "vaccination centre" in County Clare.

Ar moladh Cllr. M. Howard

Cuidithe ag Cllr. J. Flynn agus glacadh leis

“I request that Clare County Council assists the HSE in identifying a suitable location for a "vaccination centre" in the county.” (M)

Carmel Greene, Senior Executive Officer, Economic Development replied as follows:

“The Crisis Management Team of Clare County Council is in regular contact with the Health Service Executive (HSE) in relation to the Covid-19 pandemic. In the past year, the Property Management Unit and the Ennis Municipal District assisted the HSE in identifying suitable locations for and in setting up the test centres.

Should the HSE ask us to facilitate them in finding suitable locations for the roll-out of the vaccination programme, we will work with them to see if we can provide space that is suitable and meets their requirements.”

P. Dowling, Chief Executive informed the meeting that there has been ongoing dialogue with the HSE Mid West Group in sourcing one location for a vaccination centre per county and stated that an announcement is expected in the coming days.

Cllr. A. Norton advised that she has written to the HSE offering the Clare Crusader Clinic as a location for a vaccination centre as due to the Covid 19 pandemic and associated restrictions, therapies cannot be provided at the centre at the moment.

Role of Cathaoirleach.

Cllr. P. Burke, Leas Cathaoirleach took the role of Cathaoirleach at this point.

Motion for the purpose of dealing with urgent business.

Leas Cathaoirleach, Cllr. P. Burke informed the meeting that a motion for the purpose of dealing with urgent business had been received and that motion may be proposed in accordance with Standing Order No. 44. This was agreed by the members present.

Ann Reynolds, Meetings Administrator read out the following resolution signed by Cllrs. D. McGettigan, C. Murphy, P.J. Kelly, A. Norton, P. O’Gorman, M. Nestor, T. O’Brien, M. Begley, P.J. Ryan, A. O’Callaghan, P. Hayes, I. Lynch, C. Collieran Molloy, S. Talty, B. Chambers and S. Crawford.

"That this Council calls on the Government to allow a full, open and democratic debate, including pre-legislative scrutiny by a Joint Oireachtas Committee, ahead of the Dáil vote on ratification of CETA".

The elected members were unanimous in supporting this motion and expressed concern at the lack of public debate on this important trade deal. The members felt that clarity is needed on the implications and aspects of this agreement. It was agreed that further discussion is required at national level to ensure that if ratified, this deal does not have a negative impact on Ireland.

Item 18. Planning Contribution Waiver Scheme.

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

“I request that Clare County Council establish a Planning Contribution Waiver system for houses that are specifically designed and built for people with medically certified disabilities. Such a waiver system exists in Fingal County Council and other Dublin Councils.” (M)

Liam Conneally, Director of Economic Development replied as follows:

“Following significant consultation, in accordance with Section 48 of the Planning & Development Act, 2000, as amended, Clare County Council adopted the Development Contributions Scheme 2017-2023 on 24th April 2017. This scheme sets out the basis for the determination of contributions and sets out the charges that would apply for the duration of the Scheme.

There are a number of categories of development that are exempt from paying development contributions and these are set out in Table 2 of the Development Contribution Scheme. These exemptions include an exemption for “Developments for which a Disabled Persons Grant is paid”

This exemption applies to planning applications for both new purpose-built accommodation and also to applications for domestic extensions/alterations to existing accommodation to meet the needs of the person with a disability. A similar exemption applies in many local authorities.”

The elected members agreed that supports should be available to assist people who are planning to build a house around a family member who has a disability. P. Dowling, Chief Executive stated that there is merit in this motion and noted that the D.P.G. no longer exists as the nature of the scheme has changed.

Item 19. Conservation Officer appointment.

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

“That this council would appoint a Conservation Officer as the position has been vacant for some time and there are community projects and other planning issues that need the input of same.” (M)

Liam Conneally, Director of Economic Development replied as follows:

“The filling of the post of Conservation Officer is currently under consideration by the Executive. The council will continue to engage external conservation expertise where required until such time as the position is filled. In that regard I am satisfied that Conservation issues that are arising in the course of Section 57 declaration requests, planning applications requiring conservation input and the upcoming Clare County Development Plan 2022-2028 will be adequately addressed. The Historic Structures Fund and the Built Heritage Investment Scheme are being processed by staff in the Planning Department and Clare communities have been encouraged to apply for both schemes.”

The elected members agreed that the role of Conservation Officer is necessary for the purpose of providing advice and assistance to members of the public when required.

L. Conneally, Director of Economic Development acknowledged the views of the members and agreed that there is extensive benefit in retaining the role of Conservation Officer. Mr. Conneally stated that there has been one unsuccessful attempt to fill this post and that the post will be re-advertised in the near future.

It was proposed by Cllr. A. Norton, seconded by Cllr. C. Murphy and agreed by the members present that time be extended to 7:30 p.m. in order to complete the business of the meeting.

Item 21. Provision of salt bins in housing estates.

Cllr. M. Nestor requested that this item be deferred to the March Council Meeting.

“This motion is requesting Clare County Council to review the possibility of introducing a subsidised scheme, similar to other local authorities, that would allow for the provision of salt bins in housing estates throughout the county.” (M)

Item 23. Publicly accessible CRM system.

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

“With regards to the following joint motion passed in July 2020

“That Clare County Council research and implement, within an agreed timeframe, a publicly accessible CRM system to record all notices of motion, replies and follow up actions to avoid duplication, to track recurring issues and to ensure effective management of all issues raised by elected members”

Co-signed by the following Cllr Cillian Murphy; Cllr Joe Garrihy; Cllr Ian Lynch; Cllr Johnny Flynn; Cllr Pat Hayes; Cllr Gerry Flynn; Cllr Mark Nestor; Cllr Joe Killeen; Cllr Pat McMahon; Cllr P J Kelly; Cllr Mary Howard

That an update be provided to the members as to the current status of the delivery of this management system.” (M)

Ann Reynolds, A/Senior Executive Officer, Corporate Services replied as follows:

“As advised in the reply to the Notice of Motion in July 2020 a review of, and integration of CRMs has been identified as an area for business improvement in the Council. Work has commenced on a review of all Customer based CRMs with a view to developing a central Customer CRM system. It was proposed at that time to explore the option to include a Councillor Motions module as part of this project. The project has been delayed during the Covid-19 Pandemic and is still in the early research stage, i.e. work has commenced on a DPIA (Data Protection Impact Assessment) and identification of initial design requirements for the Customer Service module.

As an interim measure work is progressing on the design and extraction of suitable reports from the existing Councillor Motions CRM which will provide the information being requested in a searchable format. It is expected that such reports could be made available by the end of Quarter 1 2021 and be updated on a monthly basis on the Councillor Extranet.”

Item 24. Historical NPPR charges.

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

“That Clare County Council review how it deals with historical NPPR charges in light of following request

To request the Chief Executive Officer in view of the fact that the Local Government (Charges) Act 2009 which introduced the Non Principal Private Residence Charge made it a matter for individuals to decide whether or not a payment was due and for the Local Authority to pursue any case where it considered that a payment was due and hadn't been made; that there was no reference to a Certificate of Exemption or Waiver in the said Act; that the Local Government (Household Charge) Act 2011 introduced the provision of Certificates of Exemption and Waiver; that the provision by the vendor of such Certificates has been incorporated into normal conveyancing practice which, in effect, has applied the 2011 legislation retrospectively; and that Section 9 Subsection 3 of the 2011 Act states that (3) *An applicant for a certificate of*

exemption or a certificate of waiver shall provide the relevant local authority with all such information as it may reasonably require for the purpose of its making a decision in relation to the application; to instruct the relevant staff of the Local Authority to have regard to the fact that it is unreasonable to expect a property owner to have available documentary evidence that a property was their principal residence between 2009 and 2011 when there was no indication in the legislation current at that time that such evidence would be required; and that, specifically he instructs them to accept a sworn affidavit from a property owner to the effect that they are not liable for such payment as satisfying the requirements of Section 9, subsection 3 of the 2011 Act and that a Certificate of Waiver or Exemption be issued on such a basis.” (M)

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

“The Local Government (Charges) Act 2009 introduced the NPPR charge and section 4 of this Act detailed the exemptions from this charge. The advice provided in advance of the 2011 legislation by the NPPR bureau and all Local Authorities who were responsible for administering same at this time was:

“Where an owner determines their property is not liable for the charge, it is strongly recommended the owner should retain on file sufficient documentation to enable him/her to prove non-liability. The owner will be required to produce this proof when selling or transferring the property on a future date.”

The Local Government (Household Charge) Act 2011 introduced the provision of Certificates of Exemption and Certificates of Discharge and these are now required as part of the conveyance process. Clare County Council assesses every application in accordance with the various legislation governing NPPR and each file is dealt with on a case by case basis.

The Law Society Practice Notes on the matter of the certifications are also very specific referencing:

<https://www.lawsociety.ie/globalassets/documents/gazette/gazette-pdfs/gazette-2013/june2013.pdf>

<https://www.lawsociety.ie/Solicitors/Practising/Practice-Notes/Certificates-of-waiverexemptiondischarge-or-declaration-that-legislation-does-not-apply-NPPR-household-charge-LPT/#.YBhv35pCdYc>

The first link above is to the Law Society Gazette published June 2013 which states *“Under the legislation, a vendor is obliged to give to the purchaser either a certificate of discharge, a certificate of exemption, or a certificate of waiver in respect of the household charge, and either a certificate of discharge or a certificate of exemption in respect of the NPPR charge. An up-to-date receipt or a declaration made by the vendor is not sufficient”.*

The second link is to further clarification issued in a Law Society Practice Note issued on 7th February, 2014 stating that *“The committee confirms that certificates of waiver/exemption/discharge should be obtained in those cases, as there is specific statutory provision for them and, if they are not obtained, a purchaser cannot be certain that a property is not subject to a charge for any unpaid NPPR*

or household charge. A declaration from a vendor as to entitlement to a waiver or exemption is not sufficient, and a receipt for payment by itself is not sufficient in these cases.” This practice notice was accompanied by a table of requirements in this regard, a copy of which can be accessed by following the second link above

In assessing applications, the council must balance the passage of time and the requirement for documentary proof of PPR (Principal Private Residence) with the protection of public funds and consistency to all property owners.

An instruction to staff to accept sworn affidavit across all applications will not be implemented. To replace the requirement to provide all such information as it may reasonably require for the purpose of its making a decision in relation to the application with a sworn affidavit in all instances is not consistent with the legislation. There is file evidence of attempts to evade this charge during the conveyance process where the Council has secured contradictory evidence resulting in NPPR charges and penalties subsequently being confirmed as due and payable.

The staff in the NPPR section provides guidance and assistance to each applicant with a view to resolving any impasses and ultimately facilitating the issue of the relevant NPPR certificate.”

Item 25. Marketing of Shannon International Airport.

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

“That Clare County Council examine innovative methods to support the marketing of Shannon International Airport.” (M)

Liam Conneally, Director of Economic Development replied as follows:

“It is well documented that Shannon Airport, and the aviation sector generally, has encountered unprecedented economic adverse impact from the ongoing Covid 19 pandemic. Clare County Council continues to work closely with the Shannon Group at many levels in supporting and assisting them overcome the challenges encountered. Clare County Council is committed to supporting Shannon International Airport in its various marketing objectives which understandably will need to be aligned with the resumption of international travel.

It is proposed to engage with the Marketing team of Shannon International Airport in the coming weeks to discuss their planned marketing activities and how these can be supported by Clare County Council.”

The elected members agreed that modern means should be used to produce a smart marketing campaign to promote Shannon Airport. It was also felt that Shannon Airport should be promoted as the most accessible airport to the Wild Atlantic Way.

Item 26. Clare Rural Regeneration Strategy.

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

“In the context of Clare Rural Regeneration Strategy, Ireland 2040, balanced county population and economic sustainability and the vision of Revitalising Rural Ireland I call on Clare County Council to be innovators and leaders in the area of attracting and facilitating people to return to settle and live in our rural towns and villages that currently have or are earmarked in the near future for significant infrastructure investment - schools, post office, recreation and amenity, broadband, waste water and water services. To underpin, add value to and ensure this investment is not wasted I call on the local authority to instigate a program of affordable housing development and investment in serviced sites on state owed lands or in partnership with community owned lands or private landowners adjacent to towns and villages that are in effect shovel ready. I believe proactive local authority action as proposed is necessary to rejuvenate and ensure our county maximises the opportunities around the new thinking of quality of life, remote working highlighted over the last year in Covid. We must market, incentivise, invest and seek to revitalise our rural towns, villages and settlements for living communities and permanent sustainable populations in the same manner as we do for tourism and the Wild Atlantic Way to ensure other major state investment in these settlements is not wasted and that these communities thrive as intended.” (M)

Liam Conneally, Director of Economic Development, Anne Haugh, Director of Social Development and Leonard Cleary, Director of Rural Development replied as follows:

“In the course of the preparation of the Clare County Development Plan 2022-2028 a core strategy will be prepared which will be in line with the objectives of the National Planning Framework and the Southern region’s Regional Spatial and Economic Strategy. Our new County Development Plan will contain a variety of objectives to support the development of our towns and villages such as the following from the NPF;

National Policy Objective 16

Target the reversal of rural decline in the core of small towns and villages through sustainable targeted measures that address vacant premises and deliver sustainable reuse and regeneration outcomes.

National Policy Objective 18a

Support the proportionate growth of and appropriately designed development in rural towns that will contribute to their regeneration and renewal, including interventions in the public realm, the provision of amenities, the acquisition of sites and the provision of services.

The Council will support a range of positive planning objectives to secure the revitalisation of our county's rural towns and villages and we are committed to utilising all avenues available in making these communities attractive for people to live, work and visit. Key to this will be the development of settlement plans and zoning objectives for all the settlements across the county (with the exception of Shannon town which has its own Local Area Plan) and within these settlement plans sufficient lands will be zoned to facilitate development by the Local Authority, private developers or a combination of both. The objectives for the towns and villages will be in line with the NPF objective below:

National Policy Objective 18b

Develop a programme for 'new homes in small towns and villages' with local authorities, public infrastructure agencies such as Irish Water and local communities to provide serviced sites with appropriate infrastructure to attract people to build their own homes and live in small towns and villages.

Such residential development opportunities will complement the work of the Council in its development of a suite of enterprise hubs across the County. The timing of access to high speed broadband/fibre as being rolled out by the national broadband plan will be crucial to the attractiveness of our towns and villages for investment. The CDP 2022-2028 review will in planning policy terms support the principle of remote working locations in our rural towns and village locations and will proactively pursue urban and rural regeneration and development funds to assist in the delivery of the above objectives.

The Clare Rural Development Strategy focuses on 8 objectives including Jobs, Multi Service Centres, Partnering Parishes, Age Friendly, Rural Way of Life, Broadband & Digital, Transport, Education and Water. In order to achieve these objectives a sustainable community population is required. This motion strives to achieve such through an affordable housing development and serviced sites initiative.

On the 20th January 2021 Minister Darragh O’Brien published the Affordable Housing Bill 2020. This Bill provides for three new schemes to deliver on the Government’s commitment to increasing the supply of affordable homes. The three schemes aim to achieve an affordable housing supply through direct provision by local authorities on Council lands, a shared equity affordable purchase scheme and the introduction of a cost rental model. The bill is not yet enacted. To this end this Council are examining Council owned lands to ascertain the viability of any proposed scheme.

The current service site fund is focused on lands in Council ownership with no legacy land costs it is understood this scheme is being revised to take account of lands with land costs.

While this Council is ready to embrace the new schemes proposed the private sector need an incentive to invest in the development and regeneration of rural towns and villages for the initiative to be successful.”

The elected members agreed with Cllr. J. Garrihy that intervention is needed to revitalize our rural towns and villages and that Clare County Council is a leading local authority with a positive attitude towards this. It was noted that people are shopping locally and are in a position to move back to rural areas as remote working options are now available. The elected members also felt that it is important to attract commercial activity to rural towns and villages so as to attract people to relocate. It was also agreed that investment in infrastructure and services will be necessary in order to achieve this goal.

Item 28. Tax bill.

Ar moladh Cllr. P. Daly
Cuidithe ag Cllrs. P. McMahon agus G. Keating agus glacadh leis

“In view of the hardship suffered by people on the average industrial wage and whose income dropped dramatically to the level of the temporary wage subsidy and the pandemic unemployment payment that this Council calls on the Government to waive the tax bill being sought.” (M)

The elected members felt that this is an unfair tax and were in agreement that the majority of workers who received the tax bill are people who are employed in the tourism industry which has been affected by the Covid 19 restrictions and who are dependent on this payment for their survival.

Item 29. Review to the current National Planning Framework.

Ar moladh Cllr. C. Murphy
Cuidithe ag Cllrs. I. Lynch, P. O’Gorman, P. Hayes, S. Crawford agus P.J. Kelly agus glacadh leis

“Given the impact Covid 19 has had nationally on work and living patterns, and the opportunities this creates to ‘proactively address issues of town/village decline’ and to promote ‘compact growth’ in those settlements, we would ask the Minister of

Housing, Local Government and Heritage that he undertake a review to the current National Planning Framework, and prior to the outcome, he remove reference to, and requirement for local authorities to adhere to, the two tiered approach to land zoning in the delivery of the next County Development Plan due to its negative impact on the ‘facilitation of the building of homes within the existing footprint of rural settlements’ and the ability to deliver on our own rural development goals.

We further request this motion be forwarded to every one of our Oireachtas members and to every other local authority in Ireland for their observations.” (M)

The elected members agreed that the Government should review the current National Planning Framework as local authorities are in the process of compiling new County Development Plans. It was felt that this review should take cognizance of the change in work practices due to the global pandemic which would in turn help to rejuvenate rural and coastal communities.

L. Conneally, Director of Economic Development informed the meeting that the forward planning team have carried out a significant amount of evidence gathering in preparation of the County Development Plan. Mr. Conneally stated that Clare County Council has requested guidelines in relation to guidance on how to prepare the new County Development Plan but the Department has not released new guidelines. Mr. Conneally informed the members that it is imperative that this conversation continues in the context of the upcoming workshops.

Item 30. British Parliament at Westminster of the Government of Ireland Act.

Ar moladh Cllr. D. McGettigan

“This Council notes the centenary of the passing by the British Parliament at Westminster of the Government of Ireland Act in December 1920, the Act which provided for the Partition of Ireland. We recall the deep injustices, divisions and conflict caused by this Act. We reiterate our support for the Good Friday Agreement and the political process arising from it, including the revoking of the Government of Ireland Act. We reaffirm our support for the self-determination of the people of Ireland as expressed in Article 3.1 of Bunreacht na hÉireann and for the bringing about of a United Ireland "by peaceful means with the consent of a majority of the people, democratically expressed, in both jurisdictions". Accordingly we call on both the Irish and British governments to fully implement the Good Friday Agreement and all their obligations with regard to the rights of citizens; we call on the British government to agree to set a date for the Irish Unity referendum as provided in the Agreement; we call on the Irish government to work for this outcome. We stand ready as a Council to work with all statutory bodies and with civic society to plan and prepare for the referendum on Irish Unity and for a positive outcome to the referendum.” (M)

Cllr. D. McGettigan stated that the need for one Ireland and one economy has been demonstrated by the covid 19 pandemic and Brexit and felt that it is time to begin discussion on an Irish unity referendum.

Cllr. J. Flynn requested that Cllr. D. McGettigan withdraw this notice of motion as he felt that Clare County Council can, as a statutory body, request the Irish Government to discuss this but has no role in requesting the British Government to do so.

Cllr. G. Flynn and Cllr. J. Garrihy stated that they shared the same views as Cllr. J. Flynn and felt that the timing and approach was not appropriate at this time.

Cllr. D. McGettigan stated that she took on board what had been said and undertook to re-word the notice of motion at a more suitable time.

Due to the absence of a seconder, this notice of motion was not agreed.

Item 31. Mental Health Services.

Ar moladh Cllr. S. Talty
Cuidithe ag Cllr. A. Norton agus glacadh leis

“Clare County Council calls on the Minister for Health & the HSE to ensure that there are sufficient resources available at hospitals within the UHL group on a 24 hour basis to afford adequate protection to patients presenting with mental health difficulties in obvious need of support and protection. In particular, discharge should be delayed until consultation with the patients family, general practitioner or an appropriate community service has taken place.” (M)

Cllr. S. Talty gave a brief outline of the experience of a constituents family member who sought the help of psychiatric health services recently. Cllr. Talty stated that when people seek help they should be assured of a system of care and that stronger supports should be in place in relation to self-discharge. Cllr. Talty also felt that a persons distress cannot be alleviated in a few hours and called for a co-ordinated response between patient care and discharge.

The elected members supported and commended Cllr. S. Talty for raising this issue for discussion and agreed that there is a real need to develop and support the existing psychiatric support services available to people who reach out for help, particularly during this time of covid restrictions.

Item 32. Comhfhreagras/Correspondence.

The following correspondence was circulated with the agenda:

1. Correspondence dated 21st January, 2021 from the Department of Justice in relation to the proceeds of crime.
2. Correspondence dated 27th January, 2021 from the Department of Health regarding the use of private hospitals for mammograms.
3. Correspondence dated 15th January, 2021 from the Department of Justice in relation to the recent Safe Ireland Report.
4. Correspondence dated 21st January, 2021 from the Department of Planning and Local Government in relation to the development of residential property.

5. Correspondence dated 29th January, 2021 from the Minister for Housing, Local Government and Heritage in relation to the Defective Concrete Blocks Scheme.
6. Correspondence dated 1st February, 2012 from the Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media regarding new Tourism Promotion Strategy.
7. Correspondence dated 18th January, 2021 from the Department of Health concerning a tangible reward for frontline staff.
8. Correspondence dated 20th January, 2021 from Senator Robbie Gallagher in relation to Developer Provider Water Service Infrastructure Resolution Programme.
9. Resolution circulated by Wexford County Council in relation to rebate scheme to third level students who are charged full rate for on-campus accommodation.

The meeting then concluded.

Signed: _____
Riarthóir Cruinnithe

Signed: _____
Cathaoirleach

Date: _____