

COMHAIRLE CHONTAE NA GAILLIMHE

MINUTES OF MONTHLY MEETING OF GALWAY COUNTY COUNCIL

Held at Kiltormer GAA Complex

Monday 25th May 2020 at 12.00 noon

CATHAOIRLEACH: Cllr. Jimmy McClearn, Cathaoirleach of the County of Galway

I LATHAIR FREISIN:

Baill: Comh./Cllr J. Byrne, I. Canning, L. Carroll, J. Charity, D. Connolly, M. Connolly, G. Cronnelly, D. Ó Cualáin, J. Cuddy, S. Curley, T. Ó Curraoin, Aisling Dolan, Albert Dolan, G. Donuhue, G. Finnerty, D. Geraghty, S. Herterich Quinn, M. Hoade, P. Hynes, C. Keaveney, D. Killilea, M. Kinane, G. King, P. Mac an Iomaire, M. Maher, E. Mannion, K. McHugh Farag, A. McKinstry, P. Murphy, A. Reddington, P. Roche, J. Sheridan, N. Thomas, S. Walsh, T. Welby

Oifigh: Mr. Kevin Kelly, Chief Executive (Interim)
Ms. C. Delaney, Acting County Secretary
Mr. G. Mullankey, Head of Finance
Mr. J. Cullen, Director of Services
Mr. A. Farrell, A/Director of Services
Ms. E. Ruane, Director of Services
Mr. M. Owens, A/Director of Services
Ms. M. Donohue, Senior Staff Officer
Ms. S. Elwood, Clerical Officer
Ms. B. Ryan, Assistant Staff Officer
Ms. U. Ni Eidhin, Oifigeach Gaeilge

Thosnaigh an cruinniú leis an paidir.

Cllr. McClearn commenced the meeting and sympathised with Cllr. Declan Geraghty on the death of his mother Anne (Nancy) Geraghty. He adjourned the meeting for 5 minutes as a mark of respect.

Cllrs. Killilea, Byrne, Welby and D. Connolly offered their sympathies to Cllr. Geraghty. Mr. Kelly offered condolences on behalf of himself and the staff of Galway County Council.

ITEM NO. 1 - CONFIRMATION OF MINUTES OF THE FOLLOWING MEETING

3575

(a) Minutes of Monthly Plenary Meeting held on 24th February 2020

On the **PROPOSAL** of Cllr. Maher **SECONDED** by Cllr. Keaveney the Minutes of the Monthly Plenary Meeting held on 24th February 2020 were **AGREED**.

Matters Arising

Cllr. Killilea requested an update on the homeless service and asked if student accommodation could be considered for the provision of temporary accommodation citing capacity issues being encountered by Cope Galway.

(b) Minutes of virtual Corporate Policy Group Meeting held on 8th April 2020.

On the **PROPOSAL** of Cllr. J. Byrne **SECONDED** by Cllr. K. McHugh the Minutes of the Monthly virtual CPG Meeting held on 8th April 2020 were **AGREED**.

Matters Arising

Cllr. D Connolly asked if the Ballinasloe October Fair would be held in 2020 and requested that this would be kept under review due to its importance to the local economy.

(c) Minutes of virtual Corporate Policy Group Meeting held on 17th April 2020.

On the **PROPOSAL** of Cllr. Albert Dolan **SECONDED** by Cllr. McKinstry the Minutes of the Monthly virtual CPG Meeting held on 17th April 2020 were **AGREED**.

ITEM NO. 2 - TO CONSIDER REPORT UNDER SECTION 183 OF THE LOCAL GOVERNMENT ACT 2001 ON THE DISPOSAL OF 23.88 HECTARES OF LAND AT MIDDLEQUARTER, INISHBOFIN TO THE MINISTER FOR CULTURE, HERITAGE AND THE GAELTACHT.

3576

On the **PROPOSAL** of Cllr. Mannion **SECONDED** by Cllr. Welby it was **AGREED** to dispose of 23.88 hectares of land at Middlequarter, Inishbofin to the Minister for Culture, Heritage and the Gaeltacht.

ITEM NO. 3 - TO CONSIDER AND ADOPT THE ANNUAL REPORT 2019 IN ACCORDANCE WITH SECTION 221(1)(A) OF THE LOCAL GOVERNMENT ACT 2001

3577

On the **PROPOSAL** of Cllr. Maher **SECONDED** by Cllr. Donohue it was **AGREED** to adopt the Annual Report 2019 in accordance with Section 221(1)(a) of the Local Government Act 2001.

Matters Arising

Referring to the Council's 2019 Annual Report regarding the 103 no. persons who refused an offer of housing, clarification was sought on their current status on the housing list.

Ms. Delaney thanked Ms. Marian Donohue, SSO Corporate, and all involved in the production of the Annual Report 2019 which highlighted many of the Council's activities during 2019. This was acknowledged by the Members.

An update on the financial position of the Council was requested.

ITEM NO. 4 – To consider the Local Community Development Committee (LCDC) Annual Report on performance of functions for 2019, in accordance with Section 128B (1)(i) of the Local Government Act 2001 as amended by the Local Government Reform Act 2014

3578

On the **PROPOSAL** of Cllr. Thomas **SECONDED** by Cllr. Killilea it was **AGREED** to adopt the Local Community Development Committee (LCDC) Annual Report for 2019.

ITEM NO. 5 – TO CONSIDER AND IF DEEMED APPROPRIATE ADOPT THE WEST REGION HOMELESSNESS ACTION PLAN 2020 – 2022

3579

Mr. Owens outlined to the members the contents of the West Region Homelessness Action Plan 2020 – 2022.

Having regard to the recommendation from the Housing SPC Cllr. Byrne **PROPOSED** that the members adopt the West Region Homelessness Action Plan 2020 – 2022, **SECONDED** by Cllr. Charity and it was **AGREED**.

ITEM NO. 6 - TO CONSIDER THE GALWAY COUNTY COUNCIL DRAFT HOUSING ALLOCATION SCHEME IN ACCORDANCE WITH SECTION 22 OF THE HOUSING (MISCELLANEOUS PROVISIONS) ACT 2009 AND THE SOCIAL HOUSING ALLOCATION REGULATIONS 2011 (S.I. NO. 198 OF 2011) AS AMENDED **3580**

Mr. Owens presented to the members the Draft Housing Allocation Scheme, drafted in accordance with Section 22 of the Housing (Miscellaneous Provisions) Act 2009 and the Social Housing Allocation Regulations 2011 (S.I. No. 198 of 2011) as amended. He advised that the current Housing Allocation Scheme was adopted by the members in May 2017. He said the members now had an opportunity to review the Draft Housing Allocation Scheme and provide feedback, for further consideration by the Housing SPC, and then the final Draft Housing Allocation Scheme would be brought before the members again at a future date for further and final consideration.

Matters Arising

In response to matters raised by the members Mr. Owens responded as follows:

- There was provision in the Housing Acts that allows the housing authority to request and obtain information from another housing authority, approved housing bodies and certain agencies.
- With regard to Section 6.3 rent arrears, an arrears payment plan could be put in place to assist households in arrears to become eligible for housing.
- Departmental consideration is ongoing with regard to inter-county local authority transfers, but currently there is no scheme in place.

- With regard to anti-social behavior, if an applicant had been engaged in anti-social behavior, their housing application would be deferred for consideration of an allocation for a period of 12 months and would be subject to further review following the 12 months.
- Health/mental health services – If deemed appropriate, select housing units would be designated for a particular project or initiative, including the Sláinte care programme.
- Section 3.8 Type of Dwelling - the change proposed in the Scheme was to amend the determination of family composition for a vacant dwelling in order to achieve a better balance between the profile of housing stock and housing need.
- Notice to Quit – If HAP tenants receive a Notice to Quit (NTQ) they are requested to engage with Threshold to ensure that the NTQ is valid. Then they are referred to the HAP PlaceFinder and their housing application is updated. If required they are referred for assessment for emergency accommodation.
- In relation to GDPR, the Mr. Owens advised the members of the general requirements and requested the members to contact him directly if issues had arisen in specific cases.
- In respect of homelessness, Mr. Owens advised that the Council had emergency accommodation available to them for persons presenting as homeless. The Housing Section continue to work alongside Cope Galway, Galway Simon Community and Peter McVerry Trust during the Covid-19 pandemic.
- With regard to the HAP Scheme, Mr. Owens explained that if a households HAP tenancy ended, the household can revert from the transfer list to the Council's housing list with full credit for the period of the HAP tenancy.
- Regarding turnaround time, Mr. Owens advised that the Housing section consistently aimed to effectively manage its housing vacancies and it is the intention to try and reduce the turnaround period between house vacation and house re-let while operating within resource constraints.

Cllr. Byrne asked the members to send any comments they have on the Draft Housing Allocation Scheme by email to the Housing Section within the next two weeks and they would be considered by the Housing SPC.

ITEM NO. 7 - TO CONSIDER THE AUDIT COMMITTEE ANNUAL REPORT 2019
UNDER SECTION 15 LOCAL GOVERNMENT (AUDIT COMMITTEE
REGULATIONS 2014) 3581

On the **PROPOSAL** of Cllr. Maher **SECONDED** by Cllr. Finnerty it was **AGREED** to adopt the Audit Committee Annual Report 2019.

ITEM NO. 8 - TO CONSIDER AND IF DEEMED APPROPRIATE AUTHORISE THE
ATTENDANCE AT TRAINING IN ACCORDANCE WITH SECTION 142(5A) OF THE
LOCAL GOVERNMENT ACT 2001 (AS AMENDED) 3582

- AILG Annual Conference 2020, Longford Arms Hotel, Longford 4th & 5th March 2020 (Retrospective Approval)
- LAMA Spring Training 2020, Sligo Park Hotel, Sligo (Deferred date)

On the **PROPOSAL** of Cllr. Maher **SECONDED** by Cllr. McKinstry it was **AGREED** to authorise the attendance of the following members at the AILG Annual Conference 2020, Longford Arms Hotel, Longford 4th & 5th March 2020 (Retrospective Approval)

- Cllrs. M. Hoade, Aisling Dolan and C. Keaveney.

On the **PROPOSAL** of Cllr. Curley **SECONDED** by Cllr. Cuddy it was **AGREED** to authorise the attendance of the following members at the LAMA Spring Training 2020, Sligo Park Hotel, Sligo. (Deferred date)

- Cllrs. D. Collins, S. Herterich Quinn, P. Mac An Iomaire, P. Roche and M. Maher.

ITEM NO. 9 - TO NOTE THE SUMMARY OF PROCEEDING OF CONFERENCES ATTENDED IN ACCORDANCE WITH SECTION 142 (5F) OF THE LOCAL GOVERNMENT ACT 2001 (AS AMENDED)

3583

On the **PROPOSAL** of Cllr. Maher **SECONDED** by Comh. Ó Curraoin it was **AGREED** to note the summary of proceeding of Conferences attended in accordance with Section 142 (5F) of the Local Government Act 2001 (as amended).

ITEM NO. 10 - TO FIX A DATE & TIME FOR THE ANNUAL MEETING OF PLENARY COUNCIL

3584

On the **PROPOSAL** of Cllr. Donohue **SECONDED** by Cllr. Finnerty it was **AGREED** that the Annual Meeting of Plenary Council will take place on Tuesday 16th June 2020 at 2.30pm at Kiltormer GAA Complex.

The following NOTICE OF MOTION WAS RECEIVED:

On the **PROPOSAL** of Cllr. Carroll, **SECONDED** by Cllr. Charity, it was **AGREED** that:
" This Council considers the undemocratic actions of Galway City Council Executive in attempting to operate their function as a housing authority in this local authority area without the explicit approval of this Council. We demand that any property purchased by the City Council Executive in this local authoirty area that hasn't already received the prior consent of this Council be placed immediately on the open market without delay. We also demand that any future purchase in the Galway County Council area by the City Executive be done in an open democratic and transparent manner and with the clear and prior approval of the majority in this chamber. "

Matters Arising

Concerns were expressed by the Members in respect of the Motion including:

- The undemocratic decision made by Galway City Council to purchase a property in the county area and the requirements set out under Section 109 (3) of the Housing Act 1966 .

- That the purchase was never agreed by the elected members of the County Council and the elected members received no request to enter into an agreement with another local authority for a house purchase.
- The purchase could create a precedent for other adjacent local authorities to house people in Galway County Council's local authority area.
- The residents of Kiltullagh, Oranmore were very unhappy and clarification was sought on whether there was a prior agreement in place to allow this purchase to happen.
- Concern was expressed at the City Council's actions and the use of tax payers money to purchase a house that was not within their housing authority's area.
- Galway City Council had a sufficient landbank of their own with no requirement for them to purchase property in the County Council's administrative area.
- Boundaries are in place which must be abided by and respected and elected members must have a say on property use by another local authority in their own local authority area.
- City Council members were not made aware of this decision.
- The decision by the City Council, whether legal or not, is morally wrong.

The Chief Executive clarified that his email issued to the elected members was his opinion on the house purchase with the intention of assisting the members in their discussion for the meeting and it is not legal advice. He explained that he had outlined in the fourth paragraph of his email the detail in relation to Section 109(2) Housing Act 1966 and had made specific reference to the reserved function of the Elected Members. He appreciated there were varying views on how to interpret the legislation and advised the members that the word 'may' rather than the word 'shall' needed to be reflected upon. He pointed out that he was not aware of any agreement that may have been made in the past.

Cllr. Carroll informed the members that he understood that Galway City Council had purchased two more properties.

Cllr. McClearn said that clarity was required and correspondence would issue to Galway City Council.

Cllr. McKinstry did not support the motion and and asked that it be noted in the minutes accordingly. He expressed the view that support should be given to any decision that sought to alleviate a housing situation.

ITEMS 11 – 13

3585

These items were deferred to the next Plenary meeting as the meeting concluded, the two hour timeframe having lapsed.

ITEM 14 - VOTES OF SYMPATHY / CONGRATULATIONS

3586

Resolutions of Sympathy

A resolution of sympathy was extended to the following:

Sean McCole, Birmingham Rd, Tuam, Co. Galway

Grainne Lowry & O'Dea Family, Cloonmore, Tuam, Co. Galway

Alan Talty, Churchview, Tuam, Co. Galway

Mary McHugh, Trinity Court, Tuam, Co. Galway

Ann O'Sullivan, Main Street, Oughterard, Co. Galway

Thomas Kavanagh, Mountscribe, Kinvara, Co. Galway

The Cahill Family, Tank Road, Claddaghduff, Co. Galway

John Joe Cleary, Dangan, Tuam, Co. Galway

Declan Glynn, Ballyboggen, Athenry, Co. Galway

Martina Caulfield, Cloonkeen, Athenry, Co. Galway

Josie Lee, Boston, Tubber, Co. Clare

Kieran Monahan, Rathorpe, Tubber, Co. Clare

Tony O'Connor, George St., Gort, Co. Galway

Sean Wallace, Crowe Street, Gort, Co. Galway

Helen Curley, Lavally, Gort, Co. Galway

Jimmy O'Dea, c/o Tuam, Post Office, Dublin Rd, Tuam, Co. Galway

Bernie Keane, Ballygaddy Rd., Tuam, Co. Galway

Ger & Mary Mohan, Caherlistrane, Co. Galway

Kenneth & Adrian Lee, Culleen, Headford, Co. Galway

Cathriona Earnor, Knocklahard, Claran, Co. Galway

Fursey Walsh, Bridge Street, Headford, Co. Galway

Kevin Waldron, Clydagh, Headford, Co. Galway

Patsy McManus, Dublin Rd., Tuam, Co. Galway

Cllr. Charity made the following proposal; *"that Galway County Council introduce bye laws under the Control of Horses Act 1996 and/or any other legislative provision appropriate to prohibit the ownership, purchase or keeping of a horse in the control area of County Galway without being able to prove ownership of and/or leasehold title to a sufficient number of acres of land, to be determined by the Council, for the keeping and wellbeing of each such animal. I further propose that this Council request the Government and Department of Agriculture to introduce such law/s required to give effect to this prohibition on a national basis."*

The following written reply was issued to Cllr. Charity:

"The introduction of byelaws under the Control of Horses Act 1996 and/or any other legislative provision submitted in the Notice of Motion above has been the subject of review with the benefit of legal advice.

There are a number of issues raised by this proposal. Firstly, the legal advice has indicated that the requirement to demonstrate a property interest amounting to either ownership or a leasehold interest would seem unfairly discriminatory and potentially arbitrary. While it is reasonable to require a person to demonstrate that there are secure lands on which a horse might be held, an interest amounting to licence over land or other arrangement would appear sufficient for such purposes. The proposal could be construed as unfairly discriminatory against non-property owners, especially where such person may be impecunious. The proposal does not include any specification for the duration of the lease and so mere statement of a leasehold interest would appear somewhat arbitrary. Secondly, the basis for the specification of minimum acreage is unclear. Insofar as it is assumed that the objective sought to be advanced by a minimum acreage is animal welfare and potentially preventing nuisance by horses straying, they would require to be certain expert equine evidence to justify such a minimum, otherwise the measure would likely be invalid as being arbitrary. However, again the purpose sought to be served by such measure might be more clearly identified.

The legal advice has indicated that there is no doubt that Bye Laws can include conditions relating to the lands where a horse is kept. Furthermore, under S.I. No. 113/2014 - Control On Places Where Horses Are Kept Regulations 2014 (made under the Animal Health and Welfare Act 2013), there is requirement for a person keeping a horse to register the land and premises where it is being kept in a Register maintained by the Department of Agriculture. In addition, there is also a require for the maintenance of records regarding such places. The breach of these regulation is a criminal offence. These Regulation do not specify a minimum acreage requirement but merely require that the lands are registered. However, it is not clear whether a minimum acreage requirement per horse can be justified in terms of any veterinary or other evidence. A report or other input from such an expert would be of assistance to justify or otherwise that same would be of assistance.

The introduction of byelaws under the Control of Horses Byelaws is a matter under the remit of the Housing SPC and can be afforded consideration by the Committee in agreeing a work programme for 2020.”

Notice of Motion No.16 - Jim Cuddy

3588

Cllr. Cuddy made the following proposal; “*that the Roads Section of Galway County Council carry out an audit of the condition of all Regional and Local roads in each Municipal District with regard to their present state of repair and the estimated cost of having these roads brought up to a proper state of repair. While I understand the National Primary and National Secondary roads come under the remit of TII I would request that TII would be asked to carry out an audit of the roads under their control.*”

The following written reply was issued to Cllr. Cuddy:

“As set out by the DTTAS Memorandum on Grants for Regional and Local Roads it is a requirement to carry out Pavement Surface Condition Index (PSCI Surveys) on our Regional and Local Road network. The recording of the ratings on each road are recorded on the Pavement Management System (PMS System). In this manner DTTAS are able to assess the general condition of roads in each Local Authority. The costs of these surveys are allowed for in our annual Roads Budget. The PSCI rating received on each road is submitted annually to DTTAS as part of our Roadworks program. It determines the treatment type to be used on each road. The TII carry out a similar process to focus improvements on locations of need.”

Notice of Motion No.17 - Shelly Herterich Quinn

3589

Cllr. Herterich Quinn made the following proposal; “*that Galway County Council request the Minister (Employment Affairs and Social Protection and/or Minister for Culture, Heritage and the Gaeltacht) to undertake the removal of the stillbirth register; and that stillborn children receive a birth and death certificate like every citizen of this State. Babies who are stillborn should be registered on the birth and death register and should receive the same state records of their existence as everyone else. Parents whose babies are currently listed on the stillbirth register should be given the opportunity to have their babies placed on the birth and death register and to receive a birth and death certificate for their babies.*”

This was referred to the June Meeting.

Notice of Motion No.18 – Jim Cuddy**3590**

Cllr. Cuddy made the following proposal; *“that as a matter of urgency the roads section of the council resolve the issue of taking in charge of roads that have been brought up to standard through LIS Schemes. The present policy of not taking these roads in charge when requested is causing serious problems for people wishing to sell or buy houses on such roads where the planning authority deemed the road suitable to grant housing planning permission”*

The following written reply was issued to Cllr. Cuddy:

“The current situation in Galway is that there is a significant shortfall in the funding needed to maintain the existing public road network especially the local road network. The allocation of Local Improvement Schemes funding is very welcome and has been beneficial at many locations throughout the County.

The LIS Scheme operates under the Local Government Act of 2001. Section 81(4) of this Act requires prior written agreement by the beneficiaries of an LIS Scheme with the Local Authority. This agreement specifically states that the beneficiaries of each scheme will, on completion of the works, maintain the road in good order and carry out any repairs at their own expense and will not involve any further liability on the part of the Local Authority”

Notice of Motion No.19 - Geraldine Donohue**3591**

Cllr. Donohue made the following proposal; *“that Galway County Council formally agrees to write to the leaders of all political parties in Dáil Eireann requesting supports “to assist in the halt of the economic and social decline of rural Ireland by implementing a new programme for government that will include specific objectives to support the suckler beef sector, that will support the viability of the family-farms particularly in areas where other enterprises like Dairying are not feasible and will commit to:*

(a) initiating a new agri-environmental scheme whereby a qualifying farmer can draw down payments equivalent to those that were available under the old REP Scheme, except that under the new scheme such payments will be available on the first 32 Hectares of a holding, and

(b) providing within the same scheme for an optional suckler cow welfare measure that will allow the qualifying farmer to draw down €300 on each cow up to a maximum of 17 cows, 17 cows being the average suckler cow herd size in the country.”

This was referred to the June Meeting.

Cllr. Donohue made the following proposal; "that Galway County Council put in place additional Recycling Bottle Banks in all Villages e.g. Kilchreest, Castledaly, Peterswell, Craughwell, Carnmore Cross, Clarinbridge, Abbeyknockmoy etc. due to the COVID-19 2 km travel restrictions that are in place.

The following written reply was issued to Cllr Donohue:

Galway County Council are not in a position to provide additional bottle banks as a short-term measure because this involves civil works to prepare the sites for the installation of the banks. The travel restriction has now been increased to 5km and is due to increase again on the 8th of June to 20km. There is no restriction on people travelling to do their shopping and most of the bottle banks are located in areas where shops are close by, so people can avail of these facilities. While there is an increased demand for the service in this difficult time Galway County Council has been monitoring sites with the assistance of our community wardens. We have increased the frequency of the collections and will continue to work with the elected members and members of the public where we are notified of sites that exceed capacity. Unfortunately, there has also been an increase in abuse of the existing facilities by leaving rubbish or waste at them and we have undertaken a multimedia communication to the public to request that this activity cease.

Galway County Council believe that people should be advised in the first case to reduce the amount of waste produced and to as much as possible store their recyclable goods at home until the crisis has abated.

I am attaching a current list of our bottle banks in County Galway.

Chriochnaigh an Cruinniú Ansin.

Submitted Signed and Approved:

Cathaoirleach:

James Clancy

Date:

29/6/20

