

COMHAIRLE CHONTAE NA GAILLIMHE

MINUTES OF COUNCIL MEETING OF GALWAY COUNTY COUNCIL

Held at GMIT, DUBLIN ROAD, GALWAY

Monday 27th July 2020 at 11:00am

CATHAOIRLEACH:	Cllr. James Charity Cathaoirleach of the County of Galway
I LATHAIR FREISIN:	Baill: Comh./Cllrs. T Broderick, J. Byrne, L. Carroll, D. Collins, D. Connolly, M. Connolly, G. Cronnelly, J. Cuddy, S. Curley, T. Ó Curraoin, Albert Dolan, G. Donuhue, D. Geraghty, S. Herterich Quinn, M. Hoade, P. Hynes, C. Keaveney, P. Keaveney, D. Killilea, M. Kinane, G. King, P. Mac an Iomaire, M. Maher, E. Mannion, J. McClearn, K. McHugh Farag, A. McKinstry, P. Murphy, E. Parsons, A. Reddington, P. Roche, J. Sheridan, N. Thomas, S. Walsh and T. Welby.
Oifigh:	Mr. K. Kelly, Chief Executive (Interim); Messrs J. Cullen, E. Ruane and L. Hanrahan, Directors of Services, Mr G Mullarkey, Head of Finance, Mr. M. Owens, Meetings Administrator & County Secretary, Ms. I. Martyn, A/Senior Staff Officer, Ms. U. Ni Eidhín, Oifigeach Gaeilge, Ms. B Ryan, A/Staff Officer, Ms S. Elwood, A/Assistant Staff Officer.

Thosnaigh an cruinniú leis an páidir.

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

(a) Minutes of Monthly Plenary Meeting held on 29th June 2020 3616

On the **PROPOSAL** of Cllr. Keaveney **SECONDED** by Cllr. Walsh the Minutes of the Monthly Plenary Meeting held on 29th June 2020 were **AGREED** by the Members and signed by the Cathaoirleach.

ITEM NO. 2 CONSIDERATION OF REPORTS & RECOMMENDATIONS: 3617

(a) Minutes of Corporate Policy Group meeting held on 12th June 2020.

On the **PROPOSAL** of Cllr. Byrne **SECONDED** by Cllr. Kinane the Minutes of the Corporate Policy Group meeting held on 12th June 2020 were **AGREED**.

(b) Minutes of Community and Culture Strategic Policy Committee of 28th May 2020.

On the **PROPOSAL** of Cllr. Herterich Quinn **SECONDED** by Cllr. Kinane the Minutes of the Community and Culture Strategic Policy Committee of 28th May 2020 were **AGREED**.

(c) Minutes of Housing SPC of 20th May 2020.

On the **PROPOSAL** of Cllr. Byrne **SECONDED** by Cllr. Keaveney the Minutes of the Housing SPC of 20th May 2020 were **AGREED**

(d) Minutes of Housing SPC of 10th June 2020.

On the **PROPOSAL** of Cllr. Byrne **SECONDED** by Cllr. Walsh the Minutes of the Housing SPC of 10th June 2020 were **AGREED**.

ITEM NO.3 TO CONSIDER REPORT OF SECTION 183 OF THE LOCAL GOVERNMENT ACT ON THE DISPOSAL OF 0.044 HECTARES OF LAND AT OWENBRISTY CASTLETAYLOR CO. GALWAY 3618

Report dated the 9th July 2020 was published on the Extranet prior to the meeting.

On the **PROPOSAL** of Cllr. Byrne **SECONDED** by Cllr. McHugh it was **AGREED** to dispose of 0.044 hectares of land at Owenbristy, Castletaylor, Co. Galway in accordance with the terms of the Statutory Notice dated the 9th July 2020.

ITEM NO.4 TO CONSIDER REPORT OF SECTION 183 OF THE LOCAL GOVERNMENT ACT ON THE DISPOSAL OF 0.055 HECTARES OF LAND AT OWENBRISTY CASTLETAYLOR CO. GALWAY 3619

Report dated the 9th July 2020 was published on the Extranet prior to the meeting.

On the **PROPOSAL** of Cllr. Byrne **SECONDED** by Cllr. McHugh it was **AGREED** to dispose of 0.055 hectares of land at Owenbisty, Castletaylor, Co. Galway in accordance with the terms of the Statutory Notice dated the 9th July 2020.

ITEM NO.5 TO CONSIDER REPORT OF SECTION 183 OF THE LOCAL GOVERNMENT ACT ON THE DISPOSAL OF 1.062 HECTARES OF LAND AT KEAMSELLAGH KILCOLGAN CO. GALWAY 3620

Report dated the 9th July 2020 was published on the Extranet prior to the meeting

On the **PROPOSAL** of Cllr. Byrne **SECONDED** by Cllr. Kinane it was **AGREED** to dispose of 1.062 hectares of land at Keamsellagh, Kilcolgan, Co. Galway in accordance with the terms of the Statutory Notice dated the 9th July 2020.

Cllr. Byrne welcomed the disposal of these lands and enquired if there was a schedule of lands due for disposal. In response the Chief Executive confirmed there is a program in place for the disposal of lands associated with the development of the motorways and an update from the Infrastructure & Operations Unit can be made available to the Members.

ITEM NO.6 TO CONSIDER AND IF DEEMED APPROPRIATE TO APPROVE A CONTRIBUTION TOWARDS THE OPERATION OF IRISH WATER SAFETY IN ACCORDANCE WITH SECTION 67 OF THE LOCAL GOVERNMENT ACT 2001

3621

Report dated the 21st July 2020 was published on the Extranet prior to the meeting

On the **PROPOSAL** of Cllr. Cronnelly **SECONDED** by Cllr. Hoade it was **AGREED** to approve a contribution towards the operation of Irish Water Safety in accordance with Section 67 of the Local Government Act 2001.

ITEM NO.7 TO FILL A CASUAL VACANCY IN THE MEMBERSHIP OF THE COUNCIL ARISING FROM THE NOMINATION OF CLLR AISLING DOLAN TO SEANAD ÉIREANN IN ACCORDANCE WITH SECTION 189 OF THE LOCAL GOVERNMENT ACT 2001 (AS AMENDED) AND STANDING ORDER 63 OF GALWAY COUNTY COUNCIL STANDING ORDERS. 3622

Report dated the 21st July 2020 was published on the Extranet prior to the meeting.

The Meetings Administrator confirmed that Dr. Evelyn Francis Parsons was nominated to fill the Casual Vacancy in accordance with the requirements of the Local Government Act 2001 and Standing Order 63. The Meetings Administrator further confirmed that Dr. Evelyn Francis Parsons was eligible for membership of the Local Authority.

On the **PROPOSAL** of Cllr. Broderick **SECONDED** by Cllr. Geraghty it was **AGREED** that Dr Evelyn Francis Parsons fill the Casual Vacancy in the Membership of the Council arising from the Nomination of Cllr. Aisling Dolan to Seanad Éireann in accordance with Section 19 of the Local Government Act 2001 (as amended) and Standing Order 63 of Galway County Council Standing Orders.

Cllr. Dr. Parsons thanked Senator Aisling Dolan and wished her well in her new role. The Members were thanked for their kind welcome. Further thanks were extended to her family, friends and HSE colleagues acknowledging their continued support. A special word of thanks was reserved for her mother. Cllr. Dr. Parsons said it was an honour and privilege to represent the people of Galway and Ballinasloe and noted her commitment to make a real contribution to the chamber and her intention to continue the good work of her predecessor.

Party Leaders and Members offered their individual congratulations to Cllr. Dr. Parsons. They extended best wishes to her in her new role.

The Chief Executive joined with Members congratulating Cllr. Dr. Parsons and assured her of the full support of the Management Team.

The Cathoirleach welcomed Cllr. Dr. Parsons acknowledging it was a proud day both for her and her family. He noted that it was a challenging but rewarding role and wished her well.

ITEM NO.8 FILLING OF A CASUAL VACANCY ON THE GALWAY AND ROSCOMMON EDUCATION AND TRAINING BOARD (GRETB) 3623

Report dated the 21st July 2020 was published on the Extranet prior to the meeting

On the **PROPOSAL** of Cllr. Welby, **SECONDED** by Cllr. Cuddy it was **AGREED** that Cllr. Donohue be appointed to the Board of Galway and Roscommon Education and Training Board.

ITEM NO.9 FILLING OF A CASUAL VACANCY ON THE MEMBERSHIP OF THE REGIONAL HEALTH FORUM WEST. 3624

Report dated the 21st July 2020 was published on the Extranet prior to the meeting

On the **PROPOSAL** of Cllr. Welby, **SECONDED** by Cllr. Cuddy it was **AGREED** that Cllr. Dr. Parsons be appointed as a member of the Regional Health Forum West.

ITEM NO.10 FILLING OF A CASUAL VACANCY ON THE MEMBERSHIP OF THE CLIMATE CHANGE & BIODIVERSITY STRATEGIC POLICY COMMITTEE. 3625

Report dated the 21st July 2020 was published on the Extranet prior to the meeting

On the **PROPOSAL** of Cllr. Welby, **SECONDED** by Cllr. Cuddy it was **AGREED** that Cllr. Dr. Parsons be appointed as a member of the Climate Change & Biodiversity Strategic Policy Committee.

ITEM NO.11 TO CONSIDER AND IF DEEMED APPROPRIATE ADOPT THE UNAUDITED ANNUAL FINANCIAL STATEMENT FOR GALWAY COUNTY COUNCIL FOR THE YEAR ENDED 31ST DECEMBER 2019

3626

Report dated the 17th July 2020 was published on the Extranet prior to the meeting

It was **AGREED** to adopt the Unaudited Annual Financial Statement for Galway County Council for the year ended 31st December 2019:

On the **PROPOSAL** of Cllr. Byrne, **SECONDED** by Cllr. Roche it was **AGREED** to adopt the figures as detailed in the Unaudited Annual Financial Statement for the year ended 31st December 2019 to formally close the accounts for 2019.

On the **PROPOSAL** of Cllr. McClearn, **SECONDED** by Cllr. Collins it was **AGREED** to approve the transfers to/from reserves as detailed in Note 14 of the accounts.

On the **PROPOSAL** of Comh. O'Curraoin, **SECONDED** by Cllr. McClearn it was **AGREED** to approve the over/under expenditure by division as noted in Note 16 of the accounts.

Matters Arising

The following queries and points were raised by Cllrs D. Connolly, C Keaveney, Sheridan and Dolan

- Is the council on target to realise the adopted budget.
- Will a supplementary budget be required this year.
- Queried when money will be repaid to businesses who had set up direct debits for payment of rates. During the ongoing Covid-19 crisis many businesses continued to have payments debited despite being eligible for the government's rates waiver scheme.
- Clarification sought on note 18 regarding the increase decrease in reserve balances.

Members queries were responded to as follows by Head of Finance:

- Confirmed there was a small surplus in the unaudited accounts for 2019 eliminating the budget deficit.
- Estimated there could be a deficit this year due to the Covid-19 crisis.
- There was no plan for a supplementary budget.
- Regarding income for the year ahead, the expectation is that LPT and government grants will be paid in full. Regarding rates there is a government commitment to meet the full rates demand for the three months, April, May and June. Confirmed income from good and services will be down.

- A proposal has been submitted to the Department of Housing, Local Government and Heritage by CCMA and Heads of Finance seeking a financial package for the period July to December.
- All areas of discretionary spending will be reviewed to limit the deficit at the end of the year.
- Welcomed the stimulus package announced by Government. Noted the full details of rates waiver scheme and details of the Restart grant have yet to be provided.
- Rate payers should contact Revenue Collectors to make the necessary arrangements regarding direct debit payments.
- Regarding Clarification note 18, the Head of Finance indicated that he would revert on this.

Regarding Galway 2020, the following queries and points were raised by Cllrs. Broderick and M. Connolly

- Enquired about the current financial situation with respect to Galway 2020 given the substantial money invested in Galway 2020 and the estimated €1m income deficit expected.
- Queried the financial return on Galway 2020.
- Queried if the allocation of €4m approved by Galway County Council had been paid out to date.
- Suggested that Galway 2020 be invited to give a briefing on expenditure.
- Suggested that the €500,000 legacy funding retained should be diverted to Municipal Districts.
- Emphasised the need to capitalise and salvage as much as possible of the Capital of Culture designation.

The Members queries were responded to as follows by the Chief Executive:

- Confirmed arrangements are in place for a review of European Capital of Culture.
- Acknowledged that the figures in relation to the economic return will differ significantly from what was originally envisaged.
- Noted the Minister recently approved monies for the revised programme which will take place between September 2020 and March 2021.
- Of the €4m approved by Galway County Council €0.5m was retained for legacy. Confirmed that not all of the remaining €3.5m has been paid to Galway 2020.
- Confirmed funding already paid out by the Council was for events that have taken place / are to take place.

The following queries and points were raised regarding Training & Conference monies by Cllrs. Walsh, M. Connolly, C. Keaveney, Geraghty, P Keaveney, Roche, Cronnelly and Thomas.

- Clarification sought on the transfer of monies from Training and Conference allocation, to community and voluntary groups.
- Members outlined that they were unclear as to what was agreed at the Budget Meeting in November. Some members understood they would get a second opportunity to distribute funding following a discussion at Corporate Policy Group meeting.
- Heading into the end of the financial year members were anxious to use any available resources for the benefit of community and voluntary groups. Noted that these monies were made available to communities in the past and in light of the Covid -19 crisis any additional funding which can be made available is critical.

In response to the queries raised, Cllr McClearn noted that in his role as Cathoirleach at the time, the Corporate Policy Group sought clarification and advice on the matter from AILG, the Department of Housing Planning & Local Government and various Local Authorities. The advice was very clear. It was a training fund not a community fund. Funds provided for training and conferences can only be used for the purposes they were intended. He stressed the guidance of the Department should be followed.

The Members queries were responded to as follows by the Chief Executive:

- Noted that clear advice was given to Members prior to and at the Budget Meeting.
- Members were advised that transfers must be approved by Council at the budget meeting for 2020. Unused conference and training monies could not be transferred to an alternative expenditure heading at a later date
- Confirmed that it was open to Members who did not want to utilise the funding made available for their own training and development to seek approval at the statutory budget meeting to have those monies assigned elsewhere and noted that some Members availed of the opportunity to do so at the statutory budget meeting for 2020.

The Cathoirleach indicated that further consideration would be given to the matter by the Corporate Policy Group.

Regarding the Unaudited Annual Financial Statement for 2019 the Chief Executive noted that by managing the finances well the Council had eliminated the budget deficit. However, Covid-19 brought a whole new set of challenges for 2020. He emphasised it will be very difficult to balance the budget for 2021. He welcomed the Government introduction of the rates waiver scheme, stating it was very helpful together with Restart Grants placing businesses in a better position to pay the remaining six months rates. In He noted that the Council will need to have a measured response in all areas of spending. He emphasised that discretionary spending will need to be carefully reviewed to limit the deficit at the end of the year.

ITEM NO.12 TO CONSIDER FINANCIAL REPORTS ON THE ACCOUNTS OF GALWAY COUNTY COUNCIL FOR THE YEAR 2020, INCLUDING FOR THE PERIOD ENDING JUNE 2020 3627

Report dated the 21st July 2020 was published on the Extranet prior to the meeting

On the **PROPOSAL** of Cllr. Walsh **SECONDED** by Cllr. Roche the Financial Reports on the Accounts of Galway County Council for the year 2020 including for the period ending June 2020 were **NOTED**.

ITEM NO.13 TO CONSIDER THE AGED DEBT REPORT FOR GALWAY COUNTY COUNCIL FOR THE YEAR ENDED 31ST DECEMBER 2019 3628

Report dated the 21st July 2020 was published on the Extranet prior to the meeting

On the **PROPOSAL** of Cllr. Maher **SECONDED** by Cllr. C Keaveney the Aged Debt Report for Galway County Council for the year ended 31st December 2019 was **NOTED**.

Matters Arising

The following queries and points were raised by Cllrs. Byrne, Killilea, Geraghty, and Thomas:

- Queried if rent arrears for HAP tenants were included in the aged debtors' figure.
- Highlighted serious issues regarding the HAP scheme. Noted cases during the Covid-19 crisis of landlords left months without payments when tenants could not be evicted. In some situations, landlord resorted to paying the tenant's rent to release the HAP payment coming from the state. Landlords need to be made aware of all aspect of the HAP Scheme.
- Regarding the HAP scheme Galway County Council should seek advice from the Department and enquire about funding for private landlords left at loss.
- Consideration should be given to the introduction of cashless parking machines together with yearly permits transferable to all towns in the county. It was noted that a financial input would be required.
- Can the bad debt of €4m be recovered.
- Clarification sought regarding letters sent to owners of vacant rated premises. Appears they will be charged while rate payers availing of the waiver scheme will not. If the intention is not to collect, this should be conveyed to rate payers and relevant owners of properties.

Members queries were responded to as follows by Mr. Mullarkey:

- Clarified the HAP scheme is a shared service administered by Limerick City and County Council. Any arrears accrued will be reflected in their accounts.
- Currently parking byelaws are in place in each town in the county. The Director of Services for Infrastructure and Operations would need to review the viability of the proposal.
- Regarding the bad debt provision, clarified that the bad debt provision has built up over the years to an appropriate level.
- Noted the rate of 25% on vacant properties is chargeable, due and collectable.

NOTICES OF MOTION

The Cathaoirleach with the agreement of the Members proceeded to take Notice of Motion 18 on the Clár.

Notice of Motion No.18 – Cllr. Cuddy

3629

Cllr. Cuddy submitted the following motion prior to the meeting:

“That this Council agrees not to attempt to operate our housing function in the functional area of Galway City Council without the democratic agreement being reached between this Council and the elected members of Galway City Council. I therefore am calling for all works to cease immediately on the house in Kiltulla until and unless an agreement is reached with the elected representatives of both Councils. If such an agreement cannot be reached I am asking that this property be put up for sale”.

Matters Arising

Concerns were expressed in respect of the Motion by the Cllrs. Cuddy, Herterich -Quinn, C. Keaveney, McCleran and Killilea including:

- Clarification sought on the action taken by Galway County Council in February, following the notification of a house purchase in the county area by Galway City Council.
- The letter sent to LTACC members should have been brought to the attention of full Council through correspondence at plenary meeting.
- Queried if there was a misuse of powers on behalf of Galway City Council. It appears they relied on only one sub-section of Section 109 of Housing Act 1966. There are three subsections which must be complied with.
- Noted that Galway City Council could have secured suitable accommodation within their own functional area. They own sufficient land banks and there are ample properties within the city area available for purchase.
- The residents of Kiltullagh are gravely concerned at how the matter has progressed. Their attempts to engage with Galway City Council have been ignored.
- Clarity sought on which local authority will be responsible for the upkeep and maintenance of the property
- The property was purchased without the knowledge of Galway City Council members highlighting the lack of good process by City Council.
- Some Galway City Council members understand that Galway County Council have purchased houses in the city area.

Members queries were responded to as follows by the Chief Executive:

- The LTACC were advised of the correspondence received from Galway City Council the day after receipt. Eight County Council Members sit on the committee. The letter was read into the record of the meeting of the LTACC.
- It would appear that legally Galway City Council were entitled to purchase the property.

- While the house is located within the County Council functional area, Galway City Council will be fully responsible for the management and maintenance of the house.
- Clarified that Galway County Council did not receive any request to meet with local residents.
- Anecdotally a house may have been purchased in the city area 30 yrs ago.
- Regarding the effectiveness of the Notice of Motion the issue is completely under the remit of Galway City Council.

On the **PROPOSAL** of Cllr. Cuddy **SECONDED** by Cllr. Carroll the motion as submitted was **AGREED** subject to noting the **DISSENT** of Cllr. McKinstry.

Following discussion, the Cathaoirleach with the agreement of the Members adjourned the meeting to reconvene at 11:00 am on Friday 27th July in GMIT.

MINUTES OF ADJOURNED COUNCIL MEETING OF GALWAY COUNTY COUNCIL

Held at GMIT, DUBLIN ROAD, GALWAY

Friday 31st July 2019 at 11:00am

CATHAOIRLEACH:

Cllr. James Charity

Cathaoirleach of the County of Galway

I LATHAIR FREISIN:

Baill: Comh./Cllr. J. Byrne, L. Carroll, D. Collins, D. Connolly, M. Connolly, G. Cronnelly, J. Cuddy, S. Curley, T. Ó Curraoin, G. Donuhue, G. Finnerty, D. Geraghty, M. Hoade, D. Killilea, M. Maher, E. Mannion, J. McClearn, A. McKinstry, E. Parsons, P. Roche, J. Sheridan, N. Thomas, S. Walsh and T. Welby.

Oifigh:

Mr. K. Kelly, Chief Executive (Interim), Mr J. Cullen, Director of Services, Mr L. Hanrahan, Director of Services, Mr G Mullarkey, Head of Finance, Ms V. Loughnane Senior Planner Mr. K Coyne, A/Senior Executive Officer, Mr. M. Owens, County Secretary, Ms. U. Ni

Eidhín, Oifigeach Gaeilge, Ms. B Ryan,
A/Staff Officer, Ms. S. Elwood, A/Assistant
Staff Officer

Mr. Hanrahan addressed the meeting on the concluding issue of the previous meeting, namely the purchase of a property by Galway City Council at Kiltullagh, Carnmore.

The following queries and points were raised by Cllrs. Welby, Killilea, O'Curraoin, McClearn, Cronnelly, Hoade, Curley, Roche, Geraghty, S Walsh, Mannion, Byrne, M. Connolly and McKinstry.

- The Housing legislation is flawed regarding the functional area of governance and representation. The legislation needs to be changed as this issue may arise again.
- Galway City Council have left the tenants in Carrowbrowne Halting Site in deplorable conditions for a number of years. While Galway County Council have been investing on an ongoing basis to make halting sites safer in the county area, Galway City have let their tenants down. They are now buying houses in the County area to fulfil their requirements and moving ethnic minorities out of the city area.
- Galway City Council have large landbanks and purchasing power available to them to provide social housing. Noting the high purchase price for the property it was considered that they could have refurbished a number of houses.
- Emphasised that the issue in question was not the allocation of the property. The issue was the process Galway City Council took in acquiring the property. It was presented as 'a fait accompli' to Galway County Council. The members of Galway City Council were not informed. The lack of engagement showing a lack of respect.
- Concerned residents of Kiltullagh have sent correspondence regarding the issue to almost all Members of Galway County Council. The Members have a duty to represent the people who voted for them.
- Clarification sought on Section 85 Local Government Act 2001 regarding agreements between local authorities concerning their functions.
- Queried if Galway County Council had purchased a property in the city area.
- Emphasised the need to engage with Galway City Council to ensure more joined up thinking.
- Can Galway County Council clients indicate preferences for houses in the city area. Did family indicate a preference for the County area.
- How would antisocial behaviour be dealt with by Galway City Council in an area outside of their jurisdiction, in the event that it may occur.
- Consideration needed on how the situation is handled being mindful of both the residents and new tenants. Need to ensure we avoid any prejudicial mechanisms such as vetoing house allocation.
- Observed that at the heart of the issue is a family, who may be very uncomfortable with the debate and protests. Expressed hope that they are welcomed and assimilated into the local community.

The Members queries were responded to as follows by Mr. Hanrahan:

- Acknowledged the need to be mindful that there is a family at the centre of this debate.
- Galway City Council were legally entitled to purchase the property. No requirement under the Local Government Act for Galway City Council to seek permission or get an agreement from Galway County Council.
- Clarified that Section 85 Local Government Act 2001 is where a local authority takes over the full function of another local authority. It was not relevant in this situation.
- There is a joint list system in place. Tenants can express a preference for the city or county area. People in the city can opt in for choice in county area.
- Aim to hold a joint meeting with Chairs of SPC's and joint SPC with a view to working together on city and county issues.
- Clarified the Oireachtas are responsible for any required legislative changes.
- Confirmed we have one property in the city. Ownership is going back over 30yrs prior to city boundary changes.
- Confirmed the tenant will be a Galway City Council tenant. The tenancy agreement will be with Galway City Council. Any issues regarding anti-social behaviour will be a matter for Galway City Council.

The Chief Executive noted that the matter had been debated at length. He stressed the bottom line was that Galway City Council were legally entitled to take the action they did. There was no mechanism available to Galway County Council to affect the decision or change it. Going forward he noted two things that could ensure this type of situation does not arise again. Firstly, a change in legislation and secondly an agreement and understanding with Galway City Council not to purchase properties in Galway County Council functional area. The Chief Executive confirmed that he had written that morning to all of the residents who had corresponded with him on the matter. A copy of this correspondence had been forwarded to all Members.

The Cathaoirleach confirmed the matter was discussed at a recent joint Corporate Policy Group meeting. He remarked that it was a deeply undemocratic way to do business by not engaging with this local authority when exercising a function in our functional area. He suggested that where Galway City Council intend to exercise a function in the county area, albeit legally entitled to do so, there should be a policy on how the matter is pursued. He emphasised the crux of the issue was not the allocation of the house but the process that the city took. Regarding the relevant housing legislation, he noted it dates back decades and the lacuna in the legislation needs to be examined and remedied. Referring to a recent An Bord Pleanála Report which outlined the appalling conditions of the Carrowbrowne Halting Site he considered it imperative Galway City Council deal with travellers housing in their own functional area.

On the **PROPOSAL** of Cllr. Welby **SECONDED** by Cllr. Byrne the Members **AGREED** "that this Council seeks that the national legislation governing the purchase of houses or land by one local authority in the functional area of another be governed by an updated and complete legislation/statutory instrument in light of the current anomaly that exists."

ITEM NO.14 TO CONSIDER THE MANAGEMENT REPORT – JULY 2020 IN ACCORDANCE WITH SECTION 136(2) OF THE LOCAL GOVERNMENT ACT 2001 (AS AMENDED) 3630

Management Report of July 2020 was published on the Extranet prior to the meeting

On the **PROPOSAL** of Cllr. Maher **SECONDED** by Cllr. M. Connolly the Management Report – July 2020 in accordance with Section 136(2) of the Local Government Act 2001 (as amended) was **NOTED**.

Matters arising.

The following queries and points were raised by Cllrs Killillea, Donohue, Sheridan, Roche:

- Acknowledged the role of the Planning Department in their efforts to support businesses by way of the Section 254 licenses. Welcomed the flexibility allowing business to continue trade and maintain employment during the pandemic.
- Queried if Section 254 licences could be extended to include awnings in front of premises, assisting retail and hospitality to continue trading while dealing with inclement weather.
- Queried the possibility of installing outdoor electrical points for Casual Traders currently using fuel generators.
- In the event of noise pollution or any pollution as a consequence of outdoor events who is responsible. Who polices any disturbance causing annoyances?
- Welcomed the Pilot Streetscape Scheme for Athenry and Ballinasloe. Would like to see a rollout of the scheme in Gort and Loughrea to support local businesses.

The Members queries were responded to as follows by the Chief Executive:

- Acknowledged the need to be open to the needs of business but noted we need to be mindful of the impacts on neighbours.
- Section 254 licenses are not appropriate in the case of fixed awnings which are subject to planning permission. We cannot risk allowing businesses spend money followed by objections. Businesses need to go through the formal process.
- Clarification on the point of freestanding awnings will be sought.
- Regarding the installation of electrical points, this will require some consideration.
- The pilot Streetscape Enhancement Scheme for Athenry and Ballinasloe both have funding allocations. It was decided to go ahead with these two towns on a pilot basis. There is a considerable amount of work involved and from a funding or administrative perspective, currently resources do not allow for an expansion beyond the pilot. If the pilot schemes prove successful, the intention is to extend it to other towns subject to funding.

ITEM NO. 15 CHIEF EXECUTIVE'S BUSINESS & CORRESPONDENCE

3631

The following items of correspondence which were published on the Extranet prior to the meeting were noted:

- Letter dated 16.6.20 from Kerry County Council re resolution adopted –VAT rate for tourism industry.
- Letter dated 25.6.20 from Roscommon County Council re resolution adopted – financial support for Tidy Towns and voluntary groups.
- Letter dated 8.7.20 from Limerick City & County Council re resolution adopted - National Small Business Recovery Plan
- Letter dated 10.7.20 from Derry City & Strabane District Council re resolution adopted – Integrated All Ireland Public Health Strategy.
- Letter dated 13.7.20 from Waterford City & County Council re resolution adopted – Big Start Campaign
- Letter dated 13.7.20 from Sligo County Council re resolution adopted – ban on inflatable dinghies & inflatable products
- Letter dated 13.7.20 from Sligo County Council re resolution adopted – rights of way, Property Registration Authority
- Letter dated 14.7.20 from Limerick City & County Council re resolution adopted – National Planning Framework Policy
- Letter dated 22.6.20 from An Garda Síochána re CCTV – response to Motion of Galway County Council
- Letter dated 25.6.20 sent to Cllr Joe Sheridan re resolution – response to resolution passed at council meeting 29th June 2020
- Letter dated 30.6.20 sent to Senator Aisling Dolan re - congratulations on nomination to Seanad Eireann

Mr. Cullen briefly outlined details of correspondence received from the Department of Transport Tourism & Sport on 23rd July, 27th July and 28th July (circulated to each Member prior to meeting) regarding funding allocations announced under the Government stimulus package:

- **Active Travel Measures Allocations** - an allocation of €27m is being made available to local authorities to support LA response to Covid-19 challenges and assist with their work to equip local communities and business with improved walking and cycling infrastructure. Applications must be submitted no later than 14th August 2020.
- **Climate Action Change Adaptation Allocations** - €10m is being made available to local authorities to address the impact of climate change on the road network, including repairs to damaged roads as a result of severe weather events. Applications must be submitted no later than 14th August 2020.
- **Funding under the Strategy for the Future Development of National and Regional Greenways** - Connemara Greenway has been approved for funding for feasibility studies on two separate sections
 - €100,000 on section between Clifden and Derrygimlagh.
 - €140,000 on a section between Clifden and Kylemore Abbey

- **Carbon Tax Fund 2020** - An allocation of €75,000 has been made available for a concept and feasibility study on the Quiet Man Greenway between Athenry and Milltown.

Matters arising

The following queries and points were raised by Cllrs Killillea, Roche, McClearn, M. Connolly, Donohue and McKinstry

- While the concept of the Quiet Man Greenway was supported in general, it was raised that it was precluded by the Regional Spatial Strategy from being constructed on the railway line. The strategy's clear objective for the regional line is to open for passengers and freight as a vital part of development of Atlantic Economic Corridor. It was observed need to develop infrastructure in the area to ensure Galway was a place where people can live and work and not be transformed into national park for holidaymakers.
- Consideration should be given to work on the N59 Kylemore to Letterfrack road to alleviate flooding issues under the Climate Action Change Adaptation allocation.
- Consideration needs to be given to tactile paving areas for people with mobility issues. Examine the possibility a pilot scheme in Kinvara highlighting these areas in blue. Currently there are issues with parking in these areas.
- Enquired about the possibility of a presentation on Greenway proposals at a future Council meeting.
- Welcome the announcement there will be public consultation on the Dublin – Galway Cycleway. Mindful that landowners have extensive land rights, expressed hope that landowners will be dealt with in a respectful and agreeable way avoiding CPOs where possible.
- Queried if the Galway-Athlone National Cycleway Project Office in Ballinasloe is open for consultations.

The Members queries were responded to as follows by Mr. Cullen:

- The purpose of the feasibility study is to carry out a comprehensive assessment and determine the best location for the greenway route. It will not be determined until the feasibility study is completed.
- A presentation on the Connemara Greenway will be scheduled for a future meeting.
- Confirmed that the Galway-Athlone National Cycleway Project Office in Ballinasloe will be up and running on 10th August for public consultation. It is expected that most of public consultations will be online but noted that consultations in person will be facilitated in line with public health guidelines.
- Aware of flooding on N59 Kylemore but not raising the road as this measure will not alleviate flooding in this case and noted the funding under the Climate Action Change Adaptation allocation relates to regional & local roads.
- Regarding Kinvara agreed local engineer will investigate the matter, noting that we are constrained to a certain extent as particular standards and guidelines must be followed.

ITEM NO. 16 CATHOIRLEACH'S BUSINESS.

3632

The following Motions were submitted:

On the **PROPOSAL** of Cllr. Thomas **SECONDED** by Cllrs. King and Walsh the Members **AGREED**: *"that Galway County Council contact the Department of Housing and seek to have financial support for landlords who have had their HAP payments stopped when it is at no fault of their own and a tenant remains in their property prohibiting them from renting the property again"*

It was **PROPOSED** by Cllr. Sheridan and **SECONDED** by Cllrs. Dolan and Killilea *"that Galway County Council notify our rate payers in writing, that no vacancy tax will be proportioned to their vacant properties during the present council term as was voted in 24th November 2019 by the Council Coalition".*

Following a brief discussion, the Members **AGREED** to defer the motion to the September Plenary meeting.

It was **PROPOSED** by Cllr. Geraghty and **SECONDED** by Cllrs. P. Keaveney and Killilea *"that a Special Meeting be held to sort out the Conference & Training Fund monies or a way around to get it clear once and for all".*

Cllr McClearn noted that the matter had been the subject of discussion at a number of meeting and outlined his objection to the motion. At the request of the Cathaoirleach, the Members **AGREED** for the matter to be considered by the Corporate Policy Group.

On the **PROPOSAL** of Cllr. Collins **SECONDED** by Cllr. McClearn the members **AGREED** *"that Galway County Council request from Irish Water a Strategic Plan on the roll out of Waste-Water Infrastructure in Galway County to align with the upcoming County Development Plan 2022 – 2027. That Irish Water will engage with all the SPC's and the CPG to ensure that the County Development Plan has a vital input in relation to Wastewater Infrastructure".*

It was **PROPOSED** by Cllr. C Keaveney and **SECONDED** by Cllr. Walsh that *"I call on Galway County Council to put forward Budget allocation expenditure headlines to facilitate expenditure from Conference & Training Budget to the discretion of the elected representative. This would require consultation with each elected representative to solicit their preferences"*

Following a brief discussion, the Members **AGREED** to defer the motion to the September Plenary meeting.

On the **PROPOSAL** of Cllr. Donohue **SECONDED** by Cllr. Cronnelly the members **AGREED**: *"that Galway County Council agree to have all payslips for Councillors, Staff etc. electronically distributed and to discontinue the use of payslips being printed and posted on a weekly/fortnightly/monthly basis. Cost savings in admin, printing, paper and postage recouped to be re-distributed to the Environmental Section of each Council,*

with an opt out option to Member that does not have electronic access. And that if this Motion is agreed that a copy of this Motion would be circulated to all 31 Local Authorities".

The Chief Executive clarified that the payroll function was a shared service administered by Laois county Council

On the **PROPOSAL** of Cllr. Welby **SECONDED** by Cllrs. Broderick and Cuddy the members **AGREED**: *"that Galway County Council support this motion calling on the Government to implement the decision of the Labour Court decision of 22nd July 2008 (attached) to "recommends that an agreed pension scheme should be introduced for Community Employment Scheme Supervisors and Assistant Supervisors".*

We request that the decision of this motion is notified to the Ministers of Finance, Minister of Public Expenditure and the Minister of Social Protection".

On the **PROPOSAL** of Cllr. Curley **SECONDED** by Cronnelly the Members **AGREED** "that Galway County Council undertake to provide staff with Disability Awareness Training with priority initially given to frontline staff. The awareness training would provide clear and accurate information for employees of Galway County Council about working with and supporting people with disabilities."

The Chief Executive advised that the induction provided for staff included disability awareness.

On the **PROPOSAL** of Cllr. Maher **SECONDED** by Cllr. M. Connolly the Members **AGREED** for the September Ordinary Meeting of Plenary Council to be held at 11 am on Monday, 21st September 2020 at GMIT, Dublin Road, Galway.

Cllr. Killilea requested that consideration be afforded to streaming the meeting externally to allow the media the option to view the meeting from their offices rather than attend at GMIT.

NOTICES OF MOTION

Notice of Motion No. 17 - Cllr. Donohue

3633

On the **PROPOSAL** of Cllr. Donohue **SECONDED** by Cllr. Geraghty the Members **AGREED** *"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 scheme 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 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."*

Notice of Motion No. 19 - Cllr. Kinane

3634

On the **PROPOSAL** of Cllr. Kinane **SECONDED** by Cllr. Hoade the Members **AGREED** "that Galway County Council write to the Dept. of Finance seeking that the Minister for Finance:

- (1) categorise Irish Yoga Studio owners (as distinct from yoga teachers providing yoga classes) as "providers of facilities for sport and physical education" akin to gym facilities, and thereby qualify for the lower VAT rate of 9% instead of 13.5%, to preclude them being lumped together with individual service providers and yoga teachers, who do not have a fraction of the ongoing running costs of yoga studios; and
- (2) that the Minister explain specifically why his position is that he cannot lower the VAT for yoga studio facilities, claiming that he is being blocked by EU law in doing so; and
- (3) that the Minister explain the rationale of distinguishing Yoga Studios from Gyms in terms of VAT treatment in light of the fact that he is giving an unfair advantage to Gyms (who had their VAT lowered in 2011), likely causing many more yoga studios to close down and cease providing the employment that they do, while also depriving the much needed benefits of yoga exercise in these times of great stress in our society."

Notice of Motion No. 20 - Cllr. Cuddy

3635

Cllr. Cuddy submitted the following Notice of Motion prior to the meeting:

"that in future the Housing Department of Galway Council inform the elected members of any houses that they are proposing to purchase in the County prior to the purchase taking place and the location of the houses".

The following written reply was issued to Cllr. Cuddy prior to the meeting:

The Reserved and Executive Functions of a local authority are set out in the relevant Acts and assign to the Elected Members the function of approving of the disposal of property as a Reserved Function and assigns to the Chief Executive the function of the acquisition of property as an Executive Function. The Members will be aware of the significant housing demands that exist at present, the priority that this is for both the previous and current Governments and Galway County Councils efforts to meet its housing delivery targets in recent years.

466 new households had their housing need met via Galway County Council under Rebuilding Ireland in 2018.

108 new homes were brought into active social housing stock through build, acquisitions, voids and leasing programmes in 2018 (66 build & 10 renovated voids, 27 acquisitions and 5 long-term lease).

In 2019, we delivered 253 housing units (152 build including 7 renovated voids, 47 acquisitions and 54 long-term leased under the set targets. A further 32 voids were delivered in addition to Rebuilding Ireland targets)

We have substantially increased our housing construction numbers and are acquiring additional land to facilitate our future construction programme.

The purchase of housing units in order to deliver on the housing numbers expected will play a part in delivering on our housing targets for 2020 as our construction projects scale up.

Current Government policy is to develop a range of Housing options for delivery of social and affordable homes and to prioritise housing delivery including the acquisition of properties by local authorities. The Minister has reconfirmed this commitment to acquisitions last week.

The motion seeks that the Elected Members are informed in advance of the purchase of any house including the location of same.

The motion does not specify at what point in the consideration of a purchase such a notification would be expected or what role it is intended that the Elected Members would play and notwithstanding the division of reserved and executive functions such a requirement as proposed in the motion is not considered to be workable.

Such a requirement could place both the Vendor and the Council at a commercial and financial disadvantage, would impact negatively on the Council's ability to purchase property into the future, could impact on the willingness of vendors/agents to engage with Galway County Council as a purchaser and would introduce a level of uncertainty that would impact negatively on our efforts to meet our housing requirements.

Notice of Motion No. 21 - Cllr. Cuddy

3636

On the **PROPOSAL** of Cllr. Cuddy **SECONDED** by Cllr. Killilea the Members **AGREED** "that Galway County Council insist that the City Council inform them of their intention to purchase any house in the functional area of Galway County Council before the purchase is concluded and the purpose of purchasing the house".

ITEM NO. 22 – VOTES OF SYMPATHY /CONGRATULATIONS

3637

Resolutions of Sympathy:

On the **PROPOSAL** of Cllr. D Connolly **SECONDED** by Cllr. Byrne the Members **AGREED** to convey condolences to the Sice family following the passing of Thomas Sice RIP.

A resolution of sympathy was also extended to the following:

- Noreen Coyne, Derroe, Ballinahown.
- Mary Sice, Boyhill, Athenry.
- Patty O'Connor, Killanin, Killan, Roscahill.
- Anne Mullen, Ballyconlaught, Headford.
- Mattie Potter, c/o Glenmaddy PO, Barna, Glenamaddy.

Submitted Signed and Approved:

Cathaoirleach:

James Charly

Date:

21/9/2020