



An tÚdarás Rialála Limistéir Mhuiri
Maritime Area Regulatory Authority

Minutes of the Maritime Area Regulatory Authority (MARA) Board Meeting

Date	24 October 2023
Venue	Boardroom at the offices of the Commissioners of Irish Lights, Dublin
Time	10:30 – 14:00
Chair	Mark Mellett Vice Admiral DSM (Rtd), Phd (MM)
Board Members Present	Ms. Karen Banks (KB) Dr. Ruth Brennan (RB) [online] Mr. Patrick Gibbons (PG) Ms. Niamh Kenny (NK) Dr. James Massey (JM) Mr. Brendan McGrath (BMcG) [online] Mr. Patrick Moran (PM) Mr. Paul O'Neill (PON)
In attendance	MARA Executive – Ms. Laura Brien (CEO), Ms. Sorcha Byrne (Secretary), Mr. Rory O'Leary (ROL), Mr. John Healy (JH), Mr. Connor Rooney (CR),

Agenda Items

1. Board Only Session (10.30 – 11.00)

Action – incorporate regular Board only sessions at future meetings.

2. Welcome and apologies

The Chair welcomed board members, apologies were noted for Mr. Philip Daly and Ms. Alma Walsh. JH was invited to give introductory remarks regarding role of CSSO in supporting MARA legal activities.

3. Declarations of Interest

None declared.

Action – Board to complete conflict of interest form and return to Secretary.

4. Draft minutes of meeting of 12th September

Minutes adopted by the Board without change.

5. Matters arising

5.1 Business Case for Refurbishment and fit out of MARA's offices

The CEO presented the paper to the Board and sought approval to progress with the office refurbishment project and to engage with the preferred bidder for architect led design services.

The Chair confirmed the board want to ensure fit and proper facilities for the staff of MARA which aren't currently provided for and respected the decisions taken by the MARA Establishment Unit for

decisions around office accommodation which received Ministerial approval, prior to the formal establishment of MARA. The paper provided a good basis to make a decision and discussions centred on ensuring value for money and adherence to OPW principles on investment and cost sharing models for rental accommodation by public sector bodies. Board sought clarity on the departmental budget allocations for MARA and the extent to which this project is included in the requested budget allocation.

The Board debated lease options and JH drew attention to potential business equity for commercial tenants. The CEO outlined that the lease was signed prior to the formal establishment of MARA with a number of unknowns for the organisation which remain in situ today. The Board was not an original party to signing the accommodation lease and its objective in this decision is to ensure public money is spent in accordance with the public spending code.

The Executive committed to bringing the following to the board

- Description of the cost control measures that would be put in place to manage the project, including the potential for contracting penalties if preferred bidder doesn't deliver on time.
- Confirmation that in recognition of the Programme for Government commitment to reach net zero by 2050, green building expertise to be embedded in the design team and fit out and for office refurbishment to adapt to the needs of growing staff levels and hybrid work practices.

The Board qualified its approval to progress the project within the cost envelope of €1.2m excluding VAT presented in the paper with caveats.

Action – Executive to inform the board of cost sharing considerations, outline the cost control measures applied to the project, embed green public procurement principles in the design and fit out of the project and ensure expenditure for the project is met from within agreed allocation and reflects virement rules.

5.2 Indemnity cover for Board Members

The Board sought clarity on the term “external members of the Board” and it was confirmed this term referred to the board members who are not civil servants. The Board requested clarity regarding how standard was this approach across state agencies.

Action – Request the legal unit to review the indemnity provided for by the State through General Council Report 1357.

5.3 Schedule of Matters and Delegation of Authority

The Secretary and JH presented the documents which aim to provide clarity on these central governance controls in a user friendly format. The Board reconsidered its approach to split the delegation of enforcement and prosecution matters of differing levels between the Board and the CEO. Consideration centred on either full delegation or complete retention by the Board of decisions to bring legal cases and in recognition of best practice across other organisations such as local authorities and agencies of the State, and the requirement for immediate action in enforcement and prosecution, it was agreed to delegate all such matters to the CEO.

The Board also acknowledge the development of the Statement of Strategy is a key role for the board and expressed its aspiration for the first iteration of strategy to come from the Board. A revision to the wording should emphasis the Executive supports the board in the development of the statement of strategy.

Action – Amend documents to delegate full enforcement/prosecution function to the CEO and enhance wording around the Boards role in the Statement of Strategy.

6. Operations report by MARA CEO

The CEO presented the operational report and in response to a request for feedback, the Board asked for an update on process timelines to be provided when available. JH gave an overview of legal services

and the Chair conveyed the Board's appreciation to the CSSO in recognition of its innovative approach to the provision of legal service in MARA. The Board questioned when the risk register will be presented to the Board and it was confirmed that the Audit and Risk Committee will convene its initial meeting on 25th October 2023. The Chair acknowledged the Board's response to the written resolution process for the appointment of authorised officers and affirmed that enforcement will be an important function for MARA.

7. Statement of Strategy Planning Session

The Secretary presented the paper on the Statement of Strategy. The Board will consider the scope of the Strategic Environmental Assessment Directive at the start of this process. Deliberations on the timeline and next steps resulted in the Board deciding on expediting the engagement of consultants to survey the board, staff and stakeholders and complete a strategic analysis, a board away day in January, establishing a working group consisting of the Chair, CEO, Secretary, NK and RB to facilitate the Board's input and manage the strategy development process.

Action – A working group will be developed to steer the development of the Statement of Strategy. The Board will be polled to confirm the date of the strategy away day. Invite Board input for initial draft document.

8. Development Levy

NK presented the paper which the Board welcomed. The Board agreed that research & development and community engagement were two strands to explore further, while acknowledging any recommendation to the Minister for utilisation of moneys it receives would need to demonstrate that MARA has legal provision to expend on those areas and doesn't duplicate existing State programmes of expenditure. The Board are keen to look to areas where MARA can inform and influence policy in the future. The Exchequer has first claim on any receipts generated through the discharge of MARA functions and agreement in regard the potential use of a portion of this income as appropriations-in-aid would need to be approved as part of the normal budget estimates process.

Action – Signal the Board's intention to explore the future framework for the State's revenue in MARA's initial Statement of Strategy.

9. AOB

The Chair drew the attention of the Board to the topic of social media use by members with appropriate regard for the values of MARA.

The Board were reminded to submit outstanding Travel and Subsistence claims before the end of November to meet year end accounting deadlines.

Date of Next Meeting: Tuesday, 5th December 2023 at 10.30am, at the offices of the Commissioners of Irish Lights, Dublin (Lunch to be arranged and VC option)

ENDS.