An tÚdarás Rialála Limistéir Mhuirí
Maritime Area Regulatory Authority

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

Date	5 December 2023
Venue	Boardroom at the offices of the Commissioners of Irish Lights, Dublin
Time	10:30 – 13:30
Chair	Mark Mellett Vice Admiral DSM (Rtd), Phd (MM)
Board Members Present	Ms. Karen Banks (KB) Dr. Ruth Brennan (RB) Mr. Philip Daly (PD) 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) Ms. Alma Walsh
In attendance	MARA Executive – Ms. Laura Brien (CEO), Ms. Sorcha Byrne (Secretary), Mr. Rory O'Leary (ROL) (Partial), Mr. Connor Rooney (CR),

Agenda Items

1. Board Only Session (10.30 – 10.45)

2. Welcome and apologies
The Chair welcomed board members, no apologies noted.

3. Declarations of Interest
None declared. The Secretary gave an update on board members returns, highlighting the Disclosure of Conflict of Interest Statement form is available on Decision Time.

Action –Outstanding returns to be forwarded to the Board Secretary mailbox.

4. Draft minutes of meeting of 12th September
Minutes adopted by the Board with the following addition to item 8 "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.".

5. Matters arising

5.1 Indemnity Cover for Board Members

The Board noted while the review by MARA's Legal Unit will be completed, it understood indemnity cover is in place, ideally such cover would be conveyed in unambiguous language.

5.2 Schedule of Matters and Delegation of Authority

The Board noted that final approved documents are saved on Decision Time for future reference and a review will take place in April 2024.

5.3 Statement of Strategy Update

The CEO outlined the progress to date including an initial meeting of the working group, the appointment of consultants (Mazars) and a kick off meeting to discuss the proposed methodology of 5 phases (i) project initiation & planning (ii) internal & external environmental analysis (iii) stakeholder consultation & engagement (iv) strategic option generation & prioritisation (v) strategic plan preparation & development.

The consultants will conduct individual online meetings with each board member to gather input before end December/early January which will feed into the Board Away Day on 31 January.

The Board discussed approaches to stakeholder engagement across 3 pillars - government, industry and civil society. The Executive will utilise upcoming engagements with stakeholders to garner views and input into the development of the strategy.

Further consideration to be given to a high level stakeholder engagement event once a final draft is developed.

> *Action – Board members to review and add to the draft stakeholder list which will be uploaded to Decision Time by the Secretariat.*
> *Dublin venue for January away day to be confirmed by Secretariat.*
> *Executive to extend invitation to the board for stakeholder engagement sessions.*

6. Operations report by MARA CEO

The CEO presented the operational report highlighting the current recruitment process, opening of MARA's bank account and policy developments as it works closely with DECC. In response to questions from the Board, the CEO confirmed she represents MARA on the Government Offshore Wind Delivery Taskforce. The Board discussed the recent development of MARA being added as a notice party to a Judicial Review, noting issues have been referred to the CJEU. The CEO outlined MARA will seek to take learnings from these court proceedings and be pragmatic in its approach to processes.

Acknowledging the surge in applications and pending the completion of the recruitment process, the Board suggested consideration of an external expert panel that could assist MARA's ecological expertise on specific issues.

7. Levy Framework

ROL presented on the levy framework confirming that the consent of the Minister for Public Expenditure, NDP Delivery and Reform was received on 28 November 2023.

It was confirmed that telecoms cables will not be subject to charge in the EEZ in line with UNCLOS obligations, this will be made clear on publication of the framework.

It was clarified that Dumping at Sea permits, which are a matter for the EPA remain and there are associated charges.

The Board welcomed the approach of an annual review linked to HICP and approved the levy framework as presented.

[Note: ROL left the meeting after this agenda item.]

8. ARC Update

NK presented the work to date of the Audit & Risk Committee (ARC). The Terms of Reference as presented were adopted by the Board. The Risk Management Policy was presented to the Board for adoption noting it will be reviewed in Q1 2024 along with the draft risk register after two senior management appointments are made (positon of the Chief Risk Officer and Head of Enforcement). The Board's discussions centred on the appetite level for the Reputational risk category. The Board agreed to adopt the Risk Management Policy with an increase to amber appetite level for reputational risks.

9. Data Protection Policy

The Board agreed to the adoption of the Data Protection Policy.

10. 2024 Planning

The CEO presented the next three interlinked papers outlining MARA's plans for 2024.

10.1 Business Plan

The 2024 Business Plan was developed in the absence of an overarching strategy. It will be reviewed following the publication of MARA's initial Statement of Strategy, mid 2024. The plan as drafted is predicated on the organisation securing the level of resources, both financial and staffing, to deliver on the ambition of the Government decision to establish MARA. The Board expressed concern at the deficit in the 2024 allocation due to a budgetary cut applied to MARA's estimate bid. The Board did not approve the 2024 Business Plan and requested its revision to align the plan with the 2024 financial provision.

Action – CEO to revise business plan including activities and recruitment timeline to match the budget and highlight the revisions when resubmitting to the Board for its approval via written resolution.

10.2 Budget

The Board reviewed and discussed the budget at length, focusing on the estimate and budgetary processes, noting in particular the deficit in the pay allocation despite MARA receiving approval of a workforce plan by DPENDPR. The Board determined the level of funding provided to MARA for 2024 will call into question the ability of the newly established entity to discharge its functions. The Board instructed the Executive to communicate these concerns to MARA's parent Department. The Board did not approve the budget as presented.

Action – CEO to communicate the Board's concern to the parent Department on the level of funding provided to MARA in 2024.

CEO to revise budget and highlight the revisions when resubmitting to the Board for its approval via written resolution

10.3 Procurement Plan

The Board determined that its consideration of the procurement plan was as part of a package with the budget and business plan. It did not approve the plan and suggested further consideration of the level of funding for consultancies e.g. SEA requirement and legal advice.

Action – CEO to review procurement plan and resubmit to the Board for its approval via written resolution.

Secretariat to confirm strategic environmental assessment obligations.

11. 2024 Board Work Programme

The Board approved the 2024 Board Work Programme noting the location of the meetings will be confirmed in due course.

Action – Secretariat to review proposed schedule for February Board meeting.

12. AOB

The Board raised the following items for future consideration:

- Website redesign in 2024 – enhance the maritime imagery with the inclusion of the eco system below the waves.
- Consider a protocol for board members to register under MARA email for conferences with specific organisational registration requirements.
- Build in a second Board away day in 2024 for horizon scanning.
- Look to organise a suitable site-visit for the board.

ENDS.