

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

Date	27 February 2024
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	Dr. Ruth Brennan (RB) Mr. Philip Daly (PD) [online] Mr. Patrick Gibbons (PG) Ms. Niamh Kenny (NK) Dr. James Massey (JM) Mr. Brendan McGrath (BMcG) [online] Mr. Paul O'Neill (PON) [online] Ms. Alma Walsh
In attendance	MARA Executive – Ms. Laura Brien (CEO), Ms. SORCHA Byrne (Secretary), Mr. Rory O'Leary (ROL), Mr. Frank Ronan (FR) and Mr. Anthony Sinnott (AS), Department of Communications, Climate Action & Environment – Emily Boylan (EB) [For agenda item 9] Mazars – Laura O'Neill LON [For agenda item 10]

Agenda Items

1. Board Only Session (10.30 – 10.45)

2. Welcome and apologies

The Chair welcomed those in attendance to the meeting noting in particular Mr. Frank Ronan and his appointment to the Executive as Head of Corporate Affairs. FR gave a brief overview of his career background. Apologies were noted for Ms. Karen Banks and Mr. Patrick Moran.

3. Declarations of Interest

The Secretary gave an update on board members returns for (i) conflict of interest and (ii) Statement of Interests for the Purposes of Section 17 of the Ethics in Public Office Act 1995.

PON outlined he would absent from the meeting for the duration of agenda item 9. JM indicated an interest that did not impact this meeting which the CEO will seek advice on.

Action – Secretariat to engage with BMCG on any outstanding matters.

CEO to seek guidance from MARA's Legal Unit on engagement with An Bord Pleanála.

4. Draft minutes of meeting of 5 December 2023

Minutes were adopted by the Board.

5. Matters arising

5.1 Indemnity Cover for Board Members

The review by MARA's Legal Unit is expected to be completed shortly, an update will be provided at the next board meeting.

6. CEO Report

The CEO presented the operational report. In response to questions from the Board, the CEO confirmed MARA has only one bank account. With receipt of revenue consideration to be given on opening an investment account.

The CEO outlined learnings are taken on board as determinations on applications are made. The Board sought further detail behind the figures outlined in the Consenting section of the report.

The Board requested that going forward information on breaches of procedures should be highlighted in the CEO report and if appropriate a separate memo presented to the Board. In response to the potential risk of legal challenges in respect of MARA's consenting processes, the Board suggested the development of a specialist committee to assist and advise the Board and Executive.

Another approach to be considered is MARA's role on hosting a conference on judicial reviews and legal challenges in the maritime area.

Action – In line with good governance practice, Chair to inform Board members if additional bank accounts are needed.

Head of Consenting to present to the board on learnings to date.

Any breaches of MARA procedures to be presented in the CEO Report.

PON, ROL and the CEO to meet to further discuss potential of developing a specialist committee.

Chair, CEO and PD to discuss legal challenge/judicial review event.

7. ARC Report

NK presented the work of the Audit & Risk Committee (ARC) from the meeting on 23 February 2024. The Comptroller and Auditor General (C&AG) presented their audit plan for MARA's first accounts, which will commence in May with the final report to issue in June 2024. FR gave an overview of the development of the risk register. A key area of interest for the ARC is enforcement and how this activity is reflected in the risk register. Training for the ARC will take place at the Institute of Directors on 12 March 2024. The appointment process of an external member to the ARC is currently underway. The Board noted risk management is everyone's responsibility across the organisation. Discussions focused on the top 5 high risks including legal challenges to processes, legislative gaps, GDPR, site inspections and enforcement.

Action – The minutes for the ARC need to be presented and approved by the Board.

8. Financial Statements

FR presented the draft financial statements and the accompanying memo to the Board which are MARA's first accounts and set out the Executive's recommendation in respect of the recording of financial transactions during the period from establishment day to 31st December 2023. The Board approved the submission of the draft financial statements (i) to the C&AG for audit and (ii) to the Department of Housing, Local Government and Heritage for approval of format of accounts.

9. Future Framework

Note: PON absented the meeting for the duration of this agenda item.

EB presented the Offshore Renewable Energy, Future Framework Policy Statement of the Department of Environment, Climate and Communications to the Board. In response to questions from the Board, EB outlined the Department received 79 submissions to the public consultation on the policy statement including industry and civic society. The plan led approach has received positive feedback overall with a keen interest on the DMAP process. There are two actions associated with MARA which will need to be revised. The Department received MARA's submission and will engage further with MARA. The Board thanked EB for presenting on this matter.

Note: EB left the meeting.

ROL presented MARA's response to the consultation on draft offshore renewable energy framework policy statement. In response to questions from the Board, ROL outlined that due to the deadline for submissions on the public consultation it was not possible to present to the Board in advance of its submission. There is a proposal for the community benefit fund to be a condition of a Maritime Area Consent (MAC). The responsibility for enforcement of MAC conditions resides with MARA.

Discussion also took place on the development of a competitive MAC award process.

Action – The Executive will prepare a scoping paper on the framework for a competitive MAC process for presentation to the Board.

10. Statement of Strategy

LON presented the emerging Vision, Mission and Values for MARA's first Statement of Strategy. The Board favoured Option 2 for both the vision and mission with some revision to wording. There was agreement on the emerging values and strategic priorities. The Board welcomed the progress made to date on the draft statement and noted the next steps in the process.

Note: PD left the meeting during this agenda item.

Action – The Secretariat will upload a copy of the presentation to Decision Time.

Convene a meeting of the Statement of Strategy Working Group.

11. AOB

The Board agreed to change the date for the June Board Meeting and to combine a board away day and site visit on Thursday, 27th June and the Board Meeting on Friday, 28th June 2024.

Action – The Secretariat will engage with BMcG to inform the development on an itinerary.

ENDS.