An tÚdarás Rialála Limistéir Mhuirí
Maritime Area Regulatory Authority

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

Date	16 April 2024
Venue	Trinity Suite, Buswells Hotel, Dublin
Time	10:30 – 13:00
Chair	Mark Mellett Vice Admiral DSM (Rtd), Phd (MM)
Board Members Present	Dr. Ruth Brennan (RB) Mr. Philip Daly (PD) Mr. Patrick Moran (PM) Mr. Patrick Gibbons (PG) Ms. Niamh Kenny (NK) Mr. James Massey (JM) Mr. Paul O'Neill (PON) Ms. Alma Walsh (AW)
In attendance	MARA Executive – Ms. Laura Brien (CEO), Ms. Sorcha Byrne (Secretary), Mr. Rory O'Leary (ROL), Ms Karen Creed (KC), Ms Danielle O'Dowd (DOD),

Agenda Items

1. Board Only Session (10.30 – 10.45)

2. Welcome and apologies

The Chair welcomed board members with apologies noted for Ms. Karen Banks and Mr. Brendan McGrath. Danielle O'Dowd was welcomed and introduced to the Board in her capacity as a member of the Secretariat.

3. Declarations of Interest

None declared.

4. Draft minutes of meeting

4.1 Board Minutes – Minutes adopted.
4.2 Arc Minutes – Minutes adopted.

5. Matters arising

- The initial meeting (CEO and PON) to consider a specialist committee took place, terms of reference will be drafted with input from AW.
- Following on from MARA's submission to the future framework, the Board requested a protocol be established for its role in consultation requests on national strategic maritime policy while noting the Executive shall respond to statutory consultation requests directly as part of the functions devolved by the Board to the Executive. The mechanics of the protocol will be trialled with the upcoming South Coast DMAP consultation process.
- Mr Dónall Curtin was appointed as an external ARC member attending the recent ARC meeting on 15 April.

Actions:

- Secretariat to schedule date for NK to complete IoD ARC training.
- Executive to draft protocol for Board approval on the mechanism for Board engagement in consultation processes on national strategic maritime policy.

5.1 Indemnity Cover for Board Members

The Board noted and accepted the outcome of the review by MARA's Legal Unit on indemnity cover for Board Members.

6. CEO Report

Recruitment currently stands at 41 staff - 22 on secondment and 19 via open recruitment. By end of May the majority of staff will be direct recruits. A key risk for MARA are the impending secondment end dates (July '24 and July '25). This is being actively managed within the Executive via the potential to phase return dates for those on secondment and utilise the EO panel for suitable vacancies.
MARA have procured Metastorm, the estate management system, which to date was provided by the Department under the Service Level Agreement. This procurement is an important development for compliance and enforcement functions in MARA.
The legislative amendment to facilitate the transfer of functions is due to pass all stages of the Houses of the Oireachtas in early May, with the operational transfer taking place after that.
The management of the Phase 1 MACs is resource intensive. While the Executive are being pragmatic in its approach, a legislative amendment to deal with non-material amendments is a key priority.
The compliance and enforcement team continues to expand with additional staff appointed, its structure is evolving with a focus on proactive compliance. Phase 1 MAC levies issued and were received by MARA. The team is actively managing licence and lease rent and rent arrears.
Key risks and issues facing MARA include being joined as a notice party for judicial reviews, gaps in the MAP Act and prioritisation policy.
The issue of communications as the Board and Executive attend events was discussed with the Board citing the need for an enhanced protocol for staff and board interactions with external persons/organisations for the purpose of providing transparent rules to prevent influencing improperly the consideration of matters with which MARA is concerned. It is envisaged that the Board will utilise a written resolution process for this matter ahead of the next board meeting.
The Board sought clarity on MARA's role in cases where static fishing gear is placed along the route of proposed survey. It was confirmed it falls under the remit of DAFM and MARA does not have a role.
The Board noted the update provided in the report on the Lough Foyle jurisdictional matter.

6.1 Continuation of Metastorm ICT Application (non-competitive tender)

The Board noted the memo, acknowledging the procurement provisions to do so without the requirement for a competitive tender process

7. Maritime Authorisations - Presentation

KC presented to the Board the current processes and procedures of the Executive in establishing its regulatory voice for the determination of Maritime Authorisation Consents (MACs) and Maritime Usage Licences (MULs). The processes used in first full year of operations will remain manual, this is to ensure proper processes are in place and before the process is automated. Clarity was given on the prioritisation approach i.e. in line with Government prioritising ORE. Internal processes have evolved since establishment to align with legislative provisions e.g. pre-app meetings are not statutory so approach has seen a rationalisation in the number of meetings and resources required to service.

It was acknowledged that the work of the Executive is occurring as recruitment, resources and implementation approaches evolve (analogy flying the plane while building it). Further consideration in due course will be given to building the right metrics for reporting internally and externally.

The Board welcomed the presentation which gave it confidence in the work of the Executive. The need for timely legislative amendments was highlighted by the CEO to the Board, with an expectation that there will be increased capacity within DECC to progress these post transfer of functions.

The Board noted the communications opportunity to explain timeframes for determinations and the CEO confirmed the Executive will utilise future public events and forums to convey messaging on the precedent setting nature of some decision and the impact on timings.

8. ARC

NK provided the ARC report, the latest meeting took place on 15 April 2024. The ARC are awaiting a review of the risk policy and update to the risk register at the next ARC meeting.

8.1 Quarterly Accounts

The CEO confirmed the quarterly accounts were presented to ARC ahead of their presentation to the Board at today's meeting. Suggested improvements will be made to the format of the accounts and accompanying memo ahead of the next presentation to the ARC.
A recruitment process is underway for the Head of Finance.
The draft financial statements for the period from establishment to year end December 2023 have been submitted to the C&AG for Audit and the format approved by the Minister. The final audited statements will be presented to the ARC in June ahead of presentation to the Board for approval in the June Board meeting.
The Board confirmed its preference for an explanation in future quarterly accounts to distinguish between the Exchequer Grant and MAC revenue receipts.
In addition the Board noted the need to give further attention to a self-financing model for MARA post the transfer of function.

9. Statement of Strategy

ROL present the latest draft of the statement of strategy. The Board approved the vision, mission and values with an additional opportunity for Board input into the approach for strategic priorities
Suggestions were put forward for alternative wording in some areas. A definition for the term sea blindness will be provided in the Chairpersons foreword.
The next steps include conclusion of youth sector stakeholder engagement, the Working Group to review the draft text, sharing the draft with the Minister in early May and present the final Statement of Strategy for board approval at the June board meeting. Further consideration to be given to the launch of the document in mid July.

10. AOB

During discussion the matter of political engagement by persons associated with MARA was raised.

> Action – Executive to draft protocol for Board approval regarding engagement by Board in political activities. Chair to share examples of protocols for consideration in developing MARA's approach.

The Board reaffirmed the principle to providing a virtual link to future board meetings, where possible, given choice of location.

ENDS.