An tÚdarás Rialála Limistéir Mhuirí
Maritime Area Regulatory Authority

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

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| **Date** | 28 June 2024 |
| **Venue** | The Marine Institute, Galway |
| **Time** | 11:15 – 14:00 |
| **Chair** | Mark Mellett Vice Admiral DSM (Rtd), Phd (MM) |
| **Board Members Present** | Ms. Karen Banks (KB)<br>Dr. Ruth Brennan (RB)<br>Mr. Philip Daly (PD)<br>Mr. Patrick Gibbons (PG) Online<br>Ms. Niamh Kenny (NK)<br>Mr. James Massey (JM) Online<br>Mr. Brendan McGrath (BMCG)<br>Mr. Patrick Moran (PM) |
| **In attendance** | MARA Executive – Ms. Laura Brien (CEO), Ms. Sorcha Byrne (Secretary), Mr. Rory O'Leary (ROL), Mr. Frank Ronan (FR), Mr Anthony Sinnott (AS), Ms Danielle O'Dowd (DOD), |

**Agenda Items**

**1. Site Visit – The Marine Institute**

**2. Board Only Session (11:15 – 14:00)**

**3. Welcome and apologies**

The Chair welcomed board members with apologies noted for Ms. Alma Walsh and Mr. Paul O' Neil. The Board noted its appreciation of the knowledge sharing opportunities facilitated through the site visits to a range of stakeholders and the organisation of these by the Secretariat.

**4. Declarations of Interest**

None declared.

**5. Draft minutes of meeting**

**5.1 Board Minutes** – Minutes adopted.
**5.2 ARC Minutes** – Minutes adopted.

**6. Matters arising**

The Secretary presented the following update:

- Agenda Item 5 – Action: Secretariat to schedule date for NK to complete ARC training. Update: Secretariat progressing with NK.
- Agenda Item 5 – Action: Executive to draft protocol for Board approval on the mechanism for Board engagement in consultation processes on national strategic maritime policy. Update: Trialling approach with board which includes online workshops and provision to receive input on draft papers. Following these trials a draft protocol will be put forward to the Board for consideration at the September 2024 Board meeting.

- Agenda Item 10 – Action: Executive to draft protocol for Board approval regarding engagement by Board in political activities. Update: Protocol drafted and contained in updated Conflict of Interest Policy to be taken at agenda item 9.0 of 28 June 2024 Board Meeting.
- Agenda Item 10 – Action: Chair to share example of protocol for consideration in developing MARA's approach. Update: Completed see action above.

**7. CEO Report**

New format of the CEO report was welcomed by the Board. An update on maritime authorisations outlined, three applications (Phase 1 MAC's) were received for non-material amendments to extend by 6 months, the date by which planning permission must be applied for. Consideration to be given of the potential impact of contract changes for MAC assignment which may incur stamp duty.
A prioritisation process has been established for MAC and MUL applications which will be communicated via a guidance note on MARA's website.
The CER team were made aware of an unauthorised salvage operation and issued an enforcement letter. The Board reflected on pathway to engage other arms of the State, such as the navy through the Department of Defence to assist with future enforcement activities.
MARA is a statutory consultee as part of the planning process and the CER team is giving consideration to potential conditions that will require enforcement on future planning permissions within the maritime area. Key matter for the State will be the security of critical infrastructure. MARA will be one of many regulators with a role in future discussions.
The Corporate Affairs update noted current staffing levels of 45 with a number of seconded staff returning to parent Departments in the coming months.
Financial update confirmed foreshore lease invoices issued in May with the foreshore management piece is functioning well.
Actions:

- Executive to progress the establishment of a working group of regulators.
- Executive to progress engagement with the Department of Defence for an integrated approach to compliance and enforcement.
- Executive to research best practice approaches from other jurisdictions with regard to MARA operations across compliance, enforcement, approach to security issues, AA etc.
- Secretariat to provide a glossary of terms to be included in future CEO Reports and also provided on the Resources Area of oneAdvanced.

**8. ARC Report**

NK presented the ARC report. The C&AG audit process is behind schedule and while considered a non-compliance with the Code of Practice, MARA is in compliance with the provisions of the MAP Act. The mechanism to present code compliance matters is facilitated through the annual report and financial statements process together with the Chairperson's comprehensive report to the Minister, and any matters of non-compliance will be reported there, consistent with the "comply or explain" approach to reporting.
The Board adopted the updated Risk Policy and agreed that the risk register would be a standing item on the ARC update to the Board with the register made available on the Resources area on oneAdvanced.

**9.0 Conflict of Interest Policy**

Secretary presented the revision to the conflict of interest policy which includes political activities, with minor editorial comments. Mechanism for completion of the forms will be co-ordinated by the Secretariat, to include consideration of an editable pdf form.

Actions:
- Secretariat to circulate updated form to the Board for completion by end September.

**10.0 Corporate Affairs**
FR presented on the following items:
**10.1 Bank Mandate**
The Board adopted the banking resolutions as presented in the memo associated with this agenda item, with the following change: revisions to €10,000 for the overall credit card limit and a single transaction limit of €2,500.

**10.2 Menapia House Lease Extension**
FR presented a recommendation to the Board regarding options for extending the Menapia House lease, and timing with regard to approving construction to fit out same. Points of consideration for the Board included the length of the lease, potential enhancements to the BER rating and other available OPW property options. The Board approved the resolution which confirmed its support of the approach outlined in the memo associated with this agenda item, and a request for confirmation that the OPW does not have suitable alternative space available for MARA at this time. An update will be provided to the board as the project progresses.

**11.0 Oversight and Performance Delivery Agreement**
CEO presented the agreement which reflects a standard approach for state agencies and parent Departments. The Board noted typographical errors and confirmed while no objections were envisaged, given the limited circulation time for consideration of the agreement a provision was made for additional time to review.
Actions:
- Secretariat to extend opportunity for Board to consider and review agreement to 5 July 2024.
- Executive to return agreement with suggested amendments to the Department for signing

**12.0 Statement of Strategy**
ROL presented an overview of the strategy process and an updated text which incorporated the views of the Minister for Environment, Climate & Communications. The Board approved the text of the Statement of Strategy for publication subject to amendments to the CEO foreword, implementation section and an additional proof read. The Board acknowledged the achievement and significance of completing and delivering MARA's first statement of strategy.

**13.0 Scientific and Technical Reference Committee**
The CEO presented a memo and associated draft terms of reference for a sub-committee which arose as an action from the February board meeting. Membership is proposed to be confined to other state agencies by invitation for nominations. It was decided to return to this item in September, to allow input from PON and for the Board to reflect on the purpose of the sub-committee is it (a) a co-ordination function for similar entities operating in the maritime area or (b) a horizon scanning function.
Actions:
- Matter to be returned to the Board at the September Board meeting

**14.0 Draft reply to the consultation on International Connectivity for Telecommunications**
ROL confirmed the Executive are drafting MARA's response to the public consultation and will circulate to the Board for input in advance of the consultation closing on 19 July 2024. The draft response should be informed by an understanding of DECC's policy and legislative framework. The levy framework and

aligning response to MARA's remit as a regulator will be at the centre of the response. The Board expressed concerns on the suggestion of market failure.

Actions:

- Executive to ask DECC for clarification as to the context regarding treatment of policy and legislative framework in the consultation.
- MARA's draft response to be circulated to the Board for input in advance of the public consultation closing.

**15.0 AOB**

Suitable dates to be arranged for ARC and Board meetings in July; this is dependent on the C&AG completion of its audit on MARA's first financial statements. Consideration to be given for suitable public relations event to mark the 1st anniversary of MARA's establishment and the launch of the strategy. Congratulations were extended to the CEO on the completion of her probationary period, the Board confirmed it completed a performance review and gave their endorsement during the non-executive session. Well wishes were extended to Mr. Rory O' Leary who will be heading up the Marine Planning Policy Division in DECC following the completion of his secondment in MARA.

Actions:

- Secretariat to organise July meetings for the ARC and Board to review the Financial Statements

**ENDS.**