

109th MEETING OF THE FOYLE CARLINGFORD AND IRISH LIGHTS COMMISSION

Friday 13th April 2018 at 10.30am

Four Seasons Hotel, Carlingford

Attendees

Present

Andrew Duncan (Vice Chairman)
Alastair Patterson
Allan Ewart
Fiona Walsh
Heather Mackey
Ian McCrea
Michael McCormick
Patrick Gibbons
Phil Mahon
Terry McWilliams

In Attendance - Loughs Agency

Sharon McMahan – Designated Officer
John McCartney – Director of Conservation and Protection
Barry Fox – Director of Aquaculture and Shellfisheries
Kevin Wilson – Director of Development
Laura McCready (Minutes)

Vice Chairman welcomed everyone to the 109th Board Meeting, advising the Board that the former Chairman's term on the Loughs Agency Board had come to an end. He added that as there was currently no Northern Ireland Assembly, there was no mechanism to reappoint or replace the Chair, therefore, until further notice he would Chair all Board Meetings. Vice Chairman wished to record his thanks to the former Chairman for his service to the Board.

Ian McCrea advised that he had discussed the issue with his colleagues in Stormont and Westminster who would raise the issue with the Secretary of State for Northern Ireland.

Designated Officer quoted the relevant legislation concerning the appointment of the Chair and Vice Chair. She reported that the Senior Management Team and staff of the Agency were extremely

disappointed with the situation, however they understood in the current political climate, that there was no mechanism to change the situation. Designated Officer wished to record her thanks to the Chairman for his support over the past number of years. She also thanked the Vice Chairman for taking on the role of Acting Chair in the absence of a Chairman.

1. Apologies

Mick Murphy
JP O'Doherty – Interim Director of Corporate Services

2. Conflict of Interest

There were no conflicts of interest with any agenda items.

3. Minutes of the Previous Meeting

The minutes of the previous meeting were agreed as an accurate record.

Proposed Ian McCrea
Seconded Allan Ewart

4. Reserved Minutes

The reserved minutes from the previous meeting were agreed by all.

Proposed Ian McCrea
Seconded Allan Ewart

5. Matters Arising

There were no matters arising from the previous minutes.

6. CEO Report

Rainbow Trout Escape

Designated Officer reported that as the Board was aware there had been a large escape of rainbow trout from a fish farm in Co Tyrone, following the flood of 22nd August 2017. She advised that following the opening of the fishing season on the River Mourne on 1st April 2018, the Agency had come under considerable criticism on social

media and through the press, regarding its handling of the escape. Designated Officer advised that following this criticism Agency officials met with representatives from the Foyle Association of Salmon and Trout Anglers (FASTA) and local angling clubs, to hear their views and advise of the work carried out by the Agency to date. She added that these discussions highlighted that the work of the Agency to date had not been communicated to stakeholders and the public. The Agency has since published a press release to inform the public of work to date and a plan for the future.

Designated Officer advised the Board that John McCartney, Director of Conservation and Protection was a member of a technical group organised by the Department of Agriculture, Environment and Rural Affairs (DAERA), who are the licensing authority for the fish farm. She added that they had met previously regarding this issue and were currently arranging a further meeting to discuss the recent events.

Designated Officer thanked Heather Mackey for her advice and input during the past number of weeks.

Phil Mahon advised that she had recently heard John McCartney give an interview on local radio regarding the escape, and it had been very informative.

Vice Chairman advised that he had been contacted by a number of anglers regarding the situation, and although the Board had been advised of the escape, they had not been made aware of its severity, until they received the press release following the opening of the angling season on the River Mourne. Vice Chairman asked for an update regarding the removal of the rainbow trout, and how the Agency would mitigate the negative press and reputational damage to the Agency.

John McCartney advised that the Agency had initially commissioned Professor Ken Whelan, an eminent fisheries scientist, to assess and mitigate the impact of the rainbow trout escape. He added that whilst waiting on this recommendations the Agency had completed boat based electrofishing and netting of these fish, however, due to the river being in flood, this was almost impossible.

John advised that Professor Whelan had suggested coarse angling as a method to capture these fish, therefore Loughs Agency Fishery

Officers carried out a number of controlled angling surveys, capturing up to 500 fish. John added that Fishery Officers continued this method through the winter until the fishing season opened, and it was noted that a large number of fish had gathered at Sion Mills. Therefore Fishery Officers carried out electrofishing and netting at the layde in Sion Mills and captured almost 300 fish.

John advised that many anglers had called for the closure of the fish farm or the suspension of their aquaculture licence, however, DAERA is the licensing authority and this therefore could not be progressed by the Agency.

Heather Mackey highlighted that Professor Whelan's report was completed in November 2017, however, was not released to the public until the Agency came under scrutiny in April 2018. She advised that she had a number of recommendations regarding same that she would discuss with the Designated Officer.

Michael McCormick advised that this issue was not caused by the Loughs Agency nor was it responsible for the fish farm or removing the fish from the river. He did however recognise that there was an issue with communication to stakeholders.

Alastair Patterson advised that he had also received correspondence regarding the rainbow trout escape. He added that whilst the group had been very complimentary of the Loughs Agency, and the work that it had carried out to date, they were very frustrated with DAERA as the licensing authority, as no restrictions or suspensions seemed to have been placed on the fish farm. Alastair highlighted that it had been alleged that 387,000 fish had escaped from the fishery, and given that Loughs Agency had captured less than 1,000, it was his opinion that this could completely devastate the River Mourne, one of the best salmon rivers in Europe.

Ian McCrea highlighted that it was his opinion that the liability lay with the fish farm, and this was not Loughs Agency's responsibility.

Vice Chairman asked John McCartney to outline each party and their area of responsibility. John McCartney advised that DAERA Aquaculture is the licensing authority, who is responsible for the fish farms' licence. The fish farm, which is part a multinational company, is responsible for the escapement of rainbow trout. Northern Ireland

Environment Agency, is the competent authority for the management of invasive species, and Department for Infrastructure Rivers is responsible for the flood defences in a Special Area of Conservation.

Fiona Walsh suggested that the Agency draft a Disaster Plan, as it clearly has very little resources and should be prepared, if such an event was to occur again, to access resources from other Departments. She added that now was the time to negotiate such a plan.

Designated Officer advised that the Agency currently has a Crisis Management Plan and is in discussion regarding a Business Continuity Plan. She added that DAERA and Inland Fisheries Ireland had offered to assist in whatever way they could during the crisis. Designated Officer informed the Board that there was a meeting of the North South Fisheries Liaison Group scheduled in June and she was put this on the agenda for discussion.

Patrick Gibbons asked if the fish farms licence was renewable, and if so when it was due to be renewed. John McCartney advised that these type of licences tended to be open ended, and changes are generally only made if the premises changes ownership. Barry Fox advised that under the new Habitats Regulation, licences are now granted for 10 to 15 years, but at the time this licence was issued it was open ended.

Alastair Patterson asked if the fish farm had been restocked following the flood. John McCartney advised that it had been restocked and was fully operational.

Staff Conference

Designated Officer advised that the Agency had held a staff conference on 23rd March 2018, themed Our Agency Your Future – Respecting the Past, Leading the Present and Securing the Future. She added that there was presentations from the Senior Management Team and Senior Biologist from Loughs Agency, as well as presentations from Niall O'Maoileidigh from the Marine Institute, Jon Houghton from Queens University, Belfast and Richard Gillen from Causeway Coast and Glens Borough Council. Designated Officer reported that on the afternoon of the conference Ally Consultants guided staff through the first steps of Securing the

Future. She added that the feedback from staff had been very positive.

Capital Bids

Designated Officer advised the Board that the Agency had secured £200,000 capital funds from its Sponsor Departments to upgrade the River Finn Fish Counter. She added that the Agency had also received positive feedback regarding the capital bid to refurbish its Omagh office, and hoped to receive final confirmation in the near future. Designated Officer thanked the Board for their support regarding the above projects.

Salaries Budget

Designated Officer advised that she and JP O'Doherty were scheduled to meet with both Sponsor Departments, at a joint Accountability and Governance Meeting on 3rd May 2018, where the above would be discussed.

North West Flood

Designated Officer advised the Board that the Agency had welcomed a recent announcement by DAERA, advising that it would fund Loughs Agency £500,000 to carry out remedial works, during 2018, on four river catchments affected by the flooding in August 2017. The work will include redirecting watercourses back to the main river systems, erection of riparian fencing and buffer strips along the affected rivers, management of overhanging trees and revetment works.

Pensions

RESERVED

7. Directors' Reports

The Vice Chairman advised the Board that Members had been provided with the Directors' Reports and asked if Members had any questions, or issues, they wished to raise with the Directors.

Corporate Services

JP O'Doherty, Interim Director of Corporate Services, was unable to attend the meeting and sent apologies. Designated Officer asked if there were any questions in relation to his report.

There were no questions/comments in relation to this report.

Conservation and Protection

John McCartney, Director of Conservation and Protection, asked if there were any questions in relation to his report.

There were no questions / comments in relation to this report.

Development

Kevin Wilson, Director of Development, asked if there were any questions in relation to his report.

Heather Mackey asked Kevin for an update in relation to Loughs Agency's social media presence. Kevin advised that the Agency had appointed a company to produce a Social Media Strategy for the Agency and to provide training to all relevant staff.

There were no further questions / comments in relation to this report.

Aquaculture and Shellfisheries

Barry Fox, Director of Aquaculture and Shellfisheries asked if there were any questions in relation to his report.

There were no questions / comments in relation to this report.

8. Finance Update

The Board was provided with a financial outturn report up to the end of March 2018. JP O'Doherty was unable to attend the meeting, however, he provided the Board with a comprehensive narrative to accompany the report prior to the meeting.

9. Risk Register Update

Board Members were provided with copies of the most up to date Risk Registers for their information. Patrick Gibbons highlighted that the changes made to the Risk Register were unclear, and asked if the changes could be tracked in future. Designated Officer advised that the changes were noted separately and sent to the Sponsor

Departments. She added that these notes would be included with the Risk Registers going forward.

Patrick Gibbon highlighted risk 7, limited scientific information. He stated that this risk was ranked as high, however, he would suggest that it was very high. Barry Fox agreed and advised that he would examine this further at the next Risk Management Meeting.

10. Outturn Against Targets

Board Members were provided with copies of the most up to date Outturn Against Targets for their information.

Patrick Gibbons highlighted Strategic Priority 5, Business Objective 7 regarding the review of fleet. He asked if the Fleet Review and outcome of the Fleet Strategy would be shared with the Board or Audit and Risk Committee. He also added that he would be keen to review the plans for the £40,000 spend regarding vehicles. Designated Officer advised that this was being carried out by JP O'Doherty and would be brought to the Board in time. She added that the £40,000 was for replacement vehicles, however, as part of the Review some vehicles may not be replaced.

11. Audit and Risk Committee Update

The Board was provided with a copy of the draft minutes of the 7th March 2018 meeting for information.

Phil Mahon, Chair of the Audit and Risk Committee highlighted the section from the above minutes regarding the provision of an Internal Auditor. She advised that following the Audit and Risk Committee Meeting she had met with Alan McKee, DAERA Head of Internal Audit, who again raised his concern regarding the Internal Audit provision, and advised that if the Agency continued with this recruitment, DAERA Internal Audit would not complete their Internal Audit.

Patrick Gibbons advised that the Audit and Risk Committee required the support of the Board on this matter. He added that an Internal Auditor would report to the Chief Executive and provide assurance to the Board on an ongoing basis.

Fiona Walsh advised that the Committee had also decided to wait until the overhaul of the Risk Register had been completed before progressing this recruitment.

Board Members agreed that the Agency should recruit an Internal Auditor.

Proposed Michael McCormick
Seconded Ian McCrea

Phil Mahon reported that the Strule Trust had also been discussed at the meeting and Members had agreed that although the Agency is supportive of the work being carried out by the Trust, Agency staff would only be available on an advisory capacity, as the regulator for fisheries in the River Strule area. She added that John McCartney had stepped down as Company Secretary.

Fiona Walsh advised that Internal Audit had highlighted major concerns regarding the forthcoming General Data Protection Regulations (GDPR). She added that the Committee had been assured orally that the Agency was 95% compliant, however she would like to see a more auditable assurance. Designated Officer advised that staff were currently carrying out modules on GDPR and would be receiving training at the beginning of May 2018 regarding same.

12. Loughs Agency Financial Statements 2017

The Board was provided with a copy of the Loughs Agency Financial Statements 2017 for information.

13. Internal Audit Report 2017

The Board was provided with a copy of the Draft Internal Audit Report 2017 for information. Designated Officer advised that this was a joint Internal Audit, carried out by both Sponsor Departments. She added that management responses had been collated and were returned to both Sponsor Departments on 10th April 2018.

Patrick Gibbons highlighted section 3.1.3 of the Report, which recommended that the Board make arrangements to ensure that it meets at least twice a year without management present. He suggested that the Board schedule 10-15 minutes before two of its

meetings per year, without management present, instead of convening 2 separate meetings.

Designated Officer advised that she had discussed this with the Head of Internal Audit in the Department of Communications, Climate Action and Environment, who had suggested that the Board Secretary allow private time for Board Members before each meeting, without a time limit being set. She added that this may not always be required, however, the time will be set aside going forward.

14. Annual Report 2017

The Board was provided with a copy of the above for approval.

Proposed Phil Mahon
Seconded Patrick Gibbons

15. Strule Trust Update

This was discussed under agenda item 11.

16. MMV Ostrea Update

Barry Fox advised the meeting that following the last Board Meeting the former Chairman had drafted a letter to both Sponsor Departments regarding the above. He added that since then the Agency has received the Options Paper back from the Sponsor Departments with further amendments, which have been accepted, and the paper has been returned to the Departments for approval.

17. Rocks Lodge Update

This was discussed under agenda item 6.

18. Presentation on INTERREG Funding by Dr Patrick Boylan

Board Members were provided with the above presentation, by Dr Patrick Boylan regarding the forthcoming Sea Monitor, CatchmentCARE and SWELL projects. Barry Fox wished to record his thanks to Dr Boylan for his efforts in attracting the above funding.

19. Presentation on Risk Register by Ally Consultants

Board Members were provided with the above presentation by Ryan Williams and Damien McIlroy from Ally Consultants.

Michael McCormick thanked the gentlemen for their presentation and advised that as it had been highlighted earlier in the meeting and over the past number of years, Loughs Agency needs to improve its communications and PR. He added that the Agency organise fantastic events, however, this is not always portrayed to the public.

Fiona Walsh complimented the gentlemen on an amazing strategic review of the Agency, however she advised that the role of the Board was to set strategy, therefore they should have been involved in this Strategy. She added that following this review the Agency still do not have a tool to monitor risk.

Designated Officer advised that the Agency has been working on a Strategic Risk Register with Ally, however there are processes to follow. She added that the former Chairman had asked for Ally to present to the Board at this meeting, however there was still some work to be completed on the Risk Register before it was finalised.

Fiona Walsh advised that she appreciated the work that had taken place thus far, however she felt that they process was slow and the communication could be improved.

Patrick Gibbons echoed Fiona's statements and added that the Board had been presented with the results of a Strategic Review of the Agency rather than a review of risk, which was not tangible and, from an Audit and Risk Committee point of view, unsatisfactory. Patrick also agreed that the process required full Board engagement.

Phil Mahon advised that as the Chair of the Audit and Risk Committee she could understand the frustration of Members, however she agreed with how the process had been carried out.

Vice Chair thanked the gentlemen for their very engaging and positive presentation. He added that the Board would discuss this again at the next Board Meeting as there was clearly a job of work to be carried out.

20. AOB

Carlingford Office

Patrick Gibbons asked for an update regarding the above. Designated Officer advised that this would be discussed at the forthcoming accountability / governance meeting with Sponsor Departments on 3rd May 2018.

Trestles

Terry McWilliams asked for an update regarding the above. Barry Fox advised that there had been no developments regarding the above issue. Michael McCormick advised that he had recently been contacted by a kite surfer who was unaware of the trestles in Lough Foyle, and had an accident whilst surfing. He added that the gentleman had not been injured, however he had broken his surfboard and the potential for injury was apparent.

Credit Card Fraud

Designated Officer advised the Board that there had been an instance of fraud involving the Agency's credit card. She added that she had been in contact with the bank manager, who had investigated the case and had advised that the card details had been intercepted online, and used in a fraudulent transaction. Designated Officer also added that the funds had been refunded to the Agency and there had been no financial loss or breach of the Agency's procedures.

Fiona Walsh asked if the bank had investigated the Agency's internal processes and levels of control. Designated Officer advised that the Agency's credit card is locked in a safe in the finance office, it can only be used at a designated desk and terminal in that office and it is linked to a mobile phone that is also locked in the finance office safe. She added that the bank is aware of the Agency's processes and is content that the Agency is doing everything possible to limit fraud.

21. Date and Venue of Next Meeting

The next meeting of the Board will be held on Wednesday 27th June 2018 at 11am in Waterways Ireland Headquarters, Enniskillen.

Item No	Action	Responsible	Expected Delivery Date
6	Heather Mackey to discuss recommendations regarding the rainbow trout escape with Designated Officer.	Heather Mackey	27.06.18
6	Designated Officer to discuss collaborative working at North South Fisheries Liaison Group Meeting.	Designated Officer	27.06.18
6	Designated Officer to discuss salaries budget with Sponsor Departments.	Designated Officer	03.05.18
9	Changes to Risk Registers to be sent to Board with Risk Registers.	Laura McCready	27.06.18
9	Examine if risk 7 regarding limited scientific information, should be changed to a very high risk.	Barry Fox	02.05.18
13	Private time to be scheduled before each Board meeting.	Laura McCready	27.06.18
20	Designated Officer to discuss the potential capital bid for an office in Carlingford with Sponsor Departments.	Designated Officer	03.05.18