

114th MEETING OF THE FOYLE CARLINGFORD AND IRISH LIGHTS COMMISSION

Wednesday 27th February 2019 at 11am

Four Seasons Hotel, Carlingford

Attendees

Present

Andrew Duncan (Vice Chairman)

Allan Ewart

Fiona Walsh

Heather Mackey

Patrick Gibbons

Phil Mahon

Terry McWilliams

In Attendance - Loughs Agency

Sharon McMahan – Designated Officer

Barry Fox – Director of Aquaculture and Shellfisheries

John McCartney – Director of Conservation and Protection

JP O'Doherty – Interim Director of Corporate Services

Kevin Wilson – Director of Development

Laura McCready (Minutes)

Private Time for Board Members

The Board availed of its private time before the Board Meeting commenced.

1. Apologies

Alastair Patterson

Ian McCrea

Michael McCormick

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 Fiona Walsh

Seconded Allan Ewart

4. Reserved Minutes

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

Proposed Fiona Walsh

Seconded Allan Ewart

5. Matters Arising

There were no matters arising from the previous minutes.

6. CEO Report

Transfer of Assets

Designated Officer advised the Board that the Agency has been liaising with the Department for Communities and Northern Ireland Environment Agency, who are in the process of transferring 3 boats to Loughs Agency. She added that these boats will be replacement vessels for some of the Agency's older fleet, and will undertake a number of duties, including the Agency's water sampling programme. Designated Officer wished to thank Trevor Allen and Billy Silcock from the Department for Communities, Terry Curran from the Department of Agriculture, Environment and Rural Affairs (DAERA) and JP O'Doherty and Roly Wysner from Loughs Agency, for their efforts in securing the transfer of these assets.

Strategic Plan

Designated Officer advised the Board that since the last Board Meeting work continues on the Agency's Strategic Plan. She added that a Steering Committee has been established and is being facilitated by Caitriona Mullan. The Committee consists of the Designated Officer, the Vice Chairman of the Board, Board Member Alastair Patterson and Damian McIlroy from Ally. Designated Officer reported that following the first meeting of the Steering Committee on 12th February 2019, the Draft Strategic Plan was

reviewed and will now be sent to Staff and Unions for consultation. Following Staff feedback the Plan will be sent to Board Members for consultation and feedback, with the final Plan complete by 23rd April 2019. Further consultation with other relevant stakeholders will then take place once the consultation with the Staff and Board is complete.

Fiona Walsh advised that she applauds the Agency for the work to date on the Strategic Plan, however as strategy is the primary role of the Board, this should have been agreed at Board prior to being sent to Staff. She also added that she was unaware of the Steering Committee and found this unfortunate, as she and a number of other Board Members have given their time freely during Strategic Development days.

Designated Officer advised that the Steering Committee includes two Board Members, one Northern and one Southern representative. She added that the Staff of the Agency spent three days fully engaged with the process, therefore their feedback is crucial at this stage in the process as they have been instrumental in the co-design. Designated Officer added that she can send the Draft Plan to Board Members and Staff simultaneously, if the Board so wished.

Chairman advised that he is content with additional Board Members attending the Steering Committee, if they feel that this is necessary. He added that it is important to have Staff feedback prior to issuing the Plan to the Board, to ensure staff buy in.

Fiona Walsh advised that the Strategic Plan is the primary duty of the Board, and she therefore feels uncomfortable with the process. She added that she feels that this will affect her reputation as a Board Member, as the Plan is being circulated before she has had sight of it.

Designated Officer advised the Board of a review of Loughs Agency carried out in 2005, which was revisited in 2009. She added that one of the major issues in the Report was the lack of Staff engagement regarding strategic planning, which continues to be an issue today. It is therefore essential that this participatory strategic planning process involved both the Staff and the Board. Fiona Walsh advised that she is completely supportive of Staff engagement, however feels that the Board should have sight of the

Plan prior to it being issued to staff. She added that she is happy for the Agency to proceed but asked that her concerns are noted, as she feels that the process is not adequate.

Designated Officer advised that the next Board Meeting is scheduled to take place in April 2019. She added that the Agency needs to begin work on the Corporate and Business Plans, which will stem from the Strategic Plan, therefore to wait until April 2019 for Board approval on the Strategic Plan is too late. Fiona Walsh advised that she raised the issue of the Strategic Plan in 2017, and it is unfortunate that it has taken so long to get to this stage.

Designated Officer asked if the Board would like to schedule a further meeting to discuss the Strategic Plan. Chairman advised that if the Board felt it necessary that he is content to attend, however he feels that if the Strategic Plan is issued to both Staff and the Board simultaneously, that it will mitigate the need for such a meeting.

Terry McWilliams advised that he has recently been involved in a similar situation with local Council, and added that he has every confidence in the Agency's approach in relation to staff buy in at an early stage.

DAERA Board Meeting

Designated Officer advised that the DAERA Board is now in a position to meet with the Agency's Board. She added that as the Board is aware this meeting is due to take place once per year, however due to DAERA's workload regarding Brexit, a meeting was not held during 2018. Board Members welcomed the opportunity to meet with DAERA Board. Laura McCready to liaise with Board Members and DAERA to schedule a suitable date.

Omagh Office

Designated Officer advised the Board that the Agency recently met with the contractors in relation to the refurbishment of its Omagh office. She added that Board Member Alastair Patterson attended the meeting and was very helpful in negotiating the Agency's position with the contractors. Designated Officer wished to pass on her gratitude to Alastair for his time and guidance.

International Year of the Salmon

Designated Officer provided an update in relation to the above. She added that the Agency has recently launched a photography competition and would welcome the assistance of Board Members, who would be willing to sit on a judging panel for this competition. Designated Officer also advised that plans for a Youth Conference in March 2020 are well underway within the Agency.

7. Directors' Reports

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

Aquaculture and Shellfisheries

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

Phil Mahon referred to the section of Barry's report in relation to slipper limpet, and asked if this was the first time it has been detected. Barry advised that worryingly the first detection of the invasive species, the slipper limpet occurred on the oyster beds during the autumn 2018 oyster survey. Agency scientists have recorded at least 10 individuals of this species in a range of sizes, showing evidence of natural recruitment in Lough Foyle in the recent past. This species has the potential to compete for food and space with other shellfish species, and has had a negative impact on shellfish production areas in other parts of Europe.

Terry McWilliams acknowledged the transfer of 3 vessels to the Agency, however asked for an update in relation to a replacement Monitoring Vessel. Barry advised that work continues on the options paper, which will be resubmitted to Sponsor Departments with a letter from Board Members, prior to the next Board Meeting.

Terry McWilliams asked for an update in relation to the oyster trestles on Loughs Foyle. Barry Fox advised that tensions have increased in the local Inishowen area due to the expansion of trestles. He added that the Irish Lights Commission has highlighted health and safety issues regarding the trestles. Terry asked that a further letter be sent from the Board to the NSMC highlighting the Boards concerns. All agreed.

There were no further 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.

Heather Mackey highlighted the serious pollution problems that John described in his report, and asked if there was any media coverage in relation to this, and if the Agency is prepared for such a media requests. John advised that the Agency publishes reports from the courts when a case results in a prosecution. He added that in relation to cases of pollution Northern Ireland Environment Agency is the competent authority, therefore media enquiries are directed to them. However in such cases the Agency deals with the consequences of the pollution.

Fiona Walsh highlighted the Conservation Limit of 6,287 and annual fish count of 1,214 on the River Mourne. Fiona asked if any action is being taken due to the River Mourne not meeting its Conservation Limit. John explained that the IBIS / University of Glasgow study found that for every fish recorded to pass through the River Mourne fish counter, 11 fish passed through the weir. Therefore based on this calculation it is estimated that the annual total for the River Mourne is 13,354.

Terry McWilliams wished to compliment the Loughs Agency staff involved in the recent BBC Borderlands documentary. He added that the Staff were extremely professional under immense pressure. John thanked Terry for his comments and advised that he will pass this on to Staff. Designated Officer also thanked Terry for his comments and explained that there was negative feedback on social media prior to the programme being aired, and due to these comments the Agency took the decision not to promote the programme on its social media channels. Heather Mackey asked if Board Members can be provided with a copy of the documentary. JP O'Doherty to follow up.

There were no further 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 advised that she is very impressed with the increase in growth across the Agency's social media channels, following the implementation of the Agency Social Media Strategy. Heather volunteered to assist the Agency with the organisation of the 20th anniversary event on 10th April 2019. Designated Officer advised that she plans to talk with Heather following today's meeting regarding the event.

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

Corporate Services

JP O'Doherty, Interim Director of Corporate Services asked if there were any questions in relation to his report.

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

8. Finance Update

Board Members were provided with a Budget Report up to the end of January 2019, and a spreadsheet of planned Capital Projects for 2019 prior to the Board Meeting. Allan Ewart highlighted the lack of spend to date, and reported that from the report it seemed only Corporate spend has occurred so far in 2019. JP O'Doherty advised that budgets were not agreed until the beginning of February 2019, therefore spend was limited.

Barry Fox advised that Aquaculture and Shellfisheries budgets are assigned to vessel hire and seasonal staff, neither of which have incurred spend so far this year.

Kevin Wilson advised that the Development budget is allocated to capital projects, none of which have commenced so far this year.

Allan advised that he is disappointed with the lack of spend, and added that projects should be well thought out and planned in advance, to begin in January each year. Designated Officer advised

that the Agency plans to seek project management training / guidance in early 2019.

Patrick Gibbons highlighted the generic wording used to describe a number of capital projects planned for 2019. He added that he would be interested in viewing the approved Business Cases for these projects, as many of the projects seemed very similar. Designated Officer advised that the Business Cases can be made available, however she had taken extracts from the Business Cases to provide Board Members with a flavour of each project, therefore the chosen section may not give a complete overview of the projects.

Fiona Walsh highlighted a number of Development projects which also seemed very generic. Fiona asked if these projects are to identify sites or to deliver works. Kevin Wilson advised that part of the projects are to identify areas that require improvements, and where budget is available works will be carried out.

Fiona Walsh highlighted improvements to Headquarters of £206,000, citing a Health and Safety issue. Fiona added that she is alarmed that such an extensive risk was not highlighted in the Risk Register prior to today. Patrick Gibbons also highlighted that he was alarmed when he reviewed the capital projects paper.

JP O'Doherty advised that a recent Health and Safety report highlighted that the existing floor space in the Agency's IT Office would not meeting the requirements of the Workplace Regulations 1992, if the Agency was at full staff compliment. However as the Agency is not at full staff compliment the issue is currently not a major risk. He added that when the IT Office was established it was a temporary fixture, which now requires improvements.

Designated Officer advised that the Agency will also require additional desk space for CatchmentCARE and SeaMonitor staff. She added that the hatchery area at Headquarters is being refurbished to allow for additional office space that is required throughout the Agency.

9. Risk Register Update

Board Members were provided with the most up to date Risk Registers, up to the end of December 2018. JP O'Doherty advised

that the next Risk Management Meeting is scheduled to take place on 5th March 2019.

JP advised the Board that a meeting of the Audit and Risk Committee is scheduled to take place on 25th March 2019 to finalise the Corporate Risk Register, which will subsequently be presented at the next Board Meeting for final approval.

10. Outturn Against Targets

Board Members were provided with copies of the most up to date Outturn Against Targets for their information. JP O'Doherty advised that at this early stage in the year all outturns are on target for completion.

11. Audit and Risk Committee Update

Board Members were provided with a copy of the minutes of the November 2018 Audit and Risk Committee (ARC) Meeting for information, and a copy of the amended ARC Terms of Reference (ToR) for approval. It was noted that Members of the ARC requested further discussion in relation to the amended ToR, therefore the ToR will be presented to the Board at its next meeting.

Patrick Gibbons, Chairman of the ARC advised the Board that the Committee last met on 6th February 2019. Patrick advised that following discussions Allan Ewart has agreed to join the ARC, and thanked Phil Mahon, the outgoing Committee Chair for her commitment during her term on the Committee. Patrick then provided the Board with an update on the issues discussed during the Committee Meeting.

12. Monitoring Vessel

This was discussed under Directors' Reports.

13. Strule Trust

Designated Officer advised that the Agency has received a draft Partnership Agreement from its solicitors, which will be reviewed by the Agency before sign off. She added that the Strule Trust has asked the Agency to provide a minute taker for 4 meetings per year. The Audit and Risk Committee has asked that a Terms of Reference

for the provision of a minute taker be drafted, with their role being clearly defined.

14. Code of Practice for the Governance of State Bodies

Board Members were provided with a copy of the above for information. JP O'Doherty advised that Loughs Agency had its annual verification check carried out by the Department of Communications, Climate Action and Environment at the beginning of February 2019. The Agency was asked to bring the Code of Practice for the Governance of State Bodies to the Boards attention. JP added that this is a new process for the Agency and going forward the Code of Practice will be included in an induction pack for new Board Members. JP advised that the Agency has a number of actions to complete following the review, including a Board Self-Assessment.

Fiona Walsh welcomed the document as it gives an overview of where the Boards' duties lie.

15. External Funding Update

The Board was provided with an update on the CatchmentCARE, SeaMonitor, SWELL and North West Flood Project prior to the meeting for information.

16. Angling Licence Fee Income

The Board was provided with correspondence sent to DAERA's Permanent Secretary Denis McMahon, from Jim Haughey of the Ulster Angling Federation, and the retrospective response from John Speers, DAERA's Director of Marine and Fisheries Division. The correspondence was in relation to Loughs Agency's angling licence fee income. Following discussion it was agreed that Board Members will discuss this further at the DAERA joint Board Meeting.

17. Scheduling of Board Meetings

Patrick Gibbons advised that he had asked for this item to be placed on the agenda, however this was discussed during the Board Members' private time, therefore he is happy for the Vice Chairman to relay the Board's request to the Designated Officer.

18. AOB

There were no items of any other business.

19. Date and Venue of Next Meeting

The next meeting of the Board will be held on Wednesday 24th April 2019 at 11am in Loughs Agency Headquarters, Prehen.

Item No	Action	Responsible	Expected Delivery Date
6	Laura McCready to liaise with Board Members and DAERA to schedule a suitable date.	Laura McCready	24.04.19
7	Letter to be issued to Sponsor Departments, with the amended Options Paper.	Barry Fox	Prior to 24.04.19
7	Letter to be issued to NSMC regarding oyster trestles in Lough Foyle.	Laura McCready	ASAP
7	Copy of Borderland documentary to be obtained for Board Members, if possible.	JP O'Doherty	ASAP