

**126<sup>th</sup> MEETING OF THE FOYLE CARLINGFORD AND IRISH  
LIGHTS COMMISSION**

**Tuesday 15<sup>th</sup> June 2021 at 10am**

**Via Teleconference**

**Attendees**

**Present**

Laurence Arbuckle (Chairman)  
Andrew Duncan (Vice Chairman)  
Fiona Walsh  
Heather Mackey  
Michael McCormick  
Patrick Gibbons  
Phil Mahon

**In Attendance - Loughs Agency**

Sharon McMahan – Designated Officer  
Laura McCready (Minutes)  
Ciara McGinley (Minutes)

**Non Attendance**

Alastair Patterson  
Allan Ewart  
Ian McCrea  
Terry McWilliams

Private Time for Board Members

The Board did not avail of private time before the Board Meeting commenced.

**1. Apologies**

None

**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 Heather Mackey

### **4. Reserved Minutes**

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

Proposed Patrick Gibbons  
Seconded Michael McCormick

### **5. Matters Arising**

The following action items from the previous Board Meeting were discussed:

#### Corporate Risk Register

Designated Officer advised the Board that the Agency has reviewed its Corporate Risk Register and as previously requested by the Board, renewable energy is now included under risk CR10. She added that renewable energy will also be considered when the Agency is drafting its Climate Change Strategy.

#### Board Effectiveness

Designated Officer advised that the Terms of Reference for the above review is being finalised and will be issued to the Chairman for consideration when complete.

#### Finance Report

Designated Officer advised that the Finance Report has been amended slightly as requested. Chairman thanked the Designated Officer and suggested that perhaps it may be beneficial for the Director of Corporate Services or the Agency's Accountant to take Members through the report at each Board Meeting going forward.

#### Meenbog

Designated Officer advised that she has discussed a protocol following the Meenbog event with the Director of Conservation and Protection and the Head of Science. She added that this will be

included in the Agency's Climate Change Strategy and Science Strategy currently being drafted by the Head of Science.

#### Stakeholder Engagement

Designated Officer advised that she has discussed the concerns of the Board with the relevant Director in relation to the above. She added that this will also be considered during the Review of Development and as an outcome of the Review of Communications.

#### Communications

Designated Officer advised that the good news stories in the Inishowen area will be completed as part of the Review of Communications outcome.

Designated Officer advised that all other action items from the previous Board Meeting are complete.

### **6. CEO Progress Report**

Prior to the Board Meeting Board Members were provided with a comprehensive overview of current significant issues, strategic updates and governance and accountability updates from the Designated Officer.

#### COVID-19

Designated Officer advised the Board that the Agency continues to implement government guidelines throughout its workforce. She confirmed that the Agency has held a small number of face to face meetings in line with government guidelines and added that the Senior Management Team will be meeting in the coming days to establish a return to work model for all staff.

Designated Officer advised that the Agency continues to liaise with its Sponsor Departments in relation to the impact of COVID-19 on business continuity and emerging policy direction from Finance Departments North and South. She added that the Agency will survey its staff in relation to returning to base in the coming weeks.

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#### 2021 Business Plan

Designated Officer advised that the 2021 Business Plan is currently with Sponsor Departments and has been approved by the

Department of Finance and the Department of Public Expenditure and Reform. She added that contingency arrangements are now in place to allow the Agency to operate until the Plan is approved at an appropriate NSMC meeting.

#### Head of Science

Designated Officer advised that the Agency has recruited a Head of Science, Dr Sarah McLean, who commenced her new post on 1<sup>st</sup> April 2021. She added that a report from Dr McLean providing an update on her work to date is included in the Board papers.

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#### Fish Kill Incident

Designated Officer advised that on Sunday 2<sup>nd</sup> May 2021, Loughs Agency staff were deployed to Aghlisk River to investigate the source and extent of a fish kill which had been reported by a member of the public via Northern Ireland Environment Agency (NIEA) Water Pollution Hotline.

She added that staff spent several hours tracing the source of the fish kill and determined that the source was a discharge originating from a farm. Statutory chemical samples were collected from the source and were analysed at the NIEA laboratory in Lisburn. Designated Officer confirmed that in accordance with the Police and Criminal Evidence Code of Practice a farmer has been advised of his rights in relation to the incident.

Designated Officer advised that Minister for Agriculture, Environment and Rural Affairs, Edwin Poots MLA visited the site, which attracted a lot of media attention and interest from the Assembly.

#### Strategic Interagency Discussion on Lough Foyle

Designated Officer advised that the Agency has planned the above event which will take place on 2<sup>nd</sup> July 2021. She added that the Chairman and Heather Mackey will represent the Board at this virtual event, an update on which will be provided at the next Board Meeting.

#### Foyle Catchment Publication

Designated Officer advised that she is delighted to announce that Local historian and author, Dr Liam Campbell's book on the River

Foyle Catchment Landscape – connecting people, place and nature has now been printed and delivered. She added that Board Members can avail of a copy of this very interesting read upon request.

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#### Review of Communications

Designated Officer advised that the Agency has now gone to tender for a managed service following the Board's request after the above presentation on 20<sup>th</sup> May 2021. She added that communications will now report to the CEO's Office as recommended in the findings of the review.

Fiona Walsh thanked the Designated Officer for the excellent report. Fiona advised that the Board and the Agency spent a considerable amount of time on the Agency's Strategic Direction and asked if a dashboard can be created to measure the qualitative and quantitative objectives of the Agency going forward.

Designated Officer advised that she has drafted a balance scorecard which is currently with the Chairman for review. She added that once agreed by the Chairman she will forward to Board Members and confirmed that this will provide the measures that Fiona has requested.

### **7. Meenbog Update**

Prior to the Board Meeting Board Members were provided with an updated paper from the Director of Conservation and Protection in relation to the above. Vice Chairman asked for a long-term prognosis in relation to Meenbog and added that he was not happy with the site when he visited it in late 2020. Designated Officer advised that a prosecution file has been prepared for the Agency's solicitors who will check same against points of law and progress with the prosecution.

Designated Officer advised that Sponsor Departments have provided the Agency with budget cover to employ 3 staff to survey the affected area, draw up a restoration plan and carry out works. She added that the initial survey work has identified suspended solids quite a distance from the bog slip.

Vice Chairman advised that it was suggested that the peat would wash itself away, however in his opinion, although the peat may wash

itself out, it will kill everything underneath it. He added that this will not be evident until the survey work has been completed.

Chairman advised that although the Agency cannot release too much information on this ongoing case, he would still ask that cases like these continue to be highlighted and investigated thoroughly. He added that there are major implications that will stem from this environmental disaster and asked that the Agency continue to keep a watching brief on upcoming proposed renewable energy schemes.

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## **8. Finance Update**

Prior to the Board Meeting Board Members were provided with a Budget Report up to the end of May 2021. Designated Officer advised the Board that although it appears that there will be an underspend in salaries in 2021, there are a number of live recruitments that will rectify this budget line.

Designated Officer advised that, as the Board is aware the Agency submitted a bid to its Northern Sponsor Department (DAERA) in the June monitoring round due to insufficient overhead budget cover. She added that the Agency has been informed that its bid was unsuccessful and has been asked to resubmit the bid in the September monitoring round.

Designated Officer advised that she has asked for a sustainable budget for a number of years, however a resolution has not been met. She added that she will raise this once again with Sponsor Departments as a matter of urgency.

Designated Officer advised that the funding for the Meenbog Project was also submitted as part of the June bid, a project that has been supported by the Minister for Agriculture, Environment and Rural Affairs. She added that the Agency's Southern Sponsor Department (DECC) has provided all of its portion of the Agency's 2021 budget cover to date, including Meenbog budget cover, due to the lack of an approved 2021 Business Plan, however contingency plans are now in place to ensure DAERA can pay its portion for the remainder of 2021. Chairman advised that this is not satisfactory and has resulted in the Agency working at risk for the majority of the year.

Patrick Gibbons also voiced his concerns in relation to this matter. He advised that this is not satisfactory and suggested that the Board draft a letter to Sponsor Departments expressing its concerns. Chairman agreed and advised that a letter will be drafted to this effect.

## **9. Risk Register Update**

Prior to the Board Meeting Board Members were provided with the individual Directors' Operational Risk Registers and overall Corporate Risk Register for information.

Patrick Gibbons raised concerns in relation to the Development Risk Register which has risks that are residually very low, meaning that it is being suggested that the controls are effective. He added that this does not tally in any way with the findings of the recent Review of Communications evaluation. Patrick suggested that the relevant Director it is not realistically assessing the risks.

Phil Mahon welcomed the review of the Corporate Risk Register and Risk Management Policy and suggested that refresher training on risk may be beneficial to the Board. Patrick Gibbons agreed with this proposal. Designated Officer advised that the Senior Management Team recently undertook Risk Management training and advised that she will follow this up with the Director of Corporate Services.

Proposed Phil Mahon  
Seconded Patrick Gibbons

## **10. Performance Framework Update**

Prior to the Board Meeting Board Members were provided with copies of the Performance Framework templates as completed by Directors, for their information.

Phil Mahon advised that similar to the issues raised by Patrick Gibbons in relation to the Development Risk Register, the performance framework report lacks any indication that works will be completed in 2021. She added that a number of projects have been noted as ongoing or delayed due to COVID-19 which is very discouraging. Chairman agreed and advised that although some restrictions remain in place that have impeded events etc., stakeholder engagement could certainly have been carried out

virtually. He added that over one year on from the initiation of restrictions, this is not an acceptable reason for a delay in operations.

Patrick Gibbons advised that it is always a cause for concern when the only amendment that has been made from the previous report is the date.

Designated Officer advised that she understands the frustration of the Board and advised that this issue has been discussed at great length which has resulted in new strategic reporting templates being produced for the Senior Management Team (SMT) to inform Board reports.

Designated Officer advised that she is working on a new performance management document for each of the Directors, she added that she has completed the Director of Development's template which she will share with the Board for information.

Designated Officer advised that this issue was also highlighted during the Review of Communications, which is scheduled to be discussed with the SMT on 21<sup>st</sup> June 2021. She added that she will also advise the SMT of the concerns of the Board during this meeting.

Heather Mackey advised that Gray's Communication clearly stated during its review that the SMT reports needed worked on. She added that each of the reports should cover communications, and currently they don't. Heather also advised that the managed service, when awarded, should be asked to train the SMT on report writing.

Phil Mahon advised that this issue has been ongoing for some time and asked if Directors are aware and understand the issue. She suggested that perhaps another path of action is required. Designated Officer advised that she will continue to make the SMT aware of the issues and try to remedy these issues. RESERVED

Chairman advised that there should be tight guidelines set and clear cut procedures if these guidelines are not followed.

## **11. Audit and Risk Committee Update**

Prior to the Board Meeting Board Members were provided with a number of documents for noting and for approval.



### Final Draft 2020 Annual Report and Accounts

Patrick Gibbons, Chairman of the Audit and Risk Committee advised that ordinarily this document is reviewed and approved by the Audit and Risk Committee on behalf of the Board, however due to the lack of a quorum this did not transpire in March 2021. He added that the Committee, which includes a co-opted Accountant, has reviewed the document and is content with same.

Patrick wished to record his thanks to the Agency's Accountant for the completed set of Accounts.

Proposed Fiona Walsh

Seconded Phil Mahon

### Audit and Risk Committee Draft 2020 Annual Report

Patrick Gibbons advised that the above is an overview of the Audit and Risk Committee's activities for 2020 and asked if there are any questions in relation to same. There were no questions in relation to same.

Phil Mahon complimented Patrick and the Committee Members for their great work during 2020, in spite of the pandemic.

Proposed Michael McCormick

Seconded Vice Chairman

### Audit and Risk Committee Terms of Reference

Patrick Gibbons advised that the above document was amended at section 3.2, to enable the quorum of the Audit and Risk Committee to be changed from 3 Board Members to 3 Members. He added that this will mean that a co-opted Member will now be considered as part of the quorum.

Designated Officer suggested that it may also be prudent for the Board to consider appointing a further Board Member to the Audit and Risk Committee to ensure that it can meet its quorum going forward. Patrick supported this suggestion.

Chairman also agreed with this and asked if there are any Board Members who would like to be appointed to the Audit and Risk Committee. Phil Mahon advised, that although her term ends in December 2021, she is happy to re-join the Committee for that period.

### *Terms of Reference*

Proposed Patrick Gibbons  
Seconded Heather Mackey

### *Appointment of Phil Mahon to the Audit and Risk Committee*

Proposed Patrick Gibbons  
Seconded Fiona Walsh

### Internal Audit Strategy 2021-24

Patrick Gibbons advised the Board that Annex B of the above document provides a list of the areas Internal Audit will cover from 2021-24.

Proposed Patrick Gibbons  
Seconded Chairman

The following documents were accepted and noted by the Board:

- 2019 Report to Those Charged With Governance.
- Internal Audit Review of Loughs Agency 2020/21.
- Internal Audit Annual Opinion and Report 2020/21.

## **12. External Funding Update**

Prior to the Board Meeting Board Members were provided with an update on the SeaMonitor, CatchmentCARE and SWELL projects for their information.

## **13. Press Releases**

Prior to the Board Meeting Board Members were provided with a copy of press releases published since the previous Board Meeting and a copy of recent press clippings from the media in relation to the Agency for their information. Chairman welcomed this information.

## **14. Disability Action Plan**

Prior to the Board Meeting Board Members were provided with the Agency's 3 Year Disability Action Plan for review and approval.

Proposed Fiona Walsh  
Seconded Michael McCormick

## 15. AOB

### Salmon Ambassador Programme

Designated Officer advised that the Agency ran a Salmon Ambassadors Programme over the last 2 years, which concluded in a virtual conference held on 9<sup>th</sup> June 2021, hosted by Barra Best. She added that this was an educational programme which involved a number of primary schools, who all presented on the life cycle of the salmon at the conference.

Designated Officer advised that this was an excellent programme which the Agency will be building upon going forward. Designated Officer wished to thank the Head of Science, Education Officer and Project Support Officer for their hard work and dedication to the project.

### Private Time

Chairman advised that he has had a request from one of the Board Members for private time at the end of the Board Meeting. He asked all Board Members to remain on the call following the departure of the Designated Officer and Loughs Agency staff.

## 16. Date and Venue of Next Meeting

The next Board Meeting will take place on Thursday 2<sup>nd</sup> September 2021. Venue to be considered in line with COVID-19 restrictions.

Item No	Action	Responsible	Expected Delivery Date
5	Provide Chairman with Board Effectiveness Terms of Reference.	Designated Officer	ASAP
6	RESERVED	Chairman	ASAP
6	Review balance scorecard.	Chairman	ASAP
6	Provide agreed balance scorecard to Board.	Designated Officer	ASAP
8	Write to Sponsor Departments regarding the Agency's lack of budget cover.	Chairman	ASAP
9	Liaise with Director of Corporate Services in relation to Risk Management refresher training for the Board.	Designated Officer	ASAP
10	Provide Board Members with Development Performance Management template.	Designated Officer	ASAP