

Land Development Agency

Board Meeting of 2nd March 2021

Minutes of Meeting

Date	2 nd March 2021
Venue	Video conference call – Covid 19 restrictions remaining in place
Time	10am
Chair	John Moran
Other Board Members	John Coleman (CEO), Michael Stone*, Tim Bouchier-Hayes, Clare Costello, Michelle Norris, John O'Connor, Conn Murray*, Caroline Timmons*
Apologies	Frank Curran
Attendees	Omar Bhamjee* (Head of Finance), Dearbhla Lawson*, Phelim O'Neill* (Head of Property), Barry Chambers*
Minute Taker	██████████ (Arthur Cox)
*	For part of meeting

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37-Personal
Information

No	Item
1.	Board Preliminaries
	Agenda – For Noting The Board noted the agenda provided for the meeting.
1.1	Noting of Meeting Chair – For Noting It was noted that John Moran would chair the meeting.
1.2	Notice of Meeting and Quorum – For Noting The Chair noted that the meeting was quorate.
1.3	Declarations of Conflict / Interest – For Noting The Board were provided an opportunity to declare any conflicts of interest in respect of the agenda items. An ongoing conflict disclosure in relation to John O'Connor regarding sites in the current ownership of the Housing Agency was noted.
1.4	Approval of draft minutes of Board meeting of 3 February 2021 – For Approval The Chair explained that, due to the receipt of feedback in the days prior to the meeting and the short turn-around between this meeting and the last Board meeting, the draft minutes were not available for approval. IT WAS AGREED that the draft minutes would be circulated to the Board via email and that the directors would approve the minutes by circulation.
1.5	Board Action Tracker – For Noting The CEO drew the Board's attention to a number of updates on the Action Tracker, including the deferral of the Affordable Housing Bill presentation at the Department's request and the new format of the Finance Report.

	<p>[REDACTED]</p> <p>The Board noted that the updated Procurement Report, which had been presented to the Audit & Risk Committee, had been uploaded to Decision Time.</p> <p>(Ms Timmons left the meeting noting she would re-join as soon as possible)</p>	<p>*section 29-Deliberations of FOI Body</p>
<p>2.</p>	<p>CEO Update</p>	
<p>2.1</p>	<p>CEO Summary Report – For Discussion</p> <p>The CEO summary report was taken as read by the meeting. The CEO informed the Board that the procurement process for Shanganagh was underway and that the surveys had been carried out on the site in Dundrum. [REDACTED]</p> <p>[REDACTED] The CEO noted that the deadline for lodging a Strategic Housing Development (“SHD”) application was 28 February 2022.</p> <p>The CEO confirmed that a positive strategy session had been carried out in relation to the Colbert Station project and that the LDA would continue to work on preparing its communications plan in respect of the project. The CEO noted that the LDA was still on track to announce its plans for the Colbert Station project on 31 March 2021, subject to the agreement of other stakeholders including the local authority.</p> <p>The CEO explained that he had issued a letter to the Moyross community group and that, while he had not receive a response to date, the controversy surrounding the proposed development of the area appeared to have dissipated slightly. The CEO confirmed that he would continue to communicate with the relevant stakeholders.</p> <p>The CEO noted that LDA staff continue to work from home.</p> <p>IT WAS NOTED that the Board had previously decided to include a salary level in all LDA job advertisements. The CEO noted the Board’s decision and confirmed that salary levels would be included in all LDA job advertisements. [MA202032021]</p>	<p>* section 40-Financial and Economic Interest of State</p>
<p>2.2</p>	<p>2021 – 2023 Business & Operational Plan – For Discussion</p> <p>The Board reviewed and discussed the draft 2021 – 2023 Business & Operational Plan (the “Plan”). The CEO noted that the Board will not be in a position to approve the Plan until the Minister’s feedback had been received.</p> <p>[REDACTED]</p>	<p>*section 29-Deliberations of FOI Body</p>

	<p>The Chair noted that it was important that the public was not given the impression that the LDA was a “silver bullet” solution to the State’s housing requirements for the next 20 years. The CEO and a number of directors agreed with the Chair’s position.</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p>
3.	Affordable Housing Bill
3.1	<p>Presentation by Mr Nicholson – For Discussion</p> <p>The Board noted that the presentation from Mr Nicholson and the discussion of the Affordable Housing Bill had been postponed as Mr Nicholson was unable to attend the meeting.</p>
4.	Governance Matters
4.1	<p>Board Terms of Reference Review – For Discussion</p> <p>The CEO informed the Board that the Code of Practice for the Governance of State Bodies imposed an obligation on the Board to review its Terms of Reference (“ToR”) annually on a “comply or explain” basis. The CEO noted that the ToR were heavily influenced by the existing statutory instruments governing the establishment and operation of the LDA and, in circumstances where this legislative framework was about to be replaced by the incoming LDA Bill 2021, he would recommend that the Board postpone its review of the ToR until the enactment of the Bill.</p> <p>The Board agreed with the CEO’s recommendation. [MA502032021]</p>
4.2	<p>RCS Board Working Group – For Decision</p> <p>The CEO proposed that the Board should establish a collaborative Board working group to progress the development of the RCS. The CEO explained that this additional governance step was important as the RCS would have a significant guiding influence on the future decisions of the LDA in respect of land acquisition and resource allocation.</p> <p>The Board asked the CEO to circulate a draft ToR so that the collaborative Board working group could be established. [MA602032021]</p>
5.	Property Update
5.1	<p>Regular Property Update – For Discussion</p> <p>The Head of Property joined the meeting and informed the Board that Suitability Assessment Questionnaire in respect of Shanganagh had been released and that planning permission applications were due to be submitted to An Bord Pleanála in respect of the sites in Naas and Skerries in March and April respectively.</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED] The Head of Property noted that site access in Dundrum was very challenging and that the HSE was limited in its ability to allow access to the site until it has completed its vaccination programme onsite.</p>

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The Head of Property informed the Board that a pre-application for planning permission had been submitted to An Bord Pleanála for the [REDACTED], [REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]

In response to some comments from the Board, the Head of Property agreed to reformat the Property Update to address individual site delivery dates against milestones for the next Board meeting. [MA702032021]

[REDACTED]

[REDACTED]

The Chair noted that there appeared to be a lack of diversity in the design teams engaged by the LDA. The Head of Property pointed out that design teams are appointed by way of mini competitions from openly tendered frameworks and the LDA is bound by procurement rules, however noted that new frameworks were being developed which would address this issue in the future. [MA802032021]

5.2 LDA Project Deep Dive (Dundrum) – For Discussion

(Ms Timmons re-joined the meeting)

Mr Barry Chambers joined the meeting. The Dundrum deep dive report was taken as read by the meeting.

[REDACTED]

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	<p>The Head of Finance noted that the new format of the Finance Report tracked the LDA's spending against the 2021 Budget and that there was an over spend for recruitment against the budget, due to the hiring of two additional staff members in January 2021. The Head of Finance assured the Board that this would correct itself over the course of the year.</p> <p>The Head of Finance noted that there was a slight over spend on the St Teresa's Garden project, but confirmed that this was due to recent progress on the project.</p> <p>[REDACTED]</p> <p>[REDACTED]</p>
6.2	<p>Procurement Report – For Discussion</p> <p>The Procurement Report was taken as read by the meeting.</p> <p>The Head of Finance noted that the Shanganagh procurement process had begun, that Savills had been engaged in a property advisory role on St Teresa's Gardens and that [REDACTED]. The Head of Finance further noted that the internal audit had concluded.</p>
6.3	<p>Note on Annual Report & Financial Statements – For Discussion</p> <p>The Board discussed the financial year end date of the LDA further and IT WAS RESOLVED that the LDA will prepare an Annual Report and Financial Statements for the period ending 31 December 2020.</p> <p>The Head of Finance confirmed that he would provide draft financial statements to the Audit & Risk Committee for review and recommendation to the Board by the end of the month. [MA1102032021]</p>
	<p style="text-align: center;">DECISION</p> <p>LDA Financial Statements for the period ending 31 December 2020 to be prepared and submitted to the Board for approval. [MA1202032021]</p>
6.4	<p>Policies & Procedures – For Approval</p> <p>The Anti-Bribery & Corruption Policy, Anti-Fraud Policy and Gifts & Hospitality Policy were all taken as read.</p> <p>The Board discussed the policies and the consistency of the policies to each other and after further discussion IT WAS RESOLVED that the Anti-Bribery & Corruption Policy, Anti-Fraud Policy and Gifts & Hospitality Policy be and are hereby approved.</p>
	<p style="text-align: center;">DECISION</p>

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*section 36-Commercially Sensitive

	The Anti-Bribery & Corruption Policy, Anti-Fraud Policy and Gifts & Hospitality Policy are approved.
7.	Sub-Committee Reports
7.1	<p>Audit & Risk Committee Report – For Information</p> <p>The Chair of the Audit & Risk Committee (the “Committee”) noted that PWC had completed the internal audit and that the reports would be circulated to the directors. The Chair of the Committee noted that the internal audit had revealed unsatisfactory IT controls within the organisation and that the Committee will now require an additional member (a minimum of three Board members and one independent member) due to the increased numbers of staff of the LDA.</p> <p>The Head of Finance confirmed that the reason for the unsatisfactory IT controls finding in the internal audit was because the LDA did not have a contract with its IT provider, however this issue has been resolved and a rolling contract is now in place.</p>
7.2	<p>Delegated Authority Matrix – For Approval</p> <p>The Delegated Authority Matrix (the “DAM”) was taken as read by the meeting.</p> <p>The Chair of the Committee advised that the Committee is recommending the DAM to the Board for approval.</p> <p>The Board discussed the DAM and IT WAS RESOLVED that the DAM be and is hereby approved.</p>
	DECISION
	The Delegated Authority Matrix is approved.
7.3	<p>Investment Committee Report – For Information</p> <p>The Chair of the Investment Committee delivered a verbal update to the Board. IT WAS AGREED that the CEO would discuss the implementation of a formal value threshold for the Department to sign off on LDA land acquisition with the Department. [MA1302032021]</p>
7.4	<p>Remuneration & Nominations Committee Report – For Information</p> <p>The Chair of the Remuneration & Nominations Committee delivered a verbal update to the Board. The Committee Chair noted that the main item of interest to note was the decision to implement regional LDA offices, with Cork and Limerick offices to be established by the end of 2021.</p> <p>The Board agreed that the LDA should proceed with an announcement of the establishment of LDA offices in Cork and Limerick to help in recruitment of a nationally based team. [MA1402032021]</p> <p>IT WAS NOTED that the recruitment of a Construction Manager Lead was a priority for the organisation.</p>
8.	Oireachtas Watch
8.1	<p>LDA Bill 2021 Update</p> <p>The CEO informed the Board that the LDA Bill 2021 was nearing the end of its second stage in the Dáil.</p>

	<p>The Chair noted that the existing Board was due to step down on 1 May 2021 and that the Department had yet to commence the State Board Appointments process. IT WAS NOTED that there may be a gap between the enactment of the LDA Bill 2021 and the appointment of the new LDA Board (the “Transition Period”).</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>IT WAS FURTHER AGREED that the Board would hold an ad-hoc session, in advance of its meeting with the Department, in order to consolidate its views on the draft legislation.</p>
9.	Any Other Business
9.1	<p>AOB</p> <p>There was a brief discussion of the staff template employment contracts. It is noted that the employment contracts have not been approved by the board and there is to be further discussions on them.</p> <p>The Chair asked any director who wished to remain in office during the Transition Period and beyond to confirm their position with him or the Department.</p>
10.	<p>Date of next board meeting</p> <p>The next board meeting is scheduled for Tuesday, 6th April 2021.</p>

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