

Agenda Item 7

MEETING OF DÚN LAOGHAIRE-RATHDOWN COUNTY COUNCIL

9 JANUARY 2017

DUE DILIGENCE REPORT DÚN LAOGHAIRE HARBOUR COMPANY REPORT:

The Harbours Act 2015 was enacted on 25th December 2015 and provides for two options for the future governance of DLHC.

1. Transfer of shareholding of company
2. Transfer and dissolution of company

<http://www.irishstatutebook.ie/eli/2015/act/61/enacted/en/html>

The Due Diligence process commenced with a view to the Council understanding the current operational aspects of Dun Laoghaire Harbour Company's remit including financial position. DLHC is an exempt entity under Freedom of Information legislation and is effectively classifiable as a private company, while the Council itself, as a public authority is subject to all the provisions of the Freedom of Information legislation.

It was agreed that due diligence would commence, the Transition Team would be permitted to view the report and the Harbour Company would (a) have final sign off and (b) would redact the elements that were commercially sensitive as they were entitled to do. Attached is the final report completed by LHM Casey McGrath appointed through a tendering process.

The Executive will now have a full risk assessment undertaken with a view to establishing the best option from the Council's perspective on the governance model of the Harbour.

A report, setting out the risks and an executive recommendation to the Minister will be brought to the Council with regards to the transfer of the governance of Dún Laoghaire Harbour based on the findings of the completed "Due Diligence Report" and the risk assessment. It is anticipated that this risk assessment may also have to involve an engineering assessment of some of the infrastructure in the ownership of the Harbour Company in order to determine if there are liabilities beyond the scope of the due diligence report. The Council may wish to concur with or to make a contrary recommendation.

There will be no commentary on the Due Diligence Report until the independent Risk Assessment is completed.

Owner: Frank Austin, Director of Infrastructure & Climate Change