

# Higher Education Authority

## Report of special meeting held 5th July 2016

Present     Mr. Bahram Bekhradnia  
               Dr. Mary Canning  
               Ms Annie Hoey  
               Dr. Stephen Kinsella, Acting Chair  
               Dr. Jim Mountjoy  
               Mr. Gordon Ryan  
               Dr. Brian Thornes  
               Mr. Declan Walsh

Apology:    Ms Siobhán Harkin

In attendance: Mr. Tom Boland  
                     Mr. Andrew Brownlee  
                     Mr. Padraic Mellett  
                     Mr. Damien Kilgannon

### 1. Purpose of the meeting

1.1 The purpose of the meeting was to consider a land exchange proposal from Carlow IT. Members also discussed the process for approving land purchases by Institutes of Technology.

### 2. Proposed exchange of land between Carlow Institute of Technology and Carlow/Kilkenny ETB

2.1 Mr. Kilgannon introduced this item. He briefed members on the background of this transaction including when the DES and the HEA Executive first became aware of this transaction and the reason why a decision was now urgent. While discussions were ongoing since 2010 in relation to this possible land exchange, it only emerged this June that the Carlow/Kilkenny ETB needed to be in possession of the Carlow IT land before the PPP contract for the building of four schools could be finalised.

**Decision:** Members approved the acquisition by Carlow IT of a 6.85 acre site in exchange for an 11 acre site owned by Carlow/Kilkenny ETB.

### 3. Process for approval of land acquisitions by IoTs

3.1 The following issues were raised;

- Should the HEA confine its decision on the strategic aspects of such purchases as the DES and the governing body of the particular institute will have considered value for money?
- It was noted that the Board made helpful input into previous land acquisition proposals.

- The time frame for decisions to be made. The HEA could allow institutions carry out due diligence work pending the Board's final decision. Mr. Kilgannon noted that there may be strategic opportunities for the IoTs that cannot wait the convening of a Board meeting every two months. Failure to consent to a strategic land purchase in time could expose the HEA to reputational damage. An institution might lose a deposit if a purchase was made conditional on HEA approval, which ultimately was not forthcoming.
- The power of TUs have to acquire land like the universities?.
- The reputational risk to the HEA if an inappropriate purchase is made. It was noted however this would require the institute to falsify information made to the HEA under one of the four tests.
- Should land acquisitions be decided by the Executive in accordance with policy approved by the Board?

**Decision:** It was agreed that the Executive would develop a proposal for consideration by the Board to cover the roles of the DES and the HEA and the respective roles within the HEA of the Board and the Executive

**Padraic Mellett**  
**7<sup>th</sup> July 2016**