

Kerry Education and Training Board
Bord Oideachais agus Oiliúna Chiarraí

Minutes of the Kerry Education and Training Board (Kerry ETB) meeting held via Video Conference on Thursday, December 2nd 2021.

In Attendance:

Cllr. Jim Finucane
Cllr. Fionnán Fitzgerald
Cllr. Norma Moriarty
Cllr. Aoife Thornton
Cllr. Michael Cahill
Ms. Celia O'Shea
Mr. Tim Daly
Mr. Joseph Brennan

Cllr. Terry O'Brien
Cllr. Deirdre Ferris
Cllr. Niall O'Callaghan
Cllr. Johnnie Wall
Cllr. Maura Healy-Rae
Mr. Zaid Kassoob
Mr. John O'Rourke

Mr. Colm Mc Evoy, Chief Executive Officer (CEO), Ms. Maria Brennan, Director of Organisation Support and Development (OS&D), Mr. Owen O'Donnell, Director of Further Education and Training (FET), Mr. Tommy Conroy, Head of Finance, Ms. Aileen O'Connor, Head of Corporate, Capital and Technology (CCT) Department, Ms. Betty Corkey, Head of Human Resources (HR), Mr. Pdraig O'Sullivan, Buildings Officer, Ms. Karen Griffin, Executive Support and Ms. Catherine Horgan, Executive Support were also in attendance.

As per Section 1.18 of Circular Letter 0002/2019, the conflict of interest document was circulated electronically to be signed prior to the meeting to the Members (a copy of which is attached to the minutes). The Chairperson asked Board Members to verbally declare any conflicts of interest before commencing with the meeting.

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| 12/2021/1 | APOLOGIES & CONDOLENCES LEITHSCÉALTA AGUS COMHBHRÓN |
| 1.1 | Apologies/Leithscéalta: <ul style="list-style-type: none"> ➤ Cllr. Cathal Foley ➤ Ms Ann O'Dwyer |
| 12/2021/2 | AGENDA CLÁR |
| 2.1 | Purchase of Listowel Business Centre The Head of CCT, Ms. Aileen O'Connor provided the following update: As addressed at previous meetings Kerry ETB has been advancing the purchase of the Listowel Business Development Centre, Listowel Business Park, purchase price €445,000. |

Kerry ETB will acquire title by way of a 999-year leasehold from the date of completion of the transaction. The leasehold is subject to Kerry ETB's compliance with the covenants and conditions contained in the lease document.

In a letter dated November 18th 2021, to the Executive Director of Transformation in SOLAS, the Head of CCT of Kerry ETB outlined the position re vacant possession (details detailed below) of the property and furnished copies of the Final Draft Lease and extract from the Contract for Sale

An email was received on November 26th 2021, from the Department of Further and Higher Education, Innovation and Science (DFHERIS) approving Kerry ETB to proceed to sign the lease for the purchase of the property.

Re vacant possession the Board was advised that vacant possession of the entire building will not be available on the date of the closing of the purchases because:

- Units 4 and 6 within the building will be occupied by Shannon LNG Limited up until April 13th 2022.
- Units 7 and 8 and a portion of the ground floor will be occupied by FRS Business Services Co-Operative until March 27th 2022.

In addition, the Board was advised that Ionic Consulting had an entitlement to remain in the building indefinitely due to rights under Landlord and tenant legislation. However, Ionic Consulting, on November 18th 2021 signed an agreement by way of indenture to vacate the building no later than June 30th 2022.

It was noted that Shannon Commercial Properties (SCP) will have secured vacant possession by December 18th 2021 on parts of the building currently occupied by:

- Nordex Limited
- Charter House Telecommunications Limited (**Email received requesting Extension on October 12th 2021**).

The Board Members were further advised that Charter House Telecommunications Limited on October 12th 2021 contacted the Head of Corporate, Capital and Technology (CCT) by phone call and subsequent email from John Corridon of Charter House Telecommunications Limited requesting if there was an option for them to stay past the sale closing date.

On October 25th 2021, the Head of CCT, Kerry ETB replied stating that while Kerry ETB were sympathetic to their situation, Kerry ETB are required to

obtain the property with vacant possession where possible therefore would not be in a position to accommodate their request.

On November 29th 2021, the Head of CCT once again received a call and subsequent email from John Corridon again requesting an extension beyond December 18th 2021.

The Head of CCT discussed same with Murphy Ramsey Walsh Solicitors (MRW) and MRW have advised against extending the current licence agreement with Charter House.

Having considered this matter, the Board, in addressing the challenges faced by Charter House Telecommunications Limited in fully vacating the property before Christmas, agreed to allow Charter House to store office furniture at the property until after the Christmas break, provided this action did not create any additional landlord/tenant entitlements.

Following the conclusion of the above updates, the Board was formally advised that in accordance with Section 12 (n) ETB Act 2013 formal Board approval is being sought to proceed with the purchase of title of Listowel Business Development Centre for 999-year leasehold. The terms of purchase are as follows:

Cost: €445,000 (VAT not applicable)

Term: 999-year leasehold

The Board formally approved the lease as per the terms presented.

Proposed: Cllr. Aoife Thornton

Seconded: Cllr. Johnnie Wall

There was unanimous Board Member support for this purchase.

An Cathaoirleach, Cllr. Jim Finucane expressed his gratitude to the DFHERIS SOLAS for providing the funding for the building and the members of the ETB team, led by the CEO that worked diligently on this acquisition over the past twelve months. An Cathaoirleach also highlighted the strategic importance of this acquisition for the further development of the ETB in Listowel and the wider North Kerry area.

The CEO referenced the importance of this building in ensuring Kerry ETB learners and staff will have access to modern facilities for the delivery of Further Education and Training courses. As set out previously, Kerry ETB plans to engage contractors to refurbish the new campus building, which will provide a comprehensive suite of full and part-time programmes equipped for learners at various stages of their careers. Based on current

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| | <p>plans, staff and learners will have access to the refurbished building in quarter 4 2022/quarter 1 2023.</p> <p>Use of Kerry ETB Seal</p> <p>The Head of CCT advised the Board that in accordance with Schedule 3, Paragraph (2) of the Education and Training Boards Act 2013, the seal of Kerry ETB will be used to execute the following documents:</p> <ul style="list-style-type: none"> ➤ 999 Lease of Listowel Business Development Centre, Listowel Business Park, Listowel Co. Kerry ➤ Particulars and Conditions of Sale of Listowel Business Development Centre, Listowel Business Park, Listowel Co. Kerry. |
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| 12/2021/3 | <p>ANY OTHER BUSINESS WITH THE PERMISSION OF AN CATHAOIRLEACH AON GHNÓ EILE LE CEAD AN CHATHAOIRLIGH</p> |
| | <p>Next Kerry ETB Board Meeting:</p> <div style="background-color: black; color: white; padding: 10px; text-align: center;"> <p>Tuesday, December 7th 2021 at 4.15 pm</p> </div> |

Signed/Sínithe: _____ Date/Dáta: _____