



Minutes of Meeting of the Authority of Broadcasting Authority of Ireland

Date 28/02/2017 Time: 11.00am Venue: BAI Offices

Minutes

Attendance

Authority: Pauric Travers (Chairperson), Maeve McDonagh, Alan McDonnell, Grace Smith, Seán Ó Mórdha, Denis Wolinski.
Apologies: Séamus Martin, Rosemary Day
Executive: Michael O'Keeffe, Celene Craig, Aoife Clabby (Secretary)

1. Minutes of Previous Meetings and Matters Arising

The minutes of the previous meetings of the Authority, held on the 26th January, 2017, were approved by the Members and signed by the Chairperson. Matters arising were as follows:

a. Appointment of new Authority and Committee Members

At the outset of the meeting, the Chairperson welcomed the new Board member, Mary Curtis, and wished her well over her term of office. The Authority was advised that an induction afternoon had taken place with the new members of the Authority and Statutory Committees on the 9th February.

b. BAI Strategy Statement 2017-2019

Members were advised that the Strategy Statement had been launched by the Minister for Communications, Climate Action and Environment, Mr. Denis Naughten T.D., on the 22nd February. The Authority discussed the Minister's announcement at the launch, in respect of envisaged changes to the broadcasting levy. The Chief Executive advised that a range of options were being explored by Department officials, in consultation with the BAI and that the matter would be raised at the quarterly review meeting on the 1st March. The Chairperson noted the importance of the adoption of the new strategy by the Board. He expressed his thanks to the Executive and Board for their whole-hearted engagement with the process of its development.

c. Report on a Strategy for the Development of Skills in the Audio-Visual Sector

The Authority was advised that proposals from the Executive in relation to the further development of recommendations contained within the report would be brought to the April meeting of the Authority.

d. BAI Workplan 2017-2019

The Chief Executive advised that a three-year workplan, aligned with the new Strategy Statement, would shortly be published on the BAI web-site. He further advised that the senior management team was currently engaged in work prioritisation and the development of operational and project statements in support of the delivery of the workplan.



e. **Licensing: Award of Contracts**

The Chief Executive advised that contract negotiations with six community sound broadcasting services and the commercial sound broadcasting service for a regional, youth music service in the south-west were underway. It is anticipated that contract signings with all seven services will take place in the coming months.

2. Codes, Rules and Policy

2.1 Competition and Consumer Protection Act – Media Mergers Provision (induction)

The Executive provided Members with a detailed presentation, supported by an explanatory note, in relation to the media mergers provisions of the Competition and Consumer Protection Act. The presentation encompassed the process of a media merger and evaluation under a full media merger examination, having particular regard to the statutory provisions and the Guidelines on Media Mergers developed by the Department of Communications, Climate Action and Environment. The Executive also apprised the Authority regarding actions taken to date and the future timeline on the media merger examination of the proposed acquisition of CMNL Limited by Independent News and Media PLC. The Authority was also advised in relation to the number of submissions received through the public consultation process and the role of the Advisory Panel, which had been established by the Minister, further to the statutory provisions, to assist the BAI in its examination. It was agreed that copies of the submissions received would be available as a reference to the members.

Following discussion, it was noted that a draft report, compiled by Communications Chambers, on the plurality implications of a proposed merger of INM plc and CMNL Limited would be circulated to the Members for their consideration, in advance of the 16th March meeting.

3. Organisational Matters

3.1 BAI and Broadcast Fund Draft Financial Statements 2016

The Authority was presented with draft financial statements for the BAI and the Broadcast Fund for the financial period 2016. Members were advised that the Comptroller and Auditor General was scheduled to commence its audit fieldwork in the BAI on the week commencing 3rd April and that the final audited financial statements would be presented to the Authority for approval at its meeting in June.

Members discussed the profile of expenditure under the line item relating to consultancy fees and a more detailed breakdown of what the line item encompassed was provided. It was noted that a wide range of activities across the BAI's various functions was externally supported, particularly in specialist areas, considering the need to maximise available internal resources. In that regard, the Chief Executive advised that the issue of resources for the BAI would be looked at more comprehensively in the coming months.



The Authority agreed that it would be helpful for the Executive to circulate a note in relation to consultancy that clearly articulates its scope, in the context of the operation of the organisation and its treatment in the financial statements.

Following discussion, the Authority was satisfied to ratify the draft BAI and BF financial statements for 2016, for submission to the Department of Communications, Climate Action and Environment, in line with the statutory requirements.

3.2 Board Policy Day 2017

Members considered a discussion paper, outlining the proposed approach to the Board Policy Day, 2017. It was agreed that it would be helpful for the externally facilitated session to place particular emphasis on putting the strategy into operation, at the level of the Board.

Following discussion, the Authority was broadly satisfied to agree the proposed approach to the policy day, as outlined.

4. Broadcast and Contractual Matters

4.1 Contractual Variations

4.1.1 Spin 1038

Members were presented with a revised submission, received from Maypril Limited (trading as Spin 1038), in relation to changes to the provision of news and current affairs content by the Contractor.

In considering the submission, Members had regard to the outcomes of the Authority's consideration of the previous request for derogation at its January meeting, together with an Executive analysis of, and comment on, the revised submission, having regard to relevant criteria in the BAI's Broadcasting Services Strategy. The Authority also had regard to audio material submitted by the Contractor and JNLR listenership research, in support of proposed changes to news and current affairs output.

Following discussion, the Authority was satisfied to approve a reduction in the length of news bulletins, provided by the Contractor, during primetime listening.

4.1.2 Dublin South FM

The Authority considered a request to extend the term of Dublin South FM's community sound broadcasting contract to the 31st December 2017. It was noted that the contract extension was being requested to facilitate the re-submission of a modified application to the Contract Awards Committee for the award of a new contract, [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

Following discussion, the Authority was satisfied to approve the contract extension, as requested.



4.1.3 Institutional Sound Broadcasting Contract-Request for Extension

The Authority considered and approved a request for a three-month contract extension to SOS Kilkenny Limited (trading as Dreamtime Radio). It was noted that the extension was being requested to facilitate the service remaining on air, pending the finalisation of the licensing process for a new five-year contract for the service.

4.2 Contractual Matter: iRadio North West & iRadio Midlands/North East

The Authority considered a note providing a review of the performance of the iRadio services. It was noted that the review had been requested by the Authority in November 2013, following the decision to approve the continued networking of the services. The review was designed to inform the approach to regional licensing activities in 2016/2017.

In considering the licensing options proposed, the Authority had regard to several contextual factors including contractual changes which had been approved over the term of the licences for both services; a submission received from the Contractor addressing matters of finance, programming and staffing/ownership; and, an Executive analysis of the issues raised in the Contractor's submission. The Authority considerations were also framed by the BAI's strategic goals of promoting diversity and plurality and supporting sectoral sustainability.

[REDACTED]

4.3 Recommendation of the Contract Awards Committee

Authority Member Grace Smith and Celene Craig of the BAI Executive declared an interest in this agenda item, by virtue of their membership of the Contract Awards Committee, and recused themselves from discussion and decision in relation to the matter.

4.3.1 Radio Ireland Limited (t/a Today FM)

In accordance with section 67(8)(c) of the Broadcasting Act, the Authority considered and ratified the recommendation of the Contract Awards Committee, to award a further ten-year sound broadcasting contract term to Radio Ireland Limited, trading as Today FM, for the provision of the national, broad format sound broadcasting service.

4.3.2 Temporary Sound Broadcasting Services

In accordance with section 68(1) of the Broadcasting Act, the Authority was satisfied to enter into temporary sound broadcasting contracts for the provision of two temporary sound broadcasting services, to Double R Media Limited and to Scariff Bay Community Radio Company Limited, following the recommendations of the Contract Awards Committee.



5. For Information

5.1 Adjustment to Board and Committee Fees

A note was circulated to Members in respect of a recent change to fees payable to eligible members, which had been notified to the BAI by the Department of Communications, Climate Action and Environment.

5.2 Minutes of Compliance Committee Meeting

Members were circulated with minutes of the Compliance Committee meeting, which took place on the 14th December, 2016.

5.3 Minutes of Contract Awards Committee Meetings

Members were circulated with minutes of the Contract Awards Committee meetings, which took place on the 19th December, 2016

5.4 Minutes of Finance, Audit and Risk Committee

Members were circulated with minutes of the Finance, Audit and Risk Committee meeting, which took place on the 8th December, 2016

5.5 Voluntary Codes of Practice: Non-broadcast Media Advertising and Marketing of Food

An information note detailing the BAI's participation in the development of voluntary codes of practice for non-broadcast media advertising and marketing of food was circulated for information.

6. Any Other Business

6.1 Stakeholder Engagement: Meeting with TG4

Members discussed the upcoming meeting with TG4 on Friday 24th March. The Authority requested further information in relation to meeting attendees and the agenda for the engagement. It was agreed that the Executive would liaise with TG4 in this regard and provide the information requested to the Authority.

7. Date of Next Meeting

The next meeting of the Authority will be held on the 16th March at 11am in the BAI offices.

**Professor Pauric Travers,
Chairperson.
6th April, 2017**