



# Minutes of Meeting of the Authority of **Broadcasting Authority of Ireland**

**Date** 19/05/2014 **Time** 9.30am **Venue** 2-5 Warrington Place, Dublin 2

## **Minutes**

### **Attendance**

**Board:** Bob Collins, Seamus Martin, Maria Moloney, Paula Downey, Michelle McShortall

**Apologies:** Larry Bass, Colum Kenny, Siobhán Ní Ghadhra, Michael Moriarty

**Executive:** Michael O'Keeffe, Aoife Clabby, Ciarán Kissane, Louise McLoughlin (items 1&2), Clare O'Sullivan.

### **1. Minutes of Previous Meeting and Matters Arising**

The Chairperson apprised Members of the contents of an email received from Professor Colum Kenny regarding the draft minute on the resignation of Mr. John Waters. Following brief discussion, it was agreed to proceed with consideration of the minutes and that the last line of the draft minute should be removed which would meet the substance of Colum Kenny's point while reflecting the spirit of the discussion that took place.

#### **a. BAI Access Rules**

Members were informed that the launch of the public consultation on the revised Access Rules would take place on Monday, 26<sup>th</sup> May at 3p.m.

#### **b. Review of the Functioning of the Authority and Statutory Committees**

Members noted that Mr. Colin Catney from Opes Partnership had been engaged to undertake the review of the functioning of the Authority and Statutory Committees. Members requested that Mr. Catney's availability to undertake the review on the afternoon of June 23<sup>rd</sup> would be explored. Failing that, an alternative date for the review would be arranged and circulated to members.

### **2. Policy: Code of Programme Standards: Draft Code**

A further draft of the Code of Programme Standards, incorporating feedback received at the April meeting of the Authority and the May meeting of the Compliance Committee was presented to the Members. The key changes contained in the document and the issues for decision were outlined.



Members discussed the draft Code in detail and made a number of suggestions for change:

- *Presentation of legislation:* It was agreed that the totality of the legislative provisions relating to all Codes would be included in the draft Code of Programme Standards. In order to aid clarity, it was agreed that a visual cross-reference between the legislative provisions and the relevant Code would be provided in the document.
  
- *Principles:* Clarity was sought as to whether there was inconsistency in the text of the document regarding the indivisibility of the principles of the Code. It was agreed that additional information would be included in the draft Code in order to set out clearly the manner in which complaints would be dealt with and what information would be required from complainants in order to assess any complaint received. It was also requested that clarity would be provided to viewers and listeners regarding the fact that a complaint may be applicable to more than one principle.

The Authority was satisfied to adopt the Compliance Committee's suggestion that privacy be included as a separate, seventh principle in the Code, rather than being captured under the principle of public interest. It was further agreed that the principle relating to children should be re-titled as 'Protection of Children'.

The Authority agreed that a wording amendment would be included in relation to the principle "protection of public interest", to incorporate a provision for prejudicial views as well as prejudicial behaviour. It was also agreed that provision would be made, under this principle, for instances where the public interest is not served through the omission or inadequate representation of material, information and viewpoint.

There was some discussion in relation to the privacy principle and its interpretation within the context of the Code. It was noted that, as this was the first time that provision had been made for privacy in a statutory Code, the consultation process would prove beneficial in testing the principle. It was further agreed that some wording amendments were required in order to aid clarity.

The Authority was broadly satisfied that all principles contained in the Code were appropriate and merited inclusion.

- *Layout:* A number of suggestions regarding the layout of the document were made, in order to enhance ease of access to, and understanding of, the Code among viewers and listeners.
  
- *Foreword:* It was agreed that the foreword was important in situating the various elements of the Code. In this regard it was agreed that the foreword would benefit from a number of sub-headings, addressing and referencing the various principles contained in the Code.



### 3. Broadcasting Fund

#### a. Sound & Vision: Round 20 Outcomes

Members considered an Executive note detailing the assessment process outcomes in respect of Round 20 of Sound & Vision II, the first of three rounds planned for 2014.

Members had regard to the details of the package of recommendations, noting that approval was sought to fund a total of 122 projects; 29 television and 93 radio, to the value of €5.136m. Members were apprised of the assessment process and an analysis of the package of the recommendations with reference to the Scheme's core objective of increasing public access to high quality radio and television programmes in English and Irish, which explore the themes of Irish culture, heritage and experience in contemporary or historical contexts.

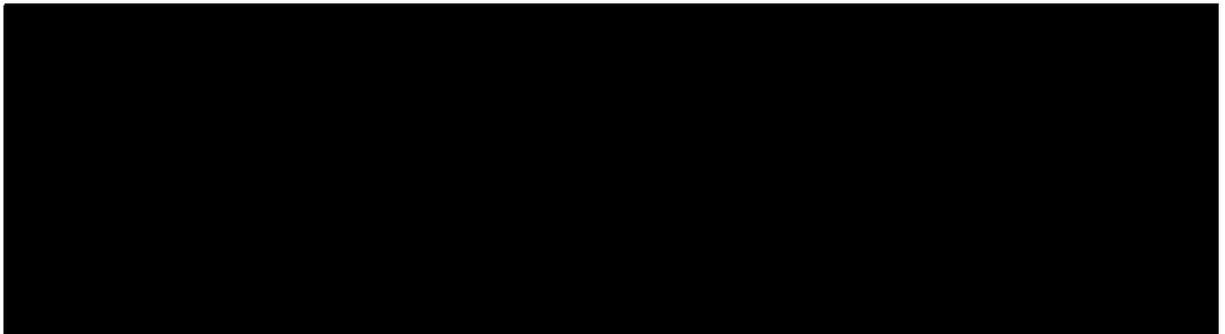
Members noted a number of matters in respect of round 20 including the high volume of applications received; issues relating to the quality of radio applications received, in particular the submission of under-developed applications being submitted by community stations; the high number of documentaries being submitted and; the support by television broadcasters of projects that were cumulatively significantly in excess of the overall amount of funding available in the round. It was agreed that, in the interest of an effective system and in the context of the BAI's own resource capacity, this particular issue would require early discussion with the broadcasters and careful consideration in the context of subsequent rounds in 2014 and beyond. Members also welcomed the fact that, following lengthy engagement with the Revenue Commissioners, the VAT treatment of grants issued through the Scheme would remain unchanged. It was noted that a written outcome of this confirmation was awaited.

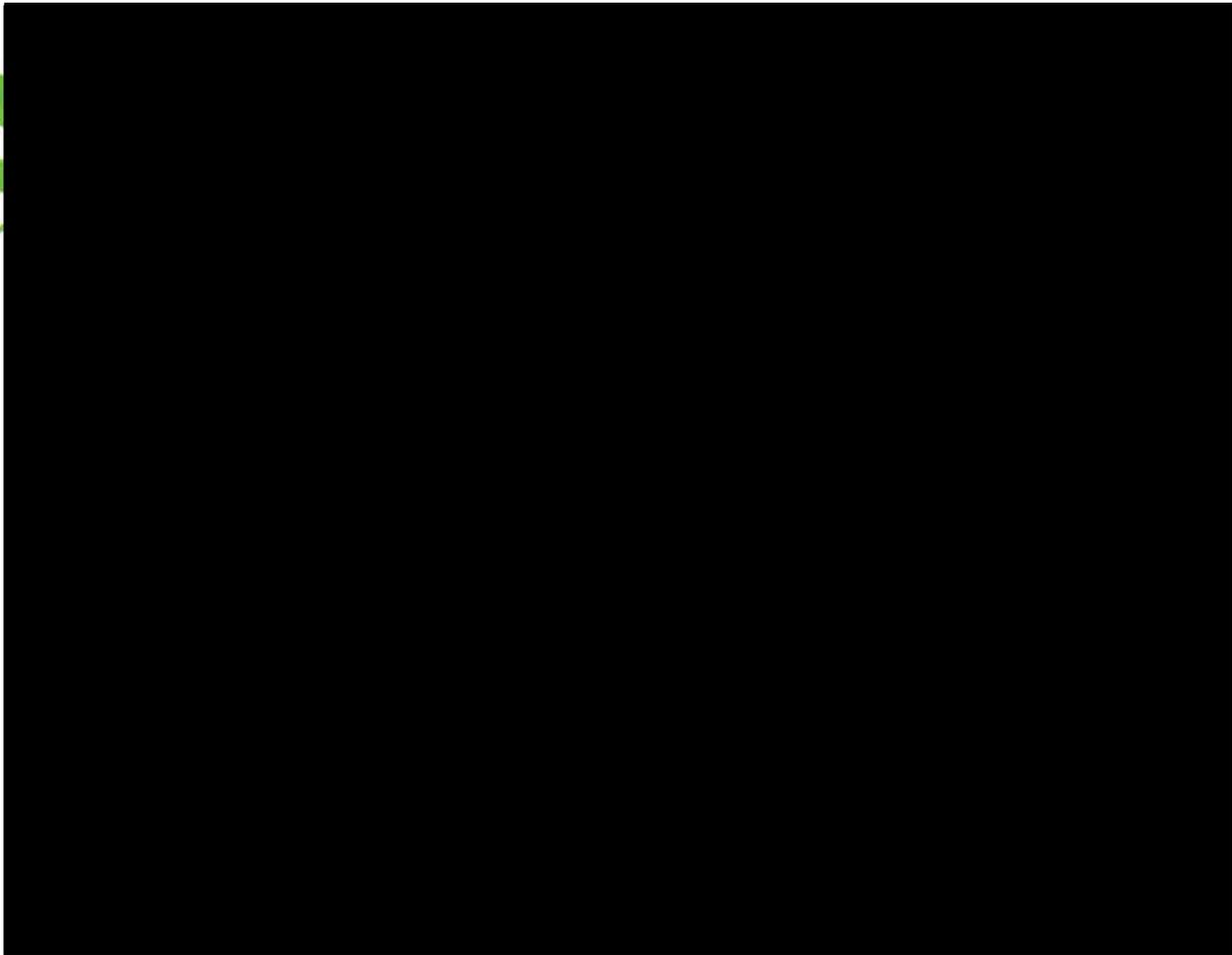
Following discussion, the Authority was satisfied to increase the indicative allocation for Round 20 of Sound & Vision II from €4.75m to €5.136m, as recommended following the strategic assessment phrase. The Authority was further satisfied to approve the package of recommendations, as presented.

### 4. Organisational Matters

#### a. Contract for the CEO

*Members of staff recused themselves for the item under discussion.*





## 5. Contractual Variations

### a. Ratification of Contract Awards Committee Recommendations

Further to section 68(1) of the Broadcasting Act 2009, Members considered the recommendations of the Contract Awards Committee in respect of three temporary sound broadcasting contracts and one pilot community sound broadcasting contract. The Authority was satisfied to approve the recommendations, as submitted.

## 6. For Information

### a. Consumer Protection and Competition Bill 2014: Media Merger Provisions

The BAI's submission on the Consumer Protection and Competition Bill was circulated to the members. It was noted that the submission reflected the views expressed by the Authority at its April meeting, the legal advice received and the deliberations of the sub-committee, which had been convened to finalise the submission.



b. PSB Responses to Authority ASPC 2014 Considerations



c. TG4 Response to Crowe Horwath 'Additional Scenarios Review'



d. Legal Advice: Section 71 Content Provision Contracts

Advice of senior counsel in respect of section 71 of the Broadcasting Act was circulated for information.

e. Health and Safety Update

Following a decision of the Finance, Audit and Risk Committee to submit a health and safety report to the Authority after each FAR meeting, the first of these reports was circulated to the members.

f. Outcome of Internal Audit Tendering Process

The outcome of the joint tender process conducted in respect of the provision of internal audit services to the BAI and to the Commission for Communications Regulation was circulated for information.

7. Date of Next Meeting

The next meeting of the Authority will be held on will be held on 23<sup>rd</sup> June at 9.30am in the BAI offices.

A handwritten signature in black ink, which appears to be 'Bob Collins', is written over a horizontal line.

Bob Collins,  
Chairperson  
23<sup>rd</sup> June 2014