



Minutes of Meeting of the Authority of Broadcasting Authority of Ireland

Date 02/07/2014 **Time:** 10 a.m. **Venue:** 2-5 Warrington Place, Dublin 2

Minutes

Attendance

Authority: Bob Collins, Paula Downey, Michelle McShortall, Colum Kenny and Siobhán Ní Ghadhra (by telephone).

Apologies: Michael Moriarty, Maria Moloney.

Executive: Michael O'Keeffe, Clare O'Sullivan.

1. Commercial Licensing Plan – Ratification of Decision of Contact Awards Committee

It was noted that members Seamus Martin and Larry Bass, being the Authority members on the Contract Awards Committee, could not participate in the discussion and decision on this matter.

This item had been deferred from the June meeting so that the Executive memorandum could be corrected. The Chief Executive introduced a revised paper which recognised that, as the issue of derogation from the statutory requirements for news and current affairs was a matter for consideration by the Authority only, the approval of the Authority could not be a condition of the Committee's recommendation for the award of a contract in principle. Rather, the consideration of a request for derogation must form part of the contract negotiations phase, and such consideration must rest with the Authority.

Members noted that, following the assessment of the two qualifying applications in the contract awards process for a sound broadcasting contract for the provision of a niche music-driven service for Dublin City and County, the applicant, Star Broadcasting Limited (trading as Sunshine 106.8FM) had been awarded the highest aggregate score. In accordance with section 65(11) of the Broadcasting Act, 2009, the applicant was, therefore, deemed to be the most suitable applicant for the award of the sound broadcasting contract. The Committee agreed to recommend that the Authority enter into a contract with the applicant Sunshine 106.8FM having regard to the following clarifications required for PPS purposes:-

- the inclusion of measurable outputs in relation to each of the niche music categories proposed in the PPS; and,
- measurable commitments in relation to programming in the Irish language and addressing Irish culture in the PPS.



In accordance with the statutory provisions, the Authority approved the recommendation of the Committee. It was noted that the contract negotiation phase would now commence with the successful applicant.

2. Application for Derogation

Cognisant of the commencement date of the new contract with the successful applicant, 1st October 2014, the application for derogation from the successful applicant Sunshine 106.8 FM was being presented for consideration.

The applicant was seeking derogation from the statutory news and current affairs requirement as follows:

- from 20% to 10% for the total broadcast day;
- from 120 minutes to 72 minutes for the primetime period, 7a.m. and 7p.m.; and
- overnight derogation 1a.m.–6a.m., Monday–Friday and 1a.m.–7a.m. Saturday and Sunday.

The reasons cited by the applicant for the derogation in the application were noted. It was further noted that, under its existing licence, the applicant had sought a similar derogation in January 2014, and that the Authority had granted this derogation, as requested.

Members considered the application under the specified criteria in the *Broadcasting Services Strategy* ("BSS"), having particular regard to the niche nature of the service.

Members discussed the applicant's proposals for current affairs programming and, in the context of the degree to which diversity was provided for in the music and speech programming offering of sound broadcasting services in the Dublin area, considered that the 'innovation' aspect of the application was not particularly strong. Following discussion, and having particular regard to the previous decision of the Authority to grant the applicant derogation from the statutory news and current affairs requirement under its existing contract in January 2014, it was agreed to approve the application for derogation, subject to a review in 12 months time of the alternative programming provided in the new arrangements.



3. Date of Next Meeting

It was noted that the next meeting of the Authority would be held on 28th July at 9.30am in the BAI offices.

A handwritten signature in black ink, appearing to read 'Bob Collins', is written over a horizontal line.

**Bob Collins,
Chairperson
28th July 2014**