



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

**Date** 23/06/20014 **Time:** 9.30am **Venue:** 2-5 Warrington Place, Dublin 2

## Minutes

### Attendance

**Board:** Bob Collins (Chairperson), Paula Downey, Maria Moloney, Michelle McShortall, Siobhán Ní Ghadhra, Seamus Martin, Michael Moriarty (Items 1-5)

**Apologies:** Colum Kenny, Larry Bass

**Executive:** Michael O'Keeffe, Celene Craig, Ciarán Kissane, Anne-Louise O'Donovan (Items 1-5)

### 1. Minutes of Previous Meeting

Minutes of the previous meeting of the Authority, held on 19<sup>th</sup> May, 2014, were approved by the Members and signed by the Chairperson.

### 2. Matters Arising

#### a. Review of Functioning of the Authority

The Chief Executive informed the Members that the review of the functioning of the Authority would now take place on Wednesday, 2<sup>nd</sup> July. Members were asked to inform the CEO if they were unable to attend.

#### b. Code of Programme Standards

Members were informed that the draft code would be launched on Tuesday, 1<sup>st</sup> July in the offices of the BAI.

#### c. CEO Contract

The Chairperson informed the Members that he would provide an update on this matter at the end of the meeting.

### 3. Policy

#### a. RTÉ Annual Statement of Performance Commitments

The Deputy CEO briefed the Members on the additional correspondence that had been submitted by RTÉ, subsequent to the submission of its annual statement of performance commitments for 2014. [REDACTED]



[REDACTED]

The Authority also noted positively that RTÉ had provided information in line with the BAI's requirements concerning the attribution of public funding across each of its services.

In summary, the Authority was satisfied that the RTÉ had met its undertaking (given in the course of the five-year review of public funding in 2013) to provide an indication of the public funding that would be utilised by each of the services. It was further agreed that no response was required to the RTÉ submission.

#### **4. Contractual Matters**

##### **a. Commercial Radio Licensing**

*Celene Craig and Seamus Martin recused themselves from the meeting for the discussion and decisions on this item as they are both members of the Contract Awards Committee.*

The Authority considered a note prepared by the Executive in respect of decisions made by the Contract Awards Committee with regard to competitive processes for the following licences:

- North Donegal – local, broad-format service
- Dublin City and County – niche, music-driven service.

The Authority noted that it is required under statute to follow the recommendations of the Committee and in this regard formally ratified the decision to award the local broad-format contract for North Donegal to Donegal Highland Radio Limited t/a Highland Radio.

With regard to the Dublin City and County service, a query was raised in relation to the inclusion in the Executive note of the Contract Award Committee's decision of a condition in respect of that decision that appeared to require the approval by the Authority of a derogation for the successful applicant from the statutory news and current affairs requirement. It was noted that such derogations are a matter for consideration by the Authority alone.

Following an extensive discussion, the Executive clarified that the decision of the Contract Awards Committee was not conditional on the Authority's approving a derogation. It was agreed that the note should be corrected and presented for consideration at a special meeting of the Authority to be held on July 2<sup>nd</sup> in advance of the session on the review of the functioning of the Authority and Committees.



**b. Amazing Media Group Limited**

Members considered a request to extend the term of the content provision contract of Amazing Media Group Limited. The Authority agreed in principle that it was appropriate to consider term extensions for content provision contracts operating exclusively on draft trials under licence from ComReg. This being the case, the Authority approved an extension to the term of the contract of Amazing Media Group Limited, for a one-year period, until 10<sup>th</sup> June, 2015.

**5. Organisational Matters**

**a. Report of the FAR Chairperson**

The annual report of the FAR Chairperson for the 2013 financial year was circulated to the Members at the meeting and Members considered its contents. Dr. Maria Moloney, on behalf of the FAR Committee, presented the report, highlighting all areas of the FAR's activities in the course of the year, as well as the outcomes of the FAR's annual review of controls. Having considered the report, the Authority made the following decisions:

- (i) The Authority was satisfied that the work of the Finance, Audit and Risk Committee was being implemented in accordance with the terms of reference set by the Authority.
- (ii) The Authority was satisfied with the work and operations of the Committee as set out in the Report of the Chairperson.
- (iii) The Authority was satisfied that the Finance, Audit and Risk Committee had carried out its duties in relation to the assessment of business financial risks to the Authority.
- (iv) The Authority was satisfied with the decisions of the Finance, Audit and Risk Committee in relation to the procurement, risk and investment policies of the BAI.
- (v) The Authority was satisfied that the mechanisms adopted by the Finance, Audit and Risk Committee for liaising with the internal auditors and for responding to issues arising from their reports were adequate for the purpose of reviewing the effectiveness of the BAI's system of internal financial control.
- (vi) Taking all of the above into account, the Authority was satisfied that there was an effective system of internal financial control in the BAI.



**b. BAI and BF Financial Statements 2013**

Revised draft Financial Statements for the BAI & BF for the financial period 2013 were circulated to the Members for consideration and approval. In addition, a briefing note was circulated, setting out the key changes in the new draft accounts presented, as compared with the draft set of accounts approved by the Authority in early March 2014.

With regard to the decision of the C&AG that an accrual for any PCW payment was not appropriate, it was pointed out by a Member of the FAR Committee that this was the first time that this issue had been brought to the attention of the FAR and it was agreed to record the fact that the C&AG had instructed the BAI to remove this accrual from its accounts.

Anne-Louise O'Donovan briefed the Members on the other changes and there were no further issues arising.

It was agreed to approve the Financial Statements 2013 for the BAI and BF subject to there being no further material changes requested by the Office of the C&AG. It was agreed that the Chairperson, Chief Executive and Ms. Michelle McShortall would sign the accounts on behalf of the BAI.

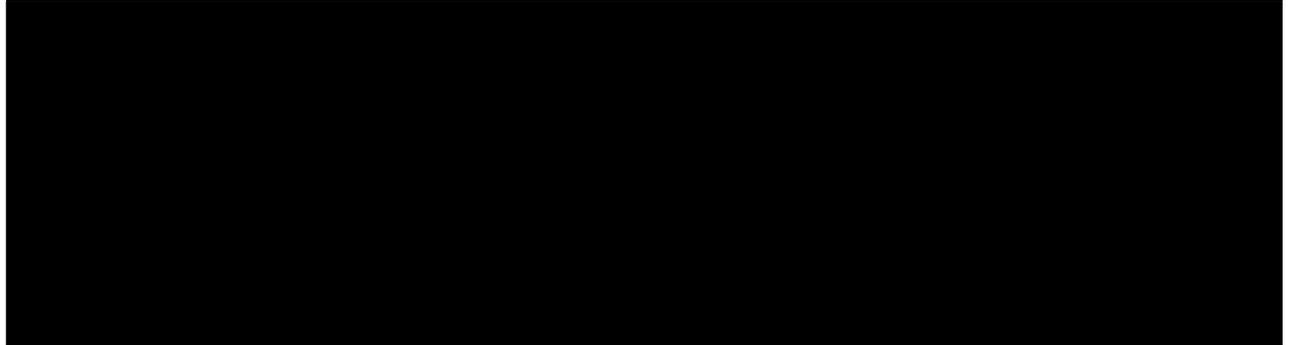
**c. Update on Staffing of Finance Function**

The Deputy CEO briefed the Authority on recent developments in relation to the staffing of the Finance function. She explained that the decision of the Authority, taken earlier in 2014, to outsource oversight of the finance function was in preparation, although there had been some delays due to the requirement to deal urgently with the end-of-year audits and other activities in the finance area. This had provided an opportunity to ascertain more fully the manner in which the outsourcing of the function might be implemented in practice.

Due to some short-term staffing difficulties in the finance area, the BAI had acquired the services of PricewaterhouseCoopers to ensure that the BAI could meet its statutory and governance obligations, including the finalisation of the financial statements by 30<sup>th</sup> June 2014 and also to meet its obligation to prepare its three-year budget estimates by the end of September 2014. The rationale for the use of PwC had been set out fully at the FAR meeting and it was noted that the use of PwC personnel would be kept to a minimum. The Authority approved the arrangements, including the cost of the arrangements, in the light of the requirement to meet its statutory obligations.



## **6. Broadcasting Funding Scheme: Sound & Vision III Scheme**



## **7. Material Circulated for Information**

Members noted the following information circulated for information

- Health and Safety Report
- FAR Minutes of 25<sup>th</sup> February, 26<sup>th</sup> March and 10<sup>th</sup> April 2014

There were no matters arising from material circulated.

## **8. Review of Functioning of the Authority**

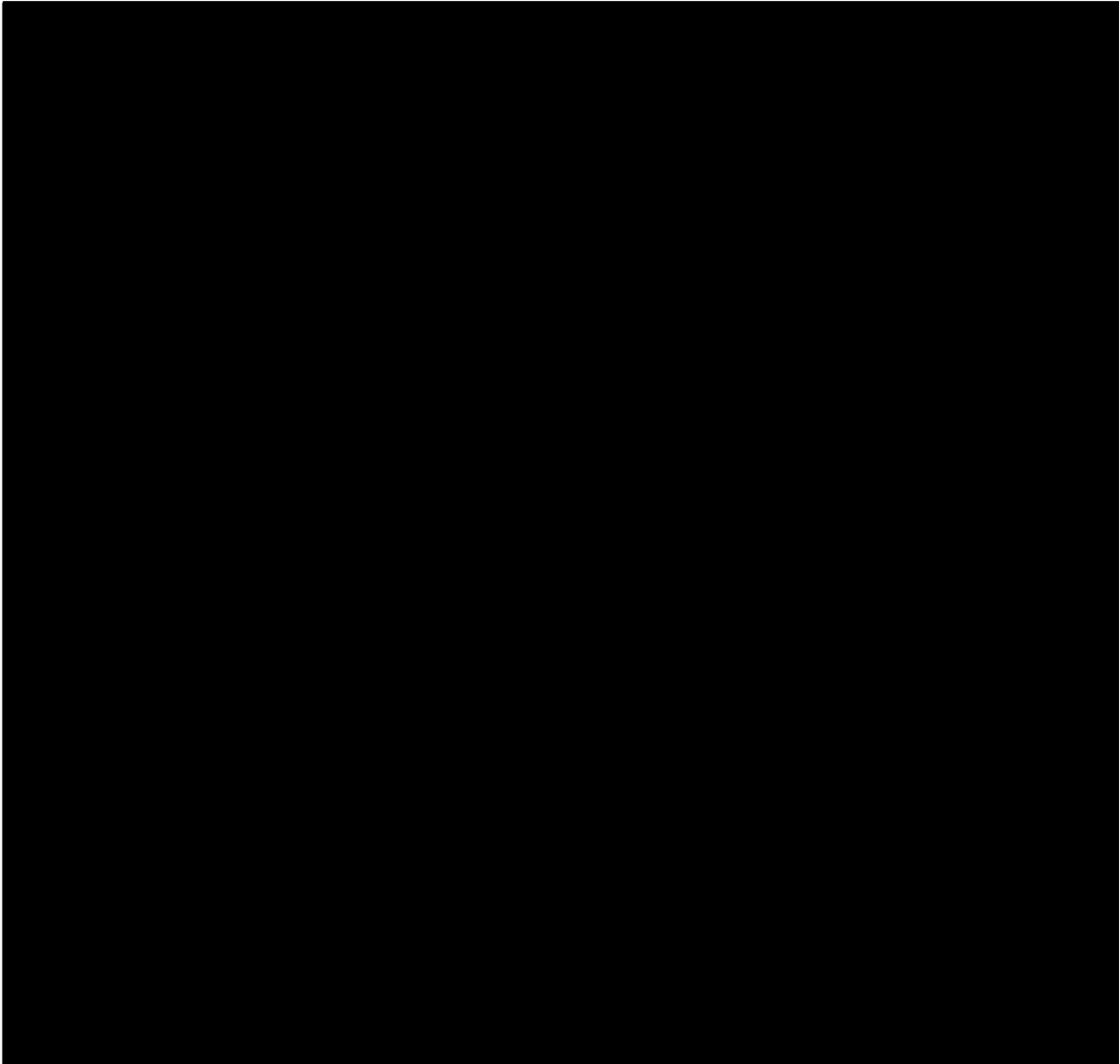
One of the Members queried whether any preparation was required in advance of the review session on the functioning of the Authority. The Chief Executive confirmed that no further note would be circulated, although he agreed to re-circulate an earlier note that had issued to the Members. It was noted that the session's facilitator, Mr. Colin Catney, would structure the session based on the feedback received from the Members and in accordance with the proposals agreed at the last meeting of the Authority. The written survey is for those not attending the meeting in order to input into the review. However, the Chief Executive confirmed that the Authority was open to receiving written submissions, in addition to the survey, for those who would not be in a position to attend. He encouraged as many Members as possible to participate.

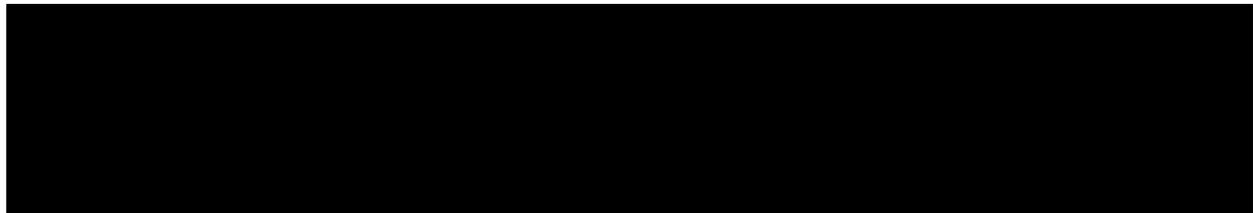


**9. CEO Contract**

The Chief Executive recused himself from the meeting for the discussion on this matter.

A briefing note that had been prepared for the FAR Committee was circulated at the meeting to the Members summarising the current position in respect of the matter of a contract for the BAI's CEO, Mr. Michael O'Keeffe.





**10. Date of Next Meeting**

The next meeting of the Authority will be held on Monday, 28<sup>th</sup> July at 9.30am, in the BAI offices.

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

**Bob Collins,  
Chairperson  
28<sup>th</sup> July, 2014**