



Minutes of Meeting of the Authority of Broadcasting Authority of Ireland

Date 22/01/2015 Time: 2.00pm Venue: 2-5 Warrington Place, Dublin 2

Minutes

Attendance

Authority: Pauric Travers (Chairperson), Alan McDonnell, Clare Duignan, Michelle McShortall, Siobhán Ní Ghadhra, Colum Kenny, Michael Moriarty, Larry Bass

Apologies: Grace Smith

Executive: Michael O’Keeffe, Celene Craig, Aoife Clabby (Secretary), Stephanie Comey, Ciarán Kissane

1. Minutes of Previous Meeting

Following clarification on the minute regarding the BAI Code of Programme Standards, the minutes of the previous meeting of the Authority, held on 15th September, 2014, were approved by the Members and signed by the Chairperson.

2. Matters Arising

■ Membership of the Authority and Statutory Committees

At the outset of the meeting, the incoming Chairperson, Professor Pauric Travers, welcomed the new members to the Authority and, along with the Chief Executive, expressed his gratitude to the outgoing Chairperson, Bob Collins, and to the out-going members of the Authority, for their contribution over their term of office.

The Chief Executive provided an update in respect of new and forthcoming appointments to the Authority, Compliance Committee and Contract Awards Committee. Members were informed that, once all the appointments had been made, a process of induction would be rolled out.

b. BAI 3 Year Estimates

Members were informed that consent for the publication of the BAI’s 3-year budgetary estimates had been received from the Minister and the Minister for Finance, and that the estimates were on the BAI’s web-site.

c. [REDACTED]



d. Public Availability of Authority Minutes

Members were advised that minutes of Authority meetings for 2013 and 2014 were now available online and that work was ongoing regarding the remaining years to 2009. Clarification was sought in relation to the process of redacting material and it was agreed that, where redactions were proposed, a rationale would be provided.

e. Saorview Matters

Members were advised that the draft *Code of Practice for the Placement of Television Services on the Saorview Platform* had been finalised. With regard to the framework for determining the character of public service, it was noted that the Minister had designated UTV Ireland as having the character of a public service and that UTV Ireland was now carried on the Saorview Platform.

f. Request for Documents

It was requested that documents that had been referred to in the September minutes would be circulated to the new members of the Authority, specifically the Annual Review of Public Funding for Public Service Broadcasters, the priorities for legislative amendment and the Authority paper on the experience of regulating the sector.

g. Meeting with TV3

Members were advised that a review meeting with TV3 was scheduled to take place on January 23rd and that an update would be provided to the Authority in relation to any relevant matters arising.

3. Rules for Regulation of Authority Meetings

The Authority considered and was satisfied to adopt the existing rules for the regulation of Authority meetings, as proposed. It was noted that there would be an opportunity to review and revise the rules, if required, in late quarter one/early quarter two.

4. Organisational Matters

a. Award of Contract for the Provision of Financial Accounting Oversight Service to the BAI

Members considered an Executive note regarding the outcomes of a tender process conducted in respect of the award of a contract for the provision of financial accounting oversight service to



the BAI. A number of clarifications were sought in respect of the nature of the service to be provided.

Following discussion, the Authority was satisfied to ratify the appointment of Crowleys DFK to provide a financial accounting oversight role, for a period of three years.

b. BAI Borrowing Facility – National Treasury Management Agency

The Authority considered an Executive note seeking ratification to establish a new borrowing facility with the National Treasury Management Agency (NTMA) for a period of one year to January 2016. Members noted that the terms and conditions of the facility to be offered by the NTMA would be similar to those previously provided.

The Authority noted the unsatisfactory legislative arrangements surrounding matters of borrowing. It was further noted that representations have been made to the Department in respect of legislative change.

Following discussion, the Authority was satisfied to obtain a borrowing facility, further to section 35 of the Broadcasting Act; to approve the resolution in respect of the borrowing facility with the NTMA; and, to ratify the NTMA customer mandate.

c. Authority: Bank Mandate

The Authority noted the obligations in respect of individual members in order to facilitate the continued operation of the BAI's bank accounts and to comply with anti-money laundering legislation.

5. Sectoral Learning and Development

a. Review of Activities 2014 & Plan 2015

At the outset of the item, the Authority was provided with an overview of the BAI's approach to sectoral development from legislative and policy perspectives. Members were also apprised of the range of existing activities pursued through sectoral learning and development, together with an overview of the networks supported.

Members considered the proposals for 2015. It was noted that, in contrast to recent years, there had been an increase in the level of funding sought and the range of agencies seeking support for learning and development initiatives.



Members discussed a range of issues in relation to the proposals made, including the nature, level and impact of funding support provided, together with a consideration of governance issues surrounding the provision of funding support. Members also sought clarifications in respect of a small number of projects proposed for funding support.

Following discussion, the Authority was satisfied to approve the proposed activities and related budgets for 2015, as set out in the Executive note.

6. Broadcasting Fund

a. Sound and Vision – Ratification of Round 22

Members were presented with an Executive note detailing the outcomes in respect of the assessment process for Round 22 of Sound & Vision II and requesting the approval of a package of recommendations to the value of €1.414m. It was noted that the amount recommended was an increase on the indicative allocation for the round of €1m.

Members had regard to the details of the applications received, the assessment process, an analysis of the package of recommendations and an Executive commentary on Round 22.

The Authority noted that the concept of a focussed round, as requested by Sound & Vision stakeholders, had met with mixed results.

Following discussion, the Authority was satisfied to increase the indicative allocation for Round 22 and to approve the package of recommendations, as presented.

b. IFI Archiving Proposal for Sound & Vision 2015-2019

Members were presented with an Executive note seeking approval for the appointment of the Irish Film Institute (IFI) for the period 2015-2019 to provide a range of cataloguing, storage and compliance services for the BAI in the context of the programmes funded under the Sound & Vision Schemes between 2005 and 2019.

In considering the proposal, the Authority had regard to the previous arrangement with the IFI, the scope of the archiving services to be provided, the proposed budget, and the rationale in support of determining that the IFI would fall within the scope of a sole supplier, from a procurement perspective.



A number of clarifications were sought by the members in respect of the proposal, specifically in relation to the methods of cataloguing and storage; issues of rights and access to the material catalogued; and, the proposed budget associated with the proposal.

Following detailed discussion, the Authority was satisfied to ratify the proposed contract with the IFI in respect of the provision of expert archival services for the time period and budget proposed.

7. Contractual Matters

a. TV3 Supplemental Contract (TV3 +1 Service)

Members considered an Executive note seeking approval to enter into a +1 service for TV3, on both cable and satellite, by means of a supplemental contract.

In considering the proposal, the Authority had regard to the Executive's consideration of the request and legal advice received on the matter.

Following discussion, the Authority was satisfied to ratify the decision, as proposed.

b. Contract Awards Committee Recommendation

At the outset of the item, a short overview was provided of the process associated with the award of content contracts under section 71 of the Broadcasting Act and the various responsibilities of the Contract Awards Committee and the Authority.

Members then considered a recommendation received from the Contract Awards Committee to enter into a five-year content provision contract with QYOUTV International Limited. The Authority noted that the Contract Awards Committee was satisfied with the evaluation of the application, as presented by the Executive at a meeting in October 2014.

The Authority was satisfied to enter into a five-year content provision contract with QYOUTV International Limited, as recommended by the Committee.

8. For Information

a. BAI Sponsorship Scheme 2015

A copy of the BAI's Sponsorship Scheme for 2015 was circulated for information. In relation to the funding support provided to the Irish Film and Television Awards, it was clarified that any funding would be contingent on the awards being broadcast.



9. Meeting Dates 2015

Proposed dates for meetings for the year were noted and agreed. Members discussed the start times for the meetings and it was agreed that this would be given further consideration at the next meeting.

10. Any Other Business

a. Choice Broadcasting Limited t/a Classic Hits 4FM

The Chief Executive briefed the members in relation to a meeting which had been held with the shareholders of Choice Broadcasting Limited, following a petition to wind up the company by the Tax Collector General of the Revenue Commissioners, over an unpaid tax bill.

b. Compliance Committee

As an outgoing member of the Authority, and in his capacity as an Authority nominee to the Compliance Committee, Professor Colum Kenny provided members with an overview of the work of the Committee.

11. Date of Next Meeting

The next meeting of the Authority will be held on Thursday, 26th February at 11.00am in the BAI offices.

The Chairperson concluded the meeting by noting that this was the final meeting of the Authority for a number of Members – Colum Kenny, Larry Bass, Michael Moriarty and Siobhán Ní Ghadhra. The Chairperson thanked each Member for their contribution and wished them well for the future.

**Professor Pauric Travers,
Chairperson**

26th February, 2015