



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

**Date** 11/06/2015 **Time:** 10.00am **Venue:** 2-5 Warrington Place, Dublin 2

## Minutes

### Attendance

**Authority:** Pauric Travers (Chairperson), Clare Duignan, Alan McDonnell, Grace Smith, Séamus Martin, Seán Ó Mórdha, Denis Wolinski, Rosemary Day, Maeve McDonagh (items 3-8).

**Executive:** Michael O’Keeffe, Celene Craig, Aoife Clabby (Secretary), Ciarán Kissane, Vincent Teo (item 2) Clare O’Sullivan (items 1-4b), Anne Louise O’Donovan (item 2), Roger Woods (item 4b), Andrew Robinson (item 5a), Diarmaid Breathnach (item 5b).

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

Minutes of the previous meeting of the Authority, held on 11<sup>th</sup> May 2015, were approved by the Members and signed by the Chairperson.

#### a. General Commercial Communications Code

The Authority was advised that the report reviewing the effect of the General Commercial Communications Code, as required by statute, had been submitted to the Minister for Communications, Energy and Natural Resources on 2<sup>nd</sup> June. It was anticipated that the report would be laid before the Houses of the Oireachtas before the summer recess.

It was noted that proposals for the statutory review of the Code would be presented to the Authority at its September meeting. Members were provided with a short overview of a number of matters requiring further consideration prior to the proposals being considered.

#### b. Stakeholder Engagement

The Authority was advised that a note regarding stakeholder engagement would be brought to the July meeting.

#### c. Licensing Plan

Members noted that a licensing plan was scheduled for consideration at the July meeting of the Authority.

### 2. Organisational Matters

#### a. Statement on Internal Financial Controls

At the outset of the item, it was noted that a report by the Finance Audit and Risk (“FAR”) Committee regarding the BAI’s system of internal financial controls would ordinarily be presented to the Authority. However, pending the establishment of the FAR, a report by the BAI Accounting Officer regarding the BAI’s systems of internal financial controls would require more detailed consideration by the Authority.



Members then considered the report of the BAI Accounting Officer on the BAI's system of internal financial controls for the year ending 31<sup>st</sup> December 2014, including details of the internal financial controls that had been implemented and monitored in 2014.

Following discussion and clarification on a small number of matters, the Authority was satisfied in respect of the BAI that:

- An appropriate control environment exists, including an adequate information system;
- There are processes in place to identify, assess and manage business risk;
- There is an adequate and effective system of internal financial control in place.

Accordingly, the Authority was satisfied to approve the Statement on Internal Financial Controls and to confirm that, on the basis of the information provided, there was an effective system of financial control in place in the BAI in 2014.

#### **b. BAI and Broadcast Fund Financial Statements 2014**

The Authority was presented with the Financial Statements 2014, for the Broadcasting Authority of Ireland and the Broadcast Fund, together with respective Letters of Representation to the Comptroller and Auditor General.

Following a small number of clarifications, the Authority was satisfied to approve and sign the Financial Statements 2014 for the Broadcasting Authority of Ireland and the Broadcast Fund.

The Authority was further satisfied to recommend the Letters of Representation for signature by the Chairperson and the Chief Executive, subject to a minor wording amendment.

#### **c. Finance, Audit and Risk Committee: Terms of Reference and Related Matters**

Following approval by the Authority, at its May meeting, of the roles and responsibilities of the members of the BAI's Finance, Audit and Risk (FAR) Committee, the Authority was presented with draft Terms of Reference of the Committee for consideration and approval. The Authority was also requested to consider and approve a draft Statement of Interests Declaration. It was noted that the draft Terms of Reference reflected the provisions of the Code of Practice for the Governance of State Bodies. In this regard, the Authority was advised that a revised Code of Practice was anticipated in Quarter 3 and that further amendments to any approved terms of reference would be made, if required.

There was a wide-ranging, detailed discussion in relation to the draft Terms of Reference and the role and functions of the FAR Committee more generally. The Authority noted the context for the revisions of the Terms of Reference. Clarification was sought in respect of the BAI's policy approach to risk and it was agreed that a copy of the BAI's Risk Policy and Framework would be circulated to the Members. Clarification was also sought on a number of the provisions



contained in the draft Terms of Reference and a small number of drafting amendments were proposed and agreed.

More generally, in the context of anticipated revisions to the Code of Practice for the Governance of State Bodies, it was agreed that an induction on all elements of the FAR Committee's work would be of benefit to the Members.

Subject to a number of minor modifications, the Authority was satisfied to approve the draft Terms of Reference for the BAI's Finance, Audit and Risk Committee and the Statement of Interests Declaration Form for members of the FAR Committee.

### **3. Broadcast Fund**

#### **a. Sound & Vision-Round 23 Ratification of Funding**

*Séamus Martin declared an interest in the item under consideration and recused himself from the discussion and decision on the matter.*

Members were presented with an Executive note detailing the outcomes in respect of the assessment process for Round 23, the first round under the Sound & Vision 3 Scheme. The Authority was asked to approve a package of recommendations emerging from the assessment process, seeking to award funding totalling €5.109m to 123 projects, 24 for television and 99 for radio. It was noted that the amount recommended exceeded the indicative allocation for the round.

In considering the recommendations, the Authority had regard to summary details of the applications received; an overview of the assessment process; an analysis of recommendations, with reference to the Scheme objectives; and, an Executive comment on the round overall.

Following discussion, the Authority was satisfied to increase the indicative allocation for Round 23 and to approve the package of recommendations, as presented.

The Authority requested that a short briefing note on the changes to Section 481 tax relief would be circulated to the members for information.

### **4. Codes & Policy**

#### **a. Introduction to the BAI Broadcasting Services Strategy**

Members were provided with an information note on the BAI Broadcasting Services Strategy, its value and purpose. It was noted that a formal review of the Strategy was planned and that proposals regarding the scope of and approach to the review would be presented at the September meeting.



#### **b. Introduction to BAI Access Rules**

The Authority was given an introductory presentation on the BAI Access Rules for the deaf and hard of hearing and the blind and partially sighted. The presentation incorporated an overview of the various types of access service provision; the requirements on broadcasters and the rationale underpinning such requirements; and, other obligations on broadcasters with regard to the promotion of access services and interaction with representative user groups. The Authority was also provided with an overview of both its role and that of the Compliance Committee in respect of the Access Rules.

The Authority noted that proposals regarding access targets for a number of services would be brought to the July meeting. It was further noted that proposals regarding the approach to the biennial, statutory review of the Rules would be brought to the Authority later in the year.

#### **c. HACA Declaration on Freedom of Expression**

The Authority considered correspondence received from the Moroccan broadcasting regulator, the Haute Autorité de la Communication Audiovisuel (HACA), requesting the BAI to endorse a declaration arising from an international forum of audiovisual communication regulatory networks. It was noted that the key purpose of the Declaration was to strengthen, promote and consolidate human rights through audiovisual media and that the declaration had been circulated to members of the European Platform of Regulatory Authorities (EPRA).

The Authority considered the context for the request received from HACA and was provided with an update on the BAI's liaison with the Department of Communications, Energy and Natural Resources (DCENR) on the matter, in the context of the position of the Irish Government in respect of the signing of such a declaration. In this particular regard, it was noted that DCENR was liaising with the Department of Foreign Affairs.

While the Authority was broadly supportive of the principle and purpose of the Declaration, it expressed some reservation regarding the specific content contained in the document, in the context of the BAI's regulatory role, as set out in legislation. Following discussion, it was agreed to defer the matter to the July meeting for further consideration.

### **5. Contractual Matters**

*In their capacity as members of the Contract Awards Committee, Séamus Martin, Grace Smith and Celene Craig declared a conflict of interest in respect of items 5a and 5b and recused themselves from the meeting for these items.*

*Denis Wolinski declared a conflict of interest in respect of item 5a and recused himself from discussion and decision on the item.*



**a. Recommendations of the Contract Awards Committee: Temporary Sound Broadcasting Contracts**

The Authority was provided with an introductory overview of the application process associated with temporary sound broadcasting contracts.

The Authority was then asked to consider the recommendations of the Contract Awards Committee regarding the retrospective approval of ten temporary sound broadcasting contracts and the approval of a further six temporary sound broadcasting contracts.

Further information was sought and provided in relation to a number of the applications received.

Following discussion, the Authority was satisfied to approve the recommendations of the Contract Awards Committee, as proposed.

**b. Recommendations of the Contract Awards Committee: Content Provision Contracts**

Members considered the recommendations of the Contract Awards Committee in respect of two content provision contracts under section 71 of the Broadcasting Act, to be operated by MSK Media Limited.

The Authority was satisfied to enter into the five-year content provision contracts, as recommended by the Committee.

The Authority then considered a proposal to extend the existing content provision contract held by Raidió X Teoranta, t/a Raidió RÍRá, in addition to consideration of a proposal to reduce the contractual fee.

The Authority was satisfied that no issues of concern arose in respect of the contract extension and accordingly, approved the contract extension to the 24<sup>th</sup> June 2016.

With regard to reducing the contractual fee, the Authority noted that a reduced fee structure had previously applied to Raidió RÍRá and other services in the context of their carriage on a trial DAB platform. In the context of Raidió RÍRá's continued carriage on the trial DAB platform, the Authority was further satisfied to approve a reduced contractual fee, as proposed.

**c. West Dublin Access Radio**

The Authority had regard to an information note on West Dublin Access Radio, detailing the circumstances surrounding the cessation of the service. It was noted that a termination agreement between the BAI and the Contractor had been signed and that the contract came to an end on 27<sup>th</sup> May 2015.



## **6. Staffing Matters**

### **a. Overview of BAI Staffing Structure and Ratification of Staff Appointments**

*Aoife Clabby declared an interest in item 6a and recused herself from the meeting for the item.*

Members were provided with an overview of the staffing and organisational structure of the BAI and asked to approve the procedures for staff appointments, including approval for the appointment of two Assistant Principal (AP) Officers (one permanent and one maternity cover).

Following discussion, the Authority was satisfied with the proposed procedures for the appointment of staff generally.

The Authority was further satisfied to approve the appointment of two members of staff as Assistant Principal Officers (one permanent and one maternity cover) and the placement of a further member of staff on an AP panel for a period of 12 months.

## **7. Any Other Business**

### **a. Operation of the Authority**

The Chairperson sought the views of the Members in relation to the operation of the Board to date. It was agreed that the review of the functioning of the Board should be an on-going process and the structure for undertaking such continuous review would merit further consideration and development. It was further agreed that the matter would be considered in more detail at the July meeting.

### **b. Legal Proceedings**

Members were provided with an update in relation to legal proceedings between Mr. Rob Morrison and the BAI. It was noted that the matter was progressing and, once finalised, a formal information note would be circulated to the Authority.

### **c. Plurality event**

The Authority was provided with details of an event on media plurality, organised in conjunction with DCU, scheduled to take place on Tuesday June 23<sup>rd</sup>. The event would also launch DCU's Institute for Future Media and Journalism, FuJo. Clare Duignan advised members that she had been invited to become a member of the Board of FuJo.

### **d. Community Radio Training Féile**

Denis Wolinski advised members that he had attended the CRAOL Community Radio Training Féile in Dun Laoghaire on Saturday 6<sup>th</sup> June. He commended the event and the presentation given by the BAI Executive on the Sound & Vision Scheme.



**8. Date of Next Meeting**

The next meeting of the Authority will be held on Thursday, 23rd July, 2015 at 11.00am in the BAI offices.

A handwritten signature in blue ink, reading 'Pauric Travers', is written over a horizontal line.

**Dr. Pauric Travers,  
Chairperson**

**11<sup>th</sup> June, 2015**