



Minutes of Meeting of the Authority of Broadcasting Authority of Ireland

Date 12/11/2015 **Time:** 2.00pm **Venue:** River Lee Hotel, Cork

Minutes

Attendance

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

Executive: Michael O'Keeffe, Celene Craig, Aoife Clabby (Secretary), Ciarán Kissane, Clare O'Sullivan.

1. Minutes of Previous Meeting and Matters Arising

Minutes of the previous meeting of the Authority, held on 8th October 2015, were approved by the members and signed by the Chairperson. A revised agenda was circulated at the outset of the meeting. Matters arising were outlined as follows:

a. 3 Year Estimates

The members were advised that queries arising from the Department in relation to the BAI 3 Year Estimates had been resolved. However, approval to publish the estimates was still awaited.

b. Report on Ownership and Control of Media Businesses in Ireland

Members noted that the report on Ownership and Control of Media Businesses in Ireland, 2011-2014 had been submitted to the Minister for Communications, Energy and Natural Resources.

c. Rule 27-Guidelines on General Election Coverage

The Authority was advised that the Guidelines on General Election Coverage had been published on the 9th November.

d. TV3 Contractual Variation

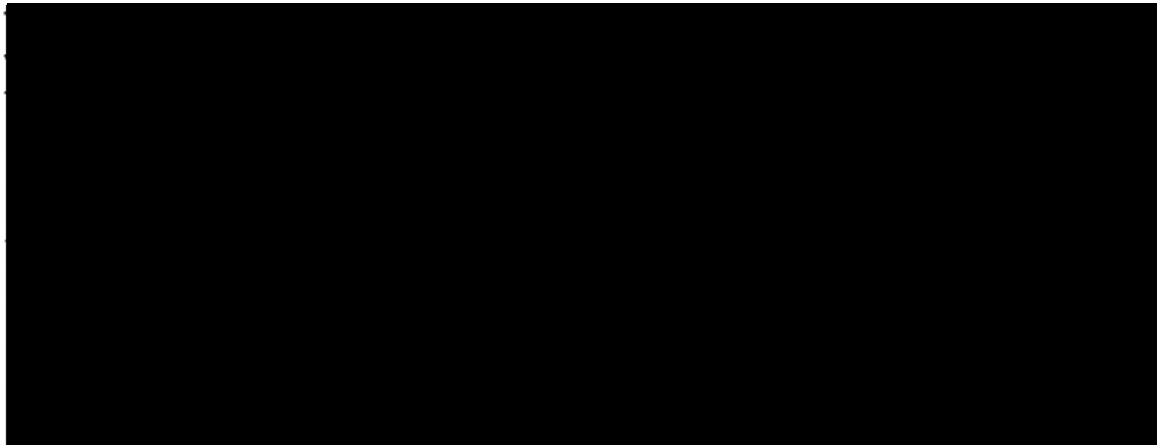
It was noted that the proposed sale of TV3 Television Network Limited to Virgin Media Limited had been approved by the Competition and Consumer Protection Commission and that it would now be a matter for the Minister to determine whether to refer the matter to the BAI, further to the provisions of the Competition Act.

e. Public Service Broadcasters

Members considered two pieces of correspondence received from the Minister for Communications in respect of the 2012 and 2013 Annual Reviews of Public Funding, conducted and submitted by the BAI in 2013 and 2014 respectively. Members also had regard to a short explanatory note, providing them with an update in relation to the Annual Review of Public Funding for PSBs, 2014, which had been approved by the Authority at



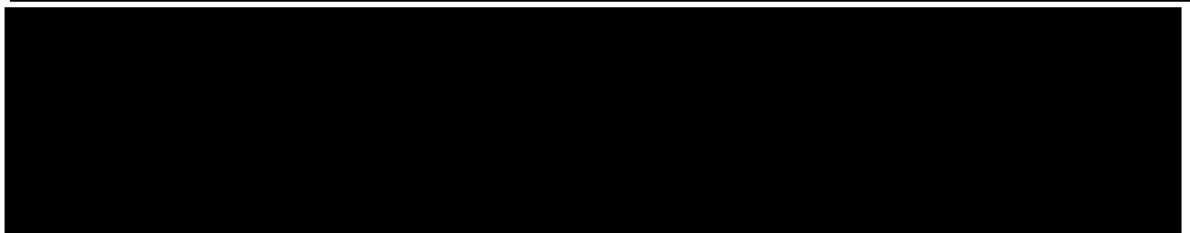
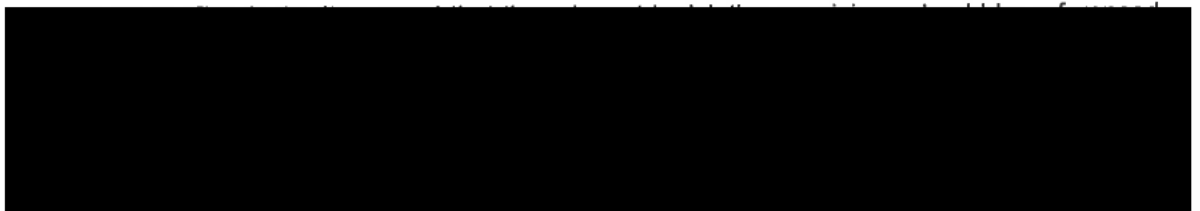
the September meeting. It was noted that the Ministerial correspondence in relation to the 2012 and 2013 reviews had been received after the Authority had made its determinations in relation to the 2014 review.

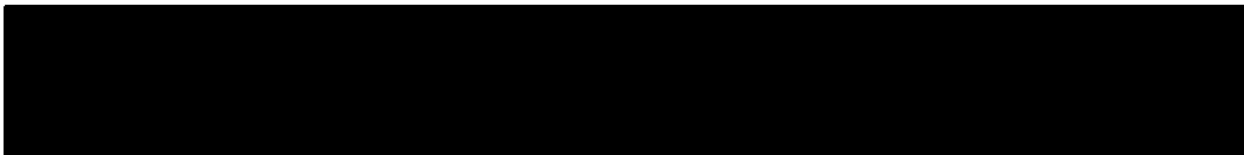


2. Codes & Policy

2.1 Draft General Commercial Communications Code – Part 1

Members were presented with the first part of a revised draft of the BAI General Commercial Communications Code, proposing changes to the existing Code. It was noted that the revisions proposed were informed by the outcomes of the statutory review on the effect of the Code, together with feedback from a range of stakeholders. The Authority's considerations and determinations in respect of the first part of the revised draft were as follows:





Members were advised that the second part of the revised draft, addressing rules in respect of specific products and services, would be brought to the December meeting of the Authority for consideration.

2.2 Community Sound Broadcasting Contract

Members were asked to consider and approve a draft sound broadcasting contract for community sound broadcasting services. In addition, the Authority was asked to consider and approve a general term of 10 years for community sound broadcasting contracts. In considering the request for approval, members had regard to an Executive note, which outlined the key statutory provisions relating to the draft contract and provided an overview of the various sections of the contract.

In considering the request to approve a general term of 10 years, the Authority noted that the practice of awarding ten-year licences had been in effect since the community licensing rounds undertaken from 2008. In addition a number of various measures were now in place to ensure that existing and aspirant community services would have the capacity to operate over the period of the licence. It was further agreed that a term of ten years would provide certainty in respect of the provision of the service. Accordingly, the Authority was satisfied to approve a general term of 10 years for community sound broadcasting contract.

The Authority then had regard to the individual provisions relating to the draft sound broadcasting contract. The Authority was broadly satisfied with the provisions generally. However, it requested that further consideration be given to the drafting of the section of the contract relating to termination and suspension.

2.3 Information Note: Sectoral Impact Assessments/Public Value Reviews

Members were presented with an induction paper on sectoral impact assessments (SIA) and public value reviews (PVR). The paper provided an overview of the processes involved and the respective roles of the Authority and the Minister, further to the statutory provisions.



Members discussed the existing process for conducting both sectoral impact assessments and public value reviews and considered whether there were ways in which the process could be streamlined and experience maximised, in the context of future work.

3. Broadcasting Funding Scheme

3.1 Archiving Scheme – Approach to Statutory Review

The Authority was presented with proposals for an approach to the statutory review of the Archiving Scheme. It was noted that the review on the operation, effectiveness and impact of the Scheme was required further to section 158(1) of the Broadcasting Act 2009. Following discussion, the Authority was satisfied to approve the proposed scope and approach to the statutory review. It was noted that a draft report on the outcomes of the review would be presented to the Authority in the first quarter of 2016.

4. Broadcasting and Contractual Matters

4.1 Contractual Variations- Star Broadcasting Limited

Members considered an Executive report on a review of the implementation, by Star Broadcasting Limited (trading as Sunshine 106.8FM), of its derogation from the statutory news and current affairs requirements, together with a request to continue to permit the application of the derogation. It was noted that the derogation had been granted by the Authority as part of the licensing process for the service, concluded in September 2014. In considering the review outcomes and request for continued derogation, the Authority also had regard to a submission received from the Contractor.

In response to a query from a number of members, the Executive clarified that the principle of permitting derogation from the statutory requirement for certain services had been adopted under the BAI Broadcasting Services Strategy 2012. Since that time, a number of regional youth and niche music services had been granted derogations.

The Authority was satisfied that the outcomes of the review had demonstrated the Contractor's adherence to the alternative news and current affairs model, as set out in the application for the service. In addition, the Authority was satisfied that, on the basis of the monitoring conducted, the Contractor had adhered to the percentage and minutes of news and current affairs committed to, as per the terms of its contract with the BAI.



Following discussion, the Authority was satisfied to continue to permit the derogation from the statutory news and current affairs requirements, as specified in the contract held by Star Broadcasting Limited.

4.2 Temporary Sound Broadcasting Contract (S68)

In their capacity as members of the Contract Awards Committee, Séamus Martin, Grace Smith and Celene Craig declared an interest in the item under discussion and recused themselves from the meeting.

Members considered and approved the recommendation of the Contract Awards Committee to enter into a temporary sound broadcasting contract with one applicant, further to section 68(1) of the Broadcasting Act.

4.3 Content Contract (S71)

In their capacity as members of the Contract Awards Committee, Séamus Martin, Grace Smith and Celene Craig declared an interest in the item under discussion and recused themselves from the meeting.

Members considered a recommendation of the Contract Awards Committee that the Authority enter into a five-year content provision contract with Setanta Sports Channel Ireland Limited, for the subscription-based sports channel, Setanta Sports 1.

Following discussion, the Authority was satisfied to enter into the contract, as per the Committee's recommendation.

5. Organisational Matters

5.1 BAI Risk Register

At the outset of the item, the Chairperson of the Finance, Audit and Risk Committee briefed the members in relation to the meetings of the Committee to date and the matters being progressed. The Chairperson further advised the Authority that the Committee would be working with the internal auditors in order to review risk management generally and that the Committee would revert with findings and recommendations arising from this review.

Members then considered the BAI Risk Management Framework and Risk Register and a recommendation received from the FAR Committee that the Authority approve the Risk Register at this time, in addition to a small amendment to the Framework.

Following discussion, the Authority was satisfied to approve the amended BAI Risk Management Framework and the Risk Register, as submitted.



6. For Information

6.1 Minutes of Compliance Committee

Minutes of the Compliance Committee meeting, held on 2nd September, were circulated to the Authority for information. A query was raised regarding the availability of a summary of complaints received, to accompany the minutes. Members were advised that a complaint publication was published on a monthly basis on the BAI website, summarising complaints received and detailing the outcomes of the Compliance Committee's deliberations.

6.2 Minutes of Contract Awards Committee

Minutes of the Contract Awards Committee meeting, held on 16th July, were circulated to the Authority for information.

6.3 Appointment of Higher Executive and Executive Officers

The Authority noted a range of staffing appointments at Higher Executive and Executive Officer level.

6.4 Communicorp Annual Meeting

A report on the annual meeting with Communicorp was circulated for information.

6.5 Companies Act 2014

A briefing note on the Companies Act 2014 and the implications for corporate entities holding contracts with the BAI for various radio and television services was circulated. The Authority noted that the Executive would contact all relevant contractors regarding notification requirements in respect of any change to their corporate status, further to the provisions of the 2014 Act. The Authority also noted that any requirement for an amendment or restatement of broadcasting contracts would be presented to the Authority for approval.

6.6 Finance, Audit and Risk Committee

Minutes of the Finance, Audit and Risk Committee meeting, held on 6th November, were circulated at the meeting for information.

7. Any Other Business

7.1 Appointment of CEO to News 106 Limited

The Chief Executive notified the meeting that the BAI had, that day, received a request from News 106 Limited (trading as Newstalk 106-108FM) for the appointment of a new CEO. Following discussion, it was agreed to implement the decision-making protocol between meetings for this request. In this instance, the Authority delegated the decision to the Executive.



7.2 Appointment of CEO to North West Broadcasting Limited

The Chief Executive advised the Authority that the BAI had received notification regarding the appointment of a new CEO for North West Broadcasting Limited (trading as Ocean FM). The Authority agreed that the protocol for decision-making between meetings would be invoked and, in this instance, delegated the decision to the Executive.

7.3 Authority Meeting Dates 2016

The Authority approved the meeting dates for 2016. The Executive was requested to revert with an alternative date for the review of the performance of the board, originally scheduled to be held on March 24th.

7.4 Media Research Funding Scheme

The Authority briefly discussed the findings of the research on the underrepresentation of women on news and current affairs programming on national radio stations, funded through the BAI's Media Research Funding Scheme. It was agreed that the matter should be the subject of further discussion by the Authority.

8. Date of Next Meeting

The next meeting of the Authority will be held on Thursday, 17th December, 2015 at 2p.m. in the BAI offices.

**Professor Pauric Travers,
Chairperson**

17th December, 2015