



Minutes of Meeting of the Authority of Broadcasting Authority of Ireland

Date 21/01/2016 Time: 11.00am Venue: BAI Offices

Minutes

Attendance

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

Executive: Michael O'Keeffe, Celene Craig, Aoife Clabby (Secretary), Anne O'Brien (item 2.1, 5.1), Diarmaid Breathnach (item 2.2), Louise McLoughlin (item 3.1), Ciarán Kissane, Philip Cooper (items 5.1), Elizabeth Farrelly (items 5.2), Neil O'Brien.

1. Minutes of Previous Meeting and Matters Arising

Minutes of the previous meeting of the Authority, held on 17th December, 2015, were approved by the Members and signed by the Chairperson. Matters arising were as follows:

a. Public Service Statement: TG4

The Members were advised that a response had issued to the Minister in respect of the Public Service Statement for TG4, further to the requirements of section 101(3) of the Broadcasting Act 2009.

b. UTV Ireland Limited

It was noted that the sale of UTV Ireland Limited to ITV plc had been approved by the Competition and Consumer Protection Commission and the sale would now be considered by the Minister, further to the provisions of the Competition and Consumer Protection Act 2014. The Members were advised that the Head of Channel, Mary Curtis, had resigned her position with the station.

c. General Commercial Communications Code

The Authority was advised that a public consultation on revisions to the General Commercial Communications Code was scheduled to take place in quarter one.

2. Codes, Rules & Policy

2.1 Licensing Plan 2016

Rosemary Day declared an interest in the Community of Interest service for Limerick City and recused herself from the discussion and decision in relation to this service.

The Authority was presented with a draft licensing plan for 2016, seeking approval for the licensing of three commercial, and ten community/community of interest services. In considering the proposed plan, the Authority had regard to the rationale for the services listed, including the main elements requiring consideration-BAI policies and practices; the existing broadcasting landscape; the economic environment; technological issues; and, in the case of community sound broadcasting services, the social benefit to, and access for, the local community.



Members discussed the licensing plan in the context of the current BAI Broadcasting Services Strategy (BSS). It was acknowledged that a key factor in the BSS was the existing broadcasting landscape and the reasonable expectation for a continuity of service.

More generally, Members briefly discussed the potential for future licensing activity, having regard to changes and developments in the technological and broader media landscape. It was agreed that these strategic issues would require consideration in the context of revising the BSS.

Following discussion, the Authority was satisfied to include the services, as proposed in the draft licensing plan.

2.2 Sectoral Impact Assessment and Public Value Review

The Authority was advised that the request received from the Department of Communications Energy and Natural Resources, (DCENR), to undertake a sectoral impact assessment (SIA) of proposed changes to three of RTÉ's current services and to provide a view on the public value of the broadcaster's proposals, had been deferred until later in 2016.

The Authority was presented with a request received from DCENR to carry out an SIA on a proposal from RTÉ to launch a new channel on SAORVIEW, entitled Oireachtas TV. The Authority also noted that the Department has also asked the Authority to give its opinion in relation to the public value of the proposals.

Having regard to the statutory timeframes for conducting sectoral impact assessments, the Authority was satisfied that the outcomes of both the assessment and the public value review would be considered at its meeting on April 7th.

3. Sectoral Learning & Development

3.1 Review of Activities 2015 & Plan 2016

Members were presented with an Executive note, detailing sectoral learning and development activities for the sector in 2015 and submitting proposals to fund a range of activities in 2016. It was noted that the proposals submitted would require a small increase in the sectoral learning and development budget.

The Members requested and were provided with details in relation to the levels of funding provided to each of the activities listed for 2015. The Authority positively noted developments which had taken place through network activities, as well as through other initiatives which were funded by the BAI.



The Authority had a wide-ranging discussion in relation to the various initiatives supported through Sectoral Learning and Development. Members had particular regard to the theme of diversity and ways in which this might be supported, whether through research, existing or new initiatives, or through engagement with the current networks to adapt existing processes. It was agreed that the Executive would revert to the Authority with proposals on this matter in the coming months. The Authority was also advised that the BAI Sectoral Learning and Development Policy was scheduled for review and that this would provide an opportunity to consider the theme of diversity in a broader context.

Following discussion, the Authority was satisfied to approve the proposed activities and related budgets, as presented, for 2016.

4. Broadcast Fund

4.1 Sound & Vision – Round 25 Ratification of Funding

The Authority was presented with an Executive note detailing the outcomes in respect of Round 25 of Sound & Vision 3 and seeking approval for a package of recommendations to fund 99 projects to a value of €5.248m. It was noted that the package, as recommended would increase the indicative allocation for the round by €0.5m. In considering the request for approval, the Authority had regard to summary details of applications received; an overview of the assessment process; and, an analysis of the package of recommendations.

Members considered the analysis of the package of recommendations and in particular, the content of the programmes and the audiences served. Members also discussed the current level of engagement with the sector and ways in which such levels could be further enhanced. The Authority had regard to the list of assessors and requested that consideration be given to ways in which the existing panel could be broadened.

Following discussion, the Authority was satisfied to increase the indicative allocation for Round 25 to €5.248m. The Authority was further satisfied to improve the package of recommendations, as presented.

5. Broadcasting & Contractual Matters

5.1 Broadcasting Contracts – Archiving Provision (Section 69)

Members were presented with an Executive note seeking approval for an approach to the implementation of the archiving provision contained in section 69 of the Broadcasting Act 2009. In this regard, it was noted that the BAI has a responsibility to set down a format and categories to be followed by sound broadcasting contractors for the purposes of the storing and recording of programme material.



The Authority was provided with an overview of work undertaken to date and had regard to the outcomes of a survey conducted with all community and commercial broadcasters on the matter, together with an assessment, by the Executive, of the support required to appropriately implement the provisions of section 69 of the Act.

Following discussion, the Authority was satisfied to approve the approach proposed, as presented.

5.2 Contractual Variation: TV3

The Authority considered and approved a proposal received from TV3 Television Network Limited to appoint Mr. Pat Kiely as the new Managing Director of the Contractor. In providing its approval, the Authority had regard to the relevant criteria contained in the BAI Ownership and Control Policy (2012).

6. Organisational Matters

6.1 Work-plan 2016

The Chief Executive presented the Authority with the proposed BAI work-plan for 2016 for approval, identifying the priorities and key deliverables for the year. It was noted that activities proposed were linked to the final year of the BAI's three-year strategy 2014-2016.

In having regard to the priority activities, the Authority expressed its wish to have sufficient time to develop a new strategy for the organisation. The Authority expressed some concern in relation to the fact that the conclusion of its term of office would coincide with the completion of the term of the next strategy. It was agreed that this matter should be given further consideration and raised with the Minister for Communications, as appropriate.

6.2 Bank Resolution: Credit Card Application

Aoife Clabby declared an interest in the agenda item and recused herself from discussion and decision on the matter.

The Authority considered and approved a bank resolution in respect of a company credit card for one of its senior managers, in accordance with the organisation's Procurement Policy.

6.3 Ratification of Audience Tracker Survey Tender

The Authority was presented with the outcomes of a tender process conducted in relation to the award of a contract for the provision of research services to the BAI. The Authority ratified the award of a contract to Behaviour & Attitudes in respect of the provision of the service.

6.4 CEO Contract

[REDACTED]



7. For Information

7.1 Minutes of Compliance Committee

Members were circulated with minutes of the Compliance Committee meetings, which took place on 21st October and 25th November, for information.

7.2 Minutes of Contract Awards Committee, 19th November & 22nd October, 2015

Members were circulated with minutes of the Contract Awards Committee meetings, which took place on 22nd October and 19th November, for information.

7.3 Review of Work-plan 2015

Members were presented with a review of the outcomes achieved in respect of the 2015 deliverables, as referenced in the BAI work-plan 2014-2016. The Authority commended the Executive on its work in this regard.

It was agreed that the process of a formal review of organisational performance would be important in the context of the new strategy. It was further agreed that further mechanisms to support such a review would be considered at the 5th May meeting.

7.4 Executive Approvals

In accordance with the approved decision-making framework, the Authority was notified of contractual variations that had been approved and finalised, at Executive level, since October 2015.

8. Any Other Business

The Authority was notified of a Sound & Vision supported event, 'Comedy Showhouse' taking place on the week commencing 31st January 2016.

9. Date of Next Meeting

The next meeting of the Authority will be held on Thursday, 25th February, 2016 at 11a.m. in the BAI offices.

**Professor Pauric Travers,
Chairperson.**

25th February, 2016