



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

**Date** 07/04/2016 **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 and Maeve McDonagh.

**Executive:** Michael O'Keeffe, Celene Craig, Aoife Clabby (Secretary), Stephanie Comey (item 2.1), Declan McLoughlin (item 2.1) Diarmaid Breathnach (item 2.2), Ciarán Kissane, Nuala Dormer (item 3.1), Clare O'Sullivan (item 4.2), Andrew Robinson (item 4.2.), Sarah Herron (item 4.2).

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

The minutes of the previous meeting of the Authority, held on 25<sup>th</sup> February 2016, were approved by the Members and signed by the Chairperson. Matters arising were as follows:

#### a. Section 71 Content Contract

Members were apprised of an issue that had arisen in respect of two separate services, broadcasting on a Digital Audio Broadcasting (DAB) trial in the absence of the required content contract, further to section 71 of the Broadcasting Act 2009. The Executive notified the Authority of steps it had taken to rectify the matter.

#### b. Licensing Plan 2015

The Authority was advised that no applications had been received for the provision of a music-driven (alternative rock) sound broadcasting service for Dublin City and County, by the 29<sup>th</sup> March closing date. Members were further advised that the Contract Awards Committee would be considering the matter at its April meeting. The Authority also noted that a meeting had been scheduled with the incumbent service provider, Dublin Rock Radio Limited, in respect of the remainder of its existing contract with the BAI.

### 2. Codes, Rules & Policy

#### 2.1 Media Literacy Policy

At the outset of the item, the Authority discussed the scope and nature of the BAI's role in respect of media literacy, further to the statutory provisions and within the context of the broader media environment.

Members were then given a presentation by Martina Chapman of Mercury Insights, who had been appointed, following a public procurement process, to work with the BAI on the development of its Media Literacy Policy. The presentation outlined the proposed approach to the development of the policy, together with a related work-plan. The presentation also set out three core principles



for inclusion in the policy. It was noted that a set of key competencies, desired outcomes and potential metrics was associated with each principle.

Following the presentation and consideration by the Authority of the proposed approach and work plan, members considered the proposed next steps in the process of the policy's development. In this regard, a small number of amendments to aspects of the stages in the process were suggested, in particular in relation to the database development and pre-publication engagement stages.

Following discussion, the Authority was satisfied to approve the proposed approach to the development of the policy together with the principles, competencies, desired outcomes and potential metrics. The Authority was further satisfied to approve the proposed next steps in the process of the policy's development, subject to a small number of amendments.

## **2.2 Sectoral Impact Assessment and Public Value Review: RTÉ Oireachtas TV.**

At its meeting on February 25<sup>th</sup>, the Authority delegated the decision in respect of a Sectoral Impact Assessment (SIA) and Public Value Review (PVR) to a sub-committee of the Authority. This decision to delegate was taken in accordance with the procedures for decision-making between meetings. The SIA and PVR related to a proposal received from RTÉ to launch a new channel, 'Oireachtas TV', on the free-to-air digital terrestrial platform, *Saorview*.

A number of key points in respect of the SIA and the PVR were noted, as follows:

- The impact of the proposal on existing services on the *Saorview* platform would likely be minimal, with a low chance of any wider sectoral impact
- Carriage of the service on the platform would not see any increase or decrease on the price of carriage for existing channels
- Opportunity costs would be minimal
- Carriage of 'Oireachtas TV' on *Saorview* would be unlikely to impact other platform providers
  
- While parliamentary channels generally provide niche audiences, without them, there would be little or no access to live coverage of parliamentary events
- The provision of such services is justified given their substantial public value and the virtual absence of their commercial value
- Public value would be created in delivering the service on a free-to-air platform; would align with RTÉ and Oireachtas TV legislative mandates; and, would be a further step toward universal availability.

The sub-committee of the Authority also noted a number of other matters which, while outside the scope of the SIA, merited highlighting to the Minister for Communications, specifically:

- Clarification in respect of whether RTÉ or the Houses of the Oireachtas Channel bore responsibility for editorial decisions; for ensuring compliance with statutory codes and rules; and, for dealing with any complaints in respect of the service, should they arise.



- That consideration be given to the implications for the new service, arising from the “must carry” and “must offer” provisions of the Broadcasting Act 2009.

The Authority, having formally delegated the decision in respect of the SIA and PVT to the sub-committee, and having considered the report prepared in respect of that decision, agreed to formally record the decision, as outlined above, in the Authority minutes. The Authority also recorded its thanks to the sub-committee for the work undertaken. It was noted that the outcomes of both the sectoral impact assessment and the public value review had been submitted to the Minister on 23<sup>rd</sup> March.

### **3. Broadcasting Funding Scheme**

#### **3.1 Sound & Vision 3: Ancillary Measures**

Members considered an Executive proposal, seeking approval for the establishment of a Co-Development Fund, in partnership with the Canadian Media Fund. It was noted that the proposal to establish the development fund was further to section 5.6 of the Sound & Vision 3 Scheme, which enables the implementation of Ancillary Measures to support the achievement of the objectives of the Scheme.

In considering the proposal, the Authority had regard to an Executive note setting out the context for the proposal, together with details of the parameters of, and eligibility criteria for, the Co-Development Fund. The level of financial contribution of both the BAI and the Canadian Media Fund was noted. It was further noted that the BAI’s funding input would derive from monies recouped in 2015 from commercially successful Scheme projects and would not impact on funding already allocated for Scheme rounds in 2016.

Following consideration and discussion, the Authority was satisfied to approve a BAI Co-Development Fund, in partnership with the Canadian Media Fund, as proposed.

### **4. Broadcasting & Contractual Matters**

#### **4.1 Content Provision Contract (section 71)**

*Members Grace Smith, Seamus Martin and Celene Craig of the BAI Executive declared an interest in this agenda item by virtue of their membership on the Contract Awards Committee and recused themselves from the discussion and decision in relation to the content provision contract.*

Members were presented with a recommendation from the Contract Awards Committee that the Authority enter into a three-year content provision contract with Virgin Media Ireland Limited (formally known as UPC), to continue broadcasting its information services channel, broadcast on the Virgin Media digital platform.



The Authority was satisfied to approve the recommendation, as submitted.

#### **4.2 Temporary Sound Broadcasting Contract (section 68)**

*Members Grace Smith, Seamus Martin and Celene Craig of the BAI Executive declared an interest in this agenda item by virtue of their membership on the Contract Awards Committee and recused themselves from the discussion and decisions in relation to the item.*

[REDACTED]

[REDACTED]

The Authority then had regard to the recommendation of the Contract Awards Committee (CAC), in respect of GAA FM, which had been deferred from the February meeting. The Authority was satisfied to approve the recommendation of the CAC and enter into a temporary sound broadcasting contract with GAA FM (Páirc an Chrócaigh Teoranta).

### **5. Organisational Matters**

#### **5.1 Board Performance Review: Structure Proposal**

Members considered a proposed approach to the formal review of the performance of the Board, as required by the Code of Practice for the Governance of State Bodies.

The Authority was satisfied to approve the approach, as proposed, subject to minor amendments. It was agreed that an agenda for the review would be circulated to the Members on the week of 2<sup>nd</sup> May.

#### **5.2 Tender Ratification: Annual Public Funding Reviews of PSBs**

The Authority considered the outcomes of a tender process, conducted in respect of the annual reviews of public funding for public service broadcasters.

Following consideration of the documents submitted for review, the Authority ratified the appointment of Indecon Ireland to undertake the public funding reviews, in accordance with the tender specification, for a period of two years, with the possibility of a one-year extension.



**6. For Information**

**6.1 Minutes of Compliance Committee (3<sup>rd</sup> February, 2016)**

Members were circulated with minutes of the Compliance Committee meeting, which took place on the 3<sup>rd</sup> February 2016.

**6.2 Minutes of Contracts Awards Committee (16<sup>th</sup> January, 2016)**

Members were circulated with minutes of the Contract Awards Committee meeting, which took place on the 16<sup>th</sup> January 2016.

**7. Date of Next Meeting**

The next meeting of the Authority will be held on Thursday, 19<sup>th</sup> May 2016 at 11.30a.m. in the BAI offices.

A handwritten signature in black ink, appearing to read 'Paucic Travers', is written over a horizontal line.

**Professor Paucic Travers,  
Chairperson**

**19<sup>th</sup> May, 2016.**