



Minutes of Meeting of the Authority of Broadcasting Authority of Ireland

Date 19/05/2016 **Time:** 11.30am **Venue:** BAI Offices

Minutes

Attendance

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

Executive: Michael O'Keeffe, Celene Craig, Aoife Clabby (Secretary), Stephanie Comey (items 2.3, 2.4), Ciarán Kissane, Clare O'Sullivan (item 3.3), Louise McLoughlin (items 2.3, 2.4), Neil O'Brien (items 3, 4.1)

1. Minutes of Previous Meeting and Matters Arising

The minutes of the previous meeting of the Authority, held on 7th April 2016, were approved by the members and signed by the Chairperson. Matters arising were as follows:

a. Sectoral Impact Assessment/Public Value Review

Members were advised that the Sectoral Impact Assessment (SIA) and Public Value Review (PVR) reports, relating to the RTÉ Oireachtas TV service, had been submitted to the Minister for Communications, Climate Change and Natural Resources, in line with the statutory requirements. It was noted that the BAI executive was liaising with Department officials in order to clarify a number of issues arising from the SIA.

b. Sound & Vision 3: Ancillary Measures

The Authority was advised that a Memo of Understanding had been signed between the BAI and the Canadian Media Fund, in relation to the establishment of the Co-Development Fund. The guidelines for the Fund were scheduled to be launched at the end of May.

c. Temporary Sound Broadcasting Contracts

[REDACTED]

2. Codes, Rules & Policy

2.1 Annual Statement of Performance Commitments: TG4 RTÉ

Members considered the Annual Statements of Performance Commitments (ASPCs) for 2016, submitted by TG4 and RTÉ respectively. It was noted that each public service broadcaster is required to publish its statement of commitments annually, following consultation with the Minister and the BAI. In considering the ASPC of each broadcaster, the Authority also had regard to an executive overview and analysis of whether, and to what extent, the public service objects of TG4 and RTÉ were reflected in their respective statements of commitments.



TG4

The Authority noted the challenges experienced by the broadcaster in adhering to the targets set out in its 5-year strategy, linked to the funding required to deliver on the strategy. The Authority further noted that additional funding had been received by TG4 from the Department in 2016 to deliver unique commemorative and special Irish language content. Furthermore, two additional commitments, which had been set out in the five-year strategy, would be included in the current year, specifically, a high definition service on Saorview and the first steps towards the development of an Irish language learning resource.

The Authority was broadly satisfied that TG4 had clearly outlined its commitments for 2016, in line with its statutory objects and further, had clearly aligned the statement of its commitments with the agreed BAI framework.

It was agreed that a number of clarifications in respect of particular commitments made relating to audience and content would be sought from the broadcaster.

The Authority did express some concern in relation to a number of matters as follows:

- While noting the contextual factors and the increased focus on non-linear audiences, the maintenance or revision downwards of targets relating to linear audiences was highlighted, particularly having regard to the stated targets at the commencement of the five-year strategic period. Some further explanation of the underlying assumptions for the stated targets was requested by the Authority.
- In welcoming the additional funding received by TG4 in 2016 and the related programming to be funded, the Authority noted that TG4 itself did not anticipate that this additional Irish language programming would impact overall audience performance in the period.
- The two additional commitments in respect of the availability of TG4 in high definition on Saorview and the creation of an Irish language resource were a source of surprise to the Authority in the context of the outcomes of the most recent Annual Review of Public Funding. In particular, the commitments made did not identify potential funding partners or funding sources, in circumstances where the activities could neither be seen to be core to TG4's statutory objects nor aimed toward an increase in audience. Furthermore, the decision to include these commitments appeared to be contrary to the Authority's view, as set out in a previous recommendation arising from its public funding review of TG4, that any additional funding that might be available would be likely to create greater value for audiences if spent on content. It was agreed that further information on the context and rationale for these commitments would be sought.

RTÉ

The Authority was satisfied that the commitments set out by RTÉ were sufficiently high-level, with extensive supporting detail to assist the BAI in fulfilling its regulatory role. The Authority noted that, despite the existing challenges in relation to resources, many key areas of strategic



importance continued to be progressed. It was the Authority's further view that RTÉ was harnessing available resources efficiently towards meeting the performance targets it had set, and that all commitments made appeared to be underpinned with concrete plans and outcomes, including a range of new initiatives to encourage innovation and creativity towards meeting audience needs.

The Authority expressed some disappointment that the BAI's request for more relevant comparative financial data had not been met, rendering it difficult to evaluate financial targets provided in the current year.

More generally, the Authority was of the view that RTÉ's forecasts in respect of audience perception of different aspects of RTÉ's programming outputs appeared cautious when compared with actual figures achieved in the previous year.

Following discussion, the Authority was satisfied to conclude that the Annual Statements of Performance Commitments, submitted by TG4 and RTÉ were structured in a way that was broadly in line with the framework agreed between the BAI and the broadcasters. The Authority was further satisfied that the information provided in each ASPC was sufficient in terms of facilitating the BAI in its regulatory agenda. Finally, the Authority agreed that detailed feedback would be provided to TG4 and RTÉ on the content of their respective submissions, in line with the executive analysis conducted.

2.2 Licensing Plan 2015: Update

The Authority received notification from the Contract Awards Committee that, on foot of an instruction to initiate a licensing process for the music-driven, (alternative rock) sound broadcasting service for Dublin City and County, no application had been received by the closing date.

In considering the next steps in the process, the Authority had regard to a note prepared by the executive, together with correspondence on the matter received from the Chairperson of the Contract Awards Committee, the incumbent and two BAI contractors.

Following detailed consideration of the range of options proposed, the Authority was satisfied to give further consideration to possibilities for the available frequency for the Dublin City and County franchise area, in the context of the review of the Broadcasting Services Strategy, scheduled to take place in the second half of 2016. It was further agreed that the decision of the Authority would be communicated to the two contractors who had written to the BAI on the matter.

2.3 Media Research Funding Scheme 2013: *Hearing Women's Voices?* Report & Recommendations

Arising from the publication of the '*Hearing Women's Voice's?*' research report, funded through the BAI Media Research Funding Scheme, the Authority gave consideration to the BAI-specific



recommendations contained in the report and a range of related proposals. In considering the report recommendations, the Authority was mindful of work currently being undertaken by the BAI and the range of ways in which the recommendations could be approached in the context of such existing and future work.

Following discussion, the Authority was satisfied to approve the approaches proposed by the executive in respect of the relevant recommendations contained in the *Hearing Women's Voices* research report. It was further agreed that work to explore the feasibility of a gender strategy for the sector should commence in advance of the development of the BAI Strategy Statement 2017-2019.

2.4 Media Research Funding Scheme 2016

The Authority considered proposals for a BAI Media Research Funding Scheme 2016. In considering the proposals, members had regard to a summary of projects funded through the Scheme to date.

Members discussed and agreed indicative themes of interest in the current year. [REDACTED]
[REDACTED]
[REDACTED]

The Authority was satisfied to approve the Media Research Funding Scheme 2016, as submitted.

3. Broadcasting & Contractual Matters

3.1 Section 68: Temporary Sound Broadcasting Contracts: Contract Awards Committee Recommendations

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

The Authority was asked to formally consider the recommendations of the Contract Awards Committee in respect of two new applications received for temporary sound broadcasting contracts, further to section 68(1) of the Broadcasting Act.

The Authority was satisfied to enter into temporary sound broadcasting contracts with BCFE FM and HEED FM, as recommended by the Committee.

3.2 Section 71: Raidió X Teoranta Limited: Contract Awards Committee Recommendation

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



The Authority formally considered a recommendation of the Contract Awards Committee that it enter into a three-year content provision contract with Raidió X Teoranta Limited, trading as Raidió Rí Rá, further to section 71 of the Broadcasting Act 2009. It was noted that the contract would enable the continued broadcast of the Irish language, youth-based, programming service on the DB Digital Broadcasting Limited DAB trial.

The Authority was satisfied to enter into the contract, as recommended by the Contract Awards Committee.

3.3 Contractual Variation: County Kildare FM Radio Limited

The Authority considered a request received from County Kildare FM Radio Limited (t/a KFM), seeking approval of a number of shareholding changes, following the decision of its largest shareholder to sell his shareholding in the Contractor and in County Kildare Broadcasting Limited.

In considering the request for approval, the Authority had regard to a submission received from the Contractor together with an executive analysis of the proposed transaction in the context of the applicable assessment criteria contained in the BAI Ownership and Control Policy (2012).

Following discussion, the Authority was satisfied to approve the shareholding changes, as proposed.

4. Organisational Matters

4.1 Authorisation for BAI-online Software

The Authority considered a request to approve a supplementary budget to address the redevelopment of the 'BAI online' system.

In considering the request, the Authority had regard to the development of the system to date and relevant issues arising. Members sought clarification on a number of points including the process surrounding the system's development, the associated licensing arrangements, any future external supports required and the oversight and management of costs.

Following detailed consideration and discussion, the Authority was satisfied to approve the supplementary budget line, as proposed. It was noted that the cost associated with the project would be reviewed by the Finance, Audit and Risk Committee, as part of the mid-year budget review process.

4.2 Bank Mandate Update: Ulster Bank

The Authority considered and passed a resolution requesting Ulster Bank to continue to act as bankers for the Broadcasting Authority of Ireland and the Broadcasting Fund.



5. For Information

5.1 Minutes of Compliance Committee Meeting

Members were circulated with minutes of the Compliance Committee meeting, which took place on the 9th March, 2016.

5.2 Minutes of Contract Awards Committee Meeting

Members were circulated with minutes of the Contract Awards Committee meeting, which took place on the 16th March, 2016.

5.3 Minutes of Finance, Audit & Risk Committee

Members were circulated with minutes of the Finance, Audit & Risk (FAR) Committee meeting, which took place on the 15th February, 2016. The Chief Executive advised that the report on the BAI finance function structure, referenced in the FAR minutes, would be considered by the FAR Committee at its meeting on 9th June and would then be brought to the July meeting of the Authority for consideration.

Members of the Committee flagged some concern in respect of the timeliness of the receipt of FAR minutes by the Board. It was noted that a process is in place for matters of priority to be considered on an immediate basis by the Board, in addition to matters requiring the consideration and approval of the full Board. However, it was agreed that the matter would be given further consideration.

6. Any Other Business

The Authority was notified of the event to launch the Reuters Digital Report 2016 findings in relation to Ireland, scheduled to take place on Wednesday June 15th at 8.30 am in the Fitzwilliam Hotel, Dublin 2.

7. Date of Next Meeting

The next meeting of the Authority will be held on Thursday, 23rd June 2016 at 11.00 am in the BAI offices. This will be preceded by a pre-meeting of the Authority at 10.30am.

**Professor Pauric Travers,
Chairperson.**

23rd June, 2016