



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

Date 28/07/2016 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, Maeve McDonagh, Denis Wolinski, Rosemary Day

**Executive:** Michael O'Keeffe, Celene Craig, Aoife Clabby (Secretary), Nuala Dormer (item 2.1), Diarmaid Breathnach (items 2.1, 2.2, 2.5), Andrew Robinson (item 2.3), Fionnuala Murphy (item 2.5), Anne Louise O'Donovan (item 4.1), Declan McLoughlin (item 2.6).

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

The minutes of the previous meeting of the Authority, held on 23<sup>rd</sup> June, 2016, were approved by the members and signed by the Chairperson. Matters arising were as follows:

#### a. Resignation of Authority member, Clare Duignan.

The Chairperson formally notified the Board of the resignation of Clare Duignan. The Board joined the Chairperson in acknowledging Clare's significant contribution to the work of the Authority and in wishing her well in her position as non-executive director on the board of The Irish Times Limited. It was agreed that a formal letter of thanks would be sent to Clare, on the Authority's behalf.

#### b. Board Vacancy

The Chairperson informed members that, as a consequence of Clare Duignan's resignation, there was a vacancy arising on the Finance, Audit and Risk Committee, which it was proposed would be addressed at the September meeting of the Authority.

With regard to the process of appointing a new member of the Authority, the Chief Executive advised that the Ministerial nomination process would be co-ordinated through the Public Appointments Service. The Authority was further advised that officials from the Department of Communications Climate Action and Environment would liaise with the Chairperson, further to the Code of Practice for the Governance of State Bodies, to seek views in respect of any desired competency for the vacancy.

#### c. Audience Research: PSB Tracker Survey

[REDACTED]  
[REDACTED]  
[REDACTED]



**d. General Commercial Communications Code**

The Authority noted that the launch of the consultation process for the General Commercial Communications Code had taken place on Tuesday 26<sup>th</sup> July. The Chief Executive advised the members that additional amendments had been made to proposals relating to alcohol contained in the draft Code. These had had been necessitated following further engagement with the Department of Health.

**e. Temporary Sound Broadcasting Contracts**

Members were advised that the requested legal advice was still awaited.

**2. Codes, Rules & Policy**

**2.1 Report on Annual Review of Public Funding for PSBs**

At the outset of the item, the Authority noted that the item would be considered over the July and September meetings.

A presentation was then made to the Authority by representatives of Indecon International Economic Consultants, in relation to its independent public funding review of RTÉ and TG4. The presentation encompassed Indecon's findings in respect of macroeconomic trends in the broadcasting sector; a comprehensive review and assessment of TG4's and RTÉ's performance in 2015, when compared against commitments set for that year; independent recommendations in respect of the adequacy, or otherwise, of public funding to enable each PSB to meet its public service objects; and, recommendations in respect of the process for conducting future annual public funding reviews.

Following the presentation, a number of clarifications were sought in respect of elements of the presentation; the methodology underpinning the review; and, its application by Indecon. The Authority discussed, at length, the range of issues impacting on the level of public funding currently available to support PSBs in achieving their statutory objects. The Authority also considered changes in the wider media environment; the degree to which such changes were impacting on TG4 and RTÉ respectively; and, the potential role of regulation in this regard. It was noted that some of the matters raised would be addressed as part of the five-year review process.

The Authority concluded its initial discussion on the annual review of public funding and agreed to give final consideration to its report and recommendations to the Minister at the September meeting.

**2.2 BAI Strategy Statement 2017-2019**

The Authority was presented with proposals for draft strategic themes, developed by a strategy sub-group comprising members of the Authority and the Executive. The Authority was asked to consider whether the themes broadly captured the scope and focus of what should be encompassed in the BAI's Strategy Statement 2017-2019.



Members discussed a number of issues pertaining to the proposed themes and considered the degree to which the themes, as drafted, might facilitate the development of strategic objectives. It was agreed that further consideration would need to be given to the strategic themes, to ensure that they were sufficiently future-focussed and more fully captured the BAI's areas of work with the sector and the general public.

### **2.3 Stakeholder Engagement Plan**

Members were presented with a note, providing a brief update on key stakeholder engagements which had taken place over the course of 2015/2016, together with proposals for meetings with a range of stakeholders for the remainder of 2016.

It was agreed that an invitation would issue to representative groups in the community and commercial broadcasting sector to meet with the Authority in advance of its meetings in October and November. It was further agreed that the executive would liaise with TG4 in relation to a possible meeting in late October and that a meeting with TV3 would be scheduled before year end.

The Authority discussed more generally the manner in which it engages with the public, broadcasters and other stakeholders. It was agreed that a range of options would be considered and developed by the executive in this regard, in the context of the three-year strategy statement.

### **2.4 Audio-visual Media Services Directive (AVMSD): Proposed Revisions**

Following the publication by the European Commission of its proposals to revise the AVMS Directive, the Authority was given a detailed presentation which encompassed the purpose of the proposed amendments, together with the main changes proposed to the rules and the rationale for such change. It was noted that the proposed date for implementation of revisions to the Directive was 2018.

The Authority was advised that the executive would be submitting its observations on the proposed revisions to the Directive, including the likely impact of the revisions on the BAI's regulatory role, to the Department of Communications, Climate Action and Environment by the end of August.

### **2.5 BAI Irish Language Scheme**

A note was presented to the Authority, providing a review of the implementation of the BAI Irish Language Scheme 2013-2016, together with proposals for a new draft Scheme 2016-2019.

A small number of clarifications were sought in relation to the consultation process, and the proposed structure of the Scheme. It was noted that the introduction to the Scheme would require amendment, following the introduction of the new Strategy Statement, 2017-2019.

The Authority was satisfied that the proposed draft Scheme was practical, easily understood and sufficiently forward looking.



The draft BAI Irish Language Scheme was approved by the Authority, subject to a small structural amendment.

## **2.6 Short News Code – Draft Code of Practice**

The Authority was presented with a draft Short News Reporting Code of Practice for consideration and approval. It was noted that the requirement for the Code arose from certain provisions of the Audiovisual Media Services Directive, and that responsibility for the Code's development had been assigned to the BAI via Statutory Instrument. It was further noted that there was a long-standing practice among Irish broadcasters in relation to the use of short news extracts.

Following discussion, the Authority was satisfied to approve the draft Code, as submitted, for targeted consultation.

## **3. Broadcasting and Contractual Matters**

### **3.1 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 matters under this item.*

#### **a. Temporary Sound Broadcasting Services**

The Authority formally considered and approved the recommendations received from the Contract Awards Committee to enter into temporary sound broadcasting contracts with four pilot community radio services and two thirty-day temporary services.

#### **b. Licensing – Ratification of the Contract Awards Committee's Decision**

The Authority considered a recommendation received from the Contract Awards Committee that it would enter into a community sound broadcasting contract with Dublin Public Service Radio Association Limited, trading as Dublin City FM, for the provision of a special interest community sound broadcasting service for Dublin City.

The Authority ratified the recommendation received from the Committee, to award the contract in principle, subject to the conditions specified by the Committee and the successful conclusion of contract negotiations.

The Authority went on to briefly discuss the legislative framework underpinning community and commercial sound broadcasting contracts. It was agreed that these sections of the Act would be given further strategic consideration by the Authority with a view to determining whether any amendments were required.





### **3.2 South West Donegal Community Radio (Information Note)**

The Authority was circulated with a note, for information, detailing the circumstances relating to the termination of the community sound broadcasting contract with South West Donegal Community Radio Limited.

## **4. Organisational Matters**

### **4.1 BAI Budget Re-Forecast and 3-Year Estimates**

At the outset of the item, members were circulated with a note, summarising the issues highlighted by the Finance, Audit and Risk Committee, arising from its detailed review of the re-forecast 2016 budget and the draft three-year estimates 2017-2019. The Chairperson of the FAR Committee advised that the Committee was satisfied with the approach to compiling the estimates and was further satisfied to recommend the re-forecast budget and estimates to the Authority for approval.

The Authority then considered a note presenting the draft BAI and Broadcast Fund reforecast 2016 and draft three-year statutory estimates. In considering the re-forecast and estimates, the Authority had regard to the budgeting process undertaken, together with an overview and detailed analysis of any budget movements, when compared with the previous estimates for the period 2016-2018.

Following discussion, the Authority was satisfied to approve the three-year estimates 2017-2019, as presented, for onward submission to the Minister for Communications, Climate Action and Environment, further to statutory requirements.

### **4.2 BAI Board Performance Review-outcomes report**

The Authority considered a report detailing the outcomes of the formal review by the Board of its performance.

It was agreed that a number of specific suggestions, outlined in the report, would be incorporated into existing activities related to the development of the new strategy statement. It was further agreed that proposals to meet outside Dublin would be incorporated into the Authority's meeting schedule for 2017.

The Authority then discussed requirements for any on-going development of Board members, whether collectively or individually. It was agreed that consideration might be given to the development of a competency framework for Board members, in order to more comprehensively ascertain any training requirements. The executive was requested to revert on this matter, in the coming months.

Finally, the Authority requested that the schedule of meetings in 2017 might include an indicative calendar of items which arise on a cyclical basis.



## **5. For Information**

### **5.1 TV3 Meeting Report**

Members were provided with an information note on the annual meeting which took place between the BAI and senior representatives of the TV3 Group on 17<sup>th</sup> May, 2016.

### **5.2 ASPC 2016: TG4 Response to Authority**

Members were circulated with a copy of TG4's response to the Authority's feedback on its Annual Statement of Performance Commitments 2016.

### **5.3 ASPC 2016: RTÉ Response to Authority**

Members were circulated with a copy of RTÉ's response to the Authority's feedback on its Annual Statement of Performance Commitments 2016.

### **5.4 Minutes of Compliance Committee Meeting**

Members were circulated with minutes of the Compliance Committee meeting, which took place on 11<sup>th</sup> May.

### **5.5 Minutes of FAR Committee Meeting**

Members were circulated with minutes of the FAR Committee meeting, which took place on 28<sup>th</sup> April.

## **6. Date of Next Meeting**

The next meeting of the Authority will be held on Thursday, 8<sup>th</sup> September at 2p.m. in the BAI offices. This will be preceded by a pre-meeting of the Authority at 1.45p.m.

**Professor Pauric Travers,  
Chairperson.**

**8<sup>th</sup> September, 2016**