



Minutes of Meeting of the Authority of Broadcasting Authority of Ireland

Date 19/12/2017 **Time:** 11.00am **Venue:** BAI Offices

Minutes

Attendance

Authority: Pauric Travers (Chairperson), Alan McDonnell, Denis Wolinski, Grace Smith, Mary Curtis, Rosemary Day, Seán Ó Mórdha.

Apologies Maeve McDonagh

Executive: Michael O'Keeffe, Celene Craig, Andrew Robinson (Secretary), Aoife Clabby (Secretary for item 5.1), Anne O'Brien (item 2.1), Clare O'Sullivan (items 2.2-2.3, 6.1), Elizabeth Farrelly (items 2.3-2.4), Declan McLoughlin (item 3.1), Liam Boyle, Rachel Casey, Stephanie Comey.

1. Minutes of Previous Meeting and Matters Arising

The minutes of the previous meeting of the Authority, held on 16th November 2017, were approved by the Members and signed by the Chairperson. Matters arising were as follows:

a. Update on Communicorp/The Irish Times

The Chief Executive provided members with an update on the consideration by the Compliance Committee at its December 13th meeting of Communicorp's decision to prohibit representatives of The Irish Times from appearing on Communicorp's contractor stations. The matter is ongoing and is scheduled for further consideration at the January meeting of the Compliance Committee.

b. Poc na nGael screening

The Chief Executive advised members that a screening of the BAI Sound & Vision funded documentary, Poc na nGael, took place in the Croke Park Museum on 23rd November. The screening, which was attended by a number of Authority members, was well received by the audience.

c. Public Service Broadcasting: Annual Review (2016) of Public Funding for RTÉ and TG4

The Chief Executive advised members that the Authority's report and recommendations, arising from the 2016 annual review of public funding for RTÉ and TG4 had been submitted to the Minister for Communications, Climate Action and Environment.

d. PSB: Request for Ministerial Advice: Section 104 Broadcasting Act 2009 (GAAGO)

Members were advised that the Authority's advice in respect of the proposed GAAGO service had been submitted to the Minister for Communications, Climate Action and Environment.

Separately, a number of process issues in the context of the regulatory framework for the consideration of submissions under sections 103 and 104 of the Broadcasting Act 2009 will be brought to the attention of Department officials.



e. **BAI Gender Action Plan**

Members sought clarification regarding the timeframe for the launch and phased implementation of the BAI Gender Action Plan. It was confirmed that the Action Plan would be presented to the Authority for consideration in the first quarter of 2018.

2. **Promoting Plurality & Diversity**

2.1 Development of a Revised Broadcasting Services Strategy (“BSS”) – (i) Draft research report & (ii) Next steps in process

Representatives from Mediatique provided members with an overview of the key findings of their research report which aimed to provide a robust assessment of current and future dynamics in the Irish broadcasting market. The presentation incorporated an analysis of the current structure and dynamics of the broadcasting market and future trends, the needs and preferences of the audience, the future needs of the independent broadcasting sector, the future need for radio and television broadcasting regulation, and possible options regarding digital radio and progressing DTT.

Following the presentation, the Authority engaged in lengthy and detailed discussions in relation to the findings. Clarification was sought on certain aspects of the research findings and proposed recommendations identified by Mediatique. The Authority also discussed *inter alia* matters regarding Section 71 licensing, digital radio, funding models and the cultural characteristics unique to the Irish broadcasting landscape.

It was agreed that these, and other matters, will be further discussed at the January meeting which will assist in the development of a revised BSS to be considered by the Authority in February. Members were also advised that any questions or observations in respect of the draft Mediatique report would be collated through the Executive in advance of the January meeting.

2.2 Plurality: Approach to Policy Development & Review of Ownership & Control Policy

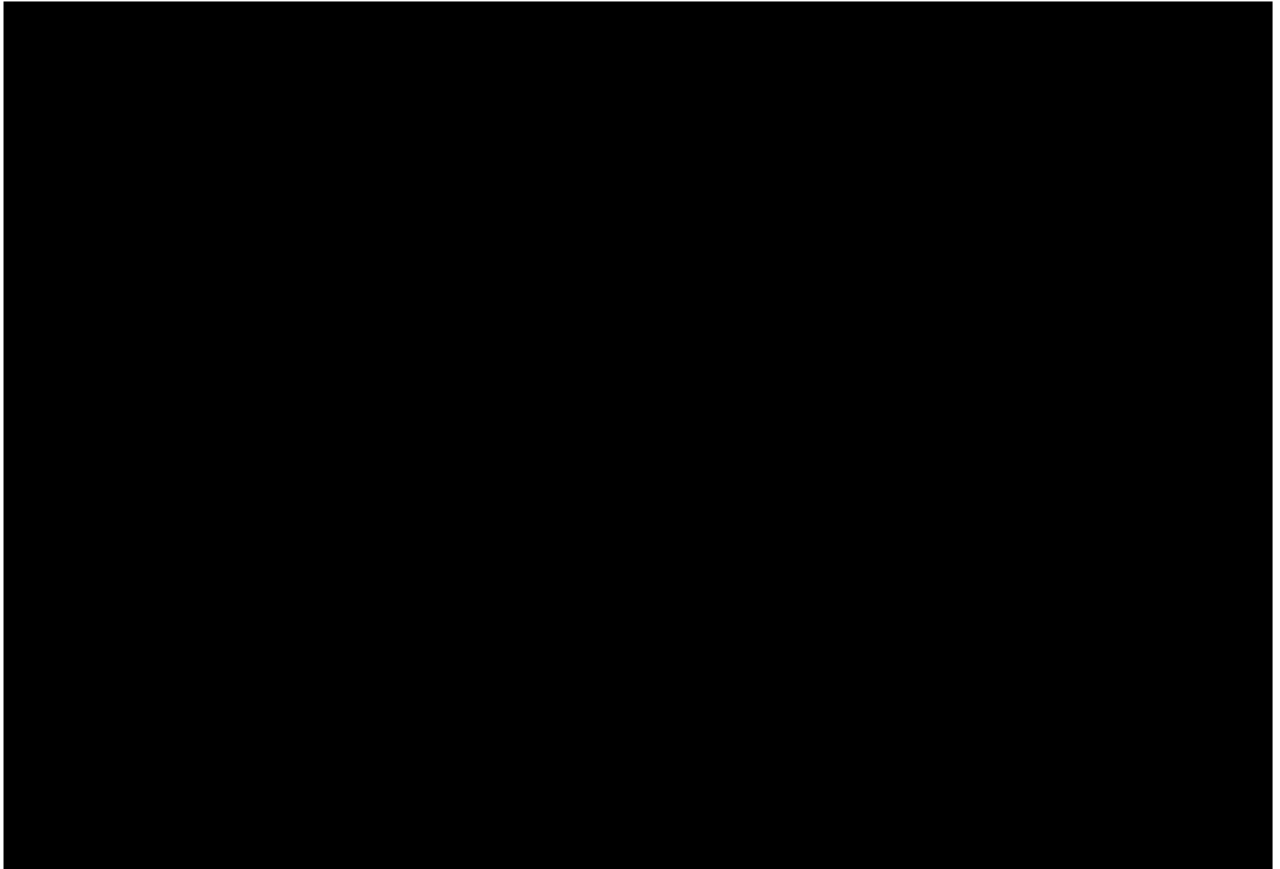
Members were presented with a note which set out the proposed approach to the development of the BAI Plurality Policy and review of the BAI Ownership & Control Policy.

With regard to the development of the BAI Plurality Policy, the Authority noted the proposed four-phased approach which would include a jurisdictional review and public consultation on the draft Policy. Similarly, the Authority noted a five-phased approach to the review of the Ownership & Control policy which would include an operational review and public consultation. The Authority also noted that a draft policies are expected to be presented to the Authority for consideration in July 2018 with a public consultation in the third quarter of 2018.

The Authority was satisfied to approve the approach to both the development of the BAI Plurality Policy and review of the Ownership & Control Policy, as proposed.



2.3 Contractual Variation: TV3



2.4 Licensing – Ratification of Decisions of the Contract Awards Committee

In their capacity as members of the Contract Awards Committee, Authority member Grace Smith and Executive staff member Celene Craig, declared an interest in this item and recused themselves from discussion and decision on the matter.

Community Radio Services: The Authority was presented with the recommendations of the Contract Awards Committee in respect of the award, in principle, of contracts to Tramore Community Radio Company Limited and Tipperary Mid West Radio Cooperative Society Limited.

In accordance with section 64 of the Act, the Authority was satisfied to ratify the decisions of the Contract Awards Committee, and to award contracts, in principle, to Tramore Community Radio Company Limited and Tipperary Mid West Radio Cooperative Society Limited, subject to the successful conclusion of contract negotiations and the satisfaction of all of the conditions specified by the Committee.



3 Empowering Audiences

3.1 BAI Access Rules: Statutory Review of Effect

Members considered a report on the review of the effect of the BAI Access Rules (2014), which set down quantitative and qualitative requirements in respect of the provision of subtitling, Irish Sign language and audio description which broadcasters are required to meet, further to Section 45(3) of the Broadcasting Act 2009.

In considering the Executive report, the Authority noted the key findings of the review which included matters relating to, *inter alia*, the issue of the quality of access provision, the targets and the approach to target setting and the manner and extent of engagement between the BAI, broadcasters and users. The Authority noted that these matters would be considered as part of the public consultation on revised Rules in 2018.

Following discussion, the Authority expressed satisfaction with the report and this will be submitted to the Minister for Communications, Climate Action and the Environment further to the provisions of Section 45 (3) of the Broadcasting Act 2009.

4 Communicating and Influencing

4.1 BAI Draft Communications Strategy

Members considered a draft BAI Communications Strategy, prepared by the Executive, which aims to ensure all communications activities are strategically aligned with the BAI Strategy and its associated key deliverables.

In considering the draft Strategy, the Authority discussed the role of communications in raising public awareness of the BAI and its activities more broadly. Members noted that the draft Strategy would direct and support the development of an annual communications plan of activities which would be circulated to members for consideration in quarter one 2018.

With some minor revisions, the Authority was satisfied to approve the draft Strategy as submitted.

5 Excellence & Accountability

5.1 Ratification of Appointment of Senior Manager

Members considered a proposal for the appointment of two existing BAI staff members to Senior Managers positions, covering temporary vacancies which will arise in 2018.

The Authority was satisfied to approve the appointments of Anne Louise O'Donovan and Declan McLoughlin as proposed. It also noted the placement of Andrew Robinson to an AP panel for a period of 12 months.



6 For Information

6.1 Brexit Update

At its meetings in June and September 2017, the Authority considered a position paper on the potential implications of Brexit for the broadcasting sector and the BAI. Following discussion at these meetings, the Authority was satisfied to adopt a proactive approach to the facilitation and licensing of content contracts, further to the provisions of section 71 of the Broadcasting Act 2009.

At its December meeting, members were provided with an update on the operational activities which have been taken in support of this approach, including legal advices in respect of criteria which may apply to BAI content provision contracts.

6.2 Licensing Plans 2015-2017: Implementation Overview

Members were presented with an update on the status of the licensing processes initiated under the BAI's licensing plans for each of 2015, 2016 and 2017. In this regard, the Authority noted progress to date.

6.3 Report on the Commercial Radio Broadcasting Sector (2017)

The Authority was presented with a report on the performance of the commercial radio sector for the period January 2014 to December 2016. The comparative report was based on data collated from Data Returns submitted by each of the commercial radio broadcasters in relation to their financial performance, staffing and programming matters.

The Authority noted the intention to undertake this data gathering and reporting on an annual basis which will evolve over time to highlight key emerging trends of value to the sector. It also noted the proposal to extend the Data Returns process to all radio services and television services licensed by the BAI, and the intention to make the reports publicly available after a trial period.

6.4 Contractual Variations: Executive Approvals

In accordance with the approved decision-making framework, the Authority was notified of five contractual variations that had been approved at Executive level since September 2017.

Members noted that clarification on the new broadcast hours for Athlone Community Radio would be provided at the next Authority meeting.

6.5 Ethics in Public Office

Further to the Ethics in Public Office Acts 1995 and 2001, the Members were reminded of their disclosure obligations, as holders of designated positions for the purposes of the Acts. Members were circulated with copies of Statement of Interest Forms and advised that any completed statement should be provided to the Standards in Public Office Commission by the 31st January 2018, and a copy statement provided to the Secretary of the Authority.



6.6 Minutes of Contract Awards Committee Meeting

Minutes of the Contract Awards Committee, held on 5th October 2017, were circulated to the Members for information.

7 Any Other Business

7.1 Acknowledgement

The Chairperson expressed his appreciation to the members and staff for their contribution to the work of the Authority over the course of the year.

The Chairperson and members also expressed the Authority's warm gratitude and best wishes to Secretary Aoife Clabby who will be leaving on secondment for a two-year period, from the beginning of January 2018.

8 Date of Next Meeting

The next meeting of the Authority will be held on **Thursday 25th January at 11am** in the BAI offices.

**Professor Pauric Travers,
Chairperson.**

25th January 2018.