



Minutes of Meeting of the Authority of Broadcasting Authority of Ireland

Date 25/01/2018 **Time:** 11.00am **Venue:** BAI Offices

Minutes

Attendance

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

Executive: Michael O'Keeffe, Celene Craig, Andrew Robinson (Secretary), Anne O'Brien (item 3.1), Clare O'Sullivan (item 3.2), Declan McLoughlin (item 4.1), Elizabeth Farrelly (items 3.2, 3.3, 3.4), Liam Boyle (item 2.1), Stephanie Comey (item 2.2).

1. Minutes of Previous Meeting and Matters Arising

The minutes of the previous meeting of the Authority, held on 19th December 2017, were approved by the Members and signed by the Chairperson. Matters arising were as follows:

a. Update on Communicorp/The Irish Times

In their capacity as members of the Compliance Committee, Authority members Maeve McDonagh and Rosemary Day, declared an interest in this item and recused themselves from discussion on the matter.

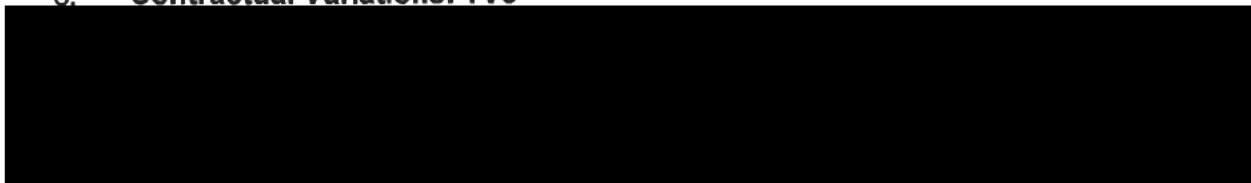
The Chief Executive provided members with an update on the consideration by the Compliance Committee at its January 24th meeting of Communicorp's decision to prohibit representatives of The Irish Times from appearing on Communicorp's contractor stations.

The Authority noted the Compliance Committee's determination that the Communicorp decision did not breach either BAI broadcasting codes and rules, or the terms of the BAI Contract with any of the sound broadcasting services. It noted that the Compliance Committee will formally write to the Authority on the matter within the coming weeks.

b. BAI Gender Action Plan

The Authority noted that the BAI Gender Action Plan would be circulated for information when published.

c. Contractual Variations: TV3





d. **Access Rules**

The Chief Executive advised members that the Authority's report on the review of the effect of the BAI Access Rules (2014) had been submitted to the Minister for Communications, Climate Action and Environment.

e. **Brexit Update**

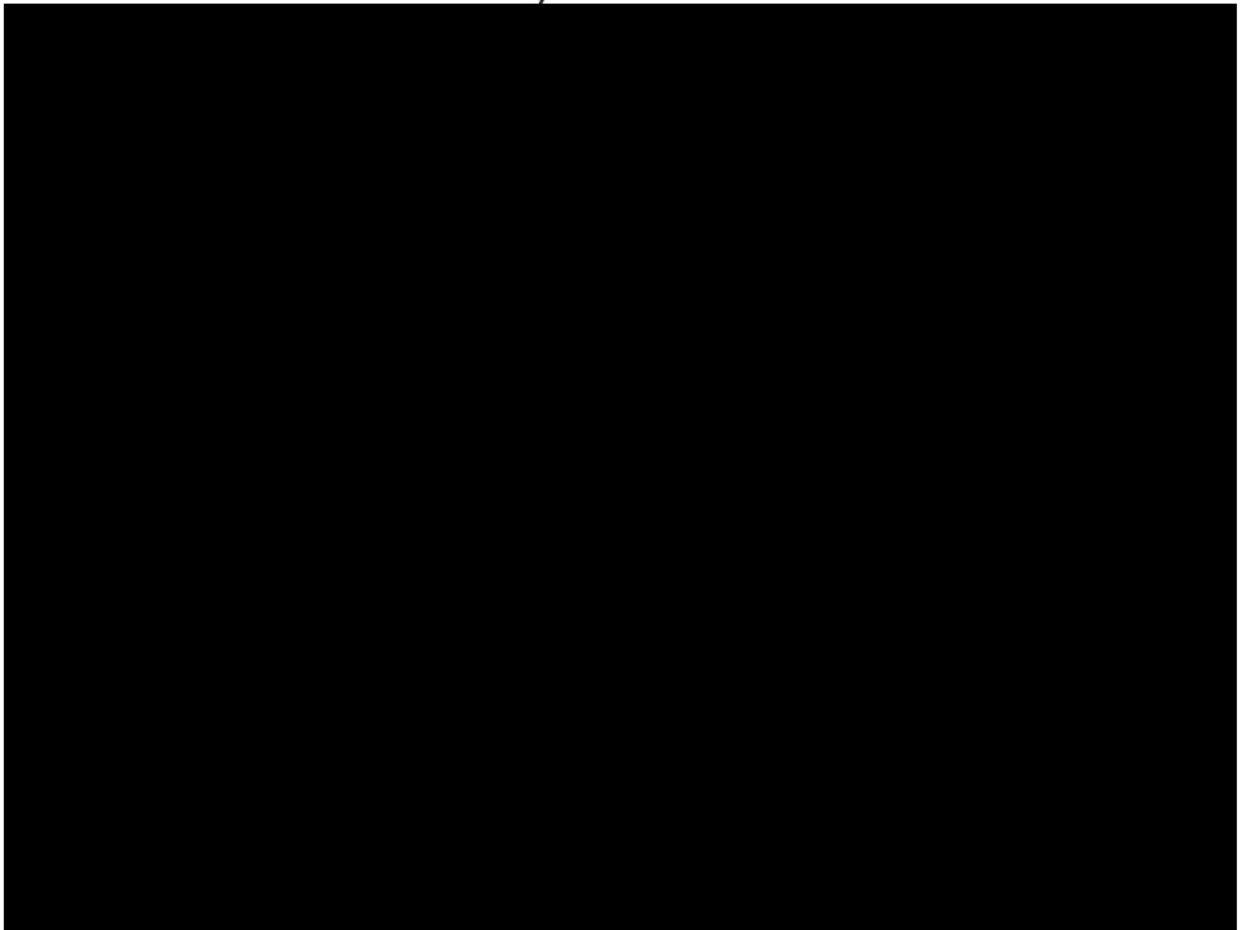
The Chief Executive advised members that the IDA, in conjunction with the BAI, will host a joint marketing event in London in order to reach out and market Ireland as an alternative licensing jurisdiction to UK based broadcasters in early March 2018. It is expected that 20-30 representatives from UK broadcasting and media organisations will be in attendance.

f. **Contractual Variations: Executive Approvals**

The Chief Executive confirmed that the broadcast hours for Athlone Community Radio had increased from 57 – 77 hours.

2. **Enhancing Innovation & Sectoral Sustainability**

2.1 **PSBs: Five-Year Review of Funding 2018 – 2022 (presentation of draft report by Communications Chambers)**





2.2 Sectoral Learning & Development: Review 2017 & Proposals 2018

Members considered an Executive note, detailing sectoral learning and development activities carried out in 2017, together with proposals for activities and budget allocations for 2018.

With regard to 2017, the Authority was satisfied that the networks in receipt of Sectoral Learning and Development funding had delivered on their contractual commitments and that the standard of initiatives had been high, providing value for each network and associated members.

Following discussion, the Authority was satisfied to approve the proposed activities and related budgets for 2018, as presented.

3. Promoting Plurality & Diversity

3.1 BAI Broadcasting Services Strategy

Following Authority consideration of the key findings of the research undertaken by Mediatique at its December meeting, Members were presented with a note which set out the proposed approach to the next phase in the development of a revised Broadcasting Services Strategy ("the BSS").

The Authority noted that the proposed structure and scope for the revised BSS has been agreed and the focus of this discussion would be to agree on the approach to the proposed content for the draft BSS document. Members also noted that the BSS will serve as an overarching framework for the BAI's broadcasting activities, from which a radio licensing policy will be developed. Consideration around the form and nature of potential new services, and public appetite for such services, will form part of the radio licensing policy.

The Authority agreed on the following proposals which would inform the draft BSS document:

- (i) The Authority expressed broad satisfaction with the findings of the Mediatique research report. A number of queries arose in respect of certain aspects of the report, in particular its interpretation of Irish cultural characteristics. The Authority agreed that the BAI Executive would clarify this matter with Mediatique.
- (ii) The Authority had regard to the Vision and Objectives of the current BSS and was satisfied that they remained relevant and appropriate. It was agreed that the Vision and Objectives



of the revised BSS would be updated to reflect the language of the BAI Strategy Statement 2017 – 2019.

- (iii) The Authority was satisfied to investigate the possibility of licensing one or two additional FM services outside the Dublin region in the context of providing more diversity of choice for listeners in the rest of Ireland. It was agreed that this matter would be further investigated as part of the draft BSS consultation process.
- (iv) The Authority noted that the BAI has fulfilled its obligations under section 70 to licence a television programme service on a national basis (TV3) and that there will be no further licensing obligations under this licensing category. Accordingly, no issues arise here.
- (v) The Authority noted that work to-date undertaken by the BAI on DTT has found that market conditions would not support the launch of commercial DTT services. Accordingly, the Authority was satisfied to continue with its current practice of independently reviewing the potential for DTT every three to five years.
- (vi) With regard to Digital Radio, the Authority noted that the Mediatique report put forward two significant options for change in the radio sector. These concerned new FM licences and the development of a DAB+ platform. To further investigate these options, the Authority agreed the following:
 - (a) a commitment to establish a working group to explore possible options, and
 - (b) a commitment to commissioning an independent review of the potential of digital radio to build on the work completed thus far by Mediatique.
- (vii) With regard to Electronic Programme Guides ("EPGs"), the Authority was satisfied to commit to developing an EPG code/s in consultation with the industry. Given the legislative provision for EPGs in the 2009 Act is outdated and may be subject to change, no timeframe for the Code/s development would be set.
- (viii) The Authority was satisfied to notate the regulation section mainly based on principles.
- (ix) The Authority was satisfied that the regulatory measures that are open to consideration should be listed and references to the policy documentation where they are further explained are included. It was also satisfied that regulatory measures would be included in the public consultation.

On the basis of the decisions above, it was agreed that the Executive will develop a draft BSS consultation document for Authority consideration and discussion at its February meeting.



3.2 Wireless Radio Group – Re-structuring

The Authority was provided with an updated restructuring proposal, submitted by Wireless Group Plc, in respect of the radio services Cork's 96FM and C103, Dublin's Q102, FM104, Limerick's Live 95FM and LMFM, for the Authority's consideration and approval. The proposal was accompanied by an Executive note, providing an analysis of the changes envisaged.

The Authority noted that the updated plans were broadly in line with the previous restructuring proposal considered and approved, in principle, by the Authority at its June 2017 meeting. It also noted commitments have been provided in relation to maintaining the distinctiveness and editorial quality of each of the services and ongoing compliance with the services' respective programming requirements and commitments.

Following discussion, the Authority was satisfied to approve the finalised proposed restructuring of the Wireless Group Plc services as presented.

3.3 Licensing – Ratification of Decisions of the Contract Awards Committee

In their capacity as members of the Contract Awards Committee, Authority members Grace Smith and Seán Ó Mórdha, 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 Cork New Life Media and South West Clare Community Radio Company 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 Cork New Life Media and South West Clare Community Radio Company Limited, subject to the successful conclusion of contract negotiations and the satisfaction of all of the conditions specified by the Committee.

3.4 Recommendations of the Contract Awards Committee: Temporary Sound Broadcasting Services

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

Further to the provisions of Section 68(1) of the Broadcasting Act 2009, the Authority was satisfied to ratify the recommendations of the Contract Awards Committee in respect of the following temporary sound broadcasting services:

- Trinity College Dublin
- Dun Laoghaire Education Training Board, and
- 8Radio Vision Limited.



4. Empowering Audiences

4.1 Referenda Guidelines

Members were presented with a note which set out draft BAI Guidelines in Respect of Coverage of Referenda, further to Rule 27 of the BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs. It was noted that the Guidelines would be a standing document that will apply to all referenda, given the number of these proposed over the next two years.

In considering the Guidelines, the Authority noted they included a strong emphasis on how fairness, objectivity and impartiality could be achieved and how this is broader than a consideration of airtime for campaign groups. It also noted the emphasis of the document that audiences may be better served by an approach to coverage that is not purely adversarial and which places an emphasis on the issues of a referendum.

Following discussion, the Authority was satisfied to approve the BAI Guidelines in Respect of Coverage of Referenda. It was noted that the Guidelines would be published once translated.

5. Excellence & Accountability

5.1 BAI Statement of Strategy 2017-2019: Review of 2017 Work Plan and progress towards the achievement of the Strategy

The Chief Executive presented Members with a note, detailing performance outcomes in relation to each of the key work deliverables for 2017, in support of the achievement of the organisation's strategic goals and objectives as outlined in the BAI Statement of Strategy 2017 – 2019.

The Authority noted that this was the first year of a three-year strategy, and the various deliverables were at different stages of development, but expressed satisfaction that progress had been made under each of the five strategic themes during the year in achieving the Strategy.

The Authority noted the approach taken to the process, in particular the reporting focus on the key work deliverables associated with each of the strategic themes. The Authority was of the view that the approach to the review would be strengthened by undertaking an assessment of performance against strategic outcomes. Accordingly, it was agreed that the approach to reporting of progress towards the achievement of the Strategy would be revised to place a greater emphasis on outcomes.

5.2 Application for Credit Card for Senior Manager

Members considered an Executive request to approve the issuing of a credit card to senior manager Anne Louise O'Donovan. The Authority was satisfied to approve this request.



6. For Information

6.1 Code of Practice for the Governance of State Bodies: Oversight Agreement with Department of Communications, Climate Action & Environment

Members were presented with a copy of the executed Oversight Agreement between the BAI and the Department of Communications, Climate Action and Environment, further to the provisions of the 2016 Code of Practice for the Governance of State Bodies ("the Code").

Members noted that Section 8.4 of the Code states that written agreements are to be put in place clearly defining the State Body's relationship with the Parent Department. In the case of the BAI, Department officials were strongly of the view that the Broadcasting Act 2009 acts as the principal oversight mechanism in the context of the BAI's role as an independent statutory regulator. Members noted that the requirement for independence in the particular context of media regulation has been consistently emphasised by the European Commission and that the introduction of a performance delivery agreement with the Department would undermine that independence.

6.2 Law Reform Commission: Submission of Irish Regulatory Agencies

Members noted that this submission was not available in time for this meeting and will be circulated for information at a later date.

6.3 BAI Sponsorship 2018

The Authority was circulated with details of the BAI's sponsorship programme for 2018. It was noted that funding totalling €143,000 had been allocated to a total of 20 projects.

6.4 Executive Summary and Recommendations from The Olsberg Report – Economic Analysis of the Audiovisual Sector in Ireland

The Authority was presented with an Executive Summary and Recommendations from the unpublished Olsberg report on the *Economic Analysis of the Audiovisual sector in the Republic of Ireland* which was completed in December 2017.

The Authority noted that the research was commissioned to inform government policy in relation to the development of the audiovisual sector in the context of several government initiatives including Creative Ireland and the Action Plan for Jobs.

6.5 Minutes of Compliance Committee Meeting, 18th October & 15th November 2017

Minutes of the Compliance Committee meetings, held on 18th October and 15th November 2017, were circulated to the members for information.

6.6 Minutes of Contract Awards Committee, 7th November 2017

Minutes of the Contract Awards Committee meeting, held on 7th November 2017, were circulated to the members for information.



7. Any Other Business

The Board expressed its sincere condolences to the Chairperson and Chief Executive on their recent family bereavements.

8. Date of Next Meeting

The next meeting of the Authority will be held on **Monday 26th February at 11am** in the BAI offices.

**Professor Pauric Travers,
Chairperson**

26th February 2018