



Minutes of Meeting of the Authority of Broadcasting Authority of Ireland

Date 26/04/2018 **Time:** 11.00am **Venue:** Chamber of Commerce, 96
O'Connell Street, Limerick

Minutes

Attendance

Authority: Pauric Travers (Chairperson), Denis Wolinski, Grace Smith, Maeve McDonagh, Mary Curtis, Rosemary Day

Apologies: Alan McDonnell, Seán Ó Mórdha

Executive: Michael O'Keeffe, Celene Craig, Andrew Robinson (Secretary), Liam Boyle.

1. Minutes of Previous Meeting and Matters Arising

The minutes of the previous meeting of the Authority, held on 29th March 2018, were approved by the Members and signed by the Chairperson. Matters arising were as follows:

a) **BAI Gender Action Plan**

The Chief Executive advised members that the BAI Gender Action Plan had been published on the BAI website. He noted that Stephanie Comey would be presenting the Plan to stakeholders at an industry event in the IFI on Friday 27th April and that further meetings with stakeholders, including the National Women's Council of Ireland, will be taking place in the coming months.

b) **Broadcasting Services Strategy Stakeholder workshop**

The Chief Executive advised members that the stakeholder workshop on the draft Broadcasting Services Strategy took place in the Aviva Stadium on Tuesday 24th April and that feedback from attendees was positive. He advised that the key issue of note concerned the proposal to explore the licensing of at least one new sound broadcasting service on the FM band outside the Dublin region, with a wide variety of views being expressed on the day.

c) **Contractual Variation: TV3**

The Chief Executive advised members that the Authority decision in respect of the TV3 contract amendment request had been communicated to the broadcaster.

d) **Contractual Variation: Eircom Limited – Proposed Acquisition by Toohil Telecom Holding**

The Chief Executive advised members that the Authority approval of the proposed acquisition of Eircom Holdco SA by Toohil Telecom Holdings Limited had been communicated to the Contractor. He noted that the acquisition has now been completed.

e) **East Limerick**

The Chief Executive advised members that the Compliance Committee investigation into East Limerick Community Radio, further to Section 50 of the Broadcasting Act, had been completed. He noted that the Compliance Committee has recommended a Contract termination. This matter is scheduled to be considered by the Authority at its May or June meeting.



f) **Access Rules**

The Chief Executive noted that the Authority's report on the review of the effect of the BAI Access Rules (2014), which was submitted to the Minister for Communications, Climate Action and Environment, has not yet been laid before the Houses of the Oireachtas.

g) **Contractual Variation: Sappho Limited - Proposed Acquisition by The Irish Times**

The Chief Executive advised members that the proposed acquisition of Sappho Limited by The Irish Times, which was approved by the Authority at its March meeting, has recently been approved by the Competition and Consumer Protection Commission (CCPC).

2. **Enhancing Innovation & Sectoral Sustainability**

2.1 **PSBs: Five-Year Review of Funding 2018 – 2022**

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]



3. Excellence and Accountability

3.1 TG4 Annual Statement of Performance Commitments 2018

Members considered the 2018 Annual Statement of Performance Commitments (ASPC) submitted by TG4. The ASPC had been submitted further to the requirement for each public service broadcaster to consult with the Minister and the BAI, prior to the publication of its statement of commitments. In considering TG4's ASPC, the Authority had regard to an Executive analysis of the extent to which TG4's objects are adequately reflected in the document and an assessment of the degree to which the information provided assists the BAI in fulfilling its regulatory role.

The Authority noted that TG4's ASPC for 2018 reflected the broadcaster's Five-year Costed Strategic Plan, submitted to the BAI in October 2017 in the context of the BAI's Five-year Review of Public Funding, and its overall strategic objectives for the period.

The Authority noted that the ASPC marks 2018 as the year of commencement of a new Five-year Strategy (2018 – 2022) and that TG4's "twin-pole audience strategy" was evident in the broadcaster's provisions for the core Irish language audience as well as in its approach to increasing reach with the national TV audience. The Authority also noted that the impact of this strategy on both national and core audiences was significant, particularly in terms of metrics relating to audience reach, share and the amount and nature of content delivered by genre.

Following discussion, the Authority was satisfied that TG4's statement aligns with the agreed framework, and that the commitments set out are sufficiently strategic in nature. It was also satisfied that TG4's ASPC 2018 also aligns with the broadcaster's organisational strategy. The Authority was further satisfied that feedback would be provided to TG4 on that basis.

4. Promoting Plurality & Diversity

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

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.

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:

- IBSA Convention Dublin (International Bible Students Association)
- Eden FM (Heartbeat FM Radio Services Limited)
- BCR FM - Ballina Community Radio (Connaught Broadcasting Services)
- Erris FM (Ionad Ealaíona Iorras Cuideachta Faoi Theorainn Ráthafochta).



5. Communicating and Influencing

5.1 RTÉ: Request for Ministerial Advice: Section 104 (3) Broadcasting Act 2009 - PPI

Members considered an Executive Note assessing an RTÉ proposal to become a member of Phonographic Performance Ireland ("PPI"), a collecting society established to administer its members' rights in the public performance, broadcasting and reproduction of their sound recordings. Members noted that membership of PPI would allow RTÉ to receive royalties in respect of CDs which have been released on the RTÉ Lyric CD label. The Authority noted that the note had been prepared further to a Ministerial request received, seeking the advice of the BAI, further to the provisions of Section 104 of the Broadcasting Act 2009 ("the Act").

In considering the advice to be provided to the Minister, the Authority had regard to the Executive assessment and the submission made by RTÉ. Having regard to the request for advice, the scope of the Authority's consideration extended to:

- Consistency with existing permissions of RTÉ and whether the activity required approval pursuant to section 103 of the Act
- Consistency with RTÉ's Statutory Objects
- Consistency with RTÉ's published Strategy
- Consistency with State Aid rules/guidance
- Risk (financial, reputational or otherwise)
- Impact on competition in the State, if (exceptionally) not already considered by the CCPC.

Following discussion, the Authority was satisfied that RTÉ's proposal to become a member of PPI meets the criteria of the BAI framework and is acceptable for the purposes of Section 104 of the 2009 Act. It was agreed that advice, on this basis, would be communicated to the Minister.

6. For Information

6.1 INM: Update

Members were presented with an Executive note on recent press coverage relating to the application by the Office of the Director of Corporate Enforcement ("ODCE") to the Courts for the appointment of High Court Inspectors to investigate matters at Independent News and Media plc ("INM").

The Authority noted developments in this regard and agreed that the matter would be kept under review. The Authority then engaged in a broader discussion on the matter of conflicts and declarations of interest for the Board and its Committees. It was agreed that a report on this matter would be developed by the Executive and presented to the Board in the coming months.

6.2 Minutes of Compliance Committee Meeting, 24th January 2018

Minutes of the Compliance Committee, held on 24th January 2018, were circulated to members for information.



7. Date of next meeting

The next meeting of the Authority will be held at **11am** on **Thursday 17th May** in the BAI offices.



**Professor Pauline Travers,
Chairperson**

17th May 2018