



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

**Date** 24/1/2019 **Time:** 11.00am **Venue:** BAI Offices

## Attendance

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

**Apologies:** Maeve McDonagh

**Executive:** Michael O’Keeffe, Celene Craig, Andrew Robinson (Secretary), Ciarán Kissane (item 3.1), Declan McLoughlin (item 4.3), Elizabeth Farrelly (items 4.2, 4.5), Fionnuala Murphy (item 3.2, 4.1), Liam Boyle (items 2.1, 3.1, 4.4), Stephanie Comey (item 3.2, 4.1).

## 1. Minutes of Previous Meeting and Matters Arising

### 1.1 Minutes of Authority Meeting 13<sup>th</sup> December 2018

A number of minor amendments to the draft Minutes were agreed by the Authority. Revised minutes would be presented to the Authority at its March 2019 meeting. Matters arising were as follows:

- a) **Environmental, Social and Governance (ESG) – Strategic Objective**  
The Chief Executive advised members that work on this strategic objective is ongoing and that a note will be presented to the Authority at its March meeting.
- b) **Access Rules**  
The Chief Executive advised members that the revised Access Rules would be published on Monday 28<sup>th</sup> January 2019.
- c) **AVMSD Working Group**  
The Chief Executive advised members that the first two meetings of the BAI AVMSD working group had taken place, with a third meeting scheduled for Monday 11<sup>th</sup> February. He noted that the Department of Communications, Climate Action and Environments’ public consultation on the transposition of the AVMSD had not yet been launched but was expected to do so in the coming weeks. He noted that an update on developments would be provided to the Authority at its March meeting.
- d) **Virgin Media**  
The Chief Executive advised members that he would be responding to the matters raised in the Virgin Media Ireland correspondence, concerning the BAI statement on the Five-Year Review of Public Funding, at the upcoming annual meeting with the broadcaster.



e) **Meeting with Minister for Communications, Climate Action and Environment**

The Chief Executive advised members that an introductory meeting with the Minister for Communications, Climate Action and Environment had been scheduled for Monday 28<sup>th</sup> January. He advised that he and the Chairperson would be representing the BAI and that discussions would include the BAI's Five-year Review of Public Funding and the recommendations arising.

[REDACTED]

2. **Achieving Excellence & Accountability**

2.1 **PSBVs: Annual review of Performance Commitments and Adequacy of Public Funding for 2017**

[REDACTED]

[REDACTED]

[REDACTED]



[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

### 3. Enhancing Innovation and Sectoral Sustainability

#### 3.1 Community Media Working Group – Outcomes and Report

Executive member Liam Boyle introduced this item with an overview of the key steps in the development of the community media working group report. He noted that the establishment of a working group with the community media sector was one of the key BAI activities under the 'Enhancing Sectoral Sustainability' strategic objective. The working group approach was



endorsed by CRAOL (The Community Radio Forum of Ireland) and the CTA (Community Television Association), and independent facilitator Niamh Farren was engaged as a resource to the group. She was charged with supporting the process and producing a final report on her own independent view of the working group.

Niamh Farren then provided members with a summary of the report, detailing the sector's proposals and offering her own reflections on the wider issues affecting the community sector.

Following the presentation, the Authority discussed a range of matters, including community participation and diversity of voices, funding and sustainability, quantitative and qualitative data collection, and the development of strategic relationships with other community funding agencies such as Pobal.

Following discussion, the Authority agreed that some of the sector's proposals were feasible, practical and would benefit the community radio stations with minimal costs attached. However, it noted other proposals were less realistic and practical and would require amendment. It endorsed the Executive's suggested approach to develop a plan of action for consideration at its March 2019 meeting.

### **3.2 Sectoral Learning and Development: Review of 2018 Activities and Proposals for 2019**

Members considered an Executive note, detailing sectoral learning and development activities carried out in 2018, together with proposals for activities and budget allocations for 2019.

With regard to 2018, 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 2019, as presented. In particular, they welcomed the proposal to support new initiatives under the Innovation Scheme strand - *X-pollinator* and the *journalism bursary programme*.

## **4. Promoting Plurality & Diversity**

### **4.1 Draft Irish Language Action Plan: Report on Targeted Consultation**

Members considered an Executive note which detailed the outcomes of a targeted consultation on the BAI Irish Language Action Plan, approved by the Authority at its November 2018 meeting.

Members noted that, in general, feedback from stakeholders was positive and the formulation of the Plan was considered a welcome step. On the basis of specific feedback, the Executive had proposed a number of emphasis and wording amendments for Authority consideration.



Subject to one revision in respect of Irish language partnerships, the Authority was satisfied to approve the revised draft Irish Language Plan as presented. The Authority welcomed the finalisation of the plan, noting the value of the final sense-checking exercise with the BAI's key Irish language stakeholders.

It also complemented the Executive on the development of a clear and well written document which would support the achievement of the BAI's Irish Language objectives over the coming years.

#### **4.2 Contractual Variations – Proposed Acquisition of Clare FM and Tipp FM by Kerry Acquisitions Limited**

Members were presented with a note which set out a request for Authority approval of the proposed acquisition of Clare Community Radio Limited (t/a Clare FM) and County Tipperary Radio Limited (t/a Tipp FM) by Kerry Acquisitions Limited. Kerry Acquisitions Limited is a wholly owned subsidiary of Radio Kerry Holdings Limited, which owns 100% of the sound broadcaster Radio Kerry. Kerry Acquisitions Limited also owns, via its subsidiary Midlands Radio Group Limited, the broadcasters Shannonside and Northern Sound.

In assessing the request, the Authority noted that it is required to consider the Proposed Transaction in the context of the following criteria in the BAI Ownership and Control Policy (2012):

- Interpretation of Terms - "Control" and "Substantial Interest"
- Character, Expertise and Experience
- Adequacy of Financial Resources
- An undue number of sound broadcasting services
- An undue number of sound broadcasting services in a specified area
- An undue amount of communications media
- Assignment of Contracts
- Programming
- The Competition Act
- Non EU Entities
- Concrete Indicators of Diversity

Based on the Submissions received from the Contractors, the relevant criteria in the BAI Ownership and Control Policy and the Executive analysis and comment, the Authority was satisfied to approve the Proposed Transaction as submitted.

#### **4.3 Contractual Variations – iRadio – News & Current Affairs Derogation Request**

The Authority considered an application received from Wilton Radio Limited ("the Contractor") seeking derogation from the statutory requirements in respect of the provision of news and current affairs content on iRadio North East and Midlands ("iRadio NEM") and iRadio Northwest ("iRadio NW"). In considering the request, the Authority had regard to the submission received,



together with an Executive analysis, assessing the changes in the context of the BAI's 2012 Broadcasting Services Strategy ("BSS").

As part of its deliberations, the Authority gave detailed consideration to the extent to which the Contractor had addressed the three relevant criteria contained in the BSS, specifically, the innovative nature of the alternative editorial and schedule proposals submitted and the impact that the proposed derogation will have on the audience being served; the impact of the derogation on the overall quality of news and current affairs output in the franchise area; and, the contribution the derogation would make to the diversity and quality of news and current affairs output for the respective audiences.

The Authority also had regard to the extent of derogations granted to other youth-based and niche music services and to the manner in which the Contractor's target demographic accesses news and current affairs content in the evolving media landscape. It also noted that the proposed derogation during for the 7am – 7pm period represented a limited change to the station's overall news and current affairs commitments.

Following discussion, the Authority was satisfied to approve the proposed derogation, as requested by the Contractor.

On this matter, the Authority noted the recent publication of the 2018 BSS and the BAI's commitment to the development, in consultation with the sector, of new criteria in respect of requests for derogations.

#### **4.4 Application for Content Provision Contracts - 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.*

Members considered an Executive Note assessing an application for four content provision contracts, further to Section 71 of the Broadcasting Act 2009, from SISbet Ireland Limited ("SIS"). Members noted that SIS is a 'business to business' supplier of 24/7 betting services to retail and online operators.

In accordance with Section 71(4) of the Broadcasting Act 2009, the Authority was satisfied to ratify the recommendation of the Contract Awards Committee, to award in principle content provision contracts to the applicant SIS.

#### **4.5 Community Radio 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.*

The Authority was presented with the recommendations of the Contract Awards Committee in respect of the award, in principle, of contracts to Claremorris Community Radio Company Limited By Guarantee and Dundalk Media Centre Company Limited By Guarantee.

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 Claremorris Community Radio Company Limited By Guarantee and Dundalk Media Centre Company Limited By Guarantee, subject to the successful conclusion of contract negotiations and the satisfaction of all of the conditions specified by the Committee.

## **5. For Information**

### **5.1 Environmental, Social & Governance Practice: Paperless Authority Notes**

Members were presented with an update on a number of forthcoming initiatives relating to the circulation of Board material. Members were advised that when softcopy Authority and Committee notes are circulated by email in future, they will be password protected. They were advised that further information on the implementation process will be circulated to members in the coming weeks.

Members were also advised that the Executive will be proposing to the Compliance Committee a trial of electronic communication via *Microsoft OneDrive* using @bai.ie email addresses. It is expected that, if approved, the trial will run over two – three meetings and the outcomes will inform the roll-out of any full move towards a paperless/electronic only notes distribution process in the context of the ESG plan.

### **5.2 Sponsorship Scheme 2019**

The Authority was circulated with details of the BAI's sponsorship programme for 2019. It was noted that funding totalling €124,500 had been allocated to a total of 16 projects.

[REDACTED]

### **5.4 BAI Governance Handbook**

The Authority was presented with copies of the BAI Governance Handbook, a document which articulates the manner in which the BAI adheres to the ten principles of the Code of Practice for the Governance of State Bodies (2016).





### **5.5 Minutes of the Contract Awards Committee Meetings, 1<sup>st</sup> November and 10<sup>th</sup> December 2018**

Minutes of the Contract Awards Committee meetings, held on 1<sup>st</sup> November and 10<sup>th</sup> December 2018, were circulated to members for information.

### **5.6 Minutes of the Compliance Committee Meeting, 3<sup>rd</sup> October 2018**

Minutes of the Compliance Committee meetings, held on 3<sup>rd</sup> October 2018, were circulated to the members for information.

## **6. Date of next meeting**

The next meeting of the Authority will be held at **11am** on **Tuesday 5<sup>th</sup> March** in the BAI offices.

A handwritten signature in blue ink, reading 'Paucic Travers', is written over a horizontal line.

**Professor Paucic Travers,  
Chairperson**

**5<sup>th</sup> March 2019**