



Minutes of Meeting of the Authority of Broadcasting Authority of Ireland

Date 5/3/2019 Time: 11.00am Venue: BAI Offices

Attendance

Authority: Pauric Travers (Chairperson), Alan McDonnell, Denis Wolinski, Grace Smith, Maeve McDonagh, Mary Curtis, Rosemary Day (items 1.1 – 3.2), Seán Ó Mórdha, Vivien McKechnie.

Executive: Michael O’Keeffe, Celene Craig (Secretary item 4.4), Andrew Robinson (Secretary), Anne O’Brien (item 2.2), Ciarán Kissane (item 3.2), Declan McLoughlin (item 2.1, 4.1, 4.3), Elizabeth Farrelly (item 2.3), Fionnuala Murphy (item 3.1), Liam Boyle (items 2.4. 3.2), Philip Cooper (2.2), Richard Brennan (4.2), Stephanie Comey (item 3.1).

1. Minutes of Previous Meeting and Matters Arising

1.1 Minutes of Authority Meeting 13th December 2018

The minutes of the meeting of the Authority of 13th December 2018 were approved by the members and signed by the Chairperson.

1.2 Minutes of Authority Meeting 24th January 2019

The minutes of the meeting of the Authority of 24th January 2019 were approved by the members and signed by the Chairperson. Matters arising were as follows:

a) AVMSD Working Group

The Chief Executive advised members that the third meeting of the working group had taken place in February with a fourth meeting scheduled for 21st March. He noted that the Department of Communications, Climate Action and Environments’ public consultation on the transposition of the AVMSD was launched on 4th March with a closing date of 15th April. The draft BAI submission will be brought before the Authority for consideration at its April 11th meeting.

b) Virgin Media Group Annual Meeting

The Chief Executive advised members that the Office of the Chief Executive had participated in the annual review meeting with representatives from the Virgin Media Group. He noted that a report on the outcomes of that meeting would be presented to the Authority at its April 11th meeting.

c) Meeting with Minister for Communications, Climate Action and Environment

Members were advised that the Chairperson and Chief Executive met with the Minister for Communications, Climate Action and Environment on 28th January last. The Chief Executive advised that the focus of discussions was on the BAI’s Five-year Review of Public Funding and the recommendations arising.



d) **Annual Review of Performance Commitments and Adequacy of Public Funding of RTÉ and TG4 (2017)**

The Chief Executive advised members that the BAI report on the outcomes of the review would be submitted to the Minister for Communications, Climate Action and Environment in the coming weeks.

e) **Irish Language Action Plan**

The Chief Executive advised members that the BAI Irish language action plan was published on 8th February. He advised that he has since met with Éamonn Ó hArgáin of Foras na Gaeilge with a view to reconvening the Irish Language Advisory Committee. He anticipated that the first meeting of the Committee will take place in early April 2019.

f) **Contractual Variations – Proposed Acquisition of Clare FM and Tipp FM by Kerry Acquisitions Limited**

The Chief Executive noted that the proposed acquisition of Clare FM and Tipp FM by Kerry Acquisitions Limited, as approved by the Authority at its January 2019 meeting, was currently with the Competition and Consumer Protection Commission.

g) **Environmental, Social & Governance Practice: Paperless Authority Notes**

The Chief Executive advised that the Compliance Committee had commenced a trial of an electronic note distribution system. He noted that the outcome of the trial will inform the rollout of any full move towards a paperless/electronic notes distribution process.

h) **Governance Handbook**

The Chief Executive wished to record the positive feedback from the Chairperson of the FAR Committee on the BAI Governance Handbook which was circulated to members at its January meeting. These comments were echoed by Authority members. The Chief Executive noted that a softcopy of the handbook would be circulated to members in the coming days.

2. **Promoting Plurality & Diversity**

2.1 **Media Plurality Policy – Consultation Outcomes**

Members were presented with an Executive Note which set out the issues for consideration and decision by the Authority arising out of the public consultation phase in the development of the BAI Media Plurality Policy ("the Policy"). Members noted that the Policy aims to articulate how the BAI understands media plurality and how it will frame the wide range of activities that the BAI undertakes, and will continue to undertake, in order to promote and support media plurality in Ireland.

Members noted that nine submissions were received in response to the consultation, comprising broadcasters, representative bodies and private individuals. A summary of the submissions to the consultation was provided in the note with full submissions also appended. These submissions informed the development of a revised draft Policy by the Executive.



In considering the revised draft Policy, the Authority had regard to the submissions of respondents, noting that, in general, feedback from stakeholders was broadly supportive of the proposed approach.

Subject to a number of minor wording and emphasis amendments, the Authority was satisfied to approve the draft Policy as presented. In this regard, the Authority highlighted prominence of public interest content as facilitating plurality, and agreed that this would be added to the objectives of the Policy.

2.2 Broadcasting Funding Scheme – Sound & Vision Round 32 Outcomes

The Authority was presented with the outcomes of the assessment process for Round 32 of the Sound & Vision 3 Scheme. Authority approval was sought for a package of recommendations, providing funding support for 118 radio and television projects, with a total value of €5.738m.

Members noted that, in keeping with recent Round notes, the report was structured in line with the objectives of the Scheme and the Strategy Statement 2017-2019. It included details on the genre and format for successful projects and also on gender in the strategic assessment phase, specifically, the extent to which the creative team included women in a leadership role.

In considering the package of recommendations, the Authority had regard to summary details of the applications received; an analysis of the projects recommended for funding, with reference to the Scheme's objectives; and, an Executive analysis of the round outcomes.

With regard to the strategic assessment criterion relating to women in a leadership role, the Authority noted that the number of roles were expanded in Round 32 to include Director, Producer, Writer, Editor and Director of Photography. The Authority welcomed the emerging data from the Round which indicated that there was a reasonable representation of women in a leadership role across TV applications considered for funding, with most projects indicating at least one or more of the five roles having a woman in the role.

The Authority also noted that the percentage of funding distributed to Radio projects represented approximately 11% of overall funds awarded, falling short of the 15% indicated in the Scheme. While this was unavoidable, due to the low number of quality applications received, the Authority noted that the greatest number of applications come from the Radio sector and the highest number of funding awards will be for Radio projects. It noted that this matter would be further considered in the context of the Scheme review.

Following discussion, the Authority was satisfied to approve the package of recommendations, as presented. It also expressed satisfaction that the gender strategic criteria, allied with the BAI Gender Action Plan, appears to be having an impact on rebalancing gender issues within the production industry.



2.3 Contract Extension – Claremorris Community Radio

Members were presented with an Executive Note seeking Authority approval for a contract extension for community sound broadcasting service Claremorris Community Radio Company Limited By Guarantee t/a Claremorris Community Radio to 31st June 2019.

Members noted that the current contract is due to expire on the 31st March 2019 and the proposed extension would facilitate the continuance of the current radio service for the community while contract negotiations are concluded.

Following discussion, the Authority was satisfied to extend the terms of Claremorris Community Radio's current community sound broadcasting contract as proposed.

2.4 Application for Content Provision Contracts – Ratification of Decisions of the Contract Awards Committee: Setanta Sports Broadcasting Limited

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 a content provision contract, further to Section 71 of the Broadcasting Act 2009, from Setanta Sports Broadcasting Limited for a service entitled "FreeSports". Members noted that "Freesports" is available to UK and Irish viewers via the Sky platform and broadcasts a wide range of sports programming including football, rugby league and athletics.

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 a content provision contract to the applicant Setanta Sports Broadcasting Limited.

3. Enhancing Innovation & Sectoral Sustainability

3.1 Media Literacy – Report on Activities

Members considered an Executive note, detailing media literacy activities carried out in 2018, together with a proposal for planned activities for 2019.

With regard to 2018, the Authority noted the continued work on the development of the Irish media literacy network, *Media Literacy Ireland* ("MLI") to support the BAI's Media Literacy Policy. It noted that a number of MLI network events had taken place during the year, including working groups, issue focussed events and MLI's Annual Conference. It also welcomed the BAI's participation on the Media Literacy Expert Group of the European Commission and its membership of the EPRA taskforce on Media Literacy.

For 2019, the Authority noted the continued focus on the support and development of MLI and, in particular, to assist in the launch of a general awareness campaign on the concept of media and information literacy in March 2019.



With regard to MLI, the Authority noted the list of member organisations outlined in the note. While noting the high level of membership, and that the network is open to all who may have an interest in media literacy, the Authority was keen to encourage the widest diversity of representation across a range of sectors. In particular, it proposed that educational establishments and associated representative bodies would be actively invited to participate.

Following discussion, the Authority was satisfied to approve the proposed media literacy activities for 2019 as proposed. The Authority also commended the media literacy team on its work in supporting the BAI Media Literacy Policy.

3.2 Community Media Action Plan

Members were presented with an action plan arising out of a report from the Community Media Working Group ("the Report") which was considered by the Authority at its January 2019 meeting. The action plan comprised nine key actions addressing both the community radio and community television sectors.

Members noted that the action plan was developed in response to the concerns outlined by community broadcasters in the Report along with other issues arising from the BAI's broader interaction with the community media sector in terms of sectoral development, licensing and compliance.

Following discussion, the Authority was satisfied to approve the nine key actions as proposed. With regard to Action Point 6, concerning the BAI decision not to support the community television sector's proposal for the allocation to the sector of core/operational funding, the Authority recommended that the community television sector should be strongly encouraged to consider sustainable funding models during the contract extension period.

4. Achieving Excellence & Accountability

4.1 Environmental, Social and Governance (ESG) – Strategic Objective

Members were presented with a draft Vision and Action Plan associated with the social and environmental responsibility elements of the BAI's strategic objective – '*Showing Leadership in Sustainable Development by Modelling and Promoting High Standards in Environmental, Social and Governance Practice*'. Members noted that this matter was previously discussed at its October 2018 meeting, at which it was agreed that concrete proposals would be developed and presented to the Authority for consideration in the first quarter of 2019.

Members noted the key considerations which informed the proposed approach included:

- The necessity to articulate a vision in respect of sustainable development responsibility covering not only the BAI but also the broadcasting industry;
- The potential appropriateness of the UN Sustainable Development Goals as a model to frame the approach taken;



- Consideration of existing environmental performance metrics such as RTE's 'The Green Broadcaster' report and the Albert sustainability model in Britain and Northern Ireland;
- Adoption of internal measures that the BAI could undertake, for example, paperless working; and
- The need for the BAI to ensure that it does not place an undue administrative burden on itself or broadcasters.

In considering the proposed approach, the Authority noted the three key inter-dependent elements which would provide a vision and give effect to achievement of the strategic objective as follows:

- The adoption of a Broadcasting Sector Sustainability Framework which would shape a move by the broadcasting sector and the BAI towards more sustainable practices. The framework would consist of the adoption of UN Sustainable Development Goals ("SDG") and use of the UN SDG Compass, the World business Council for Sustainable Development Sector Roadmap and the GRI Standards to guide the implementation of the sustainability initiative.
- The establishment of a Broadcaster Sustainability Network which the BAI would initially facilitate and support. The Authority noted that the network would be developed by the BAI but would become an independent entity over time.
- The in-principle development of a web-based Sectoral Sustainability Framework and Reporting Tool, incorporating the sectoral framework approach set out above. The tool would be developed following input from the Broadcaster Sustainability Network and subject to the Authority being satisfied it would achieve buy-in/adoption from the members of the sustainability network, where it would meet a clear identified need and where the sector members were sufficiently ready to engage with the tool.

Following discussion, the Authority was satisfied to approve the approach and associated costings as proposed. It noted that a consultant would be appointed in the coming months to support the implementation of the plan.

The Authority also wished to record its appreciation to Authority member Alan McDonnell and Declan McLoughlin in bringing the plan to fruition.

4.2 Unaudited Annual Financial Statements for BAI and BFS

The Authority was presented with draft financial statements for the BAI and the Broadcast Fund for the financial period 2018. Members were advised that the Office of the Comptroller and Auditor General ("OCAG") was scheduled to commence its audit fieldwork in the BAI on the 6th March 2019 and that the final audited financial statements would be presented to the Authority for approval at its meeting in June.

The Authority noted that the statements had been endorsed by the Finance, Audit and Risk Committee at its meeting on 18th February. Following consideration, the Authority was satisfied to ratify the draft BAI and Broadcasting Fund financial statements for 2018, for submission to the



Department of Communications, Climate Action and Environment and OCAG in line with the statutory requirements.

On a related matter, the Chairperson noted that negotiations on the Chief Executive's Contract were now complete and a Contract had been signed. The Chairperson expressed his thanks to the contract sub-committee, Alan McDonnell, Celene Craig and Grace Smith, for their work on bringing this matter to conclusion.

4.3 Risk Update – Corporate Risk Register

Members were presented with the updated BAI Risk Management Policy and a general update on risk as outlined in the Corporate Risk Register ("the Register").

The Authority noted changes in the risk profile of a number of risks outlined in the Register.

4.4 BAI Resources: Approval of senior management positions

Authority Secretary Andrew Robinson declared an interest in this item and recused himself from discussion and decision on this matter.

Members considered a proposal for the appointment of two existing BAI staff members to Senior Manager positions, to participate in work arising from the transposition of the Audio-Visual Media Services Directive ("AVMSD") and any regulatory activity arising from the departure of the United Kingdom from the European Union (Brexit). Members also noted that three further positions at High Executive Officer level had been sanctioned, with one of these three positions being assigned to work on AVMSD within the Department of Communications, Climate Action and Environment. All of the positions have been sanctioned on a two-year fixed term contract basis.

The Authority was satisfied to approve the appointments of Andrew Robinson and Declan McLoughlin as proposed. The Authority welcomed the sanction received from the Department of Communications, Climate Action and Environment for the five positions which would support the BAI's work in the areas outlined above.

5. For Information

5.1 Broadcasting Funding Scheme: Sound & Vision 3 review update

Members were presented with an update on the status of the statutory review of Sound & Vision 3 Broadcasting Funding Scheme. Members noted that Mediatique has been appointed to conduct primary research to inform the review and that a project initiation meeting took place on 20th February. The review is expected to be completed in May 2019 with a draft report submitted to the Authority at its June 27th meeting.

6. Any Other Business

[REDACTED]



[REDACTED]

[REDACTED]

7. Date of next meeting

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



**Professor Pauric Travers,
Chairperson**

11th April 2019