



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

**Date** 23/05/2019 **Time:** 11.00am **Venue:** BAI Offices

## Attendance

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

**Executive:** Michael O'Keeffe, Celene Craig, Andrew Robinson (Secretary), Liam Boyle (items 2.1, 2.2, 3.2), Anne Louise O'Donovan (item 2.3), Fionnuala Murphy (item 2.4), Declan McLoughlin (item 2.6), Elizabeth Farrelly (item 3.1), Patrick Goodliffe (item 3.2).

## 1. Matters Arising

### 1.1 Minutes of Authority Meeting 11<sup>th</sup> April 2019

The minutes of the meeting of the Authority of 11<sup>th</sup> April 2019 were approved by the members and signed by the Chairperson.

Matters arising were as follows:

#### a) **Environmental, Social & Governance Practice**

The Chief Executive advised members that the closing date for receipt of tenders for the Sectoral Sustainability Co-ordinator was set for Wednesday 29<sup>th</sup> May. Members were also advised that, in parallel with the tender process, representatives from the broadcasting industry were appraised of the BAI's vision in respect of sustainable development responsibility, and particularly the potential for the establishment of a voluntary sector-wide network comprising Irish broadcasters and representatives of their supply-chains. The Chief Executive noted that there had been a very positive response from broadcasters.

#### b) **BAI response to Public Consultation on the Regulation of Harmful Content on Online Platforms and the Implementation of the Revised Audio-visual Media Services Directive**

The Chief Executive advised members that the BAI's response to the public consultation had been submitted to the Department of Communications, Climate Action and Environment ("the Department") by the consultation closing date, noting also that a copy of the final submission had also been circulated to members for information. He further advised that the Executive would be developing a stakeholder communications plan which would set out the approach to the communication of the BAI's proposals to key stakeholders and the general public.

#### c) **Virgin Media**

The Chief Executive advised members that the response letter to Virgin Media, setting out the decisions of the Authority at its April meeting, had been issued to the broadcaster. No further communication had been received.



d) **BAI Plurality and Ownership & Control Policies**

The Chief Executive advised members that the BAI's Plurality and Ownership & Control Policies would be jointly published in mid-late June. He noted that there had been a delay in publication due to translation issues.

e) **Licensing Plan**

The Chief Executive advised members that correspondence from the Authority to the Contract Awards Committee, directing it to implement the 2019 Radio Licensing Plan, had been circulated to the Committee. Members noted that the plan was approved by the Authority at its April 2019 meeting.

[REDACTED]

[REDACTED]

2. **Achieving Excellence and Accountability**

2.1 **PSBs: Annual Statement of Performance Commitments for RTÉ and TG4 2019**

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]



[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]



[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

**2.2 RTÉ: Report of An Coimisinéir Teanga**

Members were presented with an Executive note on the recent report of An Coimisinéir Teanga on the outcomes of an investigation into a complaint relating to RTÉ's provision of Irish language programmes and services. Members noted that the complaint alleged that RTE was not complying with its statutory obligations in terms of Irish language provision, as set out in sub-sections 114 (3) (a) and (b) of the Broadcasting Act 2009.

Members noted An Coimisinéir's findings and recommendations as set out in the report, and particularly his conclusion that RTÉ was in breach of its statutory obligation, with specific regard



to television services. Members also noted An Coimisinéir's request for RTÉ to submit an action plan for the fulfilment of its statutory obligations, including specific proposals, the steps planned to achieve such proposals and a timeline within which they will be achieved. Finally, it noted An Coimisinéir's request for RTÉ to inform the BAI of his findings and recommendations.

In considering the report, the Authority noted that RTÉ's performance regarding its provision of Irish language programming and services forms a core part of the BAI's statutory reviews of the PSBs, conducted on both an annual and five-year basis.

Following discussion, the Authority agreed that it would await the development of RTÉ's action plan before considering a formal response to RTÉ. It agreed that this approach would be communicated by the Executive to RTÉ, also noting from RTÉ's 2019 ASPC that the broadcaster has set targets regarding audience perception that it '*provides a comprehensive service for Irish speakers*' and more broadly that '*the Irish language will grow in prominence and become an integral part of the Irish media landscape*'.

[REDACTED]

[REDACTED]

- [REDACTED]





[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

## **2.5 Oversight agreement between the BAI and the Department of Communications, Climate Action and Environment**

At its private meeting on 2<sup>nd</sup> May, the Authority agreed to table the oversight agreement between the BAI and the Department of Communications, Climate Action and Environment (“the oversight agreement”) at its 23<sup>rd</sup> May meeting.

At the 23<sup>rd</sup> May meeting, the Chief Executive gave an overview of the development process for the oversight agreement, noting that it had been developed at the request of the Department of Communications, Climate Action and Environment. The agreement was signed in December 2017.

The Authority then engaged in a wide ranging discussion on the provisions of the agreement, including the absence of a Performance Delivery Agreement as provided for in the Code of Practice for the Governance of State Bodies. On this matter, the Authority noted the recent AVMSD which emphasised the need for the independence of audiovisual regulators in the undertaking of its regulatory activities.



In concluding the discussion, the Authority was satisfied that the current oversight agreement would remain as drafted but noted that the next agreement will require review and updating. In particular, the Authority noted that the ESG work currently being undertaken will need to be reflected in the next iteration of the agreement.

## **2.6 Risk Update**

This is a standing agenda item.

The Executive advised members that the draft risk appetite statement will be brought before the FAR Committee for consideration at its June meeting. It is expected that draft statement will be presented to the Authority for consideration at its July meeting.

## **3. Promoting Plurality & Diversity**

### **3.1 BFS Archiving Scheme 2: Proposed approach to new funding round**

Members considered an Executive Note which outlined the proposed approach to the operation of the second round of Archiving Scheme 2. Members noted that the second iteration of the Scheme was launched in June 2018 with the first round completed by year end.

Following discussion, the Authority agreed on the following:

- **Available funds**

The Authority noted that the broadcast fund in 2019 has to support two schemes, Sound & Vision 3 and Archiving Scheme 2. The Authority noted that a maximum of 20% of the total fund would be allocated to archiving in any one year which would represent approx. €2.8m. Noting that the funding rounds run-to-date had been oversubscribed, the Authority was satisfied that the upcoming round should be advertised as having a potential fund of €2.8m. It noted that any funding not assigned would be re-allocated for disbursement under Sound & Vision 3.

- **Round theme**

The Authority was satisfied that the second round of Archiving Scheme 2 would adopt the approach of the previous four rounds with a particular focus on the *'archiving of programme material with the specific objective of the preservation of a historic record of Irish culture, heritage and experience and in particular, that which safeguards historic material that is threatened by fragile physical condition or soon to be obsolete formats'*.

The Authority noted that a call for applications would be issued by the end of June with a closing date in early October.

### **3.2 Recommendations of the Contract Awards Committee**

- **Application for Content Provision Contracts - Setanta Sports 2**



*In their capacity as members of the Contract Awards Committee, Authority members Mary Curtis and Sean Ó Mordha, 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 Eurasian Broadcasting Enterprise Limited for a service entitled "Setanta Sports 2". Members noted that "Setanta Sports 2" is aimed at 18-40 year old males and will broadcast a combination of live/repeat/highlights showing of elite sports content from around the world, such as games from La Liga, NHL and UFC, and magazine and general interest sports programmes in the Russian and English languages.

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 Eurasian Broadcasting Enterprise Limited.

- **Application for Content Provision Contracts - Setanta Sports Ukraine**

*In their capacity as members of the Contract Awards Committee, Authority members Mary Curtis and Sean Ó Mordha, 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 Ukraine Limited for a service entitled "Setanta Sports Ukraine". Members noted that "Setanta Sports Ukraine" intends to broadcast a combination of live/repeats/highlights showing of elite sports content along with magazine and general interest sports programmes.

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 Ukraine Limited.

- **Temporary Sound Broadcasting Services**

*In their capacity as members of the Contract Awards Committee, Authority members Mary Curtis and Sean Ó Mordha, 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:

- 8Radio (8 Radio Vision Limited)
- BCR FM (Connaught Broadcasting Services Company Limited by Guarantee),
- Party In The Park Outdoor Cinema (Mondello Park Limited), and



- Scariff Bay Community Radio (Scariff Bay Community Radio Company Limited By Guarantee).

#### **4. For Information**

##### **4.1 Minutes of the Contract Awards Committee Meeting, 14<sup>th</sup> February 2019**

Minutes of the Contract Awards Committee meeting, held on 14<sup>th</sup> February 2019, were

##### **4.2 Executive Approvals**

In accordance with the approved decision-making framework, the Authority was notified of 15 contractual variations that had been approved at Executive level since December 2018.

##### **4.3 Communications review: Mid-term Strategy Review**

Members were presented with a communications review report prepared by DHR Communications, the BAI's public relations service provider, for information. Members noted that the review was undertaken at the mid-point of the BAI's Strategy Statement 2017-2019 and used a mixed methodology of desk research and surveys to examine the effectiveness of the BAI's communications. Members noted the conclusions and recommendations outlined in the report, and the actions undertaken by the Executive in addressing the issues arising.

#### **5. Date of next meeting**

The next meeting of the Authority will be held at **11am on Thursday 27<sup>th</sup> June** in the BAI offices.

**Professor Pauric Travers,  
Chairperson**

**27<sup>th</sup> June 2019**