



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

**Date** 27/06/2019 **Time:** 11.00am **Venue:** BAI Offices

## Attendance

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

**Apologies:** Mary Curtis

**Executive:** Michael O'Keeffe, Celene Craig, Andrew Robinson (Secretary), Anne O'Brien (item 2.1), Elizabeth Farrelly (item 2.2), Patrick Goodliffe (item 2.2), Declan McLoughlin (items 3.1, 4.5), Richard Brennan (items 4.1, 4.2, 4.6), Anne Louise O'Donovan (item 4.3), Sally Kennedy (4.4),

## 1. Matters Arising

At the outset of the meeting, the Board expressed its condolences to Authority member Mary Curtis on her recent family bereavement.

### 1.1 Minutes of Authority Meeting 2<sup>nd</sup> May 2019

The minutes of the meeting of the Authority of 2<sup>nd</sup> May 2019 were approved by the members and signed by the Chairperson.

Matters arising were as follows:

#### a) FAR Committee annual performance assessment report to the Board

The Chief Executive advised members that the issues arising from the FAR Committee's annual performance assessment report were considered by the Committee at its June meeting. Members noted that the outcomes of those discussions would be formally presented to the Authority at its July meeting.

### 1.2 Minutes of Authority Meeting 23<sup>rd</sup> May 2019

The minutes of the meeting of the Authority of 23<sup>rd</sup> May 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 three tender submissions were received for the Sectoral Sustainability Co-ordinator by the closing date of 29<sup>th</sup> May. He noted that a review of submissions would be taking place on 28<sup>th</sup> June and that it was anticipated that an appointment would be made in July.

b)

[REDACTED]



[REDACTED]

[REDACTED]

[REDACTED]

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

The Chief Executive advised members that the BAI's Plurality and Ownership & Control Policies were jointly published on 18<sup>th</sup> June

d) [REDACTED]

e) [REDACTED]

**f) BFS Archiving Scheme 2**

The Chief Executive advised members that the second round of Archiving Scheme 2 would be launched on 4<sup>th</sup> July next.



## 2. Promoting Plurality & Diversity

### 2.1 Sound & Vision 3 – Statutory Review

[REDACTED]

[REDACTED]

1 [REDACTED]

1 [REDACTED]

1 [REDACTED]

• [REDACTED]

[REDACTED]



[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

## 2.2 Recommendations of the Contract Awards Committee

- **Wilton Radio Limited t/a iRadio**

*In their capacity as members of the Contract Awards Committee, Authority member 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 a recommendation received from the Contract Awards Committee that it would enter into a sound broadcasting contract with Wilton Radio Limited t/a iRadio, for a regional music driven (youth) service in the North West and North East & Midlands.



In accordance with section 65(8) of the Broadcasting Act 2009, the Authority ratified the recommendation as presented, subject to the conditions specified by the Committee and the successful conclusion of contract negotiations.

- **Raidió X Teoranta t/a Raidió Rí Rá**

*In their capacity as members of the Contract Awards Committee, Authority member 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 Raidió X Teoranta for a service entitled 'Raidió Rí Rá'. Members noted that 'Raidió Rí Rá' is an Irish language youth-based sound broadcasting service which aims to encourage the use of the Irish language by young people. The service will broadcast 24 hours a day, seven days a week on the Éirdab DAB system.

In accordance with Section 71(4) of the Broadcasting Act 2009 ("the Act"), the Authority was satisfied to ratify the recommendation of the Contract Awards Committee, to award in principle a content provision contract to the applicant Raidió X Teoranta.

Separately, the Authority considered a request from the applicant for a derogation from the statutory news and current affairs requirements pertaining to sound broadcasters, further to Section 39 of the Act. Following discussion, the Authority was satisfied to grant a derogation from the statutory news and current affairs requirements. In making its determination, the Authority noted that it had previously granted a derogation from news and current affairs programming obligations to services of a similar nature. It also noted the applicant's commitment to continue to provide some news on the Irish language and Irish language life, whereby events, discussion and issues related to the Irish language movement will be covered on the service.

- **Temporary Sound Broadcasting Services**

*In their capacity as members of the Contract Awards Committee, Authority member 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:

- IBSA Convention Dublin (International Bible Students Association), and
- Kinvara FM (Kinvara Community Radio Society Limited).



The Authority noted that the application process for all temporary services included a requirement for the applicant to provide a programme policy statement and indicative programme schedule.

### 3. Empowering Audiences

#### 3.1 BAI Children's Commercial Communications Code – Statutory Review

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]



#### **4. Achieving Excellence & Accountability**

##### **4.1 Report of the Chairperson of the FAR Committee to the Chairperson of the Authority**

The Chairperson of the Finance, Audit and Risk ("FAR") Committee presented his annual report to the Authority as required under the Committee's Terms of Reference.

The FAR Chairperson's report to the Authority detailed the activities of the Committee during 2018, having regard to the approved Terms of Reference. The purpose of the report is to demonstrate compliance with internal control requirements as described in the Code of Practice for the Governance of State Bodies 2016. The report informs the annual review by the Authority of the BAI's system of internal control, including the effectiveness of its financial, operational and compliance controls, as well as its risk management practices and activities. The report also informs the BAI Statement on Internal Control as set out in the BAI's draft Financial Statements 2018 and as referenced in the Chairperson's Report to the Minister in respect of the Authority's implementation of the Code, in accordance with paragraph 1.8 of the Code.

Having considered the report, the Authority agreed the following:

- i. The Authority was satisfied that the work of the Finance, Audit and Risk Committee was being implemented in accordance with the Terms of Reference set by the Authority.
- ii. The Authority was satisfied with the work and operations of the Committee, as set out in the Report of the Chairperson of the Finance, Audit and Risk Committee.
- iii. The Authority was satisfied that it has taken steps to ensure an appropriate control environment by:
  - Clearly defining management responsibilities; and
  - Establishing formal procedures for reporting significant control failures and ensuring corrective action.
- iv. The Authority was satisfied that it has established processes to identify and evaluate business risks by:
  - Identifying the nature, extent and financial implication of risks facing the body, including the extent and categories which it regards as acceptable;
  - Assessing the likelihood of identified risks occurring; and
  - Assessing the Authority's ability to manage and mitigate the risks that do occur.
- v. The Authority was satisfied that the system of internal control in place was based on a framework of regular management information, administrative procedures including segregation of duties, and a system of delegation and accountability. In particular, the Authority was satisfied that this system of internal control included:
  - A comprehensive budgeting system with an annual budget which was reviewed and agreed by the Authority;



- Regular reviews by the Authority of periodic and annual financial reports, which indicated financial performance against forecasts;
- Setting targets to measure financial and other performance; and
- Clearly defined capital investment control guidelines.

Taking all of the above into account, the Authority was satisfied that there was an effective system of internal control in the BAI.

On behalf of the Committee, the FAR Chairperson recorded his thanks to the Executive staff for the support provided in facilitating the Committee in the execution of its duties.

On behalf of the Authority, the Chairperson recorded its appreciation of the significant work undertaken by the FAR Committee, on an on-going basis, on behalf of the organisation.

#### **4.2 Audited 2018 BAI and BF Financial Statements and Letters of Representation**

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]





[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

#### **4.4 Mini tender on BAI consultancy framework for Annual Review of Performance and Adequacy of Public Funding of RTÉ and TG4**

Members were presented with an Executive Note which sought Authority approval for the appointment of Mediatique to undertake the annual review of performance and adequacy of public funding for RTÉ and TG4, for a two-year period. Members noted that two submissions were received as part of the process.

Following discussion, the Authority was satisfied to ratify the award of the contract to Mediatique.

#### **4.5 Risk Update – Corporate Risk Register**

Members were presented with a report on the current *Corporate Risk Register*, as provided for under the *BAI Risk Management Policy*. Members noted that the Corporate Risk Register identifies the principal risks and uncertainties facing the organisation at this time.

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

The Authority also noted that the FAR Committee considered a note on the development of a revised Risk Appetite Statement for the BAI at its June meeting. The FAR Committee agreed that a further consideration of the Statement will take place at its September meeting, with a view to presenting the document to the Authority in the fourth quarter of 2019.

#### **4.6 Levy Bad Debt Write-off**

Members were presented with an Executive Note which sought Authority approval for the BAI to formally write off the bad debt owed by Tramore Community Radio CLG, trading as Tramore Community Radio, as recommended by the Finance, Audit and Risk Committee in line with the BAI's *Debt Management and Bad Debt Write Off Policy*.



Members noted that Tramore Community Radio had notified the BAI in March 2019 that it had ceased operations, that the company had no material assets and that the company was in the process of winding up. Currently, Tramore Community Radio owe €1,392 to the BAI in relation to levy invoices from 2018 and 2019.

Given that Tramore Community Radio no longer has a contract with the BAI, and is in the process of winding up the company, the Authority was satisfied that the debt was no longer recoverable and could be written off.

## **5. For Information**

### **5.1 AVMSD Update**

The Chief Executive advised that the AVMSD update was provided to members under matters arising.

### **5.2 Public Perception of Public Service Broadcasting in Ireland – report by Martina Chapman, Mercury Insights**

Members were circulated with a report by Martina Chapman of Mercury Insights, entitled *Public Perception of Public Service Broadcasting in Ireland*, which provided a commentary on the space that public service broadcasting occupies in the Irish broadcasting landscape, highlighting the unique and distinctive role that PSB plays as well as some of the potential challenges that may lie ahead for PSB in Ireland and possible resulting concerns for the BAI as a regulator. Members noted that the report was underpinned by the results of the three-year annual tracker survey undertaken by Behaviour & Attitudes on behalf of the BAI which assessed public opinion of public service broadcasting in Ireland in terms of public value and importance.

### **5.3 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 circulated to members for information.

### **5.4 Minutes of the Finance, Audit and Risk Committee, 29<sup>th</sup> November 2018 and 18<sup>th</sup> February 2019**

Minutes of the Finance, Audit and Risk Committee meetings, held on 29<sup>th</sup> November 2018 and 18<sup>th</sup> February 2019, were circulated to the members for information.



**6. Date of next meeting**

The next meeting of the Authority will be held at **11am** on **Thursday 25<sup>th</sup> July** in the BAI offices.

  
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**Professor Pauric Travers,  
Chairperson**

**25<sup>th</sup> July 2019**