



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

**Date** 12/09/2019 **Time:** 11.00am **Venue:** BAI Offices

## Attendance

- Authority:** Pauric Travers (Chairperson), Alan McDonnell, Grace Smith, Maeve McDonagh, Mary Curtis, Rosemary Day, Seán Ó Mórdha, Vivien McKechnie
- Apologies:** Denis Wolinski
- Executive:** Michael O'Keeffe, Celene Craig, Andrew Robinson (Secretary), Anne O'Brien (item 2.1), Anne Louise O'Donovan (item 2.2), Patrick Goodliffe (item 2.3), Clare O'Sullivan (items 3.1, 5.5), Fionnuala Murphy (items 4.1, 4.2), Stephanie Comey (items 4.1, 4.2), Richard Brennan (item 5.1).

## 1. Matters Arising

### 1.1 Minutes of Authority Meeting 25<sup>th</sup> July 2019

Subject to a minor wording amendment, the minutes of the meeting of the Authority of 25<sup>th</sup> July 2019 were approved by the members and subsequently signed by the Chairperson.

Matters arising were as follows:

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

The Chief Executive advised members that Sustainability Works Limited had commenced its role as BAI Sectoral Sustainability Co-ordinator. Work to date has included stakeholder meetings and the launch of an online consultation to understand existing needs and motivations. The Chief Executive advised members that a presentation by Sustainability Works Limited on the outcomes of the consultation process would likely take place in October or November 2019.

#### b) **Raidió na Life Grant Income Issue re: Broadcaster Levy**

The Chief Executive advised members that Oireachtas na Gaeilge would be taking over from Raidió na Life in the administration of Aerthonnta, the Irish language informational website initiative funded under the BAI's Sectoral Learning & Development Scheme.

#### c) **Sound & Vision 4 – public consultation**

The Chief Executive advised members that the public consultation on the draft Sound & Vision 4 funding Scheme would be launched on 25<sup>th</sup> September next.

#### d) **Licensing & Contractual Matters – Classic Rock Broadcasting Limited t/a Radio Nova**

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]



e) **BAI Children's Commercial Communications Code – Statutory Review**

[REDACTED]

## **2. Promoting Plurality & Diversity**

### **2.1 Sound & Vision 3 – Round 33 Outcomes**

The Authority was presented with the outcomes of the assessment process for Round 33 of the Sound & Vision 3 Scheme. Authority approval was sought for a package of recommendations, providing funding support for 122 radio and television projects, with a total value of €5.934m.

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.

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.

The Authority noted that Round 33 had a specific focus on 'Women's Stories', with the aim of increasing the level of content focused on women's narrative and stories. It expressed satisfaction that the approach had a notable impact on applications, both submitted and funded. In this regard, the Authority welcomed the fact that almost 90% of the projects recommended for funding included a female narrative to some degree. The Authority noted that the "Women's Stories" focus formed part of the objectives of the Authority's Gender Action Plan and that the impact of the initiative will be further discussed and reviewed in the context of this action plan.

The Authority also noted the total amount awarded in this round to programming in the Irish language totalled €1.7m for 19 projects, equating to approximately 28% of funding which is greater than the minimum threshold of 20%-25%.

Following discussion, the Authority was satisfied to approve the package of recommendations, as presented.

### **2.2 Near FM: Contract Extension**

[REDACTED]



### **2.3 Recommendations of the Contract Awards Committee: Section 68 – 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:

- Walk in my Shoes Radio (St. Patrick's University Hospital),
- Erris FM (Ionad Ealaíona Iorras Cuideachta Faoi Theorainn Ráthálochta) – Pilot Community Service,
- Folk FM (The Courthouse Gallery & Studios),
- Juice FM (Cork Education and Training Board),
- Blackrock College Radio (Blackrock College), and
- Finn Valley FM (Finn Valley Broadcasting Company Limited by Guarantee) – Pilot Community Service.



### **3. Empowering Audiences**

#### **3.1 Statutory review of Code of Fairness, Objectivity and Impartiality**

Members were presented with a note which set out the proposed approach to the undertaking of the statutory review of the BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs ("the Code"), further to section 45(3) of the Broadcasting Act 2009.

Members noted the proposed four-phased approach to the statutory review and development of a revised Code. The proposed approach to the statutory review would include a jurisdictional review, a stakeholder consultation, and a public survey to gauge current perceptions of fairness, impartiality and objectivity in news and current affairs content. The development of the new Code would be informed by the outcomes of the review and a public consultation on the draft Code.

The Authority was satisfied to approve the approach to the review of the Code, as proposed. In particular, it welcomed the proposed workshop with members of the Compliance Committee and BAI staff to review their experience in dealing with complaints under, and compliance with, the current Code.

### **4. Enhancing Innovation and Sectoral Sustainability**

#### **4.1 Sectoral Development: Funding Request 2020**

Members were presented with a note outlining a funding request from ACE Productions to support a training workshop, the Animation Special, under the BAI's Sectoral Learning & Development function.

Members noted that Animation Special will be an intensive, four-and-a-half-day training workshop designed for established film producers to gain greater experience in the animation field in order to diversify their activities and slate of projects. Members noted the event will be undertaken in partnership with Screen Skills Ireland, the training wing of Screen Ireland and other international partners.

Following discussion, the Authority was satisfied to apply funding support of €10,000 to the proposal. It noted the strong partnerships associated with the proposal, reflecting one of the recommendations arising out of the recent Crowe Horwath and Olsberg reports which called for industry bodies to work in partnership to meet skills and needs.

#### **4.2 For Ratification: Media Research Funding Scheme 2019**

*Authority member Rosemary Day declared an interest in this item and recused herself from discussion and decision on the matter.*

The Authority was presented with the outcomes of the assessment process for the 2019 Media Research Funding Scheme. Authority approval was sought for the recommendations of the Adjudicating Panel which proposed funding for two research projects with a combined budget of



€56,318.80, representing a slight increase on the proposed Media Research Funding Scheme allocation of €50,000.

Members noted the first research project, *Auditing gender and diversity change in Irish media sectors*, would examine how gender and diversity policies are promoted and implemented by broadcasters, training bodies and production companies, as well as exploring what tools and measures can be used to further implement broadcaster diversity initiatives. The project is a collaboration between Maynooth University, Mary Immaculate College Limerick and University College Dublin.

The second proposed research project, *Broadcasting difference: Diversity in public broadcasting*, is a collaboration between DCU and RTÉ and proposes to evaluate the diversity of people (programme staff and guests) and content (diversity themes and viewpoints) across a selection of RTÉ's radio, television, and online output over a three-month period.

The Authority was satisfied to approve the awarding of a total of €56,318.80 to support the proposed projects, noting the complementary nature of each of the research initiatives in supporting the BAI in the delivery of its strategic objectives.

## **5. Achieving Excellence & Accountability**

### **5.1 3-Year Estimates 2020 to 2022**

Members were presented with the draft three-year estimates 2020-2022 for approval, further to Section 37(1) of the Broadcasting Act 2009. Members noted that the estimates had been considered and approved by the Finance, Audit & Risk Committee at its meeting on 9<sup>th</sup> September 2019.

Following discussion, the Authority was satisfied to approve the three-year estimates 2019-2021 for submission to the Minister for Communications, Climate Action and Environment. It noted that the submission would be made by the statutory deadline of 30<sup>th</sup> September in accordance with the requirements of the Broadcasting Act 2009.

### **5.2 BAI Strategy Statement 2017-2019: Approach to review and development of new Strategy**

Members were presented with an Executive Note setting out the proposed approach to the statutory review of the efficiency and effectiveness of the BAI Strategy Statement 2017-2019, further to Section 29(2) of the Broadcasting Act 2009.

Members noted the review would be largely informed by primary research among BAI stakeholders with the objective of obtaining views on the efficiency and effectiveness of the existing strategy across all themes, goals and objectives. Members noted the review, which would be undertaken by an independent research organisation, would also gather stakeholder views on key areas for Authority consideration in the development of the next BAI Strategy Statement.





Following discussion, the Authority was satisfied to approve the approach to the statutory review as set out above. The Authority agreed that the review would include both quantitative and qualitative measures, and that an online survey would be supplemented by meetings with key stakeholders.

The Authority noted that the proposed approach to the development of the new BAI Strategy Statement would require further consideration, pending clarity on a number of current matters including the proposed implementation of the new Audiovisual Media Services Directive and the terms of office of a number of Authority members.

In this regard, the Authority noted that the BAI Executive is scheduled to have its quarterly Policy meeting with the Department on 18<sup>th</sup> September, after which it is hoped that there may be further clarity on these issues. The Authority noted that the matter would be further discussed at its October 2019 meeting.

Finally, the Authority noted that the development of an enhanced performance framework would be a key element in the formulation of the new Strategy Statement and that the Executive would begin preparatory work with EY, the BAI's internal auditors, on best practice in setting KPIs.

### **5.3 Board self-assessment evaluation exercise: Executive response to Authority action items**

At its annual private meeting, the Authority agreed eleven action items arising out of its review of responses to the Board self-assessment evaluation exercise. The Authority agreed that these matters would be presented to the Executive who would be requested to report on progress. At its September meeting, Members were presented with the response to the eleven action items which outlined Executive actions and, where relevant, timelines.

The Authority noted the responses from the Executive and agreed that these would be monitored over the coming months.

### **5.4 Section 111 – TG4 Archiving Scheme**

Members were presented with an Executive Note which set out the draft TG4 Archiving Scheme, submitted by the broadcaster to the BAI further to the requirements of Section 111(4) of the Broadcasting Act 2009.

Members noted that the draft TG4 Archiving Scheme concerned the licensing of the use and exploitation by third parties of sound and television recordings over which they hold copyright and related rights, and mirrored, to the letter, RTÉ's published Archiving Scheme which was considered by the Authority in September 2011 and approved by the Minister in April 2012.

Members noted that the BAI's role is to 'consult' with the broadcaster and, if required, provide feedback on the document.

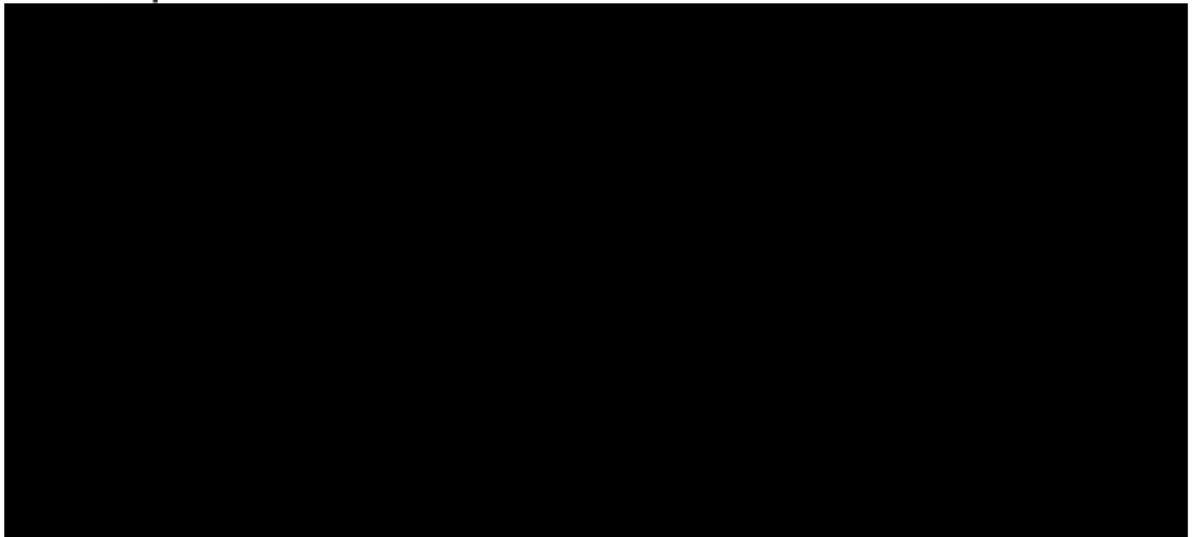


In considering the draft Archiving Scheme, the Authority had regard to a number of factors, including:

- the obligations for the Scheme, as set out in the Broadcasting Act 2009,
- feedback previously provided to RTE concerning clarity and transparency issues, and
- feedback from the Department of Communications, Climate Action and Environment on the operation of RTE's Archiving Scheme.

Taking into consideration the identical nature of both Archiving Schemes, and the considerations above, the Authority was satisfied that the draft TG4 Archiving Scheme meets the broadcaster's statutory obligations in respect of Section 111 of the Act. It noted that the outcomes of this consultation process would be communicated to the broadcaster in the coming weeks.

#### **5.5 Risk Update**



#### **5.6 Broadcasting (Amendment) Bill 2019 – For Information**

Members were presented with an Executive Note on the Broadcasting (Amendment) Bill 2019 which was published by the Minister for Communications, Climate Action and Environment on 2<sup>nd</sup> August 2019.

Members noted that the amendments set out in the Bill included the funding of the BAI's working capital arrangements, criteria for the granting of exemptions, deferrals or reductions in the levy for individual broadcasters or classes of broadcaster; and providing for a scheme of grants for the promotion of professional journalistic practices in local and community sound broadcasting services.

The Authority noted the significant preparatory work which would likely be required by the BAI both before and after the enactment of the Bill, estimated for the end 2019/early 2020, particularly in the areas of the Levy Order and budgeting. It noted that the Executive is due to meet with



Department officials on September 18<sup>th</sup> to discuss a number of matters, including the Bill, and that an update on the outcomes of that meeting will be provided to the Authority at its October meeting.

The Authority also agreed that a copy of the current BAI Levy Order would be circulated to members in advance of the October meeting.

## **6 For Information**

### **5.1 Radio Licensing Plans – Overview of the implementation of the 2018 and 2019 Radio Licensing Plans**

Further to a recommendation arising from a review of the BAI's licensing process, Members were presented with an overview of the status of each licensing process initiated to date under the 2018 and 2019 radio licensing plans.

The Authority noted the status of each licencing process initiated to date under the Plans.

### **5.2 Minutes of the Contract Awards Committee Meeting, 24<sup>th</sup> June 2019**

Minutes of the Contract Awards Committee meeting held on 24<sup>th</sup> June 2019 were circulated to members for information.

### **5.3 Minutes of the Compliance Committee Meetings, 27<sup>th</sup> February and 15<sup>th</sup> May 2019**

Minutes of the Compliance Committee meetings, held on 27<sup>th</sup> February and 15<sup>th</sup> May 2019, were circulated to members for information.

### **5.4 Executive Approvals**

In accordance with the approved decision-making framework, the Authority was notified of five contractual variations that had been approved at Executive level since May 2019.

## **7 Any Other Business**

Members were informed that Authority member Maeve McDonagh attended the TG4 Autumn schedule launch in Cork. Alan McDonnell represented the Authority at the RTÉ Autumn schedule launch in Dublin.





## **8 Date of next meeting**

The next meeting of the Authority will be held at 11am on Thursday 17<sup>th</sup> October in the BAI offices.



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**Professor Pauric Travers,  
Chairperson**

**17<sup>th</sup> October 2019**