



Minutes of Meeting of the Authority of Broadcasting Authority of Ireland

Date 17/10/2019 Time: 11.00am Venue: BAI Offices

Attendance

Authority: Pauric Travers (Chairperson), Alan McDonnell, Denis Wolinski, Grace Smith, Maeve McDonagh (items 1.1, 2.1, 2.2, 2.3), Mary Curtis, Rosemary Day, Seán Ó Mórdha, Vivien McKechnie.

Executive: Michael O'Keeffe, Celene Craig, Andrew Robinson (Secretary), Anne Louise O'Donovan (items 2.1, 2.2), Fionnuala Murphy (item 2.4), Clare O'Sullivan (item 2.5), Elizabeth Farrelly (items 3.1, 3.3), Patrick Goodliffe (item 3.2).

1. Matters Arising

1.1 Minutes of Authority Meeting 12th September 2019

The minutes of the meeting of the Authority of 12th September 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 Sustainability Works Limited would be presenting the outcomes of its consultation process on sectoral sustainability at the Authority's November meeting.

b) **Broadcasting (Amendment) Bill 2019**

The Chief Executive advised members that the Broadcasting (Amendment) Bill 2019 was currently at Committee Stage with further progression of the Bill anticipated in November 2019.

c) **Terms of Office for Authority members**

[REDACTED]

d) **Communicorp**

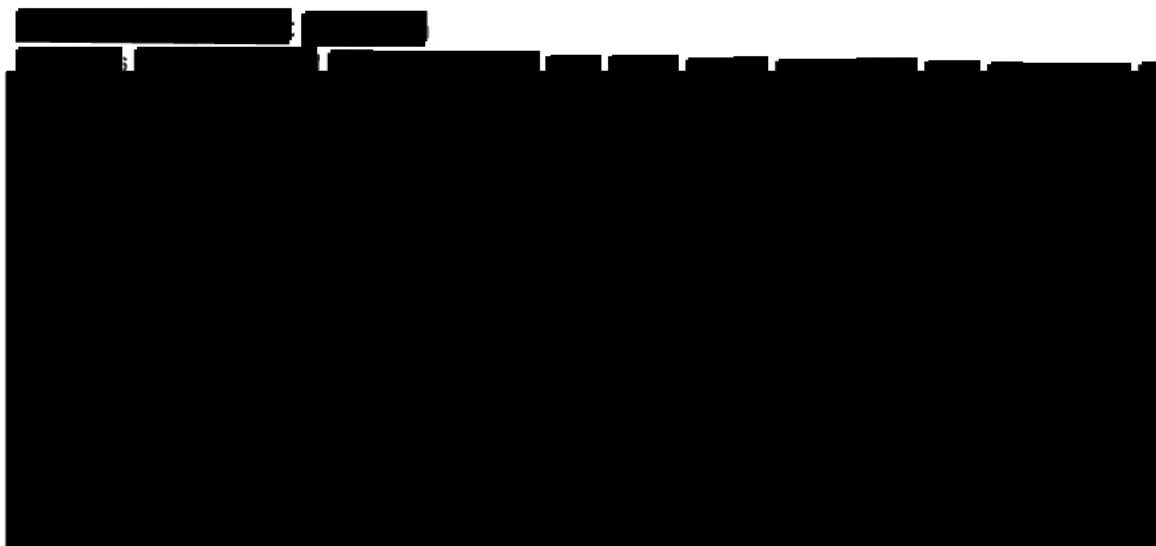
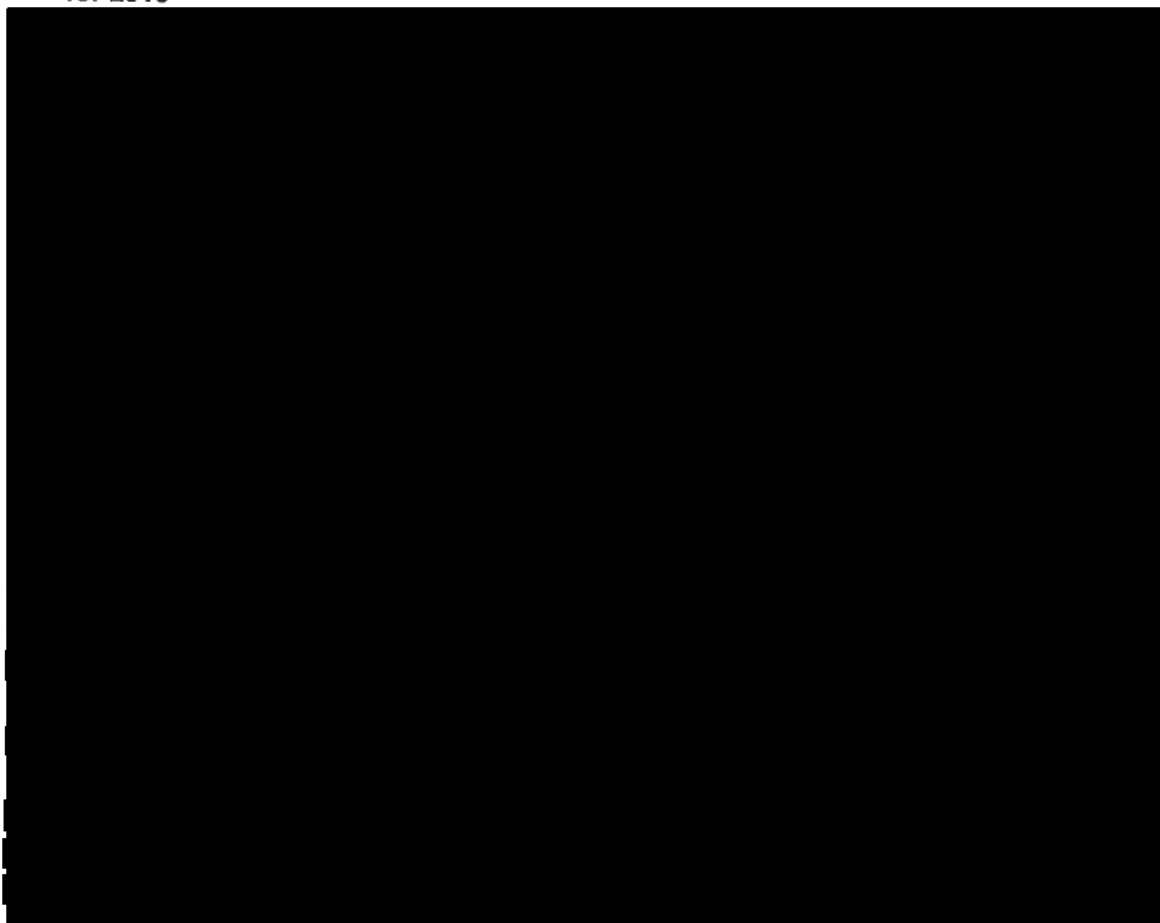
The Chief Executive advised members of recent media coverage concerning an alleged prohibition of staff of 'The Currency', a new online news site, from contributing to the Communicorp sound broadcasting services. On foot of a request from the Compliance Committee, the Chief Executive confirmed that he would be writing to Communicorp seeking clarification on their policy in this regard.

The Chief Executive agreed to keep members apprised of any developments in this matter.



2. Achieving Excellence and Accountability

2.1 PSBs: Annual review of Performance Commitments and Adequacy of Public Funding for 2018





[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

2.3 3-Year Estimates 2020 to 2022

At its September meeting, the Authority approved the three-year estimates 2020-2022 which were submitted to the Minister for Communications, Climate Action and Environment on 19th September 2019. At its October meeting, Members were notified that the Department of Communications, Climate Action and Environment ("DCCA") had requested that the BAI revise the Estimates downwards as the proposed Estimate represented a 6% increase in the industry levy from 2019 to 2020 and further 2% increases in each of the following years. Members were presented with a revised set of Estimates for consideration, outlining potential budget areas which could be amended.

[REDACTED] The Authority then considered the revised Estimates, noting that it would endeavour to identify activities which could potentially be deferred or amended while still ensuring that the BAI fulfils its remit as set down in statute, and achieve the strategic objectives set by the Authority.

Following discussion, the Authority was satisfied to approve the revised Estimates as proposed. On the specific budget options outlined in the Executive note, the Authority agreed to option 1 (a): Archiving of Sound Material by Broadcasters (s69) – reduced activity, and option 7 (a): Audience Research – One Research Project each year.

The Authority noted that the revised three-year estimates 2020-2022 would be submitted to the Minister for Communications, Climate Action and Environment in the coming weeks.



2.4 BAI Irish Language Scheme – Review of Existing Scheme and Preparation of Draft Scheme

Members were presented with an Executive note setting out a draft Irish Language Scheme 2019 – 2022, which is intended to replace the current Scheme which expires in October 2019. Members noted that the BAI is required to publish an Irish Language Scheme further to the provisions of Section 11 of the Official Languages Act 2003.

Members noted that the draft Scheme was the third iteration of the BAI's Irish Language Scheme, and its development was informed by a review of the current Scheme and a call for submissions from interested parties. Members noted comprehensive submissions from TG4, Conradh na Gaeilge and Údarás na Gaeilge, all of whom were broadly supportive of the approach to the Irish language taken by the BAI. Members also noted feedback from the BAI Irish Language Team on the practical operation of the current Scheme and a report from the Office of An Coimisinéir Teanga which commended the BAI on the implementation of its first Irish Language Scheme.

Following discussion, the Authority was satisfied to approve the draft Scheme as proposed. In doing so, it welcomed the additional commitments in the draft Scheme which will endeavour to build on, and consolidate, the progress made by the BAI over the past six years in delivering and enhancing the quality of its services through Irish.

2.5 Schedule of Matters Reserved for Decision of the Authority and Statutory Committees and Terms of Reference of Finance, Audit and Risk Committee

Members were presented with an Executive Note setting out the *Schedule of Matters Reserved for Decision of the Authority and Statutory Committees* document and the *Finance, Audit and Risk Committee Terms of Reference* document. Members noted that both documents would be tabled annually, providing the Authority with an opportunity to review in order to ensure the documents remain adequate for the effective functioning of the Authority and Committees.

Following discussion, the Authority was broadly satisfied that both documents were operating effectively and remained fit for purpose. The Authority highlighted a number of minor amendments which would be incorporated into the revised documents.

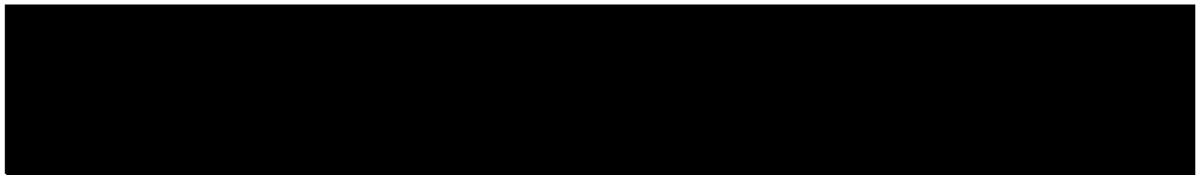
On the matter of Risk, the Authority agreed that further development work on this area would be required, with a particular focus on the Risk Management Framework and associated Risk Appetite Statement. The Authority agreed that it would participate in a facilitated workshop on the BAI Risk Appetite Statement on 14th October, following which further revisions to both documents may be required.

The Authority agreed that a note on the outcomes of the workshop would be brought to the Authority's November meeting.



2.6 Risk Update

This is a standing agenda item.



3. Promoting Plurality & Diversity

3.1 Recommendations of the Contract Awards Committee:

Section 71 – 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.

Members considered an Executive Note assessing an application for a content provision contract, further to Section 71 of the Broadcasting Act 2009, from Premier Media Broadcasting Limited for a service entitled "La Liga TV". Members noted that "La Liga TV" intends to broadcast live coverage of the top league of Spanish football to Irish and UK viewers.

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 Premier Media Broadcasting Limited.

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:

- Christmas FM (Christmas Radio Limited), and
- Raidió Rí Rá (Raidió X).

3.2 Licensing: Extension request for sound broadcasting contract – Choice Broadcasting Limited trading as Classic Hits

Members considered an Executive note seeking Authority approval for a contract extension for commercial sound broadcasting service Choice Broadcasting Limited, t/a Classic Hits, to 16th April 2020. Members noted that the service operates a multi-city radio service, for adults aged 45+ years, in Dublin City and County and Commuter Belt, Cork, Limerick, Galway and Clare.



In considering the request, members noted that while the current contract is due to expire on 16th December 2019, the relicensing process for the multi-city service remains ongoing. It noted that the Contract Awards Committee had agreed to invoke the fast-track licensing process further to section 67(2) of the Broadcasting Act 2009 and a fast-track proposal was subsequently submitted by the Incumbent. Members noted that a contract extension would facilitate the completion of the licensing process and any contract negotiations which may fall from that process.

Following discussion, the Authority was satisfied to extend the term of the contract to 16th April 2020.

4. Communicating and Influencing

4.1 Dates for Authority Meetings 2020

The Authority was circulated with proposed dates for meetings in 2020. Members were requested to inform the Executive if any of the dates presented any issues.

5. For Information

5.1 AVMSD Update

The Chief Executive advised members Heads of Bill were expected to be published by the Department of Communications, Climate Action and Environment in late 2019.

5.2 BAI staff roles overview

Members were presented with a BAI staff role chart which outlines predominant work areas for individuals. Members noted that the staff role chart would be circulated semi-annually.

5.2 Minutes of the Contract Awards Committee Meeting, 18th July 2019

Minutes of the Contract Awards Committee meeting held on 18th July 2019 were circulated to members for information.

5.3 Minutes of the Finance, Audit and Risk Committee Meeting, 14th June 2019

Minutes of the Finance, Audit and Risk Committee meeting held on 14th June 2019 were circulated to members for information.

6. Any Other Business

Members were presented with invitations to the 2019 Oireachtas Media Awards presentation ceremony to be held in Dublin on 30th October 2019.



7. Date of next meeting

The next meeting of the Authority will be held at 11am on Thursday 28th November in the BAI offices.

**Professor Pauric Travers,
Chairperson**

28th November 2019