

Minutes of Meeting of the Authority of Broadcasting Authority of Ireland

Date 27/02/2020 **Time:** 3pm **Venue:** BAI Offices

Attendance

Authority: Pauric Travers (Chairperson), Alan McDonnell, Grace Smith, Mary Curtis, Vivien McKechnie

Executive: Michael O’Keeffe, Andrew Robinson (Secretary), Celene Craig, Anne O’Brien (Item 2.1), Philip Cooper (Item 2.1), Deborah Molloy-Bergin (Item 2.2), Anne Louise O’Donovan (Item 3.1), Liam Boyle (Item 3.1), Richard Brennan (Item 3.2)

1. Minutes of Previous Meeting and Matters Arising

1.1 Minutes of Authority Meeting 23rd January

Minutes of the previous meeting of the Authority, held on 23rd January 2020, were approved by the Members and subsequently signed by the Chairperson.

1.2 Matters Arising

Matters arising were as follows:

a) **Near FM**

The Chief Executive advised members that a contract had been concluded with Near FM.

b) **Contractual Variations**

The range of contractual variations approved at the January meeting were being progressed.

c) **Authority “Away Day” Board Meeting**

The Chief Executive proposed to the members that the Authority’s planned “Away Day” be deferred for a couple of months, pending finalisation of outstanding appointments to the Authority. This was agreed. A regular meeting would be scheduled if this was deemed necessary.

2. Promoting Plurality & Diversity

2.1 a) Sound & Vision: Round 34

The Executive note presented to the meeting recommended a total funding allocation of circa €7m. The reason for this higher level of funding was due to the uncertainty in the starting time for the next round of funding, pending approval of the Minister of the proposed new Sound & Vision 4 Scheme. The Executive addressed a number of queries by the Members, including on the value of the BFS fund and the level of retained funds. Following discussion, the Authority

approved the level of the funds to be disbursed in this round i.e. circa €7m. Furthermore, the package of recommendations in respect of funding was approved as presented.

b) Sound & Vision Archiving: Irish Film Institute

Members considered the Executive report which requested approval of the Irish Film Institute (IFI) as the contractor for the archiving of programming funded under the Sound & Vision Scheme. Having considered the proposal from IFI and the rationale for appointing IFI as the sole supplier for this service, the Authority was satisfied to approve the proposal as presented. On a query from one of the Members, it was confirmed that the contract for archiving covered not only the final programme as broadcast but other pre-production material such as rushes. The Authority noted that a cost increase was proposed but accepted the reasons for this.

2.2 BAI Gender Action Plan

Members were presented with an Executive Note which outlined the review of the BAI's Gender Action Plan. The Authority commended the Executive on the success of the Plan to date. With regard to the BAI's Gender Action Plan for the forthcoming year, the Executive explained that some activities may not now be implemented because of the COVID-19 crisis. The Data Collection project was queried specifically, and it was confirmed that while deferred for this year, a data gathering exercise, broadly in line with the UK's Project Diamond activities, would provide the BAI with valuable insights into gender and broader diversity issues across the sector while also ensuring that the BAI is aligned with the Council of Europe Model for gender data gathering. It was also noted that cross-communication with the ESG network may facilitate the gathering of data, provided broadcasters sign up for the BAI's proposals. Gender initiatives proposed for 2020, as set out in the Executive Report, were approved by the Authority.

3. Achieving Excellence and Accountability

3.1 Public Service Broadcasting: Discussion

The Executive presented a note recapping the BAI's statutory obligations in respect of Public Service Broadcasting and Public Service Broadcasters (PSBs). The Authority noted that in respect of the annual statements of performance commitments presented by the two public service broadcasters, RTÉ and TG4, the BAI is involved in shaping and influencing the overall approach to the structure and preparation of the annual statements.

The Executive also updated the Members on the position relating to public funding of the PSBs and related activities by the Department and New ERA. [REDACTED]

The Members were informed that they would be kept apprised of further developments – particularly in respect of funding – arising from the PSBs’ ASPCs and from the BAI’s Annual Review of Performance and Public Funding 2019 which had recently commenced.

3.2 BAI and BFS Unaudited Financial Statements 2019

The BAI Finance Officer presented the BAI and BFS Unaudited Financial Statements 2019 to the Authority. He indicated that these had been reviewed and approved by the FAR Committee for submission to the Authority. He noted that the BAI is awaiting an actuarial statement from the BAI’s advisors in respect of the Authority’s pension obligations. He also noted that representatives of the Office of the C&AG were currently attending the BAI offices to conduct their annual audit.

Having reviewed the unaudited statements, the Authority approved the statements for submission to the Minister, in line with the BAI’s governance obligations.

3.3 Approach to Levy Order

Having considered the Executive’s note regarding the approach to be adopted in respect of the drafting of new statutory provisions in respect of the BAI Levy, the Authority agreed that the most appropriate approach would be to prepare two new levy orders, to take effect from 1st January 2021.

It was further agreed that the fee payable by community radio contractors should be reduced from €750 (+VAT) to €500 (+VAT). The process for drafting of the levy orders was approved, including the proposal to conduct consultation with the BAI’s consultative body on the levy.

3.4 Risk Update

Members noted the FAR Committee had discussed a new risk which had arisen in respect of the operation of the Authority and statutory committees, resulting from the four Joint Oireachtas Committee (JOC) vacancies on the Authority. The Committee had concluded that the governance risk associated with this situation was significant given the high likelihood of the absence of a member or a conflict of interest arising and given its resultant impact; the compromising of the decision-making ability of the Authority and, consequently, the work of the BAI.

The Committee had agreed to recommend to the Authority that it write to the Secretary General of the Department of Communications, Climate Action and Environment to express the Authority’s concern about the potential quorum issues and the related risks and to request, as a

matter of urgency, the reappointment of the former JOC members pursuant to the Minister's previous recommendation.

Following discussion, the Authority was satisfied to adopt the FAR Committee's recommendation and agreed that the Chairperson would write to the Minister to express concern around the potential quorum issues and the associated risks. Noting the Minister's specific responsibilities in respect of Authority appointments, as set out under Section 8 of the Broadcasting Act 2009, the Authority agreed that it would request that the necessary arrangements be made pursuant to the Minister's previous recommendation to the Joint Oireachtas Committee.

4. Empowering Audiences

4.1 Media Literacy: Review of 2019 Activities and Planned Activities 2020

Members considered the Executive report and expressed their congratulations on the outcomes of the 2019 workplan as well as on the activities planned for the current year. The Executive responded to a number of queries and comments of the Members, clarifying the policy approach adopted as well as on the rationale for prioritisation of activities. It was agreed that research data had a role in determining whether the BAI had achieved its objectives in respect of its policy approach as well as in the implementation of its associated activities.

5. For Information

The Members noted material that had been circulated for information, including:

- The BAI Strategy Statement 2017-2019: Update on Review Process
- Broadcasting Funding Scheme – Ancillary Measures: Review of Activities 2017-2019
- Executive Approvals
- Minutes of Contract Awards Committee Meeting, 12 December 2019
- Minutes of Compliance Committee Meeting, 9 October 2019

On request from Alan McDonnell, it was agreed to forward to him a soft copy of the paper on the BAI Strategy Statement – as outlined above.

6. Date of Next Meeting

The BAI's performance review day was due to be held on 2 April, at which urgent matters could be addressed. The next regular monthly meeting of the Authority would be held on Thursday, 21 May.

**Professor Pauric Travers,
Chairperson**

21 May 2020