

Minutes of Meeting of the Authority of **Broadcasting Authority of Ireland**

Date 23/07/2020 **Time:** 10.30am **Venue:** Conference Call

Attendance

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

Executive: *Michael O’Keeffe, Celene Craig, Andrew Robinson (Secretary), Anne Louise O’Donovan (items 2.1), Clare O’Sullivan (item 2.2), Liam Boyle (item 2.1).*

1. Matters Arising

1.1 Minutes of Authority Meeting 25th June 2020

The minutes of the meeting of the Authority of 25th June 2020 were approved by members.

Matters arising were as follows:

- a) **Business Continuity Planning**
The Chief Executive advised members that the Business Continuity Planning team have been working on preparing the BAI offices for a limited opening from 14th September next. The re-opening, subject to Government guidance, will involve staff returning on a rota basis for a period to the end of 2020.
- b) **BAI and BFS Financial Statements**
The Chief Executive advised members that the BAI & BFS Financial Statements and Letters of Representation had been submitted to the Minister for Media, Tourism, Arts, Culture, Sport and the Gaeltacht.
- c) **Meeting with DCCAE representatives**
The Chief Executive advised members that the BAI Executive had recently met with representatives from the Department of Media, Tourism, Arts, Culture, Sport and the Gaeltacht to discuss the BAI Budget and Funding Levy. He informed members that the Department representatives noted the issues arising and would consider the matters further in the near future.
- d) **Broadcasting Funding Scheme – Sound & Vision 4 funding initiative for the Community Radio Sector (round 36)**
The Chief Executive advised members that the Sound & Vision funding initiative for the Community Radio Sector had opened in early July with a closing date set for late September. He further noted that a workshop with stakeholders was scheduled to take place in the coming week.

2. Achieving Excellence and Accountability

2.1 Annual Review (2019) of Performance and Public Funding of RTÉ and TG4

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

2.2 Development of BAI Strategy Statement 2020-2022

Members were presented with an Executive Note setting out a proposed outline for a new Strategy Statement for the period 2020-2022. This followed consideration of the review of the 2017-2019 Strategy Statement at the Authority's June 2020 meeting.

In considering the draft proposed outline Statement, members noted the significant changes envisaged for the media regulatory landscape during the next Strategy period. This included the proposed dissolution of the BAI and the transfer of its functions to a new Media Commission which will also have responsibility for the regulation of online services following the transposition of the Audiovisual Media Services Directive into Irish law. Members also noted the potential shortening of the lifetime of the next Strategy Statement on the basis of the legislative changes.

The Authority then considered the specific Executive proposals for amendments and additions to the strategic objectives, designed to reflect the findings of the review of the 2017-2019 Strategy Statement, the stakeholder workshops held by the BAI, and the recent Authority discussions in June.

Following discussion, the Authority agreed on the following substantive issues:

- **Vision, Mission and Values**

The Authority agreed to retain the current vision, mission and values in the next Strategy Statement.

- **Strategic Theme 1: Promoting Plurality and Diversity**

The Authority agreed to retain all objectives but some minor wording amendments may be required. In particular, the use of 'culturally relevant' under objective 2 would be further considered.

- **Strategic Theme 2: Achieving Excellence and Accountability**

The Authority agreed that this strategic theme should make specific reference to Sustainable Development Goals ("SDGs, SDG targets and the three SDG dimensions of environmental, social and economic branches of sustainability). It also agreed that objective 3, concerning the promotion of an innovative working environment would be repositioned under a revised Strategic Theme 3.

- **Strategic Theme 3: Communicating and Influencing**

The Authority decided that this strategic theme would be restructured to reflect the transitional period which the BAI is now entering. The Authority noted that it would be working towards a smooth transition to a new regulatory structure, ensuring continuity through the process. It agreed that consideration would be given to the title of the theme, reflecting that transformation process and the evolution of the BAI over the coming years.

The Authority also agreed to the development of a new objective to highlight the importance and commitment of the BAI to direct engagement with, and provision of a more participative role to, the public.

- **Strategic theme 4: Empowering Audiences**

The Authority agreed to consider an additional objective to promote public trust and confidence in communications and media services through the provision of safeguards, information and education.

- **Strategic theme 5: Enhancing Innovation and Sectoral Sustainability**

No changes were proposed for each of the three current objectives.

The Authority noted that measurable Key Performance Indicators (KPIs) would be developed for each of the objectives in parallel with the Strategy development process.

The Authority noted that the Executive would continue to develop wording for the new objectives, outcomes and related KPI's and that these would be presented to the Authority for consideration at a special meeting on 24th September next.

2.3 Risk Update (Risk Appetite Statement)

At its June 2020 meeting, the Authority approved a number of updates to the Risk Appetite Statement. Reflecting these amendments, members were presented with an updated Statement for approval.

Following consideration, the Authority was satisfied to approve the revised Risk Appetite Statement as presented.

2.4 Proposal for extension to term of external FAR Committee member

Members considered an Executive note setting out a proposal for the reappointment of Mr. Dermot O'Riordan as the external member of the BAI's FAR Committee. Mr. O'Riordan had been in the role since August 2017.

Members noted that the original evaluation panel responsible for his appointment had recently considered the matter and was satisfied to recommend the proposed extension of Mr. O'Riordan's term for an additional three years or until the dissolution of the BAI, whichever came sooner.

Following discussion, the Authority was satisfied to ratify the extension of Mr. O'Riordan as an external member of the FAR Committee for a further three years (or until the dissolution of the BAI).

3. Empowering Audiences

3.1 BAI Children's Commercial Communications Code: Updated Report

Members were presented with an Executive Note which provided an update on the report on the review of the BAI Children's Commercial Communications Code ("CCCC") which was considered and approved by the Authority in July 2019.

Members noted the decision of the Authority at the time to defer the commencement of updating the Code until there was greater clarity on the potential impact of the revised AVMSD on Irish legislation and the services which may fall to be regulated by the Code.

Members also noted that, following completion of the review, an issue had arisen in respect of elements of the data sets contained in the report. Members noted that the Executive had been liaising with Nielsen and Empirca, drafters of the original report, to address the matter and that process was now complete.

At the meeting, members were presented with an updated report for approval and submission to the Minister for Media, Tourism, Arts, Culture, Sport and the Gaeltacht.

Following discussion, the Authority was satisfied to approve the updated report for submission to the Minister. It also noted that the revision of the Code would be postponed until 2021, for budgetary reasons and pending the transposition of the AVMSD.

4. Promoting Plurality & Diversity

4.1 Extension Request for Sound Broadcasting Contract – City Broadcasting Limited trading as Dublin’s Q102

Members considered an Executive note seeking Authority approval for a contract extension for commercial sound broadcasting service City Broadcasting Limited, t/a Dublin’s Q102 (“the Contractor”).

Members noted that Dublin’s Q102 holds a contract to operate a music-based sound broadcasting service in Dublin City and County for a general audience aged 35-55 years, and a renewed sound broadcasting contract was awarded in principle in March 2020. The current contract is due to expire on 24th August 2020.

In considering the request, members noted that the Contractor has proposed amendments to the terms and conditions of the draft contract as part of negotiations. On the basis of the Contractor’s proposals, members noted that the Executive is seeking legal advice on the proposed amendments and guidance on an overall review of the current contract template. It is anticipated that the review process will not be completed until late-August, at which point the Executive will liaise with Dublin’s Q102 to conclude the negotiations for the new sound broadcasting contract.

Following discussion, the Authority was satisfied to extend the term of Dublin’s Q102’s contract to 24th December 2020 in order to conclude contract negotiations. The Authority also agreed that the legal advice would be circulated on completion of the process, along with a briefing from the Executive on the matters under consideration.

4.2 Ratification of Contract Awards Committee:

Section 71 – UCB Ireland Application & Request for a News and Current Affairs Derogation

Members considered an Executive Note assessing an application for a content provision contract, further to Section 71 of the Broadcasting Act 2009, from United Christian Broadcasters Limited (Ireland) for a service entitled “UCB Ireland”. Members noted that the service currently operates under a section 71 licence which is due to expire in September 2020 and provides a dedicated Christian radio service, consisting of a mix of contemporary Christian music, interviews and human-interest stories in a magazine-type format as well as educational, specialist and discussion 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 United Christian Broadcasters (Ireland) Limited.

The Authority also considered a request for a derogation from the 20% statutory news and current affairs requirement.

Noting that the Authority has previously granted derogations of news and current affairs programming to services of this nature, the Authority was satisfied to grant the applicant a derogation from the statutory news and current affairs requirements, further to section 39(3) of the Broadcasting Act 2009.

Section 68 – Temporary Licence Applications

The Chief Executive reported that pursuant to the protocol for decision-making between meetings, he and the Chairperson had ratified the award of contracts by the Contract Awards Committee for the provision of the following two temporary sound broadcasting services, pursuant to Section 68 of the 2009 Act:

- The Drive Inn (The Disk Jockey Company Events Limited)
- Goldstrand Events FM (Goldstrands Events Limited).

Further to the provisions of Section 68(1) of the Broadcasting Act 2009, the Authority was satisfied to ratify the recommendation of the Contract Awards Committee in respect of the following temporary sound broadcasting service:

- Kinvara FM (Kinvara Community Radio Society Limited).

5. For Information

5.1 May 2020 report to Minister on impact of COVID-19 on revenue of Independent radio sector

Members were provided with a copy of the third BAI report to the Minister for Communications, Climate Action and Environment on the Impact of COVID-19 on Commercial Radio Sector Revenue.

Members noted that the report covers the month of May 2020 and was prepared further to the Minister's request to carry out an urgent review in order to quantify the financial impacts on independent radio stations arising from COVID-19 and to provide an evidence base to inform decision making in the period ahead.

The Authority acknowledged the value of the reports in allowing for a quantifiable assessment of the challenges faced by broadcasters during this period.

6. Any Other Business

Sound & Vision

The Chief Executive advised members that the forthcoming July Jobs Stimulus package would include provision for an additional €2m for Sound & Vision. He noted that the next round is expected to be launched in September with total funding of up to €4.5m being made available.

Introductory letter to Minister Catherine Martin, T.D.

The Chairperson advised members that he would shortly be writing to Minister Martin to wish her well in her new role and set out the principle areas of focus for the Authority. He will also seek an opportunity for the Minister to meet with the BAI.

Authority vacancies

The Chief Executive advised members that there had been no further developments in respect of the four vacancies on the Authority. He noted that a Joint Oireachtas Committee was expected to be established in September and it was hoped that the matter would be progressed at that stage.

7. Date of next meeting

The next meeting of the Authority will be held at 10.30am on Thursday 10th September by conference call.

**Professor Pauric Travers,
Chairperson**

10th September 2020