

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

**Date** 10/09/2020 **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), Declan McLoughlin (item 2.5), Liam Boyle (item 2.1), Richard Brennan (items 2.2, 2,3), Sally Kennedy (item 2.6).*

## 1. Matters Arising



### 1.1 Minutes of Authority Meeting 23<sup>rd</sup> July 2020

The minutes of the meeting of the Authority of 23<sup>rd</sup> July 2020 were approved by members.

Matters arising were as follows:

- a) **Business Continuity Planning – return to BAI offices**

The Chief Executive advised members that the Business Continuity Planning team had been preparing the BAI offices for a phased return from 14<sup>th</sup> September, but the date was likely to be pushed back in light of recent developments. Both the Chief Executive and Board wished to record its gratitude to Sally Kennedy and the BCP team for their ongoing management of the process.
- b) **DCCAE transfer of functions**

The Chief Executive advised members that the transfer of functions to the new Department of Media, Tourism, Arts, Culture, Sport and the Gaeltacht was expected to be completed in the coming weeks.
- c) **Broadcasting Funding Scheme – Sound & Vision 4 funding initiative for the Community Radio Sector (round 36)**

The Chief Executive advised members that take-up for the Community Radio Sector Sound & Vision funding initiative had been a little slower than expected but that the Executive are continuing to engage with the sector in advance of the closing date for receipt of applications.
- d) **BAI Strategy Workshop**

The Chief Executive advised members that the Strategy workshop for the Authority will take place on Thursday 24<sup>th</sup> September next.

e) **Report to Minister**

The Chief Executive advised that the fourth report to the Minister for Media, Tourism, Arts, Culture, Sport and the Gaeltacht on the Impact of COVID-19 on Commercial Radio Sector Revenue would cover the period July-September and would be completed during the month of October.

f) **Broadcasting Funding Scheme – Sound & Vision 4: Round 37**

The Chief Executive advised members that Round 37 of the Sound & Vision Scheme had been launched with total funding of up to €4.5m being made available to independent audiovisual producers, commercial, community and public service television stations, public service radio and independent audio producers. He noted that the announcement of the funding, which included the additional €2m provided under the Government's COVID-19 Jobs Stimulus plan, had been well received by industry.

g) **Joint Committee on Media, Tourism, Arts, Culture, Sport and Gaeltacht**

The Chief Executive advised members that Niamh Smyth, T.D. has been appointed Chair of the Joint Committee and that the appointment process for all Committee members was expected to be completed in the coming weeks.

## 2. Achieving Excellence and Accountability

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

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## 2.2 BAI/BFS Three Year Estimates 2021-2023

Members were presented with the draft three-year estimates 2021-2023 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 3<sup>rd</sup> September 2020.

Following discussion, the Authority was satisfied to approve the three-year estimates 2021-2023 for submission to the Minister for Media, Tourism, Arts, Culture, Sport and the Gaeltacht. 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.

## 2.3 Levy Order - update

Members were provided with an Executive Note setting out recent developments in respect of revisions to the BAI Levy Order. Members noted that, at its February 2020 meeting, the Authority had agreed to a number of proposed amendments to the current Levy framework in order to reduce the financial burden on community and temporary broadcasters.

Members noted that the Authority had agreed to reduce the flat fee payable from €750 to €500 for all community/temporary broadcasters and that these broadcasters would be subject to the flat fee only. It also agreed that temporary broadcaster contracts spanning two calendar years would not be obliged to pay a levy charge for both levy years.

Legal advice on the implementation of the revisions to the BAI Levy Framework concluded that the best approach to the achievement of these objectives would be to amend the existing levy order. A draft BAI levy amendment order and Levy Order was developed on that basis.

Members also noted feedback from the Department of Communications, Climate Action and Environment which recommended that any proposed amendments to the Levy Order would benefit from being aligned with the proposed Broadcasting (Amendment) Bill 2019. It also noted Department comments in respect of the flat fee and the qualifying income threshold.

Following discussion, the Authority was satisfied to align the revised Levy Order with the provisions of the proposed Broadcasting (Amendment) Bill 2019. In particular, it was satisfied to reduce the flat fee payable by community and temporary broadcasters to €250. The Authority noted that while the Bill set out a Qualifying Income threshold of €250,000, the Department had advised that it was actively considering increasing this to €500,000. The Authority agreed that the €500,000 threshold was most appropriate.

The Authority noted that these proposed amendments to the Levy Order would be communicated to the BAI's key stakeholders and representative groups.

## 2.4 Staffing Matters

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

## 2.5 Risk Update

Members were presented with an Executive note providing an update on the BAI's risk profile, Corporate Risk Register and Operational Risk Register which were considered by the FAR Committee at its meeting on 3<sup>rd</sup> September last.

Members noted that both the Corporate and Operational Risk registers have been updated to reflect changes made to the risks identified and associated risk ratings, actions taken or to be taken and the BAI's overall risk profile. Members noted the addition of five new risks to the Corporate Risk Register and seven to the Operational Risk Register in June 2020. It also noted that one of the five risk themes, as outlined in the BAI's Risk Appetite Statement, was out of tolerance. Members noted that the *Knowledge Management* theme was slightly outside the tolerance range but was expected to trend downwards over the remainder of the year as project planning in this area progresses.

Having regard to the BAI Risk Management Policy, Risk Appetite Statement and Risk Registers, the Authority expressed satisfaction with the risk update.

## **2.6 Ratification of tenders:**

- **Academic research framework**
- **Insurance brokerage**
- **Temporary agency framework**

### *Academic research framework*

Members were presented with an Executive Note which sought Authority approval for the appointment of four academic research organisations to a multi-party framework to provide academic research on statutory and regulatory matters relating to the BAI's fulfilment of its role and remit.

The Authority was satisfied to ratify the appointment of DCU, UCD, Commsol Limited and SRL Wagner-Hatfield to the academic research framework.

### *Insurance brokerage*

Members were presented with an Executive Note which sought Authority approval for the appointment of Arachas Insurance Services to provide insurance brokerage services for the BAI.

Following discussion, the Authority was satisfied to ratify the award of the contract to Arachas Insurance Services.

### *Temporary agency framework*

Members were presented with an Executive request for Authority approval of a multi-party framework for the provision of temporary agency staff. Members noted the three lots as set out in the framework as administrative staff, professional/technical staff and management staff.

Following discussion, the Authority was satisfied to ratify the establishment of the temporary agency framework and the award of contracts as set out in the Executive note.

## **3. Empowering Audiences**

### **3.1 Contract Extensions – Classic Hits and Radio Nova**

Members considered an Executive Note setting out a request for contract extensions for sound broadcasting services Choice Broadcasting Limited t/a Classic Hits and Classic Rock Broadcasting Limited t/a Radio Nova.

In considering the request, the Authority noted that the Executive was undertaking a review of the current commercial sound broadcasting contract and that it had previously approved the extension of the contract for City Broadcasting Limited t/a Dublin's Q102 to December 2020 to allow for the completion of the review process.

The Authority was satisfied to approve contract extensions for both services to 24<sup>th</sup> December 2020 in order to ensure fairness and consistency, from a BAI administrative perspective, across all commercial sound broadcasting contracts completed in 2020. It agreed that the extension period is required to meet a BAI Administrative purpose, and that the terms of the two new Contracts would not be reduced to compensate for the time period of any agreed extension.

### **3.2 Section 68 – Temporary Licence Applications**

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:

- Mayo Drive In Movies (Mayo Movie World Limited),
- Ballina Community Radio (Connaught Broadcasting Services Limited),
- Galaxy Movies (Galaxy Movies Limited),
- Juice FM (Cork Education and Training Board),
- Drive In Movie (Harrison Productions Limited), and
- Blackrock College Radio (Blackrock College).

## **4. For Information**

### **4.1 Sound & Vision – Contractual Variations**

Members were provided with an Executive Note detailing the contractual variation requests submitted by Sound & Vision contractors that have impacted on the disbursement of funds over the previous five months. Members noted that ten contractual variations had been considered and approved by the Executive during that period, eight of which concerned the extension of timelines for contract execution with the other two relating to the provision of additional funding in order to meet unforeseen costs arising as a result of the impact of Covid-19 on health and safety obligations.

### **4.2 Letter to Minister Catherine Martin, TD.**

Members were presented with a copy of the Chairperson's letter to the Minister for Media, Tourism, Arts, Culture, Sport & the Gaeltacht, wishing her well in her new role and setting out the principle areas of focus for the Authority.



## **5. Date of next meeting**

The next meeting of the Authority will be held at 10.30am on Thursday 15<sup>th</sup> October by conference call.

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**Professor Pauric Travers,  
Chairperson**

**15<sup>th</sup> October 2020**