

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

**Date** 21/10/2020 **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 (item 2.2), Declan McLoughlin (items 2.3, 2.4), Richard Brennan (item 2.5), Liam Boyle (item 3.1), Stephanie Comey (item 4.1).*

## 1. Matters Arising

### 1.1 Minutes of Authority Meeting 10<sup>th</sup> September

Subject to a number of minor wording amendments in respect of item 2.1 (*Annual Review (2019) of Performance and Public Funding of RTÉ and TG4*), the minutes of the meeting of the Authority of 10<sup>th</sup> September 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 BAI offices remain closed with only essential staff in attendance on a day-to-day basis.
- b) **DCCAE transfer of functions**  
The Chief Executive advised members that the transfer of functions to the new Department of Tourism, Culture, Arts, Gaeltacht, Sport and the Media has been completed.
- c) **Broadcasting Funding Scheme – Sound & Vision 4 funding initiative for the Community Radio Sector (round 36)**  
The Chief Executive advised members that 22 applications had been received in this round, seeking funding totalling €697k. He advised that a note on the outcome of the assessment process would be brought to the Authority at its November meeting.
- d) **Broadcasting Funding Scheme – Sound & Vision 4 (round 37)**  
The Chief Executive advised members that over €21m in funding applications were received by the closing date. With a total of €4.5m in funding available, he noted that it would be a very competitive round.
- e) **Joint Committee on Tourism, Culture, Arts, Gaeltacht, Sport and Media**  
The Chief Executive advised members that all members of the Joint Committee on Tourism, Culture, Arts, Gaeltacht, Sport and Media had now been appointed. He also noted that he had written to the Committee Chair, Niamh Smyth, T.D., requesting a meeting with BAI representatives to discuss issues of immediate concern to the Authority, in particular the governance risks arising from existing Authority vacancies.

- f) **Annual Review (2019) of Performance and Public Funding of RTÉ and TG4**  
The Chief Executive advised members that the BAI report on its Annual Review of Performance and Public Funding of RTÉ and TG4 would be submitted to the Minister for Tourism, Culture, Arts, Gaeltacht, Sport and Media in the coming days.
- g) **Three-year estimates 2021-2023**  
The Chief Executive advised members that the three-year estimates 2021-2023 were submitted to the Minister for Tourism, Culture, Arts, Gaeltacht, Sport and Media by the statutory deadline of 30<sup>th</sup> September and to date no issues had been raised. He noted that the BAI were awaiting Departmental approval for publication.
- h) **Budget 2021 estimates**  
The Chief Executive advised members that the BAI had been allocated an additional €839k in budget 2021 to compensate for the levy waiver introduced as a result of the Covid-19 pandemic.
- i) **Meeting with Minister Martin**  
The Chief Executive advised members that Minister Martin's office had acknowledged receipt of the BAI's request for an introductory meeting and that it was expected to take place in the coming weeks.

## 2. Achieving Excellence and Accountability

### 2.1 TG4 Code of Fair Trading Practice

Members considered a note detailing the Executive's review and assessment of TG4's draft Code of Fair Trading Practice. The review and assessment were undertaken on foot of a Ministerial request, further to Section 112(7) of the Broadcasting Act 2009.

In considering the draft TG4 Code, the Authority had regard to the lengthy and detailed negotiations between TG4 and Screen Producers Ireland ("SPI") in the development of the Code, noting that both parties were satisfied with the final draft which has been submitted to the Minister for approval.

Following discussion, the Authority was satisfied that the draft TG4 Code was broadly consistent with both statutory requirements and the BAI Guidance document published in November 2017. It was the Authority's view that there were no issues of concern which would require Ministerial consideration.

## **2.2 Approach to Training Needs Analysis Internal Audit Recommendation – Authority and Committees**

Members were presented with an Executive note setting out a proposed approach to the development of a training needs assessment process for members of the Authority, FAR and Statutory Committees. Members noted that the proposal arose from an internal audit recommendation which proposed an annual formal training needs analysis in order to support the Chairs of the Authority and Committees in facilitating member's training.

Members noted the Executive proposal provided for the Authority and Committee members to develop, with the support of the Executive and based on their experience during their term of office to date, a map of the desirable mix of skills and experience, including behavioural competencies, which members, including the respective Secretaries, should have as individuals and as a collective.

Members also noted that the proposed process would assist the Chairs of the Authority and Committees to provide input into membership requirements for future Board appointments in line with section 2.4 of the Code of Practice for Governance of State Bodies.

Following discussion, the Authority was satisfied to approve the proposed approach as set out in the Executive note. However, in light of current vacancies on the Authority and Committees, it agreed that the process would not commence until these positions had been filled.

## **2.3 Risk Update**

This is a standing agenda item. Members were presented with a general update on risk as outlined in the Corporate Risk Register. Members noted that the Corporate Risk Register identifies the principal risks and uncertainties facing the organisation at this time.

The Authority noted changes in the risk profile of a number of risks outlined in the Register, in particular those associated with the Covid-19 pandemic. It also noted the comments of the FAR Committee Chairperson who provided assurance to the Board that the BAI remained in compliance with the oversight, reporting and monitoring measures as set out in the BAI Risk Management Policy and Risk Appetite Statement.

## **2.4 BAI Vision and Plan for Environmental, Social and Economic Practice**

Members were presented with an Executive Note which provided members with an update on the implementation of the approved plan for addressing the BAI's sustainable development responsibility in the context of the strategic objective – '*Showing Leadership in Sustainable Development by Modelling and Promoting High Standards of Environmental, Social and Governance Practice*'. Members noted that the plan included three key elements as follows:

- The adoption of a Broadcasting Sector Sustainability Framework,
- The establishment of a Broadcasting Sustainability Network, and

- The potential development of a web-based Sectoral Sustainability Framework and Reporting Tool.

Members noted developments in respect of the Broadcasting Sustainability Network and the progression of the Network Steering Group, which recently approved the Charter for the Network and the Roadmap for the Sector. Members also noted developments in respect of the BAI's own activities in furtherance of its sustainable development practices.

Following discussion, the Authority expressed strong satisfaction with progress to date. In particular, it wished to commend the work of *SustainabilityWorks* in supporting the development of the Roadmap which was viewed as a high quality and accessible document.

The Authority noted that Minister Martin had been invited to launch the Roadmap on a date to be scheduled for mid-November.

### **2.5 Levy Order Amendment**

Members considered an Executive Note which provided an update on recent developments in respect of revisions to the BAI Levy Order. At its September meeting, the Authority had approved a Levy Order amendment which would be communicated to the BAI's key stakeholders and representative groups for their observations.

Members noted that the revised draft Levy Order was presented to both Department of Tourism, Culture, Arts, Gaeltacht, Sport and the Media ("Department") representatives and the Levy Liaison Group (LLG). Members noted feedback from both Craol and IBI in this regard.

Following discussion, the Authority was satisfied to approve the Levy Order Amendment as presented.

## **3. Promoting Plurality & Diversity**

### **3.1 Ratification of Contract Awards Committee:**

#### **Section 71: Content Provision Contract**

Members considered an Executive Note assessing an application for a content provision contract, further to Section 71 of the Broadcasting Act 2009, from Eurasian Broadcasting Enterprise Limited for a service entitled "Setanta Sports 3". Members noted that "Setanta Sports 3" will be a combination of live/repeat highlights showing of elite sports content from around the world.

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 Eurasian Broadcasting Enterprise Limited.

## **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:

- Finn Valley FM (Finn Valley Broadcasting Company Limited by Guarantee), and
- Christmas FM (Christmas Radio Limited).

## **4. For Information**

### **4.1 Media Literacy – Upcoming Online Events**

Members were provided with an Executive Note setting out the key media literacy activities supported or undertaken by the BAI in 2020. Members noted that Covid-19 had impacted on the delivery of some elements of the agreed workplan while other activities have required alternative approaches.

Members noted the re-focused Be Media Smart campaign which was designed to counter misinformation circulating around Covid-19. It also noted the cancellation of the World Summit on Media for Children, scheduled to take place in Dublin in May 2021. In lieu of the Media Literacy Ireland annual conference, Members noted the scheduling of a series of webinars which will take place weekly in November.

Members also noted that plans for further media literacy activities will be presented to the Authority in early 2021.

### **4.2 AVMSD update: European Commission’s Digital Services Act and European Democracy Action Plan consultation responses, 2020 Rule of Law Report Country Chapter on the rule of law situation in Ireland**

Members were presented with copies of the BAI’s submissions to the European Commission’s public consultations on the Digital Services Act and the European Democracy Action Plan. Members were also presented with the European Commission’s 2020 Rule of Law Report Country Chapter on the rule of law situation in Ireland, addressing media pluralism and highlighting the work of the BAI in the development of an ownership and control database in partnership with DCU.

Members noted that an Executive Note, setting out the key AVMSD and Harmful Online Content activities undertaken by the BAI, will be presented to the Authority at its November meeting.

### **4.3 Virgin Media meeting update**

Members were presented with an Executive note on the annual meeting with Virgin Media Television, held virtually on 14<sup>th</sup> September 2020. It was also presented with a copy of the accompanying slide pack which was presented to the BAI Executive.

Members noted that the review included an update on content, the commercial marketplace and broadcast operations, all of which had been impacted by the Covid-19 pandemic. Members also had regard to the concerns expressed by Virgin Media in respect of RTÉ and their continued running of significant deficits.

Following discussion, the Authority acknowledged the significant role played by Virgin Media in serving audiences throughout the pandemic. In particular, it noted the strong news, current affairs and entertainment programming which has kept audiences informed and entertained in recent months. The Authority agreed that Virgin Media would be invited to meet with the Authority in early Spring to discuss the above, and other matters concerning the Irish media landscape.

#### **4.4 Communicorp – Appointment of new CEO**

Members were circulated with details of the proposed appointment of Mr. Simon Myciunka to the position of Chief Executive Officer of Communicorp Group Limited, replacing Adrian Serle on 1<sup>st</sup> January 2021. Members noted that the required Character Test had not yet been completed and that it had been requested by the BAI Executive.

Subject to the satisfactory completion of this test, the Authority noted that the Executive would be satisfied to approve the appointment, with Mr. Myciunka having demonstrated sufficient experience and expertise to undertake the role.

#### **4.5 Correspondence from the Independent Broadcasters of Ireland (IBI) to the BAI**

Members were presented with correspondence from IBI in respect of the ongoing crisis facing independent radio in Ireland as a result of the Covid-19 pandemic. Members noted the significant concerns of IBI at a time of drastic reductions in revenue, and its request for the BAI to examine the situation as a matter of urgency.

Following discussion, the Authority requested that the BAI Executive would continue to engage with IBI representatives on these matters.

## **5. For Information**

### **5.1 PBS discussion**

Further to a recent Ofcom virtual conference, entitled *Small Screen: Big Debate*, held in October 2020, the Authority engaged in a wide-ranging discussion on the role of public service broadcasting in a changing media landscape.

The Authority discussed a variety of matters concerning public service broadcasting, including funding, accessibility of content, connecting with a diverse range of audiences, and the role of the regulator. The Authority agreed that these matters would continue to be kept under review and discussion as part of the BAI's own statutory activities.

### **5.2 Next meeting**

The next meeting of the Authority will be held at 10.30am on Thursday 26<sup>th</sup> November by conference call (subsequently changed to Monday 30<sup>th</sup> November).

## **6. Private meeting of the Authority**



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**Professor Paoric Travers,  
Chairperson**

**30<sup>th</sup> November 2020**