



Minutes of Meeting of the Authority of Broadcasting Authority of Ireland

Date 25/02/2021 Time: 10.30am Venue: Conference Call

Attendance

Authority: Vivien McKechnie (Chairperson of Meeting), Alan McDonnell, Denis Wolinski, Grace Smith, Maeve McDonagh, Rosemary Day, Seán Ó Mórdha.

Apologies: Mary Curtis

Executive: Michael O'Keeffe, Celene Craig, Andrew Robinson (Secretary), Anne O'Brien (item 4.1), Ciarán Kissane (item 5.1), Clare Diamond (item 8.2), Declan McLoughlin (item 3.5), Jane McCarthy (item 8.2), Liam Boyle (item 4.2), Richard Brennan (items 3.1, 3.2), Stephanie Comey (item 6.1).



1. Appointment of Chairperson of the Meeting

Following the expiration of the term of office of the BAI chairperson, members had considered an advice note [REDACTED] solicitors on the issue of appointment of chairs of meetings at its January meeting. Members noted that some aspects of the advice were unclear and it was agreed that clarification would be sought from Philip Lee solicitors on these matters. At its February meeting, members considered a revised advice note prepared by the legal advisors.

Following discussion, the Authority expressed satisfaction that the advice note provided clear guidance on the matter. The Authority noted that when a member of the Authority takes the chair of a particular meeting, such chairing is solely for the purposes of that meeting and that responsibility for chairing ends at the conclusion of the meeting. Further, the Authority noted that such chairing would not be regarded as an implied acceptance of a position of interim chair.

The Authority then agreed that Vivien McKechnie would chair the meeting.

2. Matters Arising

2.1 Minutes of Authority Meeting 21st January 2021

The minutes of the meeting of the Authority of 21st January 2021 were approved by members.

There were no matters arising.



3. Achieving Excellence and Accountability

3.1 Review of the Effectiveness of Internal Controls

Members considered a Report on the Review of the Effectiveness of Internal Controls, as recommended to the Authority by the Finance, Audit and Risk ("FAR") Committee. Members noted that a review of the effectiveness of controls is required under the Code of Practice for the Governance of State Bodies (2016) as part of the Statement of internal Control in the BAI's Annual Financial Statements.

Members noted that the Review, undertaken by the BAI's Internal Auditor, included an Internal Financial Controls review and an assessment of the Internal Control systems in 2020, with a particular focus on the ongoing Covid-19 pandemic.

Following discussion, the Authority expressed satisfaction with the review process and Internal Auditor report as set out in the Executive Note.

3.2 Unaudited Financial Statements 2020: BAI and BFS

The Authority was presented with draft unaudited financial statements for the BAI and the Broadcast Fund for the financial period 2020. It noted that the statements had been endorsed by the Finance, Audit and Risk Committee at its meeting on 22nd February.

Members noted that the BAI's actuarial consultants are currently finalising their report on the valuation of the pension liability at 31st December 2020 and once available, the pension liability figures will be updated.

Following consideration, the Authority was satisfied to ratify the draft BAI and Broadcasting Fund financial statements for 2020, for submission to the Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media and the Office of the Comptroller ("OCAG") in line with the statutory requirements.

It noted that OCAG was scheduled to commence its audit fieldwork in the BAI in April and that the final audited financial statements would be presented to the Authority for approval at its meeting in June.

In concluding the discussion, the Chief Executive noted that that staff member Richard Brennan would shortly be leaving the BAI after three years as Finance Officer. Both the Executive and Authority wished to record its thanks to Richard for his diligent and considerate support of the Authority, FAR Committee and his colleagues in the Executive over that time.



3.3 Ratification of statutory committee membership proposals

On 2nd February 2021, Members were presented with an Executive Note setting out proposals in respect of the Board and Executive nominees to the Contract Awards Committee and Compliance Committee. Members noted that, due to quorum issues, there was a particular urgency to make the appointments at an early date. Following an expression of interest phase, the appointments were made by the Chief Executive and Deputy Chief Executive in accordance with the decision making between meetings protocol.

At its meeting, the Authority was satisfied to ratify the following appointments:

- **Contract Awards Committee**
Authority: Rosemary Day and Séan Ó Mórdha
Executive: Clare Diamond and Declan McLoughlin
- **Compliance Committee**
Authority: Maeve McDonagh and Mary Curtis
Executive: Stephanie Comey and Andrew Robinson
- **FAR Committee**
Grace Smith and Vivien McKechnie.

Denis Wolinski will join the FAR Committee on 3rd April to replace Alan McDonnell.

The Authority noted that a decision on who will be the next Chair of the FAR Committee will be made at the Authority meeting on 1st April.

The Chief Executive noted that Authority member Alan McDonnell will shortly complete his second and final term as FAR Chairperson. On behalf of BAI staff, the Chief Executive placed on record its appreciation for Mr. McDonnell's exceptional stewardship of the Committee over the previous six years. In particular, he wished to highlight the work of the Committee on the development of a robust Risk Framework and on the significant leadership role played by Mr. McDonnell in the progression of the BAI's work in the area of Sustainable Development Goals, including the Sustainability Development Roadmap.

The Authority also wished to record its appreciation for Mr. McDonnell's huge dedication to the role in providing assurance to the Board across a range of areas which has given the Board significant comfort in the undertaking of its regulatory activities.



3.4 BAI response to Joint Committee on Media, Tourism, Arts, Culture, Sport and Gaeltacht on the General Scheme of the Online Safety and Media Regulation (OSMR) Bill

Members were presented with an Executive Note setting out a proposed approach to the development of a written submission to the Joint Committee on Media, Tourism, Arts, Culture, Sport and Gaeltacht on the General Scheme of the Online Safety and Media Regulation (OSMR) Bill.

Members noted that the Executive had commenced a detailed assessment of the full General Scheme against the BAI's public consultation response and while many of the Authority's proposals were reflected in the draft legislation, there were a number of particular issues which would require further consideration before a written response could be completed.

Noting the March 8th deadline for written responses, Members agreed to hold an additional, single-item, meeting of the Authority on 3rd March to consider these policy matters.

3.5 Risk Update

Members were presented with an Executive update on the BAI's risk profile and copies of the BAI's Corporate Risk Register and the Project/Operational Risk Register. Members noted that the report was considered and endorsed by the FAR Committee at its February 23rd meeting.

Following discussion, the Authority expressed satisfaction with the risk update as presented. It noted a number of changes to the Corporate Risk Register, including an increase in risk associated with staff turnover.

4. Promoting Plurality & Diversity

4.1 Broadcasting Fund – Operational Plan 2021 - 2022

Members considered an Executive note seeking Authority approval for the implementation of an operational plan for the Sound & Vision and Archiving Schemes for 2021 and 2022. Members noted the proposal provided for two Sound & Vision open rounds, a social benefit round and an Archiving Scheme round in 2021. It also noted that the current Sound & Vision 4 Scheme was approved for a three-year period to March 2022 and a review of the Scheme would commence in the fourth quarter of 2021.

The Authority was satisfied to approve the operational plan and funding allocation as set out in the Executive note.

In responding to a query, the Executive provided an update on the status of the Community Radio Fund, launched in July 2020. An update was provided on the context and timelines for the funding



round, the focus on social benefit within the funding round, the contracting process and plan for disbursement of funding. The Executive also confirmed that it is liaising with the individual community radio contractors with a view to completing contracts and disbursing funds at an early date.

4.2 Ratification of Contract Awards Committee – Section 71 applications

In their capacity as members of the Contract Awards Committee, Authority members Rosemary Day and Sean Ó Mordha 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 three content provision contracts, further to Section 71 of the Broadcasting Act 2009, from Discovery Ireland Broadcasting Limited for three services entitled “DMAX”, “Food Network” and “Quest Red”. Members noted that the services are currently available to viewers in Ireland by virtue of the existing Ofcom licences held by the applicant and that the application is being submitted in order to ensure continuity of service for Irish 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 content provision contracts to the applicant Discovery Ireland Broadcasting Limited.

5. Enhancing Innovation and Sectoral Sustainability

5.1 Community Media Action Plan update

Members considered an Executive note providing an update on the implementation of the Community Radio Action Plan, agreed by the Authority at its May 2020 meeting. Members were also presented with a draft BAI Community Media Policy for approval, following a review undertaken by Seán Ó Siochrú of Nexus Research Co-operative.

Members noted that there were nine key actions set out in the Community Media Action Plan and that a status update of the activities under each action was provided. Six of the nine actions have now been completed with progress recorded on the remaining three. With regard to the BAI Community Media Policy, members noted that the Policy had been updated to make it more reflective of BAI policy, practice and experience in relation to the regulation of community media services. In particular, the draft Policy had been restructured to provide a greater emphasis on content and the importance of strong governance processes.

Following discussion, the Authority expressed its satisfaction with the progress of the Community Radio Action Plan. Subject to a number of minor wording amendments, it also was satisfied to approve the draft Community Media Policy for public consultation which would take place over the coming months.



6. Empowering Audiences

6.1 Media Literacy: Review of 2020 Activities and Programme for 2021

Members were presented with an Executive Note which provided an overview of the main media literacy activities progressed during the final quarter of 2020 and an outline of the planned BAI media literacy work for 2021.

Members noted the focus of 2020 was on facilitating Media Literacy Ireland ("MLI") in the planning and delivery of the network's activities. This primarily involved the hosting of a range of webinars on media literacy related topics including the communication of science data during a health crisis, social media influencing and news literacy. Members noted that the online format for these events facilitated accessibility and in doing so succeeded in broadening MLI's reach, collaboration between members, as well as awareness of the BAI's remit and work with regard to media literacy generally. This work was also supplemented by BAI engagement with ERGA and EPRA at a European level.

In terms of 2021, members noted the plan to continue to build on the success of the webinar series undertaken in 2020 with the hosting of monthly webinars in 2021. It also noted the development of a public awareness campaign to coincide with the roll-out of vaccination against Covid-19. The campaign proposes to utilise much of the existing Be Media Smart assets across TV, radio and social media channels, and ask people to *Stop, Think, Check* their information online, with a view to help counter misinformation that may be circulating about the vaccines. This would be supported by engagement with communities who are at risk of being overlooked by the existing awareness raising methods and the support of and training for people working in the areas of media, communications and health.

Following discussion, the Authority expressed satisfaction with the media literacy proposals as set out in the Executive note and, in particular, in respect of the BAI's continued engagement with MLI's proposed programme of activities.

As highlighted during its discussions on the Sectoral Learning and Development activities in January, the Authority noted the value of such initiatives and agreed that these activities should be more broadly communicated to BAI stakeholders through the BAI website and social media channels.

7. For Information

7.1 BAI Sponsorship Scheme

Members were provided with an Executive Note reviewing the BAI's sponsorship activities for 2020 and detailing the sponsorship programme for 2021. The Authority noted the impact of the Covid-19 pandemic on sponsorship activities in 2020, with a significant number of events being re-



imagined or moving online. With regard to 2021, the Authority noted an allocation of €162,122 to 21 new and 5 existing multi-annual projects.

7.2 Report to the Minister for Q4 on the Independent Commercial Radio Sector

Members were provided with a copy of the sixth BAI report to the Minister for Tourism, Culture, Arts, Gaeltacht, Sport and Media on the Impact of COVID-19 on Commercial Radio Sector Revenue which covered Q4 of 2020. The Report quantified the financial impacts on independent radio stations arising from Covid-19 and is designed to provide an evidence base to inform any decisions by the Minister on further funding supports in 2021.

The Authority acknowledged the continued value of the reports in providing a picture of the financial challenges faced by broadcasters over the period of the reviews.

8. Any Other Business

8.1 Bauer acquisition of Communicorp radio services

The Chief Executive advised members of the proposed acquisition of the Communicorp radio service by Bauer Media Audio, as reported that morning in the media. He noted that a formal submission was expected in the coming days and that the Authority would likely be required to consider the proposed acquisition at its April 1st meeting.

8.2 Appointment of Chief Executive *(Executive attendees were Michael O'Keeffe, Andrew Robinson, Clare Diamond and Jane McCarthy)*

The Executive provided members with an update on the recruitment process for the BAI Chief Executive. The Authority noted the closing date for receipt of applications on 26th February and that the process was expected to be completed by the end of April. The Chief Executive noted that his own retirement date is being pushed out to the end of May in order to facilitate a smooth transition of responsibilities.

8.3 Next meeting

The next meeting of the Authority will be held at 9.30am on Wednesday 3rd March by conference call.

Vivien McKechnie
Chairperson of Meeting
1st April 2021