



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

Date 01/04/2021 Time: 10.30am Venue: Conference Call

## Attendance

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

**Apologies:** Mary Curtis

**Executive:** Michael O'Keeffe, Celene Craig, Andrew Robinson (Secretary), Anne Louise O'Donovan (items 4.1, 5.1), Clare Diamond (items 7.1, 7.2), Deborah Molloy Bergin (item 3.3), Declan McLoughlin (item 4.3), Elizabeth Farrelly (item 3.1), Jane McCarthy (item 8.2), Liam Boyle (items 3.4, 5.1), Philip Cooper (item 3.1), Roger Woods (item 3.4), Stephanie Comey (item 3.3).

## 1. Appointment of Chairperson of the Meeting

The Authority agreed that Maeve McDonagh would chair the meeting.

## 2. Matters Arising

### 2.1 Minutes of Authority Meeting 25<sup>th</sup> February 2021

The minutes of the meeting of the Authority of 25<sup>th</sup> February 2021 were approved by members.

Matters arising were as follows:

#### a) Unaudited Financial Statements 2020: BAI and BFS

The Chief Executive advised members that the unaudited 2020 financial statements for the BAI and the Broadcast Fund had been submitted to the Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media and the Office of the Comptroller and Auditor General ("OCAG"). He noted that Mazars would be commencing its audit fieldwork on behalf of the OCAG in the coming weeks.

#### b) Sound & Vision – Community Radio Funding Round update

The Chief Executive noted that of the 22 contracts awarded under the community radio fund, seven had been signed with another four expected to be completed in the coming days. He noted that the remaining 11 contracts were being progressed.

#### c) Community Media Policy

The Chief Executive advised members that the public consultation on the draft BAI Community Media Policy was launched on 18<sup>th</sup> March with a closing date of 15<sup>th</sup> April. He expected that the outcomes of the consultation process would be brought to the Authority's May meeting.



d) **Media Literacy campaign**

The Chief Executive advised members of the recent launch of a communications campaign by Media Literacy Ireland. The purpose of the Be Media Smart campaign is for people to make informed choices about the Covid-19 vaccination based on accurate and reliable information. He noted that the initiative has received support from both the Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media and the Department of Health.

Chuir an Príomhfheidhmeannach ball ar an eolas freisin faoi sheimineár gréasáin litearthachta meán atá le teacht a thionólfai go hiomlán tríd an nGaeilge.

**2.2 Minutes of Authority Meeting 3<sup>rd</sup> March 2021**

The minutes of the meeting of the Authority of 3<sup>rd</sup> March 2021 were approved by members.

There were no matters arising.

**3. Promote Plurality & Diversity**

**3.1 Contract Variations**

a) **Bauer Acquisition of Communicorp Radio services**

Members were presented with an Executive note which set out a request for Authority approval of the proposed acquisition of Communicorp Group Limited ("Communicorp") by Bauer Media Audio Holdings GmbH ("Bauer"). Members noted that Communicorp was the ultimate parent of five Contractors with the BAI, namely Today FM, Newstalk, 98FM, Spin 1038 and Spin South West.

In assessing the request, the Authority noted that it is required to consider the Proposed Transaction in the context of the following criteria in the BAI Ownership and Control Policy (2019):

- Interpretation of Terms - "Control" and "Substantial Interest"
- Character, Expertise and Experience
- Financial Resources
- Viability & Sectoral Sustainability
- An undue number of sound broadcasting services
- An undue number of sound broadcasting services in a specified area
- An undue amount of communications media in a specified area
- Programming
- Non-EU Entities.

Following discussion, the Authority expressed satisfaction with the proposed transaction when assessed against the criteria set out in the BAI Ownership and Control Policy. In particular, the



Authority welcomed Bauer's intention to be fully compliant with the commitments set out in the relevant Programme Policy Statements for each Contractor; its intention to adhere to the principles set out in the BAI's Sustainability Roadmap for the Irish Broadcasting Sector; its commitment to editorial independence; and its commitment to diversity and inclusion across its businesses which will be incorporated into its operations in Ireland.

Accordingly, the Authority was satisfied to approve, in principle, the proposed acquisition of Communicorp Group Limited by Bauer Media Audio Holdings GmbH. It noted that final approval would be subject to the submission and BAI approval of the required revised contractual documentation and financial information.

The Authority noted that the proposed acquisition had been approved by the Competition and Consumer Protection Commission and would now be notified to the Minister for Tourism, Culture, Arts, Gaeltacht, Sport and Media in accordance with the media mergers provisions in the Competition and Consumer Protection Act 2014.

**b) Extension request: Ros FM**

Members considered an Executive Note seeking Authority approval for a contract extension for community sound broadcasting service Ros FM Radio Company Limited by Guarantee t/a Ros Fm Radio to 12<sup>th</sup> December 2023.

In considering the request, members noted that the current contract is due to expire on 12<sup>th</sup> December 2021. [REDACTED]

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

Members noted that the proposed extension would facilitate the continuance of the current radio service for the community while the Contractor seeks to address the compliance issues raised.

Following discussion, the Authority was satisfied to extend the term of the contract to 12<sup>th</sup> December 2023.

### **3.2 Broadcasting Funding Scheme: Commercial Radio Round 39**

Members were presented with the outcomes of the assessment process for the second funding initiative for the independent commercial radio sector with the objective of promoting greater awareness and understanding of the Covid-19 pandemic. Approval was sought for a package of recommendations providing funding support of €2.58m to 32 independent commercial sound broadcasting services for the purpose of delivering a wide range of Covid-19 related projects. Members noted that the funding initiative was being undertaken at the request of the Minister for



Tourism, Culture, Arts, Gaeltacht, Sport and Media, whose Department had provided the BAI with €2.5m in funding for this purpose.

In considering the package of recommendations, members had regard to summary details of the applications received; an overview of the assessment process; and an analysis of the projects recommended for funding, with reference to the aims and objectives of the funding round, the Scheme and the Authority's Strategy Statement.

Following discussion, the Authority was satisfied to approve the package of recommendations, as presented. It noted that the funding will facilitate the dedication of staff to the researching, production and presentation of Covid-19 content specifically for their target audiences which will add to the diversity of content and content sources for radio listeners in Ireland. In addition, the Authority noted that the package of recommendations will have a significant impact on the independent commercial broadcasting sector in terms of supporting the BAI's objective of financial stability for the sector.

### **3.3 Gender Action Plan: Update and Proposal for 2021**

Members were presented with an Executive Note which provided an update on the implementation of the BAI's Gender Action Plan and an outline of the planned work for 2021.

Members noted that the BAI launched its first Gender Action Plan in April 2018. It noted that while many of the objectives under the Plan were achieved, others faced delays or cancellations - due in the main to the ongoing Covid-19 pandemic and continued challenges surrounding organisational resources.

Members also noted that the BAI Executive had recently met with representatives from the Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media ("DTCAGSM") who noted that Minister Catherine Martin had a strong interest in the area of gender inequality, and in diversity and inclusion matters more broadly. [REDACTED]

Members further noted an Executive proposal setting out a revised approach to Gender and Diversity which would reflect the Authority's strategic objectives with regard to diversity, as set out in the new BAI Strategy Statement, and which would also take into consideration feedback from the DTCAGSM. The proposal provided for a review and evaluation of the BAI Gender Action Plan, the outcomes of which would inform the development of a three-year BAI Gender and Diversity Strategy.

Following discussion, the Authority was satisfied to approve the proposed approach to Gender and Diversity as set out in the Executive note, and welcomed the broader approach to diversity which encompassed matters beyond the issue of gender. In this regard, the Authority highlighted



its concerns around diversity in respect of ethnicity, age and socio-economic diversity among others.

### **3.4 Ratification of Contract Awards Committee recommendations**

#### **a) Section 71**

*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 a content provision contract, further to Section 71 of the Broadcasting Act 2009, from Premier Media Broadcasting Limited for a service entitled "BoxNation". Members noted that the service, a sports channel dedicated to boxing, is currently available to viewers in the UK and Ireland via Sky satellite and that the application is being made in order to ensure the requisite post-Brexit licence is held by the broadcaster in order to broadcast in Ireland.

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 Premier Media Broadcasting Limited.

#### **b) Section 68**

*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.*

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:

- Foxford Community Radio (Foxford Resources Limited),
- Bere Island Community Radio (Bere Island Projects Group CLG), and
- Easy Radio (Easy Radio Limited).

## **4 Achieving Excellence and Accountability**

### **4.1 Governance: Authority and Committees – ongoing training and development**

Members considered an Executive note setting out a revised proposal for Authority training and skills development in fulfilment of a recommendation raised by the BAI's Internal Auditors. Members noted that the Authority had previously considered and approved a plan to develop a



map of the desirable mix of skills and experience which would assist Chairs of the Authority and Committees in providing input into membership requirements for future Board appointments.

Reflecting a number of recent developments, most notably the publication of the OSMR Bill, Members considered a revised proposal which suggested the holding of a facilitated workshop which would focus on how the Authority best conducts its business over the final months of the BAI, reflecting on matters of tone and culture.

Following discussion, the Authority agreed to the proposal, noting that the workshop would be facilitated by [REDACTED] the IPA. It also agreed that the facilitated workshop would take place in tandem with the Authority's self-assessment annual evaluation as part of the private meeting of the Board on 22<sup>nd</sup> April.

#### **4.2 Appointment of FAR Chairperson**

Members were presented with an Executive note seeking Authority approval for the appointment of Vivien McKechnie to the role of the FAR Committee Chairperson. Members noted that the current Chairperson of the FAR Committee, Alan McDonnell, would be stepping down from the position, having completed his second term on 3<sup>rd</sup> April.

The Authority was satisfied to approve the appointment of Vivien McKechnie to the role of FAR Committee Chairperson, with effect from 3<sup>rd</sup> April 2021, and wished her well in her new role.

#### **4.3 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 the Executive's comments on the risk profile of a number of particular risks outlined in the Register, including those relating to staff turnover, the absence of a Chairperson, GDPR compliance, and the progress of the OSMR Bill.

### **5 Enhancing Innovation and Sectoral Sustainability**

#### **5.1 PSM: Update**

Members were presented with an Executive Note which provided an update on the Executive's planned statutory work involving the PSBs for 2021 along with an update on work being carried out by the Future of Media Commission.



With regard to TG4, members noted that the broadcaster had recently submitted its 2021 ASPC to the BAI and this was expected to be brought to the Authority's May meeting. Members noted that its 2021 ASPC was informed by its submission to the Future of Media Commission which proposed significant reform to how Public Service Media are funded and sustained in Ireland. Members noted that RTÉ's 2021 ASPC is expected to be submitted to the BAI shortly.

Members noted that the Executive is currently carrying out the 2020 Annual Review of Performance and Public Funding with consultants Mediatique and that a draft report will be presented to the Authority in the coming months.

With regard to the Future of Media Commission, members noted that the Commission is examining matters relating to sustainable funding sources, changes in audience behaviour and changes in technology and that it has held four "thematic dialogue" events along with a public consultation. Members noted that the Executive continues to engage with the Commission in support of their work.

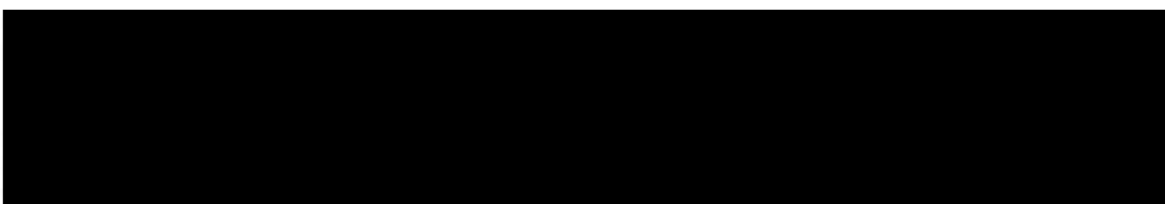
## 6 For Information

### 6.1 BAI submission to Joint Committee on Media, Tourism, Arts, Culture, Sport and the Gaeltacht

Members were provided with a copy of the BAI written submission to the Joint Committee on Media, Tourism, Arts, Culture, Sport and the Gaeltacht. Members noted that the report reflected the policy decisions of the Authority at its March 3<sup>rd</sup> meeting.

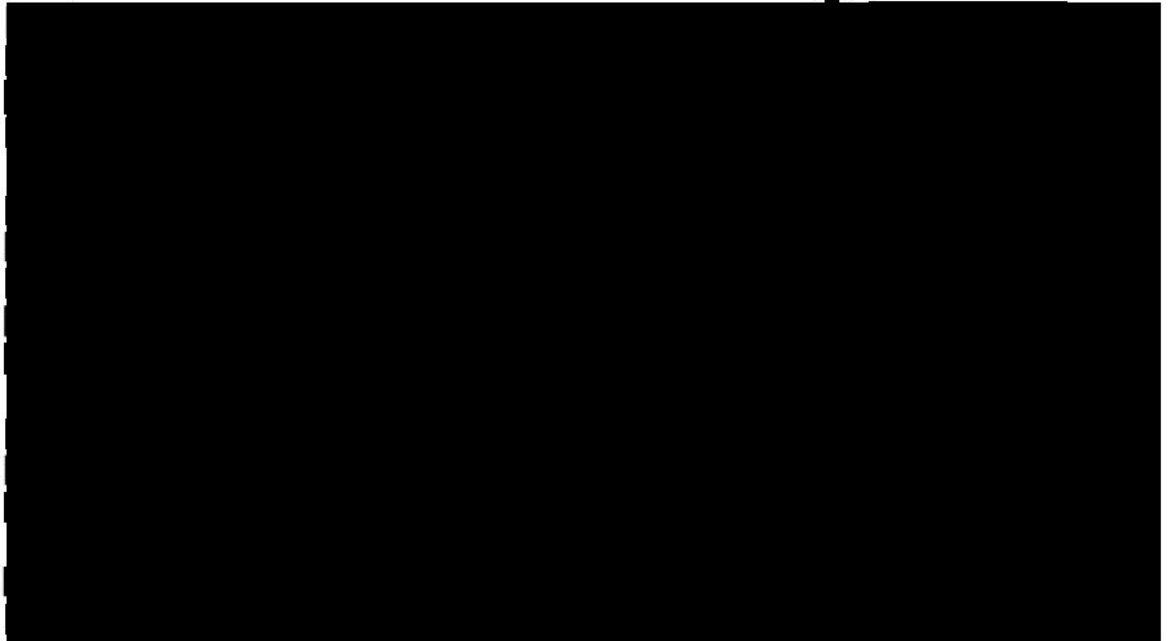
## 7 Any Other Business

### 7.1 Appointment of Chief Executive *(Executive attendees were Michael O'Keeffe, Andrew Robinson and Clare Diamond)*



### 7.2 Contract matters [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] (Executive attendees were Clare Diamond and Andrew Robinson)





### **7.3 Next meeting**

The next meeting of the Authority will be held at 10.30am on Thursday 13<sup>th</sup> May by conference call.

**Maeve McDonagh**  
**Chairperson of Meeting**  
**1<sup>st</sup> April 2021**