

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

**Date** 13/05/2021 **Time:** 10.30am **Venue:** Conference Call

## **Attendance**

**Authority:** Grace Smith (Chairperson of Meeting), Alan McDonnell, Denis Wolinski, Maeve McDonagh, Mary Curtis, Rosemary Day, Seán Ó Mórdha, Vivien McKechnie (items 1 – 6).

**Executive:** *Michael O’Keeffe, Celene Craig, Andrew Robinson (Secretary), Anne Louise O’Donovan (item 5.2), Ciarán Kissane (item 6.1), Clare Diamond (item 7.2), Declan McLoughlin (item 7.2, 7.3), Elizabeth Farrelly (item 7.1), Liam Boyle (items 5.1, 6.1), Neil O’Brien (item 5.3), Philip Cooper (item 5.1).*

## **1. Appointment of Chairperson of the Meeting**

The Authority agreed that Grace Smith would chair the meeting.

## **2. Matters Arising**

### **2.1 Minutes of Authority Meeting 1<sup>st</sup> April 2021**

The minutes of the meeting of the Authority of 1<sup>st</sup> April 2021 were approved by members.

Matters arising were as follows:

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

The Chief Executive advised members that the final date for a Ministerial decision on the proposed Bauer Acquisition of Communicorp Radio services is 13<sup>th</sup> May. If approved, it was expected that the proposed acquisition would be completed in late May/early June.

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

The Chief Executive noted that of the 22 contracts awarded under the community radio fund, eleven had now been signed with the remainder being progressed.

#### **c) Gender Action Plan**

The Chief Executive advised members that the Executive had participated in a number of meetings with Department representatives to discuss the BAI’s Gender Action Plan and associated activities. He noted that the Department has expressed a keen interest in the activities of the BAI and that there may be further engagement on this matter over the coming months.

d) **Meeting with Joint Committee on Media, Tourism, Arts, Culture, Sport and the Gaeltacht**

The Chief Executive advised members that he and the Deputy Chief Executive appeared before the Joint Committee on Media, Tourism, Arts, Culture, Sport and the Gaeltacht on 5<sup>th</sup> May last to discuss the draft general scheme of the Online Safety and Media Regulation Bill. He noted that the engagement had been a positive one with a number of matters being discussed including the categories of harmful online content and gender-based harm, the independence of the new regulator and the content levy scheme under Head 77 of the general scheme.

### **3. Presentation from Virgin Media**

Representatives from Virgin Media Television joined the Authority to present an update on its activities, highlighting current and future challenges, and opportunities, for the broadcaster. The presentation included an assessment of the impact of Covid-19 on the broadcaster, the forthcoming Online Safety and Media Regulation Bill, the funding of commercial broadcasters and the support of Irish productions, media literacy and trust in broadcasters.

Following the presentation, the Authority engaged in a broad discussion with Virgin Media representatives on a number of media regulation matters including the Future of Media Commission, plurality and sectoral sustainability, collaboration with other broadcasters, sustainability, and prominence of public service content.

## **3 Leadership in Change**

### **4.1 BAI Transition and Organisational Change**

Members considered an Executive note setting out a proposed approach to the achievement of the BAI's strategic objective of *Leadership in Change*, while also accommodating the progression of its other strategic priorities over the next 18 months.

#### *Transition Proposal*

Members noted a transition proposal which set out a framework for management of the change in the BAI and a plan for the orderly transition of the BAI to the Media Commission, while ensuring that the BAI meets its governance obligations and strategic priorities. In setting out an approach to the achievement of this objective, members noted three proposed workstreams as follows:

- an Organisational Change Management Programme for BAI Staff which would involve significant communication and engagement with staff;
- stakeholder engagement with key internal and external stakeholders, including the Authority and Statutory Committees, the Department, and other key external stakeholders such as broadcasters, producers, regulators and new regulates; and

- progress of BAI's other Strategic priorities which will focus principally on Governance, Diversity and Gender, and Sectoral Sustainability.

Members noted that the work-planning process would be undertaken in six-month blocks, with activities under each of the BAI's strategic priorities being set and adapted as the situation demands. The process would also encompass three main cross-cutting activities involving (i) building on existing organisational structures, (ii) deploying BAI staff flexibly, and (iii) enhancing the BAI's Staffing resources as set out below.

#### *BAI Staff Resources*

In considering the staff proposals as set out in the Executive Note, members noted the significant resource challenges within the organisation and the limited opportunity for progression and promotion of BAI staff for a number of years. It noted the Executive submission which set out three proposed actions as follows:

- Increasing the number of full-time, permanent PO posts to a minimum of two. This would provide an opportunity to streamline reporting lines and accountabilities at the BAI's top management tier as well as making provision for the exceptional level of work that will be required in managing change and transitioning to the Media Commission.
- Re-designing one of the BAI's AP posts to that of Accountant Grade 1 which would combine the finance roles of AP and Accountant Grade II. This would allow for the management of risk and meet the high standards of governance in this area.
- Creation of an additional EO position which would address the resource pressures at this grade.

Following discussion, the Authority expressed satisfaction with the overall approach to transition as set out in the Executive note. It agreed that the key focus for the organisation over the coming 12-18 months should be on the *Leadership in Change* strategic objective, while also supporting the other strategic priorities.

The Authority noted with concern the significant resource challenges at Executive level. It expressed support for the resource proposals as set out in the Executive note and agreed that resources would be a standing item on future Authority agendas.

## **4.2 Board Away Day Action Items**

Authority member Alan McDonnell provided members with an update on the action items arising from the Board Away Day on 22<sup>nd</sup> April. He advised members that he had spoken with the Secretary and had agreed broad timelines for the implementation of the action items over the coming months. He noted that while some of the action items had already been implemented, a formal review of progress on all action items would be scheduled within three months.

The Authority expressed satisfaction with the approach to the implementation of the action plan and expressed its gratitude to Authority member Alan McDonnell for progressing this matter.

## **5 Promoting Plurality & Diversity**

### **5.1 Broadcasting Funding Scheme: Round 38 outcomes**

The Authority was presented with the outcomes of the assessment process for Round 38 of the Sound & Vision 3 Scheme. Authority approval was sought for a package of recommendations, providing funding support for 96 radio and television projects, with a total value of €5.88m, and €1.4m for 8 live music sector funding projects.

Members noted that this was the first open round of 2021 with funding of c. €5.5m being made available. Further to a request from the Minister for Tourism, Culture, Arts, Gaeltacht, Sport and Media, a funding stream for applications that would provide support to the live music sector was also implemented with this open round. Members noted that the Minister had secured an additional €1.4m in funding for this initiative.

In considering the package of recommendations, the Authority had regard to summary details of the applications received; an overview of the assessment process; an analysis of the projects recommended for funding, with reference to the Scheme's objectives and the Authority's Strategy Statement 2021-2023; and an Executive analysis of the round outcomes.

The Authority noted the strong mix of projects across formats, genres and audiences to be served, with a number of high-quality projects that will further the aims and objectives of the Scheme. It also noted that the Strategic Assessment criterion of consideration of women in lead creative roles continues to result in a very positive impact on applications being submitted and projects being funded.

The Authority also noted the allocation of €1.4m in funding for 4 radio and 4 television projects under the Live Music Sector funding stream. In particular, it welcomed the first collaborative application from the Independent Broadcasters of Ireland, and the significant level of female artists and/or lead roles, within the recommended projects.

Following discussion, the Authority was satisfied to approve the package of recommendations, as presented. It agreed that the funding recommendations concerning both Diversity and the Live Music Sector funding stream should be given prominence in any media communications announcing the funding awards.

**5.2 PSM: TG4 Annual Statement of Performance Commitments**

Members considered the 2021 Annual Statement of Performance Commitments (ASPC) submitted by TG4. The ASPC had been submitted further to the requirement for a public service broadcaster to consult with the Minister and the BAI, prior to the publication of its statement of commitments. In considering TG4’s ASPC, the Authority had regard to an Executive analysis of the extent to which its set of objects are adequately reflected in the document and an assessment of the degree to which the information provided assists the BAI in fulfilling its regulatory role.

Members noted that it is the role of the Authority to provide feedback on the content of the ASPC and that the Statement is ultimately approved by the TG4 Board.

The Authority noted that the BAI and TG4 have an agreed framework for setting out commitments which meet the regulatory needs of the BAI and that its 2021 ASPC retains the structure of 2020. It welcomed the focused and strategic approach to commitments and targets, noting that the broadcaster has set out 12 commitments covering 12 corresponding priority areas.

[Redacted]

[Redacted]

[Redacted]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

**5.3 Contract Variation – Spirit Radio**

Members considered an Executive Note seeking Authority approval for a contract extension for quasi-national Christian and religious sound broadcasting service Spirit Radio Limited t/a Spirit Radio to 30<sup>th</sup> November 2021.

In considering the request, the Authority noted that the current contract is due to expire on 31<sup>st</sup> May 2021. It noted that the Contract Awards Committee is due to consider a “fast-track” application by Spirit Radio at its June Meeting and that the additional timeline is required to complete the application process and to allow for the potential next steps that may include ratification by the Authority and any subsequent negotiation / conclusion of a sound broadcasting contract.

Following discussion, the Authority was satisfied to extend the term of the contract to 30<sup>th</sup> November 2021.

## **5.4 Ratification of Contract Awards recommendations – Section 68 applications**

*In their capacity as members of the Contract Awards Committee, Authority members Rosemary Day and Sean Ó Mórdha 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:

- dlr Drive-in Movies (PBM Productions Ltd t/a Diffusion Events),
- The Drive Inn (The Disc Jockey Company Events Limited),
- Greystones Drive in Movies (St. Patrick's National School), and
- Eden FM (Heartbeat FM Radio Services Limited).

## **6 Enhancing Innovation and Sectoral Sustainability**

### **6.1 Community Media Policy**

At its February 2021 meeting, the Authority considered and approved a draft BAI Community Media Policy for public consultation. The public consultation was launched on the 18<sup>th</sup> March with a closing date of 15<sup>th</sup> April.

At its May 2021 meeting, members were presented with an Executive Note on the outcomes of the public consultation process and a BAI-led online workshop for interested parties held during the consultation period.

Members noted that the key sectoral representative groups and a number of community broadcasters participated in the BAI workshop, at which the draft Policy was generally well received and endorsed. Members noted one proposed amendment collectively proposed by the community radio and television representatives which concerned community media operational models.

Members also noted two responses from community media stakeholders to the consultation process, neither of which set out proposed changes to the draft Policy. A submission was also received from Conradh na Gaeilge which made a number of recommendations in respect of the development of Irish language broadcasting and programming across the radio sector.

While no specific changes to the draft policy were proposed by Conradh na Gaeilge, the Executive suggested the inclusion of an additional two sentences in the content section to highlight the importance of community operators providing a diversity of programming and the value of partnerships to deliver such programming.

Following discussion, the Authority was satisfied to approve the proposed amendments to the draft Policy as set out in the Executive note. The Authority noted that the new Policy would be launched on 18<sup>th</sup> June next to coincide with National Community Radio Day.

## **7 Achieving Excellence & Accountability**

### **7.1 Procurement: Award of Contract for the provision of Public Relations, Public Affairs and Media Relations services consultancy**

Members were presented with an Executive Note which sought Authority approval for the appointment of DHR Communications to provide public affairs, public relations and media affairs services to the BAI.

Members noted that three proposals were received in response to the request for tenders. An assessment team, comprising Michael O'Keeffe, Celene Craig, Andrew Robinson and Authority member Vivien McKechnie, was convened to assess the submissions according to the award criteria as set out in the Request for Tender document.

The Authority noted that DHR Communications fulfilled all criteria and was the highest scoring submission. Accordingly, it was satisfied to ratify the award of the contract to DHR Communications.

### **7.2 BAI Sustainability Vision and Action Plan**

Members were presented with an Executive Note which provided an update on the activities carried out by the Executive in relation to the BAI's Sustainability Vision and Action Plan and set out an overview of planned activities for 2021.

Members noted that the Broadcasting Sustainability Network and Sectoral Sustainability Roadmap was launched by the BAI last November and a training session for the broadcasting sector on implementing the Roadmap subsequently took place in February 2021. At the session, the Network Steering Group also approved the 2021 action plan for the Network which provided for a number of activities including the running of events and training initiatives for Network Members.

Members also noted the Executive was preparing a draft Internal Action Plan which would be presented to the Authority for approval at its July 2021 meeting.

The Authority expressed satisfaction with the overall approach and implementation of the plan to date.

### 7.3 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.

## 8 For Information

### 8.1 BAI supplemental submission to Future of Media Commission

Members were provided with a copy of the supplemental BAI submission to the Future of Media Commission. Members noted that the submission focused primarily on the funding of Public Service Media and the associated multi-annual funding reviews, recommendations and settlements, and the core principles of such a model. It also set out proposed revisions to statutory mechanisms which would be required in order to deliver a reformed framework for reviewing PSM performance and funding.

### 8.2 Executive Approvals

In accordance with the approved decision-making framework, the Authority was notified of ten contractual variations that had been approved at Executive level since November 2020.

## 9 Any Other Business

### 9.1 Contract matters *(Executive attendees were Michael O’Keeffe, Andrew Robinson and Clare Diamond)*

[REDACTED]

[REDACTED]

[REDACTED]

## **9.2 Departure of BAI Chief Executive**

Authority member Alan McDonnell noted that this was the last Authority meeting of Chief Executive Michael O’Keeffe who will retire at the end of the month. On behalf of the Board, Mr. McDonnell wished to mark this significant occasion by placing on record its deep gratitude to Mr. O’Keeffe for his guidance and support of the Board over the years.

Mr. McDonnell noted that Mr. O’Keeffe has been involved in broadcast regulation for over 30 years and leaves a significant legacy within the broadcasting sector, both in Ireland and internationally. He noted that Mr. O’Keeffe is held in very high regard and that he has facilitated the development of a culture of integrity within the BAI. He concluded by wishing Mr. O’Keeffe a very happy retirement.

In response, Mr. O’Keeffe acknowledged the warm comments of the Authority and wished to record his thanks for the guidance and support provided by the Board to him over the years. He noted that his experiences in broadcast regulation had been very enjoyable and rewarding, and one which was always presenting new and unique challenges. He also wished to note the assistance of the Executive in supporting him in his role as Chief Executive, and particularly to Deputy Chief Executive, Celene Craig.

He wished both the Authority and Celene Craig the very best over the coming period.

## **9.3 Next meeting**

The next meeting of the Authority will be held at 10.30am on Thursday 24<sup>th</sup> June by conference call.

---

**Grace Smith**  
**Chairperson of Meeting**  
**24<sup>th</sup> June 2021**