



Minutes of Meeting of the Authority of Broadcasting Authority of Ireland

Date 6/10/2016 **Time:** 10.20pm **Venue:** BAI Offices

Minutes

Attendance

Authority: Pauric Travers (Chairperson), Alan McDonnell, Grace Smith, Séamus Martin, Seán Ó Mórdha, Rosemary Day (items 1-3), Maeve McDonagh (items 1-3).

Apologies: Denis Wolinski

Executive: Michael O'Keeffe, Celene Craig, Aoife Clabby (Secretary), Ciarán Kissane, Diarmaid Breathnach (item 2.2), Andrew Robinson (item 2.4), Clare O'Sullivan (items 2.4-3.2), Elizabeth Farrelly (item 3.2), Stephanie Comey (item 2-3.2)

Stakeholder Meetings

Prior to the commencement of the meeting, the Authority held two stakeholder meetings with representatives from the Independent Broadcasters of Ireland (IBI) and the Community Television Association (CTA). Both representative groups made presentations to the members, outlining their respective roles, and highlighting current and future challenges and opportunities for their members. Each presentation was followed by an open discussion with the Authority. It was agreed that there were a number of issues arising that would merit further consideration, in conjunction with both representative groups. It was also agreed that these matters would be re-visited, in the context of the new BAI Strategy Statement and associated three-year work-plan for 2017-2019.

1. Minutes of Previous Meeting and Matters Arising

The minutes of the previous meeting of the Authority, held on 8th September, 2016, were approved by the members and signed by the Chairperson. Matters arising were as follows:

a. Board and Committee Vacancies

The Authority was advised that the executive had engaged with the Department of Communications, Climate Action and Environment on the vacancies arising on the Authority, Contract Awards Committee and the Compliance Committee and that they would shortly be advertised by the Public Appointments Service on the stateboards.ie web-site. It was anticipated that the process of selection and nomination would be completed by year end.

b. Annual Review of Public Funding: RTÉ & TG4

Members were advised that the Authority's report and recommendations, arising from the 2015 annual review of public funding for RTÉ and TG4 had been submitted to the Minister for Communications, Climate Action and Environment.

c. Contractual Matters: Wireless Media Group Plc

The Authority noted that the Minister for Communications, Climate Action and Environment had approved the sale of Wireless Media Plc to News Corp UK and Ireland Limited, further to his



functions under the Competition and Consumer Protection Act 2014. Accordingly, the matter would not require further consideration by the Authority, pursuant to that Act.

2. Codes, Rules & Policy

2.1 BAI Draft Strategy Statement 2017-2019

The Authority considered a revised set of strategic themes and objectives, which had been further developed following workshops with the Authority and members of staff respectively. Members had regard to the changes proposed, in addition to proposed outcomes for 2019, aligned to the achievement of objectives. A number of amendments were proposed and made to the wording and ordering of the objectives, as drafted.

Members discussed in detail a proposal circulated by a member for an additional objective, addressing the theme of sustainable development. Following discussion, it was agreed that the proposed objective in respect of governance would be re-drafted to incorporate the proposal made. Members also considered whether the revision to this objective impacted on the objective relating to enhancing innovation and sustainability. It was agreed that this objective would be revised to make it more sectoral specific.

Following agreement on the proposed revisions, members were provided with a brief overview of the public consultation process associated with the draft Strategy Statement. It was noted that the outcomes from the process would be presented to the Authority at its December meeting for consideration and decision.

2.2 Review of BAI Strategy Statement 2014-2016

The Authority considered a review of the BAI Strategy Statement 2014-2016, conducted by Ipsos MRBI among key stakeholders of the BAI, with the primary objective of obtaining stakeholder views on the efficiency and effectiveness of the existing strategy across all themes, goals and objectives. The Authority had regard to the key findings of the report and noted the endorsement of the BAI's work to date, in addition to a number of perceived challenges for the BAI in further developing its regulatory role in a rapidly evolving media landscape.

Following discussion, the Authority was satisfied to endorse the findings contained in the Ipsos MRBI report. The Authority was further satisfied that the report and a short, supplementary document should be included in the consultation document for the draft Strategy Statement 2017-2019, in fulfilment of the requirement to review the efficiency and effectiveness of the BAI Strategy Statement 2014-2016, further to section 29(2)(d) of the Broadcasting Act.

2.3 Public Service Broadcasting: Approach to 5 Year Review of Funding

Members considered an executive note setting out the proposed scope and approach to the five-year review of public funding for public service broadcasters. It was noted that the proposed approach to the review reflected the BAI's statutory role in, and experience of, the regulatory oversight of public funding for public service broadcasters. It was also set within the context of the



current and future environment within which the public service broadcasters seek to deliver on their respective public service objects.

In considering the proposed approach, Members had regard to the purpose of the review and expected outcomes, in addition to the recommendations and government decisions arising from the previous review, completed in 2013. It was noted that the central theme of the review would be the role of PSBs in serving Irish audiences in the evolving digital environment.

Following discussion, the Authority was satisfied to approve the proposed general theme and scope of the five-year review of public funding for public service broadcasters, as submitted. The Authority was further satisfied to appoint Mr. Alan McDonnell to participate on a sub-committee to review any tenders received to undertake the funding review, on behalf of the BAI, following a public procurement process.

2.4 BAI Audience Research: Public Service Broadcasting (PSB) Tracker Survey

[REDACTED]

[REDACTED]

[REDACTED]

2.5 BAI Guidance on PSB Code of Fair Trading Practice

The Authority agreed to defer the presentation on the BAI Guidance on the PSB Code of Fair Trading Practice to the November meeting of the Authority.



3. Broadcasting and Contractual Matters

3.1 Contract Awards Committee Recommendation

Members Grace Smith, Seamus Martin and Celene Craig of the BAI Executive declared an interest in this agenda item by virtue of their membership of the Contract Awards Committee and recused themselves from the discussion and decision in relation to the matters under this item.

3.1.1 Irish Language Community Sound Broadcasting Service for Dublin City

The Authority was presented with the recommendations of the Contract Awards Committee in respect of the award, in principle, of a contract to Comharchumann Raidió Átha Cliath Teo, for a community sound broadcasting service for Dublin City, targeting the Irish Language Community.

In accordance with section 64 of the Broadcasting Act 2009, the Authority was satisfied to ratify the recommendation of the Contract Awards Committee, and to award the contract, in principle, to Comharchumann Raidió Átha Cliath Teo. The award, in principle, was subject to a number of conditions, specified by the Committee and the successful conclusion of contract negotiations.

3.2 Contractual Variation

3.2.1 UTV Ireland Limited

At the outset of the item, members were circulated with supplementary information that had been submitted by solicitors acting for Virgin Media Limited.

In September, the Authority approved, in principle, a proposed transaction for the acquisition of UTV Ireland Limited (UTVI) by Virgin Media Limited, subject to the submission of additional information and requested clarifications in respect of the criteria relating to character, expertise and experience, and programming, as set out in the BAI Ownership and Control Policy 2012.

In considering the additional material submitted, the Authority also had regard to an accompanying executive summary and analysis of the submission.

Following discussion, the Authority was satisfied that the submission received had adequately addressed the clarifications sought in respect of character, expertise and experience and in respect of programming. Accordingly, the Authority was satisfied to approve, in full, the acquisition of UTV Ireland Limited by Virgin Media Limited.

The Authority noted that the proposed acquisition would be considered by the Minister for Communications, Climate Action and Environment, further to his powers under the Competition and Consumer Protection Act 2014.



4. Broadcasting Funding Scheme

4.1 Sound & Vision: Round Plan 2017-2018

The Authority considered and approved the operational plan for Sound & Vision 3 for the period 2017-2018. It was noted that four open rounds would be held over a 22-month period, with an indicative allocation of €5.5m in each round.

The Authority also considered and approved proposed changes in relation to operational elements of the scheme across the areas of the broadcaster letter, external assessors, diversity, workshops for community radio and access requirements.

5. Organisational Matters

5.1 Proposed Authority Meeting Dates 2017

The Authority considered and approved meeting dates for 2017. It was noted that a policy meeting day had been included, arising from the review of Board performance, undertaken in 2016.

6. For Information

6.1 Minutes of Compliance Committee Meeting

Members were circulated with minutes of the Compliance Committee meeting, which took place on 20th July, 2016.

6.2 Minutes of Contract Awards Committee Meeting

Members were circulated with minutes of the Contract Awards Committee meeting, which took place on 21st July, 2016.

7. Date of Next Meeting

The next meeting of the Authority will be held on Thursday, 10th November at 10.30 a.m. in the BAI offices. The meeting will be preceded by a stakeholder presentation and discussion with representatives of the Community Radio Association of Ireland (CRAOL).

**Professor Paucic Travers,
Chairperson.**

11th November, 2016