



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

Date 06/04/2017 Time: 11.00am Venue: BAI Offices

## Minutes

### Attendance

**Authority:** Pauric Travers (Chairperson), Maeve McDonagh, Alan McDonnell, Grace Smith, Seán Ó Mórdha, Denis Wolinski, Rosemary Day.

**Apologies:** Séamus Martin

**Executive:** Michael O'Keeffe, Celene Craig, Clare O'Sullivan (Secretary), Stephanie Comey (item 2.2), Ciarán Kissane, Louise McLoughlin (item 2).

### 1. Minutes of Previous Meetings and Matters Arising

The minutes of the previous meeting of the Authority, held on the 28<sup>th</sup> February, 2017, were approved by the Members and signed by the Chairperson. Matters arising were as follows:

#### a. Authority Policy Day

In adopting the Agenda, the Chairperson noted that, at the last Authority policy meeting, held on 23<sup>rd</sup> March, Members had requested the opportunity to add items to the agenda. The Chairperson advised Members that they should advise him or the Secretary of any such items, in advance of the agenda being circulated. The Chairperson noted that it was agreed at that meeting that future agendas should have a clear alignment with the BAI Strategy Statement.

#### b. Invitation to the Minister for Communications, Climate Action and Environment

Members requested that a letter of invitation would issue to the Minister for Communications, Climate Action and Environment to attend the Authority meeting on 22<sup>nd</sup> June 2017.

#### c. Authority Meeting 11<sup>th</sup> May

The Chief Executive advised that the meeting on 11<sup>th</sup> May would take place in the Moran's Red Cow Hotel and would be followed by a meeting with representatives of TV3 Group at its premises in Ballymount, Dublin 22.

#### d. BAI and Broadcast Fund Draft Financial Statements 2016

The Chief Executive advised that the BAI and Broadcast Fund Financial Statements 2016 would be presented to the June meeting of the Authority, following their consideration by the Finance, Audit and Risk Committee.

#### e. iRadio

The Authority was advised that a further note in respect of the iRadio services would be presented to the Authority for consideration and decision at its meeting on 11<sup>th</sup> May.



## 2. Codes, Rules and Policy

### 2.1 Broadcasting Services Strategy

The Authority was presented with an Executive note, setting out proposals for the structure and scope of a revised Broadcasting Services Strategy (BSS). The note also provided an overview of current licensing activities and a proposed approach to the execution of the project.

Members discussed in detail the scope and focus of the proposed supporting research and the rationale to adopt a phased approach to undertaking it. Members also considered the experience of adopting different digital technologies in other European jurisdictions and the context within which these changes had happened. The Authority also discussed the development of the Broadcasting Services Strategy in the context of the BAI Strategy Statement 2017-2019. It was noted that the audience element of the research should incorporate matters relating to programme quality.

Following lengthy discussion and consideration, the Authority was satisfied that, in light of the external expectation that the BAI would address the potential for new services when revising its BSS, a call for 'expressions of interest' for the provision of services should be undertaken. The Authority then approved the draft structure of the BSS. It was agreed that the structure and content of the BSS would be broadly aligned to the BAI Strategy Statement 2017-2019. Regarding the proposals in respect of the supporting research, it was agreed that that a request for tender would issue in May and that the research would be conducted in two phases, as proposed. The Authority was advised that the first stage of the research would be presented to the Authority for its consideration in November.

### 2.2 Skills Strategy for the Audio-visual Sector

The Authority was reminded that at the January meeting, additional information had been requested on the methodology and consultation process undertaken by Crowe Horwath in devising its draft Report on a Skills Strategy for the Audio-visual Sector. A more detailed overview of the methodology, together with a list of the consultation participants, was provided to the members.

The Authority had also requested that the BAI Executive would revert with an analysis of the priorities and associated recommendations, set out by Crowe Horwath in the accompanying document to its draft report, entitled '*Building Foundations to Drive Growth: Strategic Framework for the Development of Skills and Talent within the Audio-Visual Industry in Ireland 2017-2021.*' Based on the analysis conducted, the Executive had also been requested to devise a set of proposals to assist the Authority in furthering its work in this regard.

Members had regard to the Executive comment in respect of each priority and was satisfied to agree the following:

- The Authority endorsed the publication of the final report, as submitted by Crowe Horwath, and its launch, in conjunction with Bord Scannán na hÉireann/Irish Film Board (IFB). It



was further agreed that the Authority would work with the IFB to invite the Department of Communications, Climate Action and Environment, the Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs, and the Department of Jobs, Enterprise and Innovation, to collaborate on a national strategy for the Development of Skills;

- The Authority was satisfied to support the concept of a National Agency for the Delivery of Skills for the audio-visual sector and further, to endorse Screen Training Ireland (STI) as the body most appropriate for this role. The Authority also concurred that further consideration of the IFB proposal for the establishment of an Advisory Board for STI was merited;
- The Authority agreed with the proposal to explore opportunities to partner with STI and IFB, on gathering and disseminating data pertaining to the sector;
- The Authority approved a proposal to establish an industry forum event, in partnership with IFB, to improve linkages between third level institutions and the audio-visual industry;
- The Authority was satisfied that the issue of funding requirements for the sector should lie, in the main, with the agency in charge of training delivery.

### **3. Broadcasting Funding Scheme**

#### **3.1 Sound & Vision: Ancillary Measures**

The Authority considered a proposal for a new Irish Language Initiative under the Ancillary Measures of the Sound & Vision Scheme, led by TG4 and involving Bord Scannán na hÉireann/Irish Film Board and the BAI. It was noted that the proposal related to the support and development of feature films in the Irish language and was considered relevant in the context of several of the BAI's strategic objectives, including the Irish language, gender, sustainability and strategic partnerships with other stakeholders in the audio-visual sector.

Members sought clarification on a range of issues including budget, performance indicators for the initiative and its practical implementation.

Following discussion, the Authority was satisfied to approve funding totalling €100k, over a four-year period, in support of the initiative.

### **4. Broadcasting and Contractual Matters**

#### **4.1 Licensing Plan 2017**

Members were presented with a draft Licensing Plan for the remainder of 2017, seeking approval for the inclusion of four community sound broadcasting services and one community of interest sound broadcasting service on the plan. As part of its deliberations, the Authority had regard to the rationale for the inclusion of the services proposed, including the main elements requiring consideration: BAI policies and practices; the social benefit to, and access for, the relevant communities and community of interest; and, technological issues.

Following discussion, the Authority was satisfied to include the five services, as proposed.



## **4.2 Community Sound Broadcasting Contract-Request for Extension**

The Authority considered and approved a request for a contractual extension for Comharchumann Cumarsáide Pobal Bhaile Átha Cliath Thoir-Thuaidh Teoranta (t/a Near FM) to the 31<sup>st</sup> December 2017. It was noted that the extension was required to facilitate the continuance of the radio service for the target community, pending the conclusion of contract negotiations for a new contract period for the service.

## **4.3 Extension to Suspension of Contract: East Limerick Community Radio**

The Authority considered and approved an extension of six months to the period of contract suspension for Boherroe Broadcasting Company Limited (t/a East Limerick Community Radio). It was noted that the service was not currently broadcasting and that the Compliance Committee had decided to instigate an investigation into the affairs of the Contractor, further to section 50 of the Broadcasting Act 2009.

## **4.4 Recommendations of the Contract Awards Committee**

*In their capacity as members of the Contract Awards Committee, Authority member, Grace Smith and staff member, Celene Craig, recused themselves from discussion and decision under this item.*

### **4.4.1 Community Radio Kilkenny City and Limerick's Live 95FM**

In accordance with section 64 of the Broadcasting Act 2009 ('the Act'), the Authority ratified the recommendation of the Contract Awards Committee, to award, in principle, a community sound broadcasting contract to Kilkenny Community Communications Cooperative Society Limited, for the provision of a sound broadcasting service for Kilkenny City and its Environs. The award of contract was subject to the successful conclusion of contract negotiations, including a requirement that the Applicant satisfies the conditions specified by the Contract Awards Committee.

In accordance with section 67(8)(c) of the Act, the Authority ratified the recommendation of the Contract Awards Committee, to award a further ten-year broadcasting contract term to Treaty Radio Limited (t/a Limerick's Live 95FM), for the provision of a local, broad-format service for Limerick City and County.

### **4.4.2 Institutional Sound Broadcasting Contract**

In accordance with section 68(2) of the Act, the Authority was satisfied to enter into a new five-year, institutional sound broadcasting contract with SOS Kilkenny Company Limited by Guarantee (t/a Dreamtime Radio).

### **4.4.3 Temporary Sound Broadcasting Services**

In accordance with section 68(1) of the Act, the Authority was satisfied to enter into temporary sound broadcasting contracts for two pilot community broadcasting services,



serving the respective communities of Limerick City and Finn Valley, and for one temporary radio service for Ballyfermot College of Further Education.

## **5. Organisational Matters**

### **5.1 Investment Management: Addition of Authorised Representative to Rabo Direct Account.**

The Authority approved staff member Neil O'Brien as the BAI's second authorised user/representative on the BAI account held with RaboDirect. The Authority was further satisfied to approve a Board resolution to that effect.

### **5.2 Procurement: Award of Contract for Public Relations, Public Affairs and Media Relations**

Members were presented with the outcomes of a recent tender process for the award of a contract for public relations, public affairs and media relations to the BAI, for ratification. The Authority was advised that, based on an assessment and scoring process, it was proposed to award the contract to DHR Communications, as the highest scoring applicant, for a period of three years.

Clarifications were sought in relation to the assessment process and the scope of the proposals presented by DHR in its submission. Members were advised that proposals in respect of the approach to communications, aligned with the new strategy statement, would be brought to a later meeting of the Authority for consideration and approval.

## **6. For Information**

### **6.1 Contract Termination of Irish TV**

Members were circulated with a note, for information, regarding the termination agreement, signed between Teilifís Mhaigh Eo Teoranta (t/a Irish TV) and the BAI, effective 1<sup>st</sup> April 2017.

### **6.2 Minutes of Compliance Committee Meeting**

Members were circulated with minutes of the Compliance Committee meeting, which took place on the 18<sup>th</sup> January, 2017.

### **6.3 Minutes of Contract Awards Committee Meeting**

Members were circulated with minutes of the Contract Awards Committee meeting, which took place on the 19<sup>th</sup> January, 2017.



## **7. Any Other Business**

### **7.1 Authority Meeting 22<sup>nd</sup> June**

Members were advised that the June meeting of the Authority would commence at the earlier time of 10a.m., to facilitate attendance by the Chairperson, the Chief Executive and any interested members of the Authority at the launch of the Reuters Digital News Report at 2p.m. that afternoon.

### **7.2 Communicorp Group Limited: Proposals for Changes to Management Structures**

The Chief Executive advised that Communicorp Group Limited had notified the BAI of a restructuring proposal in respect of a number of its services and that a submission was awaited. It was noted that any proposal received, together with an Executive analysis, would be brought for consideration and decision to the May meeting.

### **7.3 Media Merger Examination – INM & CMNL**

Members were advised that a submission from Independent News and Media Holdings (Ireland) Limited, in response to the draft BAI Report on the proposed merger of INM & CMNL, was expected on the week commencing the 10<sup>th</sup> April. It was agreed that any submission received would be considered by the Authority at its meeting on 27<sup>th</sup> April.

### **7.3 Irish Film and Television Awards**

The Chief Executive advised that the awards were scheduled to take place on Saturday, 8<sup>th</sup> April.

## **8. Date of Next Meeting**

The next meeting of the Authority will be held on the 27<sup>th</sup> April at 11am in the BAI offices.

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**Professor Pauric Travers,  
Chairperson.  
11<sup>th</sup> May, 2017.**