



Minutes of Meeting of the Authority of Broadcasting Authority of Ireland

Date 27/07/2017 Time: 11.00am Venue: BAI Offices

Minutes

Attendance

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

Executive: Michael O'Keeffe, Celene Craig, Aoife Clabby (Secretary), Andrew Robinson (item 2.1), Clare O'Sullivan (items 2.1 & 2.3), Anne O'Brien (item 3.1), Sarah Traynor (item 4.1), Anne Louise O'Donnell (item 4.2-4.4), Sally Kennedy (item 4.3).

1. Minutes of Previous Meeting and Matters Arising

The minutes of the previous meeting of the Authority, held on 22nd June 2017, were approved by the Members and signed by the Chairperson. Matters arising were as follows:

a. Short News Reporting Code

The Chief Executive advised that the clarification required by the Department regarding the applicability of section 45 of the Broadcasting Act 2009 to the development of the Code had been provided by the BAI and that the Code had been published on the 28th June.

b. iRadio Services

Members were advised that the Voluntary Disclosure Notice signalling the Authority's intention to extend the contracts held by Wilton Radio Group for the iRadio services had been published on 6th July with a closing date of 27th July. To date, no submissions had been received.

c. Brexit Position Paper

Arising from the Authority's decision to have a separate, facilitated session on Brexit, the Chief Executive sought further clarification in respect of the session's scope and the manner of its facilitation. Following discussion, it was agreed that the discussion paper, which had been circulated at the June meeting would be considered again by the Authority at its September meeting. In that regard, it was agreed that it would be helpful for the Executive to provide a distillation of the key policy and operational areas requiring initial discussion and consideration. It was further agreed that an additional meeting, focusing on Brexit, could be scheduled in the Autumn, should it be required.

d. BAI Annual Report and Financial Statements

The Authority noted that the audit certificates for the BAI and Broadcast Fund Financial Statements 2016 had been received from the Comptroller and Auditor General (C&AG) and further, that the Annual Report and Financial Statements had been submitted to the Department on the 10th July, in accordance with statutory requirements. The Chief Executive advised that a management letter from the C&AG was awaited and that a representative from the C&AG's office would attend the October meeting of the Finance, Audit and Risk Committee.



e. **Board Policy Day 2017**

A short report was circulated at the meeting, detailing the outcomes of the Board Policy Day, which had taken place in March. It was noted that there were a number of outcomes detailed in the report, which would be further developed by the Executive.

f. **Contractual Variation: Wireless Group**

The Board was advised that further clarification was being sought from the Wireless Group in relation to proposed changes to the services operated under contracts with the BAI. It was noted that, dependent on the nature of the clarifications received, the matter may require the further consideration and approval of the Authority.

g. **Forum on Public Service Broadcasting**

The Chief Executive provided an update in relation to the Forum on Public Service Broadcasting, which had been convened by the Joint Oireachtas Committee on Communications, Climate Action and Environment and had taken place on 7th July. He also advised that members of the Executive and the Chairperson had presented at a sitting of the Committee prior to the forum event.

2. **Codes, Rules and Policy**

2.1 BAI Guidance on a PSB Code of Fair Trading Practice

The Authority was presented with a note detailing stakeholder feedback received in relation to the BAI Guidance on a PSB Code of Fair Trading Practice. The Authority noted that there had been one proposal for amendment in respect of platform rights. The Authority considered that the revised wording, as proposed by a stakeholder, might have the potential to limit a PSB in the execution of its statutory responsibility. Accordingly, the Authority did not accept the proposed change and approved the BAI Guidance on a PSB Code of Fair Trading Practice, as submitted.

3. **Broadcast Fund**

3.1 Draft Archiving Scheme

The Authority considered proposals for a draft new Archiving Scheme, further to the relevant provisions of the Broadcasting Act 2009. In considering the proposed new Scheme, the Authority noted the high value attached to the Scheme among stakeholders and the strong support for its continuation. The Authority also noted that the proposed changes to the Scheme were primarily designed to further streamline the application process and to enhance the provision of supporting guidance information. In this regard, it was agreed that a modification of the strategic assessment criteria, as proposed, would be of assistance. It was also agreed that the Scheme should include reference to the BAI's Archiving Policy and associated guidelines, [REDACTED]

[REDACTED]



Following discussion, the Authority was satisfied to approve the proposals, as submitted. It was noted that the approved draft Scheme would be circulated to stakeholders for their review and input and would subsequently be submitted to the Minister for Communications, Climate Action and Environment for consideration and approval.

4. Broadcasting and Contractual Matters

4.1 Code of Practice for the Governance of State Bodies: Matters for Decision of the Board

The Authority was presented with a revised "Schedule of Matters Reserved for Decision of the Authority and Statutory Committees", for consideration and approval. It was noted that the Schedule had been updated having regard to the 2016 Code of Practice for the Governance of State Bodies, the statutory provisions and with a view to addressing any gaps arising in the existing Schedule.

It was agreed that the proposed principles should include a more explicit reference to both the BAI's statutory remit and its strategy statement. Clarification was also sought in relation to the role of the Board regarding the appointment of the secretary and it was agreed that the Executive would revert on this matter.

Following discussion, the Authority was satisfied to approve the proposed "Schedule of Matters Reserved for Decision of the Authority and Statutory Committees", subject to a small number of amendments. It was noted that the approval of the Contract Awards and Compliance Committees would be required for those elements of the Schedule reflecting the respective Committees' independent statutory functions.

4.2 BAI and Broadcast Fund Budget Reforecast 2017 and 3-Year Estimates 2018-2020

The Authority was presented with the draft three-year statutory estimates, 2018-2020, for consideration and approval. The draft estimates had been considered by the Finance, Audit and Risk (FAR) Committee at its meeting on 17th July and had been recommended by the FAR Committee to the Authority for ratification and onward submission to the Minister for Communications, Climate Action and Environment, in accordance with the statutory requirements.

In considering the three-year estimates, the Authority had regard to the BAI and Broadcast Fund reforecast analysis for 2017, together with estimates of income and expenditure for 2018-2020. Members also had regard to comparisons with three-year estimates for the 2017-2019 period and noted the rationale for the proposed changes to estimates across a range of budget headings.

Following discussion, the Authority was satisfied to approve the three-year estimates, as proposed, for onward submission to the Minister.



4.3 Revised Finance Audit and Risk Committee Terms of Reference

The Authority was presented with the revised "Terms of Reference for the Finance Audit and Risk Committee" for consideration and approval. It was noted that the revisions to the Terms of Reference had been informed by the introduction of the 2016 Code of Practice for the Governance of State Bodies and the identification, by the FAR Committee, of the requirement for a number of minor changes.

Following discussion, the Authority was satisfied to approve the amendments to the Terms of Reference, as proposed.

On a related matter, the Authority was advised that a process to replace the external member of the FAR Committee was underway and that an update would be provided at the September meeting of the Authority.

4.4 BAI Investment Policy (Revised)

The Authority was presented with a revised BAI Investment Policy, which had been recommended for formal ratification by the FAR Committee. The Authority was advised that the Committee was satisfied that the revised policy sets out a robust approach to managing the investment of funds held by the BAI.

The Authority was satisfied to formally ratify the policy, as presented.

5. Broadcasting & Contractual Matters

In their capacity as members of the Contract Awards Committee, Authority members Grace Smith and Seamus Martin and Deputy CEO, Celene Craig, declared an interest in the items under this heading and recused themselves from discussion and decision on the matters.

5.1 Recommendations of the Contract Awards Committee: Temporary Sound Broadcasting Services

In accordance with the provisions of section 68(1) of the Broadcasting Act 2009, the Authority considered and approved the recommendations of the Contract Awards Committee to enter into contract negotiations with one temporary pilot community service; Tramore Radio, and with three temporary services, Cork ETB on behalf of Coláiste Siofáin Naofa (broadcasting as Juice FM); St. Patrick's Mental Health Services (broadcasting as Walk in My Shoes); and, Blackrock College (broadcasting as Blackrock College Radio).

5.2 Eurasian Broadcasting Enterprise Limited Content Provision Contracts (Section 71)

In accordance with the provisions of section 71(4) of the Broadcasting Act 2009, the Authority considered and approved a recommendation of the Contract Awards Committee to enter into two ten-year content provision contracts with Eurasian Broadcasting Enterprise Limited, for the provision of the services "Setanta Sports Eurasia" and "Setanta Sports Eurasia +".



6. For Information

6.1 RTÉ Report: Media Landscape in Ireland

The Authority was circulated with copies of a research report, produced by RTÉ, relating to the media landscape in Ireland. Members discussed the research, in particular noting the nature and pace of change captured in the report and the implications for broadcasters and for the regulatory regime at both a national and a European level.

6.2 Minutes of Compliance Committee Meeting

Members were circulated with minutes of the Compliance Committee meeting, which took place on 31st May 2017.

6.3 Minutes of the Finance, Audit and Risk Committee

Members were circulated with minutes of the Finance, Audit and Risk Committee meeting, which took place on the 19th June 2017.

7. Any Other Business

6.1 Gender Pay Gap

Authority members discussed the issue of gender pay gaps, which had been the subject of media coverage in recent weeks. It was noted that the promotion of diversity and plurality was a strategic objective for the organisation over the lifetime of its current strategy. The Chief Executive advised that, in this regard, a key deliverable for the BAI is to take action to support increased representation of the diversity of Irish society in the broadcast media, with particular focus on gender equality and the Irish language. He further advised that a series of proposals in this regard would be brought to Authority for consideration and decision in the coming months.

6.2 Items for the Authority meeting agenda

The Chairperson of the Authority invited members to liaise with him, if they had any agenda items they would like to see tabled at subsequent Authority meetings.

8. Date of Next Meeting

The next meeting of the Authority will be held on the **14th September at 11am** in the **Moran Red Cow Hotel, Naas Road, Dublin 22.**

**Professor Pauric Travers,
Chairperson.**

14th September 2017.