



Minutes of Meeting of the Authority of Broadcasting Authority of Ireland

Date 17/05/2018 Time: 11.00am Venue: BAI Offices

Minutes

Attendance

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

Executive: Michael O'Keeffe, Celene Craig, Andrew Robinson (Secretary), Anne Louise O'Donovan (items 2.1, 3.2), Elizabeth Farrelly (items 2.2, 2.3, 2.4), Sally Kennedy (items 3.1, 3.2, 3.3).

1. Minutes of Previous Meeting and Matters Arising

1.1 Minutes of Authority Meeting

The minutes of the previous meeting of the Authority were approved by the Members and signed by the Chairperson. Matters arising were as follows:

a) Appointment of new Authority Member

At the outset of the meeting, the Chairperson welcomed new Board member Vivien McKechnie and wished her well over her term of office.

b) Broadcasting Services Strategy

The Chief Executive advised members that the public consultation on the draft Broadcasting Services Strategy was launched on Tuesday 24th April with a closing date of 18th June. He advised that the outcomes of the consultation process will be brought to the Authority at its July meeting with a revised draft Strategy expected to be submitted for Authority approval in September.

c) Public Service Broadcasting: Five-Year Review of Funding 2018-2022

The Chief Executive advised members that the Authority's report and recommendations, arising from the Five-Year Review of Funding 2018-2022 would be submitted to the Minister for Communications, Climate Action and Environment in the coming days.

d) Public Service Broadcasting: Annual Review (2016) of Public Funding for RTE and TG4

The Chief Executive advised members that correspondence had been received from the Minister for Communications, Climate Action and the Environment in respect of the BAI's Annual Review (2016) of Public Funding for RTÉ and TG4. He noted that the letter was being circulated to members, for information, at the meeting.

1.2 Minutes of Private Meeting

The minutes of the private meeting of the Authority, held on 26th April 2018, were approved by the members and signed by the Chairperson. Matters arising were as follows:



a) **Matters for progression**

The Chairperson advised members that, arising from of the outcomes of the private meeting, a number of matters will require further consideration and development. He noted that these issues, including matters relating to declarations and conflicts of interest, would be raised and progressed with the Chief Executive with an update provided to the Authority in due course.

2. Promoting Plurality & Diversity

2.1 East Limerick – Recommendation of Compliance Committee to the Authority

In their capacity as members of the Compliance Committee, Authority members Maeve McDonagh and Rosemary Day declared an interest in this item and recused themselves from discussion and decision on the matter. As Investigator, Executive staff member Celene Craig also declared an interest in this item and recused herself from the discussion.

Members were presented with a background note on the outcome of a Compliance Committee (“the Committee”) investigation into the affairs of Boherroe Broadcasting Company Limited, trading as East Limerick Community Radio (“the Contractor”), further to Section 50 of the Broadcasting Act 2009 (“the 2009 Act”), and a recommendation from the Committee that the Authority terminates the community sound broadcasting contract of the Contractor, pursuant to Section 51 (1)(ii) of the 2009 Act.

Members noted the background to the investigation, and subsequent hearings of the Committee, and the role of the Authority pursuant to the Rules of Procedure of the Authority under Chapter 1, Part 5 of the 2009 Act (“the Rules of the Authority”) as follows:

- a) Provide notice of the Compliance Committee's recommendation to the Contractor in accordance with the provisions of Rule 2(1) of the Rules of the Authority;
- b) Have regard to the provisions of section 51(5) of the 2009 Act;
- c) Determine whether or not an oral hearing should be held with respect to its consideration of the Compliance Committee's recommendation;
- d) Fix the date, time and venue of any oral hearing or, if it is decided that an oral hearing is not required, specify the date by which the Contractor must submit any written submissions and any other documents which it wishes the Authority to have regard to in its determination upon the Committee's recommendation;
- e) Exercise its decision-making function in relation to the Committee's recommendation; and
- f) Provide brief reasons for its decision with respect to the Committee's recommendation.

The Authority noted that the Chairperson would now formally notify the Contractor of the proposed termination of the Contractor's contract and invite it to inform the Authority within 7 days whether it requests an oral hearing before the Authority. The Contractor will also be invited to make written submissions to the Authority with respect to the Committee's recommendation within 14 days. The Authority further noted that the Contractor's response will inform the next steps in the process.



2.2 Licensing – Community Sound Broadcasting service in South Dublin – Outcome and proposed contract extension for Incumbent

In their capacity as members of the Contract Awards Committee, Authority members Grace Smith and Seán Ó Mórdha, and Executive staff member Celene Craig, declared an interest in this item and recused themselves from discussion and decision on the matter.

Members were presented with an Executive note which detailed the outcome of a Contract Awards Committee (“the Committee”) assessment of a revised licence application from Dublin South Local Broadcasting Co-operative Society Limited, trading as Dublin South FM (“the Applicant”), for a community radio service in South Dublin.

Members noted the Committee’s Evaluation Report and finding that the Applicant had failed to achieve greater than a minimum of fifty percent of the available score under the applicable criteria set out in the *Market Analysis, Financial and Business Plan* section of the Scoring Matrix and accordingly, the Committee’s decision that the Applicant did not qualify for the award of a contract in principle for the community sound broadcasting service concerned. Members also noted the Committee recommendation that the Authority consider granting Dublin South FM a 2-year contract extension in order to afford the opportunity to address the issues identified in the Evaluation Report.

In considering the recommendation, the Authority noted that the station has been broadcasting for over 20 years and decided that its continuation should be facilitated in order to maintain the provision of a community radio service for the community of South Dublin. It noted that this approach would be in keeping with all strands of the BAI’s mission and the strategic theme of promoting diversity and plurality within the BAI Strategy Statement 2017-2019.

Following discussion, the Authority was satisfied to extend the term of Dublin South Local Broadcasting Co-operative Society Limited’s community sound broadcasting contract to the 30th June 2020.

2.3 Contract Extension – Near FM

Members considered an Executive Note seeking Authority approval for a contract extension for community sound broadcasting service Comharchumann Cumarsáide Pobal Bhaile Átha Cliath Thoir-Thuaidh Teoranta t/a Near FM to 31st December 2018.

In considering the request, members noted that the current contract is due to expire on 30th June 2018 and there remained certain administrative matters which should be regularised before entering into any new contract term. Members noted that the proposed extension would allow for the conclusion of contract negotiations while also facilitating the continuance of the community radio service.

Following discussion, the Authority was satisfied to extend the term of the contract to 31st December 2018.



2.4 Licensing – Ratification of Decision of Contract Awards Committee – TV3

In their capacity as members of the Contract Awards Committee, Authority members Grace Smith and Seán Ó Mórdha, and Executive staff member Celene Craig, declared an interest in this item and recused themselves from discussion and decision on the matter.

Members were presented with a recommendation from the Contract Awards Committee that the Authority enter into a ten-year content provision contract with TV3 Television Network Limited ("TV3"), to provide a new channel to carry programming covering a mix of genres, including drama, sport, factual, entertainment, children's and movies.

In accordance with Section 71(4) of the Broadcasting Act 2009, the Authority was satisfied to ratify the recommendation of the Contract Awards Committee, as submitted.

3. Excellence and Accountability

3.1 Award of Contract for Multi-Party Consultancy Framework

Members considered an Executive Note seeking Authority approval for the establishment of a multi-supplier framework agreement for the provision of consultancy services relating to the BAI's fulfilment of its role and remit.

In considering the request, the Authority noted that the establishment of a framework would streamline the procurement process and reduce the administrative burden for both the BAI and the suppliers, and provide the BAI with access to a range of suppliers in the case of an urgent requirement for work in a short timeframe.

Following discussion, the Authority was satisfied to ratify the appointment of the thirteen suppliers to the multi-party framework agreement for consultancy services. It also noted that there may be rare instances when the BAI may be required to appoint a consultant outside of the framework and that this option will be provided for in the respective supplier contracts.

3.2 Bank Mandate

Members considered an Executive request for the Authority to pass a resolution to allow the addition of Anne Louise O'Donovan as a signatory to bank mandates held by the BAI.

The Authority was satisfied to approve this request.

3.3 Award of Contract for Internal Audit Services

Members considered an Executive Note seeking Authority approval for the appointment of Ernst & Young ("EY") for the BAI's internal audit services. Members noted that the mini-tender process was undertaken in conjunction with the Office of Government Procurement and that two submissions were received as part of the process.



Following discussion, the Authority was satisfied to ratify the award of the contract for internal audit services to EY.

4. For Information

4.1 Minutes of the Contract Awards Committee Meeting – 12th March 2018

Minutes of the Contract Awards Committee Meeting, held on 12th March 2018, were circulated to members for information.

4.2 Minutes of Compliance Committee Meeting, 7th March 2018

Minutes of the Compliance Committee, held on 7th March 2018, were circulated to members for information.

4.3 Minutes of the Finance, Audit and Risk Committee Meeting – 19th February 2018

Members noted that the minutes were not available in time for this meeting and will be circulated for information at a later date.

4.4 Report of Annual Meeting with Communicorp

Members were presented with an Executive note on its annual meeting with the Communicorp Group. The Authority also noted correspondence exchanged between Communicorp and the BAI Executive in respect of regulation of the independent radio sector and the Broadcasting Services Strategy consultation.

4.5 2016 Annual Review of Public Service Broadcasters – Letter from Minister to Chairperson

Correspondence from the Minister for Communications, Climate Action and Environment to the Chairperson, concerning the BAI's Annual Review (2016) of Public Funding for RTE and TG4, was circulated to members for information.

5. Any Other Business

Celtic Media Festival

Members were advised that Board member Denis Wolinski and the Chief Executive represented the BAI at the 2018 Celtic Media Festival, held in Llanelli, Wales. Members were pleased to hear that a significant number of Broadcasting Funding Scheme supported projects, including An Béal Bocht, Song of Granite, Pablo, Múrdair Mhám Trasna, Rocky Ros Muc and The Man from Moogaga, were award winners at the event.

6. Date of next meeting

The next meeting of the Authority will be held at **11am on Thursday 28th June** in the BAI offices.



A handwritten signature in blue ink, appearing to read 'Paucic Travers', is written over a solid black horizontal line.

**Professor Paucic Travers,
Chairperson**

28th June 2018