

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

Date 23/01/2020 **Time:** 11.00am **Venue:** BAI Offices

Attendance

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

Apologies: Maeve McDonagh, Mary Curtis

Executive: Michael O'Keeffe, Andrew Robinson (Secretary), Anne Louise O'Donovan (item 2.3), Liam Boyle (item 2.3), Clare O'Sullivan (item 2.5), Patrick Goodliffe (item 2.6), Elizabeth Farrelly (item 2.7), Fionnuala Murphy (items 3.2, 4.1).

1. Matters Arising

1.1 Minutes of Authority Meeting 28th November 2019

Subject to a minor wording amendment, the minutes of the meeting of the Authority of 28th November 2019 were approved by the members and subsequently signed by the Chairperson.

Matters arising were as follows:

a) **Broadcasting (Amendment) Bill 2019**

The Chief Executive advised members that the Broadcasting (Amendment) Bill 2019 did not advance beyond Committee Stage prior to the dissolution of the Dáil on 14th January 2020.

b) **Near FM**



The Chief Executive noted that contract negotiations would be concluded in the coming weeks.

c) **Sound & Vision 4**

The Chief Executive advised members that the proposed new Sound & Vision 4 Scheme was submitted to the Minister for Communications, Climate Action and Environment on 11th December 2019.

d) **Protocol**

The Chief Executive advised members that subsequent to the Authority meeting of 23rd November, the Contract Awards Committee considered an application for a Section 68 temporary sound broadcasting contract and a Section 71 content provision contract. The Committee was satisfied that both applications could be presented to the Authority for ratification.

As decisions on these matters were required before the next Authority meeting on January 23rd, the Chairperson and Chief Executive agreed to utilise the procedures for decision-making between meetings and delegate the decision to the Chief Executive and Chairperson.

Further to the provisions of Section 68(1) of the Broadcasting Act 2009, the Chairperson and Chief Executive were satisfied to ratify the recommendation of the Contract Awards Committee in respect of Limerick City Community Radio (Limerick City Community Radio Limited by Guarantee).

Further to the provisions of Section 71(4) of the Broadcasting Act 2009, the Chairperson and Chief Executive were satisfied to ratify the recommendation of the Contract Awards Committee and award in principle a content provision contract to the applicant – ‘Setanta Ukraine Limited’. It was noted that the service will broadcast a wide range of sports coverage including the English Premier League, FA Cup alongside coverage of NHL, NBA, Formula 1 and live tennis.

2. **Achieving Excellence and Accountability**

2.1 **Membership of Authority and Executive Representation on Committees**

The Chief Executive advised Members that the reappointment process for the Joint Oireachtas Committee (“the Committee”) Authority nominees, Rosemary Day, Maeve McDonagh, Denis Wolinski and Seán Ó Mórdha, remained ongoing.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Membership of Authority and Statutory Committees

Resulting from the non-reappointment of the four JOC nominees, members were presented with proposals for amendments to the Authority and Executive representatives on the statutory committees.

As the Authority will only have its quorum of five members from February 16th, it noted that all will be required to be present for decision making purposes. As a result, the Authority decided that it would not be in a position to nominate members to either the Contract Awards or Compliance Committees until such time as the complement of members to the Authority is increased to allow for such nomination.

With the departure of Denis Wolinski, the Authority was satisfied to approve the appointment of either Grace Smith or Mary Curtis to the FAR Committee.

With regard to Executive nominees to the Committees, the Authority was satisfied to approve the appointments of Anne Louise O'Donovan and Clare O'Sullivan to the Contract Awards Committee and Andrew Robinson and Stephanie Comey to the Compliance Committee.

2.2 AVMSD: publication of general scheme of Online Safety and Media Regulation Bill

The Chief Executive noted that a copy of the Department of Communications, Climate Action and Environment's draft *general Scheme of the Online Safety and Media Regulation Bill* had been circulated to members on 10th January last. He commented that the document focused primarily on Online Safety with the further proposals in respect of the transposition of the Audiovisual Media Services Directive to follow in the coming months.

The Authority welcomed the Executive's observation that many of the key elements of the draft general Scheme broadly reflected the Authority's proposals as set out in its submission to the consultation. It noted that a further update on the process would be provided on completion of the general election and once a new Government was in place.

2.3 Public Service Broadcasting: update

At its November 2019 meeting, at which the 2018 Annual Review of Performance and Public Funding of RTÉ and TG4 was finalised, the Authority agreed that it would have a further discussion on PSB-related matters in 2020.

At its January meeting, members were presented with an Executive Note which provided an update on recent matters concerning RTÉ and TG4 and set out proposed items which would form the basis for a more detailed discussion at its February 27th meeting.

Members noted the recent funding announcements by Government in respect of RTÉ, the outcomes of a BAI meeting with TG4, and the announcement of the establishment of a Commission on the Future of Irish Public Service Broadcasting. It also noted RTÉ's public announcement of a revision to its Strategy Statement.

The Authority then engaged in a discussion on the issues arising, and on its own regulatory role in respect of the public service broadcasters. The Authority noted the terms of reference for the Commission on the Future of Irish Public Service Broadcasting and agreed that it could bring its own significant knowledge and experience to the work of the Commission. In particular, the Authority noted that many of the BAI's statutory activities, such as the annual and five-year reviews of public funding, address many of the issues referenced in the terms of reference.

The Authority also noted that the Executive had requested a meeting with DCCAE representatives to discuss the terms of reference and new reporting arrangements to be put in place between RTÉ and the DCCAE.

The outcome of those discussions along with the wider issues pertaining to the BAI and the regulation of PSB's would be brought to the Authority for discussion at its February meeting. These would include the BAI's statutory obligations regarding RTÉ and TG4, the BAI's wider influence regarding the provision of public service broadcasting in Ireland, and particular areas of focus for the 2019 ARPPF.

2.4 BAI Strategy Statement 2017-2019 – Year end Strategy and Workplan Update and Review

Members were presented with a Note which set out the Executive review and commentary on the key activities in 2019 which supported the achievement of the BAI Strategy.

In considering the report, Members noted it was structured in line with the agreed Performance Framework Review template which emerged from the work undertaken by the IPA in developing

a modified version of the more detailed Board Assurance Framework, previously developed by the Chairperson of the FAR. Members also noted that the report was prepared in parallel with the more formal Review of the Strategy which is currently being undertaken in conjunction with Ipsos MRBI.

Following discussion, the Authority expressed overall satisfaction with the review and that the documents appropriately reflect work undertaken in 2019, and with the overall performance of the BAI workplan. In particular, the Authority was satisfied that significant progress had been made in respect of all of the strategic objectives and commended the BAI Executive on the work delivered over the period of the review.

While noting the absence of KPI's, the Authority also expressed satisfaction with the Performance Framework Review template which ensured alignment between all elements of the Strategy Statement.

2.5 IPSOS external review of BAI Strategy Statement 2017 – 2019 (update)

Members were provided with an update on the review of the 2017 – 2019 BAI Strategy currently being undertaken with external support provided by Ipsos MRBI. Members noted that the stakeholder survey element has been completed and the next phase of research, the stakeholder workshops, will commence shortly. Members noted that the workshop involving Authority and Committee members would take place during the week of 6th April.

The Authority agreed that members Denis Wolinski, Maeve McDonagh, Rosemary Day and Seán Ó Mórdha would be invited to participate in the workshop as their input was considered to be integral to the review process.

2.6 Contractual Variation: Proposal from Spin 1038 and Spin South West for Weekend Networked Programming

Members were presented with a note which set out a request for Authority approval of a proposal to network weekend programming between Spin 1038, a music-driven format radio service targeting the 15-34 demographic in Dublin City and County, and Spin South West, a regional music-driven format radio service targeting the 15-34 demographic in the South West region.

Members noted that a submission made on behalf of these radio services requesting the Authority's approval for networked programming was considered by the Authority at its November 28th meeting. Members noted that the Authority was satisfied to approve the proposals for networked programming on weekdays, but not on weekends. The principle reason for the Authority's refusal to consent to networked programming at weekends was the view that it would diminish the extent to which Spin South West was representative of, and accessible to, the diversity of the South West region.

The Authority then engaged in a detailed assessment of the revised proposal. In assessing the request, the Authority had regard to:

- The objectives of the BAI's Broadcasting Services Strategy 2018, in particular to the following criteria relevant to the consideration of the proposals for networked programming:
 - Impact on the audience/s having regard to the type, and the time of day, of the networked programming; and,
 - The potential to increase the viability of the services, particularly in the case of niche services.
- The submission of 14th November 2019 regarding proposed networked programming between Spin 1038 and Spin South West,
- Relevant matters arising pursuant to the consideration of the submission as set out in the BAI's letter of 2nd December 2019, and
- A revised submission from the Contractor, dated 6th January 2020.

Having considered all relevant matters, and noting the measures proposed by the Contractor to retain the regional character of Spin South West, the Authority was satisfied to approve the weekend proposals as set out in the submission. Approval would be subject to a review of the arrangements within a 24-month period.

2.7 Contractual Variation: Submission regarding proposed shareholding changes in News 106 Limited trading as Newstalk

Members were presented with an Executive note which set out a request for Authority approval of the proposed acquisition of 18.89% of News 106 Limited, trading as Newstalk, by Radio Two Thousand Limited, trading as 98FM. [REDACTED]

[REDACTED] Members noted that the parent company of both Newstalk and 98FM was Communicorp Group Limited.

[REDACTED]

[REDACTED]

The Authority then considered the proposed acquisition, having regard to the relevant criteria set out in the BAI's Ownership and Control Policy 2019. Following discussion, it was satisfied to approve the proposed transaction as submitted.

3. Promoting Plurality & Diversity

3.1 Supplemental Contract for Near FM

Members considered an Executive request seeking approval for a one-month Contract extension for Comharchumann Cumarsáide Pobal Bhaile Átha Cliath Thoir-Thuidh Teoranta t/a Near FM to 29th February 2020. Members noted that the current community sound broadcasting contract is due to expire on the 31st January next and the contract extension would facilitate completion of contract negotiations.

The Authority was satisfied to approve the contract extension as requested.

3.2 Irish Language Action Plan: Progress Update and Report of the Irish Language Advisory Committee

Members were presented with an Executive Note which provided an overview of the main actions progressed during 2019 in the implementation of the BAI's Irish Language Action Plan. Members noted the Irish Language Action Plan, published by the BAI in February 2019, sets out a number of planned activities in support of the promotion and stimulation of the development of Irish language programming and broadcasting services in the Irish audio-visual industry.

Members were also presented with a report on the activities of the Irish Language Advisory Committee, established as a key initiative of the Action Plan. Members noted that the Committee is co-chaired by the BAI and Foras na Gaeilge and its membership is drawn from Irish language organisations and representatives of the radio, TV and independent production sectors.

Following discussion, the Authority expressed satisfaction with progress of the Irish Language Action Plan, and particularly with regard to the work of the Irish Language Advisory Committee as set out in its report.

Under this item, the Authority reiterated its concern over the lack of progress on the terms of office of the JOC nominated Authority members. It noted their significant Irish Language expertise which has made a major contribution to the development of BAI policy in this area.

4. Enhancing Innovation and Sectoral Sustainability

4.1 Sectoral Learning and Development: Review of 2019 Activities and Proposals for 2020

Members considered an Executive note, detailing sectoral learning and development activities carried out in 2019, together with proposals for activities and budget allocations for 2020.

With regard to 2019, the Authority was satisfied that the networks in receipt of Sectoral Learning and Development funding had delivered on their contractual commitments and that they had delivered a varied and engaging programme of events during the year. It noted the launch of *Netflix and Binge? Exploring New Cultures of Media Consumption*, a research initiative by DCU, funded

under the 2016 Media Research Funding Scheme. The Authority also noted very positive feedback for the two innovation schemes, *X-Pollinator* and the *Journalism Bursary Programme*, in 2019.

Following discussion, the Authority was satisfied to approve the proposed activities and related budgets for 2020, as presented. The Authority noted funding support of €345,215 for a total of 17 networks. It also welcomed the two proposals for the Innovation Scheme, *ACE Producers Animation Special* and *Céad Seans*, which will take place in the coming year.

5. For Information

4.1 BAI Sponsorship Scheme 2020

Members were circulated with details of the BAI's sponsorship programme for 2020. It was noted that funding totalling €98,000 had been allocated to a total of 14 projects. The Authority also noted that the BAI was also sponsoring a further seven events/activities through multi-annual contracts signed in 2018 and 2019, with an annualised funding commitment of €72k in 2020. This brought the total allocation for 2020 to €170k.

4.2 Minutes of the Contract Awards Committee Meeting, 13th November 2019

Minutes of the Contract Awards Committee meeting, held on 13th November 2019, were circulated to members for information.

4.4 Minutes of the Compliance Committee Meeting, 17th July, 13th August and 11th September 2019

Minutes of the Compliance Committee meetings, held on 17th July, 13th August and 11th September 2019, were circulated to members for information.

6. Date of next meeting

The next meeting of the Authority will be held at 2.30pm on Thursday 23rd February in the BAI offices. The meeting will be followed by a dinner with Authority and Committee members.

**Professor Pauric Travers,
Chairperson**

27th February 2020