



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

**Date** 2/04/2015 **Time:** 11.00am **Venue:** 2-5 Warrington Place, Dublin 2

## Minutes

### Attendance

**Authority:** Pauric Travers (Chairperson), Clare Duignan, Alan McDonnell, Grace Smith, Séamus Martin (items 3-7), Seán Ó Mórdha, Denis Wolinski, Rosemary Day.

**Apologies:** Maeve McDonagh

**Executive:** Michael O'Keeffe, Celene Craig, Aoife Clabby, Diarmaid Breathnach (item 2), Elizabeth Farrelly (item 3), Anne O'Brien (item 3), Clare O'Sullivan (items 3-7)

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

Minutes of the previous meeting of the Authority, held on 26<sup>th</sup> February 2015, were approved by the Members and signed by the Chairperson.

#### a. Induction Session

Members noted that the induction session on April 21<sup>st</sup> would now commence at 1p.m. and conclude at 5p.m.

#### b. BAI and Broadcast Fund Financial Statements 2014

The Authority was advised that the draft financial statements for the BAI and the Broadcast Fund had been submitted to the Department of Communications, Energy and Natural Resources in accordance with requirements of the Code of Practice for the Governance of State Bodies. Members were advised that the Comptroller and Auditor General had completed its on-site audit work on the financial statements.

#### c. Referendum Guidelines

Members were advised that the Referendum Guidelines, as provided for further to rule 27 of the Code of Fairness, Objectivity and Impartiality in News and Current Affairs, had been launched on 25<sup>th</sup> March. A number of briefings had also been organised with members of the media, industry stakeholders and relevant Oireachtas committees.

#### d. Meetings with stakeholders

Members were advised that provisional dates for a meeting between the Authority and the RTÉ Board were being explored and that a proposal in respect of meetings with other stakeholders would be brought to the May meeting.



## 2. Policy

### a. Annual Statements of Performance Commitments – RTÉ and TG4

Members were presented with copies of the Annual Statements of Performance Commitments (ASPCs) for 2015 submitted by each public service broadcaster, together with an executive analysis of the submissions made by RTÉ and TG4 respectively. The Authority was asked to consider a number of matters outlined in the executive note pertaining to the submissions received, in the context of the BAI's statutory role in respect of ASPCs.

In considering each Annual Statement of Performance Commitments, members had regard to whether the submission made by each PSB was aligned to the ASPC framework for submissions, as agreed between the broadcasters and the BAI. The Authority also had regard to the key features associated with the commitments made by RTÉ and TG4 respectively.

The Authority had a detailed and wide-ranging discussion in relation to the ASPCs submitted by each broadcaster. In particular, the Authority discussed the statutory provisions relating to the submission of statements of commitment and related to this, the statutory provisions regarding the annual reviews of public funding. The Authority agreed that any feedback provided should be appropriately situated within the relevant statutory provisions. The Authority sought further elaboration and clarification on the framework for the setting of commitments which had been developed, in consultation with each PSB. The Authority considered the commitments made by each PSB in the context of the framework and the principal objects relating to content for RTÉ and TG4 respectively. A number of points for feedback were made in this regard, additional to those contained in the executive analysis.

More broadly, the Authority considered the nature of the commitments made by each PSB within the context of developments and changes in the wider media market. The Authority also discussed the impacts on the levels of public funding for each PSB, which had happened outside of the broadcasting regulatory structure.

Following detailed discussion, the Authority was satisfied that the Annual Statements of Performance Commitments, submitted by RTÉ and TG4 respectively, were sufficient and appropriate, having regard to the statutory provisions and the BAI's regulatory needs in this area. The Authority was further satisfied that feedback would be provided to RTÉ and TG4, in line with the analysis conducted by the Executive and subject to a small number of additional observations.



It was agreed that a copy of the framework for the ASPC process, as agreed between the BAI and each PSB, would be circulated to the members for reference.

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

#### **a. Archiving Scheme 2015: Approach to Operation**

The Authority considered proposals regarding the operation of the Broadcasting Funding Scheme for the Archiving of Programme Material (Archiving Scheme) in 2015. Members were provided with an overview of the operation of the Scheme to date; the respective roles of the Authority, assessment panel and executive with regard to the operation of the Scheme; and, the Scheme objectives and parameters for operation.

The Authority then considered two options in respect of the operation of the Scheme in 2015. Having regard to the Executive comment, the Authority was satisfied to approve the operation of a specified open round, focussing on the archiving of programme material which preserves a historic record of Irish culture, heritage and experience, with an available fund of €2.6m.

### **4. Organisational Matters**

#### **a. Workplan 2015**

The Authority was provided with a note detailing the priorities and key deliverables within the BAI workplan for 2015 and was asked to agree on the priorities in the current year. Further elaboration was sought and provided in relation to the envisaged work on plurality in 2015. The Authority was satisfied that the workplan, as presented, was in accordance with the BAI's Statement of Strategy 2014-2016. The Authority was further satisfied to approve the priority activities and associated key deliverables and the workplan overall, as proposed.

#### **b. Appointments to Committees**

The Chairperson expressed his thanks to those members of the Authority and staff who had expressed an interest and agreed to serve on the statutory Compliance and Contract Awards Committees, and the Finance, Audit and Risk Committee of the Authority. The Authority ratified the following appointments in respect of the statutory committees:

*Compliance Committee:* Rosemary Day and Maeve McDonagh (Authority nominees); Ciarán Kissane and Anne O'Brien (staff nominees)

*Contract Awards Committee:* Séamus Martin and Grace Smith (Authority nominees); Celene Craig and Neil O'Brien (staff nominees)



With regard to the Finance Audit and Risk Committee, the Authority was satisfied to approve a proposal to nominate an independent chair. It was noted that a proposal for the appointment of a suitably qualified person would be brought to the May meeting of the Authority.

Members then considered a proposal to amend the quorum of the Finance, Audit and Risk Committee in the context of the proposed new structure. Following discussion, the Authority was satisfied to retain the existing quorum, as detailed in the terms of reference for the Committee. On this basis, the Authority ratified the appointment of Clare Duignan, Alan McDonnell and Seán Ó Mordha to the Finance, Audit and Risk Committee. It was further agreed that, on the appointment of the independent chairperson, an induction session would be conducted with the Finance, Audit and Risk Committee.

**c. Award of Contract: Graphic Design and Print Services to the BAI**

Members considered an executive note detailing the outcomes of a public procurement process for the provision of graphic design and print services to the BAI. The Authority was satisfied to ratify the appointment of Language Communications Limited for the provision of graphic design and print services to the BAI, for a period of three years.

**5. Broadcasting Contractors**

**a. TV3 Review Meeting**

A report on the annual review meeting conducted with TV3 on 23<sup>rd</sup> January, together with a copy of a presentation made by TV3 at that meeting, was considered by the members. It was noted that the approach to reporting on such meetings with industry stakeholders was under review, having regard to anticipated changes in the manner of data collection from broadcasters by the BAI, among other things. In this regard, the Authority discussed the type and nature of engagement with broadcasting stakeholders at both executive and board level and how this might evolve over the Authority's term of office.

The Authority then had regard to the report circulated and considered TV3's observations on its performance, within the context of market issues more generally. The Authority also discussed regulatory arrangements as they pertained to various contractors and broadcasters. It was noted, further to matters arising, that the Chief Executive would be reverting with proposals in respect of meetings with stakeholders, including TV3, to the May meeting.



**6. For Information**

**a. Executive Approvals**

In accordance with the approved decision-making framework, a note was circulated to the Authority detailing approvals for contractual variations that had taken place at Executive level since November 2014.

**7. Date of Next Meeting**

The next meeting of the Authority will be held on Monday, 11<sup>th</sup> May, 2015 at 11.00am in the BAI offices.

A handwritten signature in dark ink, appearing to read 'Pauric Travers', is written over a horizontal line.

**Dr. Pauric Travers,  
Chairperson**

**11<sup>th</sup> May, 2015**