



Minutes of Meeting of the Authority of Broadcasting Authority of Ireland

Date 23/07/2015 **Time:** 10.00am **Venue:** 2-5 Warrington Place, Dublin 2

Minutes

Attendance

Authority Pauric Travers (Chairperson), Clare Duignan, Alan McDonnell, Grace Smith, Séamus Martin, Seán Ó Mórdha, Denis Wolinski, Rosemary Day, Maeve McDonagh

Executive: Michael O’Keeffe, Celene Craig, Aoife Clabby (Secretary), Diarmaid Breathnach (item 2a), Sarah Traynor (item 2a), Claire O’Sullivan (item 2), Elizabeth Farrelly (items 2b-2d), Stephanie Comey, Anne Louise O’Donovan (item 3a), Roger Woods (items 2b-4b), Andrew Robinson (items 2b, 2c & 4a),

1. Minutes of Previous Meeting

Minutes of the previous meeting of the Authority, held on 11th June, 2015, were approved by the members and signed by the Chairperson.

2. Matters Arising

a. Ownership and Control: Proposed acquisition of TV3

The Authority was advised that a submission had been received in relation to the acquisition of TV3 Television Network Limited by Virgin Media Limited, a wholly owned subsidiary of Liberty Global Plc. Members noted that the proposal would require consideration at the September meeting and consequently a short presentation in respect of the BAI Ownership and Control Policy had been added to the agenda of the July meeting.

b. Legal Proceedings

Members were advised that the legal proceedings between the BAI and Mr. Rob Morrison had been concluded to the satisfaction of both parties. The Chief Executive advised that an agreed statement would be posted to the BAI web-site.

c. General Commercial Communications Code

Members noted that the presentation on the General Commercial Communications Code would now be made at the September meeting and that a draft Code would be presented for consideration at the October meeting.

d. Stakeholder Engagement

The Authority was advised that the note scheduled for consideration at the July meeting would now move to the October meeting.



3. Codes & Policy

a. PSB: Annual Review of Public Funding – Draft O&O Report

Representatives of Oliver & Ohlbaum Associates (O&O) presented the findings from its draft report to the Authority in respect of the annual review of public funding for RTÉ and TG4. The presentation encompassed an overview of the current media environment in which both PSBs are operating, together with a review of the extent to which RTÉ and TG4 had fulfilled their commitments in 2014, across five key areas: audience performance; the level and nature of content output produced; the value for money being delivered; the roles played in supporting creativity in Ireland; and, the contribution towards the vitality of the Irish language and culture in Ireland. Based on the review findings, O&O made a number of recommendations in respect of the adequacy of public funding for RTÉ and TG4. O&O also made a number of observations in respect of the review process and the related legislative framework. In this regard, the Authority noted that the matter of the legislative framework had previously been raised with Department officials and with the Minister.

Following the presentation by O&O, the Authority had a wide-ranging discussion in relation to the scope of the report, its findings and the process by which the Authority may make recommendations on the adequacy of public funding for PSBs, subject to the statutory provisions. Members discussed the inter-relationship between the BAI's regulatory role in respect of public service broadcasting and the particular role and responsibility of each corporation, as defined in its statutory objects. Members went on to discuss the manner in which the process for conducting the review had evolved and developed.

It was agreed that a number of points would be clarified with O&O in respect of the report content and that a final report would issue to the Authority for its consideration at the September meeting. Thereafter, the report and recommendations of the Authority would issue to the Minister.

b. Licensing Plan Proposals

Members were presented with a draft licensing plan for the remainder of 2015, seeking approval for the inclusion of five sound broadcasting services. In considering the draft plan, 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 existing broadcasting landscape; the economic environment; technological issues; and, in the case of community sound broadcasting services, the social benefit to, and access for, the local community.



Members discussed the licensing plan in the broader context of the existing broadcasting services strategy and possible future licensing activity once the broadcasting services strategy had been reviewed. Members had particular regard to the existing broadcasting landscape and the capacity for future services from viability and technological perspectives. The strength of the radio sector and its popularity among Irish listeners was also noted.

Following discussion, the Authority was satisfied to include the services, as proposed in the draft licensing plan.

c. Introduction to BAI Research Activities: Presentation

Members were given an introductory presentation on the BAI's research activities. The presentation encompassed the role of research in the BAI, from statutory and strategic perspectives; the BAI's approach to research on an operational basis; and, an overview of anticipated research activities in the 2015/2016 period. A copy of the BAI's audience research framework was also circulated to members for information. Clarification was sought and provided in relation to how the budget for research was allocated across work areas in the organisation.

d. Introduction to BAI Ownership and Control Policy

Members were given an introductory presentation on the BAI Ownership and Control Policy (2012). The context for the presentation was the submission received regarding the proposed acquisition of TV3 Television Network Limited by Virgin Media Limited, a wholly owned subsidiary of Liberty Global Plc.

The presentation addressed the basis for the BAI Ownership and Control Policy, its purpose and an overview of the assessment criteria contained in the policy itself.

Members discussed the policy generally in the context of proposals received for changes to ownership and control and the range of issues requiring consideration. Members also discussed the various functions of the BAI and the Competition and Consumer Protection Commission in relation to changes to media ownership in the state.

Members were advised that a copy of the policy, together with the submission received from Virgin Media Limited and any related executive assessment would be circulated to the members at an early date in advance of the September meeting.

4. Organisational Matters

a. Draft BAI and Broadcast Fund reforecast and 3 Year Estimates 2016-2018

Members were presented with a reforecast analysis for the BAI and the Broadcasting Fund for 2015, together with draft three-year estimates of income and expenditure for both



the BAI and the Broadcasting Fund 2016-2018. It was noted that these statutory, three-year estimates required submission to the Minister by 30th September and further, that Ministerial approval for the publication of the estimates was required.

Members sought clarification in respect of changes to a number of budget line items and it was agreed that additional explanatory notes would be provided, where necessary.

Following discussion, the Authority was satisfied to approve the three-year estimates for submission to the Minister for Communications, Energy and Natural Resources, subject to any amendments proposed at the September meeting.

b. HACA Declaration on Freedom of Expression

Following initial consideration at its meeting in June, the Authority again had regard to a request received from the Moroccan broadcasting regulator, the HACA, to sign a Declaration on Freedom of Expression, arising from the UN International Forum on Human Rights, held in Morocco 2014. Members considered observations received from the Department of Foreign Affairs and the Department of Communications, Energy and Natural Resources with regard to the request and noted that observations made mirrored those of the Authority. It was concluded that it would not be possible for the Authority to accede to the HACA's request to sign the Declaration. It was agreed that correspondence would issue to the HACA, highlighting a number of matters of concern, setting out the extent of the BAI's statutory powers and acknowledging the importance of the matters the HACA was trying to raise.

c. BAI Bank Mandates

The Authority considered and passed a resolution enabling the addition of Aoife Clabby to all bank mandates held by the BAI.

d. Board Performance Review

Members considered a discussion paper addressing the issue of reviewing board performance, including a consideration of the criteria and scope for a possible review, together with a range of process options. It was agreed that the review should take place in spring 2016 and that further consideration regarding the structure of the review would be developed. It was also agreed that the matter of performance review would form part of the agenda of the first meeting between the three Chairpersons.



5. Broadcasting & Contractual Matters

a. Temporary Sound Broadcasting Contracts (S68)

In their capacity as members of the Contract Awards Committee, Séamus Martin, Grace Smith and Celene Craig declared an interest in the item under discussion and recused themselves from the meeting.

Members considered and approved the recommendation of the Contract Awards Committee to enter into temporary sound broadcasting contracts with six applicants, further to section 68(1) of the Broadcasting Act.

b. Access Rules: Proposals UTV Ireland and Irish TV

The Authority was asked to consider a request to extend the Access Rules to the new television broadcasting services, UTV Ireland and Irish TV. In considering the targets proposed for each service, members had regard to the decision-making framework for setting access provision targets and the submissions made by each broadcaster.

Following discussion, the Authority was satisfied to approve the proposed subtitling targets for UTV Ireland and Irish TV, with effect from 1st January 2016.

6. For Information

a. BAI Public Conversation

Members considered an information note on BAI public conversations and plans for the next event, entitled "*The Relevance and Future of Irish Content on the Broadcasting Media*", to be held in Cork in November.

b. FAR Committee: Appointment of External Member

Members noted information in respect of the appointment of an external member to the Finance, Audit and Risk Committee.

c. Minutes of Compliance Committee

Minutes of the Compliance Committee meetings, held on 15th April and 20th May, were circulated to the Authority for information.

d. Minutes of Contract Awards Committee: 20th October, 2014

Minutes of the Contract Awards Committee meeting, held 20th October 2014, were circulated to the Authority for information.

e. Staffing Matters: Appointment of Finance Officer

The appointment of Anne Louise O'Donovan to the position of Finance Officer was noted.



- f. Executive Approvals**
Members noted a total of seven contractual variations to community and commercial radio services which had been approved at executive level, in accordance with the approved decision-making framework.

- 7. Any Other Business**

 - a. Meeting with the Minister for Communications, Energy and Natural Resources**
The Chairperson and Chief Executive briefed the members in relation to a meeting held with the Minister for Communications, Energy and Natural Resources on 10th June. The Chairperson advised the members that a number of issues were discussed, including

 - b. Meeting with RTÉ**
The Chief Executive briefed the members on the meeting which took place between the BAI and RTÉ senior executives on 21st July.

 - c. Authority Meeting November 12th**
In light of the public conversation event on November 12th, it was agreed that the November meeting of the Authority should take place in Cork City in order to facilitate Authority member's attendance at the event.

- 8. Date of Next Meeting**
The next meeting of the Authority will be held on Thursday, 10th September, 2015 at 11.00am in the BAI offices.

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

**Professor Pauric Travers,
Chairperson**

10th September, 2015