

**MINUTES OF THE TWO HUNDRED AND TWENTY-SEVENTH MEETING OF
THE OFCOM BOARD HELD ON 24 MAY 2016 IN LONDON**

Present

Patricia Hodgson	Chairman
Sheila Noakes	Deputy Chairman
Sharon White	Chief Executive
Lynne Brindley	Member
Graham Mather	Member
Bill Emmott	Member
Ben Verwaayen	Member
Jonathan Oxley	Executive Member and Group Director, Competition
Steve Unger	Executive Member and Group Director, Strategy, International, Technology and Economists

In attendance

Polly Weitzman	General Counsel
Alison Crosland	Group Director, Corporate Responsibility Group (minute 10)
Lindsey Fussell	Group Director, Consumer Group (minutes 13)
Steve Gettings	Corporation Secretary
Jenny Leyland	Assistant Secretary to the Corporation

Other Ofcom Colleagues

Minutes of the Board Meeting held on 19 April 2016 – Minutes 226(16) - and Matters

Arising

1. The minutes of the Ofcom Board meeting held on 19 April 2016 were **APPROVED** for signature as a correct record. Under matters arising the Board noted that an update on responses received to the broadband universal services order call for inputs would be provided to the July 2016 Board meeting.

Chairman’s Report – oral

2. The Chairman provided her report to the Board which included reference to a number of recent meetings.

Report from the Chairman of the Content Board – oral

3. Bill Emmott reported on matters discussed at the Content Board meeting held on 17 May 2016. The Chairman of the Ofcom Board had attended the meeting.

Report from the Chairman of the Risk and Audit Committee – oral

4. Sheila Noakes reported on matters discussed at the Risk and Audit Committee meeting held on 18 May 2016.

Reports from other Non-Executive Board Members – oral

5. Sheila Noakes reported on the annual meeting with the Equivalence of Access Board, the body established by the Undertakings to act as a “regulator within BT” to govern BT’s compliance with the Undertakings.

6. Lynne Brindley referred to a recent meeting with the Chairman of Ofcom’s Advisory Committee for England. It had been agreed that the next round of recruitment for the Committee would seek to appoint members to reflect the different regions of England.

7. Graham Mather reported that he had been asked to assist the National Infrastructure Commission with their 5G project. He would be meeting the Commissioners shortly, accompanied by Ofcom’s Group Director, Spectrum.

8. Bill Emmott reported on his meeting on 23 May 2016 with the Chairman and Chief Executive of Channel 4.

Chief Executive’s Report - Board Paper 15(16)

9. Sharon White presented her report to the Board.

BBC Charter Renewal Update: Preparing for Ofcom’s New Responsibilities – Board Paper 52(16)

10. The Government’s White Paper on the next BBC Charter, published on 12 May 2016, had confirmed Government’s intention to transfer responsibility for regulating the BBC wholly to Ofcom, and to create a new Unitary Board to govern the BBC itself. The Board discussed the update provided in Board Paper 52(16) on Ofcom’s preparations for taking on the new responsibilities for regulation of the BBC.

Digital Communications Review (DCR) Implementation Update – Board Paper 53(16)

11. The Board discussed an update on the DCR plan of action and milestones in implementing Ofcom’s strategy, and an update on emerging thinking on changes to Openreach governance.

Implementing Ofcom’s Digital Communications Review Strategy: Market Review Programme – Board Paper 54(16)

12. The Board discussed an update on the Wholesale Local Access, Wholesale Broadband Access and Narrowband market reviews. The team would return to the Board with more detailed proposals ahead of a consultation in the autumn.

Review of General Conditions – Board Paper 55(16)

13. The Board discussed an update on the review of the General Conditions of Entitlement for the electronic communications sector. The General Conditions had been split into two batches. The first batch considered at this meeting related to network functioning conditions, numbering/technical conditions and some of the more straightforward consumer protection conditions. The Board would be asked to consider the second batch of conditions covering the more significant consumer protection at the July 2016 meeting.

Update on the European Commission’s Digital Single Market Strategy and Ofcom’s Priorities – Board Paper 56(16)

14. The Board discussed an update on the European Commission’s Digital Single Market Strategy and Ofcom’s priorities, including legislative proposals for a new audio-visual framework due to be published shortly.

Memorandum of Understanding on Ofcom’s Relationships with the Scottish Government and Parliament – Board Paper 57(16)

15. Following the work of the Smith Commission on further devolution to Scotland, Ofcom is required to agree a revised Memorandum of Understanding (MoU) with the UK Government, Scottish Government and Scottish Parliament. The Board discussed the update provided in Board Paper 56(16) and gave a steer on the handling of outstanding issues.

Review of Delegations – Board Paper 58(16)

16. A full review had been undertaken of the delegations made by the Board. A revised Delegations Framework was attached to Board Paper 58(16). The Board noted that the Content Board terms of reference had not been amended as yet as they would be reviewed as part of the process for taking on responsibilities in relation to the BBC. (The version circulated should be updated to refer to a maximum of 14 members of the Content Board as agreed by the Board in December 2015.) No changes had been proposed to the Risk and Audit Committee terms of reference as they were subject to a separate review.

17. Following discussion the Board **APPROVED** the revised Delegations Framework. The Board noted that in future the Corporation Secretary (supported by the Legal Group) would be responsible for ensuring the Framework is kept up to date by undertaking an annual review of the Framework including the terms of reference of the Boards, Panels and Committees, and bringing to the Board any interim changes needed during the course of the year.

18. As noted in the paper, a system would be established to ensure proper governance and accountability for decision-making. The proposed system would be put to the Risk and Audit Committee, along with a proposal to conduct an audit at a suitable point to ensure the system works effectively.

Ofcom Board Forward Plan 2016 – Board Paper 45(16)

19. The Board discussed the Board forward plan and comments were noted.

Information Papers

20. The Board noted the following information papers.

- Management Information Report – Board Paper 60(16)
- Strategic Risk Register – Board Paper 61(16).

Minutes of other Boards/Panels/Committees

21. The Board noted without comment the minutes of the following meetings:

- Advisory Committee for Northern Ireland (9 February 2016)
- Advisory Committee for Scotland (27 January 2016)

- Advisory Committee for Wales (3 February 2016)
- Content Board (23 February 2016)
- Communications Consumer Panel 17 March 2016).

Any other business

22. There was none.

Date of the next meeting

23. The next Board meeting will be held in 21 June 2016.