

**MINUTES OF THE ONE HUNDRED AND SEVENTY-FIRST MEETING OF THE OFCOM
CONTENT BOARD HELD VIRTUALLY VIA MICROSOFT TEAMS
ON TUESDAY 6 JULY 2021**

Members Present:

Bob Downes	Interim Chairman
Dekan Apajee	Member
Jonathan Baker	Member
Kevin Bakhurst	Executive Member
Rachel Coldicutt	Member
Maggie Cunningham	Member
Aled Eirug	Member
Robin Foster	Member
Anna-Sophie Harling	Member
Peter Horrocks	Member
Tobin Ireland	Member
David Jones	Member
Stephen Nuttall	Member
Monisha Shah	Member

Apologies:

Sophie Morgan	Member
Kim Shillinglaw	Member

In Attendance:

David Edwards	Assistant Corporation Secretary
Other Ofcom colleagues attending for specific items	

Introduction & Welcome

1. Bob Downes welcomed all present to the one hundred and seventy-first meeting of the Content Board.
2. At its meeting on 26 May 2021, and due to the resignation of Ofcom Board member Tim Suter, the Ofcom Board had, with immediate effect, approved the appointment of Bob Downes as Interim Chairman of the Content Board and as Interim Chairman of the Election Committee. The Ofcom Board also approved the interim appointment of Ofcom Board member David Jones as a member of the Content Board.
3. It was noted that the DCMS process to fill the vacancy on the Ofcom Board would begin shortly, with the aim of appointing a candidate with a strong broadcasting background or knowledge of online media.
4. Maggie Cunningham and Stephen Nuttall had been reappointed to the Content Board for further three-year terms.
5. Anna-Sophie Harling would step down from the Content Board at the end of July. She would take up an Executive role at Ofcom on 3 August 2021.
6. It was further noted that on 14 September 2021 Ofcom Board and Content Board members would have the opportunity to meet each other informally at a reception at Riverside House, in the company of guests including former members of the Ofcom Board and Content Board and a number of Ofcom colleagues.

Members' interests

7. Monisha Shah reported that the previous day she had joined the board of Wikimedia UK, a registered charity, as Chair-elect. She would assume the

role of Chair from 1 October 2021.

8. At the 24 November 2020 meeting of the Content Board Peter Horrocks had declared that, in the context of the BBC's independent Dyson inquiry into how Martin Bashir's Panorama interview with Princess Diana had been obtained in 1995, he had been Martin Bashir's editor whilst working at the BBC. Peter confirmed to the Board that he had not been called to give evidence to the inquiry and, in the circumstances, the Board concurred that a potential conflict of interest no longer remained.

Minutes of the Content Board Meeting held 4 May 2021 – CB Minutes 170(21), Actions List and Matters Arising

9. The minutes of the Content Board meeting held on 4 May 2021 were agreed as a true and accurate record for signature by the Chairman.
10. There remained two outstanding actions, to schedule discussions about due impartiality and on broadcasting strategy.
11. There were no other matters arising.

Chairman's update

12. The Chairman reported on recent discussions of the Ofcom Board and focussed on the main areas of work.
13. The 23 June 2021 Ofcom Board meeting had included the regular six-monthly update on key themes and emerging lessons from the Content Board's input to Ofcom's editorial standards work. The update focussed on four key themes: offence; harm; due impartiality; and approaches to content standards regulation on different platforms.

Broadcast and Online Content Group Policy updates – CB 19(21)

14. Members had received a paper providing an update on key policy and project areas in the Broadcast and Online Content Group.
15. Members were updated further on a wide range of topics, including:
 - Online safety; the Joint Parliamentary Committee on the Draft Online Safety Bill was yet to be established (members were appointed on 22 July 2021) and hearings were not expected to begin until September.
 - Ofcom was working with the Government on outstanding policy issues, including the "comply or explain" approach to Ofcom codes and monitoring/use of safety technology. There were ongoing discussions with the FCA, to better understand the implications of the inclusion of financial harms in the Draft Bill.
 - In relation to Ofcom's online safety work programme, good progress was being made in recruitment of additional Ofcom colleagues. It was noted that Sachin Jogia would join Ofcom in October as Chief Technology Officer, after nine years at Amazon.
 - VSPs; notifications had been received from 17 services (the notification period had closed on 6 May 2021), including TikTok, Twitch, Bitchute, Onlyfans, SnapChat and Vimeo and engagement with services had been positive.
 - A statement and final guidance on protection measures for harmful material was expected to be published in the Autumn (following the June consultation).
 - Diversity; data was being collected for this year's Ofcom joint report on TV and radio and would allow trends to be compared and a stock-take of progress. A stakeholder event was being planned to

coincide with publication in the Autumn.

- Standards and Audience Protection; it was noted that the Annex on broadcast standards in the Ofcom Annual Report and Accounts 2020/21, to be published shortly, would provide more detailed analysis of the themes underlying the complaints data/figures than in previous years. A number of sanctions decisions were highlighted, as were some investigations under Section 3 of the Broadcasting code (rules covering incitement to crime or disorder and hate speech and offence).
- HFSS; the Government had published its response to its 2019 and 2020 consultations on introducing restrictions on the advertising of foods and drinks high in fat, salt and sugar on TV and online. Ofcom's advertising team would continue to engage with DCMS as legislation makes its way through the parliamentary process.
- Regulation of VOD services; the Government was planning to consult on its plans to strengthen the rules for video on demand services to make them comparable to rules for broadcast services.
- Serota review; following the Dyson inquiry, the BBC had launched a review looking into oversight of its editorial practices and procedures, including the robustness and independence of whistleblowing processes in editorial areas and Ofcom was actively engaging with the review.
- BBC work areas; a consultation setting out Ofcom's provisional views on the market position of BBC Sounds had closed in June and responses were under consideration; the BBC had completed its Public Interest Test on the return of BBC Three as a terrestrial channel and Ofcom's competition assessment had begun; the review of BBC Studios was progressing and Ofcom findings were expected to be published in the Autumn (the Executive planned to liaise with a sub-set of Content Board members prior to publication).
- Small Screen: Big Debate; Ofcom's PSB/PSM recommendations to the Government were expected to be published on 15 July 2021 (the statement was shared with members, ahead of publication). A consultation would then be published later in July as part of Ofcom's programme of work related to periodic review of the BBC and its operating licence.
- Other broadcasting matters; the Government's Digital Radio and Audio Review was expected to be published shortly; on 22 June 2021 Ofcom had published its response to the Channel 4 Corporation Statement of Media Content Policy; the Government was about to publish a consultation on a change of ownership of Channel 4, a key question would be whether it would be allowed to be a producer of content; and Ofcom was beginning to plan its approach to the re-licensing of Channel 3 and Channel 5.

Update on online safety

16. Members were updated on the progress of the Executive's online safety work programme. This focused on the policy side of Ofcom's work; advice to and engagement with the Home Office and DCMS, including ongoing discussion about the circumstances in which the Bill would afford Ofcom the ability to require platforms to use automated technologies to detect terror and abuse, the safeguards around the use of such powers and the status of Ofcom codes. The team updated members on the development of strategy for delivering the objectives of the online safety regime, noting that Ofcom would use a broad range of levers including not only rule setting and

- enforcement but also softer levers such as transparency reporting and authoritative commentary to drive improvements in the conduct of platforms.
17. Issues raised and discussed by members included the use and adequacy of reputational pressure as a lever, it being noted that this lever could be deployed by Ofcom prior to legislation and a need for Ofcom to be proactive in this regard; timescales for compliance with rules, the risk of delays and of Ofcom being 'gamed' by platforms; and the importance of building the public profile of Ofcom's online safety programme of work.
 18. The Executive expected to return to the Content Board in the Autumn to seek input from members.

Overview of EU media policy and recent developments – CB 20(21)

19. Members were provided with a detailed overview of EU media policy and recent developments. It was noted that, post-Brexit, engagement and awareness would remain important for Ofcom to avoid unnecessary regulatory divergence and to improve its own capabilities.
20. Issues raised and discussed by members included prioritisation, given the complexity of the media landscape; scope for Ofcom to consider how to regulate better and less than its EU counterparts; the introduction of findability rules for public interest content on media platforms in Germany and concerns about how to make the legislation work and definition of public interest content; and the importance of coordination with regulatory bodies in other parts of the world, eg in Australia and Canada.

Media Nations – CB 21(21)

21. Members were briefed on the high-level findings due for publication in Ofcom's Media Nations 2021 report in August, as a main UK report, separate reports for Northern Ireland, Scotland and Wales, and an interactive data report.
22. Issues raised and discussed by members included the difference between viewing levels and cultural importance, eg S4C in Wales; a need for consistent metrics for BVoD, whilst noting that this remained a challenge for Ofcom and the broadcasters; value in inclusion of narrative around YouTube and its importance during 2020; a need for granularity in Ofcom's analysis, in particular in relation to VoD, ie the where, why, what and who of consumption; in relation to advertising, it would be useful to consider further which industry verticals were growing and what could be said about CTV and addressable advertising; and the importance of considering more qualitative aspects in analysis, eg young people making use of the BBC as a place to fact check, even if it was not their first News source.

Standards and Audience Protection research projects – CB 22(21)

23. Members were briefed on two research projects into audience attitudes and expectations, with findings due to be published in August. The briefing included some video clips from programmes and with participants in the research. The first project related to audience attitudes to potentially offensive language on TV and radio, and the second project related to audience expectations for channels and stations aimed at minority ethnic communities.
24. With respect to offensive language, quantitative and qualitative research was undertaken and participants were more concerned about discriminatory language, racist language consistently being found to be offensive, compared to general swearing, because of the perceived harm

discriminatory language could cause to individuals, to groups or to wider society. The research did not reveal a huge shift in audience attitudes to different offensive words but indicated some relaxation in audience attitudes, with context being a key factor in audience considerations of offence.

25. With respect to channels and stations aimed at minority ethnic communities, the research involved a range of online video focus groups, prior to which participants completed a media diary to provide insight into their media consumption. Members noted that one reason for the research was that Ofcom had recorded some of its most serious breaches of the Broadcasting Code in recent years (in areas of incitement and hate speech) in relation to programmes broadcast on channels aimed at minority ethnic audiences. A concern was that most participants in the research had very little awareness of or knowledge about Ofcom and its remit to regulate broadcasting standards and the team would be addressing this, along with engaging with licensees.
26. Issues raised and discussed by members included: changes in attitudes to offensive language since Ofcom's research published in 2016; attitudes to types of potentially offensive content including misgendering and deadnaming of trans people (included in the research for the first time); offence across the population, in the Nations or regions or to sections of audiences; potential use of technology to suppress certain words in live broadcasts; trust in Ofcom amongst minority ethnic audiences and a need to go beyond raising awareness of the regulator; and the benefits of monitoring certain channels (to identify potential Code breaches that were not likely to be picked up by complaints).

Information items

27. The following items were noted:
- News Consumption in the UK 2021 – CB 23(21)
 - Minutes of the Ofcom Board (28 April and 26 May 2021);
 - Minutes of the Election Committee (23 April 2021 – Alba Party, 4 May 2021 – Reform UK and 4 May 2021 – Alba Party); and
 - Minutes of the Communications Consumer Panel/ACOD (22 April and 20 May 2021).

Any Other Business

28. The Chairman commented that due to the lengthy interval until the next meeting it would be useful for members that were available to attend a one-hour virtual catch-up in early September [arranged for 7 September 2021].
29. There was no other business.

Date of the Next Meeting

30. The next meeting of the Content Board was scheduled to take place on 5 October 2021.