

**MINUTES OF THE ONE HUNDRED AND SIXTY-THIRD MEETING OF THE OFCOM  
CONTENT BOARD HELD VIRTUALLY VIA TEAMS,  
ON TUESDAY 31 MARCH 2020**

**Members Present:**

Tim Suter	Chairman
Jonathan Baker	Member
Kevin Bakhurst	Executive Member
Maggie Cunningham	Member
Bob Downes	Member
Aled Eirug	Member
Robin Foster	Member
Angelina Fusco	Member
Stephen Nuttall	Member
Monisha Shah	Member
Janey Walker	Member

**Apologies:**

Tony Close	Executive Member
Sophie Morgan	Member

**In Attendance:**

David Edwards	Assistant Corporation Secretary
Caroline O'Dwyer	Senior Standards Executive

**Introduction & Welcome**

1. In view of the current and extraordinary circumstances raised by COVID-19 the Content Board was meeting virtually and the Chairman welcomed members taking part in the one hundred and sixty-third meeting.

**Members' interests**

2. There were no new interests to declare.

**Chairman's update**

3. The Chairman reported on discussions at the 18 March 2020 virtual Ofcom Board meeting and focussed on the main areas of work.
4. The Ofcom Board had noted and discussed a paper on key themes and emerging lessons from the Content Board's editorial standards work between 1 April 2019 and 31 January 2020 and the latest trends in complaints data. In addition, the Ofcom Board had approved the Content Board's work programme for 2020/21.
5. It was noted that a process to recruit new Content Board members was in progress (the closing date for applications was 14 April 2020).

**Content and Media Policy updates - CB 10(20)**

6. Members had received a paper providing an update on key policy and project areas in the Content and Media Policy Group.
7. Members were updated further on two main topics and issues including:
  - COVID-19; an important part of Ofcom's response was a focus on maintaining the connectivity of the UK, it was noted that network providers were performing well in difficult circumstances.
  - The Executive had engaged with broadcasters, large, small and facing

multiple challenges. Ofcom had written to broadcasters and, for the next three months, had indicated a willingness to take a flexible approach concerning their ability to meet the programming and production requirements set out in their licences as a result of the disruption due to COVID-19. It would consider the force majeure condition in licences to be engaged. Licensees would not be liable to enforcement action as a result and Ofcom would review the position again at the end of the three month period.

- It was noted that flexibility did not apply to broadcast standards, in relation to due accuracy in reporting on COVID-19 in particular. The Chairman reported that he had agreed an expedited investigation process with the Executive, should it be necessary to deal with certain standards cases at speed. Meanwhile with respect to COVID-19 news coverage, members felt that most reporting to date had been excellent.
- Members noted the financial pressures on commercial broadcasters (TV and radio) and on independent producers; the former in relation to advertising revenues, the latter to commissioning; and that those working in the broadcast sector had been designated as key workers (as critical in the UK's COVID-19 response).
- Issues discussed included difficulties faced by freelancers; the importance of local news and radio for vulnerable communities; the role the BBC could play in supporting the wider broadcast sector; postponement of any measures to decriminalise non-payment of the BBC licence fee or to introduce payment by people aged over 75; delay to publication of the BBC's Annual Plan; and flexibility in relation to when broadcast license fees were required to be paid to Ofcom.
- Ofcom's work programme; there were expected to be delays to projects and publications, with some in abeyance.
- This included work on online harms regulation, with a longer timeline adding a possible six-month delay to implementation; delay to regulation of Video Sharing Platforms; and the Public Service Broadcasting (PSB) review, with postponement of engagement with stakeholders and a need to reconsider some of the fundamentals of PSB in the context of COVID-19, including news and audience perceptions more generally.
- Members commented that the PSB review could require a re-think in what was now a dramatically changed context; and requested data, when it became available, on what audiences were currently consuming and on young people in particular. With the increase in remote working online and the need for people to stay in touch there were concerns about attempted hacks of apps and about misinformation.
- In relation to licensing, it was noted that Ofcom was seeking to clarify ownership of CGTN (China Global Television Network).
- It was further noted that judgement in the RT judicial review had been handed down. RT's challenge to Ofcom's standards breach and sanction decisions had been dismissed in full. The High Court endorsed Ofcom's decisions and approach to due impartiality, as well the rationale for the due impartiality requirements. RT was subsequently refused permission to appeal by the High Court but was expected to apply to the Court of Appeal. The Content Board wished to record its appreciation for the work undertaken to date by the Ofcom team and the Chairman thanked those members who had been specifically engaged with the investigation.

**Any Other Business**

8. A member highlighted a recent article in the Financial Times entitled *China and Huawei propose reinvention of the internet*. A link to the article would be shared with members.

**Date of the Next Meeting**

9. The next meeting of the Content Board was scheduled to take place on 19 May 2020. It was AGREED that it would follow the same format as today's meeting, ie a one-hour remote meeting to allow members to maintain contact, to share information and to be updated.