

**MINUTES OF THE ONE HUNDRED AND SIXTY-SIXTH MEETING OF THE OFCOM
CONTENT BOARD HELD VIRTUALLY VIA TEAMS,
ON TUESDAY 6 OCTOBER 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:

Sophie Morgan	Member
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In Attendance:

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

Introduction & Welcome

1. The Chairman welcomed members taking part in the one hundred and sixty-sixth meeting.
2. The meeting would conclude in time to allow members to join the second day of Ofcom's *Small Screen: Big Debate - Virtual Conference*, beginning at 11 am.

Members' interests

3. Stephen Nuttall declared that he was advising the 36th America's Cup and, on its behalf, had concluded distribution agreements with the BBC and Sky. He further declared that he was advising Bloodhound LSR and, on its behalf, had concluded a production contract with WorkerBee (part of Endemol Shine) to create a documentary and had advised on the subsequent sale of UK rights to the programme to Channel 4.

Minutes of the Content Board Meetings held on 23 June 2020 – CB Minutes 165(20) Actions List and Matters Arising

4. The minutes of the Content Board meeting held on 23 June 2020 were agreed as a true and accurate record for signature by the Chairman (there remained an outstanding action to schedule a discussion about due impartiality).
5. There were no other matters arising.

Chairman's update

6. The Chairman reported on discussions at the 22 September 2020 Ofcom

Board meeting and focussed on the main areas of work (he had already reported on the 15 July 2020 Ofcom Board meeting at a Content Board briefing/catch-up held in September, held to bridge the gap between the June and October Content Board meetings).

7. The Chairman reported on progress to recruit new Content Board members. Appointments were expected shortly and an increased membership (in line with an anticipated expansion of the Content Board's remit to include online harms).

Broadcast and Online Content Updates - CB 18(20)

8. Members had received a paper providing an update on key policy and project areas in the Broadcast and Online Content Group.
9. Members were updated further and discussed a wide range of topics, including:
 - Online harms regulation; it was noted that the Government was planning to publish a full response to its White Paper on Online Harms shortly; the focus would then shift to the parliamentary process (with legislation expected to be introduced in 2021).
 - There was discussion of issues including the safeguarding of journalistic content, one challenge being to define 'good quality' journalism; a free press; the role of social media in elections; and members noted the recent publication of a report by the House of Lords Select Committee on Democracy and Digital Technologies (*Digital Technology and the Resurrection of Trust*).
 - Video Sharing Platforms (VSPs); it was noted that a Statutory Instrument had been laid before Parliament to transpose the Audiovisual Media Services Directive into UK law; an Ofcom Call for Evidence had closed in September, with 40+ responses received from stakeholders to inform development of Ofcom guidance documents on the new requirements; and that Ofcom would have new regulatory powers from early November.
 - Diversity in broadcasting; it was noted that this year's report, expected to be published in November, would cover radio and TV and aim to reflect the changing landscape of the broadcasting industry, including the effects of COVID-19 and the *Black Lives Matter* movement.
 - BBC work areas; a recording of the recent Inside Ofcom event featuring the new Director-General of the BBC, Tim Davie, would be shared with members.
 - Ofcom expected to publish its third report on the BBC (Annual Report/ Performance Report) in mid-November; it was noted that a sub-group of members would meet in the afternoon to input views prior to the Executive's submission to the October Ofcom Board meeting, to obtain sign-off.
 - It was further noted that work would be undertaken by Ofcom on the market position of BBC Sounds, following a number of changes to the service, including the recent launch of the Radio 1 Dance stream; and that the Executive was in the process of finalising a Call for Evidence as part of the BBC Studios review.
 - The BBC had announced plans to make cuts to its local and regional news and current affairs coverage to make cost savings; concerns had been raised by stakeholders and Ofcom had asked the BBC to set out the basis on which its decisions had been made and how they would impact on BBC public purposes, a follow-up discussion with the BBC would take place shortly.
 - Standards and Audience Protection; there had been an upward trend in

the number of complaints in September driven by circa 24,500 complaints received about a performance by the British dance group Diversity, in an edition of ITV's Britain's Got Talent. Given the significant publicity surrounding the case and the high volume of complaints received, Ofcom had published in full its assessment that the programme did not raise issues that warranted investigation under the Broadcasting Code.

- China Global Television Network (CGTN) enforcement activity was continuing.
- It was noted that a Statement on protecting participants in TV and radio programmes was being drafted and was expected to be published later in the Autumn, followed by publication of Guidance in early 2021.

Small Screen: Big Debate - CB 19(20)

10. Members were updated on Ofcom's review of public service media (PSM), *Small Screen: Big Debate* (SS:BD) and given an outline of the evidence-based narrative that was being developed for public consultation in December. The consultation would include a range of options for the Government to consider.
11. A range of issues were raised by members, including whether pleas for public funding could fall on deaf ears in the current economic climate or be interpreted as propping up market failure; tensions over broadcasting rights; young people as a key audience; different types/interpretations of universality and their scale and impact, eg whether PSM should appeal to all or be targeted at different audiences; opportunities provided by digital media; funding and institutional models; trade-offs between depth and breadth of PSM output and whether some audiences were being over-served; differing Nations and regions perspectives on PSM; the inability to separate PSM proposals, implementation and funding; the future of the licence fee and whether all monies should all be allocated to the BBC or dispersed in other ways; recognition of PSM providers that were not designated public service broadcasters.
12. The Chairman drew discussion to an end, members having provided steers and suggestions on Ofcom's SC:BD narrative, and indicated that members would welcome sight of the consultation prior to publication.

Information items

13. The following information items were noted:
 - Renewal of ASA VOD Agreement – CB 20(20)
 - Minutes of the Ofcom Board (17 June and 15 July 2020)
 - Minutes of the Communications Consumer Panel/ACOD (21 May, 18 June and 16 July 2020)

Any Other Business

14. There was no other business.

Date of the Next Meeting

15. The next meeting of the Content Board was scheduled to take place on 24 November 2020.