

**MINUTES OF THE ONE HUNDRED AND SEVENTY-FOURTH MEETING OF THE OFCOM  
CONTENT BOARD HELD VIRTUALLY VIA TEAMS ON TUESDAY 25 JANUARY 2022**

**Members Present:**

Bob Downes	Interim Chairman
Dekan Apajee	Member
Jonathan Baker	Member
Kevin Bakhurst	Executive Member
Rachel Coldicutt	Member
Maggie Cunningham	Member
Peter Horrocks	Member
Tobin Ireland	Member
David Jones	Member
Ali Marsden	Executive Member
Stephen Nuttall	Member
Monisha Shah	Member
Kim Shillinglaw	Member

**Apologies:**

None

**In Attendance:**

Adam Baxter	Director, Standards and Audience Protection
David Edwards	Assistant Corporation Secretary
Ian Milburn	Operations Executive, Broadcast Licensing & Programme Operations
Other colleagues attending for specific items	

**Introduction & Welcome**

1. The Chairman welcomed all present to the one hundred and seventy-fourth meeting of the Content Board and thanked David Jones for chairing the previous meeting.
2. The Chairman noted that members had participated in a useful due impartiality teach-in and discussion held on 18 January 2022.

**Members' interests**

3. Rachel Coldicutt reported that she was engaged in a consultancy project commissioned by Impact on Urban Health, a part of Guy's and St Thomas's Charitable Trust, looking at the health benefits of digital connectivity (specifically free wifi) for people in social housing.
4. Tobin Ireland declared that he was a co-founder and director of MetaGravity, a new deep tech start-up.

**Minutes of the Content Board Meeting held 30 November 2021 – CB Minutes 173(21), Actions List and Matters Arising**

5. The minutes of the Content Board meeting held on 30 November 2021 were agreed as a true and accurate record for signature by the Chairman.
6. A sub-group of Content Board Members was in the process of being set up to discuss emerging thinking on some of the areas of detail relating to the Future Regulation of the BBC project. The project team would be in touch shortly to set up a meeting.
7. There were no other matters arising.

**Chairman's update**

8. The Chairman reported on recent discussions of the Ofcom Board and focussed on the main areas of work.
9. The appointment process for the Content Board member for Northern Ireland had been completed and the new member would join the Content Board shortly. Interviews for a new Content Board member for Wales had been completed and the name of an appointable candidate would be submitted to the Ofcom Board for approval.
10. The process to fill the broadcasting member vacancy on the Ofcom Board remained ongoing (the expectation being that the appointee would also become Chair of the Content Board).
11. The process to appoint a new Ofcom chairman was ongoing.

**Broadcasting & Online Content Group Policy updates – CB 1(22)**

12. Members had received a paper providing an update on key policy and project areas in the Broadcasting and Online Content Group.
13. Members were updated further on a wide range of topics, including:
  - Online Safety (OS): Ofcom's work programme continued including consideration of recommendations in the recent report of the Draft OS Bill Joint Committee and members noted ongoing Ofcom engagement with the Government and that Ofcom had continued to recruit colleagues to its OS teams.
  - Video Sharing Platforms (VSPs): a letter had been sent to a number of notified platforms outlining the VSP programme of work for the coming year, each letter had been tailored to explain the implications for each platform. A statement setting out Ofcom's decision on the regulation of advertising on VSPs had been published and a dedicated advertising team had been formed. A plan of work related to online/VSP workstreams for the next 12 months was being prepared and details could be shared with the Content Board in due course. Members discussed Ofcom engagement with stakeholders.
  - Standards and Audience Protection: various areas of work were highlighted, including the launch of an expedited Section Three investigation; plans to run a pilot for new modes of researching audience expectations to reflect the faster-changing attitudes and expectations of audiences – outcomes would be reported to Content Board in due course; and the commissioning of research to understand current viewer attitudes towards commercial references in television programming (ie to products, services and trade marks). Regarding the latter, members discussed the context of a changed media landscape since Ofcom's rules and guidance in this area were reviewed in 2009/10, as well as the current disparity between content regulation for linear broadcasting and other platforms. Members' input into shaping the research would be welcomed. As part of the Future Regulation of the BBC project, research had been commissioned into complainants' perceptions of the 'BBC First' system and the results would be fed back to members.
  - Diversity: the Diversity and Inclusion team was scoping a call for inputs (CfI) to inform changes to the workforce data requested from broadcasters and the way in which it was collected, including terminology. Two areas of focus would be language and definition; and data – improvement of quality and quantity, particularly in terms of collecting intersectional data. It was noted that annual reporting had

been suspended for 2022, with a two-year report scheduled for 2023, and a statement on the findings of the Cfl, as well as any revisions to the guidance (planned for publication around September/October 2022). A stakeholder event was being considered to mark the publication.

- Members discussed issues including the challenges of obtaining socio/economic and freelancer data. There was also a suggestion of talking to the Arts and Humanities Research Council, about its rich diversity data.
- Access services; follow-up on the Red Bee incident which resulted in an absence of subtitles/audio description/signing on Channel 4's broadcast services was ongoing. The usual reporting process for Channel 4's access service data had been expedited, and the data would be published shortly, when Ofcom would also announce whether or not it would launch a formal investigation. Members expressed concern about Channel 4's response to the incident.
- BBC work areas; members noted matters related to BBC Sounds and to Ofcom's review of BBC Studios; the Future Regulation of the BBC project was developing proposals on how provisions in the BBC's Operating Licence could evolve to give the BBC more flexibility to serve audiences while ensuring Ofcom could effectively and proportionately measure the BBC's performance, as well as hold the BBC to account. Engagement would take place with the BBC concerning its future plans, to ensure the Operating Licence allowed it to adapt its services in the context of future funding and colleagues would return to the Content Board with specific proposals in due course. Issues discussed by members included the extent of Ofcom's powers in relation to BBC iPlayer; and horizon scanning of the BBC's future options, and the implications for Ofcom, in particular with reference to Ofcom's future Online Safety duties.

#### **Content Board Annual Work Programme 2022/23 – CB 2(22)**

14. The Content Board was requested to approve the Content Board's Annual Work Programme. Subject to any additional issues that members raised, the team would submit a version of the paper for the 9 February 2022 meeting of the Ofcom Board. Members' comments were invited.
15. Issues raised or discussed by members included: reflecting the importance of supporting and growing/maintaining the global competitiveness of British media; the Content Board's role in relation to policy around online safety, taking into account the Content Board's expertise in content issues, in particular its possible involvement in work around Codes of Practice; stressing that the online safety regime was not just about harmful content but also related to online safety and inculcating best practice; and the role of research in the Content Board's work and the importance of how it was framed and used.

#### **Beyond Broadcast – CB 3(22)**

16. Members had received a paper and annex with the key findings from the Beyond Broadcast report (produced for internal use) and were requested to review the interactive report, as well as provide feedback.
17. Members welcomed the report and raised issues including: possible forecast trends revealed in the data; what Ofcom had learned about the underlying choices that drove trends; possible risks in measuring and weighting the data given the anomalous context of the 2020 data; how

Amazon Prime Video revenues were calculated (given the service's inclusion in the Prime bundle); viewing of SVoD titles in a 'BARB compliant' fashion; the gap in YouTube viewing via TV sets; VoD app prominence on connected TV gateway devices like smart TVs; the different regulatory areas into which each company fell; and the possible implications of the SVoD share data for the relaunch of BBC 3 as a linear channel. Members suggested the report might form the basis of a number of deep-dive discussions related to policy research during the year, and possibly be worked into the Content Board's agenda planning.

#### **Due impartiality in broadcast standards cases – CB 4 (22)**

18. Members had received a paper that briefly outlined recent trends and issues in Ofcom's application of its rules on due impartiality in its standards decision-making. Members' input was sought on the issues raised in the paper and feedback was also invited from participants in the due impartiality teach-in and discussion that had taken place the previous week.
19. Members praised the teach-in session and raised issues including: the value audiences give to the concept of due impartiality in broadcasting; the different means by which impartiality can be achieved; the relationship between individual cases and the broader approach to due impartiality; how to approach the mismatch between public perceptions about the BBC's due impartiality and its compliance record in this area, including improving media literacy around public understanding of the due impartiality rules in general; and how Ofcom's rules covered non-news presenters expressing their personal viewpoints in programming.
20. It was noted that as part of the Future Regulation of the BBC project, Ofcom was repeating research on audience perceptions of the BBC and due impartiality, which was previously undertaken as part of Ofcom's thematic review into BBC News and Current Affairs in 2019. Further thought would be given to possible media literacy work around the subject of due impartiality and the Content Board's role in such work.

#### **Information items**

21. The following items were noted:
  - Ofcom's response to Channel 4's Statement of Media Content Policy 2021/22 (providing an outline of approach and planned timings);
  - Ofcom Board Minutes (17 November 2021); and
  - Communications Consumer Panel Minutes (18 November 2021).

#### **Any Other Business**

22. There was no other business.

#### **Date of the Next Meeting**

23. The next meeting of the Content Board was scheduled to take place on 15 March 2022.