

**MINUTES OF THE ONE HUNDRED AND SIXTY-FIRST MEETING OF THE OFCOM
CONTENT BOARD HELD AT RIVERSIDE HOUSE, LONDON,
ON TUESDAY 3 DECEMBER 2019**

Members Present:

Tim Suter	Chairman
Jonathan Baker	Member
Kevin Bakhurst	Executive Member
Tony Close	Executive Member
Maggie Cunningham	Member
Bob Downes	Member (via Teams)
Aled Eirug	Member
Robin Foster	Member
Angelina Fusco	Member
Sophie Morgan	Member
Stephen Nuttall	Member
Monisha Shah	Member
Janey Walker	Member

In Attendance:

Vikki Cook	Director, Content Policy
Ali Marsden	Director, Standards and Audience Protection
Caroline O'Dwyer	Senior Standards Executive
Siobhan Walsh	Director, Content Policy
David Edwards	Assistant Corporation Secretary
Other Ofcom Colleagues	

Introduction & Welcome

1. The Chairman welcomed all present to the one hundred and sixty-first meeting of the Content Board.

Chairman's update

2. The Chairman reported on discussions at the November 2019 Ofcom Board meeting and focussed on the main areas of work.
3. The Election Committee, chaired by the Content Board Chairman, had met to consider a complaint from the Conservative party about *The Channel 4 News Climate Debate*. Members noted that the Committee's decision, that the programme did not warrant investigation under the Broadcasting Code, was about to be published.
4. The Chairman updated members on his one-to-one meetings with members and summarised emerging views on ways of Content Board working. When conversations were complete he would provide a note and proposed a discussion at the next meeting.

Minutes of the Content Board Meeting held on 1 October 2019 - CB Minutes 160(19), Actions List and Matters Arising

5. The minutes of the Content Board meeting held on 1 October 2019 were agreed as a true and accurate record for signature by the Chairman. It was noted that outstanding actions related to the scheduling (TBC) of future agenda items.
6. There were no other matters arising.

Members' interests

7. There were no interests to declare.

Content and Media Policy updates - CB 23(19)

8. Members noted the contents of a paper providing an update on key policy and project areas in the Content and Media Policy Group.
9. Members were updated further and discussed a wide range of topics, including:
- BBC iPlayer; the BBC had consulted with Ofcom on the former's proposals on how it would assess and report on how iPlayer would deliver public value and to ensure that the BBC retained information on future changes it might make. The BBC's proposed performance measures had been received by Ofcom and were under consideration.
 - BBC Sounds; proposals to aggregate third-party podcasts and whether they were material in relation to competition and possible issues regarding the prominence of third-party content.
 - BBC radio spinoffs; members noted a press report that the BBC was planning to launch new radio stations, an example quoted being a version of Radio 1 that only played dance music. To date, Ofcom had not received proposals.
 - BBC Studios review; the Executive was considering when to launch Ofcom's review, taking into account the delayed publication of the NAO's BBC Studios review.
 - Lines of business; the BBC had announced but not explained publicly in detail the reasons for the removal of its commitment which had the effect of maintaining the existing lines of business within BBC Studios. Ofcom was considering, and would consult on, whether the new lines of business gave sufficient transparency for Ofcom and stakeholders.
 - BritBox; Ofcom had not yet received any plans for cross-promotion from BBC public services to BritBox. If the BBC decided to cross-promote, Ofcom would consider whether regulation would be required to protect fair and effective competition.
 - Broadcasting Code Section 3 enforcement (Crime, Disorder, Hatred and Abuse); there continued to be a high volume of casework. Ofcom was aware of the need to progress such investigations without delay, some being complex, all requiring robust evidence and placing resource pressures on the standards team.
 - Ofcom had issued a draft notice to suspend the licence of Club TV Limited, after its channel Peace TV Urdu rebroadcast material that Ofcom had previously found to have incited murder. Having received Ofcom's notice, Club TV had surrendered its licence. It was noted that Ofcom had published its decision, which was shared with other European regulators. Ofcom was considering the imposition of a sanction.
 - Audience expectations of content in a digital age; the intention was to provide members with an in-depth overview of the findings of the research at the next Content Board meeting.
 - VOD access services; last year Ofcom had made recommendations to the Government on new legislation. The Government asked recently for further recommendations.
 - Age verification; Ofcom was due to implement changes to on-demand rules for online adult content, in line with the BBFC regulatory regime, but the Government announced that the BBFC scheme would not be commenced. Instead, protection of minors would be considered as part of

broader plans for an online regulatory framework. Ofcom would publish a statement to confirm that the rule changes would not now go ahead.

Video sharing platforms - CB 24(19)

10. The Government had issued a consultation proposing Ofcom as the video sharing platforms (VSPs) regulator, at least on an interim basis until a future online harms regulator was established. Members had been provided with a paper to set out new provisions for VSPs, the potential implications for Ofcom and plans for its VSPs programme of work.
11. The Chairman commented that critical issues included identification of risks; whether the correct elements of set-up had been identified; and the implications for the existing work of Ofcom's standards team.
12. A member raised concerns about the risks associated with jurisdiction, noting that some of the largest VSPs would be regulated in Ireland, and whether it would be acceptable, to politicians and to the public, for Ofcom's role in relation to VSPs like YouTube and Facebook to be limited to communicating UK concerns to the Irish regulator.
13. Other issues raised by members included under-18 audiences, age verification and the protection of minors. Another concern was live streaming and the role of the platforms, ie whether they had adequate processes and systems in place to deal with harm. A member commented on generational shift and understanding of VSPs, ie a consideration when recruiting colleagues to advise on and regulate these services.
14. The Executive expected to return to the Content Board in February with a demonstration of VSP services and detail on the market, user base and appropriate measures. The team then planned to return in the Summer with the proposed regulatory framework and in the Autumn on organisational planning.

PSB Review - CB 25(19)

15. Members were briefed on Ofcom's PSB Review programme, scope, structure, workplan and stakeholder engagement, including a series of Small Screen: Big Debate (SS:BD) events across the UK. The Content Board provided feedback.
16. A member reported the success of the SS:BD Belfast event, held the previous week, with attendees including independent producers. An event had been held in Edinburgh on the same day and included a research roundtable. These events allowed attendees to engage fully with the changing broadcasting and PSB landscape. Another member recommended dialogue with PSBs around the world on the impact of emerging commercial platforms on their own PSB systems. The framing of the review of PSB as an opportunity and not solely as a response to market failure was welcomed, whilst account needed to be taken of quality content on non-PSB commercial services and debates about the online world. A member questioned whether the extension of the review beyond the PSBs could conclude that the market would deliver and that the PSB institutions were no longer necessary. Research to identify PSB purposes not met by the market was suggested and training was raised, as a PSB benefit, for inclusion in the Review.

Content Board Annual work programme 2020 - CB 26(19)

17. Ofcom would be consulting shortly on its proposed Plan of Work 2020/21. Members had received extracts from the draft document covering Ofcom work to support UK broadcasting and related to online communications. The Executive would return with a 2020 work programme, including engagement at and between Content Board meetings and with Ofcom's research programme.
18. The Chairman highlighted three key areas of focus: Ofcom's evolving approach to standards regulation; its emerging approach to online regulation; and discussions around PSB. The Ofcom Board would also have a view on Content Board priorities.

Information items

19. The following information items were noted:
 - Minutes of the Ofcom Board (18 September and 17 October 2019)
 - Minutes of the Communications Consumer Panel/ACOD (19 September and 17 October 2019).

Date of the Next Meeting

20. The next meeting of the Content Board was scheduled to take place on 25 February 2020.