

**MINUTES OF THE ONE HUNDRED AND SIXTY-FOURTH MEETING OF THE OFCOM
CONTENT BOARD HELD VIRTUALLY VIA TEAMS,
ON TUESDAY 19 MAY 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
Ali Marsden	Executive Member
Sophie Morgan	Member
Stephen Nuttall	Member
Monisha Shah	Member
Janey Walker	Member

In Attendance:

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

Introduction & Welcome

1. The Chairman welcomed members taking part in the one hundred and sixty-fourth meeting, in particular Ali Marsden who was attending her first Content Board meeting as an Executive member. Congratulations were extended to Kevin Bakhurst who had been appointed to the Ofcom Board.

Members' interests

2. Given Sophie Morgan's role as a presenter, she did not take part in discussion of Channel 4 in the course of the meeting.

Chairman's update

3. The Chairman reported on discussions at the 12 May 2020 Ofcom Board meeting and focussed on the main areas of work.
4. Members noted that work was underway to define a new *One Ofcom* vision, an input being to explore how Ofcom could be organised in the future, especially as it took on broader duties including online harms regulation.
5. It was reported that the process to recruit new Content Board members was making good progress.

Minutes of the Content Board Meetings held on 25 February and 31 March 2020 – CB Minutes 162(20) and 163(20), Actions List and Matters Arising

6. The minutes of the Content Board meetings held on 25 February and on 31 March 2020 were agreed as true and accurate records for signature by the Chairman (there remained an outstanding action to schedule a discussion about due impartiality).
7. There were no other matters arising.

Content and Media Policy updates - CB 11(20)

8. Members had received 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:
 - PSB review; the timetable for the *Small Screen: Big Debate* work programme was being reviewed in light of the pandemic and consideration given to conducting additional research to assess whether views about the value of PSB had changed due to the COVID-19 outbreak. A key part of the programme was stakeholder engagement and a conference planned for May had been postponed, to take place in November at an external venue or as a virtual event, if required. The timetable for the project had been extended by around six months but the review would not be delayed any longer than necessary.
 - Issues raised in discussion by members included the framing of PSB questions and the extent of structural changes in the context of COVID-19; timescales and management of both policy discussions about PSB and a need to focus on the crisis faced by broadcasters, including Channel 4, with the collapse of the TV advertising market and the impact on productions; perceptions of the BBC, its response to COVID-19 (a focus on delivery of its core news services, as well as education and learning through both TV and online content) and future funding.
 - Regulation of Video-sharing platforms (VSPs); the original timelines for the VSP project had lengthened by 2-3 months and was now being led by the same Ofcom team responsible for design of the future online harms regime.
 - Online harms; Ofcom continued to liaise with DCMS and the Home Office on detailed policy areas, including the scope of the regime but working to lengthened timescales. Regarding codes of practice and enforcement powers, the role of the Home Office and Ofcom independence were considerations. It was noted that the COVID-19 crisis had specific implications for online harms, including the risks posed by disinformation and misinformation. Definitions of disinformation and the tools to tackle it were suggested for discussion at a future meeting.
 - Regulatory approach; on 20 March Ofcom had written to all broadcasters, setting out its flexible and pragmatic approach to programming commitments during this extraordinary period, whilst re-iterating the ongoing importance of compliance with the Broadcasting Code. A second letter was then sent to all broadcasters on 27 March on Broadcasting Code compliance considerations during the pandemic. A third letter would be sent shortly to extend Ofcom's flexible and pragmatic approach to programming commitments for a further six months.
 - Community radio; Ofcom had supported DCMS with its launch of emergency community radio funding, announced at the end of April and seeking to support services in severe financial difficulty.
 - Production guidelines; it was noted that UK broadcasters had joined forces to introduce new industry wide guidance for producing television safely during COVID-19.
 - Issues raised by members included certainty over Ofcom's regulatory approach in the context of Scotland moving more slowly out of lockdown and where some broadcasters and others had raised concerns about future Out of London production and commissions; the impact on talent, on BAME and vulnerable people, in front of and behind the camera, who could lose out on future employment opportunities, could become

concerns and it would be important for Ofcom to ensure that broadcasters did not neglect their responsibilities in relation to inclusion and diversity; and for Northern Ireland, there could be difficulties in relation to Out of London commitments being exacerbated by lack of air transport.

- Further issues discussed included BritBox and possible BBC cross-promotion; Channel 4 Corporation (C4C), its Statement of Media Content Policy 2019 and the position and tone of Ofcom's response; and members' request to be kept informed, via a subgroup if required, of any concerns about C4C's financial sustainability and the impact of COVID-19 on its future operations.
- Standards and Audience Protection; it was noted that Ofcom continued to receive a high number of complaints and was prioritising cases involving potential harm to audiences, with a focus on those which involved content relating to COVID-19.
- Three such investigations had been expedited and Broadcasting Code breach decisions published, relating to Uckfield FM, London Live and Loveworld.
- An urgent assessment had been undertaken of comments made on an edition of *This Morning*, relating to alleged links between 5G and COVID-19. Ofcom had concluded that these comments did not warrant further investigation but had provided strong guidance to ITV in a published decision.
- Ofcom had also received a high number of complaints about a series of interviews on *Good Morning Britain* with leading politicians about the UK's response to the Coronavirus crisis. After assessing the complaints Ofcom had concluded that they did not warrant further investigation.
- Ofcom was about to publish breach decisions in relation to various news items on protests in Hong Kong broadcast by China Global Television Network (CGTN). Ofcom was in the process of clarifying the licensing status of CGTN and four fairness and privacy cases were also being investigated.
- An issue raised in discussion by members included News coverage of public health advice on the Coronavirus, given the variations in official guidance in each of the Nations and the need to ensure that audiences were made aware of the different approaches taken by public authorities. Appropriate advice would be included in a forthcoming Ofcom guidance letter for broadcasters.

Information items

10. The following information items were noted:

- Channel 4 Corporation Statement of Media Content Policy 2019 – Update and overview of headlines – CB 12(20)
- Minutes of the Ofcom Board (12 February, 18 March and 22 April 2020)
- Minutes of the Communications Consumer Panel/ACOD (13 February and 19 March 2020)

Any Other Business

11. There was no other business.

Date of the Next Meeting

12. The next meeting of the Content Board was scheduled to take place on 23 June 2020.