

**MINUTES OF THE ONE HUNDRED AND SIXTY-FIFTH MEETING OF THE OFCOM  
CONTENT BOARD HELD VIRTUALLY VIA TEAMS,  
ON TUESDAY 23 JUNE 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
Other Ofcom colleagues	

**Introduction & Welcome**

1. The Chairman welcomed members taking part in the one hundred and sixty-fifth meeting.
2. He was pleased to confirm that the Ofcom Board had agreed to reappoint Jonathan Baker and Monisha Shah to the Content Board, for further three-year terms until 30 September 2023, and reported that the process to recruit new members was making good progress.
3. It was noted that Polly Weitzman, Ofcom's General Counsel, would be leaving Ofcom to join CityFibre.
4. It was further noted that Tim Davie had been named as the BBC's new Director General, taking up the post in September.

**Members' interests**

5. There were no new interests to declare.

**Chairman's update**

6. The Chairman reported on discussions at the 17 June 2020 Ofcom Board meeting and focussed on the main areas of work.
7. It was noted that the next meeting of the Content Board would not take place until October and it was agreed that a short briefing session should be arranged for early September.

**Minutes of the Content Board Meetings held on 19 May 2020 – CB Minutes 164(20) Actions List and Matters Arising**

8. The minutes of the Content Board meeting held on 19 May 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).

9. There were no other matters arising.

**Content and Media Policy updates - CB 13(20)**

10. Members had received a paper providing an update on key policy and project areas in the Content and Media Policy Group.

11. Members were updated further and discussed a wide range of topics, including:

- COVID-19 response; there had been regular dialogue and a third update sent to broadcasters, extending Ofcom's flexible and pragmatic approach to programming commitments until the end of the year.
- It was noted that financial challenges remained for broadcasters funded by advertising revenues, that drama production had been restricted due to social distancing requirements, and that some flexibility on licence fees and payment plans had been offered to licensees in financial difficulty.
- In Ofcom, a project was underway to manage the safe reopening of offices when circumstances allowed.
- There was brief discussion of commercial radio, issues including localness; changes to brands and formats; and steps to reduce overheads. Possible scaling back of BBC regional news shows to reduce costs was noted, as were additional editions of Newsround (the BBC's children's news programme) that had been broadcast.
- Internet strategy; due to COVID-19 the Government's timetable to introduce online harms regulation had been extended but had subsequently shortened and work was progressing at pace. Activity to implement regulation of video-sharing platforms (VSPs) was progressing also (the Executive was continuing to work towards the publication of a call for evidence in July).
- Diversity; members noted the BBC's announcement, made the previous day, to invest £100m of its TV budget over a three-year period to produce diverse and inclusive content. That announcement had followed widespread Black Lives Matter protests and the death of George Floyd in the United States. Those events had highlighted the need for greater dialogue at all levels in Ofcom; for practical steps to improve diversity; and for a plan with specific milestones and measures of success.
- BBC work areas; issues discussed briefly included possible cross-promotion of BritBox; over-75s licence fee changes; delay in publication of the BBC's Annual Plan and Annual Report; and Ofcom's review of BBC Studios.
- Standards and Audience Protection; it was noted that Ofcom continued to receive a high number of complaints but there had been no significant COVID-19 related investigations since the previous meeting. A member commented that Cardiff University had carried out some analysis of UK media reporting of the pandemic that could be of interest to Ofcom.
- There was discussion of China Global Television Network (CGTN), including a number of standards issues and its licence.
- It was noted that following a BBC Breakfast finding in Autumn 2019, Ofcom had engaged with the BBC regarding its complaints transparency and the BBC had published a revised complaints framework.
- Audiovisual Media Services Directive (AVMS); the Executive continued to work closely with DCMS as it drafted the SI to give Ofcom new duties and powers to reflect AVMS provisions. There was brief discussion of new requirements related to on-demand programme services and the additional work this could mean for Ofcom.

**PSB Update - CB 14(20)**

12. Members were updated on Ofcom's review of public service broadcasting (PSB), *Small Screen: Big Debate* (SS:BD), and on how Ofcom had adapted its approach to the review, which would be evidence based, in response to the changed context of COVID-19. The review would take the latter into account but would focus on how to strengthen and maintain PSB in the future beyond the current crisis. Members had been provided with Ofcom's written evidence submitted to the ongoing Digital, Culture, Media and Sport Committee inquiry into the future of PSB.
13. Issues raised in discussion included whether a model based on a small number of PSB institutions continued to be the best approach; a need for an economics perspective in the review; the value of the UK broadcasting sector as a whole; and the growing demands on PSB. The team set out engagement with the independent production sector, noting that remote/home working had helped to create a 'level playing field' for indies, regardless of where they were located in the UK, when making pitches to programme commissioners. The impact of the pandemic on viewing and the PSBs' very positive response to COVID-19 were discussed.

**Online Harms Update - CB 15(20)**

14. Members were briefed on current thinking on Ofcom's preferred model and core elements for regulating harmful online content and conduct; the broad approach and principles; the primary questions to be addressed; and the policy objectives. Those elements included process-based regulation, ie a requirement for online company processes to limit harm; a focus on driving cultural change amongst those companies; and development of a digital operating model, the latter to allow Ofcom to automate some key functions to cope with the anticipated scale and volume of interactions.
15. In response members made a number of comments, including the need to define priority harms and the question of who would do so; complexity and value in examining the problems of online harm from different perspectives, eg that of users (consumption behaviour), advertisers and content creators, the latter often operating on a global scale; it would be important to be able to gauge the success of harms regulation; processes could be derived from principles; a need to provide regulated companies with guidance and examples of best practice; how regulation would begin, whether by the registration of online players; cultural change would take time to achieve and in the early years an emphasis on supervision and enforcement would be required; and a need for engagement with consumers and citizens.
16. The Executive responded to the various issues raised and it was noted that the prioritising of harms was a live issue but the most serious harms were expected to be in the top tier; that research and stakeholder engagement would be important; and that adequate funding and resourcing for harms regulation would need to be agreed.

**Media Nations Report - CB 16(20)**

17. Members were briefed on Ofcom's plans to publish its Media Nations 2020 report in August. It would consist of a main UK report, separate reports for Northern Ireland, Scotland and Wales, and an interactive data report. Members were also briefed on early high-level findings related to the impact of COVID-19 on TV viewing (broadcast and non-broadcast), radio listening, and on broadcaster finances.

18. There was discussion of issues including SVOD and the performance of different services, including Britbox; the genres being viewed across different platforms, whether that was changing and whether more UK content was currently being consumed; how Ofcom would track and report on the latest developments in viewing/listening, e.g. the return of Premier League football, made-out-of-London production quotas, and 'on the go' consumption trends (e.g. music streaming).

**Information items**

19. The following information items were noted:
- Minutes of the Ofcom Board (12 May 2020)
  - Minutes of the Communications Consumer Panel/ACOD (23 April 2020)

**Any Other Business**

20. There was no other business.

**Date of the Next Meeting**

21. The next meeting of the Content Board was scheduled to take place on 6 October 2020.