

**MINUTES OF THE ONE HUNDRED AND FIFTY-FOURTH MEETING OF THE OFCOM  
CONTENT BOARD HELD AT RIVERSIDE HOUSE, LONDON,  
ON TUESDAY 6 NOVEMBER 2018**

**Members Present:**

Tim Suter	Chairman
Jonathan Baker	Member
Tony Close	Executive Member
Maggie Cunningham	Member
Bob Downes	Member
Aled Eirug	Member
Angelina Fusco	Member
Robin Foster	Member
Sophie Morgan	Member
Monisha Shah	Member
Janey Walker	Member

**Apologies:**

Kevin Bakhurst	Executive Member
Zahera Harb	Member

**In Attendance:**

Laura Cole	Senior Standards Executive
Jacqui Gregory	Corporation Secretary
David Edwards	Assistant Corporation Secretary
Other Ofcom Colleagues	

**Introduction & Welcome**

1. The Chairman welcomed all present to the one hundred and fifty-fourth meeting of the Content Board, in particular Maggie Cunningham and Sophie Morgan who were attending their first meeting. He introduced Jacqui Gregory, Ofcom's new Corporation Secretary.
2. Zahera Harb was unable to attend what would have been her last meeting and the Chairman expressed thanks for her contribution to the work of the Content Board.

**Chairman's update**

3. The Chairman reported on recent Ofcom Board discussions, including at the October strategy day, and focussed on the main areas of work. Members noted the appointment of Angela Dean and Maggie Carver to the Ofcom Board, the latter as Deputy Chairman, from 30 September 2018.

**Minutes of the Content Board Meeting held 25 September 2018 - CB Minutes 153(18) and Matters Arising**

4. The minutes of the Content Board meeting held on 25 September 2018 were agreed as a true and accurate record for signature by the Chairman.
5. There were no other matters arising that were not covered by the meeting agenda.
6. It was **AGREED** that henceforth a separate actions list would be provided with meeting papers.

**Members' interests**

7. There were none to report.

**Content and Media Policy updates - CB 38(18)**

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 on and discussed a wide range of topics, including:
- *Ofcom's annual report on the BBC* which had been published, with a BBC performance report annexed to it; media focus had been on younger audiences turning away from the BBC in the face of competition from commercial rivals and online services.
  - BBC proposals to increase boxset content on the iPlayer, which Ofcom had found to be a material change; the BBC had been directed to conduct a public interest test and interim measures allowing the BBC to make limited changes were being imposed.
  - *Representation and portrayal on BBC television* which had been published; the Ofcom review, underpinned by research, provided a benchmark of BBC delivery of its public purpose to serve, reflect and represent the diverse communities of the UK; Ofcom would continue to monitor this performance.
  - a request that Ofcom undertake a BBC Competition Review by Wireless Group; it had argued that the BBC was overpaying for radio sports rights and with arrangements that were having a significant impact of competition; the BBC has been asked to comment.
  - the BBC had informed Ofcom of its plans to combine BBC iPlayer Radio with BBC Music to form BBC Sounds and had been invited to provide an updated materiality assessment of its proposal to expand the service when plans were more developed.
  - Ofcom's consultation on proposed amendments to the BBC Operating Licence to encompass the new BBC Scotland channel, which had closed; the Executive would follow-up a member's query related to 'first-run' programming.
  - the future for local TV and requests from both London Live and That's TV to reduce their programme commitments.
  - and the progress of 10 RT investigations; RT had requested the opportunity to provide oral representations on Ofcom's Preliminary Views on the 10 cases.

**Ofcom Annual Plan 2019/20 and Content Board work plan - CB 39(18)**

10. Members had received a paper and were asked to consider content-related priorities for the proposed Ofcom Annual Plan 2019/20, alongside a draft work plan for the Content Board for the coming year. It was noted that a paper on the work plan would go to the December meeting of the Ofcom Board.
11. In relation to Annual Plan priorities, members made comments including:
- The priorities, as presented in the paper, could be adjusted to more evenly reflect BBC work and broader content-related work.
  - Ofcom's other ongoing duties in relation to broadcasting should be given prominence in the Annual Plan, in particular the work undertaken to enforce programme standards across TV and radio and consideration of the evolution of standards issues.
  - Work to complete the review of Ofcom's EPG Code would be

important.

12. Six work areas had been proposed for the Content Board's own workplan:
  - Enforcing and maintaining programme standards;
  - Evolution of content standards and audience expectations;
  - Harmful online content;
  - The thematic review (of BBC news and current affairs);
  - Promoting accessibility, diversity, and equality of opportunity across broadcasting in the UK; and
  - Maintaining and strengthening the PSB system.
13. Members commented that work on PSB should look beyond the existing regime and consider all delivery mechanisms and that review of news and current affairs needed to include both consumer and industry perspectives and non-traditional formats. Consideration would next be given to how Content Board members would engage with this work.

**Standards key themes and emerging lessons - CB 40(18)**

14. This was the second Content Board discussion of this topic, a paper in September had outlined four broad issues and for today's meeting paper these had been reduced to two clear themes intended for discussion as a six-monthly report to the Ofcom Board at its meeting the following week. The Board would be seeking to ensure that the Content Board was discharging its standards functions.
15. The themes were one, that most investigations involved small, community-focused broadcasters and breaches for crime and serious harm had largely occurred on services aimed at minority audiences; and two, the application of due impartiality rules across the range of services Ofcom regulated presented challenges.
16. Issues discussed by members included the allocation of resources for standards work; the balance between dealing with complaints and monitoring activity, the former being the main driver of investigations; complaint figures; sanctions categories, incitement and hate speech more prevalent in recent years; and the preliminary view and final decision process for standards cases, being revisited internally with the aim of allowing uninhibited discussion of standards issues by the Content Board. The six-monthly report to the Board would be drafted to include recommendations derived from points in today's paper and discussion.

**Industry and regulatory impacts of no-deal Brexit policy - CB 41(18)**

17. In the event that no deal is reached to retain access to the EU market post-Brexit, the existing basis for broadcast TV licensing and VoD authorization (the Audiovisual Media Services Directive and the country of origin principle) would fall away. Members had received a paper on the industry and regulatory impacts. These being loss of freedom of reception in the EU for UK broadcasters, a new licensing regime and some new content rules.
18. It was noted that the European Convention on Transfrontier Television (ECTT) treaty (including 20 of the EU-27) was expected to be the main vehicle to replace the current regime. It was noted also that Ireland was not a signatory to the ECTT treaty and that cross-border broadcasters between the UK and Ireland, with the exception of RTE 1, RTE 2 and TG4, would need both a licence in the UK and a licence in Ireland, ie dual-licensing.

**Information items**

19. The following information items were noted:
- A paper on Ofcom's PSB Leading Indicators work, a set of trackable metrics to assess how changes in consumer behaviour and the broadcasting industry may affect the future of the PSB system.
  - Minutes of the Ofcom Board (18 September 2018) and the Communications Consumer Panel/ACOD (12 July and 20 September 2018).

**Any Other Business**

20. There was none.

**Date of the Next Meeting**

21. The next meeting of the Content Board was scheduled to take place on 18 December 2018.