

**MINUTES OF THE ONE HUNDRED AND SIXTY-SECOND MEETING OF THE OFCOM  
CONTENT BOARD HELD AT RIVERSIDE HOUSE, LONDON,  
ON TUESDAY 25 FEBRUARY 2020**

**Members Present:**

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

**Apologies:**

Sophie Morgan	Member
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**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-second meeting of the Content Board. Members noted three Ofcom-related announcements, all made on 12 February 2020: the appointment of Dame Melanie Dawes as the new Chief Executive, from 2 March; Lord Burns would step down as Chairman by the end of 2020; and the Government was minded to appoint Ofcom as the new regulator for online harm.

**Chairman's update**

2. The Chairman reported on discussions at the December 2019 and the February 2020 Ofcom Board meetings and focussed on the main areas of work.
3. He had provided a note on his recent one-to-ones with non-executive Content Board members. The note summarised views on how the Content Board was working as a board; on priorities for the future; and on how best to employ the time and experience of members, individually and collectively. The Chairman would take issues forward; in particular, those related to the current two-stage process for standards investigations involving separate Preliminary View and Decision panels; and a shared desire to meet as a board outside formal meetings, to discuss broader strategic themes and issues.

**Minutes of the Content Board Meeting held on 3 December 2019 - CB Minutes 161(19), Actions List and Matters Arising**

4. The minutes of the Content Board meeting held on 3 December 2019 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 (date TBC).
5. There were no other matters arising.

**Members' interests**

6. There were no new interests to declare.

**Content and Media Policy updates - CB 1(20)**

7. Members noted the contents of a paper providing an update on key policy and project areas in the Content and Media Policy Group.
8. Members were updated further and discussed a wide range of topics, including:
  - Online harms regulation; the regulatory focus was expected to be on high level harms and activity was underway, with joint Ofcom, DCMS and Home Office working groups on component parts of the legislation. The Ofcom Board would value input from the Content Board and at the appropriate time the latter's role in online regulation would need to be determined.
  - Issues raised in discussion by members included the independence of the regulator; extra-territoriality; the rapidity of decision making on online harms; complaints about platform processes; and the organisational changes needed for Ofcom to take on this new area of regulation.
  - It was noted that the *Times* would publish shortly an op-ed piece by Kevin Bakhurst on how freedom of speech could be affected by social media platforms (*Online regulation poses no threat to freedom of speech*, 27 February 2020). It would also emphasise the importance of Ofcom's independence and freedom from corporate and political influence.
  - Of related interest was a recent judgment in the High Court between Harry Miller and (1) The College of Policing (2) The Chief Constable of Humberside. It provided insights into the challenges of regulating lawful speech and a link to the judgement would be shared with members.
  - Standards and Audience Protection; there continued to be a high level of casework relating to incitement and hate speech in programmes and it was noted that additional team resource was being recruited.
  - Better understanding of audience expectations of channels aimed at minority ethnic groups; research was being scoped and funding had also been secured to raise awareness among specific communities of Ofcom's role and remit.
  - Work was underway to look at how Ofcom could potentially use AI to increase the speed and scale of Standards enforcement, including translation and monitoring.
  - Circa 1,600 complaints had been received concerning Piers Morgan and an edition of ITV's *Good Morning Britain*, broadcast in January (imitation of a Chinese accent). It was noted that Ofcom had decided not to pursue the complaints and would make public the reasons for its assessment and 'not-pursued decision' to provide guidance to ITV and other broadcasters.
  - Protecting adults in programmes; Ofcom planned to re-consult on a revised approach. An Executive/ Content Board subgroup was due to

meet following the Content Board meeting to discuss this further.

- BBC work areas; the BBC would be publishing its Annual Plan shortly, of particular interest, and related to Ofcom's Public Service Broadcasting (PSB) work, would be BBC plans to retain younger audiences.
- The first phase of Ofcom's BBC Studios work programme would include assessment of the BBC's changes to the lines of business. It was noted that development of BritBox could raise concerns about the relationship between Studios and the new streaming service.
- Content Board annual work programme; members had been copied a proposed work programme and when agreed by the Ofcom Board it would provide a Content Board forward agenda. Members discussed issues including Ofcom work on diversity in the broadcast sector and granularity of data; the creative/ economic success of the sector; public debates about the BBC licence fee and alternatives; and whether Ofcom's role was to review or strengthen PSB.

#### **Beyond Broadcast Research Report - CB 2(20)**

9. Members were briefed on insights contained in the narrative and interactive versions of Ofcom's Beyond Broadcast Report 2020.
10. The report was produced for internal use to further Ofcom's understanding of the wider audiovisual sector and the impact online video was having on traditional TV models. It would feed into public Ofcom reports including the annual *Online Nation* and *Media Nations* reports.
11. Issues discussed included the growth of Subscription Video on Demand (SVoD) services and whether it would reach a limit; profitability of SVoD services and what this meant for investors; and access to SVoD as part of a pay TV package like Sky and viewer awareness that they were switching providers.

#### **Future of PSB – Small Screen: Big Debate - CB 3(20)**

12. Members were updated on the PSB work programme. It was noted that Ofcom was about to launch a Small Screen: Big Debate website and to publish its five-year reviews of PSB and of Channel 4 Corporation, both covering the period 2014-18. In May 2020 Ofcom planned to host an industry conference to debate the future of PSB, in the light of evidence collected, and expected to consult on possible recommendations to DCMS in June/July (material changes to PSB would require legislation). The update included briefing on the media lives of 16-year-olds.
13. There was a broad discussion about the scope of the review and the initial findings from discussions with a broad range of stakeholders, including audiences, independent producers and broadcasters. Other issues discussed included awareness of traditional channels/ brands amongst young people and the ability of PSBs to reach young audiences directly and the value of PSB.
14. The Executive proposed to return to the Content Board later in the year to discuss the progress of the PSB work programme and the recommendations being developed and would engage with individual members throughout.

**Audience Expectations in a Digital World Research - CB 4(20)**

15. Members were briefed on research undertaken by Ipsos MORI, due to be published in March, to help Ofcom to understand how audience expectations were evolving in a digital world. It explored participants' changing attitudes towards content standards and their experiences of programmes across platforms including TV, radio, catch-up, subscription and video sharing services.
16. Issues discussed by members included freedom of speech, including freedom of expression for broadcasters; offensive language, including on music radio; and the ongoing need to assess changing audience attitudes to broadcast standards from time to time.

**Children's Media Literacy Research – key findings – CB 5(20)**

17. Members were briefed on the key findings from the latest wave of Ofcom research into children's media use and attitudes, published recently in the *Children and Parents: Media Use and Attitudes 2019* quantitative report and *Children's Media Lives 2019* qualitative report.
18. It was noted that children were seeing an increased amount of upsetting content, some via social media, and it would be useful to unpick this further. Some adults used parental controls designed to help protect their children from inappropriate content online but it was further noted that as children became older parents relied more on talking to them about harmful online content.

**Videosharing Platforms – CB 6(20)**

19. Members were taken through a workshop that included the VSP regulatory model and scenarios and a live demo of some of the VSPs likely to be regulated by Ofcom.
20. Matters discussed included how amenable VSPs would be to regulation, smaller services in particular, and how easy it would be to identify them; relationships with regulators in other jurisdictions, eg Ireland; appropriate measures to be taken by VSPs, including reporting/flagging systems; the extent of harmful content; a likely sliding scale levy on platforms to fund VSP regulation; and the issue of enforcement and free speech.

**Information items**

21. The following information items were noted:
  - Channel 4's Statement of Media Content Policy – CB 7(20)
  - Content Board Annual Work Programme – CB 8(20)
  - Key Themes Standards Report to the Ofcom Board – CB 9(20)
  - Minutes of the Ofcom Board (20 November and 18 December 2019)
  - Minutes of the Communications Consumer Panel/ACOD (14 November and 12 December 2019 and 16 January 2020).

**Date of the Next Meeting**

22. The next meeting of the Content Board was scheduled to take place on 31 March 2020.