



Note of the 303rd Meeting of the Ofcom Board, held on 19 April 2023

Members were welcomed to the 303rd meeting of the Ofcom Board. Martin Ballantyne (General Counsel), Veronica Branton (Corporation Secretary), Francesca Carter (Head of Governance) and Sharon Malley (Governance Manager) attended throughout.

Declaration of members' interests

1. The Chair noted the resignation of Kevin Bakhurst as Group Director Broadcasting and Media in order to take on the position of Director General at RTE. He said that although RTE was not regulated by Ofcom, it competed with Ofcom-regulated firms and it had been agreed that Kevin would begin gardening leave from 19 April 2023. In addition, he would no longer be a member of the Ofcom Board.
2. The Board recorded its thanks to Kevin for his transformative work over seven years at Ofcom, including three years as an executive member of the Board, and wished him well for the future. Kevin thanked Board members for their support, advice and collaboration.
3. No new declarations of interest were raised by members at the meeting.

Minutes of the meeting held on 15 March 2023 and matters arising

4. The minutes of the Ofcom Board meeting held on 15 March 2023 were approved for signature as an accurate record.
5. A summary of progress against action points was noted.

Chair's report

6. The Chair updated the Board on his activities, including correspondence with the Secretary of State for Science, Innovation and Technology, a meeting with the Minister for Culture, Communications and Creative Industries in the House of Lords, and the Chair of BT.

Chief Executive's report

7. Melanie Dawes presented her report covering key developments since the last Board meeting, including an update on the Media Bill, preparations for the introduction of the online safety regime and a meeting with the Secretary of State for DSIT.

8. Lindsey Fussell updated the Board on work in relation to telecoms affordability. Ofcom's latest research would be published on 24th April, accompanied by a campaign to promote social tariff awareness.
9. Lindsey Fussell also updated the Board on the position in relation to Royal Mail.
10. The Board discussed and noted the report.

Update on fraud and scams

11. The Board discussed a paper on fraud and scams and Ofcom's forthcoming duties under the Online Safety Bill. The Board noted Ofcom's work on telecoms scams and the forthcoming consultation on scam calls.
12. The Board noted there was still a tendency in some areas to understate the extent of the harm caused by online fraud and scams. Telecom companies provided the infrastructure that fraudsters took advantage of but had no current responsibilities for compensating victims, with banks generally footing the bill. The Financial Conduct Authority was keen that other players in the system bore some of these costs.
13. The Board noted the progress to date in relation to telecoms scams and online fraud; the preparations for Ofcom's forthcoming responsibilities under the Online Safety Bill; the plans for developing a longer-term holistic approach to tackling fraud across telecoms and online; and the key challenges and how Ofcom would address them. It was agreed that the Board would receive an update on this topic later in the year.

Telecoms security framework implementation update

14. The Board discussed a paper setting out progress on Ofcom's implementation of the Telecommunications (Security) Act 2021, which came into force in October 2022. The Board noted that the regime was complex and its key objective was to improve levels of security across the telecoms sector. It would take some time to understand how the 280 measures in the framework were being implemented. The team would continue to work closely with DSIT and the National Cyber Security Centre. A significant challenge, for Ofcom and the wider industry, was recruiting teams with the requisite skills and experience in the field.
15. The Board discussed the paper and noted the importance of Ofcom working across the ecosystem, such as vendors and standards bodies, and not limiting itself to regulated telecoms companies and of ensuring that operational management of the regime protected the confidential information Ofcom received. The ongoing work and continued dialogue with operators was noted.

Update on Ofcom's Estates Strategy

16. The Board discussed a paper updating the Board on progress with Ofcom's Estates Strategy. The Chair noted the pre-Board discussion on this topic by the non-executive Board members and highlighted the uncertainties for employers in relation to their

estates strategies post-Covid. He also noted uncertainties relating to future employment patterns and that the estates strategy needed to be aligned to future business planning.

17. The Board discussed options for premises in Manchester and London. It was agreed that the Board would look at the Connected Working framework following the PMB discussion in October, with estates strategy feeding into the 2024/25 budget process.
18. The Board noted progress of the Estates Strategy and agreed the approach for 2023/24.

Market study on the supply of cloud services in the UK

19. The Board discussed a paper on the findings of Ofcom's interim report on its cloud market study and next steps. The Board noted the interim report and findings.

Comparing the Online Safety Bill and EU Digital Services Act

20. The Board discussed a paper comparing the key provisions of the Online Safety Bill (OSB) and the EU's Digital Services Act (DSA).
21. Ofcom had been looking at how the regimes might interact and the paper offered views based on the team's experience as well as conversations with the Commission and other stakeholders. The interaction between the regimes would probably be iterative and the Board noted the benefits of Ofcom and the Commission sharing experiences and learning from each other.
22. The Board noted the paper.

Annual litigation update

23. The Board discussed a paper updating the Board on Ofcom's litigation position. It was noted that the legal team may need additional resource to manage any future large cases but this would be addressed when necessary.
24. The Board noted the paper.

Reappointment to the Board of MB ALBA

25. The Board approved the reappointment of Marion Sinclair to the Board of MG ALBA for a term of four years from 1 June 2023; noted that, in line with the provisions of the Scotland Act 2016 ("the 2016 Act"), the reappointment was subject to final approval by Scottish Ministers; and noted the five further terms that would be coming to an end on the Board of MG ALBA in the next year.

National Advisory Committee for Scotland reappointments

26. The Board approved the re-appointments to the Advisory Committee for Scotland of Elizabeth Partyka for a two-year term from 1 September 2023 until 31 August 2025; and Jess McBeath for a three-year term from 1 September 2023 until 31 August 2026.

Information items

27. The Board noted the following information items:
- Non-executive member updates
 - Finance report
 - Latest Connected Working data
 - Board work programme and publications schedule
 - Minutes of the Communications Consumer Panel (23 February 2023) and Risk and Audit Committee (1 March 2023)

Any other business

28. The Board was updated on progress with appointments to the Ofcom Board and the Board of Channel Four Corporation.

Date of the next meeting

29. The next Board meeting would be held on 17 May 2023.

26 April 2023