MINUTES OF THE FIFTY SIXTH MEETING OF THE OFCOM CONTENT BOARD HELD AT RIVERSIDE HOUSE, LONDON ON TUESDAY 11 DECEMBER 2007

Present
Philip Graf  Chairman
Adam Singer  Deputy Chairman
Richard Ayre  Member
Sue Balsom  Member
Chris Banatvala  Member
Anthony Lilley  Member
Paul Moore  Member
Joyce Taylor  Member
Kath Worrall  Member and Chair Fairness Committee
Millie Banerjee  Member

In Attendance
Graham Howell  Secretary to the Corporation
Stewart Purvis  Observer
Other Ofcom colleagues

Apologies
Pam Giddy  Member

Introduction
1. Members welcomed Stewart Purvis as an observer of the meeting and NOTED that he would become a member of the Content Board before the following meeting.

Members' Interests
2. There were no new declarations for the Register.

Minutes of 16 October 2007 and Matters Arising
3. The minutes of the Content Board meeting held on 20 November 2007 were AGREED.

Rolling Forward Plan of Content Board Agendas
4. Members NOTED the Rolling Forward Plan of Content Board Agendas.

Matters Arising
5. There were no matters arising.

Current Ofcom Issues
6. Members RECEIVED a report on current Ofcom issues and NOTED the minutes of Ofcom Board meetings held on 30 October and 13 November 2007.
Report back from Radio Licensing Committee

7. Members RECEIVED a report on current issues concerning the Radio Licensing Committee and Members NOTED the minutes of the 8 November 2007 RLC meeting.

Papers for information

8. Members NOTED the paper CB (129(07), Matters for External Communication, for information.

Minutes for Noting

9. Members NOTED the minutes of the National Advisory Committee meeting – Northern Ireland – 4 October 2007.

Sanctions Procedures in Broadcasting

10. The Content Board was asked to recommend the draft outline procedure for sanctions in content and content related broadcasting cases for final approval by the Ofcom Board. Colleagues talked Members through the key points with regard to the procedures, as follows:

   • the reviewed procedures would be published in January 2008;
   • a fast track procedure had been introduced which would allow Ofcom to take the appropriate action to avoid unnecessary delays in cases where broadcasters had failed to comply with Ofcom directions or notification of breaches. The fast track procedure would only be invoked if a case met specific criteria, to ensure the process was fair; and
   • there would be a reduction in number of stages in the process, from three to two, but there would be an increase from seven to ten days, in the amount of time broadcasters had to respond in the final stage.

11. The Content Board APPROVED the proposed outline procedure subject to the following:

   • Confirmation being received from the Secretary that the quorum of the Content Sanctions Committee was three Content Board Members; and
   • that a confidentiality clause would be included.

Standards Report

12. The Content Board RECEIVED an update on programmes which had been attracting complaints, as well as an update on the status of current Fairness and Content Sanctions cases.

Update on Current ASA Issues

13. Members RECEIVED a summary on the recent activity on the part of BCAP and the ASA which impacted on the co-regulatory system during 2007, as set out in paper CB 133(07).

BCAP Code Review
14. Members were notified that in 2008 there would be a review of the BCAP Code. It was **AGREED** that the Content Board would be presented with a paper early in 2008 which would set out options on how Ofcom and the Content Board might approach the Code review.

Q & A Session with ASA/BCAP

15. The Content Board was joined by:
- [withheld from published minutes]
- [withheld from published minutes]
- [withheld from published minutes]

16. Members were introduced to the guests and a discussion followed. They key issues raised were:

- There was scope for increasing the amount of close working between ASA and BCAP.
- There were growing numbers of social issues such as alcohol abuse, violence and obesity that would be increasingly important to the ASA, BCAP and Ofcom.
- In order to avoid being a reactive organisation, the ASA carried out an exercise to test the public response to certain issues. They held a public forum in Nottingham focussed on violence in advertising.
- A wide range of community members were invited to give their views on the topic and gave very interesting and valuable feedback. It was agreed that the public report on this would be shared with the Content Board.
- There would be another public event in May/June 08 on the topic of environmental claims made in advertising as complaint levels on this had risen. Similar events were also planned to tackle other issues such as food and alcohol.
- BCAP/CAP Code Review – the review was in the early stages. The review was not borne of dissatisfaction with the Code but it seemed to be a sensible time to review it and take into account the future and the impact of new media. The remit of the ASA, and what elements of new media might fall within its remit, was likely to be considered in the course of the review.

**DTT Multiplex Re-Organisation**

17. Ofcom colleagues presented paper CB 135(07). The main issues were as follows:

- The Ofcom Consultation on the Future of the DTT Platform was published on 21 November 2007 and would finish on 30 January 2008.
- A statement on the outcome of the consultation was expected to be published in March 2008.
- The proposed selection process to award capacity would be fair, transparent and objective using criteria that would reflect the three key objectives: 1) maximise the use of spectrum, 2) promote the purpose of PSB and 3) promote the availability of a wide range and diversity of high quality TV services.
- People who were already switched on following DSO would require a box to get the new services.
18. It was proposed that a Committee comprising of five Ofcom colleagues, including at least one Content Board Member, would have delegated authority from the Ofcom Board to evaluate proposals and decide on the allocation of capacity.

19. Members NOTED that the key issue was to ensure that people were aware of their choices and what products were needed. Ofcom would work closely with Digital UK, the Government, and the BBC to ensure that this was the case.

Digital Dividend Review

20. The Content Board was ADVISED of the key decisions and issues in the Digital Dividend Review Statement which would be published on the 13 December 2007. The statement would set out Ofcom’s approach to awarding the digital dividend. Members NOTED:

- that this was the first stage of the process in terms of how Ofcom will award the licences to use the digital dividend;
- all Advisory Committees had been given the opportunity to put their views to the Ofcom Board and;
- that the next phase on the detailed design of the digital dividend awards would go out for consultation in Spring 2008.

PSB Review

21. This item was split into 2 sections in order to structure the discussion, as follows:

English Regions and Local Content

22. This section followed on from the discussions held at the meeting on 20 November 2007, where nations and network production issues were discussed. The issues raised interlinked with English regions and local content, as they were so closely related. The main points were:

- economic financial modelling indicated that before 2012, there would be a significant financial gap between the costs and benefits of being a PSB;
- the team intended to publish a self standing document incorporating proposals specific to Nations and regions, and in particular an evaluation of the ITV regional news proposals around the time of Phase 2;
- qualitative and quantitative research had already been carried out in preparation for the September document including both quantitative and deliberative research. This would cover all the regions affected, and;
- colleagues would welcome Content Board engagement in the deliberative work and would inform Members of the dates which would be around Spring 2008.

Phase 1 Hypotheses and New Services

- Members were ADVISED by Ofcom colleagues that the hypotheses of Phase 1, as detailed in paper CB 134(07), were initial thinking and a basis for working but were not the final answer.
- Colleagues had received a lot of help from the Members who were involved in the Steering Group.
- The hypotheses would be further developed to incorporate further analysis and the
research results which are now being reported back to Ofcom. A substantiated set of hypotheses/conclusions would be available around January/February 2008 and a Content Board session to discuss these outcomes had been planned for the meeting in February 2008.

23. Members **DISCUSSED** the issues and made colleagues aware of their views in order that they may be considered as part of the work being carried out.

**Any Other Business**

24. [withheld from published minutes]

**Date of Next meeting**

25. The next meeting of the Content Board was planned for 8 January 2008 at Riverside House, London.