

**PUBLICATION MINUTES OF THE THREE HUNDRED AND SIXTH MEETING OF
THE OFCOM BOARD HELD ON 19 JULY 2023
AT RIVERSIDE HOUSE, SE1 9HA AND VIA MICROSOFT TEAMS**

Present

Michael Grade	Chair
Maggie Carver	Deputy Chair (via Teams)
Karen Baxter	Non-Executive Member
Melanie Dawes	Executive Member and Chief Executive
Angela Dean	Non-Executive Member
Bob Downes	Non-Executive Member
Lindsey Fussell	Executive Member and Group Director, Networks & Communications
Will Harding	Non-Executive Member
David Jones	Non-Executive Member
Ben Verwaayen	Non-Executive Member (via Teams, items 1-9)

In attendance

Martin Ballantyne	General Counsel
Veronica Branton	Corporation Secretary
Sharon Malley	Governance Manager
Huw Saunders	Director of NI and Resilience (Item 5)
William Wedge	Principal Policy Adviser Resilience (Item 5)
Siobhan Walsh	Interim Group Director, Broadcasting and Media Group (Item 6)
Adam Baxter	Director Standards and Audience Protection (Item 6) (via Teams)
Alison Marsden	Director Content Standards Licensing and Enforcement (Item 6) (via Teams)
Sian Bundred	Director Standards and Audience Protection (Item 6)
Yih-Choung Teh	Group Director Strategy and Research (Item 7)
Luisa Affuso	Group Director Economics and Analytics (Item 7)
John Ivory	Director of Economics (Item 7)
Deborah McCrudden	Director Market Research (Item 7) (via Teams)
Fred Langford	Director Trust and Safety Technology (Item 7) (via Teams)
Melissa Tatton	Group Director Corporate (Items 8-9)
Kate Davies	Public Policy Director (Item 8)
Jess Smith	Policy Development Lead (Item 8)
Jon Higham	Online Safety Policy Development Director (Item 8) (via Teams)
Simon Redfern	Communications Director (Item 9)
Lizzi Regan	Media Relations Lead (Item 9)
Tony Finnegan	Digital News Lead (Item 9)

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<p>Item 1: Declaration of members' interests – Board paper 79a(23)</p> <p>1. The Board noted paper 79a(23) on the approach to managing a potential conflict of interest and a new interest notified by David Jones.</p>	
<p>Item 2: Minutes of the meeting held on 21 June 2023 and matters arising – Board minutes 305(23) and note of action points</p> <p>2. The minutes of the Ofcom Board meeting held on 21 June 2023 were APPROVED</p>	

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for signature by the Chair as an accurate record.	
3. A summary of progress against action points was NOTED .	
Item 3: Chair's report	
4. The Chair updated the Board on his activities. He said he had attended the House of Lords for its consideration of the Online Safety Bill and noted that amendments to the Bill could have implications for Ofcom's workload. He had participated in interviews for the Channel 4 Board vacancies and had also held fireside chats with candidates for the role of Group Director Broadcast and Media. Along with Melanie Dawes, he had given evidence to the House of Lords Communications Committee on Ofcom's role in the changing media landscape.	
Item 4: Chief Executive's report – Board paper 79(23)	
5. Melanie Dawes presented paper 79(23) on her activities and drew attention to the following: <ul style="list-style-type: none"> • The flash findings of the colleague survey were largely positive and more detailed analysis of the results would follow. She particularly welcomed the strong results on colleagues' understanding of the strategic objectives of Ofcom, which reflected work in the One Ofcom programme, increased knowledge of the three-year plan and the weekly Good Morning Ofcom sessions. • Government interest in economic regulation was growing and she had attended a roundtable with regulators and the Chancellor of the Exchequer to discuss the impact of the rising cost of living on regulated sectors. This would remain an important issue for Ofcom and the recent Cost of Living Action Plan set out Ofcom's position. • It was likely that a consultation would be launched in due course on adding growth as a duty for Ofcom, in line with several other regulators. Depending on the scope of the duty, this could add legal complexity and risk to Ofcom's work. • BT was in the process of appointing a successor to Philip Jansen, who was standing down as Chief Executive. It remained to be seen if this would lead to changes in BT's strategic approach and relationship with Ofcom. • Ofcom was continuing its work on impartiality and the regulation of current affairs programming presented by politicians, with two new live investigations into GB News programmes. This was a currently high profile issue. • The Spectrum team had been carrying out enforcement action, including closing down a pirate radio station that had been interfering with air traffic control at City Airport. Spectrum were also preparing for the World Radio Conference and an update would be provided to the Board in September. 	Corp Sec
6. The Board discussed the current position in respect of Royal Mail, including their liquidity and financing options. Ofcom and the government had been working on contingency preparations and the importance of keeping the government up to date on	

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<p>Ofcom’s thinking was noted. Ofcom should also ensure its own records and risk assessments on this topic were complete.</p> <p>7. The Board NOTED paper 79(23).</p>	
<p>Item 5: Update on work to help improve resilience on communications networks – Board paper 80(23)</p> <p>8. Huw Saunders presented paper 80(23) on the resilience of communications networks. He said network resilience was a key priority in Ofcom’s three-year plan and was of critical importance to society in general. Work was focused on establishing a baseline for resilience guidelines for consultation in the autumn, with the aim of introducing minimum standards expectations in 2024. Work was also progressing in partnership with Ofgem in relation to the resilience of power networks supplying communications networks.</p> <p>9. The Board discussed enforcement options and the importance of having the current rules clearly articulated. It was likely that the issue of network resilience would increase in profile and Ofcom’s minimum standards would aim to set out best practice. Very high degrees of resilience would require investment that communications providers would be unwilling to undertake and would therefore be an issue for government.</p> <p>10. The Board noted that thresholds for reporting outages meant that providers may not be obliged to report outages affecting isolated communities even when they were for significant periods. Operators were sensitive to this and BT reported more than it was obliged to under the threshold. The reporting of outages in areas dependent on a single mast may be an area to revisit in future.</p> <p>11. The Board noted the importance of communications providers maintaining accurate asset registers to enable outages to be resolved quickly and reliably. Ofcom was working with one operator to improve its systems, which should lead to improved resilience without the need for significant capital investment.</p> <p>12. The Board noted that operators were working on backup capabilities to improve resilience of the 999 emergency service. It was encouraging that industry was looking to exceed minimum requirements in this area.</p> <p>13. The Board NOTED paper 80(23).</p>	
<p>Item 6: Content Board: Key themes and lessons from Content Board’s Editorial Standards work – Board paper 81(23)</p> <p>14. Sian Bundred presented paper 81(23) on the key themes and emerging lessons from the editorial standards and audience protection team’s work to 30 April 2023. She highlighted the prioritisation of casework relating to due impartiality and potentially harmful material.</p> <p>15. The Board discussed draft proposals from DCMS relating to its Mid-term Review of the BBC in the area of BBC complaints-handling. The Board noted the importance of the BBC complaints process continuing to have robust internal stages followed by Ofcom, operating as an independent appeal stage.</p>	

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<p>16. The Board NOTED paper 81(23).</p> <p>Content Board: Work programme 1 October 2023 to 31 March 2024 – Board paper 82(23)</p> <p>17. Adam Baxter presented paper 82(23) on the Content Board’s work programme for 1 October 2023 to 31 March 2024. Maggie Carver set out the planned forthcoming Content Board discussion items, including offence, the independent production sector, online news, regional journalism, a strategic review of radio, public service media and preparations for digital terrestrial television switch off.</p> <p>18. It was noted that once the Online Safety regime was confirmed Ofcom would need a clear governance plan satisfying the Board’s responsibility for its new duties, including the establishment of a new Disinformation Committee and the integration with the work of the Content Board.</p> <p>19. The Board APPROVED the content standards team’s work programme for 1 October 2023 to 31 March 2024 and agreed the means by which the Content Board would contribute to policy areas in Ofcom’s Plan of Work.</p>	
<p>Item 7: Ofcom’s 2023/24 research plan – Board paper 83(23)</p> <p>20. Yih-Choung Teh and Luisa Affuso presented paper 83(23) on Ofcom’s overall research plan for 2023/24. Yih-Choung Teh said the plan took Ofcom’s three-year plan as its starting point and categorised activities as either programmatic, specific to a particular policy issue, or innovative, where new approaches were developed to answer policy questions. Luisa Affuso said research carried out by the Economics and Analytics Group aimed to support policy groups by providing evidence to inform policy decisions and looking at how markets were developing and working. All areas of research supported the priorities set out in the three-year plan.</p> <p>21. The Board welcomed the paper and the strategic nature of the plan. The Board noted the significant budget currently allocated to external spend by out-sourced providers. The team outlined the continual focus on keeping the costs of research down including utilising more cost-effective data collection methods, reducing the frequency of some trackers, minimising boost samples, in-house analysis and increasing the use of automation. The team also confirmed that the level of Ofcom’s contribution to BARB was being explored.</p> <p>22. The Board noted that the report was wholly forward-looking and that it was also important to review previous research projects for value for money. It would be helpful to evaluate the difference being made by the various research projects and the interventions they supported. The Board was also interested in understanding how Ofcom’s research impacted on the perception of it as a thought leader.</p> <p>23. The Board noted the rapidly developing nature of the big tech market. Yih-Choung Teh confirmed that Ofcom’s research supported the broader horizon scanning work led by the Strategy & Research Group.</p> <p>24. The Board discussed the team’s ambitions to carry out additional innovative research in the future. Luisa Affuso said the role of the Research Committee included consideration of the innovative questions and forward-looking issues that could be explored through research, such as working with the CMA on the interaction of the online safety regime and competition among big tech companies and remedies to facilitate that</p>	

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<p>competition. Many of the research projects considered by the Research Committee were intended to be automated after the first iterations so that they could operate cost-effectively and at scale.</p> <p>25. The Board NOTED paper 83(23), including the budget as incorporated in the 2023/24 budget and the process for developing the 2024/25 research plan.</p>	
<p>Item 8: Online Safety Bill update – Board paper 84(23)</p> <p>26. Jess Smith presented paper 84(23) updating the Board on the Online Safety Bill. She said the third reading of the Bill was pencilled in for early September with royal assent expected shortly afterward. Some contentious issues, such as age assurance, age verification in relation to pornographic material and access to data for bereaved families, had been resolved, although there were still outstanding issues on the treatment of functionalities and service design features within the legislation.</p> <p>27. The Board noted that if functionalities such as live streaming were considered harmful in themselves, rather than as risk factors as originally envisaged, it would have implications for Ofcom’s work and the timetable for implementation.</p> <p>28. The Board noted that conversations were ongoing with the Treasury about Ofcom’s budget for online safety work, including any additional resource requirements following amendments to the Bill.</p> <p>29. The Board NOTED the expected changes to the Online Safety Bill during Report Stage in the House of Lords and the expected timings for the rest of its passage through Parliament.</p>	
<p>Item 9: Communications Strategy 2023/24 – Board paper 85(23)</p> <p>30. Simon Redfern introduced paper 85(23) on the 2023/24 communications strategy. He said that the strategy focused on protecting Ofcom’s licence to operate in the face of the changing media landscape while continuing to emphasise the fair implementation of clear rules. Key campaigns included safer lives online, protection of audiences, freedom of expression, cost of living and enforcement activity, while reinforcing that Ofcom was ready for the expansion of its remit.</p> <p>31. The strategy sought to improve awareness of Ofcom’s work among D2E social groups through an increased focus on redtops. There would also be expansion of podcasts and growth of Ofcom’s international profile, particularly on online safety.</p> <p>32. The Board noted the importance of the comms strategy fully serving the devolved nations. It was noted that colleagues in the nations were media trained and empowered to speak about issues affecting their areas. In addition, the strategy included proposals to produce more bespoke material in the Welsh language.</p> <p>33. The Board noted the importance of identifying supportive voices who would be able to support Ofcom’s position in the media. Karen Baxter said she may be able to assist with stakeholder engagement in Northern Ireland and this would be picked up offline.</p> <p>34. The Board APPROVED the 2023/24 communications strategy.</p>	SR

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<p>Item 10: Appointment to the CCP/ACOD as member for Wales – Board paper 86(23)</p> <p>35. The Board APPROVED a recommendation being made to DSIT for the appointment of Rachel Burr to the Communications Consumer Panel/ACOD as the Member for Wales for a three-year term commencing 1 September 2023.</p>	
<p>Items 11-16: Information items</p> <p>36. The Board NOTED the following information items:</p> <ul style="list-style-type: none"> • Non-executive member updates – Board paper 87(23). The Board noted and agreed that Dekan Apagee take on the role of Content Board member for England. • Diversity and Inclusion progress report – Board paper 88(23) • Planning for the Board Strategy Day – Board paper 89(23) • Monthly performance report – Board paper 90(23) • Board work programme – Board paper 91(23), and publications schedule – Board Paper 92(23) • Minutes of the Communications Consumer Panel (18 May 2023) and Risk and Audit Committee (6 June 2023). 	
<p>Item 17: Any other business</p> <p>37. Bob Downes said he had received feedback about the deterioration of telecoms services for consumers when getting new services installed or moving home. Lindsey Fussell would discuss this further with Bob Downes.</p> <p>38. Will Harding said he would like to see more of the data behind the Diversity and Inclusion report and would pick this up with Melissa Tatton.</p>	<p>LF</p> <p>MT</p>
<p>Item 18: Date of the next meeting</p> <p>39. The next scheduled Board meeting would be held on Wednesday 20 September 2023.</p> <p>40. The meeting concluded at 12.20 pm.</p>	

Approved: _____
Chair