

**MINUTES OF THE ONE HUNDRED AND FIFTY-SEVENTH MEETING OF THE OFCOM  
CONTENT BOARD HELD AT RIVERSIDE HOUSE, LONDON,  
ON TUESDAY 2 APRIL 2019**

**Members Present:**

Tim Suter	Chairman
Jonathan Baker	Member
Kevin Bakhurst	Executive Member
Tony Close	Executive Member
Maggie Cunningham	Member
Aled Eirug	Member
Robin Foster	Member
Angelina Fusco	Member
Sophie Morgan	Member
Stephen Nuttall	Member
Monisha Shah	Member

**Apologies**

Bob Downes	Member
Janey Walker	Member

**In Attendance:**

Laura Cole	Senior Associate, Standards and Audience Protection
Vikki Cook	Director, Standards and Audience Protection
Ali Marsden	Director, Standards and Audience Protection
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 fifty-seventh meeting of the Content Board.

**Chairman's update**

2. The Chairman reported on discussions at the March 2019 Ofcom Board meeting and focussed on the main areas of work.

**Minutes of the Content Board Meeting held 26 February 2019 - CB Minutes 156(19), Actions List and Matters Arising**

3. The minutes of the Content Board meeting held on 26 February 2019 were agreed as a true and accurate record for signature by the Chairman.
4. A list of completed and ongoing actions had been copied to members. As requested, members had been provided with information about standards investigations, including details of notable new investigations and on the status of current investigations. There were no matters arising that were not covered by the meeting agenda.

**Members' interests**

5. Robin Foster declared work that he was undertaking to assist RTÉ, the Irish public service broadcaster, to determine its strategic options for the future.
6. It was agreed, given Sophie Morgan's role as a presenter on Channel 4, that she would not take part in discussion of the agenda item on the

Channel 4 Corporation's (C4C) Statement of Media Content Policy (SMCP).

**Content and Media Policy updates - CB 5(19)**

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 on and discussed a wide range of topics, including:
  - iPlayer proposed changes; proposals were now expected to be submitted to the BBC Board in mid-April.
  - The BBC and ITV had publicly announced 'BritBox', a new streaming service. When Ofcom knew details of the proposal it would assess whether it was a material change to the BBC's commercial service as defined by the framework agreement.
  - Proposed changes to BBC Sounds; Ofcom's review of phase 2 remained on pause, pending the BBC's final proposals and receipt by Ofcom of an updated materiality assessment from the BBC.
  - Other BBC related issues raised included News quotas on Radio 5Live; trial of 'windowing' BBC podcasts in BBC Sounds (ie offering some BBC podcasts exclusively on Sounds for a limited period); and potential transfer of children's news to online-only.
  - Approximately 2,500 complaints had been received following Jon Snow's Brexit-related comments at the end of the 29 March 2019 Channel 4 News bulletin.
  - Sanctions; following seven breach Decisions, RT had lodged an application for judicial review and at the same time had been sent Ofcom's sanctions Preliminary View and invited to make representations. Ofcom was considering talkRadio representations following a 'minded to' sanction decision in relation to an edition of the *George Galloway* programme. Sanction of Channel 44 was also under consideration following breach decisions in relation to incitement of hatred towards the Ahmadiyya community.
  - Government publication of a consultation on options for restricting advertising of HFSS products, covering both TV and online.
  - Online Harms White Paper; publication of which was expected shortly. Ofcom expected to engage with the Home Office and DCMS on a future framework for online safety measures.
  - Media literacy; this was an increasing area of work for Ofcom and the team would be invited to brief the Content Board further at a future meeting; and
  - Ofcom plans to tighten up the enforcement framework for Local TV.

**Key themes standards report to Ofcom Board: initial discussion - CB 6(19)**

9. Members received a paper and data on recent trends in complaints data, suggesting possible themes to highlight in the Content Board's second update to the Ofcom Board (to be provided in June) on key themes and emerging lessons on editorial standards work. In discussion members suggested an approach based on an annual report to the Ofcom Board supplemented by an intervening 6-monthly update, and that it would be useful to report on any developments in relation to the issues raised in the previous report and on any general PSB themes.
10. It was noted that summary data did not indicate any fundamental changes in ongoing trends. It was further noted that Ofcom was planning to undertake qualitative research to inform understanding of audience expectations of minority channels and a member commented that in relation

to material re-broadcast from abroad, audience expectations could be different in the country of origin.

11. In the context of reality shows, which could sometimes generate a large number of complaints to Ofcom, and of the reporting of significant news events, there was discussion of whether broadcasters should be required to take due care concerning the welfare of participants appearing on TV or radio. The topic was noted as a possible subject for further consideration in a 'think piece'.
12. A draft six-monthly report would be provided for discussion at the next meeting of the Content Board.

**Feedback on Channel 4 Statement of Media Content Policy - CB 7(19)**

13. Channel 4 Corporation (C4C) was obliged to consult Ofcom in the preparation of its annual Statement of Media Content Policy (SMCP). Since the last Content Board meeting, a sub-group of members had met twice with the Executive to discuss C4C's 2018/19 performance against its remit and media content duties.
14. Members noted positives, eg the success of Film4 and increased spending on programming for older children and educational output, and the context of a new C4C leadership team, a new creative strategy and C4C relocation. They also noted some year on year declines, these included a fall in the number of first-run originations; decline in the number of new series/one-offs; commissioning from fewer producers, fewer new producers in particular; E4's linear performance continued to fall; and whilst Channel 4 News had done well online, its average audience on linear TV had declined.
15. [withheld from published minutes]

**Review of Made Outside London Guidance - CB 8(19)**

16. Members had received a paper to brief them on the key themes emerging from responses to Ofcom's recent *Review of Regional TV Production and Programming Guidance* consultation.
17. It was noted that responses had been somewhat divided. Discussion focused on the possible options the Executive could take in coming to a final position on the proposals, especially in the areas where they had received wide ranging and diverging views.

**Review of BBC news and current affairs - CB 9(19)**

18. Members noted that the terms of reference for Ofcom's *Review of BBC news and current affairs* had been published in March. The review would consider delivery across all BBC platforms and be framed around the areas of relevance; distinctiveness and quality; and trust. The review would be grounded in audience research and seek to understand engagement with BBC news and current affairs and analyse some participants' 'news journey' across and out of BBC news. It would be supplemented by illustrative content analysis and findings from Ofcom's standards and enforcement work would also provide pointers to some consumers' views on issues like impartiality. Colleagues in Ofcom's offices in the Nations would be consulted in research design.
19. Issues raised by members in discussion included the risk that Brexit coverage could skew views on impartiality more generally; the difficulty in deciding what impartial Brexit coverage was and value in getting beyond a simplistic approach to demographics, eg 'Leaver' and 'Remainer' disguised a wide range of views; and relevance was not about the news people

wished to receive but meant a wider understanding of what the BBC should be delivering, eg international news. The BBC itself may have conducted relevant research and the Executive was encouraged to access and test it.

**Information items**

20. The following information items were noted:
- Minutes of the Ofcom Board (6 February 2019).
  - Minutes of the Communications Consumer Panel/ACOD (21 February 2019).

**Any Other Business**

21. It was requested that 2020 Content Board meeting dates be confirmed as soon as possible and members confirmed that they were content to continue to meet on Tuesdays with a 9.30 am start.

**Date of the Next Meeting**

22. The next meeting of the Content Board was scheduled to take place on 21 May 2019.