

**MINUTES OF THE ONE HUNDRED AND SIXTY-EIGHTH MEETING OF THE OFCOM  
CONTENT BOARD HELD VIRTUALLY VIA MICROSOFT TEAMS  
ON TUESDAY 26 JANUARY 2021**

**Members Present:**

Tim Suter	Chairman
Dekan Apajee	Member
Jonathan Baker	Member
Kevin Bakhurst	Executive Member
Rachel Coldicutt	Member
Maggie Cunningham	Member
Bob Downes	Member
Aled Eirug	Member
Robin Foster	Member
Angelina Fusco	Member
Anna-Sophie Harling	Member
Peter Horrocks	Member
Tobin Ireland	Member
Sophie Morgan	Member
Stephen Nuttall	Member
Monisha Shah	Member
Kim Shillinglaw	Member
Janey Walker	Member

**In Attendance:**

Adam Baxter	Director, Standards and Audience Protection
David Edwards	Assistant Corporation Secretary
Ian Milburn	Operations Executive
Other Ofcom colleagues attending for specific items	

**Introduction & Welcome**

1. The Chairman welcomed all present to the one hundred and sixty-eighth meeting of the Content Board and noted that Terry Burns had stepped down as Chair of Ofcom as planned, and deputy chair Maggie Carver had stepped up to be interim Chair. The formal recruitment process for the new permanent Chair had not yet begun.

**Members' interests**

2. There were none to report.

**Minutes of the Content Board Meeting held 24 November 2020 – CB Minutes 167(20), Actions List and Matters Arising**

3. The minutes of the Content Board meeting held on 24 November 2020 were agreed as a true and accurate record for signature by the Chairman.
4. Members had been copied the Small Screen: Big Debate consultation document in advance of publication (there remained an outstanding action to schedule a discussion about due impartiality).
5. There were no other matters arising.

**Chairman's update**

6. The Chairman reported on discussions at the 9 December 2020 Ofcom Board meeting and focussed on the main areas of work.

7. At that meeting the Ofcom Board had noted a paper on key themes on broadcasting standards work emerging from work done by the Content Board for the period 1 April to mid November 2020.

**Broadcast & Online Content Group Policy updates – CB 1(21)**

8. Members had received a paper providing an update on key policy and project areas in the Broadcast and Online Content Group.
9. Members were updated further and discussed a wide range of topics, including:
- Online harms regulation; on 15 December the Government had published its full response to the Online Harms White Paper which confirmed Ofcom as the regulator responsible for overseeing the new online harms regime; DCMS had agreed funding for the first financial year, subject to final budget checks by HM Treasury.
  - Significant ongoing Ofcom streams of work were on organisational structure and on policy development with the Government..
  - The Chairman confirmed that in addition to the collective oversight given by the Content Board he had asked some members to form a sub-group to provide advice to the Executive.
  - A member raised the issue of boundaries in relation to Ofcom's role as online harms regulator, the work of the recently announced Digital Markets Unit at the Competition and Markets Authority and the Information Commissioner's Office. This would be discussed further at a future Content Board meeting.
  - In terms of wider and post-Brexit discussions about online harms, it was noted that Ofcom continued to meet with European institutions, it had met with the Broadcast Authority of Ireland in December. Ofcom met regularly with the French and German regulators and a yearly trilateral meeting would be retained. The Executive had also met the Office of the Australian Information Commissioner.
  - Video-Sharing Platform regulation; the Executive was working through notifications received from VSPs and responses to the consultation on draft notification and jurisdiction guidance. Recruitment to the VSP team would continue over the course of the year.
  - Diversity in broadcasting; Ofcom's first combined TV and radio report, along with three interactive tools, had been published on 25 November. Ofcom was planning a major cross-industry event and the Executive would bring details more fully outlining the plans to the Content Board in due course.
  - Access services; Ofcom continued to support the Government in drafting regulations to improve on-demand accessibility (expected later in 2021). It was noted that accessibility concerns extend into areas beyond the older, linear audience. A member asked whether Ofcom was looking at the overlap between data poverty and access and it was noted that this was an area of work in Ofcom.
  - Standards and Audience Protection; complaint volumes remained high and were driven by a range of factors, with a steady number about Coronavirus-related broadcast content.
  - Ofcom had imposed sanctions on the Birmingham based community station New Style Radio and on Loveworld, a religious TV service, both in breach of the Broadcasting Code in relation to potentially harmful claims about the pandemic. Given the seriousness of the breaches, the sanction panels would consider whether to impose further sanctions.

- China Global Television Network (CGTN) enforcement activity was continuing.
- In relation to BBC standards complaints, assessment of a complaint was ongoing about use of the 'N-word' that had been repeated on the BBC News Channel; Ofcom was considering next steps in its assessment following complaints disagreeing with the BBC's 'resolved' finding concerning an edition of Newsnight; and had referred a complaint about the BBC's broadcasting of the First Minister of Scotland's daily Coronavirus update briefings to the BBC's Executive Complaints Unit, in line with "BBC First".
- Participation in programmes; a statement had been published on 18 December 2020. The project team would consult informally on the contents of guidance with key stakeholders and as part of that process the project team would seek input from the Content Board sub-group.
- A number of members had contributed to the word list that would form the basis of Ofcom research to understand current public attitudes towards offensive language broadcast on both television and radio.
- BBC work areas; Ofcom's work on BBC Sounds and the review of BBC Studios was ongoing, and a fuller update on Studios work was planned for the March Content Board meeting.
- Ofcom had published its third annual report on the BBC on 25 November 2020, alongside its diversity in broadcasting report. The Executive was working closely with the BBC on compliance with the Operating Licence and the challenges arising from Covid-19.
- At the end of 2020 the Executive had begun scoping work for its periodic review of the BBC, with a number of teams working across Ofcom. The intention was to bring a paper to the Content Board as thinking developed.
- PSB and general media related work areas; following publication of Ofcom's Small Screen:Big Debate consultation in December, the Executive had spent the last few weeks scoping out the next phase of work, leading to a statement and recommendations to the Government in Summer 2021. The Chairman commended the work of the Ofcom team.
- Ofcom expected to publish terms of reference for its production sector review in early February, to set out its focus and to give stakeholders the opportunity to reflect this in their responses to Ofcom's planned consultation document due in March. Engagement with stakeholders had begun.

#### **Online Harms update**

10. Ofcom colleagues joined the meeting to brief members on the Executive's reaction to the Government response to its Online Harms White paper and on priorities for Ofcom's work in the next period. Issues highlighted included areas of uncertainty, eg the parliamentary timetable; work with the Government to provide input to draft legislation and on technical issues; and implementation, such as timescale, colleague recruitment and location. A member suggested that the Content Board could contribute to thinking about the regulatory philosophy around online harms. The Content Board would be kept informed of developments.

#### **Content Board Annual Work Programme – CB 2(21)**

11. Members were asked to consider the Content Board's Annual Work

Programme for 2021/22 which would be taken to the Ofcom Board for approval on 10 February 2021.

12. The proposed programme focused work around five main pillars: enforcing and maintaining programme standards; considering the evolution of content standards and audience expectations; harmful online content; maintaining and strengthening the PSB system (including the PSB Review and the consideration of Channel 4's annual Statement of Media Content Policy); and, in relation to Ofcom's remit, promoting accessibility, diversity, and equality of opportunity across the UK, its nations and regions. It was noted that Ofcom had been asked by the Government to help to develop policy on advertising of products that were high in fat, sugar and salt, on TV and online. In addition, the Executive would consult or involve the Content Board in other aspects of its work, as appropriate.
13. The Chairman commented that the role of the Content Board was to identify key pieces of work and form views to assist the Ofcom Executive and the Ofcom Board. In discussion members raised issues including the need to establish a Content Board sub-group to assist in shaping the regulatory regime for PSM/ PSBs; PSB coverage of Covid-19 over the last year and perceptions of a London-centric approach; assessing the impact of maintaining and strengthening PSBs on the independent production sector; and scope for the Content Board to play a role in identifying new developments in the content space.

#### **Beyond Broadcast report– update – CB 3(21)**

14. Members were briefed on insights contained in Ofcom's interactive Beyond Broadcast Report 2020. 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. Findings highlighted included:
  - the average time viewing audio/visual content, which had increased as a result of the Coronavirus pandemic and the number of UK households with access to subscription on demand (SVoD) services had increased;
  - live TV no longer commanded the biggest share of the 16-34 year-old audience;
  - and although broadcasters had shared in the increase in total viewing in 2020, driven by over-45 audiences, the decline in their share of overall viewing had continued and accelerated;
15. Members welcomed the report and raised issues including the importance of the Content Board tracking broadcast VoD data; what the findings would mean for Ofcom's work; value in discussion of the data at future Content Board meetings; the report feeding into Ofcom's standards and sectoral impact work; the importance of understanding how consumers used devices; and accessibility and inclusion.

#### **Information items**

16. The following items were noted:
  - Minutes of the Ofcom Board (18 November 2020);
  - Minutes of the Communications Consumer Panel/ACOD (12 November 2020).

**Any Other Business**

17. There was no other business.

**Date of the Next Meeting**

18. The next meeting of the Content Board was scheduled to take place on 30 March 2021.