

**MINUTES OF THE ONE HUNDRED AND SIXTIETH MEETING OF THE OFCOM  
CONTENT BOARD HELD AT RIVERSIDE HOUSE, LONDON,  
ON TUESDAY 1 OCTOBER 2019**

**Members Present:**

Tim Suter	Chairman
Kevin Bakhurst	Executive Member
Tony Close	Executive Member
Bob Downes	Member (via Teams)
Aled Eirug	Member
Robin Foster	Member
Angelina Fusco	Member
Stephen Nuttall	Member
Monisha Shah	Member
Janey Walker	Member

**Apologies**

Jonathan Baker	Member
Maggie Cunningham	Member
Sophie Morgan	Member

**In Attendance:**

Ali Marsden	Director, Standards and Audience Protection
Caroline O'Dwyer	Senior Standards Executive
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 sixtieth meeting of the Content Board.

**Chairman's update**

2. The Chairman reported on discussions at the September 2019 Ofcom Board meeting and focussed on the main areas of work.
3. At that meeting the Board had appointed Tim Suter as Chairman of Ofcom's Election Committee. He would appoint members, drawn from the Content Board and/or the Executive, as and when the Committee was required to meet.
4. Over the coming weeks the Chairman would meet with Content Board members, one-to-one, to seek their views on ways of working.

**Minutes of the Content Board Meeting held on 2 July 2019 - CB Minutes 159(19). Actions List and Matters Arising**

5. The minutes of the Content Board meeting held on 2 July 2019 were agreed as a true and accurate record for signature by the Chairman.
6. There were no other matters arising that were not covered by the meeting agenda.

**Members' interests**

7. Monisha Shah declared the recent appointment of her brother, Mohit

- Bakaya, as the new Controller of BBC Radio 4.
8. Aled Eirug declared his recent appointment as an independent member of a panel set up by Welsh Government to undertake a review of the National Library of Wales.

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

9. Members noted the contents of a paper providing an update on key policy and project areas in the Content and Media Policy Group.
10. Members were updated on and discussed a wide range of topics, including:
- Ofcom's third *Diversity and equal opportunities in television* report, published in September. It was noted that for the first time the report included data on the social/economic background of people in the TV industry.
  - Ofcom's Diversity Advisory Panel (made up six industry experts) and Diamond, the system used by the BBC, ITV, Channel 4, Channel 5 and Sky to obtain consistent diversity data on programmes commissioned.
  - Complaints about a July edition of *BBC Breakfast* concerning due impartiality and an exchange between presenters Naga Munchetty and Dan Walker.
  - *Protecting participants in TV and radio programmes*, Ofcom had consulted and had received broad support for new broadcasting rules. Responses would be shared with the sub-group of members engaged with the Executive on this work. New rules were expected to be published in the New Year.
  - Audience expectations in the digital world, qualitative research was underway and findings could form the basis of a 'deep-dive' at a future meeting.
  - Broadcast Code Section 3 enforcement (Crime, Disorder, Hatred and Abuse), there continued to be a high volume of casework, including hate speech on minority channels, and it was noted that Ofcom had a project looking at options for technology with the potential to aid translation and monitoring work, eg AI.
  - Video-sharing platforms (VSPs); currently the UK was required to implement the revised Audio-Visual Media Service Directive and for the first time platforms like twitch, Tik Tok and Snapchat would be brought into regulation. The Government's intention was to appoint Ofcom as the VSP regulator for an interim period (until such time as an online harms regulator was appointed).

**Update on PSB review**

11. Members were updated on Ofcom's work on PSB and it was noted that this would be discussed shortly by the Ofcom Board (as part of a strategy day). The Chairman confirmed the importance of early engagement with PSB review and suggested a similar strategic discussion for the Content Board, at its next meeting. Ofcom engagement with its national Advisory Committees would be important also. It was noted that workstreams would include research and an in-depth look at young people and that stakeholder events were expected to take place in the New Year.

**BBC Annual Report and Performance Report – CB 20(19)**

12. Ofcom expected to publish its second Annual Report and Performance Report on the BBC in late October. Members were briefed on the key

messages.

13. It was noted that the BBC was broadly delivering on its remit through provision of news and current affairs, with educational, high-quality, distinctive and creative content, but findings showed also that the BBC faced challenges to connect with children and younger adults and risked losing those audiences. Ofcom recognised that the BBC was taking action with development of BBC Sounds and the iPlayer but it was too early to assess the impact. Delivery of requirements on diversity and issues around reporting, transparency of BBC working practices and engagement with the broadcasting industry were concerns also.
14. Members commented on the tone of the report and the appropriate balance of positives and negatives; that reaching young audiences was not solely an issue for the BBC but a challenge across the PSB sector; that production of less but higher quality content for young people might be a part of a solution; that analysis of production spend by genre could be revealing; that transparency was allied to accountability; and that setting the market context would be an important element of reporting.

#### **BBC News Review – CB 21(19)**

15. Members were updated on the progress of Ofcom's review of BBC news and current affairs, on the emerging research findings and recommendations to the BBC. The Executive was confident in the robustness of the review's methodology. The recommendations were that the BBC continue to focus on accuracy to build trust among its whole audience; to be bolder in its approach to delivering due impartiality; to better reflect the diversity of the UK with authentic content that was relevant and engaging to everyone; and the need to do more to stand out online. The Content Board agreed that these were the right areas.
16. In discussion members commented that when news bulletins sought to appeal to a wider audience there was a sometimes a tendency to include entertainment-related stories; that the BBC was a trusted source and sometimes was itself the subject of news stories; rather than a flexible approach to due impartiality, a less mechanistic approach was suggested; and that attitudes towards the BBC could vary in different parts of the UK. Other matters discussed included attitudes to radio news; audience perceptions of current affairs and understanding of what it meant; and how the BBC was likely to react to the review when published later in the month, on the same day as Ofcom's BBC Annual Report and Performance Report.

#### **BBC Studios Review – Terms of Reference**

17. Members were updated on Ofcom's project to review BBC Studios. Terms of reference for this work were expected to be published in December, following the National Audit Office's review of BBC Studios. Ofcom's review would include a focus on the boundary and degree of separation of BBC Studios from the BBC's public services and Ofcom would consider whether work was needed to increase transparency of the diversity of BBC Studios' production workforce, following its merger with BBC Worldwide.

#### **General Election – overview of Ofcom's regulatory duties**

18. Members were provided with an overview of Ofcom's duties in relation to election advertising, party election broadcasts and General Election coverage.
19. It was noted that if a complaint was made which raised a substantive issue

concerning due impartiality during an election period, and, if upheld, might require redress before the election, it would be considered by Ofcom's Election Committee. Ofcom would act quickly to determine the outcome of any such complaints.

**Information items**

20. The following information items were noted:
- Amendments to the BBC's Operating Licence (children's content)
  - Minutes of the Ofcom Board (18 June and 17 July 2019)
  - Minutes of the Communications Consumer Panel/ACOD (13 June and 18 July 2019).

**Date of the Next Meeting**

21. The next meeting of the Content Board was scheduled to take place on 3 December 2019.