**PUBLICATION MINUTES OF THE TWO HUNDRED AND NINETY-SIXTH MEETING OF
THE OFCOM BOARD HELD ON 20 JULY 2022
HYBRID MEETING HELD AT RIVERSIDE HOUSE AND VIA MICROSOFT TEAMS**

Present

Michael Grade	Chair
Maggie Carver	Deputy Chair
Kevin Bakhurst	Executive Member and Group Director, Broadcasting & Online Content
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
David Jones	Non-Executive Member
Graham Mather	Non-Executive Member
Ben Verwaayen	Non-Executive Member

In attendance

Martin Ballantyne	General Counsel
Veronica Branton	Corporation Secretary
Francesca Carter	Head of Governance
Sharon Malley	Governance Manager

Other Ofcom colleagues (via Teams)

Yih-Choung Teh	Group Strategy and Research Director (item 5)
Camilla Bustani	International Director (item 5)
Melissa Tatton	Group Corporate Director (items 6, 7, 9)
Simon Redfern	Communications Director (item 6)
Joe Smithies	Head of External Communications (item 6)
Curtis Juman	Finance Director (items 7 and 9)
Kerri-Ann O'Neill	People and Transformation Director (item 7)
Lawrence Knight	Head of Estates Strategy (item 7)
Mark Bunting	Director, Online Policy, VSP (item 8)
Suzanne Cater	Interim Director, Investigations (item 8)
Murtaza Shaikh	Policy Lead, Online Hate, Terrorism and Incitement (item 8)
Jessica Zucker	Director, Online Safety Policy (item 8)
Anna-Sophie Harling	Principal, Online Safety Policy (item 8)
Atif Moghal	Finance Business Partner (item 9)

Item 1: Declaration of members' interests – oral

1.   No new declarations of interest were notified.

**Item 3: Minutes of the meeting held on 15 June 2022 and matters arising – Board minutes
295(22) and note of action points**

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2.   The minutes of the Ofcom Board meeting held on 15 June 2022 were **APPROVED** for signature by the Chair as an accurate record.

3.   The summary of progress against action points was **NOTED**.

Item 2: Chair's introduction

4.   The Chair updated the Board on his recent meetings, including with the UK Regulators Network, the Secretary of State, Google, BT, ITV and Talk Talk.

Item 4: Chief Executive's report – Board paper 69(22)

5.   Melanie Dawes presented her report on recent developments and noted that there would be a pause in the legislative programme until the new Prime Minister was selected and had formed their government.

6.   A note to Board members on amendments to the Online Safety Bill would be circulated to the Board. It was noted that the Government had provided further detail on harms covered by the Bill. Kevin Bakhurst said an update on the Bill would be provided at a future Board meeting.

7.   Melanie Dawes updated the Board on the successful defence of CityFibre's appeal of Ofcom's decision not to intervene on BT's Equinox pricing for access to its FTTP network. The telecoms market was currently very competitive but Ofcom remained alive to the potential for possible mergers among key players to reduce competitiveness.

8.   The Board noted potential industrial action in the telecoms and postal sectors and the mitigation measures in place for consumers.

9.   Melanie Dawes updated the Board on productive meetings with the BBC and SpaceX.

10.   She advised that the NAO had raised an issue about how public bodies accounted for fee income and this was being worked through but the Annual Report and Accounts 2021/22 were expected to be signed by the Comptroller and Auditor General on the day of the Board meeting.

11.   The bodies subject to the next Public Bodies Review were due to be announced shortly and the Board would be updated on this in September.

12.   The Board **NOTED** the paper.

Item 5: International strategy – Board paper 70(22)

13.   Yih-Choung Teh and Camilla Bustani introduced paper 70(22), setting out Ofcom's international strategy. Yih-Choung Teh described the link to the Three-Year Plan and Camilla Bustani outlined the four international priorities of online safety, digital markets, cyber/resilience and technical standards and Ofcom's activities in each area.

14.   The Board discussed the strategy, including the need to maintain positive bilateral relationships with EU counterparts, the low likelihood in the short term of legislation in the US on online safety, concerns relating to state actors seeking to influence the setting of technical

standards, and the need for Ofcom to ensure its Groups were appropriately engaged in its international activities with the Three-Year Plan an important aspect of this.

15.   It was agreed that an update and opportunity for further discussion would be provided to the Board at a future date.

16.   The Board **NOTED** the International strategy and the four priorities for international engagement in the coming year.

Item 6: Communications strategy – Board paper 71(22)

17.   Simon Redfern presented paper 71(22), setting out Ofcom's communications strategy. Ofcom engaged well with traditional media and had developed good relationships with journalists enabling coverage of key messages coming out of Ofcom's regulatory work and research. New areas of focus included creating Ofcom's own content on social media channels and working with third parties such as Citizens Advice Bureau to reach more consumers.

18.   Joe Smithies reported that Ofcom's communications activity was evaluated for reach and engagement and this informed the development of the strategy. Although awareness of Ofcom was good, there were pockets of the population who were not aware of Ofcom's role so work was needed to reach these audiences.

19.   The Board discussed the communications strategy and noted the importance of measuring and evaluating communications activity. There was support for communications activities that would help reach new audiences so they were aware of Ofcom's role.

20.   The executive would provide the Board with benchmarking material on the use of social media channels by other regulators and public bodies.

21.   The Board **NOTED** the communications strategy.

Item 7: Workplace strategy – Board paper 72(22)

22.   Melissa Tatton presented paper 72(22) on Ofcom's workplace strategy, including proposals relating to Riverside House and the premises in Edinburgh and Manchester.

23.   The Board discussed future patterns of working and uncertainty over the extent to which staff would work in the office rather than at home. Melanie Dawes emphasised the importance of staff attending the office in person more often than they worked from home, in order to foster a strong culture and support efficient working practices. This was informing calculations about the amount of space that would be needed.

24.   The Board noted Ofcom's approach to flexible working and how this linked to the diversity and inclusion strategy. Kerri-Ann O'Neill said it would be important to retain sufficient flexibility in the strategy to accommodate potential changes to working patterns and to be able to recruit and retain staff.

25.   The Board discussed the reconfiguration of Riverside House and requested further details on this in the paper that would be presented in October.

26.   The Board noted that the strategy allowed for further reduction of space at Riverside House in the future if less space were required.

27.   After careful consideration, the Board:

- **AGREED** the Workplace Strategy principles and **NOTED** the current areas of focus;

- **AGREED** to sub-let the 4th floor of Riverside House;

- **AGREED** the continued work up of the options for the Edinburgh and Manchester locations ready to bring decisions to the Board in October;

- **NOTED** that when returned to the Board, these options would include fully costed proposals as part of Ofcom's Three-Year Business Plan.

Item 8: Platforms' response to live streaming of mass shooting in Buffalo – Board paper 73(22)

28.   Kevin Bakhurst and Mark Bunting presented paper 73(22) on the response of platforms to the live streaming of a mass shooting in Buffalo.

29.   Ofcom had reviewed how platforms had responded and what could be improved. It had provided useful insight into the platforms' processes, including some VSPs that were part of the regulatory regime. Suzanne Cater noted that the enforcement and policy teams had worked well together to identify tangible improvements that could be made in the sector. There had been good engagement with most platforms but where this had not been the case there was a focus on how to address this.

30.   Murtaza Shaikh said the project was not yet complete but interim findings showed that the speed of removal of the live stream was an improvement on previous incidents. However, this was based on user reports rather than systems identifying harmful content. It had taken 45 minutes for the Global Internet Forum to Counter Terrorism (GIFCT) to initiate its crisis protocol and start hashing footage.

31.   The Board noted that platforms were aware of the damage incidents such as the live streaming of the Buffalo shootings caused and appeared keen to take action. However, platforms were currently focussing on platform-specific solutions and the industry needed to consider the eco-system as a whole.

32.   The Board discussed measures that could be taken to influence the development of the role of GIFCT and the extent to which smaller platforms might rely on human moderation rather than automation. The difficulty of finding a solution that was appropriate for all platforms was noted.

33.   The Board noted that extreme content was likely to be found on unregulated parts of the internet for those who sought it out and the current focus was on ensuring that the large, mainstream platforms were safe.

34.   The Board supported the proactive work being carried out in this area.

35.   The Board **NOTED** the actions and preliminary findings of the VSP team's response to the mass shooting in Buffalo, New York, in May 2022, and considered the lessons learned for Ofcom's future regulation of Online Safety

Item 9: Q2 forecast – Board paper 74(22)

36.   Melissa Tatton presented paper 74(22), on the Quarter 2 forecast. She drew the Board's attention to the forecast underspend and the proposed budget adjustments.

37.   Angela Dean said that members of the Risk and Audit Committee had been briefed on the paper prior to the Board meeting. The reasons for the underspend included uncertainties in timetables for adopting new duties and recruitment phasing. After discussion, the Risk and Audit Committee had agreed to recommend approval of the adjustments to the Board.

38.   The Board noted the importance of accurate budgeting and delivering its programme of work as efficiently as possible.

39.   After careful consideration, the Board **APPROVED** the Q2 forecast which reduced the allocated budgets in the business by £5.2m net and **NOTED** this would leave total contingency of £7.5m.

Item 10: Appointment to the Advisory Committee for Scotland – Board paper 75(22)

40.   This paper was withdrawn.

Item 11: Information items

41.   The Board **NOTED** the following information items:

- Report from the Chair of the Content Board – Board paper 76(22)

- Executive member updates – Board paper 77(22)

- Board evaluation review: progress against actions – Board paper 78(22)

- 6-month progress update on key themes/lessons from Content Board's editorial standards work – Board paper 79(22)

- D&I strategy progress update – year 1 annual review – Board paper 80(22)

- Finance report – Board paper 81(22)

- Latest Connected Working data – Board paper 82(22)

- Board work programme – Board paper 83(22)

- Publications Schedule – Board Paper 84(22)

- Minutes of the Communications Consumer Panel on 19 May 2022

- Minutes of the Risk and Audit Committee on 6 June 2022

Item 12: Any other business

42.   The Corporation Secretary updated the Board on progress with Board appointments.

Item 13: Date of the next meeting

43.   The next scheduled Board meeting would be held on Wednesday 21 September 2022.

Approved: _____

       Chair