

Note of the 293rd Meeting of the Ofcom Board, held on 6 April 2022

Members were welcomed to the 293rd meeting of the Ofcom Board. Martin Ballantyne (General Counsel); Veronica Banton (Corporation Secretary), and David Edwards (Assistant Corporation Secretary) attended throughout, as did Michael Grade (Board Chair designate) who was attending as an observer.

Declaration of Members' Interests – oral

1. There were no new declarations of interest raised by Members at the meeting.

Chair's Report

2. Chair and Board appointments: Maggie Carver welcomed Board Chair designate Michael Grade as an observer to the meeting. His appointment would begin on 1 May 2022. She also welcomed Karen Baxter, who was attending her first Board meeting following her appointment as the Board Member for Northern Ireland with effect from 28 March 2022, and Veronica Branton following her appointment as Corporation Secretary.
3. Board roles: The Interim Chair thanked the other Board Members for the additional work they had taken on during the period without a permanent Chair, including Bob Downes who had acted as Interim Board Member for Northern Ireland and as Interim Chair of the Content Board, David Jones as an Interim Member of the Content Board and Angela Dean as Board Member for England.
4. BBC: The Chair reported that she had met recently with Richard Sharp, Chair of the BBC.
5. Michael Grade: The Interim Chair invited Michael Grade to introduce himself to the Board. He thanked Maggie Carver for all she had done as Interim Chair during a period of some uncertainty.

Minutes of the meeting held on 9 March 2022 and matters arising

6. The minutes of the Ofcom Board meeting held on 9 March 2022 were approved for signature by the Chair as an accurate record.

7. A summary of progress against action points had been circulated. Status updates against each of the actions were duly noted.

Chief Executive's Report

8. Melanie Dawes presented her report, which covered key developments since the last Board meeting.
9. The Board noted the report from the Chief Executive.

Review of the Future of BBC Regulation

10. Ofcom was required to publish a review of the extent to which the BBC was fulfilling its Mission, and promoting each of its Public Purposes, to inform the Government's mid-term review in line with the Charter.
11. The review would build on last year's Public Service Media review (Small Screen: Big Debate) and consider whether existing regulation remained fit for purpose for the remainder of the Charter period and ensure that the BBC continued to be held to account for delivering services to all UK audiences, while allowing the BBC to transform and modernise its services to meet audience needs.
12. The Board discussed proposed changes to the Operating Licence, competition framework and the BBC First complaints process and agreed the broad proposals for making changes to Ofcom's regulation of the BBC.

Approach to Consumer Protection

13. The Board was taken through the background to the approach to consumer protection that was being proposed. Ofcom's 2016 Strategic Review of Digital Communications had introduced a greater emphasis on consumer protection, with new rules on providers followed by a further set of voluntary fairness commitments. The market was changing significantly in response to further developments in technology and a strategic approach was now being proposed to achieve consumer outcomes over the next 3-5 years and which would be incorporated into Ofcom's Three-Year Plan.
14. The Board was asked to provide input and issues discussed included the changing use of communications services; the importance of network resilience and a need to understand how to protect consumers in new ways; the fact that there was no such thing as the "average" consumer; and while the current rules sought to make markets work for everyone, consumer protection in future would need to be increasingly targeted.

Broadcast Incident Reviews

15. Ofcom reviews had been undertaken in response to the fire at the main Bilsdale TV and radio transmitter on 10 August 2021 and, separately, the release of fire suppressant gas at Red Bee Media's Broadcast Centre on 25 September 2022, which resulted in interruptions to TV access services provided by some PSBs and disruption to Channel 4 until November

2022. Consideration was given to recommendations on what could be done to avoid incidents of this kind and plans to consult on strengthening Ofcom technical codes.

Annual Litigation Update

16. In his annual report to the Board, as General Counsel, Martin Ballantyne provided an update on judgments in the past year, ongoing cases, new cases brought in the last year and potential future litigation.

Advisory Committee/Content Board Reappointments

17. The Board reviewed and discussed options for Advisory Committee and Content Board reappointments, to determine the approach going forward. It was noted that such appointments were for the Ofcom Board to decide.
18. It was agreed that Non-Executive Director (NED) appointments to the four Advisory Committees and Content Board would be made for three-year terms, with the possibility of a second three-year term, as long as certain criteria were met, including agreement by the respective committee and the Board that it was right for Ofcom for the respective NED to serve a second term; and without the individual needing to formally re-apply.

Appointment to MG ALBA (Gaelic Media Service)

19. The Board approved the appointment of Calum MacLeod to the Board of MG ALBA from 1 May 2022 for a term of four years; noted that the Board of MG ALBA must have a member nominated by Highlands and Islands Enterprise under s183A(5)(b) of the Broadcasting Act 1990 and that Calum would be that nominee; and noted that, in line with the provisions of the Scotland Act 2016, the appointment was subject to final approval by Scottish Ministers.

Ofcom Board Recruitment – Update from the Interim Chair

20. The Interim Chair updated the Board on the DCMS process to fill the Broadcasting Board Member vacancy.

Report from the Chair of the Content Board

21. The Interim Chair of the Content Board provided a short update on recent Content Board activity, including matters discussed at the Content Board meeting on 15 March 2022.

Executive Director Updates

22. Lindsey Fussell and Kevin Bakhurst reported on key developments since the last Board meeting related to the work of Ofcom's Networks & Communications Group and the Broadcasting & Online Content Group.

Reports from Non-Executive Members

23. The Board noted reports from Non-Executive Members.

Information items

24. The Board noted the following information items without discussion:

- Finance Report
- Latest Hybrid Working Data
- Board Work Programme/Forward Agendas
- Publications Schedule
- Minutes of the Risk & Audit Committee (meeting held on 2 March 2022)
- Minutes of the Communications Consumer Panel/ACOD (meeting held on 17 February 2022)

Any other business

25. There was no other business.

Date of the next meeting

26. The next Board meeting will be held on 18 May 2022.

12 May 2022