

**PUBLICATION MINUTES OF THE ONE HUNDRED AND EIGHTY-FOURTH MEETING OF
THE CONTENT BOARD HELD ON 3 OCTOBER 2023
CONNECTED MEETING HELD AT RIVERSIDE HOUSE AND VIA MICROSOFT TEAMS**

Present

Maggie Carver	Chair
Dekan Apajee	Member for England
Simon Bucks	Member
Maggie Cunningham	Member for Scotland (via Teams)
Bob Downes	Member
Peter Horrocks	Member (via Teams)
Tobin Ireland	Member (via Teams)
Ali Marsden	Executive Member
Maria McCann	Member for Northern Ireland
Ruth McElroy	Member for Wales
Stephen Nuttall	Member
Kim Shillinglaw	Member

In attendance

Siobhan Walsh	Interim Group Director, Broadcasting and Media Group
Adam Baxter	Director, Standards and Audience Protection
David Edwards	Committee Secretary (via Teams)
Katie Ford	Next Gen NEDs observer
Jamie Mordue	Governance Manager
Other Ofcom colleagues attending for specific items in person or via Teams	

Item 1: Welcome and introduction – oral

1. The Chair welcomed all present to the meeting, Simon Bucks in particular who was attending for the first time. Since the July meeting Rachel Coldicutt had stepped down due to an emerging conflict of interest and the Chair expressed her thanks for Rachel’s contribution to the Content Board. This would be also the last meeting for Tobin Ireland and the Chair thanked him for his work on the Content Board. The intention was to appoint a new Member with online safety expertise.
2. Today’s meeting would not include a debate item as the Executive were not ready. A Content Board teach-in on Generative AI would take place the following week. For the November 2023 and January 2024 meetings debates were expected on the future of TV distribution and on news respectively. The next two meetings would also be the last for Maggie Carver and Members expressed their regret that the SoS had not renewed her appointment as Deputy Chair of Ofcom.
3. The Chair reported that final interviews had taken place to appoint a new Group Director for Ofcom’s Broadcasting and Media Group. A preferred candidate had been identified and an announcement was expected shortly.

Item 2: Members’ interests – oral

4. Maggie Cunningham reported that she had agreed to be interim part-time Chief Executive of Sistema Scotland for a three-month period. Maggie had been a co-founder of the children’s music charity in 2006 and left the board in 2019. Interviews for a new Chief Executive took place in September and an appointment was expected shortly.

Item 3: Minutes of the meeting held on 4 July 2023 and matters arising – Content Board minutes 183(23) and note of action points

5. The minutes of the Content Board meeting held on 4 July 2023 were **APPROVED** for signature by the Chair as an accurate record.
6. A summary of progress against action points had been circulated.

Item 4: Chair's update - oral

7. The Chair noted continued public interest in issues of due impartiality and programmes with politicians as presenters. Ofcom had commissioned research to explore current audience attitudes towards these programmes and findings would be shared with the Content Board in due course. There would be a standards item later in the agenda, with the focus on standards decision-making processes (discussion would exclude any discussion of any current investigations).
8. With the departure of Members (noted earlier) with online expertise, the Online Safety (OS) Sub-Group of the Content Board would be disbanded for the time being. All Members would continue to be kept up-to-date with the progress of Ofcom's OS Group and the Content Board would discuss online content where relevant. Mark Bunting would continue to attend for the Executive Update and an executive representative from OS Group would be identified who would be in attendance for the whole meeting.
9. June and July Ofcom Board minutes had been circulated for information. It was noted that the September Ofcom Board meeting had included: a Content Board update; an OS readiness update; and an item on preparations for the World Radiocommunication Conference 2023. A Content Board Member flagged that economic growth was rising up the political agenda and queried the possibility of a growth duty for Ofcom, in line with several other regulators.
10. Since the last meeting Maggie Carver had met (separately) with a number of senior figures in UK news and broadcasting to discuss issues of mutual interest: Rachel Corp, Chief Executive of ITN; Deborah Turness, CEO of BBC News; Mark Byford, a former Deputy Director-General of the BBC and head of BBC journalism; and Greg Dyke, media executive and a former Director-General of the BBC.
11. The Content Board **NOTED** the report from the Chair.

Item 5: Broadcasting and Media Group and Online Safety Group Executive Update – Paper CB 21(23)

12. Members had received an update paper on key policy and project areas in the Broadcasting and Media Group and in the Online Safety Group. The paper was taken as read.
13. A number of points were highlighted/ discussed by Members (points made in relation to editorial standards were deferred until item 8 below):
 - **Video Sharing Platforms:** In August Ofcom had published the first of three 2023 transparency reports on VSPs, [on learnings about user policies](#). Both users and industry would have to take steps in relation to OS and VSPs would need to drive forward improvements, including making their terms and conditions more intelligible and visible to users. It was noted that some metrics would be used to track improvements and Ofcom's effectiveness in regulating VSPs, whilst bearing in mind that volumes/ frequency of hate speech and fraud was beyond Ofcom's control and, as examples, protections for adult content would be very visible but action to prevent grooming less so.

- OS regulation: Royal Assent was expected in the second half of October. In terms of threats and opportunities related to the new OS regime, the former included public expectations/ external commentary that did not correspond to what the Bill empowered Ofcom to do. Ofcom would need to prioritise and focus its efforts on the greatest harms; and on driving forward positive change to move industry to a more systematic and forward-looking approach to online safety protections.
- PSB and related media work: A statement had been published in September on Ofcom's methodology for a review of the financial terms of the Channel 3 and Channel 5 licences and work was also underway to develop the new licence for Channel 4 (all three existing licences were due to expire on 31 December 2024). It was agreed that relicensing should be an agenda item at the Content Board in due course.
- DCMS was consulting on plans for designation of additional EPGs as 'Regulated EPGs'. With the rise in internet delivered services (such as FAST – Free Ad-Supported Television – channels) there were an increasing number of unregulated EPGs and unregulated TV services available to UK viewers. Designation would result in the EPG and the television services it gives access to needing to be licensed by Ofcom. This would raise resource issues for Ofcom, as would the proposed VOD code and new content standards requirements contained in the draft Media Bill. An EPG agenda item would come to the Content Board in due course.

14. Members **NOTED** paper CB 21(23) and additional oral updates provided.

Item 6: Media Bill update – Paper CB 22(23)

15. DCMS had published a draft Media Bill in March this year, followed by a period of technical engagement with stakeholders and close working with Ofcom. The DCMS Select Committee had undertaken pre-legislative scrutiny of the draft Bill, including an evidence session with Ofcom, and published its report in late September. DCMS was likely to make some minor amendments to the draft Bill, following the Committee's recommendations, but no significant changes were expected. DCMS was seeking to introduce the Bill following the King's Speech on 7 November. The Executive summarised the content of the draft Bill; outlined pre- and post-Royal Assent implementation, including timelines and key deliverables; and provided more detailed briefing on the audio parts of the Bill (proposed commercial radio deregulation and on voice assistants, e.g. Amazon Alexa).

16. A number of points were highlighted/ discussed:

- The likelihood of whether the Media Bill would be enacted, given the timing of the next General Election and pressure on the Government's legislative timetable.
- Whether radio deregulation would mean less work for Ofcom, the latter was unlikely in the short term at least. Whilst duties to secure range and diversity of commercial radio services would be removed and localness regulation narrowed to just news and information, work related to 'radio selection services' (internet-based services that receive voice commands to make available streamed radio services and allow users to select and play those services) would expand.
- For the first time, 'radio online services' would be defined and require simulcasts of Ofcom licensed UK radio services (commercial and community) with the same editorial as the broadcast stream to be subject to the requirements of the Broadcasting Code.

- The impact of radio deregulation on Welsh language requirements, leading to the removal of those requirements for two existing commercial stations and the importance of communicating that change.

17. Members **NOTED** paper CB 22(23).

Item 7: BBC Programme update – Paper CB 23(23)

18. Members were updated on Ofcom’s programme of work related to the BBC, with a focus on Ofcom’s BBC Annual Report and its BBC Audiences Review. The Annual Report would reflect changes in regulation of the BBC and in particular the move to a new licence.

19. The Audiences Review had involved research across the nations to better understand why people from D and E socio-economic groups hold less favourable views about the BBC (49% favourable compared to 70% of those in A and B groups). Early themes from the research included: concerns about accurate representation and portrayal; lack of personalisation and recommendations compared to international SVODs and streaming platforms; and concerns about the level and compulsory nature of the licence fee.

20. A number of points were discussed/ highlighted by Members:

- Questions were raised about the BBC’s learning commitments and how Ofcom should consider the BBC’s provision of this content .
- Online distinctiveness and discoverability would become of increasing importance to the BBC.
- Whether the BBC should be trying to emulate the personalised algorithms of other streaming services or be taking audiences to a range of content.
- We need to be nuanced in analysis of underserved audiences.
- A Member noted that they had heard concerns from some production companies outside London about difficulties in getting network commissions.
- A need for the BBC to deliver for audiences by providing a broad range of services and the extent to which the BBC can deliver over a more disaggregated geographic footprint.
- Continued concern in response to the BBC’s proposed changes to its local radio services and how we are monitoring audience impacts.
- Important the BBC still delivers at risk genres for some smaller audiences.

21. Members **NOTED** paper CB 23(23).

Item 8: Executive update on standards and reflections on recent standards decisions - oral

22. Members were updated on notable recent standards decisions and ongoing audience research, the latter which will feed into standards policy work when it is complete. This was followed by a discussion, not intended to reach definitive conclusions, led by reflections from Members that focussed on the standards decision-making process.

23. Issues discussed included: handling of differing advisory opinions on standards preliminary views and decisions; proportionality and the resources deployed in investigations; an enlarged media landscape since the introduction of the Broadcasting Code; complaint-driven investigations and the role of monitoring of services; data and reporting on investigations; and the value in horizon scanning.

Item 9: Information Items

24. The Content Board **NOTED** the following information items:

- Minutes of the Ofcom Board (meetings held on 21 June and 19 July 2023)
- Minutes of the Communications Consumer Panel (meetings held on 19 June and 20 July 2023)

Item 10: Any Other Business

25. There was no other business.

Item 11: Date of the Next Meeting

26. The next scheduled Content Board meeting would be held on 21 November 2023.