

**PUBLICATION MINUTES OF THE ONE HUNDRED AND SEVENTY-SIXTH MEETING OF THE OFCOM CONTENT BOARD HELD AS A HYBRID MEETING IN G11a&b AT RIVERSIDE HOUSE AND VIA TEAMS ON TUESDAY 3 MAY 2022**

**Members Present:**

Bob Downes	Chair
Dekan Apajee	Member
Jonathan Baker	Member
Kevin Bakhurst	Executive Member
Rachel Coldicutt	Member
Maggie Cunningham	Member
Peter Horrocks	Member
David Jones	Member
Ali Marsden	Executive Member
Ruth McElroy	Member
Stephen Nuttall	Member
Monisha Shah	Member
Kim Shillinglaw	Member

**Apologies:**

Tobin Ireland	Member
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**In Attendance:**

Adam Baxter	Director, Standards and Audience Protection
Maggie Carver	Ofcom Vice Chair (observing)
David Edwards	Assistant Corporation Secretary
Ian Milburn	Operations Executive, Broadcast Licensing & Programme Operations

Other colleagues attending for specific items.

**Introduction & Welcome**

1. The Chair welcomed all present to the one hundred and seventy-sixth meeting of the Content Board, the first to be held face to face since 25 February 2020, in particular new member for Wales Dr Ruth McElroy and Ofcom Board Deputy Chair Maggie Carver.
2. The Chair noted Lord Grade's appointment as Ofcom Chairman. The process to fill the broadcasting member vacancy on the Ofcom Board remained ongoing.
3. Ofcom had revoked RT's licence to broadcast in the UK.
4. The Content Board Online Safety (OS) sub-group had received a briefing session about the OS Bill on 25 April. A sub-group session to take input on the Executive's initial views on the three-year strategic priorities for the OS regime had been arranged to take place on 23 May.
5. The Ofcom Board had approved the proposal paper concerning future regulation of the BBC on 6 April. A revised version of the Ofcom Board paper had been provided to Content Board members as an information paper. The Chair thanked the sub-group for its input to the development of the proposals.
6. The Election Committee had met on 26 April to consider a due impartiality complaint from the Green Party Northern Ireland regarding BBC coverage of the run-up to the Northern Ireland Assembly Election 2022. The complaint was not upheld.

**Members' interests**

7. There were no interests to declare.

**Minutes of the Content Board Meeting held 15 March 2022 – CB Minutes 175(22), Actions List and Matters Arising**

8. The minutes of the Content Board meeting held on 15 March 2022 were agreed as a true and accurate record for signature by the Chair.
9. The action to schedule research items/deep dives as part of the Content Board agendas planning remained outstanding. Two research items were planned for the 5 July meeting
10. There were no other matters arising.

**Chair's update**

11. The Chair reported on recent discussions of the Ofcom Board and focussed on the main areas of work. These had included: Review of the Future of BBC Regulation; Ofcom's Approach to Consumer Protection; and Broadcast Incident Reviews.

**Broadcasting & Online Content Group Policy updates – CB 8(22)**

12. Members had received a paper providing an update on key policy and project areas in the Broadcasting and Online Content Group.
13. Members were updated further on a wide range of topics, including:
  - Online Safety (OS); Ofcom's work programme continued and had been asked to provide oral evidence to the Parliamentary Draft OS Bill Joint Committee in May. Recruitment was ongoing; Jessica Zucker had been appointed as Director of Online Safety Policy and a fourth OS director was about to be appointed to focus on delivery. A roadmap to regulation was expected to be published in June; the Content Board OS sub-group would feed into this.
  - Video sharing platforms (VSPs); Ofcom continued to regulate 18 live notified services. Stakeholder engagement was ongoing. Draft information requests had been issued to all notified VSPs, other than one small new service. Members discussed issues including: the relationship between VSP regulation timelines and the passage of OS legislation; stakeholder engagement; Ofcom's recruitment strategy; and VSP platforms proactively contacting Ofcom about their responses to the Russian invasion of Ukraine.
  - Diversity; On 7 April a Call for Inputs was published to inform changes to broadcast workforce data, ie the way in which it was collected (including terminology used); and the way in which Ofcom assessed the progress made by broadcasters. The Call for Inputs would close in two weeks' time and the Content Board would be updated before the summer. The publication of a Statement covering any revisions to data collection and assessment as well as a new version of the Guidance, which would be updated to reflect the findings of the recent five-year-review, was expected to occur in the Autumn. Extensive stakeholder engagement had taken place. Another event, likely to be held in conjunction with broadcasters, was planned for later in the year. The Content Board would be informed in due course. Members discussed issues including gathering additional information regarding the Nations. Members were advised that a meeting with the BBC was planned to discuss Nations data.
  - Access services; Following the Red Bee incident which resulted in an absence of subtitles/audio description/signing on Channel 4's broadcast services from 25 September until 22 October (and for a

longer period for the C4 Freesat broadcast), a Preliminary View had been issued; a broader review conducted by colleagues in Spectrum Group would look at the disaster recovery arrangements in place.

- EPG accessibility; the latest annual report into the accessibility of Electronic Programme Guides (EPGs) was due to be published in early May.
- Standards and Audience Protection; various areas of work were highlighted, including current standards investigations; the suspension of KTV's licence to broadcast; and the Health and Care Bill, which had received Royal Assent, giving Ofcom new duties to enforce restrictions on the advertising of food and drink products that were high in fat, salt or sugar ("HFSS"), with a consultation and statement planned in due course, once secondary legislation had been laid. Engagement was ongoing concerning the Government's intention to legislate as part of a forthcoming Media Bill to bring in more consistency between content standards in Broadcasting and VOD by empowering Ofcom to implement a VOD Code containing rules similar to those that applied to TV and radio broadcasters, so as to cover larger VOD services targeting UK audiences. Audience research was planned to help inform any new VOD content rules and the Content Board would be involved during the Media Bill process. Members discussed issues including the regulation of broadcast standards compared to OS, particularly around offensive content, and the need for further research into public expectations; and provisions for whistleblowing for employees within the television production industry.
- BBC work areas; a report, to be published in June, was being drafted setting out Ofcom's proposals for changes to the regulation of the BBC. Alongside this report for government, a consultation on a new BBC Operating Licence and revised editorial standards Complaints Handling Determinations would be published. A separate consultation on the competition framework would appear later in the year. Members were updated on the broader BBC programme of work, including the Studios Review.
- PSB and general media-related work areas; a government White Paper had been published. Engagement with Government was ongoing ahead of the expected announcement of a Media Bill in the Queen's speech on 10 May and the Bill's subsequent introduction during this Parliament's third session. Issues discussed by members included: the potential for Ofcom's regulatory remit for PSB to be expanded for VOD; changes to regulatory obligations on PSBs, particularly around service requirements and quotas; new prominence rules; and how to focus discussions at future meetings of the Content Board. Ofcom's three-year strategy for Broadcasting & Online Content would be brought to the Content Board after the Ofcom Board had provided its views.

#### **Channel 3 and Channel 5 relicensing – CB 9(22)**

14. Members had received a paper and were requested to note the ongoing work to prepare a report to the Secretary of State (SoS) about the relicensing process for Channel 3 and 5 licences, as well as to discuss and offer views on Ofcom's emerging conclusions and recommendations to the SoS.
15. Members discussed issues including the cost benefits of PSB services; the proportionality and sustainability of licence requirements for PSBs; and modelling challenges in projected PSB future turnover and audience.

**Channel 4 Corporation Statement of Media Content Policy**

**2021: Update and overview of headlines – CB 10(22)**

16. Members had received a paper providing Ofcom's analysis of C4C's draft 2021 Annual Report and Statement of Media Content Policy (SMCP) and were requested to note and offer views concerning the key preliminary findings regarding C4C's 2021 performance in meeting its media content duties.
17. C4C planned to publish its Annual Report and SMCP at the end of May, and Ofcom intended to publish its response at the same time. Members discussed issues including the lack of granular detail concerning All4's viewing performance; potential unintended risks and impacts for the UK creative industry arising from the proposed future of C4C; achievements that were unique to C4C among PSBs; and future regulatory requirements on C4C.

**6-month progress update on key themes/lessons from Content**

**Board's Editorial Standards Work – CB 11(22)**

18. Members had received a paper providing the latest in a series of six-monthly updates on themes in editorial standards, which would be submitted to the Ofcom Board. The paper provided an update on developments under the four themes (offence, harm, due impartiality and diverging approaches to content standards regulation on different platforms) that had been included in the previous update that went to the December 2021 meeting of the Ofcom Board. Members' input was invited.
19. Issues discussed included public expectations of Ofcom's complaints framework; Ofcom's approach to handling the high number of offence complaints; research into public awareness of Ofcom's purpose and efforts to increase awareness of Ofcom among certain communities; Ofcom's process for assessing the applications received for licences to broadcast; Ofcom's routine targeted monitoring of broadcasters; and factors influencing Ofcom's assessment of whether or not to launch investigations.

**Information items**

20. The following items were noted:
  - Paper on Review of Future Regulation of the BBC;
  - A summary of Children's and Parents' media literacy reports;
  - Ofcom Board Minutes (9 March 2022); and
  - Communications Consumer Panel Minutes (17 February and 17 March 2022).
21. A member requested sight of the overview of a set of proposed recommendations to help strengthen Ofcom's data ethics regime that had been presented to the Consumer Panel at its 17 March meeting.

**Any Other Business**

22. There was no other business.

**Date of the Next Meeting**

23. The next meeting of the Content Board was scheduled to take place on 5 July 2022.