

**PUBLICATION MINUTES OF THE ONE HUNDRED AND EIGHTY-FIRST MEETING OF
THE CONTENT BOARD HELD ON 4 APRIL 2023
CONNECTED MEETING HELD AT RIVERSIDE HOUSE AND VIA MICROSOFT TEAMS**

Present

Maggie Carver	Chair
Dekan Apajee	Member
Jonathan Baker	Member
Kevin Bakhurst	Executive Member
Rachel Coldicutt	Member
Maggie Cunningham	Member for Scotland
Bob Downes	Member
Peter Horrocks	Member
Tobin Ireland	Member
Ali Marsden	Executive Member
Maria McCann	Member for Northern Ireland
Ruth McElroy	Member for Wales
Stephen Nuttall	Member
Kim Shillinglaw	Member

Apologies

Monisha Shah	Member
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In attendance

David Edwards	Committee Secretary
Katie Ford	Next Gen NEDs observer (via Teams)
Gill Whitehead	Group Director, Online Safety (via Teams) (min 2)
Other Ofcom colleagues attending for specific items	

Item 1: Welcome and introduction – oral

1. The Chair welcomed all present to the meeting. She flagged that it would include a Nations’ perspectives item, part of the new format for meetings that already included a deep dive/ debate item, and that the Nations members of the Ofcom Board and colleagues from Ofcom’s Nations teams had been invited to join the meeting for that item. She informed Members that senior executives from Channel 4 would take part in the next meeting on 2 May.
2. Gill Whitehead joined the meeting briefly to introduce herself in her new role as Ofcom’s first Group Director, Online Safety. Gill had met the Content Board in July 2022, as Chief Executive of the Digital Regulation Cooperation Forum. She spoke about her early priorities for the new OS Group; the recent appointment of Almudena Lara, who would be joining Ofcom from Google as a director in the Group; ongoing recruitment for an additional OS director; and confirmed that she was looking forward to working with the Content Board in due course.
3. The Chair introduced Katie Ford, attending her first meeting, having accepted a placement as Next Gen NEDs observer. Katie would be observing meetings for the next twelve months.

Item 2: Members’ interests – oral

4. Kim Shillinglaw reminded Members that she was on the board of Natural England, with an interest in offshore wind energy. Katie Ford informed Members that in her role at Ofgem she was part of a team engaged in offshore energy regulation.

Item 3: Minutes of the meeting held on 24 January 2023 and matters arising – Content Board minutes 180(23) and note of action points

5. The minutes of the Content Board meeting held on 24 January 2023 were **APPROVED** for signature by the Chair as an accurate record.
6. A summary of progress against action points had been circulated. There were no outstanding actions. At the January meeting the topic of how to encourage platforms to engage with regulation had been suggested as a deep dive/ debate topic and that would be kept in mind for a future meeting.

Item 4: Chair's update - oral

7. The Chair commended and thanked Kevin Bakhurst for his excellent leadership role in preparing Ofcom to regulate online safety, including work related to the OS Bill, the VSP regime and in recruiting the many colleagues that now make up the new OS Group, all of this without losing focus in relation to broadcasting and media work. In response Kevin commented that it had been a team effort.
8. Maggie Carver flagged that since the last meeting an offline session had been held with the Executive to allow Members a more detailed discussion of the review of the BBC's Operating Licence and that Members had also attended an age assurance and age verification workshop with the Ofcom Board.
9. The Chair had attended an Ofcom Media Plurality event, which had been well received by stakeholders. She had visited Ofcom's Manchester office and met a range of colleagues based there. She reported that the process was in play to recruit a Content Board Member with editorial expertise, with a significant number of candidates to consider. The Chair also flagged that Ofcom had recently published valuable research on life online for children and young adults and reported briefly on recent discussions of the Ofcom Board (minutes being shared with the Content Board).
10. The Content Board **NOTED** the report from the Chair.

Item 5: Broadcast and Online Content Group Policy Updates – Paper CB 5(23)

11. Members had received a paper providing an update on key policy and project areas in the Broadcast and Online Content Group. The paper was taken as read.
12. A number of points were highlighted/ discussed:
- **Media Bill:** The Draft Bill had been published on 29 March 2023, taking forward recommendations made in Ofcom's July 2021 *Small Screen: Big Debate* statement. There appeared to be all-party support in Parliament and the Bill could smooth the relicensing process for Channel 3 and 5.
 - Prominence (on television selection services) was flagged, with some technical aspects to work through and a role for Ofcom in devising codes. For S4C changes to prominence could be a significant moment and bring opportunities for its content to reach beyond Wales
 - There were concerns in some quarters about possible changes to the relationship between Channel 4 and independent producers and the prospect of in-house production. Appetite for the latter could be raised with Channel 4 at the next meeting and it was noted that Ofcom research on the independent sector was in progress, findings could be shared with the Content Board in due course. On a cautionary note, rights issues could arise and what was best for Channel 4 was not necessarily right for the wider creative economy.

- BBC Operating Licence: Ofcom’s statement, published 23 March 2023, had been well received and the new Licence came into effect on 1 April. The annexes included an exchange of letters between Ofcom and the BBC regarding planned changes to the BBC’s provision of local content and news. Returning to the creative economy, there was brief discussion about BBC activity through partnerships and the Executive was in discussion with DCMS about whether any regulation should be improved.
- Standards and audience protection: It was flagged that Ofcom had published a note to broadcasters on synthetic media in broadcast programming (including deepfakes). Ofcom was confident that existing rules give Ofcom the tools to protect audiences from potential harms, eg from factual material that could be materially misleading, that might arise through the use of such media in programmes.

13. Members **NOTED** paper CB 5(23) and additional oral updates provided.

Item 6: How Content Board would support the work of the Broadcasting and Media Group and Online Safety Group – Paper CB 6(23)

14. The Content Board noted the working arrangements between Content Board and the new Broadcasting and Media Group and Online Safety Group from 1 April 2023. The Content Board would input to the work of both Groups and, in practice, Members would notice little difference in their interactions with the Executive going forward. The Content Board work programme would encompass the work of both the new Groups; colleagues from the OS Group would attend Content Board meetings for relevant items; and the Content Board OS sub-group would continue to be convened, as and when required.

15. Members **NOTED** paper CB 6(23).

Item 7: Nations’ perspectives – Paper CB 7(23)A-D

16. Issues and challenges in the broadcasting landscape in Scotland were flagged, it being noted that much content was made specifically for Scottish audiences. STV was highlighted, its apparent resilience in terms of advertising revenues and its news and current affairs output ahead of the BBC in attracting audiences. More progress was required to increase diversity in the sector, including digital industries and amongst independent producers. Debates about independence, with divisions concerning the constitutional question, and the degree of support for creative industries from the Scottish Government were elements of the wider context.

17. Challenges in Northern Ireland were highlighted, the absence of a functioning Assembly and Executive Government being a particular frustration and more broadly there were questions about the degree to which local politicians and the Northern Ireland Executive regarded communications as a critical area. A plea was made for Ofcom to consider the wider and collective impact when it made decisions about licensing matters concerning the BBC, Channel 4 and Channel 3, to avoid unforeseen consequences that could have a negative impact, eg fewer programmes in total produced in Northern Ireland and that reduction felt by audiences and by the local indie sector.

18. It was frequently the case that reporting for England overlapped with reporting for the UK as a whole but differences between the regions and communities of England, in particular between London/ the South East and the rest of England, could be just as stark as those in the other Nations, with some communities being underserved. In contrast to some stakeholder concerns, in Scotland for example, the Advisory Committee for England felt that an in-house production unit at Channel 4 could be beneficial, provided that support remained to enable indies to start up and grow.

19. Discussion about Wales was prefaced by a clip from a recent S4C commissioned film, *Y Swm* (The Noise), that tells the story of the fight for a Welsh language TV channel. Broadcasting remained a heated area of debate, with a direction of travel towards greater devolution. Recent Ofcom data suggested that in some ways Wales was out of step with the other devolved Nations, the reach of online news services largely mirroring that for England and overall terrestrial TV viewing drop-off being greater in Wales than in the other Nations. S4C turnover and viewing figures were raised with discussion regarding reach to Welsh-speaking audiences.
20. The item had provided an opportunity to explore media issues facing the different Nations and on the next occasion it would be useful to add a data overlay for comparison and to look at the best ways to achieve audience outcomes. A common theme was the need to separate issues influenced by politics and what audiences wanted.
21. Members **NOTED** papers CB 7(23)A-D.

Item 8: Deep dive on Broadcasting standards – due impartiality – discussion topic – Paper CB 8(23)

22. Background reading material had been provided, including case studies, and questions posed to stimulate discussion. The Chair thanked Peter Horrocks for his input to that. He briefly introduced the item making a number of points based on his experience providing advisory opinions on draft Preliminary Views in content standards investigations. There was a wide-ranging discussion on the current challenges that developments in the broadcasting market are producing for "due impartiality". It was agreed that Content Board would be updated on the findings of further research in this area when this had been carried out.
23. The Chair thanked the Executive for framing the debate, Members for their contributions and the Content Board **NOTED** paper CB 8(23).

Item 9: Information Items

24. The Content Board **NOTED** the following information items:
- Channel 4 SMCP update – CB 9(23)
 - Minutes of the Ofcom Board (meetings held on 14 December 2022 and 8 February 2023)
 - Minutes of the Communications Consumer Panel (meetings held on 15 December 2022, 26 January and 23 February 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 2 May 2023.