

# Content Board minutes 190(24)

Publication Minutes of the one-hundred and ninetieth meeting of the Content Board held on 1 October 2024 at Riverside House, London SE1 9HA and via Microsoft Teams

## Present

Clive Jones	Chair and Ofcom Board Member
Dekan Apajee	Non-Executive Member for England
Simon Bucks	Non-Executive Member
Bob Downes	Non-Executive Member and Ofcom Board Member
Will Harding	Non-Executive Member and Ofcom Board Member
Peter Horrocks	Non-Executive Member
Ali Marsden	Executive Member and Director, Content Standards Licensing and Enforcement
Maria McCann	Non-Executive Member for Northern Ireland
Ruth McElroy	Non-Executive Member for Wales
Stephen Nuttall	Non-Executive Member
Cristina Nicolotti Squires	Executive Member and Group Director, Broadcasting and Media Group
Kim Shillinglaw	Non-Executive Member

## In attendance

David Edwards	Governance Manager
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Other colleagues attending for specific agenda items

	Action
<p><b>Item 1: Welcome and introduction</b></p> <ol style="list-style-type: none"> <li>The Chair welcomed Members and attendees and noted that the interval since the last meeting had been eventful, including a UK General Election on 4 July 2024 and a period of civil disorder, the latter fuelled in part by social media and misinformation.</li> <li>The Chair flagged: that a new government meant new Ministers at DSIT and DCMS, departments with an interest in Ofcom’s areas of responsibility; and reports about the UK TV production sector experiencing declining revenues and commissioning and unemployment for some free-lancers.</li> <li>Today’s meeting would include an open discussion about due impartiality. Four other discussion topics had been shared with Members, to be scheduled over the next series of Content Board meetings and to help advise the</li> </ol>	

<p>Executive and the Ofcom Board on some key issues in terms of policy making. The open discussions could also help to inform research underway in Ofcom and wider public debate. Going forward, the Chair encouraged Members to flag further topics for discussion.</p> <p>4. The Chair reported that a campaign was in progress to recruit two new Content Board Members. The advert was live and would close on 7 October 2024, with interviews expected in November.</p> <p>5. A Content Board sub-group would be established to advise the Executive working on a new VOD Code and BBC Online Material Code.</p>	
<p><b>Item 2: Declaration of members' interests</b></p> <p>6. No new interests were declared.</p>	
<p><b>Item 3: Minutes of the meeting held 2 July 2024 and matters arising – Content Board minutes 189(24)</b></p> <p>7. The minutes of the Content Board meeting held on 2 July 2024 were <b>APPROVED</b> for signature by the Chair as an accurate record.</p> <p>8. There were no actions outstanding.</p>	
<p><b>Item 4: Chair's report</b></p> <p>9. The Chair updated the Content Board on his activities. June and July 2024 Ofcom Board minutes had been circulated for information.</p> <p>10. The Chair highlighted that the September 2024 Ofcom Board meeting had included discussion about Spectrum (including a Space update), an Online Safety update, Ofcom's Three-Year business plan, financial resilience in Ofcom's regulated sectors and Channel 4 relicensing.</p> <p>11. The Ofcom Board's annual strategy day would take place later in October and the overarching theme would be how Ofcom could maximise its impact to support economic growth. Content Board Members with ideas about growth were encouraged to share them offline and Clive Jones, Bob Downes and Will Harding could feed-in to Ofcom Board discussions.</p> <p>12. Members <b>NOTED</b> the report.</p>	
<p><b>Item 5: Broadcast and Media Group Policy and related teams' update – Paper CB 18(24)</b></p> <p>13. Members had received a paper providing an update on key policy and project areas in the BMG and related teams. The paper was taken as read.</p> <p>14. Recent Executive engagement in Scotland was noted, at the Edinburgh TV Festival, with BBC Scotland, STV and other stakeholders. It was further noted that plans were in place to convene a roundtable later in the month, with some of the largest platforms and broadcasters, to discuss some of the lessons learned from the election, on matters including misinformation and disinformation.</p> <p>15. Members <b>NOTED</b> paper CB 18(24) and additional oral updates provided.</p>	

<p><b>Item 6: Briefing on the statutory framework for broadcast standards</b></p> <p>16. The Content Board was briefed on the framework in which Ofcom makes standards decisions. There were three fundamental elements to enforcement: relevant law; substance; and a fair process. Roles within the process, of the Executive team and Content Board Members, and the means by which decisions could be challenged were highlighted. It was noted that Content Board members provide advisory opinions in relation to breaches of content standards and, with the Executive, have a decision-making role in sanctions and as members of Ofcom’s Election Committee. An update was provided on current litigation in this area.</p> <p>17. Points highlighted and discussed included:</p> <ul style="list-style-type: none"> <li>• Standards strategy, e.g. what Ofcom decides to investigate and the extent to which the Content Board is involved; and</li> <li>• the fact that the Ofcom Board has determined the role of the Content Board, set out in Terms of Reference.</li> </ul> <p>18. The Content Board <b>NOTED</b> the briefing.</p>	
<p><b>Item 7: Due impartiality</b></p> <p>19. There was a wide-ranging discussion on issues relating to "due impartiality" in broadcasting. Relevant views raised in discussion would be fed back to the Ofcom Board and to Executive colleagues engaged in the PSM Review.</p>	
<p><b>Item 8: Media Act 2024 – Paper CB 19(24)</b></p> <p>20. Discussion was intended to focus on the Executive’s progress on implementing the provisions in the Media Act, challenges and Ofcom’s approach to Parts 5 and 6 of the Act, on Regulation of radio services and on Regulation of radio selection services (voice activated platforms) respectively, the latter a novel and complex area.</p> <p>21. Topics highlighted and discussed included:</p> <ul style="list-style-type: none"> <li>• The impact of the legislation on drive time, when local content reaches the most people.</li> <li>• A new requirement for local news on local analogue commercial radio stations to be “locally-gathered” to secure a local journalistic presence.</li> <li>• Deregulation of commercial radio by the Media Act. It was noted that this removed Ofcom's role in regulating each station's 'character of service' obligations, meaning that services could end currently required programming, including material in Welsh.</li> <li>• Rather than create ‘prominence’ of radio services delivered online, it was noted that Part 6 of the Act was primarily intended to secure the availability of licensed UK radio services via online platforms.</li> </ul> <p>22. The Content Board <b>NOTED</b> paper CB 19(24).</p>	
<p><b>Item 9: BBC Programme update – Paper CB 20(24)</b></p>	

<p>23. Members were taken through three related projects: Ofcom’s Annual Report on the BBC; indicative findings from mystery shopping research into the BBC First complaints process; and the second report from the Local Media Review. Ofcom expected to publish three reports in November.</p> <p>24. Topics highlighted and discussed by Members included:</p> <ul style="list-style-type: none"> <li>• Investigative journalism, budget cuts and protection of the genre; requirements on the BBC in this area; and the sharing of investigative material across its services.</li> <li>• BBC First and how it compared to complaint handling by Ofcom and the research methodology associated with mystery shopping.</li> <li>• Developments and investment in BBC delivery on BBC iPlayer and in BBC Verify to help counter mis and disinformation; and</li> <li>• Discoverability and the BBC’s work on public service algorithms.</li> </ul> <p>25. The Content Board <b>NOTED</b> the paper.</p>	
<p><b>Item 10: Equity, Diversity and Inclusion in Broadcasting update – Paper CB 21(24)</b></p> <p>26. The Content Board discussed the approach Ofcom was taking to its forthcoming report on Equity, Diversity and Inclusion (EDI) in UK Broadcasting to be published in December; emerging themes and trends identified.</p> <p>27. The Executive was seeking to set data and insights in the context of broader concerns for broadcasting and society more generally: the creation of trusted, authentic content; skills and jobs shortages; and sustaining sector sustainability across the UK. It mattered who was working for the broadcasters, making and commissioning content, and who was in decision-making, journalistic and editorial roles.</p> <p>28. Issues discussed by Members included a lack of diversity in newsrooms, at senior levels in the industry and low churn in those roles; the importance of leadership from the top, making EDI business-critical and not left as a matter for HR; and class bias in employment.</p> <p>29. The Content Board <b>NOTED</b> paper CB 21(24).</p>	
<p><b>Item 11: Channel 4 relicensing – Paper CB 22(24)</b></p> <p>30. Members were updated on the proposed contents and duration of the new Channel 4 licence, including provisions to raise quotas for production outside England from 9% to 12% (for hours and expenditure) by 2030 using production centres in Scotland, Wales and Northern Ireland.</p> <p>31. Members discussed the 2030 target; that support was required for transition to digital; and stressing the importance of having commissioners based in the Nations able to make decisions. In addition, spreading production too thinly could mean inadequate growth.</p> <p>32. The Executive planned to publish a final statement on 15 October 2024 and, shortly after, would make the formal variation to the existing licence. The new licence would come into force from 1 January 2025.</p>	

33. The Content Board <b>NOTED</b> paper CB 22(24)	
<p><b>Items 12-13: Information items</b></p> <p>34. The Content Board NOTED the following information items:</p> <ul style="list-style-type: none"> <li>• Minutes of the Ofcom Board of 19 June and 17 July 2024.</li> <li>• Minutes of the Communications Consumer Panel/ACOD of 15 May, 27 June and 25 July 2024.</li> </ul>	
<p><b>Item 14: Any other business</b></p> <p>35. There was no other business.</p>	
<p><b>Item 15: Date of the next meeting</b></p> <p>36. The next scheduled Content Board meeting would be held on Tuesday 19 November 2024.</p>	