

**PUBLICATION MINUTES OF THE THREE HUNDRED AND FIRST MEETING OF  
THE OFCOM BOARD HELD ON 8 FEBRUARY 2023  
AT RIVERSIDE HOUSE, SE1 9HA AND VIA MICROSOFT TEAMS**

**Present**

Michael Grade	Chair
Maggie Carver	Deputy Chair
Kevin Bakhurst	Executive Member and Group Director, Broadcasting & Online Content
Karen Baxter	Non-Executive Member
Melanie Dawes	Executive Member and Chief Executive
Angela Dean	Non-Executive Member
Bob Downes	Non-Executive Member
Lindsey Fussell	Executive Member and Group Director, Networks & Communications
Will Harding	Non-Executive Member
David Jones	Non-Executive Member
Graham Mather	Non-Executive Member
Ben Verwaayen	Non-Executive Member

**In attendance**

Martin Ballantyne	General Counsel
Veronica Branton	Corporation Secretary
Francesca Carter	Head of Governance (via Teams)
Sharon Malley	Governance Manager
Melissa Tatton	Corporate Group Director (Items 5, 6 and 9)
Kate Davies	Public Policy Director (Item 5-6)
Andrew Lynex	Online Harms Regime Delivery Director (Item 5) (via Teams)
Mark Bunting	Director Online Harms Policy (Item 5) (via Teams)
Aneen Blackmore	Finance Director (Item 6) (via Teams)
Richard Orpin	Public Policy Principal (Item 6) (via Teams)
Marina Gibbs	Director of Post (Item 7)
David Brown	Regulatory Finance Director (Item 7)
Yih-Choung Teh	Group Director Strategy and Research (Item 8)
Yoon Chang	Director, Strategy and Policy (Item 8)
Paul Phillips	Legal Director (Item 8)
Kerri-Ann O'Neill	People & Transformation Director (Item 9)

	<b>Action</b>
<b>Item 1: Declaration of members' interests</b>	
1. No new interests were declared.	
<b>Item 2: Minutes of the meeting held on 14 December 2022 and matters arising – Board minutes 300(22) and note of action points</b>	
2. Subject to a minor amendment, the minutes of the Ofcom Board meeting held on 14 December 2022 were <b>APPROVED</b> for signature by the Chair as an accurate record.	
3. A summary of progress against action points was <b>NOTED</b> .	

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<p><b>Item 3: Chair's report</b></p> <p>4. The Chair noted this would be Graham Mather's final meeting as a Board member and recorded the Board's sincere thanks for his work.</p> <p>5. The Chair updated the Board on his activities and noted that he had attended meetings with the Chair of Royal Mail, Talk Talk Chair Sir Charles Dunstone, and Julia Lopez MP, Minister of State at DCMS.</p> <p>6. The Chair updated the Board on appointments to the Ofcom and Channel 4 Boards, noting that the recent reshuffle and changes in departmental responsibilities may lead to further delays in this area.</p>	
<p><b>Item 4: Chief Executive's report – Board paper 01(23)</b></p> <p>7. Melanie Dawes presented paper 01(23) on her activities and current issues and drew attention to the following:</p> <ul style="list-style-type: none"> <li>• The recent reshuffle had removed the Digital element from the DCMS brief and moved it to the new department of Science, Innovation and Technology. This would affect some of Ofcom's sectors with telecoms, spectrum and online safety moving to the new department and media and broadcasting remaining at DCMS. Post would continue to be with the Business Department.</li> <li>• The visit to Davos had provided a useful opportunity to engage with key stakeholders including those from the global platforms, and to explain Ofcom's role on digital markets as well as online safety.</li> <li>• Work was continuing to prepare for the Online Safety regime but it was becoming more difficult for Ofcom to absorb the delays in the legislative programme. The Bill was being debated in the Lords and some provisions were likely to be amended.</li> </ul> <p>8. The Board noted the paper in the Reading Room on the Digital Services Act and how it compared to the Online Safety regime. It was agreed that the paper would be brought to a future Board for full discussion.</p> <p>9. The Board noted Ofcom's recent consultation on Equinox 2. It also noted the risks around potential altnet failure, including reputational risk for Ofcom. Notwithstanding those risks, the Board made clear that Ofcom should continue to pursue the strategy set out in its last market review.</p> <p>10. The Board <b>NOTED</b> Board paper 01(23).</p>	<b>Corp Sec</b>
<p><b>Item 5: Online Safety update – Board paper 02(23)</b></p> <p>11. Kevin Bakhurst introduced paper 02(23) on preparations for the Online Safety regime. The Board noted Ofcom's Online Safety priorities, including progress and actions, and a new priority around the provision of data products, research and metrics to support the delivery of the Online Safety regime.</p> <p>12. The Board noted that work to prepare for the regulation of illegal harms was well advanced. For work in relation to protection of children Ofcom was aiming to absorb the</p>	

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<p>delay to the legislative process, but this was a risky strategy and might not prove to be achievable given that legislative changes were more focused on this area.</p> <p>13. The Board discussed funding for the Online Safety regime and noted the reassurances that had been given by Government on the recovery of WTA receipts. The main focus for recruitment and building capability the next few months would be establishing the teams to engage with platforms, the previous focus having been on teams for policy development.</p> <p>14. It was agreed that it would be helpful to see the agreed new roles and responsibilities for the various elements of work in the Online Safety area and this would be provided.</p> <p>15. The Board <b>NOTED</b> Ofcom's refreshed priorities for 2023; the progress of the Online Safety Bill through Parliament and the impact this would have on Ofcom's timetable for consultations and implementation of the regime; and the outline plans for implementing the organisational structures required for day one of the live regime. The Board <b>APPROVED</b> having a readiness checkpoint update at its May 2023 meeting.</p>	KB
<p><b>Item 6: Public Bodies Review – Board paper 03(23)</b></p> <p>16. Kate Davies introduced paper 03(23) on Ofcom's response to the initial stage of the Public Bodies Review and updated the Board on the meeting of the Public Bodies Review Board Sub-Committee.</p> <p>17. The Board discussed the draft response and suggested areas where the tone of the narrative could be more positive about the benefits of Ofcom regulation and where Ofcom had looked to make efficiencies and drive savings.</p> <p>18. Board members were invited to submit any drafting comments to Kate Davies.</p> <p>19. The Board <b>APPROVED</b> the response to the initial stage of the Public Bodies Review, subject to the comments above and any drafting comments, and <b>DELEGATED</b> final approval of the response to the Chair.</p>	
<p><b>Item 7: Update on Royal Mail – Board paper 04(23)</b></p> <p>20. Lindsey Fussell introduced paper 04(23), setting out key findings of Ofcom's due diligence of Royal Mail's financial position.</p> <p>21. The Board discussed the message that Ofcom should pass to the Government and noted the importance of providing clarity on the financial viability of the USO. It would be important for Ofcom to set out the risks that could affect the deliverability of the business plan and their likely impacts. Ofcom should also be clear that its analysis was based on data provided to it by Royal Mail. The Board noted Ofcom's role in preparing for outcomes where the Royal Mail business plan might not be achievable.</p> <p>22. The Board <b>NOTED</b> the paper.</p>	

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<p><b>Item 8: Scope and impact of regulation – Board paper 05(23)</b></p> <p>23. Yih-Choung Teh introduced paper 05(23), setting out the scope and impact of Ofcom’s regulation. The Board discussed Ofcom’s current approach to regulation and noted the need to challenge itself to ensure the extent of regulation in each sector was appropriate. The Board noted that Ofcom’s approach in areas such as fixed telecoms and on commercial radio had been deregulatory.</p> <p>24. It was also noted that it may be helpful to put in place cyclical reviews to consider the extent of regulation in particular sectors, whether the existing rules are still required, and where deregulation would be effective and could lead to better outcomes for citizens and consumers. The Board discussed the varying impacts of regulation on different sectors and the need for regulation with a clear purpose.</p> <p>25. The Board <b>NOTED</b> the paper and <b>AGREED</b> that a further paper setting out actions would be presented to a future meeting.</p>	<p><b>MB/YCT/ Corp Sec</b></p>
<p><b>Item 9: One Ofcom programme – priorities for 2023/24 – Board paper 06(23)</b></p> <p>26. Melissa Tatton introduced paper 06(23), setting out the six proposed One Ofcom priorities for 2023/24. She said the priorities had been refreshed to reflect the progress that had been made since the original eight priorities were set in 2020, to reflect development of the new Three Year Plan and to ensure they continued to focus on what Ofcom would need going forward. There were three transformation priorities, looking at performance management, business planning and resilience, and a new priority to improve agility. The remaining priorities aimed to co-create a fantastic place to work and were themed around diversity and inclusion, skills investment and connected working across the UK.</p> <p>27. The Board discussed how progress towards achieving the priorities would be measured and noted the importance of metrics when priorities were linked to unlocking the bonus and it was confirmed that metrics supporting the 2022/23 bonus unlock had been provided to the People Committee. It was noted that the final One Ofcom bonus criteria and associated success measures for 2023/24 would be agreed by the People Committee in March.</p> <p>28. The Board <b>APPROVED</b> the six One Ofcom priorities for 2023/24 and <b>NOTED</b> that the One Ofcom priorities formed a substantive part of the proposed One Ofcom bonus criteria for 2023/24, subject to People Committee agreement in March 2023, and <b>NOTED</b> that the Board would be provided with a six-monthly progress update against the priorities, the first being in October 2023.</p>	
<p><b>Item 10: Appointments – Board papers 07(23), 08(23), 09(23), 10(23)</b></p> <p>29. The Board <b>APPROVED</b> the appointment of Caroline Hunt as a Member of the Advisory Committee for England for a three-year term to run from 1 March 2023 until 28 February 2026.</p> <p>30. The Board <b>APPROVED</b> the appointments of Colm Murphy, Paul Wickens and Jackie Neil as Members of the Advisory Committee for Northern Ireland each for three-year terms, with the appointment of Colm Murphy commencing immediately and the appointments of Paul Wickens and Jackie Neil commencing in the summer.</p>	

	<b>Action</b>
<p>31. The Board <b>APPROVED</b> the appointment of Polly Tolley to the Advisory Committee for Scotland for a period of 3 years from 1 March 2023 until 28 February 2026.</p> <p>32. The Board <b>APPROVED</b> a recommendation being made to the Secretary of State for DCMS for a nine-month extension of Rick Hill MBE as Chair and Member for Northern Ireland of the CCP/ACOD until 31 May 2024.</p> <p>33. The Board <b>APPROVED</b> a recommendation being made to the Secretary of State for DCMS for the appointment of five new Members of the CCP/ACOD: Robert Hammond, Karina McTeague, Lenna Cumberbatch, Michelle Goddard, and Judith Clifton, each for three-year terms.</p>	
<b>Item 11: Content Board – Board paper 11(23)</b>	
<p>34. The Board <b>NOTED</b> the latest update on key themes and emerging lessons from the Content Board’s editorial standards work up to 31 October 2022.</p> <p>35. The Board <b>APPROVED</b> the Content Board’s Work Programme for 1 April to 30 September 2023 and the means by which the Content Board would contribute to certain policy areas set out in Ofcom’s Plan of Work.</p>	
<b>Items 12-18: Information items</b>	
<p>36. The Board <b>NOTED</b> the following information items:</p> <ul style="list-style-type: none"> <li>• Non-executive member updates – Board paper 12(23)</li> <li>• Update on Openreach Equinox 2 FTTP pricing offer – Board paper 13(23)</li> <li>• Finance report – Board paper 14(23)</li> <li>• Latest Connected Working data – Board paper 15(23)</li> <li>• Board work programme – Board paper 16(23), and publications schedule – Board Paper 17(23)</li> <li>• Minutes of the Communications Consumer Panel (17 November 2022), Content Board (22 November 2022), Advisory Committee for Wales (29 November 2022), Advisory Committee for England (01 December 2022), Advisory Committee for Northern Ireland (06 December 22), Risk &amp; Audit Committee (07 December 22), Advisory Committee for Scotland (08 December 22), Communications Consumer Panel and ACOD (15 December 22)</li> </ul>	
<b>Item 18: Items in the Diligent Board reading room</b>	
<p>37. The Board noted the items in the reading room.</p>	
<b>Item 19: Any other business</b>	
<p>38. The Chair updated the Board on a meeting and correspondence with the Chair of Global Radio.</p>	

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39. Kevin Bakhurst said the BBC had significantly revised the proposals relating to changes to its news coverage.	
<b>Item 20: Date of the next meeting</b>	
40. The next scheduled Board meeting would be held on Wednesday 15 March 2023.	
41. The meeting concluded at 12.10 pm.	

Approved: \_\_\_\_\_  
Chair