

**PUBLICATION MINUTES OF THE THREE HUNDRED AND NINETEENTH MEETING OF
THE OFCOM BOARD HELD ON 11 DECEMBER 2024
AT RIVERSIDE HOUSE, LONDON SE1 9HA AND VIA MICROSOFT TEAMS**

Present

Michael Grade	Chair
Tamara Ingram	Non-Executive Board Member and Deputy Chair
Richard Allan	Non-Executive Board Member
Karen Baxter	Non-Executive Member
Natalie Black	Group Director, Network and Communications
Melanie Dawes	Executive Member and Chief Executive
Angela Dean	Non-Executive Member
Bob Downes	Non-Executive Member
Lindsey Fussell	Executive Member and Interim Group Director, Online Safety (Items 6-18)
Will Harding	Non-Executive Member
Clive Jones	Non-Executive Member
Ben Verwaayen	Non-Executive Member (via Teams) (Items 1-7)

In attendance

Martin Ballantyne	General Counsel (Items 6-18)
Veronica Branton	Corporation Secretary
Francesca Carter	Deputy Corporation Secretary (via Teams)
Sharon Malley	Governance Manager
Fergal Farragher	Policy Director (Item 6)
Hugh Mullan	Economics Director (Item 6)
Simon Leathley	Legal Director (Item 6)
Almudena Lara	Online Safety Policy Development Director (Item 7)
Daniel Fitter	Policy Development Lead (Item 7)
Suzanne Cater	Enforcement Director (Item 8)
Ian Strawhorne	Enforcement Director (Item 8)
Yih-Choung Teh	Group Director, Strategy and Research (Item 9)
Claire Levens	Head of Media Literacy Policy and Evaluation (Item 9)
Niamh NiShuilleabhain	Policy Manager (Item 9)
Mark Bunting	Online Safety Strategy Delivery Director (Item 9) (via Teams)
Siobhan Walsh	Director of Policy Development (Item 9) (via Teams)
Nihal Newman	Network Security & Resilience Policy Director (Item 10)
Ben Willis	Principal Technology Advisor (Item 10)
Gerry McQuaid	Telecoms and Internet Security Director (Item 10) (via Teams)
Paul Phillips	Legal Director (Item 10)
Kate Davies	Public Policy Director (Item 10)

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Item 1: Welcome and declaration of members' interests	
1. No new interests were declared. The Chair welcomed Tamara Ingram to her first meeting as a member of the Ofcom Board.	
Item 2: Minutes of the meetings held on 13 November 2024 (319(24))	

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2. The minutes of the Ofcom Board meeting held on 13 November 2024 were approved as a correct record.	
Item 3: Chair's report	
3. The Chair updated the Board on his activity, including meetings with the Chairs of the BBC and Openreach.	
4. The Board NOTED the verbal report.	
Item 4: Chief Executive's report – Board paper 121(24)	
5. Melanie Dawes presented paper 121(24) on her activities. She said Ofcom's Illegal Harms Statement was due to be published on 16 December and that she had been in discussion with the Government about its publication.	
6. The Board noted Melanie Dawes' letter to the Department for Business and Trade on regulation, innovation and growth. The Chair said he had attended a UKRN quarterly session with other Chairs of regulators and had discussed the need to challenge the prevailing view that regulation necessarily acted as an inhibitor of growth.	
7. Melanie Dawes updated the Board on the appointment of Oliver Griffiths as the new Group Director for Online Safety. She said the current Finance Director would be leaving Ofcom and outlined the process for appointing a successor and interim arrangements.	
8. On telecoms, Melanie Dawes updated the Board on the CMA's decision to permit the merger of Vodafone and Three. The Board discussed Ofcom's Connected Nations report, published on 5 December, and noted the need to reflect the UK's connectivity relative to the international position. The importance of customer continuity in the event of a provider leaving the market was discussed. It was noted that Ofcom's mobile availability tracker was due to be overhauled in 2025.	
9. The Board NOTED the CEO update.	
Item 5: Risk and Audit Committee update	
10. Angela Dean updated the Board on the Risk and Audit Committee meeting of 4 December 2024. The Committee had discussed internal audit reports on payroll and the governance of the Telecoms Access Review, both of which had received ratings of moderate assurance and which had plans in hand to address the recommendations. The half-year internal audit plan had been approved and included an audit on broadcast licensing to replace the previously proposed Online Safety audit where it was deemed the timing was inappropriate.	
11. The Committee had reviewed the Strategic Risk Register. No changes had been proposed but the Committee had noted PMB's discussion of the Trusted Regulator risk. The risk was rated as high likelihood and high probability, with all mitigations effective, and it may be helpful to review the target in the future. The Committee had also carried out a deep dive on the People and Culture risk and had identified the low turnover rate as an area to monitor.	

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<p>12. The Committee had discussed corporate security and noted that an attack on Ofcom's server had been caught before it could affect Ofcom's services. The finance review had identified potential underspends largely as a result of the late receipt of funding for the Media Act duties.</p> <p>13. The Board NOTED the update.</p>	
<p>Item 6: Future of the post USO – Board paper 122(24)</p> <p>14. Natalie Black presented paper 122(24) on the future of the universal service obligation (USO) for post. She said the proposed changes in the paper reflected a proposal by Royal Mail and that the realisation of the benefits was dependent on Royal Mail's ability to implement the changes. The proposal to reset the Quality of Service targets aimed to improve overall service levels including by the introduction of "tail of the mail" targets.</p> <p>15. The Board discussed the proposals in the context of the proposed takeover of Royal Mail and the financial sustainability of the USO, and noted the delivery risks around the Royal Mail workforce and the general decline in the letters market. The need to be clear with the Government on what would happen if Royal Mail were not able to implement its business plan, and the ongoing discussions with the Government in this regard, were noted. Material further changes were likely to be beyond Ofcom's current regulatory powers and would need legislative change.</p> <p>16. The Board noted that the proposed changes to the Quality of Service targets were likely to be controversial, but Ofcom would continue to enforce against performance targets to ensure Royal Mail remained incentivised to deliver. The Board noted that comparable international targets were generally lower than those in the UK.</p> <p>17. The need for careful communications around the proposals was noted, as it was important that stakeholders understood that reforming the USO would not, on its own, solve Royal Mail's commercial challenges.</p> <p>18. The Board NOTED the paper.</p>	
<p>Item 7: January package: Age Assurance and Children's Access Statement – Board paper 123(24)</p> <p>19. Lindsey Fussell presented paper 123(24) on Ofcom's Age Assurance and Children's Access Statement, which was due to be published in January. She said the Part 5 guidance would only apply to a small number of porn providers, with the majority being covered in the next stage of the regime coming into force in July, but the January package would form a basis for Ofcom's protection of children work. The publication of the statement was expected to draw comment from a range of stakeholders, including those who wanted Ofcom's regulation to go further, and would also affect businesses who had not previously been subject to regulation, who the team had been reaching out to help them prepare. The statement would also affect users of pornography, including adults, because of the introduction of age verification and Ofcom should be prepared for reactions from them.</p> <p>20. The Board discussed the paper and noted that Ofcom might face criticism from some for not including a numerical threshold as the definition of highly effective age assurance (HEAA). The statement took a flexible, criteria-based approach as this was considered to be the best way to secure the best outcomes for the protection of children</p>	

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<p>in the early years of the regime. Platforms would be held to a high standard to deliver HEAA through supervision, enforcement and market monitoring work.</p> <p>21. The Board discussed how Ofcom would measure the success of the new regime. It was noted that measurement and evaluation would develop over time. The policy team, supported by others, would monitor the implementation and analyse the data that Ofcom collected from which to gain insight into the impact of the changes, such as the age that the average person first encountered online porn.</p> <p>22. The Board discussed the distinction between Part 3 and Part 5 services and noted that the majority of porn providers, including monetised user to user services, fell into the Part 3 category and would be subject to age assurance regulation in July, with only Part 5 services being caught by the January statement.</p> <p>23. It was noted that the introduction of age assurance regulation should lead to the improvement of age assurance technology. It was agreed that it would be helpful for the Board to receive a briefing on this. It was noted that Ofcom had a statutory duty to report in July 2026 on the progress of the introduction of HEAA measures.</p> <p>24. The Board noted that Ofcom was not proposing that search engines should use HEAA to comply with their protection of children duties as few consumers used personal accounts to access search engines. However, search engines would be subject to the general protections for all users.</p> <p>25. The Board NOTED the paper.</p>	LF/Corp Sec
<p>Item 8: Annual enforcement update – Board paper 124(24)</p> <p>26. Ian Strawhorne and Suzanne Cater presented paper 124(24) on Ofcom’s enforcement programme. They said the team adopted a strategic and policy-driven approach and was working with policy teams to identify which levers to use to help drive compliance. Informal engagement was sometimes capable of achieving better, quicker outcomes than formal enforcement, and so it was important to ensure an appropriate balance between the two.</p> <p>27. The Board discussed the paper and the different sectors in which the team had enforced and where it anticipated the future work would come. It discussed planned approaches to securing compliance in the online safety sector, including fraud. It was noted that some anti-fraud measures were caught by the Illegal Harms provisions. It was agreed that a short briefing note would be prepared for Board members on Ofcom’s activity in relation to fraud, including action on scam phone number use and premium rate services.</p> <p>28. It was noted that although enforcement was a growth item in the next Ofcom Three-Year Business Plan, it would still be important for Ofcom to make strategic decisions about priorities for enforcement in light of resource constraints. The Board noted the allocation of enforcement resource across Ofcom’s sectors and the ability to move resource between sectors if needed.</p> <p>29. The Board NOTED the paper.</p>	LF
Item 9: Ofcom’s Three-Year Media Literacy Strategy – Board paper 125(24)	

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<p>30. Yih-Choung Teh presented paper 125(24) on Ofcom's Three-Year Media Literacy Strategy. He said Ofcom recognised the importance of people being able to navigate online material safely and Ofcom's media literacy work complemented Ofcom's regulatory powers in broadcasting and online safety. However, media literacy was not the responsibility solely of Ofcom, with the broader community needing to take action alongside. A recent House of Lords report on the Future of News recognised Ofcom's work but recommended that the Government should have its own media literacy strategy and that the Department for Education should use the opportunity of its curriculum review.</p> <p>31. The Board discussed the paper and agreed that it would be important to be clear on what Ofcom's role in media literacy should be, given resource constraints. It may also be helpful to look at international comparators.</p> <p>32. It was agreed that it would be helpful to include a reference to media literacy in the Chair's report in Ofcom's Annual Report. The recent Southport riots demonstrated the dangers of misinformation being spread online. Ofcom was well-regarded in the field of media literacy but there could be a challenge in persuading others to take on some of this work.</p> <p>33. The Board NOTED the paper.</p>	Corp Sec
<p>Item 10: Cyber Security & Resilience Bill and data centres – Board paper 126(24)</p> <p>34. Natalie Black presented paper 126(24) on the Cyber Security & Resilience Bill and the implications for Ofcom. She said the Bill would bring data centres within scope of the Network and Information Systems Regulation. It was possible that Ofcom would be named as the regulator of data centres.</p> <p>35. The Board discussed the paper and noted that Ofcom was in discussion with the Government about how the regulation of data centres could operate, including the potential scope and scale of the regime. It was noted that Ofcom would need to enhance its relationship with Ofgem in order to understand the power-related resilience of data centres given their intensive use of power. It was likely that other skills and experience would need to be acquired to carry out these new duties if they were allocated to Ofcom. Any new duties would need to be accompanied by appropriate funding arrangements.</p> <p>36. It was noted that the timetable for the introduction of the bill was ambitious and left little room for influencing policy decisions.</p> <p>37. The Board NOTED the paper.</p>	
<p>Item 11: Board evaluation review proposals for 2024-25 – Board paper 127(24)</p> <p>38. Veronica Branton presented paper 127(24) on proposals for the annual Board evaluation review.</p> <p>39. The Board APPROVED the recommendations set out in the paper.</p>	
<p>Item 12: Content Board appointments – Board paper 128(24)</p> <p>40. The Board APPROVED the appointments of Peter MacMahon as the member for Scotland and Yolisa Phahle as a general member of the Content Board from 1 January</p>	

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2025, Kate Marsh as a general member from 1 November 2025 and Ruth McElroy from 1 March 2025 as the member for Wales for a second term.	
Item 13: National Advisory Committee for Scotland – appointment of new Chair – Board paper 129(24) 41. The Board APPROVED the appointment of Jessica McBeath as Chair of the Advisory Committee for Scotland from 1 April 2025 until the end of her current term.	
Item 14: Annual report – section 128 of the Online Safety Act – Board paper 130(24) 42. The Board NOTED the paper.	
Items 15-18: Standing items 43. The Board NOTED the following information items: <ul style="list-style-type: none"> • Non-executive member updates – Board paper 131(24). • Monthly performance report – Board paper 132(24) • Board work programme – Board paper 133(24), and publications schedule – Board Paper 134(24) • Minutes of the Communications Consumer Panel on 17 October 2024. 	
Item 19: Any other business 44. The Chair said he had announced the process for the appointment of a new Chair of Channel 4 and that a recruitment agent was being appointed.	
Item 20: Date of the next meeting 45. The next scheduled Board meeting would be held on 5 February 2025 46. The meeting concluded at 12.10 pm.	

Approved: _____
Chair