

Ofcom Board minutes 5 February 2025

Publication minutes of the three-hundred and twenty-first meeting of the Ofcom Board held on 5 February 2025 at Riverside House, London SE1 9HA and via Microsoft Teams

Present

Michael Grade	Chair
Tamara Ingram	Deputy Chair
Richard Allan	Non-Executive Member
Karen Baxter	Non-Executive Member
Natalie Black	Executive Member and Group Director, Networks & 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
Will Harding	Non-Executive Member
Clive Jones	Non-Executive Member
Ben Verwaayen	Non-Executive Member (via Teams)

In attendance

Martin Ballantyne	General Counsel
Veronica Branton	Corporation Secretary
Francesca Carter	Deputy Corporation Secretary (via Teams)
Sharon Malley	Governance Manager
Jamie Mordue	Governance Manager (via Teams)
Kate Davies	Public Policy Director (Item 5)
Jessica Smith	Online Safety Policy Principal (Item 6)
Almudena Lara	Online Safety Policy Development Director (Item 6)
Martin Fenton	Director of Spectrum Policy (Item 7)
David Willis	Group Director Spectrum (Item 7)
Siew Yoon Tan	Technical Regulation Specialist (Item 7)
Brian Potterill	Network and Comms Policy Director (Item 9)

	Action
Item 1: Welcome and declaration of members' interests 1. No new interests were declared.	
Item 2: Minutes of the meeting held on 11 December 2024 – 320(25) and matters arising. 2. The minutes of the Ofcom Board meeting held on 11 December 2024 APPROVED as a correct record. 3. A summary of progress against action points was NOTED .	
Item 3: Chair's report 4. The Chair updated the Board on his recent activities, including meetings with counterparts at ITV and UKGI and progress on the appointment of the Chair of Channel 4. 5. The Board NOTED the verbal report.	
Item 4: Chief Executive's report – Board 01(25) 6. Melanie Dawes presented paper 01(25) on her activities. She said Ofcom had now published its letter to the Government on economic growth in response to its request for information from regulators on their work in this area. The Board noted forthcoming activity, including in particular in the Spectrum Group, that would support economic growth in the UK. 7. The Illegal Harms Code launch had been largely well received although a group of stakeholders maintained calls to go further. Recent incidents of misinformation made this a politically high profile area and Ofcom was seeking to engage further on it, to explain what was and was not covered by the Online Safety Act. The Board noted the different approaches to misinformation and free speech between the USA, UK and Europe. Ofcom's priority continued to be on delivering its work under the Act, which was primarily about tackling illegal harms and protecting children. 8. Natalie Black updated the Board on her attendance at Davos as a Young Global Leader. 9. Melanie Dawes updated the Board on her recent visit to a Royal Mail delivery office, including joining a postal worker on a delivery round. She noted that Ofcom had just welcomed employees from the Payment Services Authority as Ofcom took on these regulatory duties. 10. The Board discussed the Chief Executive's report, including Ofcom's current litigation, the ASA proposal to include 'brand advertising' in the scope of restrictions for advertising less healthy foods and the Government's response to the AI Opportunities Action Plan. It was noted that the division of regulatory responsibilities between Ofcom and the ASA carried the risk of unclear lines of accountability or a lack of clarity over where decisions were	

<p>being taken which meant the position should always be kept under review to avoid these risks materialising. It was noted that Ofcom would shortly be publishing its report on telecoms power resilience and it was agreed that a briefing on this would be provided to Bob Downes.</p> <p>11. The Board noted that conversations with the Treasury over the Ofcom 2025/26 budget were progressing constructively.</p> <p>12. The Board NOTED the report.</p>	NB
<p>Item 5: Regulation and economic growth – Board 02(25)</p> <p>13. The Board discussed Ofcom’s letter to Government on regulation and economic growth. Kate Davies provided an overview of the engagement with the Government since the exchange of letters and noted the Government’s plan to publish a “regulatory action plan” in March.</p> <p>14. Melanie Dawes updated the Board on her meeting with the Chancellor of the Exchequer and other regulators and on the feedback from officials.</p> <p>15. It was noted that the Public Service Media Review may provide further opportunities to consider sustainability and growth in the creative industries.</p> <p>16. The Board discussed the telecoms market and the need for Ofcom to consider the evolution of both telecoms and broadcasting markets, including the potential for global players and cross-border activity, such as mergers. The ongoing need for Ofcom to recruit and retain staff with commercial expertise and specialist skills was noted.</p> <p>17. The Board discussed the need for Ofcom to continue to challenge itself and seek opportunities to improve interactions with regulated industries, including streamlining processes and exploiting commercial opportunities in Spectrum where possible. Ofcom’s history of deregulation and adapting regulation to respond to tech and market developments should be articulated clearly in conversations with Government and other stakeholders.</p> <p>18. The Board NOTED the discussion.</p>	
<p>Item 6: Draft guidance on women and girls’ online safety – Board 03(25)</p> <p>19. Jessica Smith presented paper 03(25) on draft guidance on women and girls’ online safety. As envisaged by the Online Safety Act, the draft guidance covered both the statutory codes and went further to provide good practice examples of where platforms could provide additional safeguards. It had been developed following close working with stakeholders and would be subject to consultation. The good practice examples within the guidance were voluntary with no enforcement powers meaning Ofcom would need to be creative on encouraging compliance.</p> <p>20. As envisaged by the Online Safety Act, the draft guidance covered both the statutory codes and went further to provide good practice examples of where platforms could provide additional safeguards. It had been developed following close working with stakeholders and would be subject to consultation. The importance of committing to a date for publication of</p>	

<p>Ofcom's first report on how the guidance was being used was noted.</p> <p>21. The Board discussed the consultation programme for the draft guidance and noted the importance of involving men's organisations as well as women's. There would be specific engagement in Scotland where the law differed from the rest of the UK. The language in the draft guidance should distinguish clearly between statutory obligations which providers must comply with and guidance which Ofcom expected or encouraged compliance with. Ofcom's report on how the guidance was being used should help consumers and advertisers understand different platforms' approaches to women and girls' safety online.</p> <p>22. The Board NOTED the paper.</p>	
<p>Item 7: Spectrum update (October 2024 to February 2025) and proposals for making use of the Upper 6 GHz band available – Board 04(25)</p> <p>23. David Willis presented paper 04(25). He updated the Board on work to enable greater use of wireless broadband and growth in space and satellite services. The Board noted the expanding size of these markets.</p> <p>24. The Board discussed the change in operating hours and staffing levels for the Ofcom Spectrum Management Centre. David Willis said the new standard operating hours would be supplemented by on-call hours and would provide an appropriate level of coverage for the level of incidents recorded.</p> <p>25. The Board discussed the consultation on the future of the Upper 6 GHz band and noted the split between countries making the band available for Wi-fi and those supporting its use for mobile. Both approaches were legitimate but Ofcom's view was that mobile use of the band could best be justified in very high density areas and that a shared solution with Wi-fi gaining immediate access would be the ideal way forward. Some Wi-fi allocation within the lower portion of the band would be permanently identified while some certainty to the commercial providers of primary access to other portions of the band in high density areas would support investment by both industries.</p> <p>26. The economic case for shared use was discussed. Many academic reviews had been conducted and the findings were not conclusive either way with outcomes varying depending on assumptions relating to speeds and end user devices.</p> <p>27. It was noted that Europe appeared to be heading towards a band split and that Ofcom had been clear that it would align with the European approach. The use of the Upper 6 GHz band for Wi-fi could be enabled very quickly using equipment already available. The benefits of the band for commercial mobile would take longer to materialise as the European process took longer to conclude and equipment was not yet available. It would be important to signal the intent to provide an allocation to the commercial mobile market to enable them to prepare.</p> <p>28. The Board noted the geography of Scotland was different to the rest of the UK and it would be important to ensure Ofcom's position led to the best solution</p>	

for the whole of the UK.	
29. The Board NOTED the paper.	
Item 8: Reflections of the new Network and Comms Group Director	
<p>30. Natalie Black gave the Board her reflections on joining Ofcom as the new Group Director for Networks and Communications. She said she had found Ofcom's culture to be collaborative and welcoming of debate, which was a real strength. The geopolitical changes that would face the regulated industries would be a new challenge for the team, with pressure to deregulate expected from the US.</p> <p>31. Ofcom's role often involved managing the impacts of digital disruption on consumers but it would be increasingly important to consider the needs of the consumer of the future. The credibility of Ofcom's team came from its expertise and it would be important to maintain this going forwards. The team needed to be prepared for disruption in the industry, including consolidation, cyber incidents and natural disasters that could affect resilience. Other areas for future focus included development of Ofcom's thinking on the future of connectivity, developing the team's experience in telecoms security work and reviewing the research and data collected by Ofcom to inform its market regulation activity.</p> <p>32. The Board discussed the report and noted the financial challenges in the comms markets, with little money currently available for investment. Ofcom's role would be to drive performance through the approach to transparency and relations with investors, encouraging innovation and bringing stakeholders together to reach solutions. Other challenges, such as potential deterioration of service levels and the difficulty of attracting talent, were discussed.</p> <p>33. The Board NOTED the update.</p>	
Item 9: Mobile merger update – Board 05(25)	
<p>34. Brian Potterill presented paper 05(25) on the merger between Vodafone and Three. He said the CMA had taken an innovative approach to the decision which, assuming the deal completed as expected, involved a significant commitment by the merging parties to improve the quality of their combined mobile network. Ofcom would be involved in monitoring and enforcing the core Network Commitment on an ongoing basis, although the approach was expected to be light touch.</p> <p>35. The Board discussed the panel process and the implications of the decision for consumers and noted that it would be helpful to create a timeline that showed the benefits that consumers would see over the course of the next eight years.</p> <p>36. The Board NOTED the update.</p>	
Item 10: CCP/ACOD appointment – Board 06(25)	

37. The Board APPROVED a recommendation being made to the Secretary of State for Science, Innovation and Technology for the appointment of Sarah O'Neill as the CCP/ACOD Member for Scotland for a three-year term, from 1 April 2025.	
Items 11-14: Standing items 38. The Board NOTED the following information items: <ul style="list-style-type: none"> • Non-executive member updates – paper 07(25). • Quarterly performance report – paper 08(25). • Board work programme – paper 09(25) and publication schedule – paper 10(25) • Minutes of the Communications Consumer Panel of 14 November 2024, Communications Consumer Panel of 12 December 2024, Content Board of 19 November 2024, Advisory Committee for Scotland of 27 November 2024, Advisory Committee for England of 28 November 2024, Risk & Audit Committee of 04 December 2024 and Advisory Committee for Northern Ireland of 05 December 2024. 	
Item 15: Items in the Diligent Board reading room 39. The Board NOTED the quarterly update from the Communications Consumer Panel and Advisory Committee for Older and Disabled People	
Item 16: Any other business 40. The Board noted that a decision on the ownership of the Telegraph was still awaited. There was no other business.	
Item 17: Date of the next meeting 41. The next scheduled Board meeting would be held on 5 March 2025. 42. The meeting concluded at 12.55 pm.	

Approved: _____

Chair