

6. A summary of against action points had been circulated. During debate about the UK production sector at the previous meeting a Content Board sub-group had been suggested. In a follow-up discussion with the Chair, it was agreed that the Executive would instead seek informal advice on a one-to-one basis from Kim Shillinglaw and Content Members for the Nations on matters including Terms of Trade. There were no other outstanding actions.

Item 4: Chair's update - oral

7. Since the last meeting Maggie Carver had met with Magnus Brook, Group Director of Strategy, Policy and Regulation at ITV, and discussed issues of mutual interest. Maggie Carver had also met the Chairs of Ofcom's four Advisory Committees for the Nations. The Chairs all agreed that there should be flexibility in attendance at the Committees, as observers, by respective Content Board Members for the Nations. A slot would be included in the agenda of the next Content Board meeting to discuss Nations-related issues. The next meeting would also include a deep dive/ debate on due impartiality.

8. It was noted that the Government had announced that Channel 4 would remain publicly owned, with reforms to boost its sustainability and commercial freedom. The Chair reported briefly on recent discussions of the Ofcom Board and focused on the main areas of work and Members noted that a process would begin shortly to recruit a Content Board Member with editorial expertise.

9. The Content Board **NOTED** the report from the Chair.

Item 5: Broadcast and Online Content Group Policy Updates – Paper CB 1(23)

10. 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.

11. A number of points were highlighted/ discussed:

- Online safety: Changes to the OS Bill were noted, including removal of 'legal but harmful' adult safety duties; demands from some MPs for powers for Ofcom to prosecute executives at social media companies found not to have protected children's safety; and signals that Royal Assent (hence publication of Ofcom's OS consultation) would likely be delayed.
- An Ofcom article was about to be published in The Journal of Online Trust & Safety entitled *Transparency Reporting: The UK Regulatory Perspective*. It would be copied to Members.
- It was noted that the Advertising Standards Authority had recently published its *Intermediary and Platform Principles Pilot: interim report*, which looked at how to get platforms to better engage with regulation. It was suggested that the latter could be a future topic for a deep dive or a paper for discussion.
- Standards and audience protection: This week's *Broadcast and On Demand Bulletin* included a note to broadcasters to explain that Ofcom would be conducting a targeted monitoring exercise of television and radio services to focus on identifying potentially harmful content, including hate speech and incitement and relevant to today's debate topic.
- Timeframes to complete investigations was raised. This was dependent on complexity and internal resources but robust processes were in place to prioritise and expedite investigations when required.
- BBC work areas: Ofcom continued to engage with DCMS on the latter's mid-term review of the regulation and governance of the BBC.
- Ofcom's review of the BBC's Operating Licence was progressing. Some stakeholders had concerns about possible changes to quotas, in the Nations in particular, but the

BBC, subject to financial pressures and competing in a tough international environment, also required the ability to adapt to meet the needs of audiences. A statement was expected to go to the Ofcom Board in March for approval and prior to that an offline session would be held in February to allow Content Board Members to have a more detailed discussion about the Operating Licence.

- Other matters noted included BBC plans for local news and to increase its online presence as part of its transition to digital. Ofcom would collect evidence to monitor the provision of local news and audience behaviours and work would take place to scope a deep dive on the provision of local journalism. Separately, there would be a BBC thematic review of underserved audiences, particularly those from lower socioeconomic groups.
- Media Bill and Channel 4: The Bill was being revised following the Government's decision not to pursue privatisation and plans included allowing Channel 4 the flexibility to make some of its own content and a new legal duty to promote long-term sustainability.

12. Members **NOTED** paper CB 1(23) and additional oral updates provided.

Item 6: Deep dive on tackling the regulation of hate speech and incitement across different platforms - debate topic – Paper CB 2(23)

13. Background reading material had been provided and questions had been posed to stimulate debate and discussion, including whether definitions for hate speech and incitement were broadly aligned across services subject to regulation by Ofcom: broadcast, on-demand programme services (ODPS), video-sharing platforms and, shortly, online user-to-user and search services. A teach-in had been held in July 2022 and today, whilst the intention was to consider a comparative approach across platforms, the main focus was online harm.

14. The Chair thanked Ofcom colleagues from content standards and online safety policy teams for framing the debate and Members **NOTED** paper CB 2(23).

Item 7: Content Board Work Programme 1 April to 30 September 2023 – Paper CB 3(23)

15. The Content Board discussed its annual work programme ahead of approval by the Ofcom Board (at its February meeting). On this occasion a work programme for the first six months of 2023/24 was presented, to reflect the fact that the existing Broadcast and Online Content Groups would divide into two, with a Broadcast and Media Group and an Online Safety Group from April onwards. The Content Board would return to its Programme of Work for the period 1 October 2023 to 31 March 2024 at its meeting in July.

16. Five work areas were proposed: (i) Enforcing and maintaining programme standards; (ii) Evolution of content standards and audience expectations; (iii) Harmful online content; (iv) Maintaining and strengthening public service media; and (v) Promoting accessibility, diversity, and equality of opportunity across the UK, its Nations and regions. It was agreed that the second work area be expanded to include advice on ongoing evaluation of effectiveness in how standards objectives were being delivered and that News be added as a sixth work area.

17. Members **NOTED** paper CB 3(23).

Item 8: Beyond Broadcast – Paper CB 4(23)

18. Beyond Broadcast was an annual data-led research project run by Ofcom's Research & Intelligence team that detailed trends in audience behaviour and market dynamics in the audiovisual sector. Its purpose was to further Ofcom's understanding of the sector and the

impact online video was having on traditional TV viewing and business models. Some data was still being prepared.

19. Some highlights were flagged, beginning with the latest data for broadcast TV viewing. The broad trend was a continued reduction in 2022. Viewing amongst older audiences had historically been quite resilient but notably declined in the year. Coverage of the death of Queen Elizabeth II, as well the FIFA World Cup 2022, provided some boosts in TV viewing compared to the same months in 2021.

20. Having seen their share of the VoD market eroded as a result of the SVoD boom, broadcasters' on-demand services performed relatively well in 2022. BBC iPlayer was the most popular and ITV saw spikes in June and July with *Love Island* and a boost during the launch of ITVX in November. Questions were raised about the PSBs' digital strategies and their ability to compete in an increasingly on-demand world.

Item 9: Information Items

21. The Content Board **NOTED** the following information items:

- Minutes of the Ofcom Board (meeting held on 9 November 2022)
- Minutes of the Communications Consumer Panel (meetings held on 13 October and 17 November 2022)

Item 10: Any Other Business

22. There was no other business.

Item 11: Date of the Next Meeting

23. The next scheduled Content Board meeting would be held on 4 April 2023.