

**PUBLICATION MINUTES OF THE ONE HUNDRED AND EIGHTY-FIFTH MEETING OF  
THE CONTENT BOARD HELD ON 21 NOVEMBER 2023  
CONNECTED MEETING HELD AT RIVERSIDE HOUSE AND VIA MICROSOFT TEAMS**

**Present**

Maggie Carver	Chair
Dekan Apajee	Member for England
Simon Bucks	Member
Maggie Cunningham	Member for Scotland
Bob Downes	Member (via Teams)
Peter Horrocks	Member
Ali Marsden	Executive Member
Maria McCann	Member for Northern Ireland
Ruth McElroy	Member for Wales
Stephen Nuttall	Member
Kim Shillinglaw	Member

**In attendance**

Siobhan Walsh	Interim Group Director, Broadcasting and Media Group
Adam Baxter	Director, Standards and Audience Protection
Andrew Park	Online Safety Strategy Principal (via Teams)
David Edwards	Committee Secretary
Katie Ford	Next Gen NEDs observer (via Teams)
Other Ofcom colleagues attending for specific items in person or via Teams	

**Item 1: Welcome and introduction – oral**

1. The Chair welcomed all present to the meeting. She highlighted the appointment of Cristina Nicolotti Squires, as Ofcom’s Group Director for Broadcasting and Media. Cristina would bring more than 30 years broadcasting experience to the role, most recently she was Director of Content at Sky News and she would join Ofcom shortly. The Chair thanked Siobhan Walsh for leading the Group on an interim basis since April 2023.
2. Two milestones to flag since the last meeting were Royal Assent, given to the Online Safety Bill on 26 October, and publication, on 9 November, of Ofcom’s consultation on illegal harms online.
3. The recruitment process for an additional Content Board Member was underway (the closing date for applications being 27 November).

**Item 2: Members’ interests – oral**

4. Maggie Cunningham confirmed that her interim part-time Chief Executive role at Sistema Scotland had come to an end.

**Item 3: Minutes of the meeting held on 3 October 2023 and matters arising – Content Board minutes 184(23) and note of action points**

5. The minutes of the Content Board meeting held on 3 October 2023 were **APPROVED** for signature by the Chair as an accurate record.
6. A summary of progress against action points had been circulated.

**Item 4: Chair’s update - oral**

7. The Chair acknowledged the significant resource pressure on Ofcom’s standards and audience protection (S&AP) team and thanked them for their hard work. Since the crisis in

Israel and Gaza, which began on 7 October 2023, a very large volume of complaints had been received related to coverage of the conflict which has led to a very high assessment workload, alongside the ongoing substantial body of due impartiality work.

8. The findings of new Ofcom qualitative research to gauge current audience attitudes towards programmes which feature politicians as presenters would be shared with the Content Board in due course, possibly at a separate session.

9. Since the last meeting Maggie Carver had met with Magnus Brooke, ITV's Strategy Director, to discuss issues of mutual interest. The Chair had also attended Ofcom's All Colleague Event in early November and which had been very successful and positive. September and October 2023 Ofcom Board minutes had been circulated for information. It was noted that the November Ofcom Board meeting took place at Ofcom's office in Cardiff (the trip included a visit to ITV Cymru Wales and a stakeholder reception).

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

#### **Item 5: Online Safety Group Executive Update – Paper CB 24(23)**

11. Members had received a paper (provided also for item 6) that included an update on some of the policy and project areas in the Online Safety Group. This was supplemented by an oral update on the illegal harms' consultation, its key proposals and how the consultation had been received externally. The consultation team was now working on a proactive programme of outreach and stakeholder engagement.

12. A number of points were highlighted/ discussed by Members:

- Communication of Ofcom's role as OS regulator and responding to the raised expectations of the public. It was noted that a current priority was to establish baseline standards.
- It was further noted that Ofcom was not empowered to deal with individual complaints and the onus would be on online services to meet their duties to protect users, for users to contact those services to report harmful content or behaviour or to complain about what they had seen.
- Video-sharing platforms, which in due course would have to follow the same rules as other online services, under the Online Safety Act 2023.
- Online safety could not be the sole responsibility of Ofcom, and media literacy and wider public education would also be important.
- Engagement with services with the highest reach had been positive so far. Close supervision would be an important element of this engagement, including with the riskiest services.
- Ofcom's ability to respond to the unexpected. Some events could not be predicted, whilst some spikes could, eg online abuse associated with major sporting events or during elections.
- Online public service media and the degree to which it would be subject to OS regulation.

13. Members **NOTED** the oral update provided.

#### **Item 6: Broadcasting and Media Group Executive Update – Paper CB 24(23)**

14. Members had received an update paper on key policy and project areas in the Broadcasting and Media Group. The paper was taken as read.

15. A number of points were highlighted/ discussed by Members:

- Standards investigations: Ofcom's response to complaints about coverage of the crisis in Israel and Gaza was discussed. It was noted that, to deal with the high volumes involved, a dedicated team within S&AP was assessing complaints and relevant content, and an expediting process was in place. Many distressing images were involved and colleague safeguarding measures were in place. This

work was having a significant impact on the capacity of the team, as its workload was already substantial in other areas.

- Designating EPGs: DCMS was consulting on its plans for the Secretary of State to designate additional EPGs as 'Regulated EPGs'. Designation would result in the EPG and the television services it gives access to needing to be licensed by Ofcom. Members wishing to know more about this work could be invited to a teach-in session.

16. Members **NOTED** paper CB 24(23) and additional oral updates provided.

**Item 7: Future of TV Distribution – Paper CB 25(23)**

17. The future of TV distribution was one of the cross-cutting strategic priority areas identified in Ofcom's 3-year plan and the Executive was considering the regulatory outcomes that Ofcom should seek to achieve in the long term, over the next 10 – 15 years, to ensure a vibrant and healthy UK content industry. Issues included changes in audience habits, data and projections, and the distribution of media/ content that was trusted and valued.

18. A number of points were highlighted/ discussed by members of the Content Board:

- Availability of digital terrestrial television (DTT), distribution costs, viability and future of DTT and its implications.
- An end to DTT, were it to happen, would require a managed migration process, with support for vulnerable audiences that rely on DTT and considerations including universality, affordability and digital skills. There would be trade-offs in maintaining DTT longer term.
- Viewing by younger audiences, low linear consumption, preferred platforms and short formats.
- The impact of demographic shifts on viewing (including advertising), as younger audiences age and older/ legacy audiences diminish in size.
- Whether the project was over-ambitious in covering so many inter-related areas.

19. Members **NOTED** paper CB 25(23), that Ofcom had published a Call for Evidence (due to close on 12 December) and expected to report to the Government in 2024.

**Item 8: Deep dive on the TV production sector – Paper CB 26(23)**

20. To set the scene for discussion Members were taken through some data and recent Ofcom commissioned research on the UK production sector. This covered the make-up of the sector, which has seen both consolidation and some new market entrants; presence in and outside London; and commissioning, being mostly from the PSBs, although commissions from SVoDs and non-PSBs had grown over time.

21. Additional context was provided on recent market developments, including: new Terms of Trade agreed by ITV and Pact; Paramount's plans to combine My5 and Pluto TV; Channel 4's 'digital first' release strategy for *Hollyoaks*; and the introduction of the Media Bill into the House of Commons, its Second Reading taking place that day and its Committee Stage to take place before the end of the year. Regarding the Bill's impact on the production sector, it was expected that the restriction on Channel 4 making its own programmes would be removed as well as some changes to the current quota system for independent, original and regional productions.

22. The Executive then summarised challenges based on Ofcom's recent research including both threats and opportunities faced by the sector. These included increased SVoD involvement in UK commissioning, which could accelerate; reduction in PSB commissioning budgets; a pivot towards in-house production; and cost inflation and skills shortages.

23. A number of points were discussed/ highlighted by Members:

- What we mean by the production sector and what Ofcom’s role is in promoting and supporting the continued growth of the sector.
- The economic landscape, e.g. recent interest rate increases and investors eager to see returns, was a consideration and there was a need to be wary about projections and the outlook for growth in the sector. Another factor, for example, was the increase in short formats and whether this should be given more consideration in any future work.
- Limitation in the evidence base was flagged, with some research data currently not available beyond 2021. Whilst this was acknowledged, the Executive commented that today it had been possible to provide only a taster of the research undertaken but that it included greater coverage of the wider context for the sector, including production finance (such as the role of tax credit). It would be important to continue to gather data and evidence, to talk to producers and to track trends and spend.
- Channel 4’s plans for in-house production and value in inviting the broadcaster to discuss these with the Content Board in due course. Channel 4 could, for example, do this from scratch or via acquisition of production companies.
- Value in looking at production through a Nations and regions lens, e.g. the relationship between S4C and SVoDs, and whether there was a single UK sector. Related to location, there was value in centres/ hubs of excellence versus a downside in spreading production resources too thinly.
- What a sustainable indie sector looked like in the context of skill shortages and UK investments by streamers.
- Ofcom potentially updating its guidance to PSBs in drawing up their codes of practice for commissioning from independent producers.
- The Content Board agreed with the Executive’s suggestion that in the New Year it would be useful to establish a sub-group of Members to delve further into the issues raised today.

24. Members **NOTED** paper CB 26(23).

**Item 9: Information Items**

25. The Content Board **NOTED** the following information items:
- Minutes of the Ofcom Board (meetings held on 20 September and 18 October 2023)
  - Minutes of the Communications Consumer Panel (meeting held on 21 September 2023)

**Item 10: Any Other Business**

26. There was no other business.

**Item 11: Date of the Next Meeting**

27. The next scheduled Content Board meeting would be held on 23 January 2024.