

# Minutes of the 96<sup>th</sup> meeting of the Advisory Committee for Scotland

Hybrid meeting in person and virtually over Microsoft  
Teams on 5 June 2024

## Present

Elizabeth Partyka	Chair
Jess McBeath	Member
Ashe Hussain	Member
Polly Tolley	Member
Cameron Speirs	Member
Caroline Di Stefano	Member

## In attendance

Bob Downes	Ofcom Board Member Scotland (Online)
Maggie Cunningham	Content Board Member for Scotland (Online)
Glenn Preston	Ofcom Scotland Director
Stefan Webster	Ofcom Scotland
Ross Hamilton	Ofcom Scotland
David Bagshaw	Ofcom Scotland
Amber Fremaux	Ofcom Scotland
Debbie Hughes	Ofcom Scotland
Camille Seldon	Ofcom's Next Generation NED (Observer)

Other Ofcom colleagues

## Welcome, introductions, conflicts, and apologies

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1. The Chair welcomed everyone to the meeting and introduced two new members; Cameron Spiers and Caroline Di Stefano, and Ofcom's Next Generation NED observer, Camille Seldon, who was attending in person.
2. It was NOTED that apologies had been received from Helen Froud, Chair of Communications Consumer Panel.
3. It was also NOTED that there were no conflicts of interest.

## Minutes of the 95th meeting held on 22 February 2024

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4. The minutes of the 95th meeting were APPROVED by the Committee. In the discussion of actions which arose from the February meeting, it was NOTED that:
  - It had been arranged for Ofcom's AI (Artificial Intelligence) Team to come along to the June meeting to present to the Committee on their Strategy.
  - The Committee had submitted responses to Ofcom's Consultations on 'Future of TV Distribution Call for Evidence' and Resilience Guidance and mobile RAN power back-up.
  - Ofcom's Scotland Board member and Ofcom's Director of Scotland were still to meet with Mairi McAllan, Cabinet Secretary for Wellbeing Economy, Net Zero and Energy.
  - The Ofcom Scotland team shared their Team Strategy for 2024-25 with the Committee.

## Members' updates

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5. A member advised that there was anecdotal evidence that the independent production sector was starting to pick up with more network commissions coming out of Scotland. It was NOTED that we should start to see a difference by the end of the year.
6. It was advised that Scottish Enterprise had been clear that supporting the screen sector was not one of its current functions/ priorities. In discussion it was NOTED that part of the purpose of creating Screen Scotland was to fulfil the role of an 'enterprise agency' focused on supporting the broadcast/ indy production sector.
7. A member advised that there was still more to be done on the protection of young children after viewing videos of children fighting during a recent visit to a school.
8. The Chair advised that a new Film and TV Studio had opened in Stirling which was supported by Stirling District Council which had tie-ins to Stirling University.
9. The Chair also advised that Screen Scotland supported the production sector through grants on programming or content that would either be shown on TV or cinema. There was however concern that audiences were dwindling and moving to view their content online and Screen Scotland were having discussions on whether they needed to expand their approach and consider supporting content aimed at online only.

## Director's Report / Public Policy update

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10. The Ofcom Scotland Director presented their written report and highlighted a few key points to NOTE:

- Following the change in leadership of the SNP, a few ministerial changes were outlined, although these hadn't particularly impacted Ofcom's work.
  - The Ofcom Scotland team would continue to engage with Angus Robertson MSP on all broadcasting matters and wider Public Service Media issues. It was NOTED that Dame Melanie Dawes, Ofcom's CEO, had met with him recently.
  - It was understood that the Scottish Government remained committed to introducing a Misogyny Bill to protect women and children against violence. There had however been a delay in the Scottish Government's Programme for Government due to the announcement of the General Election.
  - Bob Downes, Ofcom's Scotland's Board member, had recently met with Scottish Government's Robbie McGhee, Deputy Director for Digital Connectivity. During that discussion it was NOTED that the R100 programme continued to make progress with the deadline for completion remaining March 2028. The mast build in relation to the 4G infill programme had also been completed.
  - The UK Shared Rural Network (SRN) Scheme remained a priority and it was advised that the mobile operators are about to enter the compliance period for the first set of targets, which had to be met by end of June 2024. Ofcom's engineers would start to take measurements over the Summer to help with the assessment of whether the MNOs licence obligations had been met. It was advised that EE had already publicly said it had met their targets and that the other mobile operators had been declined an extension by the UK Government.
  - Ofcom were having discussions with Channel 4 following the feedback from all of the Nations to increase production quotas.
  - The STV strike action, which saw news programmes taken off air, has ended as an agreement was reached with STV and NUJ members on a pay deal.
  - Ofcom were holding a Media Literacy Event in the Edinburgh office on 10 June. It was advised that this was an in person only event.
  - Ofcom would be hosting an Online Safety teach-in in the Edinburgh office on 27 June for Scottish Government officials with the focus on the Online Safety Act and Ofcom's duties and implementation in this area.
11. Moving to the Public Policy update, an Ofcom colleague highlighted a few key points noting:
- Ofcom's approach during the upcoming pre-election period prior to the vote on the 4 July. This would see Ofcom largely stopping publications and attending and speaking at events in line with the need to preserve the organisation's political impartiality and regulatory independence.
  - Related, formal guidance has been sent out to all Board members and non-executives.
  - A member asked if there will be a delay with the implementation of the Online Safety Act and if the codes would be delayed? It was advised that the statutory deadlines remained the same and that no delays were currently expected, although this may depend on any new measures a new UK Government may wish to bring in.

## Ofcom's Artificial Intelligence (AI) Strategy

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12. Ofcom colleagues provided an overview of Ofcom's Strategic Approach to AI that was published in March 2024 in response to the UK Government's ask for all regulators to consider the topic.

13. Specifically, Ofcom colleagues highlighted the link between the strategy and the UK Government's AI principles, the importance of collaboration with partners such as the DRCF and the three broad cross-sectoral risks the strategy focusses on: synthetic media, personalisation and security/resilience.
14. A discussion followed with Committee members asking about the role of bias in AI systems, data collection and the focus on consumer harm through the use of AI.

## Media Literacy Strategy

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15. An Ofcom colleague provided an overview on Ofcom's consultation on its three-year media literacy strategy. They highlighted the definition of media literacy, Ofcom's media literacy duties, what the online safety act means for media literacy. They also outlined the strategy and the rationale behind it.
16. A member asked about the role of the end users, and the Ofcom colleague clarified that the end point is to increase the end users media literacy, but they are keen to not put the onus of this just on the individual.
17. The Chair highlighted that the Committee need to decide whether they should respond to this consultation, and queried if it had a Scottish angle to it. The Ofcom colleague clarified that while the strategy is UK wide, there is Scotland specific media literacy work. Media literacy research can be broken down by Nations however, there are no major differences.
18. The Ofcom Scotland Director highlighted that (despite the UK extent of the Online Safety Act) media literacy was viewed as a devolved subject and there were Scotland specific angles to it given things like education and the curriculum were devolved. However, research tended to show that the experience of media literacy related issues did not greatly differ in Scotland, and so this may mean the Committee choosing not to respond the consultation at this time.
19. A member highlighted the value of Ofcom's media literacy research and the worth of using this research to consider how partnerships in Scotland could be made to work.
20. The Chair acknowledged that the Committee should discuss how to respond to this consultation and NOTED that the closing date is by 24 June 2024.

## Media Literacy in Glasgow Project

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21. A member presented on a Media Literacy Project that they had been working on in Glasgow with Ofcom's Making Sense of Media team. They gave an overview of the local work and interventions that had been carried out as well as the three-year local plan.
22. The Committee agreed that the member presenting on Media Literacy was too close to the work to contribute to the Committee's consultation response. The other members planned to discuss their response.

## Ofcom's Consultation on the Protection of children

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23. An Ofcom colleague provided an overview of the current consultation on the protection of children, which would close to responses in July. They outlined Ofcom's overall approach towards implementation of the Online Safety Act, the Act's requirements on online services to

protect children online and the range of measures which are being proposed in the consultation.

24. A member asked how a child's age can, in practice, be assured in order for them to access online services. The Ofcom colleague said a principles-based approach was being adopted, with the consultation setting out guidance on this in an annex, which included facial age estimation technology and bank account or utility bill checks. They emphasised that Ofcom had worked with the Information Commissioner's Office to ensure that the right to privacy was not infringed, and that these were solely to determine whether someone seeking access to an online service was an adult or a child.
25. A member expressed concern that just because a service did not "benefit" children or was targeted at their age cohort, this did not mean children would not try to access this service. The Ofcom colleague outlined that the bar was set very high for a service to be exempted from having to carry out a children's risk assessment; with the regime being structured on the basis of what children may want to see rather than which age group(s) a service had been designed for.
26. A member asked what Ofcom would like to see services implement from the protection of children proposals, and about the compliance and enforcement regime surrounding the Online Safety Act. The Ofcom colleague said the aim was to see much wider use of age assurance measures on social media and the banning of priority content, while outlining that there was a sequencing of how the Online Safety Act's duties were activated with measures on risk assessment being initiated first before Code measures.
27. Following the presentation, the Ofcom Scotland Director and an Ofcom Scotland team member outlined that the Scottish Government had been giving more thought to the Online Safety Act regime – with a teach-in having been arranged for officials later in June and Ofcom cognisant of the potential impacts in Scotland with separate legal and education systems.
28. A member asked if there had been any evidence of a differentiation in children's experiences of online harms between urban and rural areas. An Ofcom Scotland team member said they were not sure if the data available had been analysed on this basis, but that there was not significant evidence of a difference in harms experienced in the various parts of the UK.
29. The Chair advised that the Advisory Committee for Scotland would now consider whether it would make a response to the consultation.

## Media Bill implementation

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30. An Ofcom colleague updated on Ofcom's new duties under the Media Act. They said that Ofcom will work with a new Secretary of State to determine when the duties will come into force.
31. The Chair asked about the timelines in relation to the Channel 4 quotas and whether there will be a consultation on the new proposals. An Ofcom colleague said that any changes will probably not come in until 2026.
32. A member asked about Ofcom's engagement with Peers and the impact of that engagement. An Ofcom colleague said we want to make sure our relationship with them is as good as possible. We don't want a situation where parliamentarians have concerns about our approach to quotas etc.

33. A member mentioned that there is no statutory position for Gaelic in the Media Act. An Ofcom colleague said that the Minister committed to revisiting MG Alba's funding in the review of the BBC.
34. The Chair asked whether there is an intention to change the Channel 3 and Channel 5 quotas. An Ofcom colleague said the quotas have already agreed for this licence but content that is online or on-demand will count towards the quotas under the new regime.
35. A member asked about the definition of original content and whether online offshoots of shows would count. An Ofcom colleague said this would be up to the Secretary of State.

## BBC Annual Report – Nations Section

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36. An Ofcom colleague explained this is the first year of the report under the BBC's new operating licence. They explained the structure of the report and said that the data is not yet available. They also talked through the Nations section of the report and asked the committee which programmes should be highlighted in the report.
37. The Chair said that putting the infographics into context is helpful. They said it would be useful to see trends over time for Scotland but also to see Scotland in context against other Nations and Regions.
38. The Chair asked whether the report looks at the 24/25 BBC Annual Report. An Ofcom colleague said it will mostly be backwards looking but the narrative at the beginning will look forwards.
39. A member asked about the major drama series that should be commissioned in Scotland, Wales or Northern Ireland. An Ofcom colleague said the BBC have until 2027 to deliver this.

## Media Nations Scotland Report

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40. Ofcom colleagues provided an update on the scope, drafting and project plan for the Media Nations and Media Nations Scotland reports for 2024, outlining that it would broadly follow the format, length and scope of the 2023 reports.
41. The Chair enquired about data which had been outlined in the Paper submitted prior to the meeting regarding Scottish viewer satisfaction levels by channel, and whether these accounted for overall audience figures, in order to avoid the figure being potentially misrepresented. It was clarified that the data provided in the Paper was based on responses to surveys, rather than an analysis of wider audiences.
42. A member asked regarding the extent to which streamers would be included in the report. An Ofcom colleague outlined that there would be some data on this in the report as part of the market/consumption analysis.
43. The Chair asked about next steps on the report. An Ofcom colleague outlined the next milestones in respect of report drafting and data gathering, as well as a projected date for publication. The Ofcom Scotland Director and an Ofcom Scotland team member committed to update the Committee on any significant developments, or points where advice was sought, on the report's development. The Ofcom Scotland Director also outlined that there will be promotional and media work accompanying the report's publication.

## Consumer Panel/ACOD update

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44. Members had been provided with a 'For Information' written paper and the Committee NOTED its content.

## Ofcom Contact Centre Information

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45. Members had been provided with a 'For Information' paper with Scotland's data and the Committee NOTED its content.
46. An Ofcom colleague advised that the team were still looking at alternative ways of providing this information to the Committee.

## Draft ACS Strategy for 2024/25

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47. Members had been provided with a 'For Information' written paper and the Committee NOTED its content.
48. There was a short discussion of the Advisory Committee's Strategy document, and it was agreed to redefine the wording of a couple of the bullet points under '*We Live a Safer Life Online*'.

## Draft ACS Annual Report 2024

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49. Members had been provided with a 'For Information' written paper and the Committee NOTED its content.

## Any Other Business

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50. The Chair acknowledged that Amanda Britain's term as member of the Communications Consumer Panel has now finished and wished to thank Amanda for her contribution and service over her term.

## Date of the Next Meeting

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51. The next scheduled Committee meeting would be held on 26 September 2024.