

**PUBLICATION MINUTES OF THE THREE HUNDRED AND ELEVENTH MEETING OF
THE OFCOM BOARD HELD ON 7 FEBRUARY 2024
AT RIVERSIDE HOUSE, LONDON SE1 9HA AND VIA MICROSOFT TEAMS**

Present

Michael Grade	Chair
Karen Baxter	Non-Executive Member
Melanie Dawes	Executive Member and Chief Executive
Angela Dean	Non-Executive Member
Bob Downes	Non-Executive Member
Lindsey Fussell	Executive Member and Group Director, Networks & Communications
Will Harding	Non-Executive Member
Ben Verwaayen	Non-Executive Member (via Teams) (Items 1-8 inclusive)

In attendance

Martin Ballantyne	General Counsel
Veronica Branton	Corporation Secretary
Francesca Carter	Head of Governance (via Teams)
Sharon Malley	Governance Manager
Yih-Choung Teh	Group Director, Strategy and Research (Item 5) (via Teams)
Cristina Nicolotti Squires	Group Director, Broadcasting and Media (Item 5)
Siobhan Walsh	Director, Content Policy (Item 5)
Ed Leighton	Director, Strategy and Policy (Item 5)
David Willis	Group Director, Spectrum (Item 6)
Chris Woolford	Director, International Spectrum (Item 6)
David Brown	Regulatory Finance Director (Item 7)
Elizabeth Gannon	Principal, Network and Communications (Item 7)
Gill Whitehead	Group Director Online Safety (Item 8)
Melissa Tatton	Group Director, Corporate (Item 9)
Jessica Hill	Interim Director, P&T (Item 9) (via Teams)
Simon Redfern	Comms Director (Item 9)

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<p>Item 1: Declaration of members' interests</p> <p>1. No new interests were declared.</p>	
<p>Item 2: Minutes of the meeting held on 13 December 2023 and matters arising – Board minutes 30(23) and note of action points</p> <p>2. The minutes of the Ofcom Board meeting held on 13 December 2023 were APPROVED for signature by the Chair as an accurate record.</p> <p>3. A summary of progress against action points was NOTED. Lindsey Fussell updated the Board on progress with ensuring full gigabit network coverage in hard to reach areas in Scotland.</p>	

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<p>Item 3: Chair’s report</p> <p>4. The Chair updated the Board on his activities, including meetings with Royal Mail and Global Media. Appointments to the Channel 4 Board were now complete and these were noted and ratified by the Board. Work continued to fill the vacancies on the Ofcom Board.</p> <p>5. Following the departure of Maggie Carver as the former Deputy Chair of the Board, it was APPROVED that the Chair would call upon Angela Dean to deputise in his absence. The campaign to recruit a permanent Deputy Chair was underway.</p> <p>6. The Welsh Government had approved the appointment of Sir Clive Jones as the Ofcom Board member for Wales and Ministers were now reviewing the appointment letter. Subject to this, it was APPROVED that Sir Clive would be invited to Chair the Content Board and to join the Risk and Audit Committee.</p> <p>7. The Board noted that the composition of the Election Committee should be formalised as soon as possible and that it should be chaired by a non-executive Board member. The Board noted that Ofcom had no role over election material online as its remit was solely broadcast. The risk to Ofcom’s reputation in this area was noted. It was agreed that it would be helpful to explain to established media outlets what Ofcom’s role would be and to seek their assistance in helping increase consumer literacy around online election material.</p> <p>8. The Board discussed a recent IT attack. An update on cyber security would be discussed at the next meeting of the Risk and Audit Committee. The Board recorded its thanks to Ofcom’s IT team for their diligent work in minimising the impact of the attack.</p>	
<p>Item 4: Chief Executive’s report – Board paper 01(24)</p> <p>9. Melanie Dawes presented paper 01(24) on her activities. She said Ofcom’s recent announcement on options for redesigning the universal postal service had attracted significant media attention and an update on post appeared later on the agenda. She had held meetings with a number of Parliamentarians in the past month including the Shadow Secretary of State for DSIT to discuss Ofcom’s work. Ofcom teams had also held meetings with the office of the Shadow Secretary of State for Business, to explain our work on post. She said that work would shortly start on the development of the next three-year plan and its accompanying financial underpinning and noted the need for investments in data and digital against an increasingly tight financial position.</p> <p>10. The Board discussed the 3G network switch-off. Lindsey Fussell would provide the Board with further details of this offline.</p> <p>11. The Board noted that Ofcom had received a significant number of complaints about broadcasters’ coverage of the Israel/Gaza conflict and had not found evidence of bias. This was a very sensitive issue and the CEO would have opportunities over the coming months to explain Ofcom’s position.</p> <p>12. It was noted that the government was likely to initiate a review of the duties of economic regulators which would include Ofcom’s work on telecoms. This had the potential to consume significant resource and the Board would be kept updated.</p>	<p>LF</p>

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13. The Board NOTED the paper.	
<p>Item 5: Future of TV distribution – Board paper 02(24)</p> <p>14. Yih-Choung Teh presented paper 02(24) on the future of TV distribution. He said much of the broadcasting industry were now of the view that the current digital terrestrial television (DTT) model was no longer sustainable and there was a need to move to a more sustainable TV distribution model. Ofcom had issued a Call for Evidence on this and its initial conclusions supported the need for change while recognising challenges such as the need to provide TV services to everyone in the UK when a minority do not currently have suitable broadband.</p> <p>15. The Board discussed the commercial implications of DTT switch-off for consumers, who may need to acquire or upgrade their internet services, and industry, parts of which would be negatively affected by a move away from DTT. The Board noted the potential options to manage DTT switch-off, such as retaining a minimal broadcasting service as a fallback and investing in digital literacy programmes.</p> <p>16. The Board noted the future work that was planned in this area and the need to ensure that consumers received what they needed to support them through any transition. Ofcom was well placed to advise on the interaction between spectrum issues, broadband and consumer habits. It was noted that this issue would also be a relevant consideration in the forthcoming public service media review and the approach to the scope of this would be considered by the Board in the summer.</p> <p>17. The Board NOTED paper.</p>	
<p>Item 6: Outcomes from the World Radiocommunications Conference 2023 – Board paper 03(24)</p> <p>18. David Willis and Chris Woolford presented paper 03(24) on the outcomes from the World Radiocommunications Conference 2023. They indicated that:</p> <ul style="list-style-type: none"> • Global alliances were changing and areas such as the Middle East were growing in influence. • The US had experienced some difficulties in achieving its objectives as a result of difficulty in organising its own large delegation and some loss of support from Brazil and Mexico in its own region, combined with the appointment of a relatively inexperienced leader at short notice. • Europe achieved most of its objectives but some of its starting positions were too nuanced and the increased involvement of the EU added a layer of complexity and brought particular challenges for the UK. • These factors led to increased scope for Russia and China to achieve their own objectives. <p>19. The Board noted that industry had been engaged in the conference and that overall the outcomes for the UK had been satisfactory. The next conference (2027) was likely to be dominated by satellites and their deployment and operation. This could see</p>	

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<p>further division between western delegations and those from Russia, China and parts of Africa.</p> <p>20. The Board NOTED the paper.</p>	
<p>Item 7: Update on Ofcom's postal work – Board paper 04(24)</p> <p>21. Lindsey Fussell presented paper 04(24) on recent Royal Mail performance. As discussed at the December Board, Royal Mail had secured refinancing for its bonds. It was agreed that a note on the guarantee for these bonds would be circulated offline. The Ernst & Young work commissioned by Government had now concluded.</p> <p>22. Following the publication of the future of the USO document in January, Ofcom would be engaging with stakeholders, including by holding events in the nations. The options for next steps were discussed and the importance of Royal Mail bringing forward its own strategic delivery plan was noted. It was not for Ofcom to determine this plan.</p> <p>23. The Board NOTED the latest update on Royal Mail's financial performance and quality of service, the response to Ofcom's future of USO call for inputs and the planned next steps.</p>	
<p>Item 8: Initial views from stakeholders on Illegal Harms Consultation – Board paper 05(24)</p> <p>24. Gill Whitehead presented paper 05(24) on the initial feedback from stakeholders on Ofcom's illegal harms consultation. She said the consultation had not yet concluded and the comments to date were a mix of supportive and critical. Of the criticisms, the most substantive related to ambition and concern that the proposals were not sufficiently far reaching. It was noted that Ofcom intended to iterate the Codes over time and that the ability to take wider-ranging action was limited by an absence of evidence, which could only be addressed now that information gathering powers had gone live.</p> <p>25. The consultation had not yet raised any significant unexpected issues. Further engagement was planned for parliamentarians to explain Ofcom's iterative approach and the importance of expectation management more generally was noted, as was Ofcom's duty to act proportionately in regard to both cost and freedom of expression.</p> <p>26. The approach to enforcement of the Online Safety Act would be considered by the Board at a future date. It was noted that the question of resourcing Ofcom's online safety activities remained live with government as it was not yet possible to predict the extent of the work that would be involved.</p> <p>27. The Board NOTED the initial summary of feedback, key emerging themes and planned next steps.</p>	
<p>Item 9: Social Media Policy: lessons learned and actions taken – Board paper 06(24)</p> <p>28. Veronica Branton presented paper 06(24) on Ofcom's Social Media Policy. It was noted that compliance with Ofcom's policies formed a term in contracts of employment and breach of the Social Media Policy could result in disciplinary action. For non-executive Board members, social media use was covered in the Code of Conduct. It was agreed that annual attestations for non-executive Board members would be introduced.</p>	Corp Sec

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<p>29. Actions including a proposal to expand DBS checks for all roles prior to employment offers and additional comms for colleagues to explain why Ofcom's Social Media Policy was important were noted.</p> <p>30. The Board NOTED the paper.</p>	
<p>Item 10: Ofcom market research supplier framework contract – Board paper 07(24)</p> <p>31. The Board APPROVED the contract awards to organisations who would supply Ofcom with market research services from April 2024 until March 2028 as set out in paper 07(24).</p>	
<p>Item 11: Advisory Committee for Wales – Board paper 08(24)</p> <p>32. The Board APPROVED the appointments to the Advisory Committee for Wales of Amanda Rees and Karen Lewis for three-year terms expiring on 28 February 2027 and Geraint Strello for a one-year term, expiring on 28 February 2025 and the holding of one candidate, Alison Gow, in reserve.</p>	
<p>Item 12: Content Board</p> <p>Update on Content Board's work 1 May 2023 to 31 December 2023 – Board paper 09(24)a</p> <p>33. The Board NOTED the update on the Content Board's work for the period May 2023 to December 2023. Bob Downes said the recent meeting with representatives from BBC News, ITN and Sky News had been very productive.</p> <p>Work programme 1 April 2024 to 31 March 2025 – Board paper 09(24)b</p> <p>34. The Board APPROVED the Content Board's Work Programme for 2024/25.</p>	
<p>Items 13-16: Information items</p> <p>35. The Board NOTED the following information items:</p> <ul style="list-style-type: none"> • Non-executive member updates – Board paper 10(24). • Quarterly performance report – Board paper 11(24) • Board work programme – Board paper 12(24), and publications schedule – Board Paper 13(24) • Minutes of the Communications Consumer Panel on 16 November 2023, Content Board of 21 November 2023, Advisory Committee for Wales of 28 November 2023, Advisory Committee for Scotland of 29 November 2023, Advisory Committee for England of 30 November 2023, Risk & Audit Committee of 6 December 2023 and Communications Consumer Panel of 14 December 2023. 	
<p>Item 20: Any other business</p>	

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<p>36. It was noted that the Scottish government had published a series of papers on independence, including one on Culture in an Independent Scotland, which could have implications for Ofcom.</p> <p>37. It was noted that the deadline for Ofcom to report on the Public Interest Intervention Notice (PIIN) on the sale of the Telegraph Media Group to RedBird IMI Media JV LLC had been extended to 11 March 2024 and that a separate PIIN had been issued on the sale of the Telegraph Media Group to RB Investco Ltd with the same deadline.</p>	
Item 21: Date of the next meeting	
<p>38. The next scheduled Board meeting would be held on Wednesday 13 March 2024.</p> <p>39. The meeting concluded at 12.50 pm.</p>	

Approved: _____
Chair