

**MINUTES OF THE TWO HUNDRED AND EIGHTY-FIFTH MEETING OF
THE OFCOM BOARD HELD ON 8 JULY 2021
MEETING HELD VIRTUALLY VIA MICROSOFT TEAMS**

Present

Maggie Carver	Interim Chair
Kevin Bakhurst	Executive Member and Group Director, Broadcasting & Online Content
Melanie Dawes	Executive Member and Chief Executive (items 1-2)
Angela Dean	Non-Executive Member
Bob Downes	Non-Executive Member
Lindsey Fussell	Executive Member and Group Director, Networks & Communications (items 1-2)
David Jones	Non-Executive Member
Graham Mather	Non-Executive Member

Apology

Ben Verwaayen	Non-Executive Member
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In attendance

Martin Ballantyne	General Counsel
Jacqui Gregory	Corporation Secretary
Jenny Leyland	Assistant Corporation Secretary

Other Ofcom colleagues:

Melissa Tatton (item 1-2)
Kate Davies (items 1-2)
Fiona Lennox (items 1-2)

Item 1: Chair's Introduction

1. Maggie Carver thanked Members for attending this meeting which had been arranged at short notice. DCMS had posed a set of questions about the future governance arrangements needed at Ofcom in relation to online safety, to help inform drafting of the Online Safety Bill and whether any decisions about any interim secondary legislation were needed before that. The issues raised were also relevant to the process DCMS was about to launch to recruit a new Ofcom Board Member. It was noted that there was a need to respond to DCMS quickly and before the next scheduled Board meeting which was due to take place on 21 July 2021.

Item 2: Future Online Safety Governance and Associated Bill Drafting – Board Paper 65(21)

2. The Board discussed whether the current role and remit of the Content Board should be expanded to cover online safety. Whilst the conclusion reached was that the role and remit of the Content Board should be expanded, the Board was strongly of the view that as much flexibility should be retained as possible in the drafting of the legislation, given all the current uncertainties. Comments were made about the nature of the regulation of online safety which would focus on processes and platforms and would be very different from traditional broadcast

regulation which focused on content. The term “tech companies” encompassed companies with very different business models and markets. New ventures could emerge very quickly with global scalability. There would be a need to adapt current approaches to face the new regulatory challenges and the appropriate structures might change over time. Ofcom would not receive its new statutory responsibilities for online safety until 2023/2024 and the parliamentary process would need to play out so there was potential for changes to the scope of what was currently proposed in the draft Bill. Reference was made to the skills and experience of the current membership of the Content Board and how well existing arrangements were working with sub-groups with relevant expertise focusing on online safety issues and on public service media issues respectively.

3. The Board **APPROVED**:

- The proposed expanded role and remit of the Content Board as proposed in Board Paper 65(21), with as much flexibility to be built into the Bill drafting as possible. It was noted that the Board’s position on whether the Content Board was best placed to take on an advisory role in relation to online safety might change. For instance, in time, it might be sensible for the “online” part of the Content Board to “morph” into a separate committee of the Ofcom Board, using powers conferred on the Ofcom Board to create Committees.
- No change should be proposed to the current name of the Content Board, the current name being considered appropriate to take account of its expanded role and remit.

4. Following discussion, the Board **APPROVED** the proposal set out in Board Paper 65(21) to seek an amendment to the Communications Act 2003 in order to bring online safety into the Communications Consumer Panel’s remit.

Item 3: Non-executive recruitment

5. The Chair provided an oral update on the DCMS-led process for appointing a new Member of the Ofcom Board to replace Tim Suter.

Item 4: Any Other Business

6. There were no additional matters raised at the meeting.

Item 5: Date of the Next Meeting

7. The next scheduled Board meeting will be held on 21 July 2021.