



Minutes of a meeting of the Board of the Authority for Television On Demand Limited (“**ATVOD**”) held at the offices of the BBFC, Wednesday 22nd June 2011, 2.30pm

Present:

ATVOD Board:

Ruth Evans (RE) – Chair
Daniel Austin (DA)
Julia Hornle (JH)
Chris Loweth (CL)
Ian McBride (IM)
Simon Milner (SM) – (excluding item 7)
Sara Nathan (SN)
Nigel Walmsley (NW) – Deputy Chair

In attendance:

Pete Johnson (PJ) – Chief Executive
Nicola Ebdon (NE) – Company Secretary (mins)

1. Apologies

1.1 Apologies were received from Simon Hunt (SH).

2. Declaration of members’ interests

2.1 There were no additional interests declared.

3. Minutes of the 24 May 2011 meeting, matters arising and updated actions

3.1 The Board **APPROVED** the draft minutes of the meeting held on 24 May 2011 subject to amendment as agreed at the meeting.

3.2 It was **AGREED** that a list would be published on the website identifying companies who had been investigated but were considered to not be an ODPS.

3.3 The Directors **NOTED** that the majority of actions had been completed.

- 3.4 In relation to minute 4.6 it was **AGREED** that the decision made at the May Board regarding the staggered change of membership for the Scope Committee should be modified to ensure that Independent Directors would continue on the Committee until the end of their initial term of office, but Industry Directors would be replaced annually.
- 3.5 In relation to minute 8.2 it was **AGREED** that the decision made at the May Board regarding a technology demonstration for the strategy day should be modified to ensure that the demonstration was provided before the strategy day in November.
- 3.6 It was **NOTED** that the Year Two Fees Statement would be ready for publication on 28 June 2011.

4. The Communications Act Review

- 4.1 The Board carefully **CONSIDERED** the general approach to the DCMS open letter regarding the Communications Act Review outlined in the Board paper. It was **AGREED** a response to the DCMS open letter would be drafted based on the general approach outlined and would reflect the following Director comments:
- state early on that ATVOD have no desire to increase or reduce regulation;
 - outline good regulation and how co-regulation fits into the model;
 - identify the costs and benefits of co-regulation;
 - include examples of complex issues ATVOD have worked through; and
 - state the importance of industry input to the success of co-regulation.
- 4.2 The Directors **DELEGATED APPROVAL** of the final version of the letter to the Chair.

5. Chief Executive's update

- 5.1 The Board **NOTED** the update on new and withdrawn notifications as provided in the paper.
- 5.2 The Board **NOTED** progress made with scope investigations as provided in the paper and discussed a few issues related to enforcement action.
- 5.3 The Board **NOTED** the update on complaints as provided in the paper and **NOTED** that the rise in complaints was mainly due to an increase of general dissatisfaction in the customer service of some ODPS which was outside of ATVOD's remit.
- 5.4 The Board **NOTED** the update on European works as provided in the paper. The Directors gave **DELEGATED APPROVAL** to Daniel Austin to liaise with the Executive to consider what, if any, action should be taken with regard to service providers who failed to respond, or who provided incomplete responses to the request for information, and to sign off the final report. It was **AGREED** that if a decision was proposed to take any action against those who failed to respond, the report would be circulated to all Board Members by email to be approved by negative resolution.

5.5 The Board **NOTED** the update on Access Services as provided in the paper. The Directors gave **DELEGATED APPROVAL** to Daniel Austin to liaise with the Executive over the Report on the initial Access Services Survey of major providers and approve the final Report. The Directors also gave **DELEGATED APPROVAL** to Daniel Austin to liaise with the Executive over the Statement on the Consultation on Best Practice for Access Services and approve the final statement.

5.6 The Board **NOTED** the update on the outcome of the Industry Forum meeting held on 24 May 2011 and a proposal made by the Industry Forum to establish a Policy Committee. The Board were supportive of the recommendation and it was **AGREED** that the Chief Executive would discuss the establishment of an Industry Forum Policy Committee with the Chair of the Industry Forum. It was likely the proposed Committee would include representatives of the Forum and some ATVOD Board Members, and would make recommendations on policy (including guidance on scope and on the rules).

5.7 The Board **NOTED** the update on public relations as provided in the paper and **DISCUSSED** the outcome of some of the meetings further. The Directors **AGREED** action to be taken if DCMS responded to the Ofcom Report on R18 in writing.

6. Financial report

6.1 The Board **NOTED** the content of the management accounts. It was **AGREED** that the Chief Executive and Deputy Chair would discuss the presentation of the accounts with the Accountants, asking for improved narrative. Depending on the cost of the additional work a decision would be made on the appropriate scheduling of the presentation of the accounts in this format.

7. Bailey Review of the Commercialisation and Sexualisation of Childhood

7.1 The Board carefully **CONSIDERED** the Board paper and report and **DISCUSSED** a number of issues. The Directors **AGREED** to:

- write to Government in response to the Bailey Review to welcome the proposed 'regulators' website';
- continue to liaise with other regulators to develop such a website;
- speak with the PPP Chief Executive regarding their experience of the effectiveness of content filters on mobile phones;
- prioritise work to establish links with those representing consumers in the field of child protection; and
- consider how ATVOD might aid parents in locating and using appropriate access controls to prevent children accessing pornographic content.

8. Board Member Objectives – 2011/12

8.1 The Board **NOTED** that the draft Corporate Plan had been emailed to Directors for virtual approval.

8.2 The Board **NOTED** the updated Director's objectives and Business Plan for 2011/12 which had been updated following Director comments at the May Board meeting. The Directors **CONSIDERED** the objectives to ensure that there was adequate balance between the Directors. It was **AGREED** that the Director's objectives would be updated as discussed at the meeting and be re-circulated to Directors. The Directors **AGREED** to draw up action plans as to how their objectives would be met by 8 July 2011, so they could be circulated with papers for the July Board meeting.

8.3 It was **AGREED** that a summary of the structure and role of all ATVOD's Committees would be drafted.

9. Research

9.1 The Board **CONSIDERED** the update on research provided in the Board paper. It was **AGREED** that the AVMS Implementation table would be completed, to include countries suggested by Directors, and be presented for discussion at the September Board meeting. It was **AGREED** that the Chief Executive would advise Ofcom of ATVOD's AVMS research plans and ask whether Ofcom had any information which could be shared. It was also **AGREED** that a literature review and scoping study would be carried out and presented for discussion at the September Board meeting.

10. Any other business

10.1 There were no items of other business.