



ASSOCIATION FOR TELEVISION ON DEMAND LIMITED

Minutes of a meeting of the Board of the Association for Television On Demand Limited (“**ATVOD**”) held at the offices of Five, Thursday 29 September 2010, 14.00pm

Present:

Daniel Austin (DA)	Chris Loweth (CL)
Ruth Evans (RE) – Chair	Ian McBride (IM)
Julia Hornle (JH)	Sara Nathan (SN)
Simon Hunt (SH) (Mins)	Simon Milner (SM)
Pete Johnson (PJ) – Chief Executive	Nigel Walmsley (NW)

		ACTION
1.0	Apologies	
	There were no apologies from Directors Ronee Isaacson (RI) - Co Secretary was unable to attend	
2.0	New Independent Director	
2.1	Julia was welcomed as the new Independent Director	
3.0	Declaration of interest	
3.1	There was a declaration of interest from Chris Loweth in relation to a Scope Determination for Fast FWD and Football on Five both owned and operated by Five. It was agreed that CL would leave the meeting during the review and decision making period.	
4.0	Minutes	
4.1	<ul style="list-style-type: none">○ The 22 July 2010 Board minutes were approved with one amendment. Paragraphs 7.3 to 7.5 should read:	

“PJ met with Stuart Purvis (Ofcom) regarding the implications of the guidance the CPS had published for prosecutors which suggested that R18 and equivalent material which is accessible to children on line is likely to be considered obscene under the Obscene Publication Act.

PJ had also attended a round table discussion with enforcement agencies, Ministry of Justice, DMCS, and Ofcom on the same issue.

PJ also met with John Zeff (DCMS) and discussed the issue. DCMS also reminded ATVOD that the European Commission’s 2 year review of AVMS implementation is about to commence”

The Board agreed to publish future Board minutes on ATVOD’s website.

5.0 Matters Arising

5.1 Registered Office and Name

5.2 The Board approved the proposal to move the Registered Office to ATVOD operating premises and to revise the name ‘The Association for Television On-Demand Limited’ to ‘The Authority for Television On-Demand Limited’ RI

5.3 Objective setting

5.4 SH agreed to provide a paper in relation to his objectives for the next Board meeting. SH

5.5 Strategy day

5.6 The Board agreed the proposed agenda for the Strategy Day and that the services of an external facilitator should be engaged. PJ

5.7 Co-regulation

5.8 DA presented a definition of co-regulation and agreed to present a paper with JH at the next Board Meeting. DA

6.0 Market Developments

6.1 SH presented to the Board an update on the proliferation of net-connected devices including set top boxes and integrated televisions that would provide access to television like services in and out of scope over coming year.

7.0 Chief Executive’s Report

7.1 Industry funding

7.2 Additional industry funding had been promised from 7 companies at up to £14,500

	each. Two other lower promises of contributions had also been made . A lower offer of £9.7K may be accepted but it was agreed that it would probably be necessary to decline an offer of £1.5K as this would raise issues of equity with regard to the contributing companies. Indications were awaited from 6 further companies.	
7.3	The Chairman congratulated the Deputy Chairman and the CEO on the success of this initiative. The Board agreed to issue letters of thanks to all those that contributed. Once the process was complete, the BSG would be asked to write to all attendees at the original meeting to inform them of the outcome.	PJ
7.4	NBC Universal did not participate and it was agreed that they should be approached independently, especially as other major studios had offered support. SH to propose a suitable contact.	SH
7.5	<u>Scope</u>	
7.6	Further proposed amendments to the Scope Guidance were received from Ofcom and reviewed by the Board. It was agreed that the Scope Working Group should meet to redraft the Guidance for further review by Ofcom.	PJ, SN, SH, CL, IM
7.7	<u>Notifications</u>	
7.8	PJ updated the Board that 95 services have now notified and that we are on-track to meet the predicted 129 for this year, with seven new notifications per month required to maintain our funding projections.	
7.9	<u>Concessionary rate</u>	
7.10	The board agreed a provisional proposal for this year and to form a Year Two Fee Structure working Group to make a proposal on the suitability of a more progressive fees structure for Year Two.	
7.11	A proposal for a Year 1 Concessionary rate of £150 was agreed, subject to Ofcom approval and any consultation that might be required, based on one or more of the following sufficient criteria: <ul style="list-style-type: none"> - A Registered Charity - A public or private educational establishment - A not for profit Community Interest Company 	
7.12	<u>Open and Closed Investigations</u> The Board noted the report on open and closed investigations and agreed that in future these should be presented on a quarterly basis in tabular form. Preliminary Determinations were made for the following services: Elle TV – in scope BNP TV – in scope Fast Forward – in scope Football on Five – out of scope (not principal purpose)	PJ

Final Determinations were made with regard to the following services:

Tesco.com – in scope

National Lottery TV –out of scope (not principal purpose)

7.13 Promoting Access to People With Disabilities

7.14 The board agreed to gather information by including an additional question in the proposed questionnaire on the scale of VOD service. PJ

7.15 Ofcom Report to DCMS on R18 content

7.16 The CEO was approved to proceed with the proposed drafting changes outlined in his paper. PJ

7.17 Proposal for Separate Industry Funding for Research and Guidance outside Regulatory Scope

7.18 The Board agreed to defer this to the Strategy Day

7.19 Redrafting of the Articles of Association

7.20 The Board agreed to defer this to the Strategy Day

7.22 Company Secretary

7.23 RE and PJ to review the opportunity to combine this role with administrative duties and to investigate the options for contracting with either an individual or professional services company to provide a secretariat.

7.24 Staff

PJ reported that Cathy Taylor had accepted the role of Policy and Investigations Manager, working 2.5 days per week and part-funded by Vaneeta Bassi agreeing to reduce her hours to 3 days per week. It was agreed that her key priority would be to accelerate the pace of notifications.

8.0 AOB

8.1 PJ advised the Board that ATVOD had received the first complaint, pertaining to BT Vision and that it was not within ATVOD's remit as it did not relate to an issue covered by the Rules.

8.2 CL advised that Five would be relocating the Long Acre staff to Lower Thames Street and that Five would still invite ATVOD to use its board room facilities. SH and SM offered Virgin Media's Great Portland Street or Long Acre and BT's St Pauls offices as back up if required.

There was no other business

*There being no further business, the meeting closed
at 18.30pm*