



Minutes of a meeting of the Board of the Authority for Television On Demand Limited (“**ATVOD**”) held at the offices of the BBFC, Tuesday 24 January 2012, 2.30pm

Present:

ATVOD Board:

Ruth Evans – Chair (Items 1-11)

Daniel Austin

Julia Hornle

Chris Loweth

Simon Milner (silent Director for the purposes of maintaining a quorum – items 1 - 11)

Nigel Walmsley (Chair for item 12)

In attendance:

Pete Johnson – Chief Executive

Nicola Ebdon – Company Secretary (mins)

- 1. Apologies**
- 1.1 Apologies were received from Simon Hunt, Ian McBride and Sara Nathan.
- 2. Declaration of members’ interests**
- 2.1 There were no additional interests declared.
- 3. Minutes of the 13 December 2011 meeting, matters arising and updated actions**
- 3.1 The Board **APPROVED** the draft minutes of the meeting held on 13 December 2011.
- 3.2 The Directors **NOTED** that the majority of actions had been completed.
- 3.3 Directors reviewed a list of possible external speakers to be invited to present at future Board meetings and **AGREED** changes to the list.
- 3.4 In relation to minute 5.2 it was **NOTED** that the Executive were meeting with a technology expert at Ofcom to establish if it was possible to capture the process of reviewing website content as part of an investigation. It was **NOTED** that the Chair had received an invite to receive a technology demonstration by the BBC.

3.5 In relation to minute 6.3, Directors **NOTED** the outcome of discussions with the Industry Forum regarding the involvement of CAP with the Forum.

4. Stakeholder Issues

4.1 The Board **NOTED** the outcome of a series of meetings and the content of future meetings planned with Ofcom.

5. Ofcom – Chris Woolard

5.1 Directors welcomed Chris Woolard to the meeting and thanked him for the series of meetings between ATVOD and Ofcom which had resulted in progress on a number of co-regulatory issues.

5.2 Directors **NOTED** an update on Ofcom's plans in relation to resourcing in Ofcom's Standards team and their current priorities in relation to the co-regulatory relationship with ATVOD, which included: revised scope guidance, year three budget and fees and the designation review.

5.3 The Board **DISCUSSED** in general terms the proposed Government Communications Green Paper, current EU debate in relation to content regulation and other related issues.

5.4 The Board **NOTED** the proposed timing for the designation review by Ofcom and **NOTED** that the terms of reference of the review would be agreed in advance. Directors urged Ofcom to ensure that the Industry Forum were involved in providing stakeholder feedback as part of the designation review.

5.5 The Board advised that it would be issuing its Year three Fee Consultation at the end of January and **REQUESTED** a rough estimate of Ofcom's recharges for Year 3 be sent to ATVOD as soon as possible to ensure that the budget was as accurate as possible.

5.6 In relation to the proposed review of the scope guidance it was **AGREED** that ATVOD would engage with Ofcom early in the process to facilitate the approval process required by the Designation. It was **AGREED** that ATVOD would engage with the Industry Forum in order to develop proposals for submission to Ofcom for final approval.

5.7 The Board **THANKED** Chris for attending the meeting and invited him to attend the October ATVOD Board meeting.

6. Market Update

6.1 The Board **CONSIDERED** an overview of recent market and regulatory developments and a case study of the UK launch of Netflix.

7. Chief Executive's update

7.1 The Board **NOTED** the update on new and withdrawn notifications as provided in the paper.

7.2 The Board **NOTED** progress made with scope investigations as provided in the paper.

7.3 Directors **NOTED** that the Scope Committee had met on 20 January 2012 made the following decisions:

- a. The committee agreed not to pursue at this time the following cases withdrawn by ATVOD after appeals to Ofcom and Ofcom's Determination on the Sun Video:
 - **The Sunday Times Video Library** (http://www.thesundaytimes.co.uk/sto/multimedia_library/videogallery/?tab=5)
 - **The News of the World** (http://www.newsoftheworld.co.uk/notw/_video/)
 - **Telegraph TV** (<http://www.telegraph.co.uk/telegraphtv/>)
 - **FT Video** (<http://video.ft.com/>)
 - **The Independent Video** (www.independent.co.uk/video)
 - **Guardian Video** (<http://www.guardian.co.uk/video>)
 - **Elle TV** (<http://www.elleuk.com/elletv>)
- b. The committee agreed to revisit **Guardian YouTube** (<http://www.youtube.com/TheGuardian>) after other appeals cases before Ofcom had been resolved.
- c. The committee agreed that the following appeal cases before Ofcom should not have their Determinations withdrawn:
 - **Channel Flip** (www.channelflip.com)
 - **BBC Food** (<http://www.youtube.com/user/BBCfood>)
 - **BBC Top Gear** (www.youtube.com/user/TopGear)
 - **Viva Music** (<http://uk.viva.tv/music>)
- d. The committee agreed that the Determination in relation to **Coffee Shorts** (<http://www.coffeeshorts.co.uk/>), currently subject of an appeal to Ofcom, should be withdrawn.
- e. The committee agreed that the following were not an ODPS:
 - **Yahoo! News** (<http://uk.news.yahoo.com/video-audio/>)
 - **Hospedia** (<http://www.hospedia.co.uk/>)
 - **Vocavia** (<http://www.vocavia.com/>)
- f. The committee agreed that the notification of the **Leeds University College Website / Leeds Today** (<http://www.leadstrinity.ac.uk/>) should be withdrawn.
- g. The committee agreed that the notification of **Everton** (<http://evertontv.evertonfc.com/>) should stand.

7.4 The Board **NOTED** the update on appeals as provided in the paper.

7.5 The Board **NOTED** the update on complaints as provided in the paper.

7.6 The Board **NOTED** the update on European works as provided in the paper.

- 7.7 The Board **NOTED** the update on Access Services as provided in the paper.
- 7.8 The Board **NOTED** the update on Designated Functions Report as provided in the paper and **NOTED** that a draft report would be brought to the next Board meeting for approval.
- 7.9 The Board **NOTED** the update on the Designation Review as provided in the paper.
- 7.10 The Board **NOTED** the update on the Year 3 Fees Working Party as provided in the paper. It was **NOTED** that the working party had agreed that consulting on a new, audience-based metric would be considered a longer term possibility.
- 7.11 The Board **NOTED** the update on the Multiple services/'Substantially the same' Working Party as provided in the paper and as updated verbally at the meeting.
- 7.12 The Board **NOTED** the update on the Industry Forum as provided in the paper and as updated verbally at the meeting in relation to the Industry Forum meeting which had been held earlier in the day. Directors were **REQUESTED** to attend all future Industry Forum meeting where possible.
- 7.13 The Board **NOTED** the update on Board Member Recruitment as provided in the paper.
- 7.14 The Board **NOTED** the update on public relations as provided in the paper and **DISCUSSED** some of the meetings further. It was **REQUESTED** that any Directors interested in attending the House of Lords event on 1 February 2012 notify the Executive.
8. **Draft Business Plan**
- 8.1 The Board **CONSIDERED** the draft business plan and **AGREED** changes to it. Directors **NOTED** that a draft Corporate Plan would be developed, to include the business plan, for consideration at the next Board meeting.
9. **Financial report**
- 9.1 The Board **CONSIDERED** the issue of debt recovery and **DELEGATED** the decision to appoint solicitors to act on behalf of ATVOD in relation to debt recovery issues using civil proceedings to the Executive in consultation with the Chair and Deputy Chair. Directors also **DELEGATED** decisions to pursue a County Court Judgement or issue a Statutory Demand in individual cases to the Executive in consultation with the Deputy Chair.
- 9.2 After careful consideration Directors **APPROVED** the draft budget for 2012/13 in principle for the purpose of providing the estimate of likely costs required being included in the Fees Consultation due to begin later in January 2012. It was **AGREED** that the budget would only return to the Board for final approval in March if there were any material difference to the draft budget presented.

10. Year 3 Fee Consultation

10.1 The Board **CONSIDERED** the draft consultation document which set out proposals and option on which to consult Industry. Directors **NOTED** that it took account of the work conducted by the Industry Forum Fees Working Party and that Ofcom had agreed that the consultation should be an ATVOD consultation (rather than a joint ATVOD/Ofcom consultation).

10.2 After careful consideration Directors **APPROVED** the approach to the consultation set out in the draft, subject to refinement as agreed at the meeting and **DELEGATED** final approval of the Consultation the Chair and Deputy Chair.

11. ParentPort Memorandum of Understanding

11.1 Directors carefully **CONSIDERED** the draft ParentPort Memorandum of Understanding as shown in Annex 1 to the paper. It was **NOTED** that the Memorandum concerned the relationship between the Portal Stakeholder and the division of responsibilities in relation to the creation, launch and maintenance of the Portal.

11.2 The Board **CONSIDERED** the implications for ATVOD of signing the Memorandum of Understanding and **AGREED** to sign up to the ParentPort Memorandum of Understanding provided that it was amended to include an annual review which evaluated the usefulness of the site against a number of agreed metrics.

12. Revisions to Rules and Guidance

12.1 The Board **AGREED** to the minor terminology changes in the Rules and Guidance as proposed and the deletion of some further text which it felt was no longer required subject to final approval by Ofcom.

12.2 The Board also **CONSIDERED** other possible changes to the Rules and Guidance which had arisen from recent ATVOD decisions and **AGREED** to suggest these revisions as part of the next review of the Rules and Guidance.

13. Any other business

13.1 There were no items of other business.