



THE AUTHORITY FOR TELEVISION **ON DEMAND**

Minutes of a meeting of the Board of the Authority for Television On Demand Limited (“**ATVOD**”) held at the offices of the BBFC, Wednesday 15 May 2013, 2.30pm

Present:

ATVOD Board:

Ruth Evans – Chair

Daniel Austin

Julia Hornle

Sophie Jones (for items 5, 6, 8, 9, 10 and 11)

Ian McBride

Chris Ratcliff

Nigel Walmsley

Paul Whiteing

In attendance:

Pete Johnson – Chief Executive (mins)

- 1. Apologies**
- 1.1 Apologies were received from Gidon Freeman.
- 2. Declaration of members’ interests**
- 2.1 There were no additional interests declared for inclusion in the published register of interests.
- 3. Minutes of the Meeting of 5 March 2013, matters arising and updated actions**
- 3.1 The Board **APPROVED** the draft minutes of the meeting held on 5 March 2013, subject to changes to minutes 3.1 and 7.2.
- 3.2 The Board **NOTED** that the Industry Forum discussion indicated in minute 5.5 had been postponed until September
- 3.3 The Board **NOTED** that the majority of actions had been completed and added an action relating to minute 7.2.

4. Chief Executive's update

- 4.1 The Board **NOTED** the update on new and withdrawn notifications as provided in the paper.
- 4.2 The Board **NOTED** progress made with breach investigations as provided in the paper. Directors sought and received confirmation that a record was kept of any scope investigations closed for lack of evidence and that appropriate checks were made by senior staff in such cases. It was **NOTED** that the complaints received over recent months with regard to adult services may have been from rival service providers.
- 4.3 The Board **NOTED** the update on appeals as provided in the paper.
- 4.4 Directors **CONSIDERED** the draft guidance on commercial references and **AGREED** that it should be redrafted to improve its clarity and to take account of any comments subsequently received from Industry Forum members with whom the draft had now been shared. Directors **AGREED** that the paper constituted guidance on the rules and therefore that consultation with Ofcom would be required before the final version was published.
- 4.5 Directors **CONSIDERED** the draft advisory note for adult providers and **AGREED** that an 'FAQ' section should be added to deal with issues being raised by such providers in online discussion groups, with links to relevant decisions.
- 4.6 The Board **NOTED** the update on Access Services as provided in the paper and **AGREED** that the Access Services plan should not be reviewed in advance of publication of the Communication White Paper expected in July.
- 4.7 The Board **NOTED** the update on European works as provided in the paper.
- 4.8 The Board **NOTED** the update on the 2013/14 fees as provided in the paper and the additional information requested by Ofcom on 7 May and **CONSIDERED** how best to ensure that delays in the fee approval process could be avoided in future.
- 4.9 The Board **NOTED** the update on the Communications Review and Lords Communications Committee Inquiry into Media Convergence as provided in the paper.
- 4.10 The Board **NOTED** the update on ParentPort as provided in the paper.
- 4.11 The Board **NOTED** the update in relation to recruitment and other staffing matters as provided in the paper.
- 4.12 The Board **NOTED** the update on the Industry Forum as provided orally and in the paper.
- 4.13 The Board **NOTED** the update on public relations as provided in the paper and **DISCUSSED** some of the meetings further.

5. Financial report

5.1 Directors **CONSIDERED** the Management Accounts for February 2013 and March 2013, and the aged debtors report for April 2013, and **NOTED** that the aged debtors report raised no concerns, that there had been good budgetary control throughout the year, and that the projected surplus for 2012-13 was slightly larger than previously estimated. Directors **CONSIDERED** the impact of the expected timing of the approval of the 2013-14 fees on cashflow and **AGREED** that current reserves should be adequate to cover a short term delay.

5.2 The Board **NOTED** the briefing prepared to assist in any future consideration by ONS of whether ATVOD should be reclassified as a public body.

6. Scope guidance

6.1 Directors **CONSIDERED** the draft guidance prepared by the ATVOD / Industry Forum Working Party. Directors **NOTED** that Industry Forum members has been given until 31 May 2013 to submit comments. Directors **AGREED** that consideration should be given to adding a flowchart and to moving the section on notification requirements to the end of the document. Directors **AGREED** that legal advice should be sought on a draft which took account of any further comments received by 31 May 2013.

7. Risk Register

7.1 Directors **NOTED** the update on the Risk Register provided in the paper and **AGREED** that a revised Risk Register should be brought back to the Board for consideration at the July Board meeting.

8. Board size

8.1 Directors concluded the recent review and **AGREED** the current size and balance of the Board was appropriate.

9. European Commission Green Paper: 'Preparing for a fully converged audiovisual world: growth, creation, values'

9.1 The Board **NOTED** the update as provided in the paper and Directors **CONSIDERED** ATVOD's position in relation to the public policy issues raised. Directors **AGREED** that the Chief Executive should prepare a position paper for consideration at the next Board meeting. Directors **AGREED** that a submission should be made to the current European Commission consultation on the independence of regulatory bodies.

10. Marc Janssen: Former President of the Conseil Supérieur de l'Audiovisuel in Belgium

10.1 | The Board **WELCOMED** Marc Janssen: former President of the Conseil Supérieur d' L'Audiovisuel in Belgium and **RECEIVED** a presentation on issues arising from the implementation of the AVMS Directive, from the European Commission Green Paper on Convergence and from the European Commission consultation on the independence of regulators. Directors **CONSIDERED** the issues raised by Marc Janssen and **DISCUSSED** a number of considerations for the future which arose from the presentation, including: the promotion of European works, the provision of Access Services and co-regulation as a model for media regulation. Directors **THANKED** Marc Janssen for the presentation and for taking the time to engage with the Board.

11. Any other business

The Board **AGREED** to hold the date set for a Strategy meeting in June.