



**Minutes** of a meeting of the Board of the Authority for Television On Demand Limited (“**ATVOD**”) held at the offices of Ofcom, Tuesday 16 October 2012 at 2.30pm.

**Present:**

ATVOD Board:

Ruth Evans – Chair  
Daniel Austin  
Gidon Freeman  
Julia Hornle  
Sophie Jones  
Ian McBride  
Sara Nathan  
Chris Ratcliff  
Nigel Walmsley

In attendance:

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

1. **Apologies**
- 1.1 No apologies were received.
2. **Declaration of members’ interests**
- 2.1 There were no additional interests declared for inclusion in the published register of interests.
3. **Ofcom Technology Demo**
- 3.1 The Directors **RECEIVED** a demonstration of new developments in IPTV, including Freeview HD and Youview.
4. **Minutes of the 25 September 2012 meeting, matters arising and updated actions**
- 4.1 The Board **APPROVED** the draft minutes of the meeting held on 25 September 2012,

subject to changes to minutes 5.3 and 10.1.

- 4.2 The Directors **NOTED** that the majority of actions had been completed. In relation to minute 8.4 from the September 2012 Board meeting Directors considered possible engagement with the Belgium Regulator.

5. **Chief Executive's update**

- 5.1 The Board **NOTED** the update on new and withdrawn notifications as provided in the paper. Directors **NOTED** that some withdrawals had been made as it was found that they were aimed exclusively at audiences outside the EU and could not be received from within the EU using standard consumer equipment. Such services are specifically excluded from the scope of the AVMS Directive under Article 2 (6).

- 5.2 The Board **NOTED** the update on scope investigations, appeals, complaints and enforcement actions as provided in the paper.

- 5.3 The Board **NOTED** the update on Access Services as provided in the paper. Directors **NOTED** that the Access Services Working Party roundtable on technical barriers to re-using linear access services on VOD services had been held on 28 September 2012. It was **NOTED** that the working party would progress work on subtitling through three linked work streams considering:

- Content: creating a standard format for suppliers;
- Translation: from one standard to another; and
- Delivery: to different devices / platforms.

- 5.4 The Board **NOTED** the update on European works as provided in the paper. It was **NOTED** that the 2012-15 European Works Plan, published on 12 September 2012 included ATVOD's intention to collect will collect data for the period 1 April 2012- 31 March 2013 in 2013, and collect data for the period 1 April 2014 – 31 March 2015 in 2015. Directors **NOTED** that the Commission had indicated that it would prefer data to be collected on a calendar year basis and therefore ATVOD intended to amend its plan accordingly, subject to any feedback from the Industry Forum. It was **NOTED** that the Commission had also indicated the importance of effective monitoring and requested that service provider data be verified. Directors **CONSIDERED** that such a requirement would be disproportionately onerous, especially given that the same requirement did not appear to be in place for linear broadcasting. It was also felt that the work required by ATVOD to conduct such an audit would not be feasible within ATVOD's current resources. It was **AGREED** that the CEO would discuss the request with Ofcom with a view to developing a joint Ofcom/ATVOD position.

- 5.5 The Board **NOTED** the update on the Scope Working Party as provided in the paper. Directors **NOTED** that the Scope Working Party were aware that the current guidance did not include reference to Article 2 (6) of the AVMS Directive which excluded services aimed exclusively at audiences outside the EU and which can not be received from within the EU using standard consumer equipment. The working party intended to include

reference to the relevant Article in the guidance being drafted.

- 5.6 The Board **NOTED** the update on the Communications Review as provided in the paper. Directors **CONSIDERED** the limitations of ATVODs powers in relation to investigations, pornography and jurisdiction and **AGREED** action to ensure that ATVOD was as effective as possible.
- 5.7 The Board **NOTED** the update on ParentPort as provided in the paper. It was **AGREED** that ATVOD would consider supporting any initiatives aimed at increasing awareness of ParentPort which did not have significant additional resource implications beyond those already agreed and **AGREED** a change to the drafting of the proposed Memorandum of Understanding which would require the ParentPort stakeholders to 'meet to review' the performance' of ParentPort annually rather than produce a formal report each year.
- 5.8 Directors **NOTED** the update in relation to recruitment.
- 5.9 Directors **NOTED** the update in relation to research which ATVOD had undertaken. Directors **CONSIDERED** the results of the research and **AGREED** how to publish the research. Directors **CONSIDERED** Ofcom research on TV like services and communication from Ofcom concerning the research.
- 5.10 The Board **NOTED** the update on public relations as provided in the paper and **DISCUSSED** some of the meetings further.

## 6. Ofcom Media Tracker 2011 Results

- 6.1 The Directors **RECEIVED** a presentation by Jane Rumble of a selection of different points from two different trackers on audio visual content. Directors **NOTED** trends in data relating to key services and devices, linear TV resilience, viewer age, sales of smart tv, access of online content, growth in use of catch up services online, attitudes to tv content and awareness of regulation. It was **AGREED** that Ofcom would send Directors links to further research/tracker information.
- 6.2 The Board **THANKED** Jane for attending the meeting and invited her to attend an ATVOD Board meeting to make an update presentation in a year.

## 7. Ofcom – Chris Woolard

- 7.1 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.
- 7.2 Directors **CONSIDERED** the outcome of Ofcom's review of ATVOD's designation which was welcomed by both Ofcom and ATVOD.
- 7.3 The Board **DISCUSSED** in general terms options for the future of content regulation,

convergence, jurisdiction and other related issues.

7.4 The Board **THANKED** Chris for attending the meeting.

## 8. **Financial report**

8.1 Directors **NOTED** items considered at the Audit and Finance Committee meeting on 2 October 2012.

## 9. **Communications Plan**

9.1 Directors **CONSIDERED** the communications plan as circulated. It was **AGREED** that the plan would be considered at the ATVOD Strategy Day. Directors **CONSIDERED** and **AGREED** the stakeholder engagement plan. It was **AGREED** all Directors would identify existing relationships they hold with stakeholders and forward details to Sophie Jones and the CEO.

## 10. **Strategy day planning**

10.1 Directors **CONSIDERED** the draft agenda for the November Strategy Day and **AGREED** to hold a half day meeting to consider issues of convergence, jurisdiction, the protection of children and communications strategy.

10.2 Directors **CONSIDERED** the evaluation questionnaire which had been used in November 2011 to produce a report on Board performance. It was **AGREED** that an evaluation every two years was appropriate.

## 11. **Risk Register**

11.1 The Board **CONSIDERED** the risk register and **AGREED** to consider the current technology for data back-up to identify if it was a risk for ATVOD.

## 12. **Any other business**

12.1 There were no items of other business.