



THE AUTHORITY FOR TELEVISION **ON DEMAND**

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**Minutes** of a meeting of the Board of the Authority for Television On Demand Limited (“**ATVOD**”) on 28 January 2014 held at BBFC, 3 Soho Square, London W1D 3HD at 2.30pm.

**Present:**

ATVOD Board:

Ruth Evans – Chair  
Daniel Austin  
Sophie Jones  
Alexander Kann  
Ian McBride  
Nigel Walmsley  
Paul Whiteing

In attendance:

Pete Johnson – Chief Executive  
Jan Quirke – Company Secretary

**1. Welcomes and Apologies**

Alex Kann was welcomed to his first Board meeting. Apologies were received from Gidon Freeman and Julia Hornle.

**2. Declarations of interests**

There were no declarations of interest to be reported in relation to items presented for discussion at the meeting nor for inclusion in the register of interests.

**3. Minutes**

**3.1 Board meeting on 4 December 2013**

With one correction to item 10.2 showing Julia Hornle’s term of office ending in March 2014 (rather than May) the minutes were **AGREED** as an accurate record of the meeting.

**3.2 Actions and matters arising**

The reported actions were **NOTED**.

**4. Board member recruitment report**

The Board **NOTED** the recruitment report.

## 5. Chief Executive's report

### New notifications

- 5.1 The Board **NOTED** the information presented on the withdrawal of services and new notifications from Rangers FC, Joybear Pictures and Sainsbury's.

### Enforcement action

- 5.2 The Board **AGREED** at the request of the service provider that a Rule 11 determination be reviewed and to appoint an independent reviewer to advise on the matter.
- 5.3 A winding up order for non payment of fees against an ODPS was on hold pending a related decision on a possible sanction from Ofcom.

### DCMS Strategy Paper

- 5.4 The nature and timing of any statutory provisions relating to R18 and R18 plus material had yet to be determined. Ian McBride was the Board lead on R18 issues and reported that ATVOD was keen to maintain the momentum generated to date. It was **AGREED** that ATVOD should ensure that relevant opinion formers were well briefed on the issues.
- 5.5 In addition, the research on internet usage to overseas sites from the UK would be used to strengthen the position, together with other supporting evidence. The Industry Forum had endorsed the research proposals presented to the meeting on 28 January.
- 5.6 The Board noted an update on the "Common Framework" referenced in the DCMS strategy paper.
- 5.7 The meetings with payments industry representatives were continuing and options for providing the necessary legal certainty had been discussed with DCMS. A further meeting was planned with MOJ.

### Industry Forum

- 5.8 The Board noted that the Industry Forum meeting had discussed an advertising issue which will be explored further with CAP. The Industry Forum had agreed to accept development of provider networks within the Forum.

### December Conference

- 5.9 The Board thanked Julia Hornle and Paul Whiteing for their support for the ATVOD conference in December 2013, which had been a success.

## 6. Statement on new Scope Guidance

- 6.1 The responses to the consultation document were outlined by the CEO and the Board noted the current draft (6) of the Statement. Ofcom comments had been received on the statement.
- 6.3 The Board **APPROVED** the publication of draft 6 of the Statement on the adoption of new Guidance on the Scope of the VOD Regulations, subject to further consideration of one section of the statement.

## 7. Finance Report and 2014-15 Fees Consultation

- 7.1 Nigel Walmsley introduced the Finance report as a precursor to the discussion on Fees. ATVOD's management accounts did not highlight any areas of concern.

ATVOD's budget would be met by the end of the financial year unless any unforeseen items arose before 31 March 2014. It was clarified that the variances in the budget report reflected a mix of a small number of items of underspend at the end of Q3 and a small number of items of expenditure due before year end. The reserve level had been carefully arrived at and was appropriate.

- 7.2 In accordance with the Finance Report it was recommended that ATVOD should propose that the fees structure remain unchanged for 2014-15, and alert the industry to the likelihood of a modest rise in fees in 2015-16.
- 7.3 At the Industry Forum meeting a request had been made that ATVOD consider introducing an additional tariff band between the small scale and B rate bands. The Board discussed the recommendation and noted that there would be compensating consequences to any change in the fee structure, that there was a clear rationale for the established six fee bands and that the Fees working group had given a clear mandate to the Fees consultation document as presented. The absence of precise turnover figures for companies with turnover below £6.5m made it difficult to calculate the impact of introducing a new band. Stakeholders would be able to comment on the proposals set out in the consultation document.
- 7.4 The Board noted the financial report.
- 7.5 The Board **AGREED** the Fees proposal for 2014-15 and **DELEGATED** the approval of the final consultation document to Nigel Walmsley.

## 8. Access Services Plan

- 8.1 The Industry Forum had discussed the Access Services Plan. A letter from DCMS was anticipated in which issues would be raised to be included in the new Plan.
- 8.2 The Board **NOTED** that the annual survey could be a formal request for information from ODPSs and that this approach had been endorsed by comments at the Industry Forum meeting. There were no requirements for ATVOD to consult industry on whether to make the survey mandatory.
- 8.3 The Board **AGREED** that ATVOD should focus efforts to improve access to services that would have the greatest positive impact for users with hearing and vision impairments. Feedback from user groups is that the greatest impact would be realised by improving access to films on demand, and programmes on demand that lose audio describing and subtitles when transferred from linear services. ATVOD proposed to have a series of face to face meetings with providers who could deliver greatest benefit.
- 8.4 The Board **AGREED** the Access Services Plan in principle, subject to review following receipt of an expected letter from DCMS. Ofcom will be invited to comment on the Plan.

## 9. 2014-15 Corporate Plan

- 9.1 The Board **AGREED** some changes to the draft Corporate Plan as presented and, with those revisions, the Corporate Plan 2014-15 was **APPROVED**.

## 10. Board evaluation

- 10.1 The Board **NOTED** the positive results of the appraisal exercise and the recommendations resulting from Board members' comments. Additional feedback was discussed in the one to one meetings between the Chair and members of the Board.

10.2 Specific actions resulting from the evaluation would be addressed as appropriate.

10.3 The Board **AGREED** to conduct another survey in two years' time.

**11. Any Other Business**

There was no other business.

**12. Date of next meeting:** 25 March 2014