



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 Ofcom, Tuesday 24 September 2013, 2.30pm

Present:

ATVOD Board:

Ruth Evans – Chair
Daniel Austin
Gidon Freeman
Sophie Jones
Ian McBride
Chris Ratcliff
Nigel Walmsley
Paul Whiteing

In attendance:

Pete Johnson – Chief Executive

1. Apologies

Apologies were received from Julia Hornle. In order to maintain the independent majority, Gidon Freeman agreed to be designated as the “silent” Director for the duration of the meeting

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 of the meeting on 15 July 2013

With one minor amendment the minutes were **AGREED** as an accurate record of the meeting.

3.1. Actions and matters arising

The reported actions were **NOTED** and an oral update was given on the development of an EU Communications plan.

4. Board member recruitment

The Board **AGREED** the proposed role description, person specification and timetable in relation to the recruitment of a Non-Independent Member and **NOTED** that flexibility

may be needed with regard to the time commitment expected of a member employed by a small scale service provider. **ACTION: PJ**

5. Chief Executive's report

New notifications

- 5.1 The Board **NOTED** the information presented on new notifications and the withdrawal of services. The Board further noted that all but three service providers who had previously notified multiple services had taken advantage of the opportunity provided by the new notification requirements to make a single overarching notification, reducing the number of notified services to 108.

Breach investigations

- 5.2 Breaches in relation to Rules 1, 4, 6 and 7 were **NOTED**.
- 5.3 Complaints and content breaches in relation to Rule 11 were **NOTED**. It was clarified that a number of recent Determinations of breach were the result of complaints being upheld.

Enforcement Notices

- 5.4 The Board **NOTED** the enforcement notice and statutory demand issued, and the referral to Ofcom for consideration of a sanction.

Access services

- 5.5 The Board **NOTED** that the second meeting of the Access Services Technical Group under Nick Tanton's chairmanship would meet on 26 September and that the 2013 access services questionnaire asked service providers to provide details regarding their provision of access services through certain platforms.

European works

- 5.6 The Board **NOTED** the update on the request for information on provision of European works and **DISCUSSED** the difficulties some providers may have in providing complete data.

Report to Ofcom

- 5.7 The Board **NOTED** that the report was submitted on 18 July 2013.

Scope guidance review

- 5.8 The Board **NOTED** that a consultation on new scope guidance began on 17 September 2013 and would finish on 17 December 2013.

Complaints / Determinations procedure

- 5.9 The Board **NOTED** that Industry Forum members and Ofcom had been given until 31 October 2013 to submit comments on the draft revised procedure. It was expected that a final draft would be brought to the December Board for approval. **ACTION: PJ**

Blocking payments

- 5.10 The Board **NOTED** that a roundtable meeting with representatives of the financial industry would take place on 10 October 2013.

December conference

The Board **NOTED** invitations to speak at the conference would go out this week, with delegate invitations expected to be distributed in early October. **ACTION: PJ**

Other press and public relations

5.12 The Board **DISCUSSED** the coverage given to ATVOD in The Daily Telegraph and on BBC Radio 5 Live.

5.13 The Board **NOTED** other press and public relations activity.

6. Finance Report

6.1 The Deputy Chair introduced the Financial Report and the Board **NOTED** the management accounts for June and July 2013 and the Aged Debt report to 30 August 2013.

6.2 The Board **NOTED** that the Annual Report, containing the financial statements for 2012-13, had been published on 18 July 2013 following completion of the audit.

7. Guidance notes

For adult service providers

7.1 The Board **AGREED** a number of changes and that the FAQ section should be expanded further prior to consultation with Ofcom. **ACTION: PJ**

On commercial references

7.2 The Board **AGREED** to include a further reference to the Product Placement logo prior to consulting with Ofcom. **ACTION: PJ**

7.3 The Board **AGREED** that all guidance should be reviewed annually. **ACTION: PJ**

8. Government Communications review update

8.1 The Board **NOTED** the update on the DCMS strategy document 'Connectivity, Content and Consumers', **DISCUSSED** the potential implications for ATVOD and agreed to make it the focus of the Strategy Day on 9 October.

9. European Commission Green Paper: *Preparing for a Fully Converged AudioVisual World: Growth, Creation and Values*

9.1 The Board **CONSIDERED** further comments received from stakeholders and **AGREED** some changes to the draft which would be submitted by the deadline of 30 September 2013. **ACTION: PJ**

10. Board members' objectives

10.1 The Board **APPROVED** the updated objectives and **AGREED** that each Board member should give a presentation to the Board once a year on progress in the areas covered in their objectives.

11. Board evaluation proposals

11.1 The Board **AGREED** further changes to the evaluation questionnaire and **APPROVED** the proposed timetable and process.

12. AOB

12.1 The Board **THANKED** Chris Ratcliff for his service as a Board member and confirmed their commitment to continue to engage with the adult industry.