



ASSOCIATION FOR TELEVISION ON DEMAND LIMITED

Minutes of a meeting of the Board of the Association for Television On Demand Limited (“ATVOD”) held at the offices of Virgin Media, Wednesday 15th December 2010, 2.30pm

Received

Present:

Ruth Evans (RE) – Chair	Nigel Walmsley (NW)
Simon Hunt (SH)	Julia Hornle (JH)
Chris Loweth (CL)	Pete Johnson (PJ) – Chief Executive
Ian McBride (IM)	Cathy Taylor (CT) - ATVOD (mins)
Sara Nathan (SN)	
Simon Milner (SM)	Susan Allen (SA) – Neue Media – present for items 1.0 to 8.0)

1.0 Apologies

Daniel Austin (DA)
Ronee Isaacson (RI) – Co Secretary

2.0 Declarations of interest in relation to agenda items

SH and SM declared an interest in item 11b(5) and were not present for the discussion of that item. CL declared an interest in item 11b (5) in so far as it related to Portland Media Group and was not present for the discussion of the relevant issue. IM and NW declared an interest in item 11b (5) in so far as it related to ITV and were not present for the discussion of the relevant issue.

3.0 Minutes from previous meeting

The Board Minutes of the meeting of 20th October 2010 were approved subject to the following amendments:

Page 4, item 11a. ‘Regarding failure to notify’ should read ‘regarding services potentially in scope’.

ACTION

4.0 Matters Arising

PJ and RE met with Julian Dickens of 3 Reasons who provide VOD forecasts. Awaiting costing information.

There was a suggestion that Scope Investigations should be discussed at a sub group outside the Board meeting, to allow for fuller discussion of underlying policy. Date for first such meeting to be arranged for early in New Year (and see item 11b).

All

5.0 Action points

Directors' pages on their objectives have been completed.

SH to seek funding from Virgin Media for development work necessary for a possible voluntary scheme, and to continue to investigate sourcing figures on VOD usage.

SH

6.0 Market Developments

SH demonstrated the new TiVo service (a cable service with built in modem and dedicated broadband connection) to be released on Virgin Media in the New Year. Highlighted was the ability to move seamlessly from linear to VOD content, with links to Youtube and so on.

7.0 Chief Executive's update

The following verbal update was given:

PJ had a useful meeting with Clearcast.

PJ and RE met with the Broadband Measurement Group, who will not be in a position to provide cross platform viewing data in time to inform the ATVOD fees consultation.

PJ met with Red Bee to discuss access services and other issues of mutual interest.

PJ and RE met with the PPA regarding online newspapers and magazines. It was a useful exchange of views. To meet again in January. A meeting is also due with the Newspaper Society.

PJ/RE

PJ has received a communication from the BPI regarding ATVOD's remit.

PJ met with a group of service providers coordinated by Janet Greco.

PJ attended the first of quarterly meetings with DCMS, The minister may launch ATVOD's website in the New Year. RE is also to meet with Ed Vaizey.

ATVOD is to be included in roundtable led by BIS to discuss age verification online, in response to recent debate led by Claire Perry MP. PJ

ATVOD has also applied to join UKCCIS and be part of its age verification working party.

PJ has spoken at public events including: the OTT World Summit, Westminster Media Forum and TechnoSummits.

Members **NOTED** that PJ, NW and JH had attended a meeting on 10 December 2010 with a group of service providers who had contributed to the additional funding and that NW, PJ, IM, JH and CL had attended a pre year two fees consultation stakeholder meeting on 13 December 2010 at Ofcom.

ATVOD will be sending out invitations to the industry forum as soon as possible. There was some discussion as to whether all the Board should attend. PJ

8.0 PJ outlined recent staffing changes at Ofcom, for information.

ATVOD's name change is still in progress, awaiting Ofcom's confirmation – by means of formal letter to Companies House - that they regard ATVOD as the designated authority. RI

9.0 New Website (presentation by Neue Media)

Susan Allen of Neue Media demonstrated ATVOD's new website with evolved functionality, online complaints form and increased scope for editing by ATVOD.

10.0 Financial Report (paper)

The Financial Report paper was referred to.

NW to discuss with PJ outside meeting and report back on any issues. NW/PJ

11.0 Fees

a. Concessionary rate decisions (paper)

The Board agreed the paper on Concessionary rate decisions, recommending a fee of £150 for all services discussed. The basis for each decision was as follows:

Leeds Trinity – a registered charity and in the public interest.

Northern Visions – not for profit, and in the public interest.

Community Channel – not for profit, a registered charity and in the public interest.

b. Year Two Fees Consultation (paper)

	<p>The Board supported the generalities that are in the paper. JH to be on working group for development of a consultation document, the final draft of which should be sent to the Board. The document should set out a series of options for consultation with indicative budgets, in line with key criteria of simplicity, fairness, transparency and verifiability. The consultation should be sent out by mid-January, before the next Board meeting.</p>	JH
12.0	<p>Notifications</p>	
	<p>a. New Notifications</p>	
	<p>See below.</p>	
	<p>b. Scope Investigations: updates and decisions (paper)</p>	
	<p>Item 1: CT presented summary of Scope Investigations and new notifications since the beginning of October 2010. To be updated in tabular form for next meeting and in future.</p>	CT
	<p>Item 2: For information, the meeting heard cases where ATVOD's final determination has been subject to an appeal to Ofcom</p>	
	<p>Item 3a. Board agreed that Climax 3 Uncut / Climax 3 Mobile Downloads <u>is</u> an ODPS. Final determination letter to be sent.</p>	CT
	<p>Items 3b-d and 4 With respect to other Final Determinations and Preliminary Determinations to be made the Board agreed to convene a sub group (as above) to discuss particular cases with the additional aim of developing and formulating policy. Preliminary work on internal policy guidance document to be undertaken by JH/CT.</p>	JH/CT
	<p>Item 5 – Disputes over ‘editorial responsibility’. Following discussion at the meeting and further confirmation of agreement by email following the meeting, it was agreed that:</p>	
	<ul style="list-style-type: none"> - Virgin Media has editorial responsibility for the Portland content offered on their platform. 	
	<ul style="list-style-type: none"> - ITV has editorial responsibility for both its Catch-up and its Archive material on the Virgin Media platform. 	
	<ul style="list-style-type: none"> - BT has editorial responsibility for ITV's Archive material on the BT Vision platform. 	
	<ul style="list-style-type: none"> - ITV holds editorial responsibility for its Catch-up material on the BT 	

platform.

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Item 6 – Multiple Services

The Board agreed that in determining whether services on different platforms are one or more services for the purposes of notification to ATVOD, services can be assessed over a longer period (one year). This is in order to more accurately and sensibly reflect the consumer experience of 'a service', given that content can refresh at different rates on different platforms. The Board then considered the example of Nickelodeon, and agreed that their content on Sky Anytime and TopUpTV constitute separate services, whereas that on BT Vision could constitute the same service as that on Virgin Media, pending further information on the relevant programming. CT to draft preliminary determination letters accordingly and contact other service providers who are potentially affected by the longer time period for assessing services.

CT

13.0 Complaints (paper)

A complaint has been received regarding Frankie Boyle's Tramadol Nights on 4oD. PJ to draft recommendation and ask for volunteers for a sub-committee to consider this complaint.

PJ

14.0 Governance issues

a. Redrafting the Articles of Association

DA to produce draft by 1st Feb.

DA

15.0 Strategy Day & Corporate Plan

A record has been made of the recent strategy day, aims of which are currently being implemented (for example the Industry Forum). The corporate plan will be for next year.

16.0 PR Strategy (paper)

This will be incorporated into the corporate plan in February. SM to discuss with IM how to take this forward. There was the suggestion that the ATVOD website should include an FAQs section.

17.0 Industry and Consumer Forums

The Industry Forum is progressing as above.
PJ and RE will be meeting with Ofcom to discuss Consumer Forum.

PJ

18.0 The Board was given the following papers for information only:

Press cuttings

Report to Ofcom on the performance of the designated duties

Concessionary rate statement

Promoting access for people with disabilities

Register of Interests

Staffing

AOB

*| There being no further business, the meeting
closed at 18.05pm |*