



## 60th Meeting of the Advisory Committee for Northern Ireland (ACNI)

Thursday, 10 November 2016

Minutes

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### Present:

Maureen Edmondson	ACNI
Brendan Mulgrew	ACNI
Fiona Boyle	ACNI
Paul Wilson	ACNI
Sharon O'Connor	ACNI
Andrew Colman	Content Board / ACNI
Rick Hill	Communications Consumer Panel
Mark Sweeney	Ofcom
Jonathan Rose	Ofcom
Sinéad Lee	Ofcom
James Stinson	Ofcom
Rebecca Robinson	Ofcom

### Apologies:

Fiona MacMillan	ACNI
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### 1. Welcome, apologies, minutes from last meeting and matters arising

The Chair welcomed all to the meeting and noted apologies from Fiona MacMillan.

The minutes of the last meeting were addressed and approved. Action points were discussed.

The Committee discussed potential timescales on Ofcom's DCR review, specifically the review of the structure of Openreach. They reiterated the importance of independence and transparency regarding any decision on the future model for BT in Northern Ireland and requested that they are kept updated in a formal capacity on any developments on this issue.

Action: Committee to be offered briefing on further Ofcom publications on the future of Openreach/NI Networks.

### 2. Director's Report: Jonathan Rose

Jonathan highlighted three particular points from the Director's Report:

- The CMR event which was held on 25 October;
- Updated broadband statistics for Northern Ireland which were published in the hard copy of the CMR;
- Recent meetings with local politicians.

### **3. Nations Committee meeting update: Jonathan Rose**

Jonathan (and Fiona by correspondence) informed the Committee that the following items were discussed as part of the last Nations Committee meeting: BBC regulation, Review of General Conditions and Connected Nations Report. Lindsey Fussell also attended the meeting and provided an update on some of the work being undertaken by the Consumer Group.

The Committee noted that the Nations Committee will meet with the Ofcom Board as part of its meeting in December.

The committee noted that in consideration of removal of some General Conditions care should be taken to ensure vulnerable consumers retain protection.

### **4. Content Board Update: Andrew Colman**

Andrew updated the Committee on the last Content Board meeting which included consideration of the draft BBC Charter and Agreement. Ofcom is preparing for its new duties in three broad work areas - performance, competition and editorial standards.

Members of Content Board were also given a presentation on the leading indicators of future threats to the public service broadcast system.

### **5. Communications Consumer Panel Update: Rick Hill**

Rick advised members that he had a meeting with Ofcom regarding the consultation on the structure of Openreach and BT where he noted the focus should be on outcomes for consumers in Northern Ireland.

Rick's update also included:

- Details on the Nuisance Calls Commission which Rick will attend on behalf of the Panel;
- The Panel's concerns about Royal Mail's performance;
- Ofcom's review of the General Conditions and the need to make sure any deregulation will not be to the detriment of the consumer;
- Concern that the UK Government's *Digital by Default* policy will mean that some consumers may lose out;
- The scope of the Digital Economy Bill's provision for free digital skills for consumers in England and Wales.

### **6. Annual Plan 2016/17: Nicolas Flores, Dan Mount, Francesca Marsden**

The Annual Plan team presented the first draft of the Draft Annual Plan which Ofcom will consult upon in the coming weeks.

The Committee noted:

- That its previous comments were incorporated in the draft and commended the Annual Plan team for its work in producing the document;
- The challenging year ahead for Ofcom in terms of organisational aims and the markets it regulates;

- That the Plan as received seemed 'Post light' but was assured that the final will contain actions arising from Ofcom's recent review of Royal Mail;
- The outcome of the consultation on the structure of Openreach, in particular on the importance of ensuring that consumers in Northern Ireland are not at a disadvantage compared to those across the rest of the UK.

## **7. Northern Ireland Spectrum Update: Philip Morgan**

Philip's update from the Spectrum Assurance team in Belfast included:

- Details on the team's mobile phone monitoring and testing in Belfast as part of Ofcom's work for the Smartphone Cities Report;
- Information on illegal mobile repeaters which cause interference to mobile phone signals and other types of mobile equipment. The Committee was informed that Ofcom is seeking to work with Operators to achieve compliant devices in light of consumers' ongoing need.

Action: Members to receive link to Smartphone Cities when it is published.

## **8. Government and Parliamentary Update: Mark Sweeney**

Mark Sweeney provided information on recent political developments. This included:

- An update on progress of the Digital Economy Bill through Parliament;
- The latest developments on the USO for broadband and details on a recent briefing the Belfast office had provided for officials for the Department for the Economy (DfE);
- A briefing on an opinion piece Chief Executive Sharon White had written on the implications of Brexit for the Communications sector, which had appeared in the Daily Telegraph. ACNI members emphasised that Brexit does present particular issues for digital communications in Northern Ireland which will need to be considered.

Members were concerned that the report by Ofcom for Government in relation to the USO adequately addressed the concerns expressed by ACNI on behalf of Northern Ireland consumers and citizens, and would appreciate some assurance in that regard.

Action: Copy of opinion piece from the Daily Telegraph to be distributed to members along with a link to Sharon and Patricia's evidence session before the Committee for Culture, Media and Sport at the end of the month.

## **9. BBC Regulation and Election and Referendum Rules Consultation: Richard Wronka, Mary Dale, Simon Terrington, Adam Baxter**

The team briefed the Committee on Ofcom's ongoing work in preparation for increased responsibilities in the regulation of the BBC.

The committee noted:

- The importance of Children's TV and education and that they would like to see this reflected in nations programming requirements.
- Its interest in the commitments made by BBC in the British Bold and Creative document that support for local (NI) educational and how curriculum support would be delivered.

- That Ofcom would not be a statutory regulator of the BBC's written word (i.e. online text). Ofcom would be able to make recommendations to the BBC Board following any complaints it may receive on online text;
- That "Distinctiveness" should be judged on a BBC-wide and not on a programme by programme basis.
- That the criteria around programme delivery are much more prescriptive than those of Channel 3 licensees, which reflect the fact that the BBC is a publicly funded broadcaster and, as such, could expect to have higher obligations in this area.
- The importance of minority languages in the Devolved Nations and the difference between Ulster Scots language and culture;
- That Ofcom should ensure there are effective compliance procedures in place to monitor BBC's complaints handling. There are lessons to be learnt from other digital complaints handling procedures that Ofcom oversees.

Adam Baxter gave an update to the Committee on the Election and Referendum Rules Consultation.

Adam drew the Committee's attention to the removal of the list of larger parties from Ofcom's election rules (which would affect all broadcasters including the BBC); and (b) changes to the due impartiality and election rules of Broadcasting Code to apply to the BBC.

The Committee noted:

- That the flexibility being given to broadcasters may have the potential to bring them into conflict with parties during the election period;
- Ofcom's plans to publish a digest of data to set out recent polling an election performance. This would provide a reference point for broadcasters and Ofcom in determining coverage and resolving any subsequent disputes;
- That opinion polling material is less readily available in Northern Ireland compared to other parts of the United Kingdom;
- The uncertain nature of politics presently, given recent election results, and said the new more flexible approach was a sensible path to take.

## **10. Revised Disability Action Plan: Jonathan Rose**

The Committee was briefed on the impact the DAP had on Ofcom as well as our licensees and stakeholders.

The Committee welcomed the Plan and noted Ofcom's statutory duties to ensure provision of services for disabled consumers, which are reported on annually to the NI Equality Commission as part of Ofcom's Section 75 reporting.

Action: Statutory duties to be added to the DAP action measures

## **11. AOB: Maureen Edmondson**

There was no other business to note.

## **12. Channel 4 in Northern Ireland: Ian MacKenzie, Charlotte Chrisison**

The Committee received a presentation from Channel 4 on its activities in the nations over the last 18 months, focussing on commissioning from Northern Ireland-based indies.

- The Committee was keen to understand what progress Channel 4 is making towards its target of commissioning 9% of its output from the devolved nations (Scotland, Wales, and Northern Ireland).
- The Committee welcomed the focus Channel 4 is giving towards commissioning more series from Northern Ireland alongside single programme commissions. Some of these had already started to air and there are likely to be more in 2017.
- The Committee noted that the figures presented were for 2015 and while they welcomed the verbal assurance that the figures for 2016 would be above the 2013 levels requested an update for year end 2016 figures as early as possible in 2017.

Action: Channel 4 to provide updated volume and spend figures for 2016 when they become available.

**Date of next meeting: Thursday 2 February 2017**