



## 71st Meeting of the Advisory Committee for Northern Ireland (ACNI)

Thursday 7 March 2019

Minutes

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### Present:

Carrie Matchett	ACNI
Paul Wilson	ACNI
Alan Meban	ACNI
Kathy Graham	ACNI
John Ellison	ACNI
Phil Flanagan	ACNI
Bob Downes	Ofcom Board Member
Emma McFadyen (via VC)	Ofcom
Jonathan Rose	Ofcom
Sinéad Lee	Ofcom
James Stinson	Ofcom
Rebecca Robinson	Ofcom

### Apologies:

Angelina Fusco	Content Board
Rick Hill	CCP

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

This was Carrie Matchett's first meeting as Chair following her recent appointment to the role.

Carrie welcomed new member, Phil Flanagan, to the meeting and apologies were noted.

No new interests were declared by members.

Minutes of the last meeting were approved, and actions noted.

Members welcomed the weekly email updates now being provided by the Ofcom team in Belfast.

### 2. Agenda Discussion

Members discussed the meeting's agenda and how best to plan the Committee's work for the coming financial year.

To maximise the Committee's contribution to Ofcom's work, members were keen that Ofcom's project teams make it clear (a) the nature of the advice they are seeking from the Committee, and (b) the impact of that advice.

The Committee agreed that an informal meeting ahead of the next scheduled meeting in June would allow the Committee to set a forward work programme and consider pressing matters such as the impact of Brexit.

**Actions:** *Informal planning meeting to be arranged ahead of formal June meeting*  
*Forward planner of Ofcom projects to be shared with the Committee*

### 3. Ofcom Board update: Bob Downes

Bob gave an update on the last Board Meeting which included discussions on online harm, telecoms competition and cyber security.

Bob noted that the new Codes of Conduct for Ofcom's Board and all the other governance committees were very detailed but provided necessary protections.

### 4. Public Policy update: Sally Jones

Sally highlighted the following items:

- the key themes of Ofcom's Annual Plan 2019/20 will be 'fairness for consumers' and 'better broadband and mobile connectivity', noting that the latter has a strong social policy element.
- the UK Government's Draft Statement of Strategic Priorities.
- the upcoming Access Market Review proposals to increase full-fibre investment
- the Cairncross Review and the link to Ofcom's thematic review of BBC News and Current Affairs.

There was a discussion on Ofcom's Media Literacy research; fake news and young people and the social aspect of not being online. Members noted that Ofcom is hosting a Children's Media Literacy event in Belfast on 21 March.

**Action:** *Ofcom to send link to Ofcom's Children's Media Literacy research*  
*Ofcom to send details on Access Market Review when published*

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

Jonathan highlighted the following items:

- The publication of the NI Connected Nations Report in December, noting that the 40,000 premises currently without a broadband connection of at least 10Mb/s would be the USO intervention area. The 11% of premises without a Superfast Broadband connection would be targeted by Project Stratum.
- Bilateral meeting with the Broadcasting Authority of Ireland, noting the issue of continued cross-border TV reception post-Brexit
- Ofcom's Northern Ireland Annual Plan event

Members noted the reduction in the running time of BBC NI's late evening regional news bulletins because of national scheduling, but also noted that the quota for regional news under the BBC Operating license remained unchanged.

Members asked about the current status of ongoing issue of the availability of RTÉ and TG4 online players in Northern Ireland.

**Action:** *Ofcom to review availability of Irish PSB online players to viewers in Northern Ireland.*

## **6. Advisory Committee Code of Conduct: Jacqui Gregory, Corporation Secretary**

Jacqui welcomed Carrie as new Chair of ACNI, and apologised for the delay in implementing the Code of Conduct for the Advisory Committees, noting that there had been a lot of work and thought put into the new Code.

Jacqui explained that in drafting the new Advisory Committee Code, account had been taken of the Ofcom Board and Content Board codes to ensure there was consistency, albeit these had been “nested” such that some provisions had been relaxed for the Advisory Committee Code as compared to the Ofcom Board Code.

The new Advisory Committee Code, which applied to all Ofcom’s Advisory Committees, had been approved by the Board on 6 February 2019.

Members welcomed that the new Code had been produced but were disappointed at being unable to provide comments before it was approved.

Members raised queries including ones in relation to the assessment of the performance of individual Advisory Committee Members on an annual basis (paragraph 2.2(d) of the Code) and political activities (section 5.4 of the Code) which Jacqui undertook to look into.

**Action:** *Ofcom (Jacqui Gregory) to provide clarity on paragraphs 2.2(d) and 5.4 of the Code*

## **7. Brexit Update: Jon Higham and Josh Kilpatrick**

Ofcom colleagues highlighted the impacts Brexit may have on Ofcom’s regulated sectors, specifically:

- TV broadcast licensing moving from the ‘Country of Origin’ regime to a new ‘Country of Destination’ regime, will mean that any TV channel appearing on a designated UK Electronic Programme Guide (EPG) will need to be licensed and regulated in the UK. The UK Government intends to exempt RTÉ and TG4 and they will continue to be broadcast on Freeview in Northern Ireland.
- Leaving the Customs Union issue could disrupt the processing of cross-border post
- Surcharge-free mobile roaming could come to an end

Members noted the ongoing uncertainty surrounding Brexit and expressed concern that wholesale mobile roaming charges could lead to retail price rises.

Members encouraged Ofcom to take a SWOT analysis approach to Brexit issues and asked for the team to provide an update in April after the anticipated 29 March UK exit.

**Action:** *Ofcom Brexit team to provide an update in April.*

## **8. Spectrum Auction: Jessica Foster, Gideon Senensieb, Richard Wronka, Jack Hindley**

The team gave a presentation regarding the planned 700 MHz and 3.6-3.8 GHz spectrum auction, and the consultation on the auction process which is closing on 12 March.

The team highlighted Ofcom's statutory duties regarding spectrum and how the auctioned spectrum will be used for mobile services. A key aim of this spectrum auction is to improve mobile coverage across the UK, keeping strong competition between the four mobile network operators. The spectrum is expected to be available by mid-2020.

The Committee:

- Welcomed this further opportunity to comment on the auction process and hear about the proposed coverage obligations.
- Expressed concern that the UK-wide obligation target to build 500 new mobile masts (i.e. not nation-specific) might allow the possibility of Northern Ireland gaining little or no benefit. In addition, the 90% target for coverage could have little impact in Northern Ireland given that many of the operators are at, or close to, this level.
- Noted that it would be beneficial to engage with the Department for Infrastructure and Local Councils in Northern Ireland to ensure that planning rules and processes would not hamper decisions by the mobile networks to plan for new masts in Northern Ireland.
- Recognized the careful balancing of incentives with coverage obligations, but were nevertheless concerned at the possibility that neither coverage obligation would be taken up.
- Noted that although this is an opportunity to significantly improve mobile coverage over the next few years, it falls short of universal coverage.
- Encouraged Ofcom to work with Government to explore further opportunities to reach the last remaining percentage of geographical not-spots.

**Action:** *Minutes on this item to be considered as the Committee's response to the spectrum auction consultation.*  
*Spectrum team to provide a follow up note on auction developments*

## 9. Content Board Update: Angelina Fusco

Angelina was not present but had submitted a paper on discussions at recent Content Board meetings. This included:

- Proposed changes to BBC iPlayer and BBC Sounds.
- The upcoming Ofcom thematic review of BBC News and Current Affairs.
- Ofcom's recent Beyond Broadcast report.

The Committee agreed that it wished to contribute to the review of BBC News and Current Affairs. Bob briefed the Committee on the 'Beyond Broadcast' report, which looks at wider developments in broadcast television. Members also discussed the proposed joint BBC and ITV online player – 'Britbox'.

**Action:** *Ofcom to circulate Beyond Broadcast paper to committee members*  
*Review of BBC News & Current Affairs to be included in informal meeting*

## 10. Communications Consumer Panel update & research 'Still Going Round in Circles': Jenny Borritt

Rick Hill was not present but a paper on recent developments at the Communications Consumer Panel was submitted.

Jenny Borritt gave the Committee an update on the Panel's "Still Going Round in Circles" research which focussed on the difficulties consumers have when they complain to their telecoms provider.

Members noted a lack of consumer awareness of the ADR process, and queried whether existing levers were sufficient to address customer satisfaction concerns. Jenny advised that the Panel had been engaging with providers and ADR schemes to facilitate more transparent processes.

#### **11. AOB**

Alan Meban queried cross-border spectrum availability for upcoming small-scale DAB multiplexes.

**Action:** *Ofcom (James Stinson) to brief Alan Meban on cross-border DAB spectrum.*

#### **12. External Presentation: Department for the Economy – Project Stratum**

Department officials provided the Committee with an update on the planned £150m investment in broadband infrastructure, as part of the Confidence & Supply deal between the Conservatives and the DUP. Highlights included:

- The intervention area had now been set at around 99,000 properties across Northern Ireland which can't currently receive a download speed of 30 Mb/s or more, of which 97,000 premises are in rural areas.
- The fund has been boosted by an additional £15m, which has been committed by DAERA.
- The tender process is due to start in the coming months.
- The project is expected to run over more than four years as opposed to the two years originally envisaged in the Confidence & Supply agreement.

The Committee welcomed the progress made and members encouraged the Department to be mindful of future proofing any new broadband infrastructure.

**Date of next meeting:** Wednesday 5 June 2019