



## 72nd Meeting of the Advisory Committee for Northern Ireland (ACNI)

Wednesday 5 June 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
Angelina Fusco	Content Board
Emma McFadyen (via VC)	Ofcom
Jonathan Rose	Ofcom
Sinéad Lee	Ofcom
James Stinson	Ofcom
Lindsey Fussell	Ofcom

### Apologies:

Bob Downes	Ofcom Board Member
Rick Hill	CCP
Rebecca Robinson	Ofcom

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

Apologies were noted from Bob Downes, Rick Hill and Rebecca Robinson.

Actions from the previous meeting we noted as complete, and the Minutes were approved with minor corrections.

### 2. Declaration of Members' interests

Paul Wilson declared an interest as Programme Director for the NI Public Sector Shared Services Network contract. Paul said he would recuse himself if the topic was to be discussed during the meeting.

### 3. Interim Committee Business since last formal meeting

Members noted the following activity:

- The Committee's first informal planning meeting had taken place on 31 May.
- The Committee's consultation response on the Access Market Review had been drafted and would be submitted shortly.

- A consultation response had also been submitted on plans to strengthen the work of the Communications Consumer Panel.

The Committee discussed the outcomes of the informal meeting of ACNI members in May. Members had reviewed Ofcom's Annual Plan for 2019/20 and agreed the areas of interest on which the Committee would focus.

Members had also discussed ways to make the formal ACNI meetings more effective and balancing them with informal meetings of sub-groups where members could bring their expertise to bear and provide timely input to Ofcom's work. Members suggested that using OneDrive would make it easier to collaborate on documents.

Members noted the number of bodies working on consumer-related issues and the potential for confusion and/or overlap.

The informal meeting also received a briefing from the Ofcom team carrying out the Review of BBC News & Current Affairs.

**Actions:**

- *A note of the informal meeting to be distributed to Members.*
- *A further BBC News & Current Affairs Review briefing would be arranged with Carrie Matchett, Alan Meban and John Ellison attending, and other Members invited to attend should they wish.*
- *Members agreed to schedule a further informal meeting for the whole Committee in October, if required.*

**4. Committee discussion on Agenda items and papers**

The Committee noted that BBC NI representatives would be invited to meet the Committee in the coming months, and it was hoped similar meetings with Channel 4 and UTV could be scheduled for future Committee meetings.

Jonathan updated the Committee on plans for the DTT retune taking place on 4 September.

**Actions:**

- *Ofcom's recent investigation into bias in the BBC's coverage of Brexit to be circulated to Members.*
- *Briefing on DTT retune in Northern Ireland to be scheduled for sub-group of relevant members.*

**5. For info: Ofcom Board update: Jonathan Rose**

In Bob Downes' absence, Jonathan Rose reported on recent Board meetings, where the discussions had focused on two issues: online harms and the potential regulatory role that government may set for Ofcom, and; the prospect of a mobile coverage agreement between the UK Government and the mobile network operators (MNOs).

Jonathan pointed out that planning regulations for mobile masts were more restrictive in Northern Ireland than other nations, which could impede mobile coverage improvements. There is also a history of community opposition to mobile masts in Northern Ireland.

The Committee discussed this and other potential barriers to coverage improvements. The Committee welcomed Ofcom's plans to hold a mobile conference later in the year, in conjunction with local authorities, at which the challenges to 5G rollout would be discussed. The event is part of a series of Ofcom events to be held in the nations and focussing on improving connectivity.

David Jones had been appointed recently as Ofcom Board member for Wales. The Department for the Economy, which will manage the appointment of a Northern Ireland member when devolution is restored, has been informed.

#### **6. For Discussion: Public Policy update: Katie Pettifer**

Katie Pettifer noted the upcoming Conservative Party leadership contest and that a Ministerial reshuffle was likely to follow. She also noted that the new Electronic Communications Code, passed by the European Parliament, will be transposed into UK legislation.

Katie noted the political developments in terms of Huawei and the potential implications for UK telecoms networks in terms of their supply chain and software updates.

Members:

- Noted a recent report from Citizens Advice on how consumers are overpaying for bills.
- Asked whether government was considering a switchover to digital radio and noted the lower levels of take-up and coverage in Northern Ireland. James advised Members of the criteria the UK government had set before considering a possible 'radio switchover' from FM to DAB.

#### **7. For info: Director's Report: Jonathan Rose**

Paul Wilson left the meeting.

Jonathan Rose noted the Ofcom investigation announced in April under the Communications Act 2003 in relation to BT's conduct during the tender of the NI Public Sector Shared Network contract. The investigation is considering whether BT complied with relevant Significant Market Power conditions.

Paul Wilson re-joined the meeting.

Jonathan also highlighted the following items from the Director's Report:

- The successful Making Sense of Media event hosted in Belfast in March
- Community radio developments including the official opening of Raidio Fáilte's new premises in Belfast, and Belfast 89's successful coverage extension request
- A published breach of the Broadcasting Code by Downtown Radio/Cool FM

#### **8. For Discussion: Consumer Policy update: Lindsey Fussell**

Lindsey Fussell updated the Committee on Ofcom's consumer priorities and the recent introduction of new regulations designed to improve fairness for consumers, including automatic compensation, end-of-contract notifications, and a revised Code of Practice for Broadband Speeds.

Lindsey reported on the 'Fairness for Customers' event jointly hosted in London with Which? earlier that week.

The Committee discussed Parcel Surcharging, its ongoing impact on consumers in Northern Ireland, and the scope for practical solutions. Members noted that costs charged by parcel delivery companies do not reflect entirely the delivery costs charged by online retailers. Members also suggested that online retailers should be made to offer Royal Mail as a secondary delivery option if their first option involved higher costs for Northern Ireland (and Highlands and Islands) delivery.

Lindsey noted that DCMS intends to consult on changes to telecoms consumer advocacy. The Consumer Council had expressed an interest in playing a formal role for telecoms consumers in Northern Ireland.

Members welcomed the work on end-of-contract notifications but questioned whether small business landline customers may still be subject to rolling contracts if they do not cancel at the end of the original contract period.

A member asked whether Ofcom received complaints about direct debit payments for the Licence Fee, acknowledging that this was outside Ofcom's remit.

**Actions:**

- *Lindsey to investigate (a) whether Ofcom has received complaints regarding Licence Fee payments, and (b) the issue of business landline rollover contracts.*
- *Ofcom to send ACNI link to Consumer Council NI research into parcel surcharging and online retailers.*

**9. For info: Content Board update: Angelina Fusco**

Angelina Fusco gave an update on the recent Content Board meetings, which included:

- Proposed changes to BBC iPlayer and Sounds, and the launch of Britbox
- Research taking place for Ofcom's review of BBC News & Current Affairs
- The welfare and safeguarding of adults taking part in reality TV programmes
- Diversity in broadcasting
- Localness in commercial radio

**10. For info: Media Nations: James Stinson and Guy Holcroft**

James and Guy presented the headline findings from the second annual Media Nations Report for Northern Ireland which will be published in August.

The Committee discussed the findings and was particularly interested in the reasons for the relatively low DAB listening figures for Northern Ireland, and consumer spend on broadcast services.

**Actions:**

- *Digital Radio UK to be invited to present at a future ACNI meeting.*
- *James to investigate whether Ofcom has Northern Ireland consumer spend figures for broadcasting services.*

**11. Any Other Business**

Members noted the paper tabled for information on the Made Outside London statement, and agreed they would like a de-brief from the project team after publication.

**Actions:**

- *Briefing from Ofcom's Made Out of London team to be arranged for sub-group of Members*