

Minutes of the 85th meeting of the Advisory Committee for Scotland held virtually over Microsoft Teams on 14 September 2021

Present

Elizabeth Partyka	Chair
Laura Anderson	Member
Stephen Speirs	Member
Jess McBeath	Member
Gerry Crawley	Member
Ashe Hussain	Member

In attendance

Maggie Cunningham	Content Board Member for Scotland
Amanda Britain	Consumer Communications Panel Member for Scotland
Glenn Preston	Ofcom Scotland Director
Stefan Webster	Ofcom Scotland
Mark Smith	Ofcom Scotland
Lauren Galloway	Ofcom Scotland
James Slater	Ofcom Scotland
Other Ofcom colleagues	

Welcome, introductions, conflicts and apologies

1. The Chair welcomed everyone to the meeting. The Chair and the Committee welcomed the new member of the Advisory Committee for Scotland, Ashe Hussain.
2. Apologies were received from Bob Downes and Debbie Hughes.
3. Laura Anderson noted that she had started a new role, focused on organisational transformation, with another regulator. Ofcom's Scotland Director said it would be worth updating Ofcom's Governance team and highlighted one particular area where recusal might be necessary. Stephen Speirs noted that he had started some work on OpenRAN in his work with a technology company.

Minutes of the 84th meeting held on 16 June 2021

4. A member asked that references to Jess McBeath's conflict in the previous minutes be updated.
5. A member noted that Amanda Britain was present at the meeting referred to in Point 6 and asked if this could be updated.
6. The Chair noted the one action point from the last meeting was on the Telecoms Security Bill and that Ofcom colleagues would be presenting on this subject today.
7. The minutes of the meeting held on 16 June 2021 were then APPROVED for signature by the Chair as an accurate record.

Members' updates

8. Several members of the committee discussed their roles in responding to consultations including the DCMS Call for Evidence on Improving Connectivity, DCMS consultation on online safety, DCMS consultation on the future ownership of Channel 4 and on the future of Ofcom's regulation of the BBC.

9. Members also noted that the Committee was likely to have an additional observer sitting in on meetings from October as part of the 'Next Generation NED' scheme within Ofcom.

Director's Report / Public Policy update

10. The Ofcom Scotland Director presented their written report and updated the Committee
NOTING:

- That Bob Downes and the Ofcom Scotland Director had recently met with Angus Robertson MSP, the newly appointed Scottish Cabinet Secretary for the Constitution, External Relations and Culture.
- That the Scottish Government last week published its Programme for Government with detailed information about its plans for broadband and digital connectivity, and some more about broadcasting.
- That maps for the Shared Rural Network plans had been published recently, though this is still in the planning stage.
- There have been developments announced in relation to the subsea fibre cables as part of the Scottish Government's R100 programme.

11. In broader discussion, members talked about the Consumer Scotland body being established in spring 2022 and the importance of the Advisory Committee for Scotland setting up a relationship with them. Ofcom's Scotland Director mentioned that he would approach the Consumer Scotland Board to invite them to a future session.

12. Members also discussed Ofcom's Pricing Trends Review and work being done by Ofcom especially for people in vulnerable circumstances. An Ofcom colleague had sent information on this to the committee and the Chair mentioned that the committee would look to respond to Ofcom's call for inputs on their review of measures to protect people in debt or at risk of disconnection before its deadline of 30 September 2021.

13. Moving on to the Public Policy update, an Ofcom colleague presented the written report and added that the most important thing to NOTE was the amount of legislation coming down the track, including the Telecoms Security Bill, Online Safety Bill, Digital Markets Consultation and potential Media Bill. There would also be a UK Government Budget at the end of October.

14. A member asked about recent news stories on Ofcom's relationship with Stonewall. The Public Policy Director responded that Ofcom's decision in this area was primarily related to Ofcom's impartiality.

15. The Chair NOTED to the Public Policy Director that the Advisory Committee for Scotland is currently responding to consultations in relation to the Online Safety Bill and the future of Channel 4.

16. The Ofcom Scotland Director NOTED that the Committee may be interested in future discussions related to the potential Media Bill as this would be a significant piece of legislation for Ofcom and the wider sectors, as well as the potential for Scotland-specific proposals (e.g. in relation to Gaelic broadcasting).

BBC Annual Report

17. An Ofcom colleague introduced their work on Ofcom's Annual Report on the BBC, highlighting the challenges of reporting on the BBC throughout the pandemic.
18. It was NOTED that there were challenges to providing year-on-year comparisons on some of the metrics, given changes to fieldwork instigated throughout the pandemic, such as a lack of face-to-face interviews. Some industry data had also not been available over the last year, such as RAJAR.
19. The colleague NOTED some of the strengths and weaknesses that had come out so far, such as the impact on productions during the pandemic and increased audiences for broadcast TV programming. However, the colleague noted that satisfaction of the BBC among Scottish audiences remains significantly lower than the UK average.
20. The Chair mentioned the feeling among some viewers that since the new BBC Scotland channel had been launched there had been a decline in Scottish content on BBC One and BBC Two. They added that this had implications for the reach of Scottish content in the BBC portfolio of channels and also for people's positive / negative impression of BBC programmes.
21. In general discussion, members raised concerns around the BBC's transparency on their strategies and complaints handling, how these are communicated and the quality of their responses to these. An Ofcom colleague responded that the report is wide-ranging and will cover many of these topics, especially around transparency.
22. The Chair and the Content Board Member for Scotland referenced the BBC's governance systems, particularly around the visibility of the BBC Scotland Committee and the loss of Audience Councils which they felt had weakened direct engagement with stakeholders, especially in the nations and regions of the UK.
23. Members also added feedback on the BBC's Across the UK strategy document. The Chair felt that many were awaiting the specific details of this plan, and that there was a lot of reference to targets being 'outside of London' which was not very specific and could mean that programmes were moved to other parts of England, rather than other nations.
24. An Ofcom colleague invited comments on commissioning relationships and how these had been affected by the pandemic. The Chair and a member added that while they believed that Covid may have equalised some of the ways commissioners deal with producers, in other ways it has benefited those who already had a relationship with commissioners.
25. The Chair also suggested that Ofcom establish a relationship with BAFTA in Scotland and offered to set up an introduction.

Network Security: Telecoms Security Bill

26. An Ofcom colleague introduced their presentation on the Telecoms Security Bill noting that the UK Government decided to introduce the Bill after concerns relating to national security, Huawei, engineering, and the restricted supplier base.
27. Ofcom colleagues referred to a review that DCMS led in 2018-19 which Ofcom was actively involved in. The UK Government had published its recommendations in 2019, which included a high-risk vendor regime and a telecoms security requirements regime developed by the NCSC.
28. An Ofcom colleague NOTED that there would be changes to Ofcom's current responsibilities in the Communications Act 2003, and provided a summary.

29. The Chair asked if there were any Scotland-specific areas of the Bill. Ofcom colleagues and the Ofcom Scotland Director gave updates on their engagement with Scottish stakeholders, including the Scottish Government, on specific aspects of telecoms security.

30. The Consumer Communications Panel Member for Scotland asked where the 'consumer' fits in, and if there was an impact assessment on what this work means for individual citizens. An Ofcom colleague noted that investment comes from industry and when this investment doesn't happen, this impacts the customer's service. DCMS were also carrying out impact assessments on the legislation, including in respect of the affects on consumers (e.g. on pricing).

Connected Nations Scotland Report 2021

31. The Ofcom Scotland Director provided an update on the proposed structure and topics for the 2021 report, noting Scotland specific developments they plan to include, and a potential campaign on take-up of faster broadband services aimed at Scottish consumers. This campaign could be coordinated in partnership with Scottish Government, local authorities and industry.

32. Members asked if further consideration could be given to bringing the report to life for consumers. The Ofcom Scotland Director noted the report was generally aimed at policy makers but that the team was looking to include some case studies and the possibility of doing a related campaign on take-up would be consumer focused. The Ofcom Scotland team would look to engage further with ACS members on the report prior to the committee's December meeting and publication.

Online Safety update

33. An Ofcom colleague provided an oral update about discussions which are proceeding at pace on various areas of online safety. They highlighted a previous discussion with members of the Advisory Committee for Scotland on online safety issues and followed up on questions around vulnerable users and how services would notify themselves to Ofcom.

34. They also outlined some of the developments around VSP regulation, including some of the services that had notified Ofcom they would fall into the scope of regulation.

35. It was AGREED that the Online Safety session at the next Committee meeting would focus on the regulation of video sharing platforms.

Network resilience

36. An Ofcom colleague provided a presentation on Ofcom's work on network resilience.

37. The Ofcom colleague noted that Ofcom is not the only body looking at these issues. Ofcom is working with other partners and engaging with Governments, and the work fits into the wider work being done across the sector to address the broader resilience agenda, such as the National Resilience Strategy.

38. A member noted the implications that resilience work had on consumers, such as fixed line communications and changes to phone lines. The Consumer Communications Panel Member for Scotland added that the analogue to digital switchover has been a key area of interest for the Panel.

Ofcom's Draft Plan of Work 2022/23 and Ofcom's Strategic Framework Project

39. Ofcom colleagues presented on early developments relating to the 22/23 draft Plan of Work and a wider project looking strategically at Ofcom's approach to regulation over future years. It was NOTED the ACS and the Scottish Government were likely to respond to the Plan of Work consultation early in 2022.

Content Board update

40. Members had been provided with a 'For Information' written paper and the Committee NOTED its content.

41. The Chair asked if the Advisory Committee for Scotland's responses to consultations are shared with the Consumer Communications Panel Member for Scotland, Content Board Member for Scotland and the Board Member for Scotland, and resolved to send these on in future.

Consumer Panel/ACOD update

42. Members had been provided with a 'For Information' written paper and the Committee NOTED its content.

43. The Communications Consumer Panel Member for Scotland added that the key point was around CCP research reports just being published and encouraged members to look through these as they cover a range of areas mentioned earlier in this meeting, such as the digital switchover.

Ofcom Contact Centre Information

44. Members had been provided with a 'For Information' paper with Scotland's data and the Committee NOTED its content.

ACS Annual Report 2021

45. Members had a brief discussion on this item.

Any Other Business

46. The Chair asked that when members circulate draft consultations to other committee members that these emails are acknowledged so editors know that these have been received.

47. A member commented on the induction process for new members and other sessions that take place outside of the ordinary meeting schedule. There was an agreement to clarify to Committee members the training sessions on offer.

Date of the Next Meeting

48. The next scheduled Committee meeting will be held on 8 December 2021 and the prospective 2022 dates have now been added.

Approved: _____

Chair

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Date: _____