



## 62nd Meeting of the Advisory Committee for Northern Ireland (ACNI)

Wednesday, 29 March 2017

Minutes

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### Present:

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

### Apologies:

Fiona Boyle	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 Boyle.

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

Ofcom Northern Ireland Field Engineer Philip Morgan presented briefly on the emergency services system, Tetra, in Northern Ireland. This was prompted by a discussion at the last ACNI meeting on the emergency services communication system in Great Britain moving to a 4G based platform operated by EE. There are no plans to change the current system in Northern Ireland.

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

Jonathan highlighted two points from the Director's Report:

- The recent meeting he and Ofcom Deputy Chairman Baroness Noakes had with NI Secretary of State James Brokenshire; and
- Extra postboxes being installed in Northern Ireland

Members also noted the successful recent Ofcom TV research and policy event.

### 3. CMR 2017: Emma Wenn

Emma Wenn gave an update on plans for this year's Northern Ireland Communications Market Report. This year's report will contain bespoke research on the Consumption of Video-on-Demand Content and the Power of Image in an Online space.

The team is also working on expanding the amount of data stakeholders can access online. This will include new online tools to help stakeholders better use and interpret the data.

The Committee:

- Welcomed the new emphasis on increasing the accessibility and usability of data in the report.
- Said this should be complementary to the existing printed version of the report. They stressed the printed report is extremely important and printed reports provided a useful and consistent tool for comparison of data over time.
- Stated that this year's report may be too soon to comment on the outcome of the new arrangements for BT in Northern Ireland.

It was also noted that Ofcom was looking at expanding the DAB research in the Northern Ireland report in response to stakeholder queries about lower DAB take-up.

#### 4. Radio Deregulation: Carina Tilson

Carina provided an overview of the current DCMS consultation on commercial radio deregulation, highlighting areas that are most relevant to Northern Ireland.

The Committee:

- Expressed concern at another shift towards more networking and centralisation of commercial radio. They said this could further undermine diversity and plurality in the radio industry generally across the UK.
- Was reassured at the proposal to retain and strengthen the existing requirements around the provision of local news and that different arrangements would be in place to protect diversity and production within each nation.
- Said Northern Ireland should be given careful consideration; Ofcom's own research showed the value and popularity of local radio (Commercial and BBC) in Northern Ireland and this should not be diminished by UK-wide policy changes.
- Stated that the current licensing regimes for commercial and community stations should remain.
- Supports in principle DCMS' proposal to relax rules around out of jurisdiction radio services to be broadcast within the UK (specifically RTÉ). The Committee:
  - Noted that the carriage of RTÉ service on DAB would mean that these services would be preserved in Northern Ireland in the event of an RTÉ Long Wave switch off.
  - Saw the merit in having these services available to the Irish diaspora in Britain too.
  - Suggested that radio services from other EU countries should be given the same access (parallel to TV services) provided there were equivalent regulatory measures in place.
- Did not reach consensus on removing music format requirements.

Action: *James Stinson to assist the Committee on preparing a formal response following the Ofcom radio roundtable event on 27 April.*

## 5. DCR Update: Fergal Farragher, Anil Patel

The ACNI noted the recent announcement on changes to BT NI Networks (BTNIN) in light of the legal separation of Openreach from BT in GB.

The Committee noted the references to Northern Ireland in the document 'Commitments of BT Plc and Openreach Ltd to Ofcom'. It also noted that BT has stated it will produce a Northern Ireland Protocol which would provide more information on the structure of and changes to the NI Networks division of BT.

ACNI:

- Stated it was disappointed that there is little detail or assurances provided by BT to date on governance and systems which will be put in place in Northern Ireland to ensure greater independence.
- Asked for clarification on 18.2(a) of the document.
- Asked what 'virtually separate' in 18.3 actually means in practice.
- Stated it would like further detail on the relationship between BT Group and BTNIN and reporting lines of BTNIN employees.
- Asked for further information on how compliance will work in Northern Ireland and how Ofcom will monitor this.
- Asked for further detail on how information would be kept confidential in the new arrangements if Management Information Systems will be shared between BT and BTNIN.
- Asked what Ofcom's role will be in BTNIN's engagement with other CPs
- Asked for access to the Governance Protocol with Openreach.

The Committee stated it was not in a position to answer the consultation question since there was insufficient information about structures, relationships, governance, independence, transparency and monitoring in relation to BT, Openreach and BTNIN. This is a matter of some concern for ACNI.

The Committee also discussed Ofcom's proposals on automatic compensation for broadband and landline customers when things go wrong.

ACNI:

- Welcomed the proposals and that broadband and fixed-line customers should enjoy the same benefits as those using utilities such as water and electricity.
- Asked whether there should be extra protection for 'at risk' consumers.
- Said they would not want consumers' bills to increase because of companies having to pay automatic compensation
- Asked about the effect of the plans for SMEs

*Action: Ofcom to pursue BT on its NI Protocol and share Governance Protocol*

*ACNI to submit response to Ofcom's Consultation on changes to The Undertakings*

## 6. BBC Regulation: Mark Sweeney, Jonathan Rose.

Rick left the meeting.

The Committee received a summary of the publications relating to BBC which were published that morning and noted that these included the draft Operating License and a separate version of this for Northern Ireland.

#### ACNI

- Noted that in many cases programming targets for the BBC in Northern Ireland were higher than current targets but reflected actual output by the BBC over recent years.
- Raised a concern that higher targets should not be to the detriment of quality of output.
- Agreed to discuss the draft proposals in detail at the next meeting.

*Actions Sinead Lee to send hard copies to members. All members to send initial thoughts to Sinead.*

*Sub-group (Fiona MacMillan, Brendan Mulgrew, Sharon O'Connor and Andrew Colman) to produce draft response for discussion at next meeting*

*Ofcom to inform members on date of the Northern Ireland stakeholder event on the BBC consultations.*

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

Rick re-joined the meeting.

The Committee noted the following from the Government and Parliamentary Update:

- The Prime Minister had, that day, triggered Article 50 which signaled the start of the UK leaving the EU.
- The DCMS Secretary of State would make a speech in Salford later that day on Nations and Regions broadcasting.
- The DEB's third reading at the House of Lords was also taking place that day.

#### **8. Nations Committee Update: Maureen Edmondson**

Maureen gave an update on the most recent Nations Committee meeting.

This included:

- Postal regulation and parcel surcharging
- BBC regulation
- Technical measures put in place to reduce the instances of nuisance calls
- Potential approaches to Ofcom committee architecture post appointment of devolved board members.

#### **9. Content Board update: Andrew Colman**

Andrew gave an update on the most recent Content Board meeting.

He noted:

- The recent case, from the Scottish parliament, where concerns were raised about the robustness of the Made outside of London (MOL) register and related qualifying requirements.

- A report on progress Channel 4 is making towards its 9% out-of-England quota which comes into force in 2020. ACNI expressed concern that this target may not have been sufficiently stretching and yet cannot be changed for several years.
- The DCMS consultation on Commercial Radio Deregulation.

#### **10. CCP Update: Rick Hill**

Rick Hill gave an update on the most recent CCP meeting.

He noted:

- Key work areas for the year ahead, which were among those outlined in the Panel's 2017/2018 Work Plan.
- Work the Panel is doing on Access Services on Video-on-Demand and on the review of General Conditions.
- The Panel was also looking to research understanding around mobile contracts and tariffs.

#### **11. External Presentation: Consumer Council for NI: Kellin McCloskey**

Kellin gave a presentation on current and future work the Council is carrying out on postal matters.

This included:

- Recent online survey researching consumers' experience of parcel delivery from online retailers.
- CCNI plans to empower consumers on this issue through better information
- Briefing on next steps, including possibly making a super-complaint on the issue to the Competition and Markets Authority.
- An overview of recent consumer and business facing research on cross-border post.

The Committee underlined its support for the work the Consumer Council is doing on parcel surcharging and committed to support future action in this area.

#### **12. AOB**

The Committee expressed concern at the impact the lack of the NI Executive may have on the appointment process of the Ofcom Board Member for Northern Ireland.

The Committee said Northern Ireland could be at a disadvantage as Board members for Ofcom and the BBC for other nations had or were likely to be appointed some time ahead of similar appointments for Northern Ireland.

In the absence of the NI Executive for an extended period, the Committee recommended Ofcom and DCMS should appoint a Northern Ireland member to the Ofcom Board.

**Date of next meeting: 22 June 2017**