



74th Meeting of the Advisory Committee for Northern Ireland (ACNI)

Wednesday 27 November 2019

Minutes

Present:

Carrie Matchett	ACNI
Paul Wilson	ACNI
Alan Meban	ACNI
John Ellison	ACNI
Phil Flanagan	ACNI
Angelina Fusco	Content Board
Emma McFadyen (via VC)	Ofcom
Katie Pettifer	Ofcom
Jonathan Rose	Ofcom
Sinéad Lee	Ofcom
James Stinson	Ofcom
Rebecca Lennon	Ofcom

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

Apologies were noted from Bob Downes, Kathy Graham and Rick Hill.

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

2. Declaration of Members' interests

Alan Meban declared that he is a Director of Fact Check NI and this may have the potential for future conflict should Ofcom have a role in online regulation.

3. Interim Committee Business since last formal meeting

The Chair reported on interim business since the last formal meeting:

BEIS consultation on Reforming of Consumer Advocacy in Telecoms: Kathy led on drafting the response with input from ACNI members. The Committee submitted its advice on 14 October.

BBC NI meeting: Carrie, Angelina, Phil, Alan and Rick met with BBC NI representatives on 20 September. The Committee agreed the meeting was positive and useful in terms of building a relationship locally with the BBC. The presentation from the BBC and discussion covered:

- Network commissioning
- The development of BBC News NI online including at weekends and evenings

- Local provision for younger audiences
- The volume and range of BBC NI TV programmes
- BBC Radio Ulster/Foyle
- BBC NI sports coverage and rights
- Capital investment plans

Consumer Council meeting: Carrie had an introductory meeting with the Chief Executive of the Consumer Council Northern Ireland on 15 November. She noted that there are a number of areas of mutual interest and suggested that the Council attend an ACNI meeting in the future to discuss these.

Meeting with Ofcom Chairman and CEO: On 14 November Carrie joined a meeting with Ofcom Chair, Lord Burns, and Chief Executive, Sharon White along with the Chairs of the Advisory Committees for England, Scotland and Wales. She thanked ACNI members for a prior phone conference to identify the key points of discussion in the interests of consumers and citizens in NI.

- Upcoming mobile deal and the risks for NI, including planning permissions and community health concerns
- Connectivity issues
- PSB review and how to engage with the public on the value of PSB
- The second year of Ofcom regulating the BBC
- Postal regulation, the sustainability of the postal USO and parcel surcharging issues
- Online harms and fake news immersing locally
- Best practises for advisory committees to work together and with board members

Carrie expressed the view that this had been an open and helpful discussion of important issues.

Recognition of contribution: Carrie proposed a process for the annual conversations with individual committee members to recognise their contribution and understand how it might develop and be supported. She agreed to circulate the template for any further comments prior to conversations being scheduled for February/March.

ACNI forward work plan: Members agreed that a planning meeting would be scheduled for February to identify key areas of work for ACNI in 2020/21. This informal meeting may include other business. It was agreed that the Fixed Telecoms Market Review team should be invited to update the committee at a future meeting, to inform its contribution to the forthcoming consultation.

Carrie thanked ACNI members for their contributions across the wide range of work progressed outside the committee's formal meetings.

Actions:

- *Consumer Council to be invited to a future ACNI meeting*
- *Ofcom to send ACNI the CCNI draft Forward Work Plan*
- *Fixed Telecoms Market Review team to give an update at future ACNI meeting*
- *Ofcom to send ACNI the connectivity paper written by ACW*
- *Ofcom to arrange ACNI informal planning meeting in February*
- *ACNI Members to have their Annual Recognition of Contribution meeting with the Chair by the next formal meeting. This is in line with the Code of Conduct.*

4. Committee discussion on Agenda items and papers

The Committee queried when licencing legislation would be approved for Small Scale DAB.

Action: Ofcom to update ACNI on licencing of Small Scale DAB

5. For info: Ofcom Board update: Jonathan Rose

In Bob Downes' absence, Jonathan gave a brief update on the Board's most recent meeting, noting:

- The November Board meeting was held in Cardiff and the Board will visit Belfast for its November 2020 meeting
- The period of Purdah is affecting Ofcom's publication schedule
- Sharon White has left Ofcom and Competition Director, Jonathan Oxley, has been appointed as interim Chief Executive
- ACNI welcomed Ofcom's consideration of carbon spend within the organisation.

6. Public Policy: Katie Pettifer

Katie highlighted a number of items from her paper, including:

- The mobile Shared Rural Network (SRN) – the UK Government has announced an in-principle agreement with the Mobile Networks Operators to increase coverage across the UK. The deal includes geographic coverage targets for 92% of UK and individually, 91% in Northern Ireland, 86% in Wales and 85% in Scotland. Ofcom's role will include providing technical advice and monitoring and enforcement. Ofcom will shortly decide on when the auction for 5G spectrum will take place and will embark on spectrum emissions testing.
- On the upcoming General Election, Katie noted that broadband and fibre investment featured in all the main parties' manifestos. There were also commitments by some parties on broadcasting and media plurality. She noted Labour's pledge to privatise part of BT and to provide free broadband for all.
- Online regulation video sharing - Ofcom is likely to be the online regulator for video sharing platforms.
- Small Screen: Big Debate – This is the focus of Ofcom's review of Public Service Broadcasting and will include events in each of the nations to inform the debate. The Committee noted that it will be involved in this project in the coming year.

7. Director's Report: Jonathan Rose

Jonathan highlighted a number of issues from his paper, including:

- The 700MHz TV retune was progressing as planned. Calls made to the freephone helpline were below that forecast while the number of home visits was on forecast. The next Saorview reduction in power output will happen in January 2020 and this may reduce reception for some 'overspill' viewers in Northern Ireland.
- Ofcom took part in the Virgin Media Full Fibre event for Councils earlier in the month. Virgin Media has been awarded the Local Full Fibre Network (LFFN) contract for Belfast City Council. Virgin is progressing with its commercial roll-out, Project Lightning, and has now passed 40% of premises here. Its aim is to pass 600,000 in Northern Ireland by 2025. It was noted that Virgin had used the Openreach's PIA product as part of its roll-out in Lurgan.

- Fibrus has announced it will build full fibre in Dundrum and will also make use of Openreach's ducts and poles.

The Committee referred to Ofcom's Small Screen: Big Debate project and the lessons that could be learned from discussions in the Republic of Ireland on RTÉ's licence fee and future funding.

8. BBC Review: Tom Lancaster, Tom Walker and Alex Waterfield

The team provided an overview of Ofcom's Annual Report on the BBC, and the Review of News and Current Affairs.

The Committee:

- Congratulated the team on the format of annual report
- Stated that maintaining and growing audience share is likely to be the focus of the BBC and that representation and portrayal may be secondary issues.
- Raised concerns about the viewing patterns of young people and the decision by the BBC to reduce the hours of *Newsround*. They noted that Ofcom is consulting on the later point and that part of the BBC's proposals was to focus on more online news for in-depth, short-form videos. This follows the pattern of consumption for young people.
- Raised the question of whether young people might return to viewing BBC once they are older or would the trend remain for SVOD and online viewing.
- Noted that there was an issue of trust for young people on BBC News and Current Affairs
- Said that the resilience and health of the BBC had wider implications for the broadcasting sector.
- Noted that, whilst under 12s are served by CBeebies and CBBC, there is a significant need for more engaging content targeted at teenagers.
- Were advised that a representative of BBC NI is a member of the Making Sense of Media Advisory Panel.
- Noted that Ofcom will carry out research with young people as part of its Small Screen: Big Debate project.
- Asked for more information on the complaints system as very few complaints that Ofcom received were found in breach. The team noted that Ofcom's role is more like that of an appeals body in terms of BBC complaints.
- Stated that it was right and appropriate for Ofcom to challenge the BBC to address the issues raised as part of the review into News and Current Affairs and its Annual Report.

9. Broadband USO

The team provided some background information on the Broadband USO to date, noting that BT and KCOM have been appointed Universal Service Providers and have conditions placed on them to fulfil this obligation. BT will begin to accept consumer requests from March 2020 and will undertake marketing activity around this time to promote the USO.

The Committee:

- Noted the proposals for funding and that BT will submit receipts to Ofcom on a retrospective basis if it believes it has faced an unfair financial burden in providing the USO. If Ofcom decides that an unfair burden has been faced by BT and that the burden is significant enough to establish an industry fund it will then put in place plans to open a fund and decide which providers should contribute to it.

- Said that it was likely that the speed parameters of the USO may have to increase from 10Mbit/s and asked whether there was scope within legislation for the £3,400 cost threshold to also increase?
- Noted that the USO may get superseded by commercial and public fibre roll-out or FWA and that most consumers have broadband expectations beyond the parameters of the USO.
- Heard that BT will work with local and national authorities to determine those premises that will benefit from publicly funded programmes within the following 12 months.
- Welcomed the fact that USO eligible consumers will receive a letter from BT if they are eligible for the USO but asked that Ofcom and BT also try and create wider public awareness.

Actions:

- *The USO team to update ACNI on the consumer engagement programme, including figures for Northern Ireland on requests for USO, eligibility etc.*
- *Ofcom's work on 'universality' to be included on future meeting agenda*

10. Content Board – Angelina Fusco

Angelina noted several points from her report, including:

- Following conclusion of a number of sanctions cases, the Content planned to discuss due impartiality issues
- Ofcom will be consulting in early 2020 on guidelines for protecting participants on TV programmes; this will include informing participants of potential consequences of participating, the role of social media and definition of vulnerable participants
- As required, content issues arising from General Election coverage would be dealt with by Ofcom's Election Committee, led by the Chairman of the Content Board

Action: *Angelina to discuss Britbox charging discussions from Content Board, at next ACNI meeting*

11. Consumer Communications Panel update: Rick Hill

Rick Hill was unable to attend this meeting but the CCP paper was noted as read.

12. Channel 4 preparation: Jonathan Mackay

Channel 4 were unable to make this Advisory Committee meeting as planned. Instead, they offered to meet the Committee as soon as possible in the New Year.

Members raised a number of areas they would like to see raised with Channel 4. This included:

- Encouraging more locally-made content from Northern Ireland
- Understanding more about how the new HQ in Leeds as well as the new creative hubs in Glasgow and Bristol might impact, positively or negatively, on Northern Ireland.
- Whether Channel 4 is considering formal agreements, similar to that between the BBC and Northern Ireland Screen, to help increase production in Northern Ireland. The Committee wants to see the success of Derry Girls built on.
- The Committee is also keen to understand how Channel 4 maintains a presence in Northern Ireland and how much and how often it engages with the independent production sector locally.

- The Committee agreed it would set up a meeting with Channel 4 sometime in Q1 2020 that would be open for all members to attend.

Actions:

- *PACT and NI Screen to be invited to future meetings*
- *ACNI to receive a written update from Channel 4 in advance of meeting them in the new year.*

13. Spectrum in Northern Ireland: Philip Morgan

Regional Engineering Manager for Northern Ireland, Philip Morgan, gave a presentation to the Committee on spectrum assurance work in the region.

14. Papers for decision or information

- The Committee discussed Ofcom's Draft Plan of Work. It was noted that, for particular reasons, the NI section was shorter than that for other Nations.
- The Committee noted that the updated NI Equality Scheme's Action Plan had been revised to include an action on the impact of Brexit on communications services. Members suggested some useful additions to the Scheme's list of equality stakeholders.

15. AOB

Carrie thanked Katie Pettifer for attending the meeting in person.