

Ofcom's Advisory Committee for Northern Ireland

Response to Ofcom's Proposed Annual Plan for 2016-17

Ofcom's Advisory Committee for Northern Ireland (ACNI) welcomes the opportunity to comment on Ofcom's proposed Annual Plan for 2016-17.

ACNI has received presentations from Ofcom on the proposed Annual Plan, and ACNI members also attended a roundtable discussion event for stakeholders which was held at Parliament Buildings, Stormont, on 21 January 2016.

ACNI agrees with Ofcom's proposed objectives for Northern Ireland, outlined in Section 4: *'Delivering our goals across the UK'*.

The second Northern Ireland objective (paragraph 4.9) relates to Ofcom's Strategic Review of Digital Communications assessing the particular circumstances in Northern Ireland whereby BT Wholesale acts as Openreach's agent. ACNI notes the Review's initial conclusions and the plans to overhaul Openreach's governance and strengthen its independence from BT.

In relation to how this overhaul could impact Northern Ireland, ACNI notes that Ofcom will consider whether the existing arrangements in Northern Ireland remain appropriate as part of the next phase of its work. ACNI also notes in paragraph 6.78 of Ofcom's Digital Communications Review:

"Our starting position is that the same model should apply across the UK. However we would need to be satisfied that such an arrangement would not be disproportionate."

The Committee reiterates that Ofcom should consider, based on evidence for any need for change UK-wide, whether extending any such separation to Northern Ireland in future would benefit consumers. In any event, care should be taken to ensure there is no dis-benefit to consumers in Northern Ireland.

What is essential is better quality of service regardless of who owns the networks. To this end, quality of service standards and achievements, as well as remedies should be re-examined.

ACNI welcomes Ofcom's commitment to examine the matter of parcel surcharging (paragraph 4.3) which can particularly affect consumers in Northern Ireland and the Highlands & Islands of Scotland. The Committee asks Ofcom to consider whether the consumer detriment caused by parcel surcharging is an unintended consequence of the current regulatory framework and to address it accordingly.

ACNI recognises that resolution of the matter of parcel surcharging is likely to fall to parties other than Royal Mail. We encourage Ofcom to identify and alert those parties, to ensure consumer detriment caused by parcel surcharging is recognised as a serious issue for Northern Ireland citizens and consumers, and to ensure action is taken to tackle it.

ACNI notes the plans being made to appoint members to the Ofcom Board to represent Scotland (paragraph 4.11) and Wales (paragraph 4.15). Separate Memorandums of Understanding are also being developed between each of these Nation's governments, the national Assemblies, the UK Government and Ofcom.

These developments reflect legislative changes in Scotland and Wales and ACNI notes that a similar legislative vehicle does not currently exist for Northern Ireland. ACNI is concerned at the potential for a lack of parity in Ofcom's governance arrangements. In order to support diversity and equality, ACNI urges Ofcom to act should a suitable legislative vehicle to bring Northern Ireland into line with the other nations not be forthcoming.

ENDS

Friday 26 February 2016