

Project no: Advisory Committee for Wales

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Minutes of the 73rd ACW Meeting (11 June 2019)

For information

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1. Input requested

To approve the minutes of the 73rd meeting of the Advisory Committee for Wales held on 11 June 2019.

2. Summary of analysis

PRESENT:

Committee:

Hywel Wiliam (Chairman) (HW)

Robert Andrews (RA)

Andrew Board (Member) (AB)

Peter Trott (Member) (PT)

Rem Noormohamed (RN)

Ruth McElroy (RMcE)

David Jones, Ofcom Board Member for Wales (DJ)

Ofcom Staff:

Eleanor Marks, Director, Wales (EM)

Elinor Williams, Principal, Regulatory Affairs Wales (EW)

Lloyd Watkins, Regulatory Affairs Advisor (LW)

Liz Nash, Regulatory Affairs Assistant, Wales (LN)

Joey Mayberry, graduate International Team (JM)

London

Emma McFadyen, Public Policy Nations representative (EMcF)

Katie Pettifer, Director, Public Policy (KP)

Chloe Grant, Public Policy Associate (CG)

Josh Perry, Governance Manager (JP)

Jack Gaches, Policy Advisor (JG)

Hannah Taylor, Principal, Consumer Policy (HT)

Andrew Scoones, Consumer Policy Manager (AS)

Guy Holcroft, Head of Audience Measurement, Market Intelligence (GH)

James Stinson, Regulatory Affairs Manager, Ofcom Northern Ireland (JS)

Item 1: Chairman's Introduction & Apologies for Absence

1. The Chairman, Hywel Wiliam (HW), welcomed Members and Ofcom Wales staff to the 73rd meeting of the Ofcom Advisory Committee for Wales (ACW) held at Ofcom Wales offices. He particularly welcomed David Jones, newly appointed Board Member for Wales who gave a brief resume of his career and areas of expertise. HW advised apologies had been received from Jacqui Gregory, Aled Eirug and Karen Lewis.
2. Katie Pettifer and Emma McFadyen also joined the meeting via video conference.

Item 2: Update of Members' declaration of interests

3. No additions from Members.

Item 3: Minutes of the 72nd Meeting & Matters Arising & actions

4. The Minutes of the 72nd meeting of the Ofcom Advisory Committee for Wales were reviewed and following small amendments being made the Chairman confirmed they were a true record of the meeting. LN to amend and send to HW for signing off.

ACTION – LN

5. The following actions from 72nd meeting minutes were noted:
 - a. Min 12d – Kevin Bakhurst is planning to do a session before the summer on BBC regulation and Ofcom Wales will also include an item on September's agenda. The focus groups have now concluded in Wales and the news review team has offered to have a session with ACW before September. EW to contact the policy team and arrange a convenient date. **ACTION – EW**
 - b. Min 24d – HW to ask KL to update at next meeting. **ACTION - KL**
 - c. Min 24e – actioned. BBC has offered to update the September meeting and arrange a possible tour.
 - d. Min 24g – outstanding action
 - e. Min 24h – actioned
 - f. Min 46 – actioned
 - g. Min 57 – outstanding action – waiting on response from JG

Item 4: Chairman's Report

6. HW gave an oral update on the Chairman's activities since the last meeting.
 - He attended the Which event in London on fairness for customers;
 - He congratulated Ofcom Wales on the recent radio event – a good turnout of stakeholders and discussion;
 - He advised he is due to attend a University of South Wales radio event which will include community radio operators. The aim is to look at radio more widely in Wales and HW has been asked to speak;
 - With AE and EM, he had prepared a statement in response to the furore about commercial radio in Wales which colleagues agreed had helped diffuse the situation somewhat;
 - He continues to work with PT on the business park connectivity research project and advised members on progress and findings so far including a proposed visit to the Wrexham hub in the Autumn;
 - HW attended the Creative Cities Convention in Cardiff;

- He had received good feedback from the Migration to VOIP event hosted by Ofcom Wales.

Item 5: Ofcom Board Member for Wales

7. DJ gave a brief overview of his initial thoughts since joining Ofcom and what he sees as Ofcom's key areas of responsibility in the future, mainly three areas: communications, content and online. These will be big agenda items for the Board in a fast-moving environment. He looks forward to working closely with Ofcom colleagues and members of the ACW.
8. There was a discussion on Ofcom's challenge to address online harm to keep in line with fast changing technology. Members recognised a recent change in attitude by the big players such as Amazon, Google and Apple (partly in light of GDPR) to the importance of safety and security.

Item 6: Diligent demonstration

9. Josh Perry and Laura from Diligent provided a comprehensive run through of Diligent which members welcomed. Only one member had experienced an issue with the software due to the use of outdated hardware, but no other members reported issues. Members welcomed its introduction as a useful more secure tool.

Item 7: Update - Content Board Member for Wales

10. AE had previously circulated an update report which was taken as read.
11. In his absence Members discussed various items in his report including deregulation of local commercial radio. Members raised concern about the potential damage to the ACW's and Ofcom Wales' reputation with one member citing an increased number of tweets to her personal Twitter account on the matter which was concerning.
12. It was proposed that this development could be viewed as a positive opportunity for community radio and Ofcom should focus on what's next. It was suggested that the Committee could have an informal discussion with Kevin Bakhurst when he visits Cardiff. Ofcom Wales to contact KB with proposed dates.
ACTION – EW
13. In preparation for this, members agreed to form a discussion group to brainstorm ideas for a position paper and agreed to meet around the end of June.
ACTION – HW
14. Members also discussed the current consultation on iPlayer and BBC Sounds mentioned in AE's paper. RA elaborated on his concerns regarding the BBC's Distribution Policy and asked if Ofcom would be able to offer guidance as to whether the BBC's decision to block audience's access to BBC podcasts via Google services, instead asking listeners to use its own BBC Sounds service, is consistent with its obligations under its Distribution Policy with Ofcom. There is concern around its impact on Welsh indies. DJ agreed to raise the Committee's concerns with Ofcom's Board and report back to members.
ACTION - DJ

Item 8: Report – Public Policy

15. KP thanked CG for preparing a comprehensive update paper which had previously been circulated.

16. In addition to the report she expanded on three areas mentioned:

- 1) She gave a general update on the fast-moving changes in UK government at the present time. Following the appointment of a new PM, Ministers are likely to be shuffled which will affect decision making in areas of concern to Ofcom. This will impact on the progress with the online harms work while new Ministers are briefed and brought up to speed.
- 2) Mobile coverage – there is currently a lot of discussion going on between DCMS and MNOs with operators attempting to reach a deal. There has been some positive progress and Ofcom continues to meet frequently with DCMS and has a meeting scheduled with the Secretary of State w/c 17 June. The operators are proposing infrastructure sharing which will involve government committing money to the scheme. Until a firm deal has been reached Ofcom will not consider dropping its proposed coverage obligations. The Ofcom Board will be discussing at its next meeting.
- 3) Huawei - The current situation could have serious implications for UK consumers with concern around resilience and security, both undefined fully. The UK government is currently assessing the implications and Ofcom is watching with interest. KP reported that Ofcom is not getting involved at present but may be called upon for technical advice at some point. KP recommended members read a blog by Ian Levy which is presented in plain-English and provides a clear explanation of the issues. KP/EMcF offered to circulate the link to members.

ACTION: KP/EMcF

Item 9: Communications Consumer Panel Update

17. KL had previously provided an update report to members which was taken as read.

Item 10: Report – Wales Recent Developments

18. EM had previously circulated an update report. She highlighted various points:

- There was a discussion on the recent 5G Advisory Board meeting item
- There continues to be great media interest on radio in Wales – Ofcom’s published statement in response was seen as a positive overall.
- Ofcom’s Nations Day (hosted by Ofcom Wales) was very successful, and colleagues had good discussions and excellent visits. The team had received good feedback and EM thanked EW and LN for the organisation of the two days.
- New office space at Caspian Point – EM thanked members for their support in helping to achieve this aim and advised Ofcom Wales shall now be discussing how to make best use of the space and encourage growth. PT acknowledged advertising of Ofcom roles as location neutral was a positive move.
- EM has been appointed Ofcom’s Age and Generation sponsor and will be engaging with future generations stakeholders for further discussions.
- AB felt the appointment of Terry Burns appointed by Welsh Government to lead the commission looking at the alternatives to the M4 relief road was seen as a positive move.
- Members were generally saddened that Sharon White is moving on.

19. EW briefed the meeting on a recent development since the Director's report. Ofcom Wales had received a notice of a formal investigation into a complaint made to the Welsh Language Commissioner by a member of the public relating to Ofcom's Welsh language telephone line. We have 10 days to respond. Members voiced concern about the impact of this on Ofcom's reputation following an excellent track record and felt Welsh speakers get a more bespoke telephone service. EW advised the investigation should be concluded by end of September and Ofcom Wales intend to invite the WLC to the ACW's September meeting although previous requests for a meeting had been declined.
20. EW also drew members' attention to the recent Culture Welsh Language and Communications Committee with the Deputy Minister of Culture which included several mentions of Ofcom's new Board Member and ACW. She agreed to circulate a link to the transcript.
ACTION – EW

Item 11: Broadband USO Update

21. The Chairman welcomed Jack Gaches, Hannah Taylor and Andrew Scoones to the meeting via video conference and thanked them for providing up update paper.
22. JG advised Ofcom had recently published its proposal to designate BT and KCOM as the UK's broadband universal service providers. Ofcom is also consulting on the obligations that should apply to them in delivering the universal service including monitoring record keeping and performance criteria. The next stage is Ofcom will consult on funding regulation in Autumn 2019 which will cover procedures for any compensation that the Universal service providers may claim. A statement is expected to be published bringing these regulations into force by early 2020.
23. There was discussion on the figures in the report relating to Wales. It was noted Openreach will be carrying out data analysis over the next few months.

Item 12: Connected Nation (Wales) 2019 – internal discussion

24. There was a full discussion around this year's report which members felt was excellent with good case studies.
25. Members discussed the possibility of including further case studies such the one currently being researched around business park connectivity. Possibly including a whole town (similar to a compare and contrast exercise).
26. EW advised that data already exists on a constituency level which Ofcom can access via Power BI. It was suggested that members liaise with KL regarding research being carried out on urban connectivity in a constituency. Funding may be available via the Communications Consumer Panel – HW to suggest commissioning some specific research.
ACTION – ACW
27. EW advised Ofcom currently holds relevant data and members felt it would be advertised as available. It was suggested that a conversation is set up with the research department – EW agreed to discuss the possibility with colleagues.
ACTION – EW

28. In conclusion two case studies were suggested – SMEs in rural constituent and inclusion and deprivation (urban area) EW to speak to the team as the timeframe is quite tight.

ACTION - EW

29. Members welcomed the inclusion of the comparison tables in the report which they found valuable and a useful benchmarking tool.

Item 13: Media Nation Report 2019

30. HW welcome James Stinson (Northern Ireland) via VC and Guy Holcroft by phone. They had previously circulated a paper which showed the early, high-level findings for Wales that are emerging from this year's Media Nation publications. This year there will be separate reports for each nation which members welcome as very comprehensive source of information. HW commented that compared to 2018's report there was more analysis of news consumption which he found helpful.

31. Members noted that last year's report did not concentrate so much on convergence and they would like to see analysis of what it means across all the platforms and suggested case studies on media usage particularly focusing on young people.

32. HW pointed out that currently smart speakers are not compatible with the Welsh language. The team agreed to mention the point.

ACTION – GH/JS

33. As the report's publication is in two months, HW offered that the Committee would suggest areas for case studies as a matter of urgency. EW to liaise with the team

ACTION – EW

34. RA asked a question regarding consumer podcasts and 'listen again' and how usage would be analysed – GH advised delineation is being considered.

35. RMcE commented she found the report very useful but would welcome more Made Out of London data which the team noted.

36. GH welcomed the Committee's comments and JS agreed to take a deeper look at news consumption in Wales.

37. AB found the data relating to smart TVs interesting and asked if it is possible to differentiate what technology is being used i.e. smart TVs or set top box. GH advise Ofcom has that data and can break it down into nation.

38. Members discussed ideas for case studies which would focus on sources and consumption of news in a converged environment. This would complement the findings of the recent focus groups. It was agreed the Committee would prepare a narrative to accompany case study ideas. HW to draft a paper and circulate to RA/RMcE for comment w/c 17 June. This to be provided to the project team by 21 June. EW will then arrange a discussion between the news review team and members as soon as possible.

ACTION – EW

39. HW thanked the team for their contribution.

Item 14: Film & Major Television Productions in Wales (CWLC Report) and Creative Wales

40. Members discussed the report brought to their attention by Ruth and drew out points that were relevant to Ofcom which linked to the monitoring of Out of London production. It was felt the regulator could add value in making sure that Wales gets its quota which would assist in the development and maintaining of skills in Wales. RMcE stressed this was a Committee report not a Welsh Government view and it was proposed representatives of Creative Wales are invited to give a presentation at the next ACW meeting in September.

ACTION – Ofcom Wales

Item 15: AOB and items for future agendas-

41. EW remind the meeting that Ofcom Wales is hosting the Innovation and Technology event on 2 July and encouraged members to register attendance via Eventbrite.

42. HW mentioned he was keen to organise another training event for Committee members in the Autumn and will discuss dates with Ofcom Wales.

ACTION – HW/EW

43. Members to note the September meeting will be held in North Wales and Ofcom Wales will advise logistics as soon as possible. HW/PT to explore the possibility of including a visit to the Wrexham Hub.

ACTION – HW/PT

Items 16-17: For Information

Date of next meeting:

24 September – TBA North Wales
(NOTE CHANGE FROM 26th SEPTEMBER)

Minutes of Ofcom’s Advisory Committee for Wales, 11th June 2019

Signed Date
Hywel Wiliam, Chairman, Ofcom Advisory Committee for Wales