



57th Meeting of the Advisory Committee for Northern Ireland (ACNI)

Thursday, 14 April 2016

Minutes

Present:

Maureen Edmondson	ACNI
Fiona MacMillan	ACNI
Brendan Mulgrew	ACNI (from 10:05)
Paul Wilson	ACNI
Fiona Boyle	ACNI
Sharon O'Connor	ACNI
Andrew Colman	Content Board / ACNI
Rick Hill	Communications Consumer Panel
Baroness Noakes	Deputy Chairman, Ofcom
Mark Sweeney	Ofcom
Jonathan Rose	Ofcom
James Stinson	Ofcom
David Burkin	Ofcom
Rebecca Robinson	Ofcom (to 11:20)

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

The Chair welcomed all to the meeting and invited Baroness Noakes to speak. She outlined the purpose of her visit and summarised the major issues Ofcom was currently considering.

The minutes of the last meeting were addressed:

- The Chair noted that, on behalf of ACNI, she had thanked Graham Howell, Secretary to the Corporation, for his services to ACNI and had wished him well in his retirement from Ofcom. Mark Sweeney told members that Steve Gettings had now taken on the role.
- Actions points from the minutes were discussed.

Action: Andrew Colman and James Stinson to examine further what available viewing and listening figures could and would be most usefully distributed to members on a periodic basis.

There were no other matters arising from the minutes, which were approved.

2. Internet Safety and Social Media update: Sarah Andrew, Silvia Fukuoka

The team updated members on Ofcom's 'Report on Internet safety measures – Strategies of parental protection for children online'. It provided a brief history of internet service provider (ISP) filtering and explained how Network-level filters work. The team also noted that, while there had been no dramatic uptake of such filters, a snapshot across all customers (as at

June 2015) had shown a greater proportion of Sky's customers using them than those of other ISPs – a result of Sky, unlike the others, having started to provide its customers with equipment that had the filters already switched on, leaving parents the option to switch them off.

ACNI members suggested that Ofcom strongly encourage other ISPs to follow Sky's approach.

The team reported on the UK Council for Child Internet Safety (UKCCIS)'s recent publication, 'Child Safety Online: A Practical Guide for Providers of Social Media and Interactive Services', noting that Ofcom's role in its production had been that of an independent broker, given the regulator has no statutory remit over social media. The team highlighted the stricter measures the guide recommends if services are designed for the under-13s and noted that Ofcom had fostered good relationships with other UKCCIS members and that the European Regulators Group for Audiovisual Media Services (ERGA) had shown interest in the model. Further, the team said that benchmarks had been established against which claimed good practice could be measured.

Members welcomed the encouragement to 'build safety into design' and asked the team to return to ACNI once measurable data based on outcomes had established the success of this approach and suggested that a similar guide for parents could be beneficial.

Action: The team agreed to return to ACNI when it had evidence of the model's level of success.

3. Spectrum update: Mark Caines, Brice Le Cannu

The team explained the context and scale of implementing the forthcoming 700MHz change of use. In addition to changeover causing probable disruption to television reception in up to 5,000 homes in Northern Ireland, the team noted the need to synchronise the event with the Republic of Ireland, so as to ensure minimal disruption to the packages of television services enjoyed by consumers each side of the border. Meetings have commenced between Ofcom and both ComReg and the relevant government departments.

ACNI was concerned that viewers receive appropriate and timely information and those consumers whose reception is affected at changeover are adequately supported. The Committee noted in particular that it considered:

- nobody should be forced into expenditure for making adjustments required so as to advantage others; and
- it would be reasonable in such circumstances to argue that those affected should not pay for adjustments to their aerials etc, even if their current equipment was old and in possible need of replacement.

4. Media Literacy Research: Alison Preston, Emma Wenn

The team outlined results of research concerning take-up of the internet and time spent online, for the years 2005 to 2015, which showed, among other things, significant increases in both, together with a recent uptake in the sole use of devices other than a computer to go online. Results also showed that people had a strong affinity with mobile devices, especially in Northern Ireland.

The team also outlined research results concerning people's news consumption (platforms, providers etc), their understanding of the online environment and media use and attitudes.

During a discussion concerning Ofcom's role in relation to media literacy, Mark Sweeney noted that a framework for media plurality had been submitted to the government, which it was currently considering.

5. Digital Communications Review update: Ed Leighton, Rebecca Taylor, Alastair Goff

The team outlined the key proposals laid out in Ofcom's 'Initial Conclusions' from the DCR, which targeted:

- increasing broadband availability;
- a strategic shift to large scale investment in fibre;
- a step change in quality of service; empowering consumers to make informed choices;
- deregulation, while protecting consumers; and
- reforming the governance of BT.

Concerning the governance BT, the team noted, in particular, that Ofcom was likely to propose a model for Openreach in the summer, adding that it had begun its assessment of the evidence for how BT has delivered the Undertakings in Northern Ireland.

ACNI was concerned that, whatever model for Openreach was proposed, it should not be imposed on Northern Ireland for the sake of change, but should be considered carefully in light of the evidence, reiterating (from the previous meeting) that it would be difficult for Ofcom to argue that any outcome designed to be of net benefit to consumers, including those in Northern Ireland, should not apply equally to Northern Ireland. However, the critical factor is that higher level outcomes are achieved for consumers in Northern Ireland, as well as GB; the delivery model must deliver the same quality and be based on the same principles, rather than being driven by uniformity.

When responding to questions about quality of service, complaints handling and empowering consumers, the team noted, by way of example, the current minimum standard for installation and repairs, which it later clarified as 80% in 2 working days for installations requiring an engineer (around 25% of installations) and 80% in 10 working days for repairs (on the most common service level). The team noted that the wholesale local access market review was considering, among other things, what minimum service levels should be set.

ACNI noted that it was particularly interested in standards at consumer level, citing the need for minimum and quality standards when considering the upcoming broadband USO. Welcoming proposed compensation arrangements that would incentivise providers to avoid further performance shortfalls, the Committee added that it considered the setting of high (minimum) standards was paramount and asked the team to return once all its quality of service proposals had been formulated.

Action: The team agreed to return to ACNI when it had formulated its quality of service proposals.

6. Broadband USO (DCMS and Ofcom consultations): Liz Bates, Mayuran Sivakumaran, Neill Pratt, Olivia Thompson

The team updated members on the progress of the project, covering the:

- specification of the USO;
- 'reasonableness' criteria;

- efficiency of provision and cost;
- designation of the USO provider;
- calculating the net cost of the USO;
- industry funding; and
- competition impacts and how they are managed.

ACNI considered it important that:

- the USO should be technology neutral, given potential cost and current platform availability implications;
- as lower cost solutions may be considered, they should not result in lower specification options; and
- people were appropriately informed about the USO.

Rick Hill reported that the Communications Consumer Panel was concerned about what organisation was capable of operating a USO.

The Chair thanked Brendan Mulgrew, Paul Wilson and Sharon O'Connor for drafting and submitting to members a response to the DCMS's broadband USO consultation. Amendments and the logistics of its completion were agreed.

Brendan, Paul and Sharon agreed to prepare a first draft of an ACNI response to the Ofcom consultation on USO for consideration at the next meeting. This will be in addition to the points raised in the DCMS consultation.

Actions: Brendan to amend ACNI's consultation response, Sharon and Paul to comment, Maureen to finalise and the Belfast office to submit on 18 April 2016; Sharon, Brendan and Paul to draft a response to Ofcom's USO consultation, for discussion at next meeting (16 June 2016) and submission by 23 June 2016.

7. UK Government and Parliament update: Mark Sweeney

Mark highlighted:

- arrangements that were being put in place by DCMS for the appointment of a Northern Ireland board member for Ofcom; and
- the DCMS consultation on Child Safety Online, which focussed on age verification for pornography.

8. CCP update: Rick Hill

Rick gave an update on the work of the Communications Consumer Panel, highlighting:

- research the Panel is planning to undertake in association with the Advisory Committee on Older and Disable People (ACOD), in areas including audio description and subtitling; and
- the recent Panel event in Belfast, where its research on the difficulties older and vulnerable consumers have engaging with communications providers was presented. This is being taken forward by the Consumer Council with input from Ofcom NI.

9. Content Board: Andrew Colman

Andrew gave an update on the recent Content Board meeting highlighting:

- a discussion on the implications for Ofcom of the Clementi Review on the Governance and Regulation of the BBC; and
- an update on the health of the Local TV sector; and
- a discussion on Ofcom's future broadcast licensing processes.

10. Director's Report: Jonathan Rose

Jonathan gave an update on recent NI-specific developments, highlighting the completion of ITV's takeover of UTV.

11. Nations Committee Update: Maureen Edmondson

Maureen gave an update on the recent Nations Committee meeting, highlighting:

- a presentation on complaints, quality of service and alternative dispute resolution schemes, which made clear that the consumer experience was a key focus of Ofcom's DCR; and
- Ofcom's work on parcel surcharging.

Maureen welcomed the fact that Ofcom executive membership of the Nations Committee had been replenished.

12. AOB

No other business was discussed.

13. External Presentation: BT Wholesale – Broadband in Northern Ireland: Frank McManus (Head of Sales and Services, BT Wholesale), John Strutt (Director of Regulatory Affairs, BT Business)

Frank detailed the Northern Ireland broadband market and the Superfast Extension Programme, and updated the Committee on G.Fast, fibre to the remote node (FttRN), community funded cabinets and satellite solutions.

Referring to Ofcom's DCR, John explained the current special status for Northern Ireland in BT's Undertakings and how the equivalence model worked, had been implemented in Northern Ireland and could possibly evolve.

Date of next meeting: 16 June 2016