



## 66th Meeting of the Advisory Committee for Northern Ireland (ACNI)

Thursday 1<sup>st</sup> March 2018

Minutes

---

### Present:

Maureen Edmondson	ACNI
Alan Meban	ACNI
Kathy Graham	ACNI
Paul Wilson	ACNI
John Ellison	ACNI
Fiona Macmillan	ACNI
Brendan Mulgrew	ACNI
Rick Hill (via phone)	CCP
Jonathan Rose	Ofcom
Sinead Lee	Ofcom
James Stinson	Ofcom
Emma McFayden (via VC)	Ofcom
Katie Pettifer (via VC)	Ofcom

### Apologies:

Rebecca Robinson	Ofcom
------------------	-------

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

The Chair welcomed everyone to the meeting. Minutes and actions from the last meeting were agreed.

Matters arising:

- Members urged Ofcom to make a Code of Conduct for Advisory Committee Members available as soon as possible.
- Members discussed the response from DCMS regarding the lack of progress in appointing a Board Member for Northern Ireland, given the political impasse. They agreed that they would like Ofcom to explore possible ways of mitigating the inequality of representation from the nations at Board level in the meantime and that this should be raised at the next Nations Committee meeting.

*Action: Maureen to raise the Northern Ireland Board member issue at the Nations Committee meeting on 13 March.*

## 2. Director's Report: Jonathan Rose

Jonathan highlighted several items from his report:

- Recent meeting with ComReg and BAI, where the issue of Brexit had been raised at both. This included the issue of all-island call rates, which the committee had

previously highlighted, and the move by the IDA to attract London based broadcasters to Dublin.

- The success of the recent Channel 4 comedy, Derry Girls. The programme had been flagged up by Channel 4 representatives at a recent ACNI meeting as one to watch out for. He highlighted strong viewing figures and Channel 4's decision to commission a second series.
- The Connected Nations report and the recent Broadband Discussion Forum, which the Ofcom Belfast office had organised and hosted before Christmas. He said plans were already well advanced in arranging a follow-up event, working with the Northern Ireland Local Government Association (NILGA).

### **3. Mobile Coverage: Richard Wronka, Jack Hindley**

The team provided some background information on the upcoming publication on the 700MHz spectrum auction. They said they were looking at a range of potential coverage obligations on the spectrum which would benefit nations and rural areas and those with little or no coverage.

The committee:

- Noted that the number and range of coverage obligations placed on the spectrum had to be balanced between the commercial value of the spectrum as well as making the most efficient use of spectrum.
- Noted that quality of service of coverage would also be taken into consideration.
- Stated that they would not want Northern Ireland to be at the end of 700MHz roll-out plans for operators.
- Heard that the team was considering the timeframes for 700MHz delivery.
- Stated that it would be beneficial to engage with local councils regarding planning regulations and permission for mobile masts for 700Mhz roll-out.

### **4. Media Nations: Emma Booker, Jonathan Fenn, Ian Macrae, Stefan Webster, Ayesha Desgupta**

The team presented plans for the new Media Nations reports that will replace the nations versions of the Communications Market Report (CMR). The aim of the new 'Media Nations' report is to provide a broad look at how UK audiences are served. This includes the following objectives:

- To review key trends in the media sector with policy commentary (acting as a media equivalent to Connected Nations).
- To deliver a more cross media approach incorporating TV, radio and online.
- To bring together several standalone reports into a single publication, including the PSB Annual Report, Attitudes to Broadcast Media and the Digital Radio Report.
- To clearly separate our PSB reporting duties from our BBC responsibilities (Media Nations will act as a precursor to the BBC performance report later in the year).
- To provide separate reports for the Nations (in place of the CMR Nations reports) covering specific themes and issues relevant to them.

The committee welcomed the move, praising the quality of Ofcom's data gathering and reports. Further, the Committee raised the following points:

- The still low take-up and availability, in cars, of DAB radio;
- The importance of including information on Republic of Ireland TV and radio services in Northern Ireland; and
- Whether there was scope to include information on the accessibility of TV services, which is an area the Communications Consumer Panel is looking at presently.

## 5. Broadband Update: Hannah Taylor, Jack Gaches

The team provided an update on the government's decision to implement a regulatory USO and informed the Committee that Ofcom would consult later in the year on:

- designation of the universal service provider(s);
- the funding arrangements, and
- the universal service conditions that will be imposed on the provider(s) (e.g. quality of service and eligibility criteria).

The committee:

- Noted that the team would take into consideration publicly funded roll-out plans when assessing the USO intervention areas
- Noted that there would be a cost threshold and that consideration may be given to aggregation of demand for premises in close proximity.
- Noted there would be a broadband conference in April organized jointly between Ofcom and NILGA and that the USO and other planned roll-outs would be discussed as part of this.

## 6. Parcel Surcharging: Jack Gaches, Richard Orpin

The team briefed the Committee on Ofcom's recent work in this area. This included research into the level of parcel surcharging to Northern Ireland and Scotland. The research indicates that, in most cases, the surcharge applied by the parcel operator is greater than the cost incurred by the operator for using ferry and air services to send parcels to and from Northern Ireland.

However, the team also noted that other factors beyond a reliance on air and ferry transport companies also contribute to additional costs in some areas. The team also noted that while some retailers apply a surcharge to consumers for delivery to certain locations, other retailers choose to apply a uniform delivery charge for all areas of the UK.

The committee noted / highlighted:

- The usefulness of Ofcom's research in this area;
- Their continued frustration at the inability of various bodies looking at this problem to identify a solution;
- For consumers to be better informed about these extra costs up-front in the sales process;
- Pressure to be continued to be exerted on retailers and parcel operators to reduce surcharges;
- That a 'good practice guide' be devised for retailers to adhere/sign-up to;
- That parcel deregulation isn't working for all consumers and the USO wasn't delivering for consumers in this part of the market.
- Discussed the idea of whether retailers should be mandated to offer carriage via the USO as an option.
- The committee asserted that there was no regulatory fix for the issue but that Ofcom should continue working with other bodies to share information and develop ideas on how to improve the situation.
- The committee, noting a recent session at the Scotland Affairs Committee at Westminster, discussed how the issue could be raised with Northern Ireland politicians.

The Ofcom team confirmed that they would continue to work closely with the Consumer Protection Partnership and others saying the problem was best addressed by regulators and industry working together.

### **7. Government and Parliamentary Business: Katie Pettifer**

The committee reiterated the points made at the beginning of the meeting regarding their discontent on the lack of progress on the Board Member for Northern Ireland.

Katie highlighted a number of issues from her report, including:

- The UK government's focus on the USO, mobile coverage and fibre investment and noted that DCMS published a Digital Charter in February.
- The main issues arising from Brexit for the communications industry which include Country of Origin broadcasting regulation and mobile roaming.

The committee:

- Enquired about the UK government's work on internet safety and regulation and fake news and stated that there was a role for media literacy.

*Actions: DCMS Digital Charter to be sent to members*

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

Maureen provided an update to the committee, highlighting:

- continued concern that a code of conduct for Advisory Committee members had yet to be issued;
- that all four Advisory Committee chairs are due to finish their terms this year and that recruitment for these positions would start soon.

### **9. ACNI Member Presentation: Fiona MacMillan**

Fiona presented a paper on the merits of Ofcom working with other regulators and bodies for shared learning and best practice.

It was agreed that this would be something that Ofcom should consider.

### **10. Content Board Update: Jonathan Rose**

Jonathan briefed the committee on the recent Content Board material. He confirmed:

- that interviews for a Northern Ireland member had taken place recently and that Ofcom should be in a position to make an appointment soon;
- that Ofcom has received a complaint from the DUP about a number of 2016 episodes of 'The Nolan Show', BBC Radio Ulster, and A Nolan Show Investigation, BBC One NI, and that Ofcom will be assessing this complaint against its broadcasting rules, before deciding whether or not to investigate.

A member expressed disappointment to see that Channel 4 had recently removed its HD channel from the Freesat platform. It was noted that for the purposes of Electronic Programme Guide (EPG) prominence, HD channels didn't have PSB status. This only applied to Standard Definition (SD) channels.

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

Rick noted that the Communications Panel was repeating its *Going Around in Circles* research from several years ago and that customer service for many telecoms companies was still below standard.

## **12. BT NIN Discussion and AOB**

The committee was presented with brief findings of feedback taken from communications providers in Northern Ireland on progress with this project. While useful, the committee stressed the importance of evidence-based over anecdotal feedback.

## **13. BT NI Networks: George Ritchie, John Strutt, Gabby Hicks, David Lucas**

BT gave an update on its progress against the NI Protocol since last meeting the committee in June 2017.

They noted that guidance notes had now been published on confidentiality and information flow between BT NIN and BT Group and that the training programme for employees was well underway. However, there still had not been a decision made on branding.

They also provided details on how BT NI Networks would be regulated by both BT and Openreach as well as monitored by Ofcom's OMU.

The Committee:

- Advised that it may be useful for other CPs to see the guidance notes
- Noted that the consultation process for NI CPs would mirror that of GB CPs through Openreach
- Noted that Northern Ireland CPs could wish, if they wanted, to be account managed by Openreach rather than NI Networks and that all the larger CPs operating in NI as well as UK-wide (such as BT, Sky, TalkTalk) are account managed by Openreach.
- Stated that BT NI Networks appeared to be progressing well towards an implementation date of 1 April.

**Date of next meeting:            2 May 2018**