

MINUTES OF THE SIXTY-SEVENTH MEETING OF THE OFCOM ADVISORY COMMITTEE FOR ENGLAND HELD AT RIVERSIDE HOUSE ON 5th MARCH 2019

Present

Alan Nunn	Member (Chair of meeting)
Emma Davison	Member
Mark Smith	Member

Apologies

Caroline Roberts-Cherry	Member
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In Attendance

Chris Holland	Communications Consumer Panel member for England
Katie Pettifer	Director, Public Policy
Tim Suter	Ofcom Board Member
Monisha Shah	Content Board member for England
Emma McFadyen	Director, England
David Edwards	Assistant Corporation Secretary
Other Ofcom Colleagues	

1.	<p><u>Introduction and declarations of interest</u></p> <p>Alan Nunn had agreed to chair the meeting, pending appointment of a new Committee Chairman.</p> <p>There were no declarations of interests.</p>
2.	<p><u>Minutes of the meeting held on 20th November 2018 and matters arising</u></p> <p>The minutes of the meeting held on 20th November 2018 were approved.</p>
3.	<p><u>Members' issues</u></p> <p>It was noted that interviews had taken place to recruit new ACE members. A paper would be submitted to the Ofcom Board, seeking approval of appointments. A process would then take place to appoint a new ACE Chair. The aim was to make appointments in time to allow attendance at the next ACE meeting.</p> <p>It was noted that there were a number of Ofcom colleague fora (including Diversity, Parents and Carers, Affinity and Women's Networks) that hosted occasional lunchtime events with external speakers. ACE members were welcome to attend and would be advised of events from time to time.</p> <p>Members had been copied the new Code of Conduct (CoC) for Ofcom's National Advisory Committees that had been approved by the Ofcom Board. It was noted that it contained rules related to participation in industry and stakeholder events. A member reported that he had been invited to chair a 5G event later in the month, in his capacity as an independent marketing consultant (not as an ACE member).</p>

	<p>There was brief discussion of future meeting agenda items/ACE priorities and topics suggested included media literacy; diversity in TV production; migration to VoIP; and regulation of online harm. Knowledge gaps were raised, radio being suggested as a topic for a possible “teach-in”.</p>
<p>4.</p>	<p><u>Government and Parliament update</u></p> <p>Members had received a paper to provide an update on key UK Government and Parliamentary developments since the last Committee meeting. Issues noted included:</p> <ul style="list-style-type: none"> • An Online Harms White Paper, expected to be published shortly. • DCMS had published a consultation on the Government’s draft Statement of Strategic Priorities in four areas, world-class digital infrastructure; steps to further the interests of telecoms consumers; secure and resilient telecoms infrastructure; and protection of the universal postal service to secure long-term sustainability of the sector. • Ofcom had taken account of the DCMS consultation when setting its Annual Plan 2019/20, in the process of being finalised for publication and making fairness for customers, particularly for vulnerable people, one of its priorities. • In May Ofcom’s Chief Executive would be giving evidence on consumer protection to the House of Commons Public Accounts Committee. • Referring again to Ofcom, the <i>Connected Nations 2018</i> report had been published in December, tracking progress in fixed and mobile services in the UK and summarising Ofcom’s role to further improve them; and the <i>Review of BBC news and current affairs</i> terms of reference, the latter published that morning.
<p>5.</p>	<p><u>Brexit project update</u></p> <p>Ofcom colleagues joined the meeting and members had received a paper to update them on Brexit developments. The UK was due to leave the EU on 29 March 2019 but a no-deal scenario remained a possibility, as did delay and an Article 50 extension.</p> <p>It was noted that in a no-deal scenario, the UK regulatory regime would remain the same in most areas, as would Ofcom’s overall approach to regulation. There were two main exceptions in a ‘no-deal’ scenario. ‘Roam Like at Home’ would end and the broadcast licensing regime would change. MNOs could take a commercial decision to introduce roaming surcharges but so far had committed publicly not to do so. The UK would move from the AVMSD framework and a ‘Country of Origin’ approach, to licencing under the European Convention on Transfrontier Television (ECTT) and taking a ‘Country of Destination’ approach.</p> <p>Issues raised by members included the importance of providing consumers with information about Brexit implications, and it was noted that Ofcom was considering a set of FAQs for its website; and how MNOs would be able to offset any increased wholesale charges that could arise from Brexit, ie whether a burden would fall on consumers.</p>

6.	<p><u>Spectrum auction consultation proposals</u></p> <p>Ofcom was consulting currently on its proposals for the award of licences for 700 MHz and 3.6-3.8 GHz spectrum, expected to enable individual mobile network operators to provide greater capacity and wider mobile coverage, in rural areas in particular, and to allow them to take advantage of new wireless technologies, including 5G.</p> <p>Ofcom colleagues joined the meeting and members had received a paper to update them on Ofcom preparations to award spectrum, including a ‘combinatorial clock’ auction design. The latter was expected to provide both coverage and efficient spectrum allocation advantages.</p>
7.	<p><u>Post update</u></p> <p>Ofcom colleagues joined the meeting and members were briefed on the recent occurrence of Royal Mail’s breach of its 2nd Class stamp price cap, explained as being due to human error. The 2nd Class stamp price of 61p would be 1p above the existing regulatory price cap for a period of 7 days - from 25 March until 1 April. Members felt that firm action should be taken and noted that Ofcom was considering what action would be appropriate.</p> <p>Members were briefed on Ofcom’s investigation into Royal Mail’s quality of service performance. Ofcom had determined that there were reasonable grounds to believe there had been contravention of service obligations (under designated universal service provider condition 1.9.1) due to a failure to meet specified performance targets associated with 1st Class mail delivery, during 2017/18. Ofcom had advised Royal Mail of its provisional decision. It was noted that Ofcom did not propose to impose a financial penalty and that Royal Mail now had an opportunity to make representations.</p>
8.	<p><u>Content Board update</u></p> <p>Monisha Shah updated members on recent topics of interest to/ discussion by the Ofcom Content Board. These included proposed changes to the BBC iPlayer and to BBC Sounds; review of BBC News and current affairs; Ofcom processes and procedures for reaching decisions in standards investigations; audience expectations in shock jock interviews; and Ofcom’s online work programme.</p>
9.	<p><u>Communications Consumer Panel update and research presentation</u></p> <p>Members noted a paper to update them on recent Panel discussions and activity.</p> <p>The Panel had revisited its 2013 ‘Going round in circles?’ research, which had looked at the consumer experience of dealing with problems with communications services, by commissioning further qualitative research in 2018. Members were briefed on the findings. There was a need for higher standards of care for consumers and increased</p>

	<p>transparency in what could be expected from communications providers (CPs); a need to improve providers' contacts with consumers (difficult conversations impacted consumers who were already vulnerable); more support was needed for consumers in vulnerable circumstances and for micro businesses when a problem occurred; and increased awareness and efficacy of ADR schemes in the telecoms sectors were required.</p> <p>Members welcomed the research and the Panel's work in this area. Video material with participants in the research was available and could be shared with the Committee at a future meeting.</p>
<p>10.</p>	<p><u>AOB</u></p> <p>Members noted the contents of an information paper on small scale DAB radio and it was suggested that this could be a topic for discussion at a future Committee meeting.</p>