

# Minutes of the 82<sup>nd</sup> meeting of the Advisory Committee for Scotland held virtually over Microsoft Teams on 1 December 2020

## Present

Elizabeth Partyka	Stand in Chair
Laura Anderson	Member
Carmel Teusner	Member
Stephen Speirs	Member
Jess McBeath	Member

## In attendance

Maggie Cunningham	Content Board Member for Scotland
Amanda Britain	Consumer Panel Member for Scotland
Bob Downes	Ofcom Board Member for Scotland
Glenn Preston	Ofcom Scotland Director
Jonathan Ruff	Ofcom Scotland
Stefan Webster	Ofcom Scotland
Flora Pringle-Paterson	Ofcom Scotland
Debbie Hughes	Ofcom Scotland
Emma McFadyen	Ofcom, Public Policy Team
Other Ofcom colleagues	
Colleagues from University of Glasgow and Channel 4	

### Welcome, introductions, conflicts and apologies

1. The Chair, Liz Leonard, had offered her apologies with Elizabeth Partyka standing in as Chair. Elizabeth welcomed everyone to the meeting.
2. Jess McBeath advised that she has been invited by the Scottish Government to join their new, Digital Ethics network. It was NOTED that this has been approved by Ofcom's Governance and Accountability team.

### Minutes of the 81<sup>st</sup> meeting held on 8 September 2020

3. The minutes of the meeting held on 8 September 2020 were APPROVED for signature by the stand in Chair as an accurate record.

### Members' updates – Oral

4. It was NOTED that a member was drafting a reply to Scottish Government's Digital Strategy consultation with contributions from other ACS members. The focus would be on the mobile market and fibre roll-out in a free form response.
5. A member NOTED developments between the new Scottish National Investment Bank and Scottish Enterprise on infrastructure investment, where the former would likely focus on longer term patient capital and larger investments and the latter on start-ups and higher risk (but with smaller

sums) investment. There were also ongoing discussions about the creation of an Infrastructure company.

6. The member also NOTED some interesting developments with businesses and recruitment in the Highlands and Islands. Where the early months of the pandemic had seen suggestions of larger numbers of people wanting to live and work in more rural areas (because of improved connectivity), this was in fact not turning out to be the case, with businesses in Scotland's rural areas reporting that it was currently proving harder than before the pandemic to recruit. This was on the basis people were of the view they could do these roles while staying in other parts of the UK (or at most moving close enough to an area to work in a particular location for one or two days).

7. A member CONFIRMED that a submission relating to the BBC Sounds complaints issue had been made. This was not particularly supportive of the position of the commercial radio stations and instead highlighted the benefits of collaboration between the commercial stations and the BBC given the competition was increasingly coming from large technology platforms.

8. The member went on to ADVISE that STV had made a good recovery in ad revenue since March but was still facing an uncertain year ahead.

9. A member ADVISED that since the pandemic there were consumer trends starting to develop with people becoming more demanding of their expectations of services (e.g. banks remaining in local high streets) with a related increase in complaints and feedback. It would be interesting to see how this might relate to consumers views of Ofcom's regulated industries.

10. A member NOTED the idea of online regulation was reverberating worldwide with some significant developments including;

- The CMA looking at Google's and Facebook's market power;
- Facebook talking about paying news outlets for their content; and
- Facebook and Google being accused of being complicit in Vietnam censorship.

11. The Board member for Scotland gave a brief update, advising that he had met recently with the Scottish Cabinet Secretary for Economy, Fair Work and Culture, Fiona Hyslop MSP. There was an additional meeting planned with the Minister for Energy, Connectivity and the Islands, Paul Wheelhouse MSP, to discuss the Shared Rural Network (SRN) and R100 Projects and the impact in Scotland of the UK Government's commitments on gigabit capability.

#### **Director's Report / Public Policy update - Oral**

12. A member asked for an update on the Shared Rural Network (SRN) and 4G infill programme. An Ofcom colleague gave an overview with a few key highlights:

#### **Shared Rural Network**

- There was an agreement between the UK Government and mobile operators back in March with around £1bn invested to address rural not spots.
- In Scotland coverage should rise by 10% from 81% to 91% from at least one mobile operator and to 74% from all operators resulting in most of the coverage uplift taking place in Scotland.
- The mobile operators submitted their initial deployment plans to Ofcom in July but due to Covid-19 but there had been some impact on the engineers' ability to get out and do mapping.

#### **4G infill**

- The programme started in 2018 and would run until 2022.
- The Scottish Government originally committed £25m into addressing 4G not spot sites.
- There was currently one site live in Wigtownshire, which went live in February 2020, with around another 23 sites in the pre-build stage. Further updates would be published on the Scottish Government website.

13. Ofcom's Public Policy Director gave an update on the UK Government's Telecoms Security Bill, which had just been introduced, and the UK Government's Telecoms Diversification Strategy, which had recently been published. The key things to note were:

- The new Bill sets out enhanced duties on operators to maintain the security of their networks with some duties in the contract already enforced by Ofcom.
- Under the new scheme the operators will have more clearly defined duties.
- The UK Government are planning on publishing a Code of Practice which will highlight that there will be 3 tiers of operators. Operators in the top 2 tiers would have to comply with their duties by following the Code of Practice published by the UK Government.
- Ofcom will also be able to enforce the duty that's been placed on operators to no longer use high risk vendors.

14. In discussion it was NOTED that consumers continued to have ongoing concerns around the accuracy of coverage maps, and this also raised questions about the basis on which policy decisions were being made. It was AGREED to have a further discussion on this.

### **Research on Platform Regulation**

15. Professor Philip Schlesinger of the University of Glasgow's Centre for Cultural Policy Research delivered a presentation on 'The changing shape of platform regulation'. PS gave an overview of the research which studies the changing agenda around regulation, focusing on official inquiries and reports over a two-year period, in discussion with Ofcom and other agencies.

16. The presentation centred on how the problem of regulation is being formulated in the UK and the institutional response to it, focusing in particular on Ofcom's role. It covered the following areas:

17. The institutional categorisation of harm, ranging from social, political, economic and legal, to individual and collective.

18. Regulation's increasing dominance in the UK's national agenda and the growing number of regulatory bodies with a broad range of duties.

19. Current issues facing Ofcom, including the form platform regulation should take, access to data, the challenge of disinformation, and the geo-politics of communication.

20. Following the presentation, there was a discussion of societal evolution in response to emerging technologies, the Scottish perspective on online regulation, and the media literacy agenda and evolving media landscape. PS welcomed additional questions from ACS members via email.

### **Online Harms briefing**

21. An Ofcom colleague provided an overview of the latest position on the regulatory regime for Online Harms, with the UK Government being minded to appoint Ofcom as Online Harms regulator.

22. Members were provided an update on when a further update from the UK Government is likely to be published, the likely timeline for the necessary legislation and the expected policy approach of the regime.

23. Following the presentation, there was a short discussion on the expected approach of the regime, how the regime will interact with devolved responsibilities of the Scottish Parliament and what will happen in the period before legislation is enacted. The Committee were keen to continue engaging on this topic, which they will do through the Ofcom Scotland team.

#### **Research on scams and fraudulent activity**

24. Amanda Britain presented the findings from the Communication Consumer Panel's research on scams and fraudulent activity. The research focusses on:

- The types of scams/fraud and communications methods used;
- The circumstances in which people are exposed to fraud;
- What actions people take after being exposed to fraud; and
- The impact that fraud and scams have.

25. AB highlighted the recommendations being made following the research as well as the Panel's next steps.

26. A discussion followed on the emotional loss faced by victims of scams, the overlap between scams/fraud and the online harms regime and the Scottish Government's scams strategy.

#### **Channel 4 update**

27. Jo Street (Head of Daytime and Head of Hub), Kevin Blacoe (Head of Partnerships) and Briony Robinson (Policy and Public Affairs Manager) from Channel 4 were in attendance.

28. JS gave an update on how the channel had been affected by the Covid-19 pandemic, recent and upcoming programming, and the positive impact of having a senior decision maker based in Glasgow on the creative industry in Scotland.

29. This was followed by a discussion of the new Future 4 strategy, the challenge of improving diversity and inclusion, innovation in advertising models, talent retention, and support for Ofcom's recommendations around prominence.

#### **Connected Nations Scotland Report update**

30. An Ofcom colleague gave an overview of the Connected Nations 2020 Scotland Report which was due to be published in mid-December. The key things to note were:

- The structure of the report will remain largely the same as last year giving a summary/overview on fixed, mobile and security/resilience. However, there will be sections incorporated into the report which would focus on the implications of Covid-19 and how mobile and fixed broadband networks have held up during the pandemic.
- There would be a focus on rural connectivity and how this is framed in a way to help inform public policy decisions about interventions.
- There would also be a case study example on Edinburgh which was asked for at the previous meeting. It was NOTED that in the City there has been a significant decrease in the number of

<p>people using mobile networks as people were not commuting or shopping in the same way as before the pandemic.</p> <ul style="list-style-type: none"> <li>• Superfast broadband coverage continued to increase with growing numbers of consumers in largely urban areas having access to ultrafast and full fibre connections.</li> </ul> <p>31. A short discussion followed the presentation on Gigabit capability, Openreach roll-out and concern that some consumers are still not getting on-line. On the latter issue, it was suggested that members could highlight it in the reply to the Scottish Government’s Digital Strategy consultation.</p>
<p><b>Ofcom’s Draft Plan of Work 2021/22</b></p> <p>32. Ofcom colleagues discussed the changes to this year’s Plan of Work in terms of structure and content. Most notable is the addition of a contextualising introductory section and the new themes for Ofcom’s strategic priorities.</p> <p>33. Members were provided with an update on timelines, and informed that governance processes had been followed and final publication is due on December 11th. Virtual events would be taking place around the Nations in January, with the final statement provisionally due in the last week of March.</p> <p>34. This was following by a brief discussion of work taking place internally as part of the One Ofcom agenda. It was also noted that Ofcom will be expecting a response from the Scottish Government.</p>
<p><b>Content Board update</b></p> <p>35. Members had been provided with a ‘For Information’ written paper and the Committee <b>NOTED</b> its content.</p>
<p><b>Consumer Panel/ACOD update</b></p> <p>36. Members had been provided with a ‘For Information’ written paper and the Committee <b>NOTED</b> its content.</p>
<p><b>Ofcom Contact Centre Information</b></p> <p>37. Members had been provided with a ‘For Information’ paper with Scotland’s data and the Committee <b>NOTED</b> its content.</p>
<p><b>Any Other Business</b></p> <p>38. The Ofcom Scotland Director put on the record his thanks to Liz Leonard, including her time as Chair, and Carmel Teusner for their contributions to ACS. An informal farewell would be organised.</p> <p>39. It was NOTED that ACS recruitment for the Post/Parcel role is underway. The shortlisting is on 2 December with the interviews before Christmas. It was hoped to have a new member and a new Chair in place in time for the March meeting.</p>
<p><b>Date of the Next Meeting</b></p> <p>40. The next scheduled Committee meeting would be held on 24 March 2021.</p>