



- Discussed the difficulties in delivering 10Mbit/s to all customers at all times and how this would impact on the design of the USO.
- Discussed the options available in appointing a provider to deliver the USO.
- Stated that online content providers (for example, Amazon, YouTube, Netflix etc) should have a part to play in funding the USO. If necessary, the UK government should consider introducing legislation to make this happen.
- Stated that if a levy option was being considered by Government this should be extended equally to all consumers across the UK.
- Asked whether consideration was being given by the UK Government to subsidising other technologies such as a satellite option for example.
- Discussed the view held by many Northern Ireland stakeholders that fixed-line was the preferred broadband technology and whether this was similar to other stakeholders across the UK. There is a 'want' versus 'need' consideration to be taken into account.
- Stated that a long-term approach was needed for providing broadband. There is a short term 'fix' needed to bring everyone up to 10Mbits/s and all future developments and properties should have broadband provision required at the planning approval stage.
- Noted that there is a higher proportion of premises in Northern Ireland which are unable to receive speeds of over 10Mbit/s due to the dispersed nature of the population. This will need to be taken into consideration by Government when it makes a decision on the implementation of the USO. It may also be the case that other technologies will have more of a role to play in Northern Ireland for this reason.

#### **4. DCR: Update on Openreach consultation and Quality of Service: Clive Carter, Ed Leighton, Will Pinkney**

The team briefed the Committee on latest timelines and milestones for these projects and provided a detailed summary on the future of BT in Northern Ireland following the publication of our proposals on the future governance of Openreach in the rest of the UK.

On Quality of Service, the Committee:

- Were informed that there already exists a provision for retail CPs to pay compensation but consumers rarely take this up.
- Noted that the team are looking into the level of compensation and how this will be designed to be an effective method of improving levels of customer service.
- Welcomed the fact that the team were looking at similar compensation schemes in other industries.
- Asked how a step change in quality of service would actually be delivered and why a review of the Alternative Dispute Resolution process was not included in the project.

In terms of Openreach in Northern Ireland, the team stated that NI Networks already has a degree of independence from BT Group to make investment decisions in technologies such as FTTC, G.Fast and FTTP.

The Committee:

- Noted that NI Networks is able to take specific factors relating to Northern Ireland into consideration when making investment decisions.
- Was informed that in addition the new Openreach Board will make strategic decisions on behalf of the whole of the UK which will flow to Northern Ireland Networks.

- Asked for further clarification on how exactly NI Networks is able to make independent decisions from the BT Group.
- Expressed concern that given the emphasis on independence and transparency requirements for GB there must be measures put in place to ensure independence and transparency in NI
- Noted that the current arrangements in Northern Ireland were generally working well and there appeared to be a level of trust established between BT Wholesale and retail CPs in Northern Ireland.
- Noted that there was no evidence provided of detriment or discrimination against NI CPs since the formation of Openreach in GB.
- Asked if the team had any discussions on what might happen in Northern Ireland should the decision be taken in the future to totally separate Openreach from BT.
- Asked for clarification on the current and proposed governance structures within BT in Northern Ireland.
- Called for formal governance measures to be put in place to ensure that independence and transparency are maintained and seen to be maintained within BT Group and NI Networks.
- Noted that Clive Carter will be in Belfast the following week for a series of one-to-ones with a number of Northern Ireland telecoms stakeholders.

Action: ACNI to be updated on the outcome of the BT, NI Networks and Openreach proposals.

#### **5. BBC Charter Review: Mark Sweeney, Mary Elliot, Anthony Szykaruk, Gareth Barr**

The Committee was updated on developments since the last meeting and noted the comments on the White Paper from colleagues in Scotland and Wales. They noted that the Draft Charter and Agreement had been published that morning by the Department of Culture, Media and Sport.

The Committee:

- Noted that Ofcom would be responsible for regulation of the BBC from 3 April 2017.
- Was informed there would be debates in each of the devolved legislatures in the coming weeks regarding the Draft Charter.
- Noted that there would be a Board Member to represent the interests of Northern Ireland (as well as Scotland and Wales) and these would be appointed by Government.
- Were informed that Ofcom would publish a consultation on the proposed operating license ahead of taking on regulation of the BBC.
- Reiterated their main areas of concern: production, portrayal and audience engagement for the nations.
- Stated the importance of the BBC's role in producing educational content and the value of this continuing during the period of the next Charter.
- Discussed the challenge of measuring portrayal.
- Noted that the BBC Board will be mainly responsible for ensuring effective audience engagement.
- Was informed that Ofcom would have the power to set an overall performance framework for the BBC and complete periodic reviews.

Action: Details to be provided on process to appoint the BBC Board member for Northern Ireland.  
Link to draft Charter and Agreement to be sent to members.

## **5. Ofcom Mobile Research: Gabi Kajenaite, Aakanksha Haran, Nick Collins, Donna Philips**

The project forms part of the next phase of Ofcom's work to measure mobile network performance. This phase involves the launch of an Ofcom-branded research app to gather research that will better reflect the user experience of using mobile voice and data services. The team were especially keen to ensure good take-up of the app from users in Northern Ireland.

The Committee:

- Noted it was likely that under 18s would be included in the second wave of research.
- Discussed plans to promote the app to ensure widespread take-up through the usual communications channels, including a news release, and online through social media.
- Recommended approaching agencies like the Rural Development Council, NICVA, UFU, regional colleges, schools, and other representative bodies to help promote the app.
- Noted that the app is only available on Android devices and not IOS as these devices are configured in such a way that prevents this kind of research gathering.
- Welcomed the app as a creative research tool.

Action: Committee members to help publicise app once it is launched

## **6. For Info: Government and Parliamentary Update: Mark Sweeney**

Mark gave an update to the Committee on key Westminster Government and Parliamentary developments. He drew attention to new ministerial appointments and reorganisation of various Whitehall departments.

The committee:

- Discussed Digital Economy Bill and the process involved for the appointment of an Ofcom Board member for Northern Ireland.
- Discussed the implications of Brexit on Ofcom and sectors it regulates.
- Highlighted the special challenges posed by the North-South dimensions of digital communications services on the island of Ireland.

## **7. For Discussion: Annual Plan 2017/18: David Michels, Ed Leighton**

The team briefed the committee on preparations for Ofcom's Annual Plan 2017/2018. As in previous years, it will contain a section highlighting some of the key proposed areas in Ofcom's work plan, as well as a section addressing areas of work that are of particular importance to the nations.

The committee:

- Highlighted the impact of Brexit for Northern Ireland, taking into account the region's unique relationship with the Republic of Ireland
- Suggested that BBC regulation and how this works out in the nations should be included in the Annual Plan

- Noted the significance of parcel surcharging in Northern Ireland, with a focus on outcomes for consumers
- Asked that specifics on the future governance of BT should be a focus.

Action: Jonathan to draft Annual Plan objectives for Northern Ireland

### **8. Content Board update: Andrew Colman**

Andrew Colman provided an update on the recent Content Board meeting, which had focussed on two major issues: the BBC, and the role of Content Board. Tony Close also contributed to this section highlighting a number of important issues regarding BBC regulation.

The Committee:

- Noted that Ofcom will not have a role in regulating the output of the World Service or be the statutory regulator for BBC online
- Stated that additional responsibilities with regard to regulating the BBC will lead to an increase in Ofcom's work in the area of standards regulation.

### **9. Director's Report: Jonathan Rose**

Jonathan submitted a paper and gave a verbal update on recent developments in Northern Ireland since the last ACNI meeting in June.

He highlighted UTV's decision to axe its late night news and current affairs programme, UTV Live Tonight. He also spoke about the team's visit to BT's Telephone House and a fibred cabinet installation, which included a briefing on broadband roll-out technologies and processes in Northern Ireland.

The Committee recognised that the Directors Report is important and that future agendas should be structured to give it more time.

Action: Directors Report to given more prominence in future agendas.

### **11. For info: CMR Key Findings: James Stinson**

James briefed the committee on the key findings from this year's Communications Market Report. It was noted that a stakeholder event is due to take place in Belfast on October 25.

### **12. Presentation: Content & Media Policy Review: Tony Close**

Tony Close gave a presentation to the committee on the work of the Content and Media Policy team in Ofcom. Tony offered to provide more regular updates to the Committee in future.

On behalf of Members the Chair thanked Tony for taking time to ensure the Committee was updated and informed and thereby better able to advise on these key issues from a Northern Ireland perspective.

### **13. AOB: Maureen Edmondson**

There was no other business.

**Date of next meeting: Thursday 10 November 2016**