

**Minutes of the 74<sup>th</sup> meeting of  
the Advisory Committee for England held via Teams  
on 3 December 2020**

**Present**

Paula Carter	Chair
Aaqil Ahmed	Member
Matthew Littleford	Member
Alan Nunn	Member
Mark Smith	Member
Emma Davison	Member

**In attendance**

Graham Bryce	Bauer Group (minutes 12 – 14)
Tim Suter	Ofcom Board Member for England (minutes 1 – 13, 15 onwards)
Emma McFadyen	Director, England
David Edwards	Governance and Accountability Team
Other Ofcom colleagues	

<p><b>Introduction</b></p> <p>1. The Chair welcomed Members and attendees to the 74<sup>th</sup> meeting of the Committee, all taking part remotely via Microsoft Teams. Richard Spencer, usually in attendance as an observer from the Communications Consumer Panel (CCP), had sent his apologies. He had briefed Alan Nunn who would provide the Committee with a CCP update later in the meeting.</p>
<p><b>Declaration of Members’ Interests – Oral</b></p> <p>2. No interests were declared by Members or attendees.</p>
<p><b>Minutes of the meeting held on 24 September 2020 and matters arising – Minutes 73(20)</b></p> <p>3. The minutes of the meeting held on 24 September 2020 were <b>APPROVED</b> for signature by the Chair as an accurate record.</p> <p>4. The Chair reported that she had raised the topic of regional programming with the Chairs of Ofcom’s other National Advisory Committees (NAC) and that it had been a topic discussed at the recent (annual) meeting the Chairs had with the Ofcom Chairman and Chief Executive.</p> <p>5. At the previous meeting Members had been briefed on a joint CCP/Ofcom project to widen the talent pipeline of non-executive directors (NEDs) appointed to Ofcom</p>

Boards and Committees. There had been further dialogue and the Committee remained eager to support the initiative, with two ambitions in particular: to assist potential candidates to become 'NED-ready' and to increase diversity amongst membership of Ofcom's National Advisory Committees (NACs). The Committee would welcome observers at its meetings and Members would be willing to act as mentors. The Director for England would continue to liaise with the NextGenNEDs project team and further reported that Ofcom, as an organisation, expected to publish shortly its own diversity and inclusion strategy.

#### **Members open session - oral**

6. The Chair gave further feedback from discussion at the recent annual NAC Chairs meeting with the Ofcom Chairman and Chief Executive. Topics discussed included the impact of covid-19 on the sectors regulated by Ofcom, issues of regionality and the Government's 'levelling up' agenda.

7. The Chair had met two more metropolitan city mayors. Topics discussed with the Mayor of the West of England had included inward investment in the area and the presence of the independent TV production sector and a creative workforce. The Committee had been invited to hold one of its future quarterly meetings in that locality.

8. Issues discussed at a separate meeting with the Mayor of Cambridgeshire and Peterborough had included impartiality and the role of public service broadcasters in combatting misinformation and 5G benefits for the agricultural sector.

9. It was noted that Toby Young and the Free Speech Union had been refused permission (on the papers) for judicial review against guidance that Ofcom had issued in March 2020 about broadcast content concerning the Coronavirus. The Judgement would be shared with Members for information. [Note: The claimants renewed their application for permission, heard by the High Court later in December, but were unsuccessful.]

10. A Member queried the number of postal service complaints received by Ofcom, which appeared to be low, and the Government's commitment to spend £5bn by the end of 2025 to support UK-wide gigabit broadband.

11. It was noted that Ofcom had recently published *Diversity and equal opportunities in television and radio 2019/20*. Members welcomed the report and its ambitious tone. Like Ofcom, the Committee wished to see faster progress to increase the proportion of all underrepresented groups in the industry. The data was valuable and needed to be translated into actions. The continuing underrepresentation of disabled people was raised in discussion and it was further noted that Ofcom intended to set a disability target as part of its own diversity and inclusion strategy.

#### **Bauer Group - oral**

12. Graham Bryce joined the meeting and briefed Members on the UK's changing radio landscape from the perspective of Bauer (the second largest UK commercial radio group but home to the biggest single network – Hits Radio Brand Network), covering

issues including the growth of digital radio, both DAB and IP; increased competition; streaming services; changes in the advertising market; and a desire to see relaxations in regulation, eg around requirements to broadcast from multiple locations in different parts of the country.

13. Issues discussed included the hybrid model of a high-quality national broadcaster combining local news, information and a sense of community, accessible through multiple platforms and broadcast from a single location; local versus more regional output; varied and more differentiated services; how to develop local talent; and growth of podcasts.

14. Discussion turned to developments related to the BBC Sounds app, including Radio 1 Dance stream that had been launched in October 2020, and impact on commercial radio. [Note: Tim Suter recused himself from discussion of BBC Sounds.]

#### **BBC Studios Review – ACE 17(20)**

15. The Committee was given an overview of the BBC Studios Review. It was noted that Ofcom was currently seeking stakeholder views in a call for evidence, due to close on 4 December, and in particular on three main areas: operational separation between BBC Studios and the Public Service; the supply and pricing of goods and services between BBC Studios and the Public Service; and the commercial rate of return earned by BBC Studios.

16. Issues raised by Members included the challenge to encourage both BBC commercial activity and fair competition for independent producers; an apparent paucity of non-BBC commissions from BBC Studios; cost allocation and ownership of fixed assets, eg studio premises; auditing practices; governance and the independence of the BBC's Commercial Holdings Board, as the governance body for commercial subsidiaries; and the suggestion that there could be value in scrutiny of a sample of BBC and non-BBC commissions.

#### **Ofcom Board/Content Board update – oral**

17. The Committee noted recent topics discussed by the Ofcom Board and the Content Board (minutes and notes of meetings being available on the Ofcom website).

18. In relation to the Ofcom Board, its focus had included the PSB review, with a consultation due for publication the following week, and online harms, with the Government's response to its White Paper expected to be published shortly. It was noted that the creation of a Digital Markets Unit within the Competition and Markets Authority had been announced. It would oversee a pro-competition regime for platforms including those funded by digital advertising, eg Google and Facebook, and be separate from online harms regulation.

19. With respect to the Content Board, it was noted that six new appointments had been announced on 24 November and that the PSB review and online harms were also areas of focus. Both the Board and Content Board had held workshops on the regulation of Video-Sharing Platforms.

### **Public Policy – ACE 18(20)**

20. Members had been provided with a paper to update them on key public policy developments since the last meeting.

21. It was noted that the Telecommunications (Security) Bill (laid before the UK Parliament on 24 November) would place new duties upon network operators through controls on the use of high-risk vendors (HRV); that Ofcom was part of an initiative called SONIC (SmartRAN Open Network Interoperability Centre - funded by DCMS to facilitate interoperability testing for large and small companies); and referring again to the Government's commitment to spend £5bn over five years to support UK-wide gigabit broadband, it was noted that this had been reaffirmed but in the November 2020 Spending Review a timeline had been set out only for how £1.2bn of funding would be made available to industry over 4 years.

22. Related to the theme of broadband, a Member commented that Openreach had introduced a new fee on certain FTTP linked connections and suggested that this could generate complaints to Ofcom from alternative UK broadband networks (AltNets). There was brief discussion about BT compliance with its broadband USO obligations and about Ofcom readiness as the Brexit transition period was about to come to an end.

### **Consumer Panel update – ACE 19(20)**

23. Members noted recent Consumer Panel activity and current priorities (minutes of Panel meetings being available on the Panel's website), including migration to VoIP and communications services in rural areas.

24. Panel research projects were noted, on migration to VoIP; digital connectivity during the covid-19 pandemic; Post and who was vulnerable; contacting customer services when it was not possible to use a preferred method, eg for customers with a disability; and on the needs of people in residential care and use of communications services.

25. The Panel strongly believed that communications services were now essential services, in line with other utilities, and the Committee did not disagree. Ofcom's view would be of interest to Members and further enquiries would be made with Ofcom colleagues.

### **Connected Nations 2020 – ACE 20(20)**

26. Members were briefed on the key preliminary findings of Ofcom's Connected Nations 2020 report, due for publication in December, tracking the UK's communications (fixed and mobile) infrastructure; on the proposed structure of the report, the key areas of focus in each chapter/Nations report; and Ofcom's approach to narrative regarding covid-19.

27. Members welcomed the report and made brief comments on data; queried whether the report would provide detail on the ambitions of fibre communications providers (instead the report would be retrospective); and expressed surprise at the 100+ attacks on mobile network operators' base stations during the covid-19 period, as

part of anti-5G campaigns and misplaced concerns related to the relationship between 5G and the virus.

#### **BBC Regional programming – ACE 21(20)**

28. In July BBC England had announced plans to make significant changes to its regional and local TV and radio services and to news and current affairs coverage, to make cost savings of £25m by March 2022. The plans included the removal of the *Inside Out* current affairs programme, replacement with a new programme and a reduction of the existing 11 regional variations within England into six much larger ones.

29. The Committee was updated on Ofcom’s dialogue with the BBC about the proposed changes, a topic addressed in Ofcom’s Annual Report on the BBC 2019/20, published the previous week and which included links to an exchange of letters on the changes. It was noted that it would be some time before Ofcom could measure the impact of these specific changes or pick up on any concerns, meanwhile it would continue to monitor audience engagement and satisfaction with the BBC’s regional current affairs.

#### **Migration to VoIP – ACE 22(20)**

30. Members were briefed in some detail on Ofcom’s programme of work relating to migration to Voice over IP services (VoIP) and the trials in Salisbury and Mildenhall. The briefing also addressed what was being done to protect consumers, especially those that were vulnerable, and measures to improve signalling and prevent number spoofing and to serve voice-only customers.

31. It was noted that DCMS chaired a six-monthly roundtable bringing together Whitehall departments and representatives of the Nations to discuss VoIP migration and measures being taken. The next roundtable would take place in January 2021 and, at the request of the Committee, the Executive would provide feedback. Issues raised by Members included the necessity for non-chargeable engineer visits, should they be required and since VoIP migration was an industry initiative, and the need to ensure that there were adequate mechanisms of customer support/advice on migration when necessary.

#### **Information Items**

32. Telecoms, Broadcast & Postal Complaints (England) - ACE 23(20): The paper was noted.

33. Earlier in the meeting a Member had highlighted the low number of postal service complaints received by Ofcom. Another Member suggested that this could be the result of low consumer expectations about service levels. The Committee also noted fluctuations in telecoms complaint levels and in relation to certain providers during the pandemic. A Member suggested that the latter could, in part, be the result of home

working, with customers more likely to complain when they needed broadband to do their jobs and/or to experience nuisance/silent calls. It was agreed that discussion of complaint data would be added to a future Committee meeting agenda.

**Future Agendas – Oral**

34. A one-hour agenda planning meeting would be scheduled for the end of January and the Director for England would provide a 2021 agendas schedule for discussion. Channel 4 would attend the next meeting, for which the Chair suggested a rural theme, and other external speakers would continue to be invited to engage with the Committee. When conditions permit the Committee would seek to meet outside London.

**Any Other Business**

35. A Member informed the Committee that the Lenny Henry Centre was about to publish a report on diversity in the media and would share details/a link with members.

**Date of the Next Meeting**

36. The next scheduled Committee meeting would be held on 11 March 2021.