

Minutes of the 84th meeting of the Advisory Committee for Scotland held virtually over Microsoft Teams on 16 June 2021

Present

Elizabeth Partyka	Chair
Laura Anderson	Member
Stephen Speirs	Member
Jess McBeath	Member
Gerry Crawley	Member

In attendance

Maggie Cunningham	Content Board Member for Scotland
Amanda Britain	Consumer Communications Panel Member for Scotland
Bob Downes	Ofcom Board Member for Scotland
Glenn Preston	Ofcom Scotland Director
James Slater	Ofcom Scotland
Debbie Hughes	Ofcom Scotland
Other Ofcom colleagues	
Colleagues from MG Alba (Sections 38-40)	

Welcome, introductions, conflicts and apologies

1. The Chair welcomed everyone to the meeting. There were no apologies.
2. Jess McBeath NOTED that she has been asked to join another Regulator in a non-executive role in January 2022. This had been discussed with the ACS Chair, Ofcom's Scotland Director and Ofcom's Governance and Accountability team. It had been agreed that Jess could continue to sit on the ACS with the possibility of recusal from particular agenda items if any conflicts were to arise.

Minutes of the 83rd meeting held on 24 March 2021

3. The minutes of the meeting held on 24 March 2021 were APPROVED for signature by the Chair as an accurate record.
4. In the discussion of actions which arose from the March 2021 meeting, one member highlighted their interest in the Telecoms Security Bill. The committee noted that a more detailed discussion of the Bill and its implications would be useful at the September meeting.

Members' updates

5. A member updated the committee on Royal Mail's current review of pricing for its wholesale customers. A recent Citizens Advice Scotland report on vulnerable customers in the postal market was also referred to.
6. A member SUMMARISED a recent ad hoc discussion between several committee members, including the Communications Consumer Panel member, which had focused on 'communication poverty' and the 'narrowing, but deepening, of the digital inclusion gap'.

7. A member asked if there were any updates on the Nations Team engagement with Ofcom governance on the Next Generation NED Scheme and/or Young Scot's HIVE initiative to improve diversity on the Committee. An Ofcom colleague updated that discussions were positive and ongoing.

8. A member gave an update on the various UK and Scottish broadband voucher schemes, discussing the challenges that are being faced by consumers and ISPs. It was NOTED that the communication of the support that is available and who to contact could be improved.

9. The Chair commented on the media reports over the future of staff at BBC Scotland's Pacific Quay in relation to proposals for Studioworks to take over responsibility for the studio space. The Ofcom Scotland Director NOTED this had been the subject of correspondence sent by the SNP to the BBC with a response yet to be published.

Director's Report / Public Policy update

10. The Ofcom Scotland Director updated the Committee NOTING:

- After the Scottish Parliament elections, the new Scottish Cabinet and Ministerial positions had been finalised, resulting in several personnel changes for areas of interest to Ofcom. Ofcom had written to three Cabinet Secretaries congratulating them on their appointments and seeking early meetings.
- That the Scottish Parliament committees had not yet been established, and that there were media reports that there had been an extension to the normal time period for this in order to facilitate an agreement. It would be particularly interesting to understand what would succeed the Culture, Tourism, Europe and External Affairs Committee and the Rural Economy and Connectivity Committee and who would Chair each.
- That Ofcom has historically acted as the Secretariat for the Cross-Party Group on Digital Participation and that Ofcom has contacted the former Group Chair to ascertain whether there is sufficient interest for the Group to continue.
- That Ofcom's Plan of Work was published just after the March meeting.
- That Citizens Advice Scotland had recently published a report on the postal sector.

11. In broader discussion, members talked about the Connecting Scotland project in and how its focus had moved away from issuing devices towards wider digital skills, participation and online safety issues; how CAS may interact with the forthcoming Consumer Scotland body; Ofcom's Connected Nations report, which it was proposed would come to the September meeting; and Ofcom's engagement with other regulators on work that had a consumer focus.

12. Moving on to the Public Policy update, an Ofcom colleague presented the written report and went on to NOTE:

- Ofcom's Chief Executive had recently appeared in front of the Public Accounts Committee on the principles of effective regulation.
- That a meeting had gone in between DCMS Ministers, Ofcom and the ICO for a wide-ranging discussion on scams.
- GigaTAG had published a report with recommendations for Ofcom in the gigabit technology space.

13. A member asked about work being done on scams and silent calls. The Ofcom colleague updated about an initiative called Stop Scams UK which was facilitating cross-sector collaboration on

financial and technology scams. The Ofcom Scotland Director also NOTED a recent and first initiative of the Scottish Scams Prevention Partnership (on which Ofcom was an observer).

14. A member asked about the new functions given to Ofcom by the Telecoms Security Bill and coverage implying there may be related challenges for Ofcom resourcing. It was noted that Ofcom was actively recruiting in this area with Ofcom's new Manchester Hub earmarked as a specialist hub for telecoms security/ cyber and our new Online Safety duties.

Mobile Strategy Review

15. An Ofcom colleague introduced work on the Mobile Strategy Review, stating that Ofcom is carrying out a broad review of the market, primarily due to the importance of mobile connectivity and the recognition of changes in the sector.

16. This work will result in the publication of a discussion document at the end of the year. There would then be further engagement with stakeholders before an initial conclusions document is published in Spring 2022.

17. A member asked about tackling 'not-spot' areas and whether this would be emphasised within the strategy. An Ofcom colleague noted in reply that this is being considered. Tackling not spots was also a feature of the Shared Rural Network, Scottish Government's 4G infill programme and future 5G rollout, but it would be important to understand if these would fully address not spot areas.

18. A member asked about high-demand areas, such as tourist locations, where there is seasonal demand for mobile services, and whether this would be considered as part of the strategy. An Ofcom colleague said that this was being considered internally and was at an early stage.

19. The Board Member for Scotland raised the effectiveness of the SRN programme and whether this would be mentioned in the report. An Ofcom colleague answered that while Ofcom had a formal role to oversee the MNOs agreement with the UK Government, there would probably not be an explicit review of SRN within this report. However, the review would look at coverage challenges and what further interventions, if necessary, may be needed. The Ofcom Scotland Director drew ACS members' attention to the reference in his report to additional funding the Scottish Government had announced for the 4G infill programme, which was relevant to this discussion. Ofcom's UK Connected Nations report, published at the end of the year, was also likely to include something on the SRN.

20. Other points raised in this area included; a need to appreciate user needs and experiences of different age groups; a need for more robust consumer information based on experiences rather than forecasts; 5G being seen as more of a commercial opportunity than a consumer one; and how IoT interacts with Ofcom's mobile strategy.

Spectrum Management Strategy

21. An Ofcom colleague introduced work around the Spectrum Management Strategy as an overall approach to how spectrum will be managed. This would be the third time Ofcom had looked at this area.

22. It was NOTED that the aim of the consultation was to set out an overall spectrum management vision, instead of focusing on spectrum usage in a specific sector. The consultation looked at wider trends in society, economy and technology which will continue to increase the pressure on spectrum use. Key trends that were found were the greater diffusion of wireless technologies throughout the UK economy and society, and a much higher frequency exploitation.

23. The colleague NOTED that the ACS had provided a very helpful response to the consultation and addressed several specific points raised in that submission.

24. A member queried if Ofcom would consider allowing spectrum sharing agreements to last longer. The Ofcom colleague NOTED that that there is a three-year minimum on the agreements, and they can be extended for longer if the parties involved can reach agreement with the mobile operator.

25. A member asked in broader discussion about the extent to which space and satellite providers are included within this strategy and Ofcom's wider work in this area. An Ofcom colleague confirmed that work was being done to enable growth of these services and that there is a licensing regime for satellite providers.

26. An Ofcom colleague advised the Committee that the next step of the process was to publish a statement and then to embed this within Ofcom's work. For example, some projects to deliver this strategy have already started, such as the Spectrum Roadmap, which would be consulted on in Q3. Additionally, a series of events are planned, including an event with the international community to start a conversation on spectrum sharing.

Media Nations 2021

27. An Ofcom colleague presented a written paper, adding that they were seeking input on the direction of the paper and the project plan.

28. It was advised that there will be separate Nations reports, as in previous years, and that the intention was to publish in the first week of August.

29. The Chair observed that it would be difficult to draw meaningful relationships between previous data and that from last year due to Covid. The Ofcom colleague noted that data owners and chapter editors were aware of this and there will be warnings in the report itself where the impact of Covid can explain the trend. In some areas, for example, Covid had accelerated already existing trends. Another colleague NOTED that there was ongoing engagement with Scottish stakeholders to provide context throughout the report.

30. A member NOTED that Media Nations was predominantly interested in 'old media' rather than newer, online forms of user generated content. An Ofcom colleague noted that most of the online areas are covered in the separate Online Nation report which was recently published.

31. The Content Board Member for Scotland queried how good the data would be in this year's report given there were likely to be gaps. An Ofcom colleague responded that there will be a challenge with some data this year, such as RAJAR which hasn't been conducted over the last year. However, Ofcom would be using other data sources to fill in gaps and had attempted to make methodologies as inclusive as possible to reach hard to access sections of the population. In some instances, Ofcom had commissioned additional research.

32. Other points raised in this area included: the success of independent production companies in Scotland; how football clubs had used technology to broadcast games and whether this type of local broadcasting would be sustained.

33. The Ofcom Scotland Director said that there would be further engagement with the Committee ahead of the report's publication.

Online Safety Bill

34. An Ofcom colleague presented on the draft Online Safety Bill, NOTING:

- In terms of scope, the bill is focused on 'user to user' services and 'search services' with a link to the UK and which give rise to a risk of harm.

- Different types of harm covered in the draft bill include illegal, harmful to children, and legal but harmful for adults. Definitions within these categories will come later.
- The legislation puts in place a number of duties on in-scope services that combine to constitute a 'duty of care' by services to their users. These include key components such as risk assessing their services, safety duties, protecting users' rights and future-proofing.
- The draft Bill confers powers on Ofcom to oversee and enforce the new regulatory regime. Ofcom will have robust information gathering and enforcement powers but will not be regulating or moderating individual pieces of content.
- The ongoing public and parliamentary debate surrounding freedom of expression and the diversity of political opinion in this area.
- The upcoming milestones including pre-legislative scrutiny and that the Bill is expected to be formally introduced in the winter. Ofcom would be supporting the pre-legislative scrutiny stage and continued to engage with parliamentarians.

35. An Ofcom colleague provided an update on media literacy work and how the Bill includes provisions intended to build upon Ofcom's existing media literacy duties.

36. In general discussion, it was recommended that there be a separate session between committee meetings to understand the Scotland-specific angles of the Bill. The Ofcom Scotland Director NOTED that this was the very beginning of the process and that the Bill could look significantly different by introduction. In addition, there would be a Regulatory Affairs Associate joining the Ofcom Scotland team in July looking specifically at online safety issues from a Scottish perspective.

37. Other themes covered in the discussion included: timescales of the Bill; sectarianism and freedom of expression; the more general media landscape and where the Bill affects news publishers; definitions and provisions within the Bill.

MG Alba Presentation

38. Ealasaid MacDonald (EM, Director of Strategy & External Affairs) and Donald Campbell (DC, Chief Executive) from MG ALBA joined the ACS for this agenda item.

39. EM highlighted the range of issues facing MG ALBA: Gaelic language in peril, competition for younger audiences, Covid-19, depopulation, and aging demographics. The unique position of regulation in regard to relationships between MG ALBA, the BBC, BBC ALBA and Ofcom was explained. EM also outlined MG ALBA's 'route map' ambitions.

40. The Chair and the Content Board Member for Scotland asked questions around their preferred options for the future and whether progress is being made, as well as MG ALBA's views on how service-neutrality is covered in the PSM Review.

Content Board update

41. Members had been provided with a 'For Information' written paper and the Committee NOTED its content.

42. Members also NOTED that Bob Downes is currently serving as Interim Chair of the Content Board.

Consumer Panel/ACOD update

<p>43. Members had been provided with a 'For Information' written paper and the Committee NOTED its content.</p> <p>44. The Communications Consumer Panel Member for Scotland referred to work being done on vulnerable customers experiences of parcel delivery services and welcomed other committee members to feedback any thoughts on this, specifically relating to rurality.</p>
<p>Ofcom Contact Centre Information</p> <p>45. Members had been provided with a 'For Information' paper with Scotland's data and the Committee NOTED its content, specifically in regard to scams and silent calls.</p>
<p>ACS Annual Report 2020</p> <p>46. Members had been provided with a 'For information' written paper and the Committee NOTED its content.</p>
<p>Any Other Business</p> <p>47. Committee members added brief points around postal marketing, complaints concerning the Euros 2020 coverage, and the inclusion of network resilience in the mobile strategy.</p>
<p>Date of the Next Meeting</p> <p>48. The next scheduled Committee meeting would be held on 14 September 2021.</p>