Minutes of the 91st meeting of the Advisory Committee for Scotland – hybrid meeting in person and virtually over Microsoft Teams on 22 February 2023

Present

Elizabeth Partyka	Chair
Stephen Speirs	Member
Gerry Crawley	Member
Jess McBeath	Member (on-line)
Ashe Hussain	Member (on-line)

In attendance

Maggie Cunningham	Content Board Member for Scotland
Bob Downes	Ofcom Board Member for Scotland
Glenn Preston	Ofcom Scotland Director
Jonathan Ruff	Ofcom Scotland
Stefan Webster	Ofcom Scotland
Curtis Weir	Ofcom Scotland
Debbie Hughes	Ofcom Scotland
Other Ofcom colleagues	

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Welcome, introductions, conflicts, and apologies 1. The Chair welcomed everyone to the meeting and introduced Curtis Weir, the current graduate in the Scotland Nations Team. 2. Apologies had been received from Amanda Britain, Communications Consumer Panel member. 3. The Chair advised that there had been a successful recruitment campaign at the start of the year with the appointment of a new ACS member, Polly Tolley. Ofcom's Scotland Director confirmed that Polly would officially start on 1 March 2023.	
Minutes of the 90th meeting held on 8 December 2022 4. The minutes of the 90th meeting were APPROVED. In the discussion of actions which arose from the December 2022 meeting, it was NOTED that: • The BBC Operating Licence presentation slides from the meeting with Ofcom's Content Policy team had been saved to Diligent. • It was advised that it was unlikely there would be any immediate changes to thresholds for incident reporting of communications outages, although this was a discussion that would continue within Ofcom.	

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• It was agreed to have a Broadcasting focus at the next meeting in June and invite John Morrison, the new MG Alba Chair and Steve Carson, Director of BBC Scotland. • It was NOTED that a proposed meeting with Screen Scotland and the production sector on the latter's engagement with policy and regulatory issues had not yet been organised. The Chair confirmed that she would raise this at the next Creative Scotland meeting. • It was NOTED that an Ofcom colleague had met with Scottish Government officials and the Advertising Standards Authority on the Scottish Government's 'Alcohol advertising and promotion' consultation. It was advised that the consultation was due to close in March and was being seen as a starting point. Creative Scotland were interested in this too, but it was not yet clear if they would respond. • An Ofcom colleague confirmed that a meeting was in the diary for the Scotland Board member to meet with Channel 4 in March. • The Chair advised that there was a guided tour planned at Kelvinhall Studios in Glasgow on 23 March and that all members were welcome to join. • It was NOTED that the Communications Consumer Panel member attended an introductory meeting with the Scottish Federation of Housing Association providers and Ofcom on the SFHA's work with housing associations to support the migration to VoIP. • An Ofcom colleague confirmed that discussions were ongoing and that a meeting with Ofcom and Scottish Government officials on the 2G/3G switch-off had taken place. This was before Ofcom had published the 'Our expectations of mobile providers as part of the 2G and 3G switch off' document.' • It was NOTED that a response to Ofcom's Plan of Work Consultation had been submitted.	**GP/SW/DH**
Members' updates 5. A member highlighted that there had been a lot of concern from schools in relation to the views expressed by an outspoken and controversial media personality, with many reaching out to speak to parents. 6. It was advised that *Center for Countering Digital Hate*, a UK and US Company, had published a report named 'Deadly by Design', which looked at TikTok and how its content affects teenagers. 7. A member raised the question of the investigation of the Nicola Bulley case following the intrusion and speculation from the media and public. An Ofcom colleague advised that Ofcom had written to ITV and Sky to explain their actions around their coverage of the case. 8. A member advised that CWU members in Royal Mail are continuing with strike action with 97.1% of the workface voting to strike. 9. It was advised that Royal Mail are struggling with delivering parcels internationally following a cyber-Attack in January.	

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10. A member expressed a concern about sports rights. It was advised that sport is being fragmented across broadcasters and streamers and that there is concern about consumers subscriptions with viewers having to switch from one channel to another to watch. 11. It was advised that at the BAFTA film awards the film Aftersun had done very well. It was considered to be a Scottish film as it was directed by Charlotte Wells. A member commented that this raised the issue of defining what is classed as Scottish content. 12. The Chair advised that Baroness Stephanie Fraser had been appointed to the Digital & Comms Committee of the Lords and had shown a lot of interest in online safety and broadcasting. It was advised that the Chair would attend a reception with the Scottish members of the House of Lords on 16 March. 13. A member updated on rural networks noting that EE had announced the roll-out of 5G in Fort William and advised that there was now a strategy in place based on tourism across the whole of the UK. 14. There was concern about social tariffs and whether low-income households were claiming their pre-paid vouchers to help with their energy and broadband bills. 15. A member raised the issue of slow internet speeds in schools and the potential challenges this could raise for teaching. It was advised that the Scottish Local Government Digital Office should have it on their radar.	
Director's Report / Public Policy update 16. The Ofcom Scotland Director presented their written report and highlighted a few key points to NOTE: • The Scottish budget was passed on 21 February, and it was confirmed that there was a decision to award £6.2M to Creative Scotland (who had initially been instructed to use reserves). • There were two separate responses to Ofcom's Plan of Work from the Scottish Government from Ivan McKee and Angus Robertson. A brief update was given to the members on the broadcasting and telecoms issues highlighted. Responses would be published on the Ofcom website. • Ofcom colleagues met with Alistair Carmichael, MSP for Orkney and Shetland on 8 February. It had been highlighted that businesses were having issues with postal deliveries over the Christmas period with significant concerns about reliability and quality of service The Ofcom Scotland Director advised that Ofcom colleagues were planning a visit to Orkney in the coming months to speak to people about a range of communications services issues. • There was a suggestion to hold a future Committee meeting offsite at either BBC Scotland or STV in Glasgow. • There was a short discussion in relation to BBC Scotland's decision to stop commissioning Classics Unwrapped and Jazz Nights on BBC Radio Scotland. It was NOTED that Ofcom did not have any regulatory powers in relation to the BBC's editorial policies, but it was advised that the issue will be addressed as	**GP** **GP/SW/DH**

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part of a wider piece on transparency in Ofcom's upcoming Statement on the BBC's Operating Licence. • It was NOTED that licensees had until the end of April to reapply for Channel 3 licenses and were waiting to hear whether the DCMS Secretary of State would block the move or not. • It was NOTED that the Online Safety Bill continued to go through the House or Lords. It was advised that the Scotland Nations Team would continue to monitor where the Bill sits from a Scottish/ devolution perspective. • It was advised that an Ofcom colleague attended the Arcadia Festival in Dundee. A member advised that the DCRF (Digital Regulation Cooperation Forum) did a roundtable last year trying to connect to the gaming companies and that the ICO (Information Commissioners Office) have published tips for game designers. This is an attempt to try and target the gaming industry about compliance with the Online Safety regime. • It was NOTED that Gill Whitehead, Ofcom's new Online Safety Group Director, will be visiting the Edinburgh office on 20 March before officially starting her post in April. Gill was previously the CEO for the DRCF. 17. Moving to the Public Policy update, an Ofcom colleague gave a brief summary of their report, NOTING: • The restructuring of the UK Government with four new Departments replacing three existing ones. It was NOTED that the majority of Ofcom's remit moves to DSIT (Department for Science, Innovation and Technology) and DBT (Department for Business and Trade) with Broadcasting and Media remaining with DCMS (Department of Culture, Media and Sport). • The Chair raised concern for the production sector in Scotland on the decision not to privatise Channel 4 and instead implement reforms to the broadcaster's operating model. A question was asked if there was any insight on how this will affect Scotland, and it was NOTED that the Public Policy Director would check with the Team and update the Committee. • The Ofcom Scotland Director advised that Richard Davis, Ofcom's Chief Digital Officer, had joined the Scottish AI Alliance, which had responsibility for providing guidance and developing partnerships on Scotland's approach to AI.	**KD**
Draft Annual Report 2022 & Committee's Strategy for 2023 18. The Chair provided an overview of recent discussions with the Ofcom Scotland Director on the Committee's strategy and priorities for 2023. The wider context was also discussed, including a UK Government (Cabinet Office) led Public Bodies Review, which Ofcom was party to and would consider the efficacy of Ofcom's governance. The Chair noted there were two main objectives for the ACS to discuss: • How the Committee could be more effective and bring the most value to the Executive; and	

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• Pulling together a plan of the Committee's priorities within each sector for future meetings. 19. The Ofcom Scotland Director then provided an overview of the framework from the Public Bodies Review Programme. It was NOTED that: • There were four principles: ➢ Remain a necessity ➢ Greater accountability ➢ Reduced burden on the taxpayer ➢ A culture of efficiency and transparency 20. The members went on to have a discussion of their Strategy for 2023 together with their priorities and how best to do this. 21. There were a few key points to NOTE: • Plan the Agendas for the year ahead in advance of the four Committee meetings, • Pull the Committee's strategy against Ofcom's Plan of Work priorities and with the Ofcom Scotland team's strategic plan and priorities. The Ofcom Scotland Director agreed to share the team's strategic plan with the Committee, • The Chair and the Ofcom Scotland Director to meet to agree on what priorities to focus on; and • The Chair and members to meet to finalise and agree their priorities to roadmap against the Committee's milestones. 22. The Chair advised following annual review discussions with the members that everyone was happy to be asked for their advice and input into Policy discussions outside the four set meetings.	**GP** **GP/EP** **EP**
Service Provider Sustainability 23. A Committee member gave a brief overview of a recent research paper by STL Partners on the impact of sustainability challenges in service provider networks. This followed previous questions from members as to whether Ofcom had any remit in this space and could take a more proactive approach. 24. The Ofcom Scotland Director confirmed that Ofcom had no relevant statutory duties (e.g. no information gathering or enforcement powers). 25. It was advised that Ofcom was trying to be proactive in this space within these limits and it was NOTED that: • There is a team within Ofcom working on this and who have attended a previous Committee meeting. • Ofcom had published some consumer tips on how to use devices more efficiently and save money.	

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• There was engagement with an industry roundtable in London in May on 'UK Telecoms sustainability'. It was a meeting with the Heads of Sustainability from 9 telcos and connectivity providers. The aim was to secure agreement to form an industry-led working group on sustainability. It was asked if members were able to attend and it was advised that this would be checked. • Ofcom are engaging with industry stakeholders to understand how the ESG/net-zero agenda is driving commercial decisions – as a contextual factor in understanding the dynamics of the markets that Ofcom regulate. • Ofcom's Tech team had started to understand the enabling role of comms technologies in decarbonisation of the UK economy and whether the evolving connectivity needs of various sectors are sufficiently understood. 26. It was advised that there are 3 broad areas on where Ofcom are doing some research work to deliver on their Plan of Work commitment. It was NOTED: • Ofcom had commissioned research on the energy efficiency of OTT streaming vs Digital Terrestrial TV. • Ofcom are currently undertaking research on the energy consumption of IP multi-cast vs CDN multicast. • Ofcom have undertaken some research on the energy consumption of copper vs fibre, 4G vs 5G, to help understand the environmental implications of new and legacy technologies. 27. It was asked if Ofcom's research would be published, and the Ofcom Scotland Director advised that they would check this with the team.	**GP** **GP**
Content Board update 28. Members had been provided with a 'For Information' written paper and the Committee NOTED its content.	
Consumer Panel/ACOD update 29. Members had been provided with a 'For Information' written paper and the Committee NOTED its content.	
Ofcom Contact Centre Information 30. Members had been provided with a 'For Information' paper with Scotland's data and the Committee NOTED its content.	
Draft Strategy 2022/23 & Draft Annual Report 2022 31. Members had been provided with a 'For information' written paper and the Committee NOTED its content.	
Any Other Business 32. The Ofcom Scotland Director advised that a member of the Ofcom Scotland Nations Team, Jonathan Ruff, would be leaving the team in March 2023 to take-up	

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another role within Ofcom. It was NOTED that interviews would be carried-out in due course.	
Date of the Next Meeting 33. The next scheduled Committee meeting would be held on 6 June 2023.	

Approved: _____ **Date**: _____
Chair
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