

Project no: Advisory Committee for Wales

Author: Lloyd Watkins

Minutes of the 74th ACW Meeting (24 September 2019)

For information

Document no: ACW74

Submitted to: ACW 75 (3)

Submitted by: Lloyd Watkins

Project sponsor: Elinor Williams

Project director: Eleanor Marks

Project manager: Elinor Williams

Date written: 24 October 2019

1. Input requested

To approve the minutes of the 74th meeting of the Advisory Committee for Wales held on 24 September 2019.

2. Summary of analysis

PRESENT:

Committee:

Hywel Wiliam (Chairman) (HW)

Robert Andrews (RA)

Peter Trott (Member) (PT)

Ruth McElroy (RM)

Aled Eirug (Content Board Member for Wales) (AE)

Karen Lewis (Communications Consumer Member for Wales) (KL)

David Jones (Ofcom Board Member for Wales) (DJ)

Ofcom Staff:

Elinor Williams, Principal, Regulatory Affairs Wales (EW)

Joanna Davies, Senior Welsh Language Advisor (JD)

Lloyd Watkins, Regulatory Affairs Advisor (LW)

London

Emma McFadyen, Government & Parliament Nations representative (EMcF)

Katie Pettifer, Director, Government & Parliament Director (KP)

Anthony Szykaruk, Principal, Content Policy (AS)

Garreth Lodge, Associate, Content Policy Advisor (GL)

Gary Clemo, Principal, Technology Advisor (GC)

Tom Lancaster, Associate, Content Policy (TL)

Tom Walker, Principal, Content Policy (TW)

Alex Waterfield, Senior Associate, Content Policy (AW)

Vikki Cook, Director, Content Media Policy (VC)

Guy Holcroft, Head of Audience Management, Market Intelligence (GH)

Katerina Sklavounou, Senior Associate, Strategy & Policy (KS)

Amy Luong, Graduate, Business Planning and Reporting Corporate Services Group (AL)

Item 1: Chairman's Introduction & Apologies for Absence

1. The Chairman, Hywel Wiliam (HW), welcomed Members and Ofcom Wales staff to the 74th meeting of the Ofcom Advisory Committee for Wales (ACW) held at M-Sparc, Anglesey, North Wales.
2. Apologies had been received for absence from ACW Board Members, Andrew Board and Rem Noormohamed.
3. Apologies for absence had been received from Eleanor Marks and Liz Nash from Ofcom Wales.

Item 2: Update of Members' declaration of interests

4. Aled Eirug (AE) had been appointed to a working group from Welsh Government reviewing the National Library of Wales.
5. HW would be doing some lecturing work at the Cardiff and Vale College, part time on a Journalism Diploma course. The course was set by the National Council for the Training of Journalists (NCTJ), covering Media Law, Public Affairs and Broadcast Regulation.
6. RM's work with the University of South Wales Clwstwr group meant she would be working with some broadcasters.

Item 3: Minutes of the 73rd Meeting & Matters Arising & actions

7. The Minutes of the 73rd meeting of the Ofcom Advisory Committee for Wales were reviewed, and amendments noted. **ACTION – LW**
8. The Chairman turned to action points – all action points were accepted.
9. The following actions from the minutes of the 73rd meeting were noted:
 - a. Item 5 – BBC Item 5 – BBC Cymru Wales had invited ACW members for a tour of its new Cardiff HQ. EW confirmed that staff would be moved to the new building during the first week in November with the News team being last to move in March 2020. HW suggested waiting until the move was completed. AE believed it would be valuable to go twice and a visit before the end of the year would be preferable. The ACW consensus was to go sooner rather than later with DJ happy to wait. **ACTION – EW to arrange BBC Cymru Wales Trip**
 - b. HW mentioned that Kevin Bakhurst would be interested in a discussion regarding Community Radio during his impending visit to the Wales office in early October. EW commented that there could be a positive turnaround for community radio as many stations had taken up the extended coverage opportunities. This was good news for Small-scale DAB and commercial radio too.
 - c. Item 7 (14) – There was a discussion about data acquisition and the BBC. RA expressed concern about playback and the possibility of licence payers having their data taken, through third parties. This could lead to fewer people using Welsh podcasts rather than more. RA asked whether Ofcom would offer guidance as to whether the BBC's decision to block audience's access to BBC podcasts via Google services, instead asking listeners to use its own BBC Sounds service, was consistent

with its obligations under its Distribution Policy with Ofcom. RM added that she would like to hear more from the BBC regarding access for Welsh consumers.

- d. PT added that the BBC Sounds app was not supported by Apple's older operating systems which was not the case for other radio apps.
- e. Item 16 – HW said input was required for the Connected Nations and Media Nations report with discussion to be taken offline.
- f. Item 14 (40) - Creative Wales. RM said she had learnt about its revised draft study and that ACW had not been part of this. HW asked EW if she could confirm that ACW was on any future invitation list. This led to training and horizon scanning conversations. PT said this should help preparations for the Ofcom Annual Plan. HW asked EW to facilitate this meeting. EW confirmed it would need to be done earlier than November to be included in time for the next Ofcom Annual Plan. PT asked about a possible visit by the ACW to the Wrexham Hwb as they were open to the idea. **Action - Meeting on October 21, 2019** was confirmed by members.

Item 4: Chairman's Report

10. HW gave an oral update on the Chairman's activities since the last meeting.
11. The Small-Scale DAB consultation ended on the 4th of October. The main issue was that dedicated multiplexes would incentivise community services and that they have chosen DAB plus which will not be compatible with older DAB sets. **Action – HW & ACW to draft consultation response**
12. HW turned to Diversity and an RTS Cambridge Convention event he attended on 20 September that was led by Lenny Henry.
13. HW confirmed that he would be unable to meet with Kevin Bakhurst on his visit to Cardiff between 8-9 October.

Item 5: Update - Ofcom Board Member for Wales

14. David Jones (DJ) updated the ACW on the Chief Executive interviews and advised an appointment would be made in the new year.
15. He also briefed members on developments on the Mobile Network Operators Deal and the Telecommunications Supply Chain report. Shared masts would be the most likely approach in the deal but would have to await the final agreement. PT said there was potential to use roaming with software-based networks, there was an opportunity for more companies to provide services and applications.
16. HW thanked DJ for his update.

Item 6: BBC Annual Report

17. The Chairman welcomed Tom Lancaster, Tom Walker, Alex Waterfield on VC. Tom Walker briefly summarised the BBC Annual Report paper. AE then asked about the regional and local impact of Britbox and on the iPlayer of playing material in Wales. He queried if this undermined the understanding of Made out of London. Content being made and sold abroad was bypassing the network and the iPlayer undermined that completely. Hywel said

the example of 'Keeping Faith' (an S4C and BBC co-production) was key because it bypassed the network and went straight to the iPlayer and ended up breaking iPlayer records for viewing figures for a non-network programme. AE said that network and regional were beginning to blur and this required clarity from the BBC and Ofcom.

18. RM asked TW what were the international comparators. TW said that primarily American organisations were the BBC's main competition and AW said that she had discussions with German and French regulators regarding their PSBs and Ofcom would continue these and wider conversations. RM said she was happy to be part of these discussions, in particular discussing a bilingual Wales and the role of a PSB like the BBC in creative industries.

19. HW thanked the team for their contribution to the meeting.

Item 7: Review of BBC News and Current Affairs

20. The Chairman welcomed Vikki Cook, Anthony Szykaruk, Garreth Lodge to the meeting and thanked them for attending. The committee was shown a short clip on feedback of news and current affairs. There were two focus groups on news and current affairs in Swansea and Bangor. GL confirmed that people turned to the BBC for trusted and accurate source of news.

21. The BBC would need to make itself more relevant to the diverse communities across the country. How the BBC achieved due impartiality was not shaped just by content but a range of factors like the gender pay gap and the Jimmy Saville scandal.

22. AS said, it could be worth getting Stephen Cushion to present to the committee on the findings of the news and current affairs review along with the King review. RM said that content analysis could show how much had changed since the King report and it could be difficult to synthesise the focus group research with previous findings.

23. RM followed up by asking specifically about current affairs – AS said very little was differentiated between news and current affairs. It was clear to Anthony that the term current affairs was not something audiences related to.

24. Hywel asked the committee if a session at the next ACW would be worthwhile? This was confirmed and accepted by the committee. **Action EW to facilitate**

25. HW thanked the team for their contribution to the meeting.

Item 8: Report – Wales Recent Developments

26. An update paper had previously been circulated to members. EW highlighted the following points.

- a. Meetings with BBC and Politicians.
- b. AE asked for notes from meetings such as Eleanor Marks' recent meeting with ITV Cymru Wales. These were also requested by ACW members and by KL to take to CCP meetings. AE asked for more information from Ofcom Wales' meetings with Welsh politicians as it could prove useful for him to take to the Content Board.

- c. EW responded that details from these meetings should be covered in Wales recent developments ACW papers but suggested sharing with members between meetings informing them of any developments. **ACTION: LW to implement**
- d. Welsh Government's Superfast broadband development programme was to maximise superfast broadband in Wales. People needed to be aware of its availability and could attend digital marketing workshops. There was a successful partnership with the Welsh Government, Antur Teifi and CirCo Business in Wales. KL mentioned that CCP had been having discussions with them as well. They were working with Cardiff University who were doing research around the impact of Superfast broadband in Wales. Max Monday from Cardiff University was running it along with Mike Groves from WAG. **Action: EW to invite Max Monday to come to future ACW event.**
- e. RA queried why England was benefiting from Wales broadband funding in places like Shropshire and other border areas. EW confirmed that this was not necessarily Welsh spend but part of the statistical area that included a handful of properties on the English side of the border.
- f. Openreach had set up a Board for Wales - Chaired by Kim Mears, (the first meeting took place 2 weeks ago). Lessons learnt from the first phase of Superfast Cymru must be considered so the same mistakes were not repeated.
- g. Eirug Davies, from Openreach, who attended the Committee's Stakeholder event in Beaumaris was happy to come to a future ACW meeting to share information and answer questions.
Welsh language Standards:
- h. EW discussed Ofcom's Welsh language matters, in particular the Welsh Language Commissioner's investigation concerning the Welsh Language Line. The complaint was comparing the Welsh line managed by one staff member in Ofcom Wales to the 20 strong team at the Ofcom call centre which handled calls across the UK in Warrington.
- i. The Standards were only effective in Wales. So, the complainant comparing the Welsh line with Warrington was like comparing apples and pears. Ofcom evidence to the Welsh Language Commissioner at the beginning of August argued that the Commissioner should compare the Welsh language line with the main Ofcom Wales switchboard in Cardiff. That was identical to the Welsh language line. It had no automated responses like Warrington and if the small team in Ofcom Wales was unavailable to take the calls, callers were asked in Welsh and English to leave a message.
- j. Alison Crosland, Ofcom's Group Director for Corporate Services and EW would be meeting with the Commissioner on 1 October 2019 to discuss this and other matters further.

Item 9: Update – Communications Consumer Panel Member for Wales

- 27. KL gave an overview of the Communications Consumer Panel. At each monthly meeting in Ofcom's headquarters in Riverside House, there were 4 presentations from various Ofcom teams.
- 28. The CCP was keen to have stakeholder input from those representing older and more vulnerable consumers. KL would be hosting a roundtable event in December with 12-15 people to get views regarding issues facing them around the communications market, for example, migration to VoIP. **Action EW: Ofcom Wales to facilitate a meeting on this. Ofcom would not take part but ACW members would be invited.**

29. KL would attend her first meeting with the Older People's Commissioner for Wales next month. She would discuss her concerns about the VoIP migration as regards who paid for plugs and sockets etc that might have to be moved in customers' premises.

Item 10: Report – Public Policy

30. HW welcomed Katie Pettifer, (KP) Director of Public Policy who joined the meeting by telephone. KP informed ACW about the breaking news that Parliament wasn't prorogued according to UK Supreme Court judges. Members were updated on the new European Electronic Communications Code (EECC). The UK Government was deciding how to transpose this with the potential for Gigabit capable technology in the UK by 2025.
31. It was noted that Ofcom might become the interim regulator for video sharing platforms. Discussions between government and the MNOs on a deal to improve mobile coverage were in progress.
32. KP confirmed that Kevin Bakhurst would give evidence to the CWLC committee in November.
33. AE asked what Ofcom was doing to engage people in Wales around "Small Screen: Big Debate". KP said the PSB team was working on plans on how to do that. ACW members expressed their interest in being part of the debate.
34. AE asked about the "Small screen: Big Debate" implications for S4C. **ACTION KP to find out more about S4C's role via the PSB project team.**
35. AE mentioned that the Institute of Welsh Affairs (IWA) was going to do a piece of research updating the audit they completed in 2015 about Media in Wales. This would take place late Autumn/early Spring. The report would be touching on PSB. This had the potential to partner Ofcom's work on the "Small Screen: Big Debate".
36. KP stressed the importance of the CCP being involved in issues relating to adult digital and media literacy. **ACTION: KP agreed to talk to the relevant teams to ensure CCP was more involved.** HW thanked KP for her input and moved onto item 11.

Item 11: Ofcom Annual Plan 2019/2020

37. HW welcomed Guy Holcroft, Katerina Sklavounou, and Amy Luong over Video Conference. GH explained that the new Ofcom Annual Plan was in its early stages but thematic sections were not expected to change. He suggested that ACW look through the nine themes laid out in his paper. The top three were – connectivity, better broadband and mobile. Some were more single theme in nature such as Brexit – it was still not clear how this would end. Post was also a single theme.
38. RM said that one of the things that stood out in the Media Nations Wales report was that viewing figures had dropped for S4C. Putting that alongside ambitions to see broadcasters thrive raised questions about what this meant for broadcasters like S4C in particular?

39. HW commented that in relation to the new one-year window for programme availability proposed by iPlayer, this would not be viable for S4C due to costs for rights. As a small minority language broadcaster, costs limited them.
40. GH indicated that S4C could be given some headline space in the 'serving part of the UK' section of the Plan. RM suggested thinking in a holistic way about how to help broadcasters to thrive that have a unique nature, like S4C, what it meant and the challenges they faced and how Ofcom could help.
41. RA suggested more focus on the Broadcasting section on Wales.
42. PT suggested that on the telecoms side, the section about Wales needed to be broader, supporting innovation in rural Wales and its economy overall.
43. **Action: ACW to draft a section about Wales's priorities for 2020/21 as soon as possible.**
44. It was noted that the Plan would go out for consultation early in December. **ACTION – ACW members/EW to take note of consultation and feedback.**

Item 12: Report – Content Board Member for Wales

45. AE highlighted key points from in report:
 - a. AE attended the last Content Board meeting In July. AE was concerned about the quality of Diversity in Broadcasting data provided to Ofcom by broadcasters. AE felt that the data should be as granular as possible and would like to see the current data. AE was of the view that there were big issues around gender and BAME (population around 15-20% in Wales).
 - b. JD said that Ofcom's latest Diversity in TV report had been published the previous week.
 - c. AE queried provision of S4C data. JD commented that S4C were asked by Ofcom but did not supply it this year or last year as it was not required to do so. JD explained that she had checked this as it affected translation levels and they had not supplied information.
 - d. EW noted that Owen Evans (S4C's Chief Executive) had said, at the Culture, Welsh Language and Communications evidence session the previous week, that diversity was very important to the broadcaster.
 - e. HW asked if we can get TAC (Teledwyr Annibynnol Cymru) could become involved.
 - f. KL asked whether Ofcom was still looking at protected characteristics which she believed weres still under the radar. KL noted that the BBC had been making progress advertising for apprenticeships.
 - g. One of the big challenges RM said was lack of data regarding social-economic backgrounds.
 - h. JD mentioned that for the first time this year the new Diversity in TV report collected information about the type of schools attended by industry employees, and the occupations and qualifications held by their parents when they were growing up.
Action: EW to find out what information existed already - and drill down for stats about Wales and further information regarding S4C's lack of participation.

- i. AE also noted the Content Board would be monitoring the success of the new BBC Scotland Channel.
- j. AE advised that further work would be undertaken in the summer regarding diversity in broadcasting which would involve all the main broadcasters including S4C who had volunteered to take part.
- k. AE reported that the Content Board had received a good presentation from the Market Intelligence team on structural change in the UK TV market.

Item 13: AOB and items for future agendas

- 46. Arrange visit to BBC Cymru Wales. **Action EW**
- 47. Draft response to Small Scale DAB consultation needed by October 4. **Action HW**
- 48. Organise a half-day session in October to discuss “Small Screen: Big Debate”. **Action: EW and HW**

Items 16-17: For Information

Date of next meetings:

21 October 2019 – 2PM-4PM – Discussion about “Small Screen: Big Debate”

11 December 2019 – ACW Meeting in Cardiff

Next speakers to invite for ACW 11 December meeting

Stephen Cushion - Analysis of Current Affairs

Next speakers for 2020 meeting

- DSP Centre Project participants (M-Sparc)
- Max Munday, Cardiff University
- Eirug Davies, Openreach
- Apologies from DJ as he could not attend the 11 December meeting.

Signed Date
 Hywel Wiliam, Chairman, Ofcom Advisory Committee for Wales