

**Minutes of the 76th meeting of  
the Advisory Committee for England held via Teams  
on 24 June 2021**

**Present**

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

**In attendance**

David Jones	Ofcom Board Member (minute 27)
Richard Spencer	Consumer Panel Member for England
David Edwards	Governance and Accountability Team
Robert McGruer	Director, England

A colleague from the NFU (minutes 14 – 15)

Colleagues from Speed up Britain (minutes 16 - 17)

A colleague from Fram Broadband (minutes 18 - 20)

Other Ofcom colleagues

<p><b>Introduction</b></p> <p>1. The Chair welcomed Members and attendees to the 76th meeting of the Committee, all taking part remotely via Microsoft Teams, and noting the connectivity theme of the meeting. Rob McGruer was attending the meeting in his new role as Ofcom’s Director for England.</p>
<p><b>Declaration of Members’ Interests – Oral</b></p> <p>2. The Chair declared that she had a policy role at the BBC at the time that Martin Bashir's Panorama interview with Princess Diana was broadcast, in 1995. She confirmed that she was not involved in the making of the programme or subsequent investigation.</p> <p>3. No other interests were declared by Members or attendees.</p>
<p><b>Minutes of the meeting held on 11 March 2021 and matters arising – Minutes 75(20)</b></p> <p>4. The minutes of the meeting held on 11 March 2021 were APPROVED as an accurate record and for signature by the Chair.</p>

5. It was noted that Matthew Littleford had drafted and submitted the Committee's response to Ofcom's Small Screen: Big Debate (SS:BD) consultation on the future of public service media in the UK. The Committee had also engaged with Ofcom's SS:BD team at the March 2021 Committee meeting.

#### **Members' open session**

6. Members were updated on the process to recruit a new Ofcom Chair. It was noted that in May 2021 the Government decided to restart the process and a new Chair was now unlikely to be appointed until the end of the year. In the meantime Maggie Carver would continue as Interim Chair.

7. Following the resignation of Tim Suter, a DCMS recruitment process would take place to recruit a new Ofcom Board Member. With the exception of England, all the Nations had an appointed Board Member and the Board had assigned Tim Suter to carry out that role for England. The Chair emphasised the importance of an 'England voice' on the Ofcom Board and was considering raising this with Ofcom, possibly via the Corporation Secretary.

[Note: The England Board Member attended Committee meetings as an observer, enabling him/her to feed specific ACE advice/views into Board discussions. Ofcom Board Member David Jones had agreed to join the end of today's meeting to report on recent Board activity/priorities. At its meeting on 21 July 2021 the Ofcom Board formally appointed the existing Board Member Angela Dean as the Board Member for England.]

8. It was noted that Ofcom was undertaking a review of its use of the Stonewall Diversity Champion Scheme. Separately a former Member of the Committee had written to the Chair asking if Ofcom was reviewing its position, in the context of a number of organisations withdrawing from the Scheme. The Committee would be updated on Ofcom's review in due course.

9. On 23 June 2021 the Culture Secretary had announced that he would consult on the sale of Channel 4. Following brief discussion of the implications for PSB, for regional broadcasting and independent producers, of representation and diversity in UK broadcasting, it was agreed that the Committee should respond to the consultation.

[Note: the consultation was published on 6 July and would end on 14 September 2021.]

#### **Public Policy update - ACE 6(21)**

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

11. Issues highlighted included the proposed consultation on the sale of Channel 4; Government plans to introduce restrictions on online and pre-9pm TV advertising for products high in fat, sugar and salt (HFSS); Ofcom's work to address scams and Members noted that Ofcom was considering these issues in the round, given the inclusion of financial harms in the Draft Online Safety Bill; and the Telecommunications (Security)

Bill. The latter with proposed Ofcom powers to monitor compliance and enforcement of new security duties placed on telecoms operators and Government responsibility to impose monitoring and enforcement controls on the use of high-risk vendors within UK telecoms networks, with Ofcom playing a limited information-gathering role.

12. There was discussion of the importance of public reporting in relation to telecoms security and Ofcom resourcing for work in this area. In relation to scams, it was noted that this was a complex landscape, including investment scams and malicious websites, and would involve work with other regulators, eg the FCA. The Chair suggested that the Committee make scams the topic for an agenda item at a future Committee meeting.

### **Connectivity scene setting**

13. Members were provided with a brief introduction to the range of Ofcom's work related to improving connectivity, including universal service provision and both 4G and 5G footprints and the recently published Wholesale Fixed Telecoms Market Review 2021-26 statement. In relation to the fixed environment, Ofcom had also published an interim update to the December 2020 Connected Nations report, based on coverage and service availability information received from communications providers. It was noted that a key enabler in relation to mobile coverage and deployment of infrastructure was the Electronic Communications Code (ECC) 2017 and that there was contention between some landowners and MNOs concerning rents for mobile mast sites.

### **NFU**

14. The Committee received a presentation from the National Farmers Union on agriculture, the rural economy, and digital connectivity. This included headline results from the NFU's 2020 Digital Technology Survey on farmer connectivity, including the finding that only 40% believed that their broadband speed was sufficient for the needs of their business; the role of connectivity and its impact on nearly every aspect of farm life, including combatting social exclusion, increasing productivity and access to digital services like tax filing and online banking; how NFU members could make use of better connectivity and speeds; and NFU policy priorities in this area, including a technology neutral approach to the universal service obligation (USO).

15. Issues raised and discussed by the Committee included the commercial benefits and social imperatives of connectivity; what constituted a decent broadband service and the adequacy of download and upload speeds of 10 Mbit/s and 1 Mbit/s respectively, available as part of current USO requirements; disparities between national average speeds and what farmers were experiencing; economics and the costs of provision, innovation and incentives for providers; and education and farmers' awareness of broadband services that were available.

### **Speed up Britain**

16. The Committee received a presentation from Speed up Britain, the mobile industry campaign group seeking targeted changes to the ECC 2017. These were described as the removal of financial disincentives to mobile mast site providers to conclude renewal agreements; inconsistencies between different legislative regimes; steps to ensure that the Code could be used to upgrade existing sites; clarification of the Code's intention for the sharing and upgrading of sites; and giving equal importance to the conclusion of new site and renewal agreements. Particular challenges were costs, price inflation and delays in getting access to land, network investment and the need for improved rural coverage and targets.

17. Issues discussed included unintended consequence of the ECC 2017; the role of land aggregators (that buy up mast site leases from landowners); whether covid recovery funds would aid improved mobile coverage; the UK's Shared Rural Network solution; and the need for deals acceptable to both site owners and mobile infrastructure providers.

### **Fram Broadband**

18. A representative from Suffolk-based Fram Broadband joined the meeting to provide a perspective on connectivity from a community broadband provider.

19. Fram Broadband had been established in 2003 to serve rural areas where broadband was either poor or unavailable and provided a fixed wireless service to its customers. Availability of the Government's broadband voucher scheme had been one driver of the growth of Fram Broadband's hybrid network.

20. It was noted that, in addition to filling not spots and nearly not spots, Fram Broadband competed locally by placing an emphasis on quality of service and timely engineering visits to solve customers' problems quickly. A low customer churn rate continued to be a measure of success. Challenges past and present included backhaul, managing relationships with Openreach and keeping up with regulation, eg rules on provider-led switching and the changes that could arise from the Telecommunications (Security) Bill.

### **Connectivity conclusions**

21. An Ofcom colleague noted the different perspectives that had been provided by the NFU, Speed up Britain and Fram Broadband and commented that a need for intervention was not yet over. Some questions remained about what was required to achieve quality broadband and decent speeds to as close to 100% of UK premises as possible, with ultra-fast services still some years away for some parts of the country. Ofcom was alive to the issues.

22. Issues discussed by Members included the importance of local network knowledge, something more difficult for the bigger players to retain; the importance of raising users' expectations and of providers improving the overall broadband experience that they offered to their customers; the challenge for less well known providers to establish a name and trust; and the importance of removing barriers where possible (eg

related to planning issues and wayleaves with private landowners, ensuring access to premises with non-responsive landlords and making sure new build scheme developers were obliged to contract with communications providers) to meet demands for connectivity and to encourage the provision of services.

#### **Spectrum management strategy – ACE 7(21)**

23. Members were briefed on Ofcom’s work on its spectrum management strategy (last reviewed in 2014) and looking ahead over the next ten years at longer-term trends, challenges and opportunities, in a context of growing diffusion of wireless technologies and the possibility of using much higher frequencies. Three themes had been identified: supporting wireless innovation; licensing to fit local and national services; and promotion of network sharing. The strategy would build on a range of existing actions (to enable 5G; provide sub-national access to spectrum; access to spectrum with low barriers to entry, and for trials and testing; and understanding user needs and provision of information).

24. Topics discussed by Members included the utility and rail sectors and their reliance on spectrum, investment timelines being an issue; mobile devices and the importance of international agreements and shared technical standards; and potential uses for spectrum above 100 GHz, ie EHF (Extremely High Frequency).

#### **Consumer Contact Team – ACE 8(21)**

25. Members were briefed on the work of Ofcom’s Warrington-based Consumer Contact Team (CCT), to provide advice and sign-posting to consumers in response to calls/ letters/ emails/ web/ social media submissions related to telecoms, post and broadcast issues. In addition, broadcast complaints were investigated by a separate Ofcom standards team; wider complaint information was used to inform policy and enforcement work; and complaints data was published on a regular basis.

#### **Consumer Panel update – ACE 9(21)**

26. Members noted recent Consumer Panel activity and current priorities, as outlined in an update paper (minutes of Panel meetings were also available on the Panel’s website). There being insufficient agenda time, Members were invited to contact Richard Spencer regarding any questions.

#### **Ofcom Board update**

27. David Jones, Ofcom Board Member for Wales, joined the meeting and updated the Committee on recent topics discussed by the Ofcom Board (minutes and notes of meetings being available on the Ofcom website). Members noted that David Jones had been appointed to the Content Board and that his fellow Board Member Bob Downes had been appointed as Interim Chairman of the Content Board. The Committee Chair again emphasised the importance of an ‘England voice’ on the Ofcom Board.

<b>Information Items</b>
28. Telecoms, Broadcast & Postal Complaints (England) – ACE 10(21): The paper was noted.
29. Media Nations – ACE 11(21): The paper was noted.
<b>Any Other Business</b>
30. There was no other business.
<b>Date of the Next Meeting</b>
31. The next scheduled Committee meeting would be held on 23 September 2021.