

Meeting of the Ofcom Advisory Committee for Scotland held at the Ofcom Scotland Offices, 125 Princes Street, Edinburgh

Wednesday 26 September 2019 – 10.30-16.00

Present:

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| Liz Leonard – Chair ACS David Connolly – ACS Laura Anderson – ACS Stephen Speirs - ACS Julie Pirone – ACS Carmel Teusner - ACS Maggie Cunningham – Content Board Member for Scotland Bob Downes – Ofcom Board Member for Scotland Glenn Preston – Ofcom Jonathan Ruff – Ofcom Stefan Webster – Ofcom Amy Preston – Ofcom | Kelly Forbes – Ofcom Elisa Pruvost – Ofcom Jane Rumble – Ofcom Avjeet Grewal – Ofcom Tom Walker – Ofcom Tom Lancaster – Ofcom Alex Waterfield – Ofcom Garreth Lodge – Ofcom Anthony Szynkaruk– Ofcom Emma McFadyen – Ofcom Katie Pettifer - Ofcom |
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Apologies:

Amanda Britain – Communications Consumer Panel – (had hoped to join remotely for Agenda item 13 but was unable to do so because of technical problems)

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| 1. | Welcome and apologies | |
| 1.1 | AB sent her apologies. She planned to join the meeting remotely for agenda item 13. | |
| 2. | Members’ interests | |
| 2.1 | SS declared an interest as one of his colleagues has provided technical advice to assist with the Shared Rural Network (SRN) proposals. | |
| 3. | Minutes of previous meeting | |
| 3.1 | The minutes of the Committee meeting in June were approved with some minor amendments; including changes to the terminology used at section 8.2 and the inclusion of “should be addressed over the coming months” at section 15.2. | |
| 3.2 | GP advised that all recent ACS minutes were approved and now available to view on the Ofcom website. The Scotland team would also compile a list of all recent Committee submissions to Ofcom and government consultations. LL asked Ofcom colleagues to explore whether these could also be made available on Diligent. | GP |
| 4. | Matters arising | |
| 4.1 | None. | |
| 5. | Director’s Report, Glenn Preston | |

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| <p>5.1</p> | <ul style="list-style-type: none"> • GP updated Committee members on the Scottish Government’s Programme for Government (announced earlier that month). Committee members expressed an interest in the Scottish Government’s recently announced AI strategy and would like to revisit the topic when further detail is available. • SW updated on the latest developments in respect of localness on commercial radio, including confirming Ofcom had written to the Scottish Parliament’s Culture committee confirming it would not be making FM spectrum available for use by commercial stations. The letter had been shared with the committee and was expected to be published on the committee’s website. SW also summarised recent conversations with DC Thomson around their radio strategy, which it was understood would be focusing on digital. • On the Cross Party Group on Digital Participation, the ACS were supportive of Ofcom’s intention to withdraw as Secretary from the turn of the year given how much the remit of the CPG had changed. • Following the MG ALBA update, it was suggested that a review of the partnership agreement between them and the BBC could be a quick win in terms of any review. Ofcom would pick this up with MG ALBA. • SW provided an update on the recent meeting between Simon Pitt, Bobby Hain, Kevin Bakhurst and Glenn Preston, ahead of STV’s scheduled appearance at the December ACS meeting. • GP updated the ACS on a recent meeting with the salmon industry on wireless innovation and how proposals for spectrum sharing could benefit them. Ofcom would be hosting a wireless event in February where this will be covered. ACS members will be invited. BD suggested inviting CENSIS and LL suggested inviting Crown Estate Scotland. | |
| <p>6.</p> | <p>General policy/political update, Katie Pettifer</p> | |
| <p>6.1</p> | <ul style="list-style-type: none"> • KP provided a summary of the paper, focussing on planning for a no-deal Brexit, the UK Government’s plans for broadband and the latest on the upcoming auction of the 700Mhz spectrum band. KP explained that the MNOs had been encouraged to consult the Scottish Government on its Shared Rural Network plans. • BD asked about potential sanctions should voluntary commitments from the MNOs be missed. KP confirmed that these would ultimately be enforceable licence conditions. • SS asked about the level of coverage commitments. It was noted that with the proposal for infrastructure sharing (in Scotland and across the UK) and joint building, the MNOs hoped to achieve an outcome of over 80% geographic coverage in Scotland. • On media literacy, the UK Government are about to tender to map out their media literacy strategy. Ofcom to share publicly available materials from summer event with ACS. • BD asked about the UK Government’s decision to stop attending European meetings. KP confirmed that this doesn’t affect Ofcom for the time being with the exception of those we attend under UK Government instruction. | <p>SW</p> |

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| 7. | Update on Ofcom’s post work programme and Royal Mail strategy, Kelly Forbes, Elisa Pruvost and Jonny Ruff | |
| 7.1 | <ul style="list-style-type: none"> • KF explained Ofcom’s duties in post which include protecting consumers, ensuring the universal service obligation is financially sustainable and monitoring Royal Mail performance. She noted that the Annual Monitoring Report which includes our analysis of the letters and parcels markets and consumer satisfaction will be published at the end of November. • As set out in the 2019/20 Annual Plan, Ofcom had brought forward work on a review of user needs, which would include qualitative and quantitative analysis. Preliminary findings were expected to be published in Q4. • JR provided Committee members with an update on developments in ‘parcel surcharging’, including work undertaken by the Scottish Government. JR reminded Committee members that Ofcom does not have powers to impose price caps on delivery companies but will use its powers to collect information from operators to inform the wider public debate. Ofcom is working with other consumer organisations through the Consumer Protection Partnership group. | |
| 8. | Reflections on Royal Mail and the postal market in Scotland, Julie Pirone | |
| 8.1 | <ul style="list-style-type: none"> • JP provided Committee members with some background information about Royal Mail’s Universal Service Obligations and Ofcom’s duty to promote the financial sustainability of the USO. There was a short discussion about the changing nature of the post and parcel markets. | |
| 9. | Telecoms advocacy – UK Government Consultation / Consumer Scotland update, Jonny Ruff, Avjeet Grewal, Jane Rumble and Laura Anderson | |
| 9.1 | <ul style="list-style-type: none"> • JR advised the Committee that the Scottish Government had introduced legislation on 5 September which will lead to the creation of a new consumer advocate and advice body, to be known as “Consumer Scotland”. • JR highlighted the UK Government’s recent consultation on “Reforming Consumer Advocacy in Telecoms” which recommended that Citizens Advice become the formal telecoms advocate in England and Wales. • There was a short discussion about the legal framework underpinning these proposed advocacy arrangements and the implications for telecoms advocacy in Scotland, particularly in light of the proposed remit for the new Consumer Scotland Body. • The Committee agreed to respond to the DCMS consultation; reiterating some of the important points made in its response to the Scottish Parliament’s Economy, Energy and Fair Work Committee’s call for evidence on the Consumer Scotland Bill. • JR noted the new Consumer Scotland body had a particular focus on vulnerable consumers and there was a short discussion about the various definitions of ‘vulnerability’ used by organisations. • EM said that the Advisory Committee for England (ACE) are considering whether to submit a response and are meeting on 30 September. The Advisory Committee for Northern Ireland (ACNI) and the Advisory Committee for Wales (ACW) were also considering the merits of responding. | <p>LL/LA/ JR</p> |

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| | <ul style="list-style-type: none"> GP suggested the ACE and ACS consider collaborating and sharing drafts. The closing date was the 14 October 2019. | |
| 10. | BBC Annual Report, Alex Waterfield, Tom Walker and Tom Lancaster | |
| 10.1 | <ul style="list-style-type: none"> The project team (PT) gave a summary of the paper, highlighting that the report will be following up on the four main findings from last year. The challenges faced by the BBC will also be common across the PSB system and will lead in to our work on <i>Small Screen: Big Debate</i>. Asked about diversity behind the camera, the PT confirmed that this is an area of interest and we have asked DCMS for further powers in this area. DC asked about the BBC's future plans for younger audiences. The PT confirmed that the BBC have a <i>next generation</i> plan in place but there is a downward trend across all of the PSBs, who were struggling with content and distribution. DC & LL queried whether the PT have access to data regarding Scottish usage of iPlayer & BBC Sounds data. The PT do engage with the BBC's executive team about addressing these challenges and were likely to comment on it in the annual report. | |
| 11. | BBC News Review, Garreth Lodge and Anthony Szykaruk | |
| 11.1 | <ul style="list-style-type: none"> The PT shared some videos from the recent qualitative research that took place to support this report. GL provided a summary of the emerging themes from the report and likely recommendations. ACS commented on the importance of the BBC being distinctive in this space and whether the BBC requirement for due impartiality can "leave the middle ground untouched". MC confirmed that such concerns come up regularly in the Content Board and questioned if the BBC looks far enough beyond the demands of TV news. The PT were asked about the BBC taking their lead from newspapers and commented that this was raised by respondents in Scotland with regard to the paper review on GMS but that Ofcom would not comment on editorial matters. Many of the findings from the report would also be carried forward into <i>Small Screen: Big Debate</i>. | |
| 12. | Content Board update, Maggie Cunningham | |
| 12.1 | <ul style="list-style-type: none"> MC provided Committee members with an update on the 'Making Sense of Media' Content Board session. GP indicated that he would circulate a copy of the relevant slide packs to Committee members, which were available on the Ofcom website. MC indicated that the Content Board was still in process of discussing important obligations related to the 'Out of London' broadcast licence obligations. There was a short discussion about the 'Small Screen, Big Debate' programme of work; GP suggested that Ofcom colleagues would be considering a tour of key locations to seek views from audiences in Scotland. A further conversation on the plans with ACS members would be helpful. | <p>GP</p> <p>GP</p> |

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| | <ul style="list-style-type: none"> • There was a short discussion about work related to ‘Online Harms’; GP committed to sharing notes from Ofcom’s recent offsite planning session. • The Ofcom consultation on protecting adults in reality TV is ongoing, with much of the public discussion being about who will be responsible for paying for the additional protection. | |
| 13. | Communications Consumer Panel/ACOD update, Amanda Britain | |
| 13.1 | <ul style="list-style-type: none"> • Committee members agreed to take a written update from AB at a later date after the technology allowing her to join failed. | AB |
| 14 | Fixed and mobile telecoms update, Jonny Ruff | |
| 14.1 | <ul style="list-style-type: none"> • JR updated on the latest broadband and mobile coverage figures for Scotland contained in Ofcom’s Connected Nations Report (summer update). • JR also provided Committee members with an overview of key Ofcom projects aimed at delivering better broadband and mobile coverage, including an upcoming consultation on funding arrangements for the broadband universal service obligation, which comes into effect in March 2020. He also provided an update on the latest Scottish Government infrastructure programmes, including the ‘Reaching 100%’ Programme and the ‘SG4i’ mobile programme. • There was a short discussion about Ofcom’s latest proposals for facilitating ‘spectrum sharing’ which means that third parties can now lease licences from the mobile network operators. Related to this (and as noted earlier in the meeting), Ofcom would be hosting a wireless event in the coming months; bringing together key stakeholders and representatives from salmon, forestry and whisky industries, alongside other rural stakeholders. • JR also announced that the Scottish Government had recently published their 5G strategy. • SS asked if 700MHz will be available to use for rural networks. GP suggested that we raise this question with spectrum colleagues in Ofcom. | JR |
| 14. | AOB | |
| 14.1 | No additional items were raised by Committee members. | |