

**Project no:** Advisory Committee for Wales

**Author:** Liz Nash

## Minutes of the 72<sup>nd</sup> ACW Meeting (12 March 2019)

### For information

**Document no:** ACW73 (3)

**Submitted to:** ACW 73

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**Project manager:**

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#### 1. Input requested

To approve the minutes of the 72<sup>nd</sup> meeting of the Advisory Committee for Wales held on 12 March 2019.

#### 2. Summary of analysis

##### PRESENT:

##### Committee:

Hywel Wiliam (Chairman) (HW)

Robert Andrews (RA)

Andrew Board (Member) (AB)

Peter Trott (Member) (PT)

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

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

##### Ofcom Staff:

Eleanor Marks, Director, Wales (EM)

Elinor Williams, Principal, Regulatory Affairs Wales (EW)

Joanna Davies, Senior Welsh Language Advisor (JD)

Lloyd Watkins, Regulatory Affairs Advisor (LW)

Liz Nash, Regulatory Affairs Assistant, Wales (LN)

##### London

Emma McFadyen, Government & Parliament Nations representative (EMcF)

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

Vanessa Hyland, Head Research Content (VH)

Anthony Szykaruk, Principal, Content Policy (AS)

Garreth Lodge, Associate, Content Policy Advisor (GL)

Gary Clemo, Principal, Technology Advisor (GC)

Alistair Henwood, Strategy/Policy Analyst (AH)

Sophie Richings, Public Policy Manager (SR)

### **Item 1: Chairman's Introduction & Apologies for Absence**

1. The Chairman, Hywel Wiliam (HW), welcomed Members and Ofcom Wales staff to the 72<sup>nd</sup> meeting of the Ofcom Advisory Committee for Wales (ACW) held at Ofcom Wales offices. He advised apologies had been received from Jacqui Gregory.

### **Item 2: Update of Members' declaration of interests**

2. Ruth McE advised she has been appointed Chair of Ffilm Cymru.

### **Item 3: Minutes of the 70<sup>th</sup> Meeting & Matters Arising & actions**

3. The Minutes of the 71<sup>st</sup> meeting of the Ofcom Advisory Committee for Wales were reviewed and amendments noted. LN to amend and send to HW for signing off.  
**ACTION – LN**
4. The Chairman and Ofcom staff confirmed that all outstanding actions from the Minutes of the 70<sup>th</sup> meeting had been actioned.
5. The following actions from 71<sup>st</sup> meeting minutes were noted:
  - a. Min 6 – actioned
  - b. Min 9 – actioned
  - c. Min 15(d) – actioned
  - d. Min 15 (f) – HW/Members asked if an Out of Cardiff meeting could be arranged – possibly for the September meeting in North Wales. Members were keen to follow a similar format to previous visits to North Wales adding that it was a valuable visit.  
**ACTION – ACW/EW**
  - e. Min 39 – Connected Nation team had offered to give members a demonstration of the data dashboard. Ofcom Wales to follow up.  
**ACTION: Ofcom Wales**
  - f. Min 53 – Members are still keen to get together informally. HW/EW to suggest some dates.  
**ACTION – HW/EW**
  - g. Min 56 – actioned.

### **Item 4: Chairman's Report**

6. HW gave an oral update on the Chairman's activities since the last meeting.
7. He updated members on the ACW member recruitment progress. Ofcom had received a good number of applicants and the sift would take place on 21 March.
8. Made Out of London consultation – HW thanked members for their contribution to the response provided on behalf of ACW.
9. He reminded members of the Radio Seminar scheduled for 12<sup>th</sup> March at the Ofcom Wales office being hosted by Bethan Sayed AM and encouraged members to attend.
10. He had circulated an update note to members regarding his work on business parks connectivity and asked members for any feedback.

11. There was further discussion about holding an ACW outside of Cardiff with members offering various suggestions. HW invited members to forward thoughts to him/Ofcom Wales team.

**ACTION: Members/HW**

#### **Item 5: Update - Content Board Member for Wales**

12. AE had circulated an update paper prior to the meeting and was taken as read. He highlighted some key points from the report:
- a. Online regulation – currently a lot of thought and discussion around this area.
  - b. The government is keen to develop a framework to address the harms of digital literacy, but the scope of Ofcom’s responsibility is currently unclear. Ofcom could be asked to take on an expanded role in media literacy and is currently planning for this possibility.
  - c. The BBC is currently conducting a public interest test on its proposals for the future of iPlayer. This may be followed by Ofcom conducting its own public value assessment.
  - d. Ofcom will be conducting a review of the BBC’s news and current affairs output and AE encouraged the Committee to feed into the draft terms of reference.

#### **ACTION - ACW**

- e. AE also noted the Content Board will be monitoring the success of the new BBC Scotland Channel.
- f. He advised that further work will be undertaken in the summer regarding diversity in broadcasting which will involve all the main broadcasters including S4C who have volunteered to take part.
- g. AE reported the Content Board had received a good presentation from the Market Intelligence team on structural change in the UK TV market and the presentation would be available later in the year – he commented the figures are striking and encouraged members to read.

#### **Item 6: Report – Public Policy**

13. Katie Pettifer joined the meeting by teleconference and gave apologies for not being able to attend in person.
14. She had previously circulated an update report on activities since the last meeting.
15. KP gave a quick overview of the government’s draft statement of strategic priorities which covers telecoms, spectrum and post. DCMS has published a consultation which closes on 27 March. A statement is likely to be published in the Spring. Ofcom will then have to set out what it proposes to do as a result of the SSP and report annually.
16. KP highlighted priorities outlined in Ofcom’s annual plan, specifically regarding universal connectivity and social policy.
17. A Government White Paper is expected to recommend that Ofcom’s remit is widened to include online regulations. Ofcom is currently planning for this possibility. Since circulating her paper KT advised members that the Secretary of State had written to Ofcom

18. In response to a question from AB, KT confirmed that the over 75s licence fee issue is a matter for BBC and government only.
19. Following a request by PT, EM agreed to circulate a list of upcoming consultations/projects relevant to ACW. These are listed in the Annual Plan and EM agreed the Ofcom Wales team would extract and circulate to members as an aide memoire for the committee to respond.  
**ACTION – Ofcom Wales**
20. With regard to online regulations RA asked how far this would extend – did KT see Ofcom being asked to include live video for example? KT stated Ofcom is currently carrying out research in conjunction with ICO following on from research carried out in January and a statement to be published in the spring will confirm Ofcom’s role and extent of its remit.
21. RA questioned if KT expected government to update free to air protection of listed sports events as currently this does not include the Six Nations. KT to check with colleagues can come back to RA.  
**ACTION - KT**
22. KT also advised the government’s current programme of research into the use of digital technology is part of Ofcom’s remit to promote understanding of digital technology. As mentioned by AE she confirmed the proposed White Paper should clarify Ofcom’s role. However, she added that devolved governments are carrying out their own research.
23. KL stressed the importance of the CCP being involved in issues relating to adult digital and media literacy as this is a big area of concern. KT agreed to talk to the relevant teams to ensure CCP is more involved.

#### **Item 7: Report – Wales Recent Developments**

24. An update paper had previously been circulated to members. EM highlight the following points.
- a. She thanked members for their contribution to the Annual Plan consultation.
  - b. Recruitment for the Wales Ofcom Board member is still on-going and has not reached a conclusion yet. She will update members as soon as the appointment is confirmed.
  - c. Following the Boost your Broadband campaign, Ofcom is hoping to get data on how many consumers in Wales have been able to boost their broadband and will share with the committee in due course.
  - d. HW stated there still seems to be confusion with consumers understanding the difference between standard broadband and superfast. Is this something Ofcom can help with? There appears to have been a lack of good communications from the start. EM will feedback comments to the team. KL advise the CCP are looking at this area as it is a real issue for consumers. **ACTION - EM**
  - e. EM advised she had met with Elan Clos Stephens and Prof Ian Hargreaves and will be meeting with the BBC Board on 26<sup>th</sup> March. Members queried how the BBC currently gets feedback from viewers and listeners since the establishment of the new unitary board. What has replaced the Audience Council? EM will report back to members following her meeting. **ACTION – EM**
  - f. EM updated members on the recent IWA media summit and reminded members of the forthcoming Radio Event in the Ofcom Wales office on 13<sup>th</sup> March.

- g. Following on from EM's note in her report regarding Russell George's letter concerning 700MhZ, PT suggested the committee should get together to discuss their thoughts. PT to out some points in email to members initially. **ACTION – PT**
- h. KL asked if there was any feedback from Ofcom Wales' meetings with Welsh Government under new First Minister, Mark Drakeford. EM advised there are meetings scheduled with Dafydd Elis Thomas AM and Lee Waters AM in the coming weeks and would report back to members. **ACTION - EM**

**Item 8: ACW discussion – BBC Review of News and Current Affairs**

- 25. Internal discussion prior to item 9.

**Item 9: BBC Review of News and Current Affairs**

- 26. The Chairman welcomed Vanessa Hyland, Anthony Szykaruk and Garreth Lodge (by phone) to the meeting and thanked them for attending in person. The team gave a presentation on latest developments.
- 27. The Terms of Reference of the Review were published last week and the team expects to publish the findings in 6-8 months which will inform the next annual assessment of the BBC's overall performance.
- 28. The review will examine the broader context within which BBC News online operates, looking at how people engage with online as part of their news journey. One consideration is that online and television viewers are now older and the research needs to need to assess how news is relevant to them and in what format.
- 29. The team advised focus groups had been facilitated to gauge what type of news consumers require. Case studies were also designed to enable Welsh focus groups to get a better understanding, followed by more in-depth interviews.
- 30. AB asked how the team is engaging with the under 20s age group to assess how they digest news. He suggested using schools as focus groups which would be a good source of information as teachers could also be included. A good question would be 'if you are able to vote at age 16 what information would you require and where from'? The team confirmed 24 focus groups were held across with UK which included 4 in each nation.
- 31. KL suggested using an online app to engage bigger groups of young people in the research for example using voting buttons. She suggested a ready-made audience of 60 would be the Youth Parliament. She welcomed the analysis but asked how the First Minister of Wales could be made more visible for example.
- 32. The team advised that the news consumption survey is currently being managed with the results being available in the summer. Data from specific nations will be analysed and compared to data from previous research.
- 33. In answer to a question from RMcE, VH confirmed that qualitative analysis is being carried out as opposed to quantitative.

**Item 10: Draft Annual Plan 2019/20**

34. The Chairman welcome Gary Clemo and Alistair Henwood to the meeting via teleconference. The team had previously submitted a paper to the Committee which highlighted developments since submitting the paper. The final paper will be presented to Ofcom's Board on 20<sup>th</sup> March.
35. Members were reminded of the new communications priorities and the two major themes for the coming year – better broadband and mobile and a renewed focus on fairness to consumers.
36. This year's plan has given greater prominence on protecting consumers especially from harm on line and sustaining the universal postal service.
37. RMcE raised an observation regarding broadcasting. There is currently a lot of discussion regarding radio in Wales cuts in services etc. bearing in mind the pace of change the Annual Plan could quickly go out of date. GC acknowledged that this is a concern and will raise the issue with the team regarding the section on broadcasting.
38. AE noted that online regulation is dependent on government reaction. GC confirmed Ofcom's work fits in with its existing duties.
39. HW thanked the team for their contribution to the meeting.

#### **Item 11: Internal discussion in advance of the Radio Event**

40. HW had previously circulated a paper for discussion which members had found very useful.
41. It was agreed that ACW would respond to any discussions on priorities and suggested a radio working group be established. This would look at all areas of radio and prepare responses to future consultations.
42. There was a discussion on the community radio fund and the quality of applications. Members discussed the benefit of setting up a working group, however it was agreed that better quality data is needed primarily. EW advised that very soon she will be asked what specific research is needed for Ofcom's next Media Nation publication so asked members to let her know their requirements.

**ACTION – ACW members/EW**

#### **Item 12: Making 5G Work for Wales**

43. The Chairman welcomed David Warrender and Richard Condon from Innovation Point to the meeting.
44. There was a discussion on current and future activities around 5G including challenges of increasing 5G coverage in Wales.
45. PT asked how ACW could assist in increasing awareness – DW suggested continued conversations with MNOs for example.

46. PT also updated the Committee on the latest spectrum auction and advised that a second consultation document is due which will highlight innovation opportunities. PT volunteered to draft a written response and circulate to members for comment.

**ACTION - PT**

**Item 13: Still Going Round in Circles: Complaints Handling in Telecoms**

47. Karen Lewis and Jenny Borritt addressed the meeting presenting the CCP's latest research – 'Still Going Round in Circles'.
48. They advised the postponed stakeholder event has been rescheduled for a later date – tba.
49. This current research follows on from the original research tabled five years ago and JB updated members on its findings – she agreed to send link to the current research.

**ACTION – JB**

50. HW thanked JB for the update.

**Item 14: Update – Communications Consumer Panel Member for Wales**

51. KL had previously circulated an update report which was taken as read. Highlights included:
- a. The reduction in 8-week ADR to 4 weeks amendment is still not resolved which is an ongoing concern for the Panel.
  - b. The CCP responded to the Older People's Commissioner for Wales consultation on 'how we can make Wales the best place in the world to grow older'
  - c. KL attended the Boost your Broadband event in the House of Commons in February
  - d. KL attended 'Digital Access for all' event which focussed on young people not being able to get internet at home and its effects on their daily lives.

**Item 15: Update on Brexit**

52. HW welcomed to team to the meeting via teleconference. The team had previously circulated an update report.
53. In addition, Sophie Richings gave a resume on today's outcome in Parliament.
54. There was a discussion on the effects Brexit outcomes could have on broadcasting. HW expressed concern that Government's proposed policy that Ofcom would license UK-based services falling to its jurisdiction under the ECTT would put additional workload demand on Ofcom. The team felt that this would only be initially while the system was set up.
55. RA asked for clarification on the point 'In a no deal scenario the broadcast licensing regime would change. We would move from the AVMSD framework and a 'Country of Origin approach'.

**Item 16: Code of Conduct for ACW members**

56. This was circulated to members in advance of the meeting.

57. Members raised a query on what items/activities should be noted on the Gifts and Hospitality Register. Ofcom Wales to clarify with Jacqui Gregory and respond.

**ACTION – Ofcom Wales**

**Item 17: AOB and items for future agendas-**

58. Arrange dates for social get together before next meeting (11 June).

**ACTION – Members/HW/Ofcom Wales**

59. Draft response to 700 MHz consultation. **ACTION – PW/HW**

**Items 18-19: For Information**

**Date of next meeting:**

11 June 2019 – Ofcom Wales

**(NOTE CHANGE FROM 20<sup>th</sup> JUNE)**

**Minutes of Ofcom’s Advisory Committee for Wales, 12<sup>th</sup> March 2019**

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