

Minutes of the 87th meeting of the Advisory Committee for England, connected meeting at Riverside House and via Teams on 29 February 2024

Present

Paula Carter	Chair
Aaqil Ahmed	Member (min 7 onwards)
Grant Davis	Member
Caroline Gardner	Member
Edleen John	Member
Mauro Mortali	Member

In attendance

Dekan Apajee	Ofcom Content Board Member for England (via Teams, mins 1 – 23)
Angela Dean	Ofcom Board Member for England
Richard Spencer	CCP Member for England
Stephen Darke	Director, England
Jamie Mordue	Meeting Secretary
Other Ofcom colleagues	

Introduction

1. The Chair welcomed Members, in particular the new Members of the Committee, and attendees to the 87th meeting of the Committee, held at Ofcom's office in London and via Teams.

Declaration of Members' Interests

2. No additional interests were declared.

Minutes of the meeting held on 30 November 2023 and matters arising – Minutes 86(23)

3. The minutes of the meeting held on 30 November 2023 were **APPROVED** for signature by the Chair as an accurate record. There were no outstanding actions.

Ofcom Board update

4. Angela Dean reported on recent topics considered by the Board (minutes and notes of meetings being available on the Ofcom website).
5. She had attended a plan of work event, which engaged stakeholders on what Ofcom was doing for the coming year. Media literacy, local TV and radio and resilience were highlighted.
6. There had been two Board meetings since the last Committee meeting. Recurring issues at both ACE and Board were vulnerable consumers, network resilience, Public Switched Telephone Network switch off and 3G network switch off. The Board discussed the low take up of social tariffs. The Board received a presentation on the future of TV distribution, including the complications around infrastructure shared with radio.

7. An Ofcom Election Committee would need to be formed for the upcoming elections in 2024.
8. Aaqil Ahmed flagged that The Film and TV Charity was working on a survey of the mental health of British Muslim, Arab, and Jewish communities working in the film and TV industry. Media Monitoring had conducted work on language and weight given to individuals - its report would be launched the following week.
9. ACE could help Ofcom understand and define what vulnerability meant. The Chair noted that “vulnerable” might better be phrased as “disproportionately reliant”.

Content Board update

10. Dekan Apajee reported on recent topics considered by the Content Board (minutes being available on the Ofcom website).
11. The Content Board considered what the future of news would look like and spoke to senior executives from across the industry.
12. ACE discussed how Ofcom responded to broadcast complaints. There was a balance to be struck between acting too fast, and possibly missing important information, and not being seen as too slow to act.

Consumer Panel update - ACE 1(24)

13. Richard Spencer reported on the Communications Consumer Panel (CCP) activity and current priorities (minutes of meetings being available on the Panel’s website).
14. An overview of the role of the CCP was provided and the areas where the CCP had engaged with Ofcom teams were set out, including the migration of telephony services to Internet Protocol (IP), the power resilience of mobile networks, pricing trends for communication services, connected nations and post.
15. Members discussed "vulnerability" and noted that industry struggled to find a way of defining this.
16. The Committee discussed the concerns of some communities, particularly the farming community, about rural mobile coverage and how consumers who needed extra support were identified.
17. On battery backup for mobile mast sites, Richard Spencer suggested that Ofcom’s role might focus more on encouraging providers to install power backup.
18. Members noted that the broadband Universal Service Obligation had focussed on download speeds but upload speeds were increasingly important, particularly for SME businesses in England.

Public Policy update – ACE 2(24)

19. The Committee was provided with an update on public policy issues, such as the Media Bill, PSM review, the Budget and feedback from the illegal harms consultation.
20. The next round of protection of children consultation would be held later in the spring.

21. ACE discussed Ofcom resource to operationalise the Online Safety Act.
22. The removal of genre specific requirements in the Media Bill had caused some concern. The Committee noted that the Bill maintained the requirement to meet all audiences needs and interests, and that Ofcom was well placed, through its research, to know what the interests were. It might not be appropriate for Ofcom to determine the needs of the public. The Government had been clear that the intention was to maintain a range of genres but give flexibility.
23. It was suggested that a heading on local government in England could be added to future paper submissions.
24. Where rural network obligations had not been met, this was largely a result of the pandemic impacting plans and local planning restrictions making it harder to establish sites. The Committee felt that pressure should be maintained on networks to meet obligations.

English Devolution Update – ACE 4(24)

25. Stephen Darke introduced the item and presented the slides.
26. The Chair flagged that she had previously had conversations with some elected Mayors. Following the upcoming local elections, she would make contact with elected mayors again.
27. Members were encouraged to think about future presenters that could help them better understand the specific challenges of different regions of the UK.
28. Particularly when thinking about Committee meetings held outside London, it would be useful, where appropriate, to speak to mayors and leaders of devolved regions. This would also enable those elected leaders to learn about Ofcom and its powers and remit.
29. Further information on the cyber security cluster in Scarborough would be shared with the Committee.

Ofcom’s resilience consultation and mobile power back up CFI – ACE 3(24)

30. Ofcom was consulting on its resilience guidance for communications providers, which set out the appropriate and proportionate measures Ofcom expected them to take to ensure their networks were robust, available and working well. A separate call for input had been published specifically on power backup for mobile networks.
31. Power resilience was a cross sector issue; Ofcom wanted to develop its evidence base and start conversations about how access to mobile services when mains power was disrupted could be improved. A framework had been developed for discussions with providers.
32. The Chair noted three types of consumers that warranted particular attention: remote and rural, vulnerable consumers, and SME businesses. The Executive shared thinking around remote and rural consumers, particularly on rural backup, mobile coverage, and the Public Switched Telephone Network switch off. Solutions might differ in certain areas.

<p>33. The focus of the guidance was on network architecture and so the call for input focused on power outages, rather than cutting of fibre or attacks against 5G masts, for example.</p> <p>34. Within the resilience guidance for broadband, the expectation was that street cabinets should have a minimum of four hours backup. There was ongoing work to try to make voice services not reliant on the internet.</p> <p>35. Richard Spencer flagged that the CCP had discussed what consumers might need when there were power outages and the idea of national roaming, that is: allowing access to services through another provider if a consumer's network was unavailable. While this was outside the remit of this guidance, it was useful to collate a range of options to talk about with government. The CCP had also discussed whether an operator could tell consumers when backup power was being used, whether there could be higher requirements of operators in remote areas, that consumers would need to contact other people in addition to emergency services and that consumers did not necessarily know what they needed.</p> <p>36. A note would be shared with the Committee on adjacent cell sites.</p> <p>37. Providers did share reliability data with consumers and it often formed part of their advertising. However, it was thought that consumers tended to focus primarily on the cost of services.</p> <p>38. From a consumer perspective, the response to and worry about an outage would differ depending on time or day and whether the consumer was indoors or outdoors.</p>
<p>Members' open session</p> <p>39. Members discussed what it meant to be "vulnerable" and how it might evolve and change depending on a number of factors, such as time of day. The term was defined in the Communications Act 2003 but the term was not always useful as it was used in different ways, in different contexts.</p>
<p>Future agendas – ACE 5(24)</p> <p>40. The Committee considered future agenda items. Bristol was suggested as a potential location for the next Committee meeting.</p> <p>41. It was noted that local government regions had lots of differences between them and from a business and consumer perspective. Future agenda items should take this into account.</p>
<p>Teach-in on Elections</p> <p>42. A set of slides were shared which set out Ofcom's role before and during election periods, and on Section 5 (Due impartiality) and Section 6 (Elections and referendums) of the Broadcasting Code.</p> <p>43. Members discussed disinformation and misinformation, politicians as presenters and how complaints were handled, generally and in particular during an election period.</p>

Information items

44. Broadcast, Postal and Telecoms data (England) – ACE 6(24): The paper was noted.

Any Other Business

45. Stephen Darke reported that Ofcom was due to give verbal and written evidence to a House of Lords inquiry. He would share this with the Committee.

Date of the Next Meeting

46. The next scheduled Committee meeting would be held on 6 June 2024.