

Minutes of the 94th meeting of the Advisory Committee for Scotland

Hybrid meeting in person and virtually over Microsoft Teams on 29 November 2023

Present

Elizabeth Partyka	Chair
Jess McBeath	Member
Gerry Crawley	Member
Ashe Hussain	Member (Online)
Polly Tolley	Member

In attendance

Maggie Cunningham	Content Board Member for Scotland (Online)
Amanda Britain	Communications Consumer Panel
Glenn Preston	Ofcom Scotland Director (Online)
Stefan Webster	Ofcom Scotland
Ross Hamilton	Ofcom Scotland
David Bagshaw	Ofcom Scotland
Aiden Pacey	Ofcom Scotland
Debbie Hughes	Ofcom Scotland
Ravi Bhanabhai	Ofcom's Data Innovation Hub Team (Observing)
Tony Inglis	Ofcom's Content Policy Team (Observing)
Jack O'Dwyer-Henry	Ofcom's Content Policy Team (Observing)
Clorinda Luck	Ofcom's Content Policy Team (Observing)
Other Ofcom colleagues	
Jo Street	Channel 4
Briony Robinson	Channel 4
Sam Westwood	Channel 4
John Morrison	MG Alba
Donald Campbell	MG Alba

Channel 4 Presentation

1. Representatives from Channel 4's Public Affairs/Policy and Content teams joined the meeting. They gave a presentation providing an update on Channel 4's investment, presence and programme commissioning in Scotland; an overview on key issues in relation to the Media Bill currently going through Parliament; and reflections on the re-licensing process.
2. Advisory Committee members asked regarding Channel 4's 'Out of England' Nations spending – as well as timelines and plans on new content from Scotland – highlighting the importance of this investment for Scotland's independent production sector. There was also discussion regarding the PSB system and prominence/availability on Connected TV platforms and the implications of the Media Bill.

Channel 4 Re-licensing

3. Ofcom colleagues provided the Committee with a summary on the proposed regulatory conditions to be included in the forthcoming consultation on the next Channel 4 licence, scheduled for publication on 6 December. This included: analysis of audience research; the implications of digital rather than linear broadcasting; an overview of quotas around news, current affairs, programming and Nations and Regions investment; and the duration of the next licence.
4. A discussion followed regarding the quotas on Out of England programming, with Committee members highlighting their benefits and the potential adverse impacts of any reduced investment from Channel 4 in Scotland on the independent production sector, including on skills. There was also discussion around the criteria in place for production companies to qualify as Scottish for these quota purposes.

MG Alba Presentation

5. MG Alba provided an update on the challenges they were facing and their priorities for the year ahead, with funding a particular challenge. They also reflected on the publication of the Media Bill and Gaelic's place within it.
6. A discussion followed that covered how to promote Gaelic productions in Scotland and what MG Alba are doing to grow their social media and wider online presence.

Welcome, introductions, conflicts, and apologies

7. The Chair formally welcomed everyone to the meeting following the two external presentations. It was NOTED that Bob Downes had sent his apologies.

Minutes of the 93rd meeting held on 27 September 2023

8. The minutes of the 93rd meeting were APPROVED. In the discussion of actions which arose from the September 2023 meeting, it was NOTED that:
 - The Screen Scotland 'Policy matters' workshops will be held in Ofcom's Edinburgh office on 18 April 2024.

Members' updates

9. A member advised that Royal Mail were recently fined £5.6M by Ofcom for failing to meet its first and second-class delivery targets in the 2022/23 financial year.
10. It was also advised there had been an 18% increase in business mail costs which impacted on public services including in areas such as tax and council tax.
11. A member highlighted that due to unspecified issues, Lloyds Bank were switching customer statements to online. This may have an impact on vulnerable consumers in harder to reach areas who were reliant on receiving paper copies.
12. It was also advised that there is concern that there are still increases in the cost of living for vulnerable consumers living in Scotland with increases in mortgage rates and energy caps.
13. A member thanked Ofcom Scotland colleagues for their help in hosting a 'Safer Internet Day' event in the Edinburgh office.
14. A member expressed concern with job losses within the independent broadcasting sector with the sector losing a lot of talented people in recent months who had not been able to secure work/ contracts.
15. There was also concern expressed that independent companies and broadcasters in Scotland are not sufficiently engaged on the issue of AI (Artificial Intelligence) with risks around the impact and speed of how AI will hit the industry. It was suggested that we have a slot at a future meeting on AI to give a clearer understanding within this area.
16. The Chair confirmed that Screen Scotland had received their expected funding from the Scottish Government for 2023/24, and it was NOTED that Creative Scotland's budget was agreed at standstill level for 2024/25.
17. It was advised that the Chair and a member met recently with STV re the Future of TV Distribution and the Chair also met with BBC Scotland. There were differences of views amongst the Public Broadcasting Services (PSBs) on digital programming.
18. The Chair confirmed that the Committee would respond to Ofcom's Consultation on 'Future of TV Distribution Call for Evidence'.

Director's Report / Public Policy update

19. The Ofcom Scotland Director presented their written report and highlighted a few key points to NOTE:
 - Ofcom were due to publish updated resilience guidance on 8 December. This would provide clarity on how telecom providers of public electronic communications networks and services can comply with their security duties. The Consultation also includes a separate call for input on power backup for mobile radio access networks. It was advised that the closing date for responses is 5pm on 1 March 2024, should the Committee wish to respond.
 - Ofcom's Equity, Diversity and Inclusion in TV and Radio 2022/23 report is to be published in the coming weeks. There was concern that Broadcasters are still finding it hard to retain staff from underrepresented groups. A member commented that every year there is a Scheme to employ 300 new starts and wondered if this was the best way to use this investment, rather than focussing on development and retention of current staff.

- It was advised that since the Bill has passed that engagement of Online Safety is now moving at pace with Ofcom colleagues attending Scottish Games week at the end of October. There would also be an Online Safety MSP Briefing at Scottish Parliament on 30 November with Ofcom's Board member for Scotland and Online Safety Group Director both attending with Scotland Nations teams colleagues.
- It was also advised that there was likely to be an Online Safety Illegal Harms Consultation roundtable event on 18 January in the Ofcom Scotland office.
- It was highlighted that Ofcom's Plan of Work event would be on 30 January 2024.
- A member asked what Ofcom's commitments are for consumers in relation to social tariffs and the cost-of-living crisis. The Ofcom Scotland Director and an Ofcom colleague advised that there is a lot of work being done in this area with a publication on mid-contract price rises being published in December with a further publication on affordability.
- It was also advised that Ofcom engage with the UKRN and the various Working Groups that sit within that Network. The UKRN hosted a joint meeting with Consumer Scotland in the Ofcom Scotland offices on 16 November.

20. Moving to the Public Policy update, an Ofcom colleague gave a brief summary of their report noting:

- A couple of new UK Labour party appointments (relating to Ofcom's duties) with effect from 28 November.
- A consultation on a review of the economic regulators and a broader review of the UK regulatory landscape is underway. It was advised by the Ofcom Scotland Director that a similar exercise had previously been committed to by the Scottish Government, but that this had not yet materialised.
- The Digital Markets, Competition and Consumers Bill (DMCC) completed its final stages in the House of Commons on 20th November. It was advised that there are amendments being debated within the Bill in relation to regulatory accountability.
- The Chair expressed concern that there is no mention of Gaelic within the Media Bill and advised that MG ALBA are pushing for an amendment.

Online Safety Consultation:

21. Ofcom colleagues presented an introduction and background to the Online Safety Act, Ofcom's strategy and the illegal harms consultation.
22. A member asked if regulatory failure, such as Ofcom's proposed measures not being effective, removes accountability for services who follow Ofcom's guidance. An Ofcom colleague advised that the codes are iterative and will be improved over time as our learning and experiences expand, and that any breaches will be considered individually.
23. An Ofcom colleague explained Ofcom's online safety engagement in Scotland (see Item 08a) as well as a series of upcoming UK-wide webinars explaining the consultation to industry and interested parties.
24. It was explained that Ofcom's proposed measures in the consultation go beyond terms of service, including more practical measures such as Direct Reporting Channels (DRC) for fraud.
25. It was advised that Ofcom has been engaging with the largest services for several years but had only recently issued formal notices that these services will fall under the remit of the Act.

Overall, the relationships are constructive, but the concept of regulation is largely new to industry, especially international services.

26. A member asked how seriously services will take voluntary codes and it was advised that although the codes are voluntary, the Act remains enforceable and Ofcom can act where it sees fit.

Shared Rural Network – measure operator compliance

27. Ofcom colleagues provided an overview of the shared rural network (“SRN”) and Ofcom’s role, which has ranged from technical advice to the assessment of radio plans. They then summarised the drive testing campaign that took place across Scotland earlier in 2023.
28. Members then asked questions regarding press reports around delays to meeting targets, the coverage figures of VMO2 and how the proportionate reduction mechanism operates.

Plan of Work 2023/24

29. Ofcom colleagues provided the committee with a summary of the 2024-25 Plan of Work and the timelines for consultation.
30. A member of the Ofcom Scotland team outlined the priorities for the Scotland section of the Plan of Work.
31. The Chair NOTED that Ofcom should consider how outreach and engagement fits in the Plan of Work and come up with an engagement strategy. The Chair highlighted past meetings in Aberdeen and Dundee focusing on broadcasting as good examples.
32. The Chair NOTED that the Scottish Government has a different timetable for achieving net-zero than other Nations and asked whether this should be reflected in the Plan of Work.
33. Ofcom colleagues NOTED that there is a paragraph in the Plan of Work outlining Ofcom's work on climate change.
34. A Member noted that the Plan of Work should mention the compound effect of cost-of-living pressures on vulnerable consumers.

Consumer Panel/ACOD update

35. Members had been provided with a ‘For Information’ written paper and the Committee NOTED its content.

Ofcom Contact Centre Information

36. Members had been provided with a ‘For Information’ paper with Scotland’s data and the Committee NOTED its content.

ACS Strategy Report 2023

37. Members had been provided with a ‘For Information’ written paper and the Committee NOTED its content.

Any Other Business

38. The Chair advised that there is a recruitment campaign for 2 new members with the advert going 'live' in the coming weeks with interviews to be held at the end of January/ beginning of February 2024.

Date of the Next Meeting

39. The next scheduled Committee meeting is being held on 22 February 2024.

Approved: _____

Date: _____

Chair

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