Minutes of the 95th meeting of the Advisory Committee for Scotland

Hybrid meeting in person and virtually over Microsoft Teams on 22 February 2024

Present	
Elizabeth Partyka	Chair
Gerry Crawley	Member
Ashe Hussain	Member
Polly Tolley	Member

In attendance	
Maggie Cunningham	Content Board Member for Scotland (Online) – up to Agenda Item 4
Amanda Britain	Communications Consumer Panel
Bob Downes	Ofcom Board Member Scotland – up to Agenda Item 7
Glenn Preston	Ofcom Scotland Director
Stefan Webster	Ofcom Scotland
Ross Hamilton	Ofcom Scotland
David Bagshaw	Ofcom Scotland
Aiden Pacey	Ofcom Scotland
Debbie Hughes	Ofcom Scotland
Camille Seldon	Ofcom's Next Generation NED (Observer Online)
Paul Reville	Ofcom's Network & Comms Team (Observer)
Grant McConnell	Ofcom's Strategy & Research Team (Observer)
Other Ofcom colleagues	

Welcome, introductions, conflicts, and apologies

1. The Chair welcomed everyone to the meeting and introduced Camille Seldon, who would be sitting in on Advisory Committee meetings as an observer for the next 12 months under Ofcom's Next Generation NED initiative.

2. It was NOTED that apologies were received from Jess McBeath and Stefan Webster.

3. It was also NOTED that there were no conflicts of interest.

Minutes of the 94th meeting held on 29 November 2023

4. The minutes of the 94th meeting were APPROVED by the Committee. In the discussion of actions which arose from the November 2023 meeting, it was NOTED that:

- Ofcom's AI (Artificial Intelligence) team would come to the June meeting to present to the Committee on their Strategy. The Ofcom Scotland Director advised that Ofcom should have published a Statement on its approach by then.

- A response on Ofcom's Consultation on 'Future of TV Distribution Call for Evidence' had been submitted; and

- A response would be submitted on Ofcom's Resilience guidance and mobile RAN power back up.

Members' updates

5. A member advised that there had been a positive start to the year in terms of seeing a decline in inflation for consumers living in Scotland. They were seeing trends of consumers spending more money and highlighted that there was an increase in consumers taking out mortgages.

6. A member highlighted that Royal Mail's performance was under scrutiny as Christmas cards posted in December had not been received until February. It was NOTED that this did not relate to Scotland.

7. It was advised that there was an issue with a third-party printing supplier who produces bank statements and insurance documentation for that sector. This had potential read across for Scotland, where the expectation for a General Election this year would be that all postal packs would be outsourced from a third-party supplier based in Nottingham.

8. It had been widely reported that certain banks were encouraging customers to switch to digital banking and use apps rather than using post.

9. A member advised that there was concern in the freelance community of Scotland's independent production sector. It was NOTED that:

- A third season of Screw hadn't been recommissioned despite having their set set-up at the Kelvinhall studio. Around 22 trainees and a large number of freelancers had been working on that production.

- Sky have recently produced a Report which highlighted that some workers have been out of work for at least a year and having to take other jobs.

- Channel 4 have a lot of productions that are being left on the shelf which is also happening at the BBC.

- It was advised that ScreenSkills have appointed a new CEO, Laura Mansfield.

- Scottish Enterprise have announced that they're not going to make Creative Industries a priority which is another concern to the production companies.

10. The Chair confirmed that the Committee had submitted a response on Channel 4's Licence Renewal Consultation. It was NOTED that there was broad agreement across key stakeholders in Scotland, Wales and Northern Ireland that Made out of England quotas on Channel 4 should be increased to push more production into the Nations.

11. It was also NOTED that commissioning budgets were tight with production companies not getting full funding from the broadcasters. There was concern that production companies in Scotland would struggle in finding their own funding to make up the shortfall.

Director's Report / Public Policy update

12. The Ofcom Scotland Director presented their written report and highlighted a few key points to NOTE:

- The Scottish Government had published their paper on '*Building a New Scotland: Culture in an independent Scotland*', which included high level content on broadcasting. In discussion, the Committee felt this did not quite get to grips with the massive challenges that face both broadcasters and production companies in Scotland.

- Angus Robertson MSP, Cabinet Secretary for the Constitution, External Affairs and Culture, would be meeting Ofcom's Chief Executive, Dame Melanie Dawes, during her visit to Edinburgh at the end of March. The focus of the meeting was likely to be the proposed changes to BBC Scotland's news provision and Channel 4 relicensing.

- The Scottish Government had undertaken a Cabinet reshuffle following the resignation of Health Secretary, Michael Matheson. It was NOTED that the Board member for Scotland would loo to arrange to meet with Màiri McAllan, Cabinet Secretary for Wellbeing Economy, Net Zero and Energy at the earliest opportunity.

- The Ofcom Scotland team had begun their election planning for the upcoming General Election and a short, oral update was provided. This NOTED the intention to continue to engage across the political parties in Scotland.

- Ofcom's Online Safety Group Director, Gill Whitehead, had spoken at an event in November in the Scottish Parliament organised by Parliament's Criminal Justice Committee. No Scottish ministers or members of the Scottish Labour party had attended although those present from the committee were highly engaged.

- There would be a Postal USO event in Ofcom's Edinburgh office on Thursday 21 March.

- Ofcom's CEO would be meeting with the Children and Young People's Commissioner Scotland during her visit to the Edinburgh office at the end of March.

13. The Ofcom Scotland Director highlighted the recent announcement from the BBC on reducing the news provision of the BBC Scotland channel. A short discussion followed on why the current set-up wasn't working for audiences and what were the implications of the changes especially in a General Election year when audiences needed access to high quality news.

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

- The Media Bill would be in the Lords on 28 February.

- The DSIT consultation on Reviewing the Broadband Universal Service Obligation had been delayed until later in the year.

- Ofcom was planning to publish its Artificial Intelligence (AI) strategy by 30 April 2024 and would continue to work with DRCF (Digital Regulation Cooperation Forum) partners on this and other issues.

- Following evidence in December to the House of Commons Public Accounts Committee inquiry in relation to the Online Safety regulation, it was expected the Committee would publish their findings in March.

- The closing date for any responses to Ofcom's 'Resilience guidance consultation and Call for Input on mobile RAN power back up' consultation was 1 March 2024.

Future Development of the Postal USO – Call for Input

15. A post colleague explained Ofcom's rationale behind and approach to its call for input on the postal USO. This largely concerned the sustainability of the Royal Mail to maintain or improve its performance going forward with consideration for changes in the market and consumer demand. It was likely a Statement would be published in summer with the next steps for this project.

16. A member asked if Ofcom could encourage Royal Mail to forecast its future letter demand, potentially predicting an accelerating rate of decline especially as more bulk mail users plan to move to digital mail. A post colleague NOTED that since Ofcom began regulating post there had been a relatively consistent rate of decline, but it had not undertaken significant statistical forecasting.

17. The Chair NOTED that some areas of Scotland could suffer compounded negative consequences across various communications and may be at a particular disadvantage should the number of postal days be reduced. A post colleague disagreed that this was always the case and NOTED that there were alternate options to reducing the number of delivery days (including a focus on quality and reliability).

18. A member NOTED concerns that the Royal Mail might continue to neglect certain communities regardless of what Ofcom's regulations determine. A post colleague responded that it was for Ofcom to determine regulation and then decide on any enforcement should a regulated organisation fail to meet its obligations.

19. A member NOTED that some regulatory success metrics are preferential to high-volume, high-density areas and therefore do not necessarily work well for rural or island communities. A post colleague responded that the metrics could be reviewed within this consultation.

20. The CCP member highlighted that the consultation referred to 'most consumers' and suggested Ofcom should consider those who are not part of the 'most', such as vulnerable consumers, therefore considering the implications for all population groups. A post colleague responded that what vulnerable consumers need is largely similar to what 'most consumers' need – a reliable and affordable service. Ofcom's role was to ensure that these needs are met and make any relevant adjustments accordingly.

Resilience Guidance Consultation & Mobile Power Backup Call for Input

21. An Ofcom colleague talked through the background to the call for input and that it was about gaining insight of consumer bodies and other stakeholders prior to a consultation. They talked about the type of evidence they were looking for from the call for input.

22. A member talked through the Committee's response to the call for input.

23. The Chair mentioned that many places in Scotland were only covered by one MNO and questioned whether there should be higher resilience requirements for these areas.

24. The Board member mentioned that the thresholds for notifying Ofcom of outages were potentially too high and that some areas don't meet the threshold even with severe impact on those areas. An Ofcom colleague said that this is covered in the procedural guidance that would need to be consulted on later.

25. The Chair said that the threshold needs to be more than numbers and should take into account the societal impact on rural areas. An Ofcom colleague said that that would be hard to define. The Scotland Director mentioned that the duration of an outage was as important as the number of people affected. He raised an example of an outage of several weeks in the Western Isles that had not been reported to Ofcom because the number of consumers impacted was below the threshold.

Scotland Team's Strategic Priorities for 2024/25

26. The Ofcom Scotland team summarised their draft strategy for 2024-25, containing four main parts: stakeholder engagement, political expertise, policy outcomes, and governance and transformation. The strategy would be finalised at a team meeting on Tuesday 12 March, and a copy would then be circulated to the Committee for consideration including as part of its own 2024/25 strategy.

27. The Chair asked about how the strategy would take account of previous strategies, and measurement of their success. The Ofcom Scotland Director said this would be conducted as part of the Ofcom Annual Report, while a number of the issues which the Scotland team were engaged in would cover multiple years. There was also a wider conversation within Ofcom about metrics relating to impact.

28. A member asked about whether there was any budget for the Scotland team to commission research. The Scotland Director and Public Policy Director outlined that this budget sat with the Strategy and Research group within Ofcom, but the Scotland team would engage with policy colleagues to ensure that research being undertaken took account of Scotland's needs.

29. The Chair invited members to offer views on how the Advisory Committee could be more effective in its contributions to support the work of the Scotland team. Several members suggested that the Committee should seek to hold some meetings outside of the Ofcom Scotland office. The Scotland Director agreed to consider options with the Ofcom Scotland team for future external meetings, though highlighted there were budgetary considerations which would also need accounted for.

30. A member asked if there was any consideration of outreach events – such as town halls – with the general public. The Ofcom Scotland Director and Public Policy Director highlighted the

Ofcom executive's ongoing research programmes, political and local authority outreach and social media output as examples of engagement. It was agreed that the point would be raised with Ofcom's communications and research teams to consider further outreach options.

31. A member highlighted Ofcom's Scotland team should look to engage in external events and conferences to promote the organisation's work and build relationships. The Ofcom Scotland Director NOTED this was something that did already happen. It was also highlighted a number of meetings/events arranged by external bodies were being hosted in the Edinburgh office in the coming months.

Draft Annual Review 2023 & Committee's Strategy for 2024/25

32. The Chair thanked an Ofcom Scotland colleague for the Annual Report and asked if this could be shared on Ofcom's website. The Ofcom Scotland Director advised this was unlikely at this stage as the other Committees do not do a similar Report for their respective Nations. It was advised that they would speak to the other Nation Directors to see if a similar report could be done, and it was also advised that a previous Annual Report had been shared with Ofcom's Chair and CEO.

33. The Chair highlighted that the Committee had only responded to 4 Consultations in 2023 and wondered if this was a concern? A short discussion followed, and it was agreed that:

- The Committee would only respond to key Consultations in Ofcom's Plan of Work with a Scottish angle. It was NOTED that they have submitted responses to 6 Consultations from April 2023 to 31 March 2024; and

- The Committee would review the Ofcom Scotland team's strategy document for 2024 following their strategy session to pick out the key dates to help with the planning of their own strategy for the year ahead. It was NOTED that the document will be shared with the members after the meeting in March.

34. Ofcom's Scotland Director went on to note that a key part of the committee's role was to provide advice to the Ofcom executive at the earliest stages of policy development, with several meetings taking place each year (in between the formal meetings) on particular priority projects so that advice and input could be sought. This was at least as effective as the committee submitting responses to Ofcom's consultations.

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.

37. It was advised that the team who provide this report were going through organisational change and would no longer have the resource to keep producing this data. It was advised that an alternative would be explored to get this information from another team.

Scotland Team's Strategy 2023/24

38. Members had been provided with a 'For Information' written paper and the Committee NOTED its content.

Any Other Business

39. The Chair acknowledged that this was the last meeting for Gerry Crawley, with his term coming to an end at the end of February 2024. The Chair thanked him for all his advice and input over the 3 years of his term.

Date of the Next Meeting

40. The next scheduled Committee meeting would be held on 5 June 2024.