

**Minutes of the 78th meeting of
the Advisory Committee for Northern Ireland, held virtually via
Microsoft Teams on 25 November 2020**

Present

Carrie Matchett	ACNI Chair
John Ellison	ACNI Member
Phil Flanagan	ACNI Member
Kathy Graham	ACNI Member
Alan Meban	ACNI Member
Paul Wilson	ACNI Member

In attendance

Bob Downes	Ofcom Board Member for Scotland and Northern Ireland (Acting)
Angelina Fusco	Content Board Member for Northern Ireland
Rick Hill	Consumer Panel Chair and Member for Northern Ireland
Jonathan Rose	Director, Northern Ireland
Rebecca Lennon	Regulatory Affairs Advisor, Northern Ireland
Sinéad Lee	Regulatory Affairs Manager, Northern Ireland
James Stinson	Regulatory Affairs Manager, Northern Ireland
Other Ofcom colleagues	

Agenda items
Introduction 1. The Chair welcomed members and attendees to the meeting.
Declaration of Members’ Interests – Oral 2. Alan Meban declared involvement in the production of TV programmes on a local Northern Ireland community station. 3. Angelina Fusco declared that she has been elected Chair of Dart Centre Europe, a charity resource centre and global network of journalists, journalism educators and health professionals
Minutes of the meeting held on 9th September 2020 and matters arising – Minutes 77 4. The minutes of the 77 th meeting, held on 9 th September 2020, were APPROVED for signature by the Chair as an accurate record. Actions from the previous meeting were completed. 5. The Chair highlighted ACNI upcoming meetings for members to attend throughout December. These include a meeting with Ofcom’s VoIP team and a meeting with the Interim Chief Executive of the Consumer Council for Northern Ireland (CCNI).

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Interim Committee Business since last formal meeting

6. The Chair updated the Committee on interim business.
7. PSB: Some Members had attended Ofcom's 3-day virtual event on Small Screen: Big Debate in October. Following the conference, the Committee had received an update paper from the PSB team. Members **AGREED** a subgroup **would** meet with the PSB team early in the New Year.
8. Connected Nations: Members had an update meeting on 26th October and the Advisory Committees for England, Scotland and Wales were also in attendance. Members **NOTED** that it was helpful to see connectivity issues in all the UK Nations and to compare differences and identify common issues, such as barriers to broadband take-up, limitations of the Broadband USO, the importance of VoIP as well as a wide range of other issues.
9. Making Sense of Media: On 30th October, some Members attended Ofcom's Making Sense of Media event which highlighted difficulties in teaching media literacy, how Social Media algorithms work and user's critical thinking online.
10. Advisory Committee Chairs meeting with Ofcom Chairman and Chief Executive: The Chair reported that it had been a useful meeting. The Chief Executive had shared her experience, vision and priorities for Ofcom and there had been significant time to discuss the range of issues impacting on consumers in different parts of the UK. The Chair thanked the Committee for prior input to identify the key points of discussion in the interests of consumers and citizens in NI, including:
 - Broadcasting and the PSB review
 - Online Harms
 - Diversity and inclusion in the workplace
 - Universality and limitations of the Broadband USO
 - Complexity of the VoIP switchover
 - Postal issues related to Brexit.
11. Personalised Pricing: The Chair attended Ofcom's seminar on Personalised Pricing on 18th November. The seminar highlighted the opportunity for communications providers to offer different prices to different consumers based on their individual characteristics and a prediction of their willingness to pay.
12. Telecoms Stakeholder Forum: On 24th November some Members attended the biannual meeting with telecoms industry representatives. Members attending observed some stabilisation of Openreach's risk issues in Northern Ireland. It was suggested that it would be helpful to invite Fibrus to give an update at a future TSF meeting.
13. The Chair thanked ACNI members for their contributions across the wide range of work progressed outside the Committee's formal meetings.

Committee discussion on Agenda items and papers

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14. The Committee discussed the agenda items and papers, focusing particularly on Brexit postal issues for consumers and businesses in Northern Ireland. It was **NOTED** that Rick Hill, CCP Chair, had recently written to Ofcom's Chairman and expressed these concerns.

Ofcom Board update

15. The Committee was briefed on recent Board meetings and **NOTED** that the same items were being covered in today's meeting including: VSP regulation, the upcoming PSB Review consultation and the upcoming Plan of Work consultation.

16. The Board member **NOTED** the recent meeting between Ofcom Colleagues and the Economy Minister, Diane Dodds MLA. The discussion at the meeting included the expected NI share of the UK Government's £5bn budget for rural broadband, as well as new duties on Online Harms and research into the Internet of Things (IOT).

17. The Board Member **NOTED** the upcoming virtual Board Stakeholder meeting for Northern Ireland and the importance for NI issues to be heard across Ofcom.

18. The Committee thanked the Board Member for continuing to represent Northern Ireland within Ofcom.

Public Policy update

19. An Ofcom colleague updated the Committee on key public policy developments since the last meeting.

20. The Committee discussed the amount of households over the cost threshold eligible for the Broadband USO and how to support those left behind. It was suggested that Ofcom's Broadband USO team updated the Committee at a future meeting on how well the USO is working for the public.

21. Members also discussed consumer confusion over the various broadband options and initiatives and the possibility of a future consumer advisory website to combat this. An Ofcom colleague mentioned Ofcom's work in this area which included the recent Boost your Broadband campaign and a seminar in October with the Gigabit Take-up Advisory Group and Which? to discuss terminology and address consumer confusion. Ofcom colleagues **AGREED** to give an update on developments in this area in future Public Policy reports.

22. An Ofcom colleague updated Members on Ofcom's BBC Annual Report and highlighted issues that the Committee had previously raised in relation to Northern Ireland.

Director's Report

23. An Ofcom Colleague highlighted several points from the Director's Report including: the recent announcement of Fibrus as the winning bidder for DfE's Project Stratum broadband procurement; the upcoming Connected Nations Report; the Northern Ireland Department for Infrastructure's plans to revise planning legislation for mobile phone masts; and Ofcom's advisory role on the DfE's Mobile Action Plan Working Group. An Ofcom Colleague also **NOTED** the expected establishment of an Infrastructure Commission for NI.

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24. An Ofcom Colleague **NOTED** that Ofcom will revisit the issue of Northern Ireland viewers being unable to access some Irish broadcasters' online players' content.
25. Members **NOTED** the upcoming stakeholder event with Ofcom Board on 16th December at which the ACNI Chair and CCP Chair will be in attendance.
26. Members discussed Inadvertent Roaming issues after Brexit and it was mentioned that the CCP Chair had written to Ofcom to express these concerns. An Ofcom colleague **NOTED** the plans for Ofcom to engage with the UK mobile operators.
27. The Committee welcomed the Project Stratum initiative and **AGREED** to invite Fibrus to a future ACNI meeting. There was a discussion around the lack of information available on premises that will benefit from Project Stratum.

Ofcom Board Member for Northern Ireland

28. It was **NOTED** that an update on progress of the appointment of a Board member will be a new standing item on ACNI meeting agendas.
29. The Committee was briefed on recent developments in recruiting an Ofcom Board Member for Northern Ireland. Ofcom colleagues recently met with officials from Department for the Economy (DfE), whose Minister will make the appointment, to start to plan the recruitment process. A Memo of Understanding will also be signed between DCMS, the Northern Ireland Executive, the Northern Ireland Assembly and Ofcom.
30. A second meeting with DfE officials is to be held in December to discuss recruitment in early 2021.

Online Harms

31. An Ofcom colleague provided an update on the UK Government's plans for Online Harms regulation. Members were reminded that in February the government stated it was minded to appoint Ofcom as the regulator for Online Harms. The government has not yet published its full response on Online Harms legislation. The legislative process will follow this response. The government is aiming to have the regime in place by Spring 2023. Ofcom currently has powers to regulate Video Sharing Platforms (VSPs) that are based in the UK.
32. An Ofcom colleague advised that the Online Harms regime will regulate systems and processes rather than content. Organisations will undertake a risk assessment into the potential harms of its platform and must put in place procedural standards; these will be proportional to the size and scope of the platform. It was **NOTED** that Ofcom will take a partnership approach to working with other organisations in this area including industry, academic, civil society orgs and international organisations.
33. In response to a question by a Member, an Ofcom colleague **NOTED** that platforms are likely to make small incremental changes in advance of legislation, these could include introducing new tools to help enforcement, increasing moderator resource or making opportunities to flag concerns more prominent.

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34. In response to a question by a Member, an Ofcom colleague **NOTED** that Ofcom may also have an increased media literacy role to start to work with companies and the public to make them aware of their roles. It was **NOTED** that awareness of online harms and risks have increased in recent months. Networks have already been doing more work to address misinformation, particularly Covid-related misinformation and promoting reliable sources of information.

35. It was **NOTED** that Ofcom has started engaging with other organisations, such as the internet watch foundation and other groups, on current and emerging online threats.

Brexit update

36. An Ofcom colleague briefed Members on recent developments in Ofcom's Brexit work, specifically the most pressing issues relating to Northern Ireland – the movement of post & parcels between GB and NI, and the future of mobile roaming between ROI and NI.

37. The CCP Chair **NOTED** recent work the Panel had undertaken to analyse the Postal User Needs research, a recent meeting with HMRC to discuss Post and a letter written to Ofcom in relation to mobile roaming concerns. The Panel expressed concerns that older and disabled consumers would particularly suffer if there was reduced access to online shopping and parcels coming into NI. The Committee congratulated the CCP for their work to highlight these issues.

38. The Committee highlighted the importance of clear messaging and communication in advance of any changes to customs arrangements regarding post and parcels moving between GB and NI. The Committee discussed how parcel surcharging was already an issue for Northern Ireland and there was a fear that Brexit will increase the amount of businesses who will refuse to ship goods to NI or will do so at increased cost to consumers.

39. Members also discussed concerns around the potential reintroduction of mobile roaming charges for Northern Ireland residents and those visiting NI tourist areas, following the end of the Transition period. Members **NOTED** contract protections against unagreed charges but urged Ofcom's Brexit team to keep a close eye on roaming for NI and residents across the whole of the UK.

40. The Committee **AGREED** to invite the Brexit team to a future meeting.

Consumer Communications Panel update

41. The CCP Chair highlighted a number of Northern Ireland specific areas where the Panel was currently actively engaged, including a recent meeting of the Communications Consumer Hub for Northern Ireland, which focussed on the theme of rural connectivity. The CCP Chair **NOTED** that these national consumer hubs were proving very beneficial in gathering feedback for communications providers and Ofcom. Recurring themes had included universal broadband and a proper, ubiquitous universal service obligation.

42. The CCP Chair stressed that the Panel had been very engaged on the issue of the Northern Ireland Protocol. The CCP Chair had written to Ofcom's Chairman, BEIS and HMRC recently, and also met with HMRC, raising concerns about the potential impacts of the Protocol on citizens, consumers and micro-businesses in Northern Ireland if no trade agreement is reached between the UK and EU. With the introduction of new EU customs regulations on goods shipped from Britain to Northern

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Ireland, the Panel expressed concerns that businesses, sole traders and eBay sellers may decide to pass some or all of the additional costs of any customs requirements onto consumers in Northern Ireland.

43. The CCP Chair also raised the issue of migration to VOIP, highlighting that this is going to be very significant for consumers as there is a lack of consumer communication about the move and the need for more focus placed on the 700,000 landline only customers in the UK. The CCP is planning to do some research in the area. ACNI Members echoed concerns around the migration to VOIP.

Content Board Update

44. Members were briefed on recent work of the Content Board, including updates on Online Harms and Ofcom's recent acquired duties of VSP regulation. The Content Board Member also highlighted there had been a marked increase in standards complaints this year over 2019.

45. The Content Board Member **NOTED** an increase in standards investigations in areas including harm and offence and hate speech among some smaller and community radio stations. It is expected Ofcom will undertake fresh research into attitudes towards offensive material, mainly aimed at viewers and listeners of channels with large ethnic minority audiences.

46. It was **NOTED** that new guidelines on protecting participants in programming that will require changes to Sections 1, 2 and 7 of the Broadcasting Code was expected to be published by Ofcom.

Plan of Work

47. The Committee received an update on the Ofcom Plan of Work 2021/2022. This year the Plan will have a larger market context section and include more quantitative metrics. It will be published early December and it is anticipated nations' stakeholder events will take place in January.

48. The Committee raised concerns about the effectiveness of the Broadband USO programme and what further plans there are for premises which will remain beyond the reach of the USO as well as public and commercially-funded broadband rollout. An Ofcom colleague **NOTED** that it was expected more detail on Ofcom's 'universality' work would be included in the Plan of Work.

49. The Committee asked whether there is anything Ofcom could do to ensure there is better communication with consumers so that they can be better informed whenever new broadband services become available to them.

Next Generation NEDs

50. The Committee was briefed on the joint initiative between CCP and Ofcom to widen the talent base of Non-Executives joining Ofcom. The programme is an opportunity for individuals to gain experience in committee and panel work with shadowing and mentoring opportunities.

51. Members welcomed the initiative and welcomed greater diversity in committees.

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52. Members **NOTED** that a year for individuals who would be shadowing committees and panels would be preferable and suggested that one individual from the committee should take responsibility as a 'buddy role' to help answer questions or concerns.

AOB and papers for noting

53. Members discussed papers for noting, specifically local industry engagement regarding the review of BBC Studios.

54. The Chair wished everyone a Happy Christmas.

Date of the Next Meeting

55. The next scheduled Committee meeting would be held on Tuesday 23rd February 2021.

Approved:



Chair

Date: 17.10.22