

**Minutes of the 80th meeting of
the Advisory Committee for Northern Ireland held virtually via
Microsoft Teams on 8 June 2021**

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

Jonathan Rose	Director, Northern Ireland
Cheryl Rainey	Regulatory Affairs Advisor, Northern Ireland
Sinéad Lee	Regulatory Affairs Manager, Northern Ireland
James Stinson	Regulatory Affairs Manager, Northern Ireland
Other Ofcom colleagues	
Colleagues from Channel 4 Corporation (Item 12 only)	

Agenda items
<p>Introduction</p> <ol style="list-style-type: none">1. The Chair welcomed members and attendees to the meeting, with a particular welcome to Cheryl Rainey on her first meeting.2. Apologies were noted from Bob Downes, Ofcom Board Member for Scotland and Northern Ireland (Acting), and Rick Hill, Consumer Panel Chair and Member for Northern Ireland.3. The Chair confirmed that Angelina Fusco’s term as Content Board Member for Northern Ireland had ended. The Chair and Members expressed their gratitude for Angelina’s contribution to ACNI, and how she had enriched and informed ACNI advice on broadcasting and beyond. Members agreed that the Chair would call Angelina to pass on their best wishes, in addition to the note which had already been sent.
<p>Declaration of Members’ Interests – Oral</p> <ol style="list-style-type: none">4. Alan Meban declared receiving production training from the BBC.
<p>Minutes of the meeting held on 23rd February 2021 and matters arising – Minutes 79</p> <ol style="list-style-type: none">5. The minutes of the 79th meeting, held on 23rd February 2021, were APPROVED for signature by the Chair as an accurate record.6. An Ofcom Colleague shared the Actions update, and noted some points: -

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- Ofcom has commenced work on 'very hard to reach areas' and colleagues will keep ACNI updated as this work progresses.
- Due to the Online Safety Bill's publication last month, today's Public Policy update will have Online Safety as its focus and provide opportunity for discussion. Online Harms will therefore be added as a standing item for future meetings.
- A further update to the actions – the response to Consumer Council's Plan of Work was submitted on 26th February. The Chair noted thanks to Rick Hill in his absence for his help with this submission.

Interim Committee Business since last formal meeting

7. The Chair updated the Committee on interim business, specifically:
8. PSM Review: Small Screen, Big Debate; It was noted that ACNI had submitted a very detailed response to Ofcom's consultation.
9. 23rd February: some Members had attended a meeting on the future of Digital Terrestrial Television in the coming decades.
10. 7th March: some Members had attended a Making Sense of Media event.
11. 10th May: a Member had attended the UK Consumer Hub event, where the focus was on the migration to Voice over Internet Protocol (VoIP). The Committee **NOTED** the concern around the timing and co-ordination of communication to consumers of PSTN switch off, the implications for consumers, and some concerns about the readiness and ability of the Communications Providers to deliver.
12. The Chair had attended the April NI Consumer Hub, where the topic was Digital Inclusion, with Supporting Communities and Go on NI presenting. It highlighted how small-scale initiatives supporting relatively small numbers of people could provide a transformational difference for them. It also highlighted the importance of the need for media literacy in addition to access.
13. 29th April; several Members had attended the NI Chamber of Commerce event with Tim Davie, Director General of the BBC. An Ofcom colleague offered to share a file note of the event which was welcomed. The Committee asked Ofcom Colleagues to keep them updated on any news on the redevelopment of BBC Broadcasting House in Belfast.
14. 21st May; some Members had attended a meeting with John McVey of PACT regarding the PSM review. PACT had outlined their views on the Review of the Production Sector which is part of the PSM review. The Committee **NOTED** PACT's concerns and will keep these in mind.
15. 24th May; some Members had attended a meeting to discuss Ofcom's work to evolve the BBC Operating Licence to reflect changing audience habits and expectations in a digital world.

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16. Other business –

ACNI recruitment - Interviews had taken place to appoint four Committee members. The Panel's recommendations would now go to the Ofcom Board.

17. The Chair thanked everyone for attending the annual contribution meetings, and noted a few key points to feedback: -

- Very high praise for the support from the Ofcom NI team
- The informal Committee meetings were working well, and the Chair was keen to take Members' views on what balance is best once the Committee was able to meet again in person.
- Members were trying to develop skills outside their immediate area of expertise
- Some Members had observed that the Chair has taken on a lot of work on submissions. This is partly due to the topic, but the Chair welcomed volunteers to share the workload and ensure the widest input.

18. The Chair had met informally with Chairs of the Advisory Committees for Scotland and England.

Committee discussion on Agenda items and papers

19. The Committee discussed the agenda items and papers, focusing particularly on the session with Channel 4.

20. A Member noted the number of USO applications in Northern Ireland, as well as the work remaining to be done in terms of the aggregation of costs. It was **NOTED** that Members would ask the USO project team if there is a timeframe for looking at how the USO is operating.

Public Policy update

21. An Ofcom Colleague highlighted the publication of the Online Safety Bill last month. They noted that pre-legislative scrutiny is due to begin shortly, and, in the meantime, Ofcom is preparing for the new duties that will come from the Bill, including recruitment.

22. Members heard that the Online Nations Report is due to be published on Wednesday 9th June, drawing together research Ofcom has completed around behaviours and experiences online.

23. Members **NOTED** the vast breadth and remit of work expected now from Ofcom, and how this requires sufficient resources to be allocated both in terms of people and funding. An Ofcom Colleague explained the funding arrangements, and how we are continually recruiting to widen colleagues' skillset.

24. Members heard how there has been a lot of calls for online fraud to be part of the Bill. Members discussed scams and **NOTED** the range of challenges and the coordination required across different sectors. The Home Office has established a Taskforce and Colleagues will enquire as to what engagement there has been with the Devolved Administrations.

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25. A Colleague noted Ofcom's involvement locally with the Scamwise NI partnership, led by PSNI, which brings together different agencies, financial organisations and voluntary sector bodies to share ideas and information. The Chair of this partnership will be meeting with Ofcom's Director of Network Infrastructure and Resilience in the next few weeks. Colleagues will keep ACNI updated on this meeting.
26. Colleagues also noted how the migration to VoIP will help tackle scam calls. Members **NOTED** that this may then make those who are less able to move across to VoIP, whether due to access, or other reasons, more susceptible to scam calls.
27. The Chair stressed the importance of local political engagement in online safety and encouraged this to continue.
28. This meeting was the last one for Ofcom's Public Policy Director, Katie Pettifer. The Chair thanked Katie on behalf of the Committee for her helpful briefings and engagement with the Committee and for taking on board Members' concerns and advice. She wished Katie the best for her new role beyond Ofcom.

Director's Report

29. An Ofcom colleague highlighted several points from the Director's Report including:-
30. The Connected Nations figures, noting that 63% of premises in Northern Ireland can now access full fibre broadband.
31. The awarding of a small-scale DAB radio multiplex licence in Derry, the first in Northern Ireland.
32. Discussion took place around the desire of TG4 to move up the Freeview EPG in Northern Ireland to a vacant slot.

Media Nations update

33. Colleagues highlighted some key points from their submitted paper regarding data to be updated, along with the lack of RAJAR listening figures which will have an impact on the radio and audio elements of the report.
34. Members **NOTED** the significance the decline in the viewing amongst young people has for the industry long term. Given the impact of this, along with other industry shifts, on existing funding mechanisms in supporting Public Service Broadcasting members asked if any modelling on this had been completed. Members also **NOTED** the significance of the pandemic on the speed of these industry shifts, and how crucial the accuracy of this year's Media Nations report is, given its impact on following years.
35. Colleagues confirmed that there will be analysis in terms of consumer habits as well as content and offerings, but the Media Nations report will not include any policy statement, given that the PSM statement is due out in July.
36. Colleagues noted Members' thoughts on the importance of understanding YouTube's role in the market, given the wide ranging and niche content it offers.

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37. Members were pleased to see an emphasis on audio in the report but expressed disappointment that a new solution for measuring listening had not been established following the suspension of RAJAR.
38. Members were pleased that the Republic of Ireland (ROI) public service channels were included given the importance of this in NI. Colleagues will share with ACNI figures and charts around the ROI channels viewing, as well as enquire with other colleagues if they can identify the viewing share.
39. Members NOTED the importance of this report in NI and asked NI Ofcom team if there are plans for a stakeholder event in August/September time. Colleagues informed Members that they would consider events as soon as restrictions would allow.

Brexit update

40. An Ofcom Colleague provided an update on potential consumer impacts six months on from the end of the transition period and the UK's withdrawal from the European Union.
41. With regards to mobile roaming, the Committee **NOTED** that no UK MNOs had announced any plans to reintroduce charges for UK customers roaming onto EU networks, but Ofcom would keep a close eye on any developments especially given the potential impact on NI consumers.
42. The Committee also heard that while this remained a commercial decision for individual MNOs, UK law now required MNOs to take 'reasonable steps' to protect customers from the impact to inadvertent roaming.
43. Regarding post, a Colleague provided an update on the impact of the NI Protocol. Under the terms of the Protocol (part of the UK-EU withdrawal agreement), customs declarations are required for certain parcels sent from GB to NI. A grace period for the introduction of these declarations was introduced on 1 January 2021 and was due to end on 1 April 2021, but Members heard that the Government has now extended this until October for parcels sent from businesses to consumers and until April 2022 for USO parcels sent via post offices.
44. Ofcom's Northern Ireland Office and the Postal team continue to closely monitor developments in this area and will keep ACNI updated.
45. Members welcomed the ongoing discussions with HMRC and emphasised their concern over the consumer detriment being experienced.
46. Members also **NOTED** the importance of continuing to highlight the ongoing concerns on parcel surcharges post-Brexit to the Consumer Council NI given that it is an extension of work they previously completed on parcel surcharges and online delivery costs.

Broadband USO update

47. Members emphasised the importance of the investigation outlined in the paper around the calculation of aggregated costs, and the communication of these costs to the consumer. Members also emphasised the importance of effective co-ordination by the service providers.

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48. Members **NOTED** the complexity for consumers in navigating the ordering process. They also **NOTED** that there will be some customers not connected by the USO due to costs. Colleagues informed Members that Ofcom and DCMS are looking at how to overcome some of the problems creating gaps for consumers.
49. Members highlighted the importance of consumers being made aware of fixed wireless access options where appropriate and noted the importance of continuing to monitor this.
50. Members requested further information in relation to the distribution of the NI orders at a strategic level, to provide a sense of the geographic impact of the USO and to identify gaps, given its importance for these consumers and with Project Stratum in mind.

Content Board Update

51. There was no Content Board update due to the NI Member's term having ended.
52. Ofcom colleagues noted that Bob Downes is acting as Interim Chair for Content Board and, given his Board role, he may be in a position to provide a Northern Ireland perspective at Content Board.
53. Members stressed the importance of having a dedicated NI Content Board member and expressed their disappointment at the potential gap in tenures, particularly given other gaps.

Ofcom Board Member for Northern Ireland

54. An Ofcom Colleague confirmed that a Statutory Instrument needs to be introduced at Westminster by DCMS to enable the NI Economy Minister to appoint an Ofcom Board member. This is due to happen between July and September, and Colleagues are working with the Department for the Economy officials to prepare to start the recruitment process.

Channel 4 Corporation

55. The Chair welcomed Channel 4 representatives who provided an overview of the previous year, and specifically the challenges that the pandemic had brought as well as progress on the 4 All UK strategy.
56. Channel 4 highlighted how their operating model had given them flexibility to navigate through the crisis, ending 2020 with an increase in audience share, strong digital growth, and a healthy financial surplus to help navigate any further market instability and invest in digital content.
57. In late 2020 Channel 4 launched their Future 4 strategy; their vision for how Channel 4 will transform into a digital PSB, while retaining their distinctive brand and public service impact.
58. Channel 4 expressed hope that Ofcom's PSM review will lead to recommendations that secure a strong PSM landscape for the future with PSBs at the heart of that.
59. Channel 4 noted the speculation over possible changes of ownership and discussed the potential impact that could have on Channel 4's investment in the devolved nations.

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Discussions with the Committee focussed on: -

60. **4 Skills** – There was discussion of the new 4 Skills programme which the Committee heard would provide a more co-ordinated, integrated, and strategic approach than the Alpha Fund, with more focus on Nations and Regions and greater benefit to independent production companies.
61. **Commissioning** – The Committee heard about some of the content that the NI indies are providing, and the wider integration that Channel 4's Glasgow hub is enabling. Discussion took place around the accessibility of Commissioners for NI indies during the pandemic and plans for this going forward. Members NOTED Channel 4's plans not to revert back to in-person meetings.
62. **Shift in TV audiences** – In response to Members' queries Channel 4 explained that there may be an element of audience not watching live tv, but many still do, and this is considered in the balance of decisions they take.
63. **Portrayal** – Members noted some concern remains regarding Channel 4 providing an adequate and fair representation of communities outside of England and advised wider promotion of their programming.
64. **Future 4 Strategy** – Members queried the impact of this on what can be commissioned in NI, given that the NI indies tend to be smaller. Channel 4 discussed how the smaller indies can benefit, providing there is strong promotion.
65. **Partnership with NI Screen and increasing production in NI** – Members heard how discussions are continuing between Channel 4 and NI Screen, although delayed by the pandemic. Channel 4 explained that its focus is on how to provide something that is unique and adds value, with a preference to meet their commitments to N&R in a high-quality way that feels right for the creative sector in NI, rather than necessarily through quotas. A Member noted that given the current 1% spend in NI it remains very vulnerable, and any reduction in this therefore provides a lot of impact. Members encouraged Channel 4 to continue progressing their discussions with NI Screen, as well as their NI production.
66. **Digital content commissioning opportunities** – Members NOTED Channel 4's view of the readiness and capability of the industry in NI to succeed in this area, with good awareness of the growth of opportunities.
67. **Ringfencing** – Channel 4's ringfencing of funding for N&R and BAME during the pandemic was welcomed.
68. The Chair thanked the Channel 4 representatives for attending and confirmed that the Committee would like to do the same again next year.

AOB and papers for noting

Availability of PAYG sims

69. A Member highlighted the lack of consumer choice and potential difficulties for those more vulnerable, given that providers seem to have withdrawn PAYG Sims that don't require to be topped up monthly.

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70. Colleagues highlighted that the role of Ofcom is limited given that mobile operators don't have the same vulnerability obligations. It may be addressed in Ofcom's Vulnerability Report due in the next few months.
71. Members noted that, with VOIP a mobile phone may be important as a backup in the event of a power failure but some consumers may not want, nor be able, to pay a fixed amount per month for something they may rarely use.
72. The Committee noted that work regarding lack of competition in some markets that are shrinking lies within the remit of Consumer Council NI. Colleagues were asked to keep ACNI updated on any discussions on this issue with Consumer Council, in Vulnerability Report, and/or in discussions with wider Ofcom colleagues.

Consumer Communications Panel Report

73. Members noted Consumer Communications Panel report.

DCMS consultation on Improving Broadband to very hard to reach areas

74. An Ofcom Colleague suggested that, linked with the Broadband USO update earlier in the meeting, Members may wish to consider the current DCMS consultation on 'Improving Broadband to very hard to reach areas'. The link for it was shared and Chair asked Members to consider if they wished to respond.

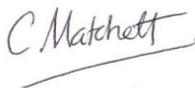
Openreach announcement of additional £100m

75. Colleagues confirmed they have no further information on where this investment is to go, nor how much of it, if any, is part of the £3.2m in Area 3 announcement.

Date of the Next Meeting

76. The next scheduled Committee meeting would be held on 9 September 2021.

Approved:



Chair

Date: 17.10.22