

Minutes of the 81st meeting of the Advisory Committee for Northern Ireland held virtually via Microsoft Teams on 9 September 2021

Present

Carrie Matchett	ACNI Chair
John Ellison	ACNI Member
Phil Flanagan	ACNI Member
Alan Meban	ACNI Member
Michael Wilson	ACNI Member

In attendance

Bob Downes	Ofcom Board Member for Scotland and Northern Ireland (Acting)
Rick Hill	Communications Consumer Panel (CCP) Chair and Member for NI
Jonathan Rose	Director, Northern Ireland
Cheryl Rainey	Regulatory Affairs Advisor
James Stinson	Regulatory Affairs Manager, Northern Ireland
Other Ofcom colleagues	
Representatives from BBC NI (Item 11 only)	

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Introduction

1. The Chair welcomed members and attendees to the meeting, with a particular welcome and congratulations to Michael Wilson and Angelina Fusco (although sending her apologies for this meeting) on their appointments to the Advisory Committee, and congratulations to John Ellison and Alan Meban on their reappointments.
2. Congratulations were also noted for Sinéad Lee in her secondment to another team in Ofcom. ACNI will be kept informed of cover for Sinéad.

Declaration of Members' Interests – Oral

3. Alan Meban declared an interest in the items for this meeting, in terms of his occasional involvement in production on BBC Radio Ulster, and Rick Hill brought Members up to date on an additional Interest more generally that he has declared centrally.

Minutes of the meeting held on 8th June 2021 and matters arising – Minutes 80

4. The minutes of the 80th meeting, held on 8th June 2021, were **APPROVED** for signature by the Chair as an accurate record.
5. An Ofcom Colleague shared the Actions update, and noted the following:
 - BBC Broadcasting House – the Director's Report notes the BBC's announcement on the redevelopment of Broadcasting House.

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- YouTube viewing – this will continue to be included in Media Nations reports and also in future reports on Video-Sharing Platforms (VSPs).
- Figures on Republic of Ireland (RoI) channels and audience share – the audience tracking that Ofcom carries out for Media Nations is the only information publicly available. Colleagues will enquire as to whether others, such as the BBC, may have audience figures they can share.
- Broadband USO in Northern Ireland – the Project Team is still pursuing whether figures can be made available for take-up in NI.
- Reduction in availability of PAYG sims – our discussions with providers focus on Fairness for Customers rather than dictating particular tariffs/platforms, but Ofcom will push providers to continue to provide an affordable option, around the £5-£10 per month.

Interim Committee Business since last formal meeting

6. The Chair updated the Committee on interim business, specifically:
7. Alan Meban and John Ellison had attended a meeting of the DCMS Audio and Radio Review, and Alan's filenote will be shared by the Chair with the Committee.
8. The Chair had attended the NI Consumer Hub meeting in June where the focus had been on an overview of the CCP's 'think-piece' on making communications services inclusive and how providers can effectively and consistently meet consumers' individual requirements.
9. While many of the topics considered by Committee subgroups feature as items on the agenda, one additional item considered had been the Ofcom NI Disability Action Plan. An Ofcom colleague provided an overview of this work and a summary of the subgroup discussion.
10. Ofcom colleagues had previously talked to ACNI about the Next Generation Non Executive Directors (NEDs) scheme; a plan to support the next generation of NEDs in a Boardroom Apprentice style role, with the aim of broadening the diversity of talent in the pipeline for Non-Executive work. Having agreed to have someone assigned to ACNI, Members were asked to consider acting as a mentor. The Chair agreed to forward further details to the Committee.
11. The Chairs of the National Advisory Committees had met informally on 6th September to discuss shared interests, and had also taken the opportunity to meet Kate Davies in her new role as Director of Public Policy.

Ofcom Board update & Content Board Update

12. The Board Member provided an overview of the Board's work since the last Committee meeting.
13. The Board's work has been dominated by preparation for regulating Online Harms, as well as future strategies on broadcasting, telecoms and spectrum.

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<p>14. The Board member noted the increase in the volume of broadcasting standards complaints, particularly in the context of freedom of expression.</p>
Committee discussion on Agenda items and papers <p>15. The Committee discussed the topics they planned to raise at the session with BBC NI.</p> <p>16. Members discussed the volume of work undertaken in recent months – especially over the summer – and noted the importance of prioritising topics and sharing the workload across the Committee.</p>
Consumer Communications Panel (CCP) update <p>17. The Member highlighted several points from the CCP report that had been included with the papers.</p> <p>18. CCP remains deeply concerned about the transition to all IP telephony and the current lack of very clear consumer communications, or a future comms plan, in relation to the changes that will be happening by the end of 2025. The CCP’s own research has shown a lack of knowledge amongst a very large cohort of consumers.</p> <p>19. CCP has raised its concerns with DCMS as well as with Ofcom’s CEO and will do so shortly with the Ofcom Chair. The Committee shared the CCP’s concerns.</p> <p>20. The Member also informed Committee that CCP had completed research on parcel users’ experience, boosting the sample size in Northern Ireland to see if any particular impacts of changes to postal services were identified, as a result of the framework agreement and EU exit. The research showed that a number of micro-businesses have been significantly impacted as have consumers more generally, with many traders withdrawing from the NI market, or charging more to ship goods here, and taking longer to deliver.</p> <p>21. The report has been forwarded to Lord Frost, who had cited previous CCP research report with the European Commission. CCP has also been in discussions with HMRC. The CCP Member asked Committee members to share any examples they found of parcels received from GB with customs labels, or requests for VAT payments on parcels going from NI to RoI.</p>
Public Policy update <p>22. The Chair welcomed Ofcom colleagues for this item, with a particular welcome to Kate Davies as Public Policy Director on her first ACNI meeting.</p> <p>23. Ofcom colleagues highlighted the high volume of parliamentary activity both in terms of postbag enquiries and passages of legislation in online safety, telecoms security and broadcasting.</p> <p>24. The Committee discussed a number of topics, likely to be included in future legislation affecting Public Service Broadcasting, such as the prominence of PSB channels. They also</p>

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discussed the potential impact on the relicensing of Channels 3 and 5 and the future of Local TV.

Online Safety update

25. The Chair welcomed an Ofcom Colleague for this item, who outlined progress on the Online Safety Bill.
26. The Ofcom Colleague explained that the Bill relates to online platforms that enable interaction between users, as well as search services, and those who provide services into the UK, even if based overseas.
27. Members heard that the focus of the Bill is harms that have a significant impact, and tend to fall into 3 areas – illegal content, content harmful to adults (but not illegal), and content that is harmful to children.
28. Members were provided with an overview of Ofcom’s role – for example, preparing the Codes of Practice, advising the Secretary of State and producing transparency reports based on information provided to us by the companies. The Bill is not about adjudicating individual pieces of content but on the systems and processes that platforms have in place to address harmful content, and minimise potentially harmful content.
29. Members heard how there are a number of questions to be considered in relation to how the Bill will interact with devolved Governments’ powers. There are particular differences, for example, in the devolved administrations on Child Sexual Exploitation and Abuse (CSEA) and the protection of children, and also around media literacy. This could potentially have an impact on enforcing the Bill in the different areas, but Ofcom will have to also ensure platforms are aware of these differences.
30. Members also heard about relationships that are being built with law enforcement agencies, and how these will need to be extended to the relevant law enforcements in the devolved nations, and consideration will need to be taken of the differences in legal systems and penalties.
31. Committee noted the importance of further exploring the area of Online Safety, carefully considering all local angles and how they could impact on consumers, citizens, government, and industry – especially given NI’s specialism in areas such as cyber security. Members also discussed the gap between the scope of the proposed legislation and consumer and stakeholder expectations, and the role Ofcom’s NI Office would be expected to have with regard to queries/complaints of a NI specific nature. Members agreed to take time to consider the information provided in the earlier Online Safety session and focus on areas where they could add value to issues relevant to Northern Ireland.

Director’s Report

32. Key points from the Director’s Report were noted as follows:
 - Project Stratum – additional funding would enable the inclusion of premises that were originally out of scope, and premises that were missed initially due to anomalies in the premises database.

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- Openreach NI had appointed a new Director and announced 10 new areas to be included in their full-fibre rollout.
- A colleague reported that Three had just announced the reintroduction of roaming charges in the EU but, like Vodafone and EE, Three would be excluding Ireland.
- A Member asked whether any exclusivity had been given to BT to provide a retail service on the Openreach network. Colleagues explained that the Openreach network was required to be equally available to all retail providers. The Member undertook to share any available evidence to the contrary for investigation.

Subgroups' Responses on Consultations

33. The Committee discussed the content of the draft responses to the following consultations which were due for submission:
- Ofcom's Consultation on the approach to high excess costs under the broadband universal service
 - Ofcom's Consultation on how Ofcom regulates the BBC
 - DCMS Consultation on change of ownership of Channel 4 Television
34. The Committee agreed actions on the three consultation responses and planned to submit them in due course.
35. The Chair thanked everyone for their work on the consultation responses, particularly those leading on the responses.

Telephony USO Review on Public callboxes (PCB)

36. The Chair welcomed Ofcom colleagues for this item and thanked them for their very useful paper, which Members had commented on in advance of the meeting.
37. Addressing Members' comments, colleagues explained that views on reasonable usage of PCBs would be sought in the forthcoming consultation, and consideration was also being given to PCBs in coastal locations.
38. Members acknowledged the importance of PCBs for making emergency calls, but also noted the issue of hoax 999 calls being made from PCBs.
39. On the issue of coverage, a Member asked whether it is reasonable to apply this criteria to BT when none of the MNOs are required to provide 100% coverage. The Ofcom colleague explained that given the context of the USO, it seems reasonable that BT should provide a call box where there isn't adequate coverage.
40. Members discussed the issue of maintenance costs of PCBs. The Ofcom colleague explained that in terms of the whole estate they are loss making, but the key driver for the timing of the review is due to the significant additional cost of upgrading each PCB to function over IP. This

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leads to a question of proportionality and finding a balance between costs and those PCBs that do need to remain operational.

41. In response to Members queries on International calls, the Ofcom colleague explained that BT have confirmed calls to ROI are not treated as international calls so they will still be able to be made. There is a desire to encourage free calls, but it isn't felt that international calls are a priority under the USO.

Alan Meban left the meeting

BBC NI

42. The Chair welcomed BBC representatives to the meeting, who thanked the Committee for their invitation and a useful conversation took place.

43. A wide range of topics were discussed, including:

- The plans, timelines and benefits of the BBC's intended capital spend in NI
- The wider benefits to NI of the BBC's Across the UK strategy
- Any expected efficiency savings for BBC NI, and any related consequences
- The potential scale and impact of the Screen & Media Innovation Lab being developed as part of the Belfast Region City Deal, and related to the BBC's partnership with NI Screen.
- The high value audiences place on local programming and ensure this is sustained and developed in an evolving media landscape.
- The prominence and ability to find local content on iPlayer and Sounds
- Network commissioning and plans to recover from the significant dip during Covid-19 pandemic
- The low portrayal of NI relative to other parts of the UK, and also portrayal of diversity within NI
- Reporting of devolved issues on network news
- Removal of Northern Ireland's voice in BBC decision-making

44. Members noted the value of services continuing throughout the Covid pandemic.

45. The Chair thanked the BBC representatives for attending.

Alan Meban rejoined the meeting

Brexit update

46. An Ofcom colleague provided an update on developments that have taken place over the summer months in relation to Brexit, around parcels and telecoms.

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47. On parcels, the Committee heard that the grace periods for the introduction of new customs checks had been extended indefinitely to allow for a period of re-negotiation between the UK government and the EU.
48. Ofcom continues to engage with government agencies and departments on the issue, providing advice where required.
49. On telecoms, the Committee heard the decision by some mobile operators to either introduce or reduce fair-usage allowances for customers roaming in the EU. It was noted this could adversely affect consumers in Northern Ireland roaming, deliberately or inadvertently, onto Republic of Ireland (RoI) networks.
50. The Committee was also updated on the decision by EE and Vodafone to reintroduce EU roaming for new and re-contracting customers. The decision by both not to apply charges to customers roaming while in the RoI was welcomed. It was pointed out that this would also help customers in NI who inadvertently roam onto RoI networks.
51. Ofcom continues to engage with the mobile networks, making the case for NI consumers.

Ofcom's Plan of Work and Strategy

52. The Chair thanked Ofcom colleagues for attending at this early stage of the annual planning process, and for their comprehensive paper and slides. An Ofcom colleague provided an overview of the structure of the Plan of Work 22/23 consultation, and the proposed timeline and key milestones.
53. Members also heard from an Ofcom colleague how this year, in addition to the Plan of Work, Ofcom has taken the opportunity to consider its longer term strategy given the many changes to the landscape and its work. This has been completed through considering what Ofcom does, why it's done, and how it's done.
54. Members noted the importance of including a specific reference in the Plan of Work to the ongoing issues arising out of Brexit and the NI Protocol. Colleagues advised that this will be included in the plan and will be working with NI colleagues on objectives relating to Northern Ireland.
55. Members welcomed Fairness for Consumers as a broad theme but noted the omission of post, which was significant given that postal consumers in NI might be perceived as being treated unfairly due to the Brexit implications.
56. Similarly, Committee raised the importance of the universality theme in relation to geography and observed that some services are potentially becoming less accessible for consumers in NI. Members also noted the importance of ensuring that mobile coverage developments – such as the Shared Rural Network and Mobile Action Plan – helped Northern Ireland keep pace.
57. Committee welcomed the strategy stipulating Ofcom's contribution to ensuring freedom of expression and plurality of views in public discourse and the potential impact on society.
58. Committee asked whether the new online safety duties, and the level of expectation of its impact from politicians and the general public, had the potential to overwhelm Ofcom.

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59. Some discussion took place around the media literacy element of universality, and how Ofcom will consider what approaches – eg partnerships – could provide the biggest impact for the finite amount of resource available.
60. Members also discussed the issue of the rollout of VoIP accelerating over the next 18-24 months and suggested that the Plan of Work should be clear on who is responsible for communicating these changes to consumers.
61. Members underlined the continued importance of the need to appoint an Ofcom Board Member for Northern Ireland, and expressed frustration that the process had moved slowly.
62. The Chair thanked the Project Team for their early engagement and looked forward to the consultation on the Plan of Work.

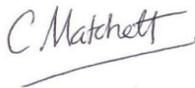
AOB and papers for noting

63. Connected Nations –
- Members asked if the report should include the progress of VoIP rollout and a colleague agreed to check.
 - Members welcomed that the report will include an update on USO connections.
 - The Ofcom colleague also noted that the Connected Nations summer update was published today, and this will be included within the ACNI weekly Update tomorrow.
64. Proposed 2022 ACNI Meeting dates –
- Members requested to note these dates and inform Ofcom NI colleagues should there be any problem.
65. A Member mentioned the Consumer Stakeholder Hub referenced in the CCP report and asked to join. The Chair will forward the invite to the Member.

Date of the Next Meeting

66. The next scheduled Committee meeting will be held on 7 December 2021.

Approved:



Chair

Date: 17.10.22