

Minutes of the 82nd meeting of the Advisory Committee for Northern Ireland held hybrid (in Landmark House and via Microsoft Teams) on 7 December 2021

Present

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

In attendance

Bob Downes	Ofcom Board Member for Scotland and Northern Ireland (Acting)
Jonathan Rose	Director, Northern Ireland
Cheryl Rainey	Regulatory Affairs Advisor
James Stinson	Regulatory Affairs Manager, Northern Ireland
Judith Carville	Regulatory Affairs Manager, Northern Ireland
Other Ofcom colleagues	
A representative from Cardiff University	

Agenda items
Introduction <ol style="list-style-type: none">1. The Chair welcomed members and attendees to the meeting, with a particular welcome to Judith Carville on her first Advisory Committee meeting.2. Apologies were noted from Rick Hill.
Declaration of Members' Interests <ol style="list-style-type: none">3. Michael Wilson declared some consultancy work that he has been undertaking for News UK.
Minutes of the meeting held on 8th June 2021 and matters arising – Minutes 80 <ol style="list-style-type: none">4. The minutes of the 81st meeting, held on 9th September 2021, were APPROVED.5. An Ofcom Colleague shared the Actions update, and noted the following updates:<ul style="list-style-type: none">• The Public Policy Team is following up in relation to what engagement the Home Office taskforce on fraud has had with devolved nations.• Regarding the Next Generation NEDs (Non Executive Directors) programme two people have been assigned to ACNI. Neither could attend today's meeting but hope to be on board for the next formal meeting, if not for the informal subgroups.

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- Members noted that as this is a pilot, the importance of capturing learning was critical. It was suggested that the Boardroom Apprentice scheme might be considered for the next iteration, and noted the benefit of developing local talent.
- Regarding viewing figures of the Republic of Ireland (ROI) channels, Members asked if BARB's figures could provide any insight into ROI figures.

Ofcom Board update & Content Board Update

6. The Board Member provided an overview of the Board's work since the last Committee meeting.
7. The most recent Board meeting took place in Belfast where they had the opportunity of a useful briefing from Fibrus.
8. Some of the other items for consideration at November's Board were the Review of Postal regulation, the implementation of the Access Review, along with further work on Online Safety and Channel 4 Board appointments.

Bob Downes temporarily left the meeting at this stage

Interim Committee Business since last formal meeting

9. The Chair updated the Committee on interim business as follows:
 - 13th September – subgroup meeting to discuss proposed response to DCMS on their Channel 4 consultation
 - 20th September – subgroup meeting on the BBC Annual Report
 - 24th September - subgroup meeting on the response to the 'Review of measures to protect people in debt or at risk of disconnection'
 - 5th October – Communications Consumer Hub for NI on 'what constitutes excellent customer service'
 - 19th October – The Consumer Communications Panel had initiated a meeting with the Advisory Committee Chairs to share thoughts and learning. The aim was to do this twice a year
 - 16th November – Stakeholder reception for the Ofcom Board visit. Committee noted its appreciation for the Board visit and for including members in a valuable stakeholder engagement event.
 - 23rd November – ACNI meeting to prepare for the Advisory Committee Chairs meeting with Chief Executive/Chair
 - 23rd November – subgroup meeting with project team on Mobile Spectrum Demand
 - 24th November – meeting with the Postal Review team, along with representatives from Advisory Committee for Scotland
 - 2nd December – Telecoms Stakeholder Forum meeting. Members noted the ongoing issue of VoIP had been raised. Members also suggested further developments in the format of this meeting.

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10. The Chair provided an update on the Advisory Committee Chairs meeting that had taken place on 30th November with the Chair/Chief Executive. She noted that it had been a very useful opportunity to discuss issues of importance in the Nations, including those raised by ACNI. There had been a number of commonalities, including issues of affordability and access. The Chair noted that Ofcom had requested further information on the quality of postal service around the UK, which would be shared with Advisory Committees in due course.
11. There had also been a useful conversation about ways to optimise the value of the Advisory Committees' work for Ofcom. It had been agreed that there would be an early conversation with the Executive to agree how best to channel advice in relation to external consultations. Discussion had also focused on opportunities to identify areas where the Committees could add most value to Ofcom's work and to improve the feedback loop where advice was provided.

Committee discussion on Agenda items and papers

12. Members raised that while the BBC Studios paper was for noting, they had some important points on it that they wished to raise.
13. The publication of the House of Lords' Committee report on the proposed change of ownership of Channel 4 was noted.
14. It was also noted that there was some media attention of the switch to Voice over Internet Protocol.

Public Policy update

15. The Chair welcomed Ofcom colleagues for this item, and thanked them for their paper.
16. Ofcom colleagues highlighted the following points from their paper:-
 - The Telecoms Security Bill is now the Telecomms Security Act and the team are continuing to work with DCMS on how that operates moving forward
 - The findings from the Joint Committee on Online Safety are expected next week along with the Committee's proposals on what should happen with the Bill. It will then be for Ministers to take decisions on which of the recommendations they include within the Bill.
 - The recommendations from the House of Lords' short enquiry into the digital regulation landscape as a whole, is also expected next week.
 - A White paper on broadcasting is expected prior to legislation.
17. Members discussed the proposed plan with regard to Telecoms consumer advocacy. It is anticipated that the Consumer Council NI will take on this role for Northern Ireland in due course. Ofcom are meeting soon with the Consumer Council so will keep Members informed of timescales.
18. Members welcomed the offer of an update on Climate Change in the spring.

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19. Members discussed the timing of future legislation on Public Service Broadcasting and its potential impact on the re-awarding of the Channel 3 licences. The Committee **AGREED** to discuss these matters further at a future meeting.

Director's Report

20. An Ofcom colleague highlighted the following key points from the Director's Report:

- The breakdown by Council area of the Shared Rural Network coverage figures shows significant progress particularly in the level of coverage provided by all 4 operators on 4G.
- The appointment of Garret Kavanagh at Openreach NI to replace Mairead Meyer; and the change of reporting line to Openreach UK.
- Board Member for Northern Ireland – DCMS and DfE are both content with the Memorandum of Understanding (MoU). Therefore once Ofcom has agreed it, it can be formally signed and it was hoped that recruitment could begin before Christmas.
- Phil Flanagan and Carrie Matchett had kindly agreed to extend their appointments to July 2022 in order to provide sufficient space and time for the volume of non executive recruitment that is taking place.
- Some discussion took place with regard to the following:
 - the appointment process for the Board Member for NI;
 - whether there was any indication of Republic of Ireland (ROI) operators considering the reintroduction of roaming;
 - potential overlaps between the areas covered by Openreach and Fibrus;
 - whether any Mobile Network Operator (MNO) was likely to deliver the 98% coverage, and if this would provide a commercial advantage;
 - the welcome news of the Amazon Distribution Hub in the Republic of Ireland and hope that it might provide some ease in relation to problems with deliveries to Northern Ireland; and
 - whether cost efficiencies were the reason for many letters and parcels from NI to ROI being initially redirected to GB
- Members **NOTED** the appointment of BBC NI's Director, Peter Johnston, to head the BBC's Impartiality Plan. They also **NOTED** that several senior positions in local broadcasting remained unfilled, including the Chairperson of Northern Ireland Screen, the BBC Board member for Northern Ireland, the Ofcom Board member for Northern Ireland and the Ofcom Content Board member for Northern Ireland. Members expressed concern that the cumulative effect of all these vacancies was that Northern Ireland's voice and influence was being lost.

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- The feelings of concern were noted, and while there are limits with Ofcom's control over some of the vacancies, assurance was provided that Ofcom are moving as quickly as possible on their elements.

Content analysis on network news

21. The Chair welcomed Ofcom colleagues and the Cardiff University representative to the meeting. One colleague introduced the work that the research team had commissioned Cardiff University to undertake, and handed over to them
22. Committee were presented with an overview of the project objectives and method, a recap of the headline findings as well as findings from the in-depth qualitative interviews with Heads of News/Senior Editors
23. Members thanked the team for the research and noted the importance of it. They also raised points on the following areas:
 - the significance of the timing of the study and whether any analysis had been completed, or is due to be completed, with regard to any breakdown of the content of the news stories in order to capture the extent to which the pandemic affected the statistics
 - the research showed that the BBC is better than other channels, while room for improvement still exists.
 - the improvement required on the geographical spread of stories within each of the Nations.
 - the value that a significant reporting presence across the UK's Nations could add to the understanding of devolved policy and issues.
 - how the successes by nations other than England aren't necessarily reflected. Additionally, if the channels algorithms were correct online it would allow each nation to access their nation's team as 'the top story'.
 - editors' comments on how stories are often chosen based on population size and the impact of this for Northern Ireland.
 - if the news programme is supposed to reflect the nation then surely they should have stories that truly reflect the whole nation, particularly with tools such as Zoom, etc
24. Members emphasised that the quality of reporting of devolved policy and issues could impact on due impartiality and accuracy. There was some discussion around how Ofcom would use this research.
25. Members heard how given it is Ofcom's duty to hold broadcasters to account on their coverage, emphasising the importance of accuracy, and representation, they will ensure these are points that continue to be raised with the broadcasters, continue to be researched and continue to be made to government.
26. Members heard how this forms part of the broader discussion with the broadcasters, emphasising the point raised previously in the Public Service Media (PSM) review that the broadcasters have to reflect the nation as a whole, and reflect the nation back to itself.

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27. The team informed Members that the report is due to be published late January/early February.
28. The Chair thanked the Cardiff University representative and the Ofcom team for this really important research.

Bob Downes rejoined the meeting during this item.

Online Safety Bill discussion

29. Members had agreed to reflect upon the Online Safety Bill presentation that had been provided at their September meeting in order to identify considerations especially relevant to Northern Ireland.
30. Members identified a number of areas for further exploration including:
 - managing people's expectations of the Bill,
 - where the responsibility lies in the NI Executive and Assembly,
 - the granularity and geographical specificity of the different tools,
 - the potential disparity between what is perceived as a threat/hate speech, compared to those who arbitrate
 - the 'localness' in terms of terminologies, language and nuances.
 - whether any NI specific organisations should be designated as super complainants
31. The following actions were agreed:-
 - a detailed note would be drafted of this discussion in order to provide an update to the new Online Safety postholder which can be followed up through subgroup meetings with them.
 - a schedule for the project team to meet with ACNI again; in the meantime Members asked to be kept up to date with developments within Ofcom.
 - the report from the pre-legislative scrutiny Committee to be circulated to Members once available

AOB and papers for noting

32. Members noted the Consumer Communications Panel update report.
33. Members agreed the Northern Ireland objectives in the Draft Plan of Work.
34. The importance of reaching a wide audience in Northern Ireland, including younger people, when communicating the objectives was highlighted.
35. There was some discussion of how ACNI would take forward its work In relation to Ofcom's Plan of Work. There would be an opportunity to develop this thinking at a planning meeting in early 2022.

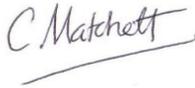
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36. Members discussed the BBC Studios Review paper and raised a number of issues, particularly in relation to transparency. It was agreed that feedback would be shared with the project team.
37. The Chair noted that Rebecca Lennon will return in early January and thanked Cheryl Rainey for the support she has provided to the Committee over these past few months and wished her well for the next stage of her career.
38. The Chair also thanked Members for their hard work throughout the busy year, and Bob Downes for continuing his enormously important role. She wished everyone a very Merry Christmas and a restful break.

Date of the Next Meeting

39. The next scheduled Committee meeting will be held on 1 March 2022.

Approved:



Chair

Date: 17.10.22