

**Minutes of the 86th meeting of
the Advisory Committee for Northern Ireland
held hybrid (at Spires Conference Centre Belfast and via Microsoft Teams)
on 6 December 2022**

Present

Carrie Matchett	ACNI Chair
John Ellison	ACNI Member
Aodhan O'Donnell	ACNI Member
Alan Meban	ACNI Member
Michael Wilson	ACNI Member
Karen Baxter	Ofcom Board member for Northern Ireland
Maria McCann	Content Board Member for Northern Ireland
Rick Hill	Chair & NI Member of Communications Consumer Panel

In attendance

Jonathan Rose	Northern Ireland Director
James Stinson	Regulatory Affairs Manager
Judith Carville	Regulatory Affairs Manager
Bimpe Archer	Regulatory Affairs Associate
Lisa Faulkner	Regulatory Affairs Advisor
Satya Kudupudi	Next Generation NED observer
Richard Orpin	Principal, Public Policy (for Item 6 only)
John Wood	Corporate Strategy Manager (for Item 7 only)
Sinéad Lee	Senior Policy Manager, Networks & Communications (for Item 8 only)
Rebecca Lennon	Policy Advisor, Networks & Communications (for Item 8 only)
David Murray	Technical Advisor, Networks & Communications (for Item 8 only)
Elizabeth Gannon	Principal, Networks & Communications (for Item 8 only)
Tom Walker	Principal, Broadcasting & Online Content (for Item 9 only)
Roxanne Morison	Public Policy Manager, Channel 4 (for Item 9 only)
Maeve McLoughlin	Senior Digital Development Executive, Channel 4 (for Item 9 only)
Apologies:	Paula Hothersall, Next Generation NED observer

Item 1: Welcome, apologies and declaration of Members' Interests
<ol style="list-style-type: none">1. The Chair welcomed everyone to the meeting. Attendees gave brief introductions to Aodhan O'Donnell, the new Advisory Committee member and Maria McCann, the recently appointed Content Board member for NI, who were joining their first meeting.2. There were no new Declaration of Members' Interests.
Item 2: Minutes of the 85th meeting held on 22nd September 2022 and Actions
<ol style="list-style-type: none">3. The minutes of the 85th meeting held on 22 September 2022 were APPROVED.

4. A summary of progress against action points had been circulated. Actions were NOTED as completed, except for the following:
 - Regarding battery back-up and VOIP migration, the Committee asked to be kept informed on ComReg's plans for a consumer awareness campaign.
 - Regarding Netomnia's fibre rollout, it was NOTED that Ofcom NI had contacted the provider and a further update would follow.

Item 3: Interim Committee Business & Issues since last meeting

5. The Chair updated the Committee on Interim Business, specifically:
 - The Chair's meetings with Ofcom's Chief Executive and Chairman during their visits to Belfast in October, and their particular interest in the BBC in Northern Ireland which had precluded further senior engagement between Ofcom and the BBC.
 - Members attended a meeting of the CCP NI Consumer Hub on 19 October to discuss affordability.
 - Induction meetings had been held with the new Advisory Committee member Aodhan O'Donnell and Content Board member Maria McCann.
 - The National Advisory Committee Chairs had held their annual meeting with Ofcom's Chairman and Chief Executive in London. A wide variety of topics had been discussed and the Chair thanked members for their advice on issues to raise on ACNI's behalf.
6. The Committee's subgroup leaders reported on matters under active consideration.

TELECOMS SUBGROUP UPDATE

7. Members had met with Ofcom's Mobile Strategy team ahead of the publication of the conclusions paper on Ofcom's future approach to mobile markets and spectrum.
8. Members discussed the potential Vodafone/3 merger and its impact on competition, and it was AGREED by the Committee this situation should be monitored.
9. Mobile roaming was also discussed, specifically the costs incurred when using a mobile on a UK/Ireland ferry. A member advised that roaming regulations only apply on UK land and not to satellite-based mobile services provided on ferry crossings. Members asked Ofcom to do whatever it could, outside its regulatory powers, to ensure that consumers are aware of the significantly higher charges and can take steps to avoid inadvertently incurring higher costs.
10. Members discussed the impact of new players such as Google and Apple on the mobile market and their compliance with regulations.

BROADCASTING SUBGROUP UPDATE

11. The subgroup had discussed the BBC Mid-Term Review, the inclusion of radio in the Media Bill, progress on the relicensing of Channels 3 & 5, and the continued delay on the appointment of a BBC Board member for Northern Ireland.

Issues Since the last Meeting

12. ACNI discussed at length the proposed service reductions and job cuts at BBC Northern Ireland which had been announced the previous week. Members raised significant concerns about the proposals and the lack of public consultation with audiences and licence fee payers.

13. ACNI noted the contrast between the proposal to cease the BBC Foyle breakfast programme, and the BBC's decision to keep breakfast shows on local radio in England.
14. They also questioned how the decision to close the Inside Business programme on Radio Ulster sat with the ambition of the BBC as a whole to develop its economic and business coverage.
15. ACNI members were conscious of the distinct needs and identity of Derry/Londonderry and its surrounding communities and thought that the needs of the audience in the North West should be served with a news-led morning programme to set and reflect the local agenda. Members also asked if any of the new digital roles would be based in the Foyle studios.
16. ACNI members asked about the internal process and strategy that led to the proposed cuts and whether any alternatives had been considered.
17. While understanding the financial pressure the BBC faces, ACNI members were concerned that overall the proposals were a blunt tool which damaged the BBC's distinctiveness and limited the delivery of its Public Purposes.
18. ACNI members asked for their views to be shared with the BBC and senior figures in Ofcom as soon as possible as the BBC's internal consultations on job losses have already begun.

Item 4: Committee Discussion on Agenda items:

19. Members had a short discussion to consider matters to be raised with Channel 4 later in the meeting, and the combined impact of the BBC and Channel 4's selective commissioning of local indies.

Item 5: Board update from Northern Ireland Member

20. The Board member reflected on the Board's successful visit to Edinburgh in November and the local stakeholder engagement which had shown the benefit of building relationships in the Online Safety sector. The visit had also demonstrated the comparative strength of the BBC in Scotland.
21. The Board member reported on her meeting in Belfast at the beginning of November with BBC Director General Tim Davie, Interim NI Director Adam Smyth, and Company Secretary Phil Harrold. The meeting had provided an opportunity to reflect the concerns she had heard from local stakeholders – including the ACNI – in relation to the BBC's transparency, governance and overall strategy in Northern Ireland.
22. Members NOTED that further engagement was planned between Ofcom NI and BBC NI as a follow-up to the Board member's meeting, and in the wake of BBC NI's proposed service and job cuts.

Non-Numbered Item: Content Board Update

23. The Content Board member highlighted several items from her initial Content Board meeting including: proposed changes to the Online Safety Bill; editorial standards update prioritising harm & offence; Ofcom's VSP work and a forthcoming consultation on the protection of children online.

Item 6: Public Policy Update

24. The Chair welcomed Richard Orpin who highlighted several points from the Public Policy update paper.
25. A Member asked about the likely timeline for the Media Bill and the likelihood of radio being included and it was NOTED that there was no further clarity at present.

26. A Member asked about the extent of any read-across from the Online Safety Bill to the EU's Digital Services Act, and it was NOTED that the Digital Markets Unit in the CMA would oversee the competition regime for digital markets.
27. Members discussed the Government's recent proposals to increase child protection measures and remove restrictions on legal but harmful content for adults in the Online Safety Bill. Members requested that Ofcom's 'roadmap to regulation' for Online Safety be recirculated.
28. In light of the high volume of legislation passing through Parliament, Members expressed concern at the potential for legislation to be delayed or watered down.
29. Members welcomed reassurances that Ofcom was planning for a number of scenarios to ensure the continuity of broadcast relicensing processes for Channel 4 and Channels 3 & 5.

Item 7: Ofcom's Plan of Work for 2023/2024

30. The Chair welcomed John Wood and Judith Carville to the meeting and thanked them for the paper which outlined the next steps for the annual Plan of Work.
31. Members NOTED the timings of the consultation and the engagement plan.
32. Members welcomed the inclusion of previous advice the Committee had provided – for example, to recognise the importance of postal regulation in the Plan of Work.
33. In relation to the proposed Northern Ireland objectives, a Member asked Ofcom to strengthen the reference to the impact of changes to the local broadcasting landscape.
34. A Member welcomed the recognition of the importance of Ofcom's relationships with its counterparts in the Republic of Ireland, especially with ComReg and the opportunity to share experiences on VOIP migration.
35. Members stressed the importance of keeping people connected, not just getting them connected, particularly during the cost-of-living crisis when vulnerabilities could be increased by being disconnected.
36. A member asked what plans were in place to engage elected representatives in the Plan of Work. Ofcom colleagues highlighted the Memorandum of Understanding which requires Ofcom to consult the NI Executive and Assembly on the Plan of Work. While neither the Executive nor Assembly were functioning, Ofcom would be engaging the relevant government departments and political parties.

Item 8: 2G/3G Switch Off

38. The Chair welcomed Elizabeth Gannon, Sinead Lee, Rebecca Lennon and David Murray to the meeting and thanked them for the paper provided in advance.
39. Members NOTED the decision to turn off 2G and 3G services had been made by the Mobile Network Operators (MNOs) in conjunction with the UK Government. Ofcom is monitoring how the operators are communicating with consumers regarding the proposed change.
40. It was further NOTED that consumers with older devices that are not 4G/5G capable will find their services limited. The Committee NOTED that this raises issues of affordability for consumers forced to upgrade their handsets. A member asked if Ofcom was aware of how many customers are vulnerable. David Murray confirmed they are engaging with MNOs, who are considering the potential impact on their customer base.
41. A member raised concerns over possible coverage changes as a result of the repurposing of spectrum. The project team said that the MNOs were aware of this potential issue and intended to match existing coverage. Ofcom would also continue to report on coverage levels in the Connected Nations report. A member noted Ofcom's previous use of crowdsourced data to report on mobile experience.

42. A member encouraged Ofcom to dovetail the 2G/3G switch-off with the migration to VOIP. Members were encouraged to learn that the MNOs were already learning from experiences of early network switch-offs, both internationally and closer to home.
43. The Chair thanked the team for all the work done so far and said that the Committee looks forward to receiving updates in the near future.

Item 9: Channel 4 Commissioning

57. The Chair welcomed Roxanne Morison and Maeve McLoughlin from Channel 4 and Tom Walker from Ofcom's Broadcasting Policy team to the meeting. The Channel 4 representatives gave a short opening presentation.
58. The Chair noted the Committee's strong interest in Channel 4's work and contribution to the public service offer in NI, and highlighted the importance of these annual conversations.
59. The Committee reiterated its view that a specific commissioning quota for Northern Ireland rather than a generic nations quota covering Scotland, Wales and Northern Ireland would be preferable.
60. Roxanne Morrison highlighted Channel 4 initiatives which were designed to support commissioning from Northern Ireland. This included an Indie fast-track scheme and training days in Belfast where commissioners meet independent producers to discuss plans and projects.
61. Members were advised that the government was reviewing the business case for the sale of Channel 4.
62. A member noted the relatively low level of commissions from Northern Ireland (0.2%) in the context of the recent success of Derry Girls. Channel 4 said it recognised Northern Ireland's potential and noted that Channel 4 is on track to deliver a record amount of spend in the nations.
63. The Committee acknowledged that there had been some good investment in Northern Ireland in recent years but said Channel 4 could learn from other broadcasters by delivering a higher and more consistent level of spending from the region.
64. Channel 4 representatives said discussions were ongoing with Ofcom regarding its licence and nations quotas.
65. The Committee welcomed the opportunities which Channel 4 were working on with NI screen and were pleased that the target had been reached for commissioning out of England. However, members indicated that Northern Ireland's share of both commissioning hours and spend in the devolved nations was significantly less than it should be, relative to our population.
66. The Committee emphasised the importance of developing the independent sector further and encouraged Channel 4 to be even more ambitious.
67. Channel 4 representatives noted that there is now more of an online culture for commissioning pitches, removing the previous barrier of companies having to spend time and money travelling to England for meetings with Channel 4 commissioners.
68. Channel 4 emphasised the significant opportunities for Northern Ireland companies to provide digital content and not just linear content. Digital content is of increasing importance to C4 because of its popularity with younger viewers especially.
69. The Committee questioned how emerging indies could best engage with Channel 4, and noted the dedicated schemes, with funding, to encourage and mentor smaller companies through the commissioning process.

70. A brief discussion took place regarding ownership and privatisation of Channel 4 and how this could affect the next licence period. The Committee asked to be kept informed of developments.
71. The Chair encouraged Channel 4 to be relevant and succeed in all parts of the UK. She noted that ratings in Northern Ireland were poor and this was likely to be linked to low levels of commissioning and portrayal. Channel 4 said there were some notable programmes due to air in 2023 and work would continue to improve commissioning and portrayal. The Committee noted that there isn't presently a permanent commissioning presence in Northern Ireland.
72. The Chair thanked the Channel 4 representatives for their attendance and their engagement.

Item 10: Northern Ireland Director's Report

73. The Committee NOTED the following issues highlighted by the NI Director:
- Plans to recruit for three new Committee members at the start of 2023 to replace a member who had left last month and two members whose terms would be ending in the summer of 2023
 - The successful visits of Ofcom's Chief Executive and Chair to Belfast in October
74. Members raised the following points in discussion:
- Encouraged Ofcom to continue to monitor the prospect of retail competition on the Fibrus network
 - Asked for the slides from the recent Telecoms Stakeholder Forum to be shared
 - Asked for further information on the scope of the Barrier Busting Taskforce which will implement the NI Executive's Mobile Action Plan, which Judith Carville provided.
 - Asked for further information on Ofcom's view of telecoms contract price rises expected in April 2023.
 - NOTED plans by Fibrus to introduce a social tariff

Item 11: Online Safety Update

81. The Chair invited Bimpe Archer to update the Committee on Online Safety. It was NOTED:
- That following on from Lord Grade's visit to Ineqe in October, Bimpe Archer had attended further meetings at Ineqe with positive results.
 - Stakeholder engagement. Bimpe Archer indicated concerns about freedom of expression of speech and protections had been expressed by some members of the public and there is little knowledge about the Online Safety Bill.
 - Child Protection Subgroup: it was NOTED that the Safeguarding NI Board are interested in collaborating with our research in this area and they have new post on online safety.
 - Advice NI and Mencap NI have both been awarded tenders to carry out media literacy pilot programmes for Ofcom. It follows on from successful engagement at the MSOM roadshow earlier this year. The tender process saw strong applications from Northern Ireland, illustrating the impressive work going on in the region and increasing links with Ofcom in this area.

Item 12: Communications Consumer Panel Update

82. Rick Hill welcomed Royal Mail's stamp-swap scheme as part of the introduction of bar-coded stamps, noting the positive impact of the CCP's advice to Royal Mail on the scheme.

83. A Member questioned if there was a date by which non barcoded stamps are to cease being sold. Rick Hill would investigate and to report back to the Committee.
84. Rick Hill welcomed the ongoing discussions with Ofcom and DCMS in relation to VOIP migration. The Panel continued to seek a centrally funded, industry-run consumer campaign to support the migration.
85. Rick Hill highlighted a forthcoming CCP report on postal services which will be sent to the Government and would be shared with ACNI.
86. The CCP is recruiting for three new members.

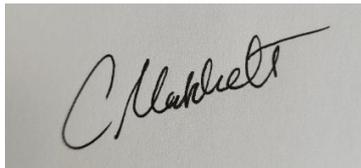
Item 13: Any other Business

81. Members agreed it would be helpful to have an early Minute of the Committee's views on BBC NI's proposed cuts to share with Ofcom's BBC regulation team.
82. The Chair reminded Members of Ofcom's policy on receiving Gifts and Hospitality.

Date and Time of Next Meeting

81. The next scheduled Committee meeting would be held on Tuesday 7 March 2023.

Approved:



Date: 20 June 2023