

**Minutes of the 87th meeting of  
the Advisory Committee for Northern Ireland  
held hybrid (at Landmark House, Belfast and via Microsoft Teams)  
on Tuesday 7 March 2023**

**Present**

Carrie Matchett	ACNI Chair
John Ellison	ACNI Member
Aodhan O'Donnell	ACNI Member
Alan Meban	ACNI Member
Colm Murphy	ACNI Member (by Teams)
Michael Wilson	ACNI Member
Karen Baxter	Ofcom Board Member for Northern Ireland
Maria McCann	Content Board Member for Northern Ireland (by Teams)
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
Seemaab Naseem	NextGen NED observer
Chia Seiler	Principal, Public Policy (Item 7 only)
Siobhan Pointer	Principal, Consumer Policy (Item 9 only)
Carmen To	Senior Consumer Policy Manager (Item 9 only)

**Item 1: Welcome, apologies and declaration of Members' Interests**

1. The Chair welcomed everyone to the meeting. Attendees gave brief introductions to Colm Murphy, the new Advisory Committee member and Seemaab Naseem, the recently appointed NextGen NED observer, who were joining their first Committee meeting. Colm and Seemaab also introduced themselves to members.
2. The Chair thanked John Ellison and former ACNI member, Angelina Fusco, for their mentoring of last year's NextGen NED observers.
3. The Chair noted the agreed intention to brigade Content-related items together on future agendas to make the best use of the Content Board member's attendance.
4. There were no new Declaration of Members' Interests.

**Item 2: Minutes of the 86th meeting held on 6<sup>th</sup> December 2022 and Actions**

5. The minutes of the 86<sup>th</sup> meeting held on 6<sup>th</sup> December 2022 were approved.
6. Members received an oral update of progress on the Actions from the December meeting, noting the following:

- Ofcom had met ComReg recently to discuss the latter's plans to run a consumer campaign about the switch to VOIP
- Ofcom and an ACNI member had met Netomnia (to be discussed in Item 3)
- Ofcom had reflected the Committee's various concerns during recent meetings with BBC NI
- Ofcom's 'roadmap to regulation' had been recirculated
- The wording of the Northern Ireland broadcasting priority in Ofcom's Plan of Work had been amended prior to publication, in line with the Committee's advice
- Ofcom would continue to monitor rural coverage as part of the planned 2G/3G switch-off
- The Channel 4 relicensing process would begin later this year and the Committee would be engaged in the consultation
- Royal Mail's barcoded stamp swap-out scheme was working well, and old stamps could still be used until the summer.
- The Consumer Panel's postal users' research report would be recirculated

### **Item 3: Interim Committee Business & Issues since last meeting**

7. The Chair updated the Committee on Interim Business, specifically:
  - The Plan of Work stakeholder event held on 26 January had been well-attended although there were some notable licensees absent
  - The Chair would be holding annual 'contribution' meetings with Members in the coming weeks

#### **TELECOMS SUBGROUP UPDATE**

8. The sub-group lead detailed a meeting he had attended with Netomnia, along with Ofcom's NI Director, to discuss their Northern Ireland rollout. The Committee noted Netomnia's rollout strategy and the impressive growth in full-fibre access it had delivered locally. The Committee welcomed Netomnia's social tariff and their intention to increase retail competition on their wholesale network.
9. It was agreed that Ofcom would invite Netomnia to join the biannual NI Telecoms Stakeholder Forum meetings.
10. A sub-group member reported on an Openreach VOIP meeting they had attended. The Committee voiced concern over the tactics being deployed by CPs to encourage consumers to switch to VOIP. While sending postcards to consumers was seen as ineffective, the Committee agreed that call-barring or throttling users' broadband speeds was coercive and possibly a breach of contract or the General Conditions. The Committee also agreed this underlined the need for a national campaign for the switch to VOIP.

#### **BROADCASTING SUBGROUP UPDATE**

11. The sub-group lead noted the Committee's comprehensive response to Ofcom's consultation on changes to the BBC's Operating Licence. They also expressed disappointment that Ofcom appeared unlikely to heed the Committee's advice in relation to the substantial reduction of BBC programming solely for the local audience.
12. Looking ahead to the Channel 3/5 relicensing, members warned that a commercial PSB could not be expected to produce more local programming than the BBC in Northern Ireland.
13. The sub-group lead welcomed the helpful discussion with Ofcom about BBC NI's proposed cuts to its Foyle operation.

14. The Committee agreed to respond to Ofcom’s thematic review of the BBC’s underserved audiences.
15. The Committee noted recent Channel 4 commissions and GB News’ intention to cover this year’s 12<sup>th</sup> July marches, and the proposed reduction of medium wave radio coverage in Northern Ireland.

**Item 4: Committee Discussion on Agenda items:**

16. The Committee agreed there was no substantive discussion required.

**Item 5: Board update from Northern Ireland Member**

17. The Board member reported on the Board’s February meeting, and highlighted a number of items discussed, including the Public Bodies Review and updates on the Online Safety Bill and Openreach pricing.
18. The Board member noted the valuable updates the Board had received on Royal Mail and Spectrum strategy, and the Committee agreed to receive these papers if they were able to be shared.
19. The Board member also reported on her recent meeting with the BBC NI Interim Director, where they discussed the BBC’s Foyle proposals as well as changes to the Operating Licence and governance issues. The Board member noted their intention to continue the conversation with the BBC, particularly in relation to its strategy in Northern Ireland.

**Item 6: Content Board update**

20. The Content Board member reported on Content Board’s most recent meeting, and highlighted discussions on age assurance, the BBC’s Operating Licence, and the relicensing of Channels 3 and 5.
21. The Content Board member noted that she was on a sub-group of the Content Board looking at the Independent Production sector, and was also a member of the Election Committee to consider any complaints during the forthcoming local council elections.
22. The April meeting of Content Board will feature a focus on nations issues, at which the NI member will present a paper.
23. There was a discussion on the availability of local content online versus linear, and the impact of legislation regarding prominence, expected in the Media Bill.

**Item 7: Public Policy Update**

24. The Chair welcomed Chia Seiler who introduced the Public Policy update paper.
25. The Committee noted the recent UK Government’s Ministerial reshuffle and changes to Government departments’ remits.
26. The Committee discussed the timing of the Media Bill and the Online Safety Bill.

**Item 8: ACNI’s planning session for 2023/24, based on Ofcom’s Plan of Work**

27. Judith Carville introduced a paper which listed the priority projects and programmes from Ofcom’s draft Plan of Work on which the Committee could focus its attention in the coming year. The paper also suggested external stakeholders to engage with.

28. The Committee reflected on the significant amount of work it had completed over the previous year, and where its advice had produced an impact on Ofcom. The Committee also discussed how its advice might have greater influence in future.
29. Members broadly agreed with the proposed priority projects and programmes, and the Committee agreed two broad themes for its work in the coming year: 'cost' and 'change'. Cost would include issues such as affordability, and change would include issues such as VOIP, 2G/3G switch-off and PSB relicensing. The Committee noted a lack of focus on environmental issues in the Plan of Work, but recognised Ofcom's limited remit in this area.
30. The Committee agreed the following additions to its priorities:
  - Add Channel 4 relicensing
  - Add the Telecoms Stakeholders Forum and the NI Consumer Hub to ACNI's external engagements
  - Add Northern Ireland Screen to the list of external guests
  - Add external consultation submissions – e.g. NI Consumer Council's annual plan

#### **Item 9: Review of Inflationary Prices**

31. The Chair welcomed Carmen To and Siobhan Pointer to the meeting who outlined Ofcom's review of inflationary prices, and related work on price rules compliance and the promotion of social tariffs.
32. Members discussed how service providers were communicating the inflationary price rises and the lack of transparency for consumers, recognising that Ofcom does not regulate retail prices.
33. Members also discussed the extent to which price rises could be linked to service providers' increased costs or network investment.
34. The Committee encouraged Ofcom's efforts to promote social tariffs, and highlighted the opportunity in Northern Ireland to use housing associations as an additional way of increasing awareness of social tariffs.
35. Members highlighted an unintended consequence of switching mobile provider in Northern Ireland, where a consumer could lose the benefit of not paying additional charges for roaming by signing up with a new provider. Ofcom colleagues agreed to raise this with the roaming project team.

#### **Item 10: Northern Ireland Director's Report**

36. The Northern Ireland Director highlighted a number of issues from their report to the Committee.
37. The Committee discussed the BBC's proposed cuts to programming and staff levels at its Foyle operation, and the implications for the local audience. Members also expressed concern at the loss of the *Inside Business* programme on Radio Ulster. The Committee noted that Ofcom colleagues had met BBC NI to discuss the proposals, as well as ongoing governance and commissioning issues. The Committee agreed that increased transparency by the BBC would be a vital element of the new Operating Licence.
38. The Committee agreed to consider when would be the best time to invite BBC NI to a future meeting.
39. Members noted the creation of the new Irish Media Commission and asked for confirmation of when it would officially begin its new duties.
40. Members welcomed O2's renewed commitment to not reintroduce roaming charges, and the positive benefit that had for their customers in Northern Ireland.

41. The Committee agreed to add an item on changes to the radio landscape and listening patterns to a future meeting agenda.
42. Members expressed concern at the nature of O2's planned outage in South Down and the Committee agreed to ask for further information from Ofcom on the reporting of network outages.

#### **Item 11: Online Safety update**

43. Bimpe Archer introduced her update paper and outlined the likely timing of the new Online Safety legislation being enacted, and Ofcom's first consultation on rules around the protection of children.
44. Bimpe noted the growing engagement in Northern Ireland and sought advice from the Committee on areas to focus on.
45. The Board member highlighted the increased impact of economic crime, and encouraged Ofcom to co-ordinate its engagement work with other members of the Digital Regulations Co-operation Forum who had a presence in Northern Ireland.
46. Members noted that the management of public expectations for Online Safety legislation remains one of Ofcom's most significant challenges. Members also encouraged Ofcom to engage with local politicians on the subject.

#### **Item 12: Communications Consumer Panel Update**

47. Rick Hill introduced his update paper and noted the Panel's continued focus on affordability, roaming, VOIP and the impact of the NI Protocol on parcels.
48. On VOIP, the Panel had taken part in a roundtable with industry, led by DCMS Minister Julia Lopez. Further research was planned on consumer awareness of VOIP.
49. Members discussed the 2G/3G switch-off and specifically the issue of handsets suitable for elderly users which are only 2G compatible.

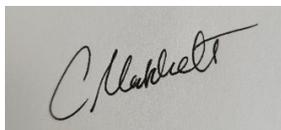
#### **Item 13: Any other Business**

50. A member sought confirmation of the timing of the UK Government's Mid Charter Review of the BBC.
51. A member noted the refurbishment of BT's Riverside Tower in Belfast and was given reassurances that Openreach NI had sufficient separation within the building from other BT Group colleagues.
52. A member requested information on the availability of ITV X player on Freesat.
53. The NextGen NED observer agreed to her biography being shared with members.
54. The Chair noted this would be Lisa Faulkner's final meeting before she left Ofcom and recorded the Committee's sincere thanks for her hard work, and best wishes for her new job.

#### **Date and Time of Next Meeting**

55. The next scheduled Committee meeting would be held on Tuesday 20<sup>th</sup> June 2023.

**Approved:**



**Date:** 20 June 2023