Minutes of the 83rd meeting of the Advisory Committee for Scotland held virtually over Microsoft Teams on 24 March 2021

Present

Elizabeth Partyka	Chair
Laura Anderson	Member
Stephen Speirs	Member
Jess McBeath	Member
Gerry Crawley	Member

In attendance

Maggie Cunningham	Content Board Member for Scotland
Amanda Britain	Consumer Communications Panel Member for Scotland
Bob Downes	Ofcom Board Member for Scotland
Glenn Preston	Ofcom Scotland Director
Jonathan Ruff	Ofcom Scotland
Stefan Webster	Ofcom Scotland
Flora Pringle-Paterson	Ofcom Scotland
Debbie Hughes	Ofcom Scotland
Other Ofcom colleagues	

Welcome, introductions, conflicts and apologies

1.   The Chair welcomed everyone to the meeting and introduced the Committee's new member, Gerry Crawley. There were no apologies.

Minutes of the 82nd meeting held on 1 December 2020

2.   The minutes of the meeting held on 1 December 2020 were APPROVED for signature by the Chair as an accurate record.

Members' updates – Oral

3.   The new member provided an overview of his experience in and with the postal sector noting:

- His work for a critical mail and postal solutions provider, which received data from a range of businesses, including central and local government, to create documents/letters which went through the postal system.

- With the market evolving and the introduction of competition, they were successful in gaining a licence for a relatively small Scottish business to allow the carriage of mail. That process gave a good insight into the postal challenges that organisations face across the UK.

4.   In discussion, a member expressed concerns about the challenges consumers faced with parcel deliveries in rural areas. The member felt that it was important that consumers in rural areas get the same delivery service as those in the rest of Scotland. The member would share some practical evidence and observations on these issues with the new member given Ofcom was looking at the issue of postal regulation this year.

5. A member gave a brief overview of online safety/harms. A few key points to note:

- The Hate Crime & Public Order Bill had been passed and it was helpful to be aware of where Scotland might be making legislative changes or cultural/social changes which could have an impact on online safety;

- Google were looking at phasing out cookies;

- A variety of high profile companies were starting to be proactive in protecting children on-line. For e.g.

  ➢ TikTok were making under 16 accounts private by default and

  ➢ Instagram were stopping young people being contacted by adults they were not friends with.

- The member advised that they are starting to receive enquiries about protecting vulnerable adults on-line and commented that all consumers are at risk as the internet influences us all.

6. A member advised that the SCVO (who had presented at a previous meeting in 2020) were doing a lot of work on digital inclusion and were funding digital inclusion courses to support people whilst still in lockdown.

7. A member commented on the brilliant work that the Consumer Hub were doing and advised that they held an event at the end of January. This focused on the affordability of communications services and consumer debt.

8. A member highlighted the debate on race and diversity following the comments made by Piers Morgan on Good Morning Britain following the Duke & Duchess of Sussex's interview.

9. A short discussion followed with diversity being questioned within Ofcom and the committee, and whether the committee was well enough balanced to represent the whole of Scotland. It was NOTED that:

- Ofcom's new Diversity and Inclusion Strategy had been published in January 2021. This included targets in a range of areas including ethnicity, gender and social economic background for all Executives and Non-Executives;

- The Nations Team were working with the Governance Team on the Next Generation NED Scheme and Young Scot's HIVE initiative to improve diversity on the Committee.

Director's Report / Public Policy update – Oral

10. The Ofcom Scotland Director updated the Committee on a number of personnel changes that would be affecting the Ofcom Scotland team. He then went on to summarise the Director's Report NOTING:

- It had been confirmed Lot 1 (Highlands & Islands) of the Scottish Government's Reaching 100 programme would not be finished until 2026, but superfast broadband subsea work to 15 of Scotland's most remote islands was due to commence in the Spring;

- The ACS may wish to consider responding to the consultation published by the DCMS, 'Call for Evidence on Improving Connectivity for Very Hard to Reach Premises';

- 02 had been fined £10.5M by Ofcom for overcharging their customers;

- Ofcom had announced the introduction of a 'one touch' process to make it easier for consumers to switch providers. The new rule should be in place by December 2022;

- The Scottish Government's 'Scams Prevention, Awareness & Prevention Strategy' had been published on 11 March. Ofcom had also published an updated joint action plan with the Information Commissioner's Office on the related issue of nuisance calls;

- MG ALBA had made a submission to the DCMS as part of the UK Government's process to negotiate a new licence fee with the BBC. In it they had proposed a "top-slicing" of the licence fee for Gaelic broadcasting, which in practice would double their current budget (c£12m provided annually by the Scottish Government);

- The ACS would likely wish to respond to Ofcom's 'Call for inputs – Review of Postal regulation' statement, which was published on 11 March. A fuller consultation would be published later in the year alongside Ofcom's Annual Monitoring Report;

- With an increasing amount of stakeholder engagement due to take place on Online Harms, it would be necessary for the Ofcom Scotland team to engage with the other members of the Digital Regulation Cooperation Forum on their plans at a UK and Scotland level so there was a degree of coordination and to avoid duplication.

- Ofcom had recently participated in a meeting between UK Government departments and the Scottish Government on online harms to discuss the application of the proposed new scheme in Scotland. It would be helpful going forward to engage with the committee's expert on online harms to talk through how the UK-wide regime related to devolved issues.

11.   In broader discussion, the Ofcom Scotland Board member asked whether we may expect to see a change in approach to infrastructure investment as part of the Scottish Government's new Digital Strategy. It was noted that the Strategy and related Infrastructure Investment Plan had an increasingly wide definition of what infrastructure covered (beyond traditional telecoms infrastructure), extending to digital platforms, online public services and data architecture. The Scotland 5G Centre was also working on a new economic model relating for rural connectivity based on health and socio-economic benefits and more broadly on the "public good".

12.   Moving on to the UK public policy report, the Chair asked what Ofcom's intention was in relation to the Science & Technology Select Committee's call for Ofcom to do more to guarantee the security of telecoms infrastructure as well as consider consumer costs and experience. An Ofcom colleague confirmed Ofcom had not yet issued any response and was waiting for the UK Government to publish a road map on security issues and vendor diversification in May.

13.   In relation to Ofcom's December report on Affordability, a member asked if a breakdown of the data was available at a Scotland level. It was NOTED that Ofcom did not have this breakdown as the findings were taken from interviewing a UK representative sample of communications services decision makers. It was also the case that Ofcom could not make social tariffs mandatory and this would require the UK Government to make a legislative change. It was advised that a ministerial roundtable was held on 24 March with all telecom providers to discuss voluntary social tariffs from those providers who did not already make one available to consumers.

14.   A member asked a question about the Telecoms Security Bill and whether there was enough focus on network providers securing their networks. In discussion it was noted the legislation required network operators to pay more attention to their security obligations with a role for Ofcom to ensure they were meeting their obligations . It was suggested that an Ofcom colleague from the relevant team attend a future meeting to provide an update.

Public Service Media

15. An Ofcom colleague gave a summary of the responses to the consultation, which fell into 3 broad categories:

- Obligations: Respondents were broadly content that we should move to a broader understanding of PSM, whilst noting the need to protect existing systems. There is debate about the appropriate level of regulation in the future and the role of quotas. The biggest broadcasters generally wanted more streamlined, simplified regulation. Accountability and monitoring delivery were NOTED as being a priority area. There was broad support of partnerships but mixed views about what new providers would offer, and support for tax breaks but concern about duplication of services.

- Prominence: PSBs say this is urgent whilst platform providers question the necessity of rules.

- Production: Broadcasters want more structured rules if they're to be expected to deliver online, whereas producers were concerned about Ofcom intervening and the balance being damaged. Respondents NOTED the importance of production and commissioning being based in individual nations.

16. The Chair asked what the next stage is and noted the Committee's interest in being involved. An Ofcom colleague responded that the broad goal is to produce a statement in the summer, noting that in some areas Ofcom will provide specific guidance or recommendations to government, whereas in others thinking will take longer.

17. An Ofcom colleague NOTED the ACS's submission and particularly the point on measurement and accountability, which highlighted the fragmented system of measurement online.

18. The Chair NOTED that there are certain Scotland specific issues for PSB, particularly minority language and prominence.

Digital Terrestrial TV

19. Ofcom colleagues summarised the key points from a "For information and input" paper on the Future of Digital Terrestrial Television. Committee members were invited to offer advice and views on possible future scenarios as well provide input on areas which may impact consumers in Scotland or the broadcasting sector in Scotland.

20. An Ofcom colleague confirmed that the team was also seeking views from the Consumer Communications Panel in recognition of the potential for disproportionate impacts on older and vulnerable consumers.

21. An Ofcom colleague outlined some possible implications for consumers in Scotland arising from future changes to the delivery of terrestrial television. This included concerns about the availability of good broadband and mobile coverage in more remote parts of Scotland – and the potential impact on availability of television content if delivered via the internet.

22. A member NOTED the links with the 5G Rural First Project which involved a partnership with a key broadcaster and OFFERED to put Ofcom colleagues in touch with the relevant contacts. GP NOTED there were technical issues and challenges in delivering television over 5G, citing capacity and hardware issues.

23. A member SUGGESTED that the team also need to consider the potential costs implications to consumers from any changes that would require new equipment or hardware.

24. An Ofcom colleague indicated that he was happy to continue dialogue and engage with the Committee as policies develop.

Consumer Scotland Affordability & Social Tariffs

25.   An Ofcom colleague gave a summary of the report Ofcom published in December on affordability of comms services and Ofcom's work around social tariffs (including working with government and industry to remove barriers to their introduction).

26.   An Ofcom colleague gave an update on Consumer Scotland, the Scottish Government's initiative for a new statutory body for consumer advocacy. In parallel, the UK government was working in proposals to designate bodies as the telecoms advocate.

27.   An Ofcom colleague NOTED that this raised questions over the legal position in relation to telecoms advocacy in Scotland (and whether the general devolution of consumer advocacy and advice in 2016 extended to telecoms). More broadly, it was possible a divergent policy for advocacy (and wider consumer policy) could start to develop across the UK and Ofcom would need to be alive to this given the reserved, UK-wide nature of the legislative framework and Ofcom's duties.

28.   An Ofcom colleague added that, linked to this, the Scottish Government's new scams strategy was looking first at affordability, vulnerable consumers and parcel surcharging.

29.   A member suggested that it would be worthwhile for Ofcom or the ACS to engage with charities looking at telecoms advocacy/affordability and consider what's happening worldwide for examples of good practice.

30.   The Chair NOTED that affordability issues cut across all aspects of communications and flagged that this is an area of interest for the ACS, who are keen to contribute to these discussions.

31.   A member NOTED the research that CCP has done in this area, focusing on hard to reach groups, additional costs relating to vulnerability and accessing a decent connection, debt management, and a particularly Scottish issue of remote rural communities with reduced connectivity choices and increased costs.

32.   An Ofcom colleague NOTED our engagement with charities, especially on debt and disconnection side, and welcomed input from the committee on evidence of poor practice. It was NOTED that Ofcom has the power to design a regulated social tariff if directed by government, but that Ofcom didn't have the power to initiate that process, so at this stage are gathering evidence to present to government.

33.   A member NOTED other barriers to connectivity including cultural differences, citing the possibility of women in some communities being afforded limited access to technology.

ACS Annual Report 2020 & Committee's Strategy for 2021

34.   An Ofcom colleague gave a summary of the new, draft ACS Annual Report, which gave the members an insight into the work they have been doing across all of Ofcom's sectors in 2020 and what impact they were having. A short discussion followed with a couple of key points to NOTE:

- The Chair agreed to do a one-page introduction/overview to insert into the Report with input from the previous Chair;

- Members' Consultations responses to be added to the bottom of meeting Agendas;

- Have an overview page of meetings, in a graph format, that have been attended and organisations who have been engaged with.

35.   The members had a discussion of their Strategy plan for 2021 with a few key priorities to highlight:

- The Chair to put together a draft work plan for 2021;

Online harms:

- To monitor the Scottish Government's National Action Plan for the online safety for consumers in Scotland;

- To monitor the impact in Scotland on online industries and misinformation

- To engage with the new Consumer Scotland body;

Consumers:

- To focus on the individual consumer in Scotland in rural and urban areas to ensure they have better connectivity and postal services, and to understand the differences between consumers and businesses;

- To focus on digital inclusion and digital capability for all consumers in Scotland;

- Making sure information is easy for consumers to find;

Telecoms:

- To ensure that the Shared Rural Network delivers for consumers in Scotland;

- To prioritise Not spots to give consumers in Scotland better mobile coverage;

- To focus on social tariffs and to be aware of the challenges that not all school children had devices and broadband at home during the pandemic;

- To focus on broadband and fibre roll-out;

Post:

- To monitor the changes of Royal Mail switching to a European parcels business, which handles letters in the UK;

- To be aware of further developments in the postal market to ensure that consumers in Scotland living in rural areas do not suffer a lack of service;

Broadcasting:

- To monitor the Public Service Media debate to ensure that Scotland is heard;

- To engage with BBC Scotland including the BBC Scotland Committee to ensure the best service for audiences in Scotland;

- To promote diversity in Broadcasting in Scotland;

36. The Chair suggested that two subgroups be created in the short term to tackle;

- Digital inclusion, Affordability and Social Tariff and

- Diversity

37. A short discussion followed with a couple of points to highlight:

- It was welcomed to have more, shorter informal sessions without an Agenda or minutes;

- How to share with the Committee when a member attends a session with a stakeholder;

38. The Chair suggested drawing up a Plan of the key priorities for the year and to add a 'forward look' into the annual review.

Content Board update

39.   Members had been provided with a 'For Information' written paper and the Committee NOTED its content.

Consumer Panel/ACOD update

40.   Members had been provided with a 'For Information' written paper and the Committee NOTED its content.

Ofcom Contact Centre Information

41.   Members had been provided with a 'For Information' paper with Scotland's data and the Committee NOTED its content.

Any Other Business

42.   There was no other business.

Date of the Next Meeting

43.   The next scheduled Committee meeting would be held on 16 June 2021.