

Minutes of the 98th meeting of the Advisory Committee for Scotland

Hybrid meeting in person and virtually over Microsoft
Teams on 27 November 2024

Present

Elizabeth Partyka	Chair (Online)
Jess McBeath	Member
Ashe Hussain	Member
Polly Tolley	Member
Caroline Di Stefano	Member
Cameron Speirs	Member

In attendance

Bob Downes	Ofcom Board Member Scotland – up to Agenda Item 5
Helen Froud	Chair of Communications Consumer Panel (Online)
Camille Seldon	Ofcom's Next Generation NED (Observer) – up to Agenda Item 7

Glenn Preston	Ofcom Scotland Director
Stefan Webster	Ofcom Scotland
Ross Hamilton	Ofcom Scotland
David Bagshaw	Ofcom Scotland
Alex Boardman	Ofcom Scotland
Debbie Hughes	Ofcom Scotland
Ealasaid Munro	Ofcom Content Policy (Observer)

Jo Street	Channel 4 – Agenda Items 1-2
Briony Robinson	Channel 4 – Agenda Items 1-2
Kevin Blacoe	Channel 4 – Agenda Items 1-2
Michael Logan	Channel 4 – Agenda Items 1-2

Other Ofcom colleagues

Channel 4 Presentation

1. Channel 4 representatives provided a presentation on their work in Scotland. They updated on investment, skills development and key Scottish programming whereby they:

- Invested above quota requirements on made in the nations/regions area;
- Reached their targets ahead of schedule in nurturing talent in Scotland; and
- Aim to have more shows that authentically represent Scotland which can be done in a variety of ways.

2. A discussion followed with much of the focus on Channel 4's promise to deliver investment; which genre of production would be increased by further investment in Scotland; their approach to Made out of England quotas; and the role of higher education in promoting screen skills – it was agreed that more needs to be done to connect the broadcasting industry with students.

Welcome, introductions, conflicts, and apologies

3. The Chair welcomed everyone to the meeting.
4. It was NOTED that there were no apologies.
5. It was NOTED that there were no conflicts of interest.

Minutes of the 97th meeting held on 26 September 2024

6. The minutes of the 97th meeting were APPROVED by the Committee. In the discussion of actions which arose from the September meeting, it was NOTED that:

- The process for finding a new Chair of the Advisory Committee of Scotland is underway and an announcement will be made in the next few weeks.

Members' updates

7. A member thanked the Ofcom Scotland team for recently hosting a successful Safer UK Internet event in Ofcom's Edinburgh office on behalf of the UK Safer Internet Centre.

8. They also advised of a general move within local authorities to address online safety as a public protection issue, not just risks to children.

9. A member advised that, under the R100 programme, fibre broadband had been installed in resident's homes on Papa Westray by using water pipes. It was believed to be the first use of water infrastructure for this purpose in the UK, although had been made easier by the fact the local water network was community owned.

10. The member went on to highlight that there are connectivity issues with energy smart meters leaving customers having to submit their meter readings manually. There is a line intersecting the UK from Liverpool to Hull as to how smart meters wirelessly connect to the "network" which changes based on where you live. To the South, the connection is via the mobile network and to the North (including all of Scotland), the connection is via longer-range radio frequency.

11. A member advised that ITV, BBC and Channel 4 have small funds to support the independent sector and nations and regions, but that fewer training opportunities were being made available with a view that there was insufficient funding, with a potential negative effect on Scotland's independent production sector.

12. A member advised that DSIT (Department for Science, Innovation and Technology) had recently announced additional protections for consumers in relation to PSTN migration. They had asked telecoms companies to complete checklists before transitioning customers from copper to digital and had introduced a Guide to protect vulnerable consumers.
13. They also advised that the UK Government's Home Secretary, Chancellor and DSIT's Secretary of State had written to platforms asking them to be quicker and faster and take preventive steps in protecting consumers from fraud.
14. A member advised that they had met with Douglas White, Director of Consumer Scotland, and advised that they intend to attend future meetings with their Policy Team.
15. They also advised that an Ofcom Scotland colleague is organising a joint session with the Committee and Royal Mail early next year.
16. The Chair advised that given the recent Channel 4 Consultation and research on quotas, that this had produced a much more engaged broadcasting sector. It was advised that the sector now has a better understanding of the importance of regulation and how policy can affect their business.
17. They also advised that the streaming platforms are reminiscent of the PSB (Public Service Broadcasters) and are starting to broadcast weekly shows. It was highlighted that Netflix had experimented with showing 'live' sport and that they will be airing a daily soap.

Director's Report / Public Policy update

18. The Ofcom Scotland Director presented their written report and highlighted a few key points to NOTE:
 - The Scottish Budget was scheduled to take place on 4 December 2024 and it was NOTED that there was unlikely to be much of relevance to Ofcom's regulated sectors. The Ofcom Scotland team would monitor Scottish Budget developments and would share any relevant information with the Committee.
 - The publication date of the Connected Nations 2024 report had been moved back to Thursday 5 December.
 - The Ofcom Scotland Board member, Ofcom Scotland Director and a colleague from the Ofcom Scotland team had met with Richard Lochhead MSP (Scottish Minister for Business) and colleagues from the Scottish Government's Digital Strategy team on 21 November 2024. The discussion covered a range of topics; mobile and fixed, Ofcom's role in Artificial Intelligence (AI) and how that is impacting aspects of Ofcom's work (including the use of AI by the companies Ofcom regulates), consumer issues with PTSN switch-off, our engagement with Consumer Scotland, one touch switching and social tariffs.
 - It was NOTED that the Minister was looking at organising a roundtable relating to the connectivity of so called very hard to reach places, which would be unlikely to be served by commercial or current publicly funded roll out. It was advised that Ofcom was likely to convene and act as the host for this session.
 - It was advised that Screen Scotland Research had published a report focusing on London HQ production companies. This was shared with the members.
 - Angus Robertson MSP, Cabinet Secretary for Constitution, External Affairs and Culture, was due to meet with Ofcom's Chief Executive on 28 November.
 - Ofcom had been asked to join the Scottish Government's new National Child Sexual Abuse and Exploitation (CSAE) Strategy Group. The Group is made up of individuals from Scottish Government, local authorities, third-sector organisations, academia and relevant public

bodies as a way of strengthening cross-sectoral coordination on tackling CSEA in Scotland. It was NOTED there may be some sensitivities with some of Ofcom's supervision and enforcement work and, there may be some scope for the Committee to engage with the Group over the next few months. The next meeting was on 11 December and an update would be provided at the next meeting.

19. Moving to the Public Policy update, the Public Policy Director highlighted a few key points noting:

- There had been significant progress in meeting with the new UK Government Ministers across Ofcom's remit.
- The UK Government's draft Statement of Strategic Priorities for online safety had been published recently and engagement with UK Ministers on Online Safety had also increased.
- Ofcom hosted a 'Protecting & empowering women & girls online' event on 21 November which was attended by Parliamentarians, Government Ministers, Civil society and various platforms.
- The final Illegal Harms publication was due to be published in December and was creating a lot of interest. A further Consultation would be published next year implementing new measures.
- DCMS were making good progress on the topic of the Future of TV Distribution and had been engaging closely with DSIT.
- The UK Government had held various workshops on the PSTN migration which Ofcom attended.
- The House of Lords had published their 'Future of News' Report.
- The Chair expressed concern that Media Literacy was not being pushed beyond Ofcom and the committee discussed what they felt was slow progress on this topic in Scotland. The Ofcom executive advised they were engaging with relevant Scottish Government officials to keep them up to speed with Ofcom's work in this area.
- A member asked about the resilience of infrastructure within Scotland and a short discussion followed.

Media Act Implementation

20. An Ofcom colleague updated on the Media Act and their work with DCMS on secondary legislation. They said there has been stakeholder interest in PSB prominence and the VOD standards code. They said that online platforms are asking for there to be a difference between the VOD code and the Broadcasting Code.

21. A member asked about BBC iPlayer and whether the BBC Alba service would be dealt with separately. An Ofcom colleague said iPlayer will be designated automatically, but that will not include specific designation for the BBC Scotland or BBC Alba services.

22. A member asked whether the quotas for PSBs will change. An Ofcom colleague said that UK Government would set out in secondary legislation what will be included in the quotas. Until then Ofcom would not know the methodology for assessing quotas. They stated that quotas are changing from measuring percentage to absolute numbers of hours.

23. A member said it is disappointing that games consoles are left out of prominence requirements. An Ofcom colleague replied that it was for the UK Government to determine what hardware is included but there was some evidence to support that games consoles should be left

out. DCMS had said that when the regime is in force they would review where audiences are and introduce secondary legislation where needed.

Protecting Women and Girls Online

24. Ofcom colleagues gave a presentation on the work being undertaken by Ofcom to protect women and girls as part of the Online Safety Act. They outlined Ofcom's duty to publish guidance for search and user-to-user services on content and activity which disproportionately affect women and girls, consulting with experts and statutory consultees in producing this. A consultation on the draft guidance was expected in late February 2025, with the aim of final guidance being published at the end of 2025.

25. The Chair asked if Ofcom's research had identified any unique trends or patterns in Scotland. An Ofcom colleague said that they would investigate this with Media Literacy colleagues but highlighted that recruitment to participate in research had been challenging. The Chair highlighted the role of Media Literacy in tackling this challenge.

26. A member inquired about what role algorithms played in relation to 'pile-ons' on social media and the requirements on platforms in this guidance. An Ofcom colleague outlined that there were already requirements on platforms regarding algorithms regarding the protection of children guidance and codes, but this work would see how that could be built on for all users.

27. A member asked about the legal status of this guidance. An Ofcom colleague confirmed that it would be voluntary, but that it would also cut across and impact areas where there were enforceable powers (e.g. online harms). They outlined that Ofcom would work to encourage take-up and buy-in from key services. The Ofcom Scotland Director highlighted that the Scottish Government's proposed legislation to counter misogyny was something that Ofcom may need consider including reference to at some stage.

28. A member highlighted recent research conducted on online harms in the Scottish Highlands (which Ofcom were aware of) and asked regarding the placement of sexual harassment in the proposed thematic areas of the guidance. An Ofcom colleague said that sexual harassment online manifested itself in fluid and dynamic ways, and that it would not sit solely within one thematic area.

29. A member raised the advent of recent technologies (like tracking devices, nudifying apps and chatbots) and their interaction with the guidance. An Ofcom colleague said the goal was to shift the onus of responsibility on protecting women and girls online onto platforms and tech companies through their product design and risk assessment.

30. A member asked regarding transparency reporting and whether it would be able to examine whether women and girls chose to actively avoid certain online platforms. An Ofcom colleague said transparency reporting would give more information on company practices and risk assessments, while Ofcom's online experiences tracker may be able to explore this further in the future. An Ofcom Scotland team member highlighted that transparency data was from the platforms themselves.

31. A member highlighted recent media coverage regarding a 'crisis of masculinity' amongst young men and boys, and how the sexualisation of women and girls online may be becoming normalised by online activity. They highlighted the educational role of this work. An Ofcom colleague agreed this was central to prevention, and understanding and tackling how young men and boys could be unintentionally radicalised would help ensure safer gender relations online.

Future of Wireless Connectivity

32. Ofcom colleagues sought input from the committee on horizon scanning work they are conducting on the future of wireless connectivity.

33. A member highlighted that if the prediction of investment and innovation flatlining, and potentially down turning, is borne out, then it will be rural Scotland that is most disadvantaged by this trend in the UK.
34. A member noted that increasingly the priority for consumers is not having the fastest possible speeds, but rather, reliable connectivity with secure baselines. Trust in network resilience plays an important part in this too.
35. A member pointed out an increasing problem of service providers expecting consumers to have the fastest connectivity levels, but that this expectation is not always met in Scotland. Despite this, Scotland's major industries rely on connectivity to deliver their economic benefits, and there is potential for Scotland to become a home of satellite and space technology, given it could be used for vertical launch sites.
36. A member raised the issue of connectivity on coastlines and on ferry services. This is an area of significant importance to Scotland, but one with currently low levels of connectivity.
37. A member suggested the UK could face wider problems in connectivity innovation as there may not be a long-term skills base in this country.
38. A member stressed the importance of engaging with international partners on these issues and the prospect of internationalising resilience concerns, especially given that the UK has little development in the satellite market.
39. A member raised the point that the challenge with horizon scanning is that the consumer base will drastically shift in many ways over the following decade. A member of the Ofcom Scotland Team suggested the possibility of convening a group of stakeholders to think about connectivity issues strategically.

Ofcom's 3-year Plan / Plan of Work

40. Ofcom colleagues provided an overview of this year's Plan of Work project and its relationship to the revised three-year plan for the organisation. Colleagues provided the timetable for consultation and highlighted the stakeholder event to be held on 14 January in Ofcom's Edinburgh office.
41. Members asked a series of questions on the broader themes of this year's plan, including the role of AI and the importance of 'safety by design' and empowerment in Ofcom's Online Safety work. Members also asked about aspects of the plan with particular relevance in Scotland such as the role of mis/disinformation, the role of child poverty in our protecting children online work, connectivity gaps and quality of service in post.
42. Ofcom's strategic approach to AI 2024/25 was referred to:
<https://www.ofcom.org.uk/siteassets/resources/documents/consultations/category-2-6-weeks/273274---ofcoms-proposed-plan-of-work-for-2024-25/associated-documents/ofcoms-strategic-approach-to-ai.pdf?v=321367>

Consumer Panel/ACOD update

43. Members had been provided with a 'For Information' written paper and the Committee NOTED its content.
44. It was advised that since the publication of their 'inclusivity in disability' research that they had met with the Scotland Hub and sensory loss charities.
45. The CCP Chair advised that they are hoping to make an appointment in the New Year for the new Scotland member.

Ofcom Contact Centre Information

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

Draft ACS Annual Report 2024

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

48. A member advised that a Consultation Response on Transparency Guidance that was submitted was missing from the Report. A member of the Ofcom Scotland team advised that they would investigate this.

Any Other Business

49. The Chair advised that her last meeting will be in February confirming that she will be stepping down as Chair at the end of March 2025.

50. It was also advised that the Ofcom's Next Generation NED observer's term was coming to an end on 31 December 2024. The Chair thanked Camille for her contribution over the last 12 months.

Date of the Next Meeting

51. The next scheduled Committee meeting is on 25 February 2025.