

Minutes of the 78th meeting of the Advisory Committee for Wales held via 'Teams' on 15 September 2020

Present

Hywel Wiliam	Chair
Andrew Board	Member
Peter Trott	Member
Robert Andrews	Member
Ruth McElroy	Member

In attendance

David Jones	Ofcom Board Member for Wales
Sian Phipps	Communications Consumer Panel Member, Wales
Eleanor Marks	Ofcom Director Wales
Elinor Williams	Regulatory Affairs Principal, Ofcom Wales
Meleri Evans	Regulatory Affairs Manager, Ofcom Wales
Joanna Davies	Welsh Language Senior Associate, Ofcom Wales
Emma McFadyen	Public Policy Principal (Nations)
Liz Nash	Regulatory Affairs Assistant, Ofcom Wales

Other Ofcom colleagues

Apologies

Aled Eirug	Content Board Member for Wales
Rem Noormohamed	Member
Katie Pettifer	Public Policy Director, Ofcom

Agenda items	Action
<p>Introduction</p> <p>1. The Chairman welcomed attendees to the 78th meeting of the Advisory Committee for Wales. He particularly welcomed Sian Phipps to her first meeting as Communications Consumer Panel Member for Wales.</p>	
<p>Declaration of Members' Interests – oral</p> <p>2. David Jones advised that he is currently informally working with Audit Wales on cyber preparedness involving a number of sponsored bodies in Wales.</p>	
<p>Minutes of the meeting held on 2 June 2020 and matters arising – Minutes ACW 77(3)</p> <p>3. The minutes of the meeting held on 2 June 2020 had been circulated previously to Members and amendments made so were APPROVED.</p> <p>Matters arising/outstanding Actions -</p> <ul style="list-style-type: none"> • A summary note of the National Spectrum Centre event had been circulated and Members will continue a watching brief. • The Committee was updated on the IWA Media Audit. A meeting is to be held later in September and an update circulated to Members. Once the draft audit 	

<p>is received a small group of Members will be asked to comment on its content. Ofcom Wales has also been asked to assist in contributing to the event.</p> <ul style="list-style-type: none"> • A Member asked if a response had been received from the ACW's letter to DCMS regarding Six Nations – Ofcom Wales to chase. ACTION • There was a discussion regarding visibility of the ACW and how best to ensure stakeholders are made aware of the Committee's actions. Members discussed whether such communication should be made public to ensure that the Committee's views are seen to be transparent. The Committee agreed to discuss further at a later date and agree on which channels would be more appropriate. • The Communications Consumer Panel Member for Wales added she was keen to engage with consumer bodies throughout Wales to raise awareness of the Panel's work. • 'Don't' Cut me off' publication from the CCP has now been circulated to Members. 	<p>EW</p> <p>RMcE/ HW/ EM</p> <p>SP</p>
<p>Chairman's Report – oral</p> <p>4. The Chairman gave an oral update of his activities since the last meeting including:</p> <ul style="list-style-type: none"> • Attendance at an RTS discussion 'Lockdown and Beyond'. He agreed to circulate the recording to Members. ACTION • Attendance of Teams meeting with all Advisory Committee Chairs. A very useful meeting following which the ACS Chair has agreed to arrange a future meeting for all Chairs with Ofcom's Chief Executive and Chairman. • Attended Community Radio Network meeting as an observer which discussed a framework on how stations will continue in Wales. • Prepared the Committee's response to the BBC Annual Plan. • Participated in the virtual event at the Royal Welsh Agricultural Show on rural mobile/broadband. 	<p>HW</p>
<p>Update: Ofcom Board Member for Wales – oral</p> <p>5. The Board Member for Wales gave a full verbal update and a summary of key topics over the last few months. These included:</p> <ul style="list-style-type: none"> • The ongoing issue relating to UK broadcasters and a clear definition between issues relating to Wales and the rest of the UK. • Open RAN – the relevance of its impact in Wales. • PSTN switch off. • Online Harms . • An update on cyber security • Ofcom's responsibility in relation to regulating Video Sharing Platforms. • Royal Mail. 	
<p>Update: Ofcom Content Board Member for Wales</p> <p>6. Unfortunately, the Content Board Member for Wales was unable to attend the meeting due to illness, but an update paper had previously been received which highlighted matters discussed by the Content Board. Members noted two points of interest in the report:</p> <ul style="list-style-type: none"> • Operational and strategic impact on Ofcom being appointed the regulator for online harms. • Possibility of Ofcom being given new powers to regulate UK-based VSPs. 	

<p>Report – Public Policy</p> <p>7. Ofcom’s Public Policy Director was unable to attend the meeting but had previously circulated an update report outlining key UK Government and Parliamentary developments since the last meeting. NOTED</p>	
<p>Communications Consumer Panel Update</p> <p>8. Members and Ofcom Wales staff welcomed the newly appointed Communications Consumer Panel Member for Wales who gave a brief resume of her background and career history.</p> <p>9. A paper had been previously circulated updating Members on the Panel’s activities since the last meeting. Highlights included:</p> <ul style="list-style-type: none"> • The success and work of the Consumer Hubs. There has been a good take up for the Wales Hub – next meeting is 7th October which will be chaired by the Member for Wales on communications services issues that rural consumers and micro-businesses face in Wales. Members will receive invitations to attend. • The Publication of the Panel’s Strategic Plan. A Member noted there was no reference to the PTSN switch off in the report although a presentation and good discussion had taken place at the July meeting. The CCP Member for Wales agreed to feedback to the Panel. • The Panel will continue to pay particular attention to the needs of people in vulnerable circumstances - who for one reason or another may be disadvantaged financially or otherwise. A Member suggested that communications providers could do more to facilitate consumers’ ability to downgrade their package not just upgrade. There was also concern that the elderly seem to be being left behind and technology is increasing the digital divide. A topic which was suggested could be discussed at a future Wales Hub meeting. The CCP Member agreed to feedback Members comments to the Panel. • A Member explained that there is currently research taking place amongst the creative industries into digital exclusion and the digital difference between the older age group. This could be an opportunity for Ofcom to capture who and how people are being excluded and its impact. She requested that if there was any relevant training available Members could be included. • The Committee was updated on the Panel’s recent discussions around post and consumers’ concerns. 	<p>SP</p> <p>SP</p> <p>SP</p> <p>SP</p>
<p>Post User Needs</p> <p>10. Ofcom colleagues joined the meeting and shared a slide pack on Post User needs. Members discussed the contents of the presentation noting that postal services are still required even though more and more organisations are going online. An increase of personal mail was noted during the current pandemic. Members thanked the team for an excellent presentation.</p>	
<p>Ofcom’s Annual Report on the BBC’s performance</p> <p>11. An Ofcom colleague gave a short introduction to the item and highlighted key areas from a previously circulated report. The following points were made:</p> <ul style="list-style-type: none"> • It was noted the BBC Annual Report and Accounts was published on 15 September and the team asked for any feedback from Members. What are the key issues? What would you like to see in the report this year? 	

<ul style="list-style-type: none"> • It was noted that the Committee had prepared a document outlining its thoughts and issues and was awaiting a response from Ofcom. Members emphasised the continuing need to ensure that the BBC is held to account, and that Ofcom has a responsibility for ensuring the remit, and the related public purposes, for each service are met. The team agreed that the BBC had been given some flexibility during Covid, as had all other broadcasters but that this year's Annual Report would be revisiting and reminding the BBC of the need to respond fully to some areas outlined in last year's report as well as scrutinising new areas identified as being matters of potential concern. • The team emphasised that in response to some points, for example reaching younger audiences, changes could not be made overnight. Ofcom is monitoring the direction of travel and will be insisting on a satisfactory response. Ofcom needs to take a longer-range view and see whether some of the issues are going to have an impact with time. • Members raised concerns that the BBC's response to the issue of 'under representation' was unsatisfactory. The team reported that these concerns were shared by the other Advisory Committees. It is thought that better articulation by the BBC on its Nations strategy is needed and Ofcom needs to push harder. • The discussion turned to BBC Studios. There are concerns in the industry on where the power lies. An Ofcom colleague agreed to raise this with the team looking at studios work and Ofcom Wales with facilitate a discussion with them, Members and the Content Board Member for Wales. • In answer to a question from the Chair the team confirmed network quotas have been met for 19/20. 	KS/EW
<p>Next Generation NEDs project</p> <p>12. Colleagues from Ofcom's Governance & Accountability team gave a presentation on an initiative to widen the talent pool of Non-Executive Directors (NEDs). They outlined their plans as follows and invited Members to feedback any personal experiences and suggestions for helping to increase interest.</p> <ul style="list-style-type: none"> • Initial thoughts are to offer a small number of shadowing and mentoring opportunities, providing opportunity to observe Committees/Boards and invite speakers from Government and DCMS to provide greater insight into the work of NEDs. It is also hoped that this could inspire current NEDs to consider applying for Chair positions. • The benefits for Ofcom – greater diversity of thought, reduce blind spots, pool for future appointees, securing talent, collaborate with other parties. Individuals – gain experience. Personal development. • Members were very supportive of the initiative and agreed to share any personal experiences and contacts with the team. A Member put forward a case for a robust induction package to Ofcom and its organisational structure including the roles of all the various Boards/Committees. 	ACW
<p>PSTN switch off</p> <p>13. The Chair welcomed Ofcom colleagues. This is an area of work that ACW has been engaged with for some time and the Committee welcomed the update. Highlights included:</p>	

<ul style="list-style-type: none"> • Switch off completion date now planned for 2025. The migration path has been steeper due to Covid. • Identifying which infrastructure/ sectors will be affected by the migration to VoIP is challenging. Engagement from industry has been good but Ofcom needs to monitor carefully and ensure that momentum is maintained from now until switch off. • The team confirmed ISDN lines will disappear at the same time which will affect actors and journalists primarily but there will be substitute internet-based alternatives. • It was noted that progress has been slowed due to civil servants being seconded to other areas of work due to Covid. • Ofcom has limited formal powers but has set out measures to protect consumers during the switch off eg unlimited access to 999 etc. Companies are well versed in what needs to be done. Ofcom is working with DCMS and monitoring trials. • ACW agreed to keep a watching brief and highlight at every opportunity. • The Welsh Government is due to host a postponed cross sector event to raise awareness. 	
<p>Report – Wales Recent Developments</p> <p>14. Members noted the contents of an update paper previously circulated. The Director Wales drew out certain highlights including:</p> <ul style="list-style-type: none"> • A very successful publication of the Media Nations Report – Ofcom received some positive UK wide publicity and an Ofcom Wales colleague was interviewed on Welsh media outlets. • PSB discussions on-going with broadcasters. • Ofcom is currently in conversation with BT regarding the excessive USO charges being quoted by BT. • Introductory meeting between Ofcom’s chief executive and the Welsh Government’s First Minister is due to take place on 23rd September (now postponed until November). • The Director Wales highlighted a number of very successful virtual events that the team had arranged and thanked members of the team for their efforts. • There was a discussion on the effect of Covid on screen and news workforce. Many people have not been eligible for furlough – the industry has been badly affected. • A Member questioned how the impact of additional responsibilities for Ofcom will impact the Ofcom Wales team. The Director advised a new Associate had been recruited to assist with additional welsh language commitments and she is monitoring what additional responsibility the Wales office may need to take on in the future. • She also highlighted that the Nations offices now sit in a different part of Ofcom’s structure – now part of the Corporate Group under a new Director. 	
<p>Future of PSB (Small Screen Big Debate) – Members discussion</p> <p>15. Members discussed next steps which included:</p> <ul style="list-style-type: none"> • Current timeline – ACW has fed into draft consultation publication of which is due early 2021. The ACW to officially respond. • Ofcom Wales plans to host another virtual event late October/early November. More details to follow. 	EW

<ul style="list-style-type: none"> • Ofcom Wales invited Members' contribution on the content. It was suggested a subgroup was formed to discuss input and pre-empt issues that could arise. 	
<p>Online Harms</p> <p>16. Ofcom colleagues joined the meeting and gave an update on the process of engagement with Government:</p> <ul style="list-style-type: none"> • A full response to the Online Harms White Paper is expected early October at the same time as the announcement of the new regulator is expected. • VSP regulation – Ofcom is engaging with Government on online harms regulatory framework. DCMS and Home Office are both involved in relation to protection of children and counter terrorism and cyber security • Ofcom will have responsibility for regulating services based in the UK. A Member asked if there were any companies based in Wales that would fall into scope? Ofcom Wales to advise following a meeting with the Welsh Government on this subject. • Members and the team discussed the implication of Brexit on AVMSD issued into UK law when the transition period finishes. • The Committee agreed to look at the Government's response in detail following publication. • Members queried what impact additional regulatory responsibility will have on the ACW going forward. Ofcom will monitor. 	EM
<p>Bauer/Swansea Sound</p> <p>17. ACW considered a paper presented by the Chair, which included the email correspondence from a local campaign group Save Swansea Sound. There was some regret and sadness at the loss of this iconic Welsh brand and name as the first commercial radio station to begin broadcasting in Wales back in 1974, but also some positivity in terms of the increased availability for the service on DAB across south east Wales for the first time as well as in the Swansea area. ACW was mindful that name and branding change fall outside of Ofcom's remit and welcomed the fact there has been no request to date to change the station's format. The provision of local news and traffic are covered by the localness guidelines which they must adhere to.</p>	HW
<p>Consumer complaints update</p> <p>Contents NOTED.</p>	
<p>Forthcoming Consultations & Publications</p> <p>18. The Chair asked Members to keep a watching brief on certain future consultations. He agreed to list which ones would be of interest and nominate Members against subjects. Topics of interest will be forwarded to Ofcom Wales who will provide more detail.</p>	HW/ EW
<p>Any Other Business and future agenda items</p> <p>To be discussed.</p>	
<p>Items for information - NOTED</p>	