Minutes of the 86th meeting of

The Advisory Committee for Wales

held via Teams/ some in-person on 13th September 2022

**Present**

Hywel Wiliam Chair

Robert Andrews Member

Aled Eirug Member

Tom Crick Member

Angharad Evans Member

**In attendance**

David Jones Ofcom Board Member for Wales

Ruth McElroy Content Board Member for Wales

Sian Phipps Communications Consumer Panel Member, Wales

Eleanor Marks Director, Ofcom Wales

Elinor Williams Regulatory Affairs Principal, Wales, Ofcom

Meleri Evans Regulatory Affairs Manager, Wales, Ofcom

Gwenno Thomas Regulatory Affairs Associate, Wales, Ofcom

Other Ofcom colleagues

**Apologies**

**None**

| **Agenda items** | **Action** |
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| **1. Introduction**  The Chairman welcomed attendees to the 86th meeting of the Advisory Committee for Wales. No apologies received. |  |
| **2. Declaration of Members’ Interests – oral**  Aled Eirug noted that he has recently been appointed Chair of Coleg Cymraeg Cenedlaethol  Angharad Evans noted that she still does some work for BBC Studios.  Prof Tom Crick mentioned that he is on the DCMS College of Experts. |  |
| **3. Minutes of the meeting held on 22 March 2022 and matters arising**  The minutes of the meeting held on 23 June2022 were **APPROVED** unamended as a true account of the meeting. Matters arising were:-   * DCMS BBC MTR Terms of Reference – gathering evidence and the policy team from DCMS presenting to the committee later in the meeting. * Media Nation Wales 2022 publication – it was noted that due to the shift in publication date the report did not receive as much attention as in previous years as a result of not being able to share the findings of the report at the National Eisteddfod of Wales. It was noted that colleagues in Wales were interviewed on BBC Radio Cymru and there was some coverage on Wales Online. * BBC Central Square – members remained interested in visiting BBC Cymru Wales Central Square. * ACW training day – it was agreed to proceed with a day’s training for ACW members and to include specific thematic discussions on subject areas of interest. |  |
| **Chairman’s Report – verbal**  4. The Chairman led a discussion on the ACW’s response to Ofcom’s consultation on the BBC’s Operating Licence due to close shortly. He noted that there was a lot of BBC related work going on at the moment and that it was necessary for the ACW to prioritise on its responses. The Chair also gave a verbal update of his activities since the last meeting including:   * **Clwstwrverse** - The exhibition event was held at City Hall to mark the ending of the Clwstwr project which aimed to develop an R&D culture within Wales’ creative industries. * **Meeting with Ofcom CEO, Melanie Dawes** at the Ofcom Office. This was a broad ranging discussion on key issues facing Wales. The AC Chairs are due to meet Melanie and Ofcom ‘s new Chairman, Michael Grade, in November. * **It's My Shout Turns 20 -** attended events held at the BBC’s HQ in Cardiff and at St David’s Hall, as a Director of It’s My Shout – the training scheme which produces dramas and documentaries in English and Welsh that are broadcast on BBC 2 Wales and S4C in the autumn. * **Ogi opens new HQ in Cardiff** - attended the launch even during the summer for Ogi’s new very impressive HQ which is in Hodge House, St Mary’s Street Cardiff. * **Royal Welsh Agricultural Show** - Ofcom stakeholder event on the SRN which was very useful and informative. * **National Eisteddfod – Tregaron** – attended a number of events, presentations and lectures. * **Meeting of the AC Chairs:** |  |
| **5. Update: Ofcom Content Board Member for Wales - verbal**  The Content Board Member for Wales provided an update at the meeting: -   * Single issue to report that there has been review of Content Board and each member of the Content Board has been involved in this review via individual conversations with the Chair of the Content Board. The Content Board Member for Wales sought the thoughts of committee members on the effectiveness of the relationship between the Content Board Member for Wales and the Advisory Committee for Wales. * A member highlighted the importance of having a written update paper circulated to members in advance of the meeting. The member mentioned that this gives members time to digest and prepare beforehand which makes for a better discussion. He urged the Chair to consider this for future meetings. |  |
| **6. Report – Wales Recent Developments**  Members noted the contents of an update paper previously circulated commenting on topics including:   * Welsh Language Commissioner – the two ongoing investigations into Ofcom’s potential breach of its Welsh Language Standards was outlined to members of the Committee and discussed in detail. * Broadcasting Authority Expert Panel – it was noted that the discussion was ongoing with colleagues in various teams on who best to represent Ofcom at the forthcoming evidence sessions. * BBC Radio Cymru 2 – Members asked for an update on Ofcom’s position on the proposed extension in BBC Radio Cymru 2 hours on digital. |  |
| **7. Discussion: Ofcom Annual Report on the BBC**  After introductions, the Chair thanked the team for the slide deck and update paper shared in advance. The Chair invited the team to briefly outline the work to hand.  The team mentioned that there was a huge amount of work going on in relation to the BBC at the moment, which is intertwined. In addition, Ofcom has communicated a number of big strategic messages on BBC this year to date and there are a lot of different strands in the process of being implemented and some of changes that the BBC are planning not come to fruition yet. As a result, this year’s Annual Report on the BBC’s performance plays a slightly different roles to previous reports. Ofcom will highlight areas of strong performance and outline areas where things could be better.  A member asked how Ofcom assesses the effectiveness of BBC services on basis of commissions on linear services and the relationship with iplayer – both seem to be inextricably linked. The member highlighted the fact that the availability of BBC Cymru Wales on iplayer – not as discoverable as it probably should be.  Members raised the need for more nations data and metrics in particular for its online services and highlighted the need for more granular date. Committee members outlined the value of having access to more iplayer data.  The CCP Member for Wales highlighted the importance of inclusivity and to ensure that those people who were not engaged online, not to be left behind and to ensure people are getting best out of BBC services and the importance of putting this at the heart of the Digital First strategy.  Members discussed the reporting cycle and to whether there was value in making it a longer-term cycle as opposed to annual. The team outlined the need to steer away form a rigid reporting structure.  A member raised the proposed extension to BBC Radio Cymru 2 and to whether this was considered a new service. The team provided an update on Ofcom’s position on the proposal. |  |
| **8. Discussion: Network News and Devolved Matters**  Committee Members and Ofcom colleagues held a discussion on the coverage of devolved matters on network news. This follows a piece of research on this issue commissioned by Ofcom earlier this year from Professor Stephen Cushion at Cardiff University and Dr Richard Thomas at Swansea University.  The Committee noted that Covid had improved the way that devolved matters had been reported on network news but added that the broadcasters needed a more strategic and consistent approach, and needed to better understand the complexity of devolution and to report it accurately. The Committee agreed that training of journalists was key to this.  Committee Members and Ofcom colleagues discussed the guidance that Ofcom had given to the broadcasters during the Covid pandemic, the nature of complaints made to Ofcom and the way it assessed these under the Broadcasting Code. |  |
| **9. Research: SME consumer experience of the communications market**  Ofcom colleagues were keen to update their research in this field, building on the previous report which was published in 2016 and identifying new priorities.  Committee Members stressed the importance and size of the SME sector in Wales, adding that a number of them were domestic rather than business customers, and adding that they were mainly satisfied with their communication packages. Committee Members were keen to ensure that any new data was available for each nation so as to have an accurate picture of what was happening across all parts of Wales, and in rural as well as urban areas.  Committee Members raised the issue that many SMEs used a landline as part of their business needs and were highly reliant on their connections, including for taking credit card payments, but that awareness of the migration to VOIP was low. |  |
| **10.**  **Discussion with DCMS: BBC Mid-Term Charter Review**  Following introductions, the Committee Chair confirmed that Ofcom’s Advisory Committees were arms-length bodies who gave independent advice to Ofcom.  DCMS thanked the Committee for its written evidence which it was absorbing and explained that this formal session was to clarify and seek further evidence from the Committee on a number of themes, including:  Editorial Guidelines and Impartiality: Committee Members discussed the definition of due impartiality, and how issues relating to Wales were often overlooked in news bulletins. The Committee recognised that the situation had improved during Covid and noted the research by Professor Stephen Cushion and Dr Richard Thomas, commissioned by Ofcom. Committee Members noted the need for more transparency from the BBC to its audiences on its decision-making processes.  Commercial Governance: Committee Members discussed the issue of concerns raised by the Independent Sector in Wales when competing with commissions for BBC Studios. Members thought that there should be more transparency between the BBC’s public service element and BBC Studios  Complaints: Committee Members urged for better communications between the BBC and its audiences, including around the BBC’s decisions that aren’t upheld. Committee Members noted Ofcom’s fundamental role in the BBC First process.  Diversity: Committee Members asked for more granular data to get a fuller picture of the situation in Wales.  Committee Members also discussed the need for better representation of Wales and its people on screen. |  |
| **11. Communications Consumer Panel Update**  The Communications Consumer Panel Member for Wales had previously circulated an update report on the Panel’s activities since the last meeting. Key highlights as mentioned during the meeting included:  The Climate Change, Environment and Infrastructure Committee’s report on Digital Connectivity to which the Panel Member, Committee Members and Ofcom colleagues had given evidence, included some useful recommendations, including the need for better awareness on both migration to VOIP and on Social Tariffs. The Minister is due to respond in due course.  The Panel’s next meeting will include a discussion on people’s experiences on the VOIP trial in Salisbury.  The Wales Hub will meet on the 12 October 2022, focusing on affordability and debt. There will be a presentation by the Bevan Foundation on poverty in Wales and Digital Communities Wales are preparing a guide outlining what organisations can do to help people who are struggling to pay their bills.  A further meting between the Advisory Committee Chairs and the Communications Consumer Panel is scheduled for 19 October 2022. |  |
| **12.**  **Update - Public Policy – verbal**  Ofcom Colleagues gave an update on the UK Government’s guidance under the National Mourning Period, due to the death of Her Majesty The Queen. It was confirmed that Ofcom would pause all publications and our external communications during the Mourning Period.  It was noted that following Liz Truss becoming leader of the Conservative Party and the new Prime Minister, Michelle Donelan MP had been appointed the new Secretary of State for the department for Digital, Culture, Media and Sport. Julia Lopez MP and Damian Collins remained in their posts but, their portfolios had yet to be announced.  In her first PMQs the new Prime Minister confirmed that the Online Safety Bill would proceed through Parliament but suggesting some changes would be made to the current drafting. |  |
| **13. Update: Ofcom Board Member for Wales – verbal**  The Ofcom Board Member for Wales said that Board’s last meeting had been in July.  There had been a discussion around the importance of Economic Growth and how regulation should encourage enterprise and enable the markets to thrive.  The Member mentioned that the new regulations under the Telecoms Security Act had been delayed.  The Member noted that he had been invited to attend an evidence gathering session with the Welsh Government’s Expert Panel on a shadow broadcasting and communications authority for Wales.  The Member drew Committee Members’ attention to the latest Connected Nations report and note the decline in TV viewing was steeper in Wales than in any other part of the UK. The Member mentioned that he’d raised this issue with BBC Cymru Wales during a meeting with its Director. |  |
| **14.. Consultation Responses:**  *The following are publications considered by the committee:* -  [**Consultation: Modernising the BBC’s Operating Licence**](https://www.ofcom.org.uk/__search/s/redirect?collection=global&url=https%3A%2F%2Fwww.ofcom.org.uk%2Fconsultations-and-statements%2Fcategory-1%2Fmodernising-bbc-operating-licence&index_url=https%3A%2F%2Fwww.ofcom.org.uk%2Fconsultations-and-statements%2Fcategory-1%2Fmodernising-bbc-operating-licence&auth=KePc9Mla9hszAZII4D0M4A&profile=_default&rank=1&query=consultations+%7Cstatus%3A%22%24%2B%2B+Open+%24%2B%2B%22)  [**Call for evidence: First phase of online safety regulation**](https://www.ofcom.org.uk/__search/s/redirect?collection=global&url=https%3A%2F%2Fwww.ofcom.org.uk%2Fconsultations-and-statements%2Fcategory-1%2Fonline-safety-regulation-first-phase&index_url=https%3A%2F%2Fwww.ofcom.org.uk%2Fconsultations-and-statements%2Fcategory-1%2Fonline-safety-regulation-first-phase&auth=Qwna5Hi8i0FmBh5VOX0%2BXw&profile=_default&rank=4&query=consultations+%7Cstatus%3A%22%24%2B%2B+Open+%24%2B%2B%22)  **Consultation: Review of postal regulatory reporting** |  |
| **Consumer complaints update**  **15. Contents noted** |  |
| **Forthcoming Consultations & Publications**  16. Contents noted |  |
| **Any Other Business and future agenda items**  **AOB –**  **Future meeting dates confirmed as:**  29th November 2022 |  |

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Chair

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