

**Minutes of the 79th meeting of
the Advisory Committee for Northern Ireland held virtually via
Microsoft Teams on 23 February 2021**

Present

Carrie Matchett	ACNI Chair
John Ellison	ACNI Member
Phil Flanagan	ACNI Member
Kathy Graham	ACNI Member
Alan Meban	ACNI Member
Paul Wilson	ACNI Member

In attendance

Bob Downes	Ofcom Board Member for Scotland and Northern Ireland (Acting)
Angelina Fusco	Content Board Member for Northern Ireland
Rick Hill	Consumer Panel Chair and Member for Northern Ireland
Jonathan Rose	Director, Northern Ireland
Rebecca Lennon	Regulatory Affairs Advisor, Northern Ireland
Sinéad Lee	Regulatory Affairs Manager, Northern Ireland
James Stinson	Regulatory Affairs Manager, Northern Ireland
Other Ofcom colleagues	
Mobile UK representative (Item 12 only)	

Agenda items

Introduction

1. The Chair welcomed members and attendees to the meeting. There were no apologies.

Declaration of Members' Interests

2. Angelina Fusco declared consultancy work for Vision Works on a local commercial radio project.
3. Paul Wilson declared a conflict with a procurement issue in the Director's Update. Paul **AGREED** to be absent for the duration of that discussion.
4. Rick Hill declared consultancy work with Tern TV.

Minutes of the meeting held on 25 November 2020 and matters arising – Minutes 78

5. The minutes of the 78th meeting, held on 25 November 2020, were **APPROVED** for signature by the Chair as an accurate record. Actions from the previous meeting were completed.

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Interim Committee Business since last formal meeting

6. The Chair updated the Committee on interim business.
7. VOIP: On 9 December, a Committee subgroup had met with Ofcom colleagues working on the VOIP project. Members had **NOTED** the complexity of the transition to VOIP, the importance of good communication with consumers, and Ofcom's important role in monitoring complaints and issues. The subgroup had also been interested to hear of consumer experiences in transitioning to VOIP in other countries. The subgroup had expressed concern at anecdotal evidence of issues with some VOIP products. Members also wished to see more consumer engagement at this stage.
8. Consumer Council Northern Ireland Meeting: A subgroup had met with the Consumer Council Interim Chief Executive on 17th December. Discussions focused on Ofcom's review of the Postal USO and consumer views on postal services, the cap on 2nd class postal charges, the impact of the NI Protocol on postal services and shared research interests.
9. Ofcom's Plan of Work NI: Members had attended Ofcom's Plan of Work event on 26 January 2021 and had a planning meeting the following day. Members had **AGREED** ACNI priorities for its work in 2021 and had submitted a consultation response on Ofcom's Plan of Work. The Committee **NOTED** that it was useful to see responses from other Ofcom Advisory Committees, to get a sense of common issues and differences. Members requested a response from the Plan of Work team on these consultations.
10. Recruitment: The Chair **NOTED** that recruitment for new Members had been delayed due to priorities within Ofcom's Governance team. The recruitment process was to be completed by end of August. The Chair and Ofcom colleagues thanked the relevant Committee Members for agreeing to extend their terms until August 2021.
11. Annual Contribution Meetings: The Chair **NOTED** that annual contribution meetings were upcoming for ACNI members.
12. The Chair thanked ACNI members for their contributions across the wide range of work progressed outside the Committee's formal meetings.

Committee discussion on Agenda items and papers

13. The Committee discussed the agenda items and papers, focusing particularly on the Shared Rural Network and the announcement that EE was not part of the arrangement.
14. Members also discussed the TV Licence fee for over 75s.

Ofcom Board update

15. The Committee was briefed on recent Board meeting discussions, including:
 - Preparing for Online Harms regulation and the role of private messaging platforms regarding concern freedom of speech,
 - Ofcom's Stakeholder Review

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- The Shared Rural Network
- The upcoming Wholesale Fixed Telecoms Market statement

16. Internal organisation structure discussions at the Board meeting focused on the One Ofcom organisation proposal and return to offices following the Covid-19 pandemic.

17. The Committee thanked the Board Member for continuing to represent Northern Ireland at the Board.

Public Policy update

18. An Ofcom colleague updated the Committee on key public policy developments since the last meeting. These included:

19. Growing the offices in Belfast, Edinburgh and Cardiff would be an important part of Ofcom's ongoing work into how it manages its future working arrangements.

20. Telecoms Security Bill: during the passage of the Telecoms Security Bill there had been significant scrutiny from MPs as to how well Ofcom was set up for its expanding brief.

21. The colleague **NOTED** that Ofcom isn't regulating or receiving fees in the online area yet but is ramping up its capability.

22. Affordability: there is increasing awareness of the impact of digital exclusion on low-income consumers. Some companies already offer low cost tariffs, but Ofcom is pushing all providers to give people the support they need.

23. Members commented on the different public expectations of how online regulation will work and how this could differ from the actual legislation. This will be a challenging but important issue to address.

24. Members praised Ofcom's ongoing work on affordability and highlighted the importance of communicating social tariffs where these are available.

25. The Committee discussed how Ofcom's Advisory Committees can best contribute to Ofcom's new online work. Ofcom colleagues commented this was an area that other committees were also starting to look at. The Board member commented that it was important that Ministers in the devolved administrations considered the local impact of online harms. The Committee **AGREED** the topic should be included as a standing item in upcoming meetings.

Director's Report

26. Paul Wilson was not present for this item.

27. An Ofcom Colleague highlighted several points from the Director's Report including:

28. The recent award of the first round of small-scale DAB multiplex licences, which included Derry / Londonderry.

29. The ongoing work Ofcom is doing on parcels and the Northern Ireland Protocol, working with HMRC and other bodies. An Ofcom colleague said Ofcom's work is focussing on making sure guidance is issued as quickly as possible and minimising the impact on consumers.

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30. Reports that Openreach's commercial full-fibre rollout may include some areas in the Project Stratum intervention area.

31. The £6.3m Ofcom fine on BT Group for breaching its Significant Market Power obligations during the 2017/18 tender for the Northern Ireland Public Sector Shared Network (NIPSSN) contract. Members noted this was an important piece of work that would hopefully have an impact going forward.

Ofcom Board Member for Northern Ireland

32. An Ofcom colleague provided an update on the Ofcom Board member appointment for Northern Ireland. A Memorandum of Understanding between the Northern Ireland Executive, the Assembly, DCMS and Ofcom has been drafted, based on the existing MoU's in Scotland and Wales. The MoU includes the process for appointing a Board member for Northern Ireland. A recruitment agency would be appointed after a competitive tender process, and it was hoped interviews would take place before the summer.

33. A Member offered to share learnings from the use of recruitment agencies in another organisation.

PSB Review, Small Screen: Big Debate

34. The Committee was given an update on Ofcom's current work on the future of public service broadcasting (PSB) / Small Screen: Big Debate.

35. Members **AGREED** that the move to use of the broader Public Service Media (PSM) term was a positive one.

36. The Committee stressed the importance of universality of services and Ofcom's consideration of PSM's role in promoting social cohesion. They **NOTED** the issue of funding was critical. It was important to find a funding mechanism that was proportionate to the ambition, and sustainable.

37. Members **NOTED** they were pleased to see engagement with the independent production sector. This was especially important through the current Covid period, where some companies and broadcasters were perceived as 'retreating' to London. It is important to appreciate the role independent production companies have in portraying NI to the rest of the UK. Members also discussed the need to fully explore the opportunities for further collaboration in the sector in the face of the significant resources that global streaming giants can bring to bear.

38. The Committee praised contestable funds as part of the funding mix, saying this had proved successful in driving commissions to the nations.

39. The Committee encouraged Ofcom to pay more attention to accessibility arrangements (signing, subtitles, audio description etc) on PSB platforms.

40. It was **NOTED** that while network commissioning in NI had risen over the last decade and was 2% of the UK total, there was still some way to go.

41. Members felt that the consultation paper should do more to reflect the importance of Irish language and Ulster-Scots programming in NI.

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42. The Committee observed that the consultation had focussed on the industry and consumers but had not engaged in the same way with the range of sectoral organisations that could provide wider societal views. It was important that those perspectives from organisations such as arts, business, sport, youth, education, and many others were heard in the consultation process.

43. The Board member said it was important to understand and appreciate the role PSB has in promoting and reflecting the cultural diversity of the different parts of the UK. This type of programming can only be grown and protected in a PSB landscape.

44. Members **AGREED** to form a Subgroup and provide a response to the consultation.

Consumer, Networks and Communications update

45. An Ofcom colleague provided information on the priorities for the Networks and Communications Group for the upcoming year which included publishing the Fixed Telecoms Market Review; a focus on consumers without adequate broadband coverage; a mobile strategy; and the affordability of communications services.

46. The Committee **NOTED** the relatively small number of Broadband USO orders that had been placed UK-wide. An update on the NI orders would be available in the coming months. The Committee **NOTED** that the rollout of the USO programme had been delayed by the Covid-19 pandemic.

47. Members **NOTED** that Ofcom was considering those premises that would remain with slow broadband even after the USO – the technology options that might be suitable for such consumers and funding options.

48. An Ofcom colleague explained that Ofcom was also focusing on ensuring that the SRN commitments are met by mobile operators and will continue to explore the options for those areas which will not have mobile coverage following the SRN, and how to measure mobile coverage.

49. An Ofcom colleague explained that Ofcom is working with other organisations on the impact of Brexit and the NI protocol on parcel deliveries between GB and NI and while Ofcom's remit is limited in this area, it is emphasising the impact on consumers, particularly vulnerable ones.

50. In terms of affordability, the Committee **NOTED** that the end-of-contract notifications were benefiting consumers and that many operators were offering the same pricing plan or a discount to customers who remained on their network. For fixed line phone customers, BT had agreed to continue its existing commitment for landline-only customers and has stated that these customers should not pay any more if they use a VOIP line for voice-only.

51. Members also heard about the range of metrics used by Ofcom to measure customer service by telecoms companies. They also noted that the processes that telecoms companies need to implement to fulfil the new switching obligations are complicated and it is unlikely to be in place before the target date of December 2022.

Consumer Communications Panel update

Agenda items

52. The CCP Chair highlighted several points from the paper including the discussions with HMRC and engagement with NI Executive Departments on the issue of parcel deliveries between NI and GB as a result of the NI Protocol.

53. The CCP remains concerned about the Migration to VOIP and is engaging with involved parties.

Content Board Update

54. A Content Board representative provided an update on recent meetings which included discussions on the Review of Public Service Broadcasting, Ofcom's role in the regulation of Online Harms and highlighted some Broadcasting standards cases.

Mobile UK

55. A Mobile UK representative gave a presentation highlighting the work involved in representing the 4 main UK Mobile Operators (EE, O2, Three and Vodafone) and their work in Northern Ireland.

56. The representative outlined the Shared Rural Network initiative to extend mobile coverage across the UK and tackle 'partial not-spots' and 'total not-spots'. It was **NOTED** that mobile coverage for Northern Ireland would increase from 75% to 85% by all four operators, and from 97% to 98% by one or more operators. It was also **NOTED** that NI Executive's Mobile Action Plan Working Group was being constituted and will meet for the first time soon.

57. Mobile UK had also produced a campaign addressing public concerns over 5G and tackling 5G misinformation. The campaign involved research on public concerns, explaining the science of 5G, social media awareness and producing and supplying supporting material to local authorities.

58. The Committee welcomed the 5G initiative and expressed that it would enable the public to make informed decisions. Members **NOTED** that it would be helpful for Mobile UK to provide briefings to local MLA's, civil services departments and organisations such as the Consumer Council and Tourist Board for Northern Ireland.

59. Members expressed concern regarding any possibility of the reintroduction of mobile roaming and inadvertent roaming on Northern Ireland border areas. Members sought reassurance that roaming will not be reintroduced by mobile operators.

60. The Committee **NOTED** that Northern Ireland's planning policy on mobile masts has been behind the rest of the UK and been a barrier to improving mobile coverage due to delays in building new masts or extending existing masts. The Committee also **NOTED** that recent changes to permitted development rights in NI should help reduce these planning delays.

61. The Committee thanked the Mobile UK representative for attending the meeting.

AOB and papers for noting

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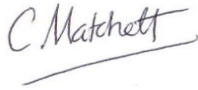
62. Members discussed papers for noting and **AGREED** to set up a subgroup to meet with the team working on the future of DTT services.

63. Members **AGREED** to respond to the Consumer Council NI Work Plan consultation.

Date of the Next Meeting

64. The next scheduled Committee meeting would be held on 8 June 2021.

Approved:



Chair

Date: 17.10.22