

Minutes of the meeting of the Communications Consumer Panel and ACOD

on 21 October 2015 at 10.30

Riverside House, 2A Southwark Bridge Road, London SE1 9HA

Present

Consumer Panel/ACOD

Jo Connell (Chair)

Jaya Chakrabarti

Rhys Evans

Rick Hill

Chris Holland

Mairi Macleod

Craig Tillotson

Bob Twitchin

In attendance

Jenny Borritt

David Edwards

Fiona Lennox

External visitors from PhonepayPlus (item 10)

External consultant (item 11)

Other Ofcom colleagues

1. Declarations of Members' interests

1.1 In respect of item 11, Chris Holland reminded the Panel that he acts as an occasional consultant across all dispute resolution schemes offered by IDRS Ltd, including the Communications and Internet Services Adjudication Scheme (CISAS).

2. Minutes of the meeting on 23 September 2015 and matters arising

2.1 Subject to minor amendment, the minutes of the meeting of 23 September were **APPROVED** for signature by the Chair.

2.2 Rhys Evans updated Members on a recent conversation with Which? about the 38 Degrees campaign to end planned product obsolescence. Which? would be invited to a future Panel meeting.

2.3 Members **NOTED** that Ofcom had announced that it would not be continuing its co-regulatory arrangement with ATVOD. Ofcom would take sole responsibility for the regulation of video on demand from 1 January. Ofcom would be coming to explain in greater detail at the December Panel.

2.4 The Panel's September bulletin had included a comment piece on the findings of Ofcom's recent ADR study.

2.5 A meeting was being arranged with the BBC Executive to discuss the accessibility of online AV content.

2.6 The Panel's inclusive communications research reports and recommendations were being revised and would be circulated to Members.

2.7 Regarding rural communications issues, these would be highlighted in the Panel's priorities relating to broadband and mobile coverage. A desk review would also be undertaken to pull together activity by Government and including microbusinesses.

3. Ofcom consumer policy update

3.1 Ofcom colleagues joined the meeting and Members had received papers, including Ofcom's monthly progress report on its Consumer Action Plan.

3.2 Topics highlighted included the revised voluntary code of practice for broadband speeds. It was in operation but with a transitional period until 31 January 2016 to allow certain ISPs to update their systems and processes before fully implementing the code. Ofcom was in the process of agreeing a broadband speeds code for SMEs, covering download and upload speeds.

3.3 A range of issues was discussed, including Ofcom's consumer strategy; switching; the Panel's support for free CLI, which it would raise at its next meeting with Virgin Media; the Panel's intention to respond to Ofcom's consultation on improved EPG accessibility; nuisance calls; and Welsh language requirements related to Ofcom, Rhys Evans offered to assist with the latter.

3.4 It was **NOTED** that a major piece of research had been commissioned by Ofcom on pricing transparency.

4. Political update

4.1 Members **NOTED** that Ofcom had appointed a new Director of Government & Regulatory Affairs and would invite him to meet the Panel.

4.2 An Ofcom colleague joined the meeting to brief members on recent government and legislative initiatives.

4.3 Two inquiries were highlighted, the Lords EU Internal Market Sub-Committee inquiry into online platforms in the EU Digital Single Market and the Culture, Media and Sport Committee inquiry into the coverage, delivery and performance of superfast broadband in the UK, and into progress being made in extending and improving mobile coverage and services. Ofcom would keep the Panel informed of any developments related to a future Digital Economy Bill.

4.4 Drawing on the Panel's response to Ofcom's Strategic Review of Digital Communications, Members **AGREED** to submit written evidence to the Culture, Media and Sport Committee inquiry.

5. Ofcom consumer research update

5.1 An Ofcom colleague joined the meeting and Members had received a paper to summarise recently completed Ofcom research projects and to provide details of current/forthcoming research projects of interest to the Panel. Members had also been provided with copies of an Ofcom EasyRead version of *Disabled consumers' use of communications services*. Members welcomed the publication and provided feedback.

5.2 There was discussion of Ofcom research related to non-geographic numbers. It was **AGREED** that Ofcom colleagues would be invited to meet

the Panel to discuss rising access/service charges to call these numbers.
5.3 Reference was made to Ofcom's forthcoming internet citizens' data report, due for publication in November, and linkages to Go ON UK data.

6. Nuisance calls

6.1 Ofcom colleagues joined the meeting to provide Members with an update on steps Ofcom was taking to tackle nuisance calls. Members **NOTED** that 8 December 2015 would mark the one-year anniversary of the publication of the taskforce report on nuisance calls. It was **AGREED** that the Panel would continue to push for the provision of free CLI. The Panel's November and December bulletins would include related items and comment.

6.2 Issues discussed included technical initiatives being pursued via a strategic industry working group, eg automated network blocking, and activity led by Ofcom's consumer protection team, both informal and formal actions, the latter including a recent £150k fine levied on a company making silent calls.

7. 700 MHz spectrum update

7.1 Ofcom colleagues joined the meeting and Members had been provided with a paper to update them on preparatory advice to Government on what support should be given to consumers as a result of the 700 MHz clearance programme. Members **NOTED** that, for the vast majority of households, a retuning exercise would be required, via on-screen prompts/guidance. A small number might need a new aerial and fewer still could require a change of TV platform.

7.2 The Panel encouraged Ofcom to develop an auction process that would benefit rural areas, arguing that consumers should not have to bear financial costs as a result of spectrum clearance and urged Ofcom to pay particular attention to supporting vulnerable people. There was discussion about households using set-top aerials and the Panel registered its serious concern that they were not expected to be eligible for support.

7.3 Members **NOTED** that Ofcom expected to consult on its approach to the change of use of 700 MHz spectrum in March 2016. Ofcom colleagues would return to the Panel for further discussion in the New Year.

8. TV White spaces

8.1 Having provided a paper to update Members, an Ofcom colleague joined the meeting for discussion. Members **NOTED** that pilots/trials were drawing to a close and that the White Spaces framework would go live and licensing would begin in January 2016. It was further **NOTED** that Ofcom was working on a separate spectrum sharing project and this would be scheduled for discussion at a future Panel meeting.

9. Broadcast standards

9.1 An Ofcom colleague joined the meeting for discussion. Members were briefed in their ACOD capacity on recent relevant TV standards cases and discussion then focused on an offensive language research project, being undertaken by Ofcom to assist in the application of generally accepted standards in investigations. Members strongly advised Ofcom to seek feedback from external stakeholders on its proposed list of offensive words/terms but the project had reached a stage that would not permit that. Instead the list would be copied to Members for comment and suggestions for additional offensive words/terms that could be seen to relate to disability/age.

10. PhonepayPlus

10.1 Colleagues from PhonepayPlus (PPP) presented their regular update to the Panel and Members had received a summary report on complaints dealt with by PPP. Members **NOTED** that PPP had experienced a significantly higher number of consumer contacts in the first half of 2015/16 when compared with the same period in the previous year, the largest driver being complaints about weekly and monthly competitions and quizzes and services of an adult nature. Complaint volumes had begun to decrease from July and continued to be closely monitored.

11. Strengthening and streamlining energy advice and redress

11.1 Citizens Advice had commissioned a review of the adequacy of advice and redress in the energy sector and the review's author joined the meeting for discussion. Issues debated included the complexity of consumer journeys; complaint data and reporting; deadlock timescales and value in publication of ADR complaints data; incentives to improve complaint resolution; signposting via customer bills; and scope for sharing good practice between sectors.

12. Any other business

12.1 Members discussed and reviewed the Panel's stakeholder engagement plan, which was organized around key areas of focus in the Panel's workplan and taking account of the Panel/ACOD priorities. A revised draft of the engagement plan, taking comments into account, would be shared with Members.

12.2 Ofgem and Ombudsman Services would be invited to a future Panel meeting.

.....ChairDate