

Minutes of the meeting of the Communications Consumer Panel and ACOD

on 23 October 2014 at 10.30

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

Present

Consumer Panel/ACOD

Jo Connell (Chair)

Kim Brook

Jaya Chakrabarti

Rick Hill

Chris Holland (by telephone)

Mairi Macleod

Craig Tillotson

Bob Twitchin

In attendance

Jenny Borritt

David Edwards

Fiona Lennox

External visitor from ATVOD (item 9)

Other Ofcom colleagues

1. Declarations of Members' interests

1.1 No other interests were declared that were not already listed on the Panel's website.

2. Minutes of the meeting on 25 September 2014 and matters arising

2.1 The minutes were **APPROVED** for signature by the Chair.

2.2 Members **NOTED** that further follow-up meetings with CPs were about to commence to discuss the Panel's *Going around in circles?* research. These meetings would also include discussion of other current issues including potential additional methods of distribution of Ofcom's nuisance calls guide.

2.3 It was noted that DCMS had expressed interest in discussing the Panel's new research *Realising the potential: Micro businesses' experiences of communications services*.

3. 2.3 GHz update

3.1 Members had received a paper on potential coexistence issues between domestic Wi-Fi and 2.3 GHz LTE. Ofcom colleagues joined the meeting for discussion.

3.2 Members **NOTED** that a number of factors would need to coincide for interference to occur and that Ofcom had given extensive consideration to mitigation. Members expressed concern that vulnerable consumers might be more likely to possess legacy equipment - and so be particularly prone

to interference; suggested that ISPs could provide their customers with information about both the possibility of interference and remedies; and that a mitigation fund could be established to deal with problems experienced by consumers. Members noted that Ofcom intended to issue a consultation document shortly (*Public Sector Spectrum Release (PSSR): Award of the 2.3 GHz and 3.4 GHz bands*).

4. Persistent misuse statement

4.1 Members had received a paper on Ofcom's plans to review its *Statement of policy on the persistent misuse of an electronic communications network or service*. An Ofcom colleague joined the meeting for discussion.

4.2 Members commented that households' concerns about nuisance calls could lead to an unwillingness to answer the phone - this raised issues about genuine attempts to contact them; expressed concern about the prevalence of 'Microsoft support' scams; queried the number of organisations using answer machine detection; and the extent of 'pinging' by firms.

4.3 The Panel supported mandatory caller line identification (CLI) on all business calls, the provision of CLI to all CPs' consumers for free and by default and opt-in consent to direct marketing. It was **AGREED** that the Chair would write to Baroness Hayter to express the Panel's views in relation to her work on the Consumer Rights Bill. In addition, the Panel would respond to Ofcom's call for input entitled *Review of how we use our persistent misuse powers: Focus on silent and abandoned calls*.

5. Lost and stolen phones /unexpectedly high bills

5.1 An Ofcom colleague joined the meeting to discuss the Panel's ongoing concerns about consumers' experiences of high bills following the loss or theft of their mobile phones and as highlighted in recent media coverage. Members had decided to write to DCMS to urge progress on the implementation of a liability cap on bills for phones reported lost or stolen. A draft letter had been copied to Members for comment.

5.2 Members raised a number of issues including the available protections against liability available in the financial sector; the question of whether there was an element of profit in bills issued by mobile network operators (MNO) when calls were made on lost or stolen phones; potential criminal use of mobile payment apps when a stolen phone was used as a digital wallet; and potential reputational damage for MNOs.

5.3 Members **AGREED** that, in addition to writing to DCMS, the Panel would write to MNOs about issues including what proportion - if any - of bills for lost and stolen phones arose because usage had been billed at an MNOs' normal tariff, ie including a profit margin on the calls/data use. The Panel would also encourage the MNOs to work with the Government and each other to accelerate progress on the implementation of a cap.

6. Broadband speeds code

6.1 Members had received a paper and an Ofcom colleague joined the meeting to update the Panel on Ofcom’s proposals to review the voluntary Code of Practice (CoP) on broadband speeds, following feedback from stakeholders.

6.2 Members made a number of detailed comments on a draft of the CoP incorporating the proposals. Issues raised in discussion included ensuring consumers’ awareness of the code; information about speeds provided at the point of sale; the complexity of information and its availability in writing; and the option of contract release. Members **NOTED** that Ofcom was seeking to publish a revised CoP in December.

7. Citizen interest

7.1 An Ofcom colleague joined the meeting and reported on the development of Ofcom’s draft report, *Citizens and Communications Services*, following the Panel’s comments at the last meeting. The report described Ofcom’s work in three main areas: availability; accessibility; and affordability. It was due for publication at the end of the month.

8. Post update

8.1. An Ofcom colleague joined the meeting and briefed members on a range of issues related to post. These included an ongoing investigation of a complaint from Whistl (formerly TNT Post UK) about Royal Mail access prices; plans to consult on proposals to modify the access condition on Royal Mail; end-to-end competition in post; and Ofcom’s annual monitoring work on the sector.

8.2 Members **NOTED** that Ofcom had commenced initial work on a project to review complaint handling and ADR in the postal sector. The Panel would engage with that project and also seek a further post update in the New Year.

9. VOD access services

9.1 The Panel had been provided with papers and colleagues from Ofcom and the Authority for Television on Demand (ATVOD) joined the meeting for discussion.

9.2 Members were briefed on the role of ATVOD, ATVOD being designated by Ofcom as the appropriate regulatory authority in relation to on demand TV services, including a duty to encourage VOD services to be made progressively more accessible to people with disabilities affecting their sight or hearing or both.

9.3 It was **AGREED** that the BBC Trust be invited to a meeting of the Panel to discuss access issues.

10. Any other business

10.1 Members **NOTED** a number of upcoming events.