

Minutes of the meeting of the Communications Consumer Panel and ACOD

on 24 October 2013 at 10.30

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

**Present**

Consumer Panel/ACOD

Jo Connell (Chairman)

Kim Brook

Jaya Chakrabarti

Chris Holland

Mairi Macleod

Craig Tillotson

Bob Twitchin

In attendance

Eleanor Berg

David Edwards

Fiona Lennox

David Hendon, Chairman of the TV/4G Coexistence Oversight Board (item 4)

Other Ofcom colleagues

Appologies

Libby Kinney

**1. Declarations of interest**

1.1 There were no interests to declare.

**2. Minutes of the meeting on 18 September 2013 and matters arising**

2.1 Subject to minor amendment, the minutes were **APPROVED** for signature by the Chairman.

2.2 Members **NOTED** that publication of the Panel's *Going Round in Circles?* research report coincided with today's meeting and **AGREED** the need for an action plan to disseminate the research and to engage with communications providers and stakeholders about its findings. Hard copies of the report would be sent to those members who had requested it. Chris Holland had been asked to present the findings at the next meeting of Ofcom's Advisory Committee for England (ACE) and it was **AGREED** that a presentation would be prepared for use with ACE and the other Ofcom National Advisory Committees.

2.3 Policy on secure disposal of past meeting papers would be raised with Ofcom.

2.4 Members **NOTED** that discussion was ongoing on a Panel event on digital engagement to take place in the New Year. It would have an emphasis on General Condition 15 (Special Measures for End-users with Disabilities), citizen activity online and consumer information online.

### 3. Political update

3.1 An Ofcom colleague provided members with an oral update on relevant and recent Government and legislative issues. Amongst the issues reported, Members **NOTED** that DCMS was in the process of analysing responses to its consultation *Media ownership and plurality*; in November Ofcom would give evidence to the Lords' Communications Media Plurality inquiry; the Commons Public Accounts Committee had been critical of BT in its recent report *The rural broadband programme* (Note: the Panel Chair would be meeting BT in the afternoon); the Government had floated Royal Mail on the London stock market; an All-Party Parliamentary Group was expected to issue its report shortly on nuisance calls (Note: the report was published on 30 October 2013); two Commons Culture, Media and Sport Committee inquiries were in play, one into nuisance calls and the other into online safety, Ofcom had given evidence to the former and would give evidence to the latter in November.

### 4. TV/4G Coexistence

4.1 David Hendon joined the meeting and updated the Panel on the recent activity of the TV/4G Coexistence Oversight Board and the work of at800 to mitigate potential interference issues arising from the coexistence of digital terrestrial television (DTT) and 4G mobile services in the 800 MHz band. Members **NOTED** that relatively few cases of interference had so far come to light in pilots and early rollout; that an Oversight Board subgroup had been set up to re-examine both 4G/DTT interference modelling and at800 KPIs; and that the at800 CEO Simon Beresford-Wylie would be succeeded shortly by Ben Roome.

### 5. Unexpectedly High Bills (UHB)

5.1 Members had received a paper to update them on Ofcom's work to address UHB in the mobile market. Ofcom colleagues joined the meeting and there was discussion of issues including data allowance alerts; lost and stolen mobile phones; password protection; personal data held on mobile devices; the lack of a financial cap on unauthorised mobile calls and charges (analogous to the cap on credit cards); and consumer detriment potentially associated with high 'run on rates'. In due course the Ofcom team would come back to the Panel with data from a tracker survey designed to monitor the consumer experience. Members requested an update on Government (DCMS) action in this area.

### 6. Nuisance calls

6.1 Members had been provided with a paper to update them on Ofcom's recent work and progress related to technical and non-technical solutions to the multifaceted problem of nuisance calls. Ofcom colleagues joined the meeting for discussion of issues including an apparent reduction in silent/abandoned calls; free-of-charge CLI information as an aid to combat unwanted calls; SIP - the signalling communications protocol used by IP networks; the Telephone Preference Service; the 10% tolerance level for abandoned calls in enforcement of rules on persistent misuse of electronic

communications services; and the ICO's Tetras Telecoms case. The Panel discussed its concern about recently announced BT price changes, particularly those relating to CLI, and these would be raised with BT.

## **7. Broadband speeds code**

7.1 Members had received a paper to inform them about Ofcom plans to review the Code of Practice (CoP) on broadband speeds and Ofcom colleagues joined the meeting for discussion of issues including the reputational value that accrued to ISPs by adoption of the CoP; information at the point of sale and related to traffic management, eg greater clarity for consumers on the peak time and headline speeds of their service; the option of a 'cooling-off' period following purchase; and consumer awareness of the CoP.

## **8. Microbusiness research**

8.2 Members had been provided with the latest draft of a research brief for the Panel's microbusiness research project and made a number of final drafting comments. It was AGREED that the brief be put out to tender.

## **9. Media literacy**

9.1 Members had received a paper and an Ofcom colleague joined the meeting to present some of the key findings from Ofcom's *Children and Parents: Media Use and Attitudes Report, 2013*. The paper and presentation included details of media take-up and use among children; children's online safety attitudes and behaviours; and parental concerns and mediation.

## **10. Ofcom Annual Plan 2014/15**

10.1 Ofcom colleagues joined the meeting for discussion. Members had received a paper to provide market context to inform discussion of potential priorities for 2014/15. Ofcom was at the start of the Annual Plan process, engaging with Group Heads and meeting the National Advisory Committees and had published a call for inputs. A consultation on a draft Annual Plan was scheduled for December and a final Annual Plan statement due at the end of March 2014.

10.2 Members suggested a number of areas for consideration including: a focus on older and disabled people, eg Ofcom's work on relay services; expression of the Plan in terms of consumer outcomes; an emphasis on inclusion, consumer choice and protection; the need for a forward looking/anticipatory Plan, taking account of the predictability of market failure; making digital participation a priority and a function of both infrastructure and demand stimulation; monitoring progress towards universal availability of mobile coverage and broadband services; a need to determine and establish a universal minimum/essential service for all; continued action to tackle nuisance calls; and work to raise consumers' awareness of the need for personal data management.

10.3 It was AGREED that the Annual Plan team would return to the Panel in December for further discussion.

## 11. European Commission proposed Single Market Regulation

11.1 Colleagues from Ofcom joined the meeting for discussion. Members had been provided with a paper that summarised the European Commission's proposed "Connected Continent" regulation. Members **NOTED** that the Commission was seeking to promote the development of a single market in electronic communications and that the UK's Malcolm Harbour MEP would act as one of the rapporteurs, leading on the consumer elements of the proposed Regulation.

11.2 BEREK had published its views in a statement and had expressed a number of concerns, the statement would be copied to members. There was discussion of issues including a lack of a public consultation; elements in the Regulation that could benefit consumers; mobile roaming; and switching. It was **AGREED** that the Panel would maintain contact with Ofcom colleagues as they assessed the proposals in more detail.

## 12. Any other business

12.1 It was **AGREED** that Members would receive a progress report on a quarterly basis in relation to the Panel's work plan.

12.2 Craig Tillotson gave his apologies for the December Panel meeting.

12.3 Members requested a briefing note on Administrative Incentive Pricing (for spectrum).

12.4 Step Change (the debt charity) had published a report - *Got their Number - Ending the harm caused by nuisance calls and texts* - and this would be copied to Members.

## ACOD item: Next Generation Text Relay update

1. Members had received a paper to update them on developments related to Next Generation Text Relay (NGTR) and video relay and Ofcom colleagues joined the meeting for discussion. Issues **NOTED** by Members included BT's re-submission of its request for approval of the NGTR; benchmarking research on text relay was being prepared; UKCoD/DAC's aim of a strategy on the voluntary initiative for video relay to be agreed at a stakeholder workshop in November; and Sky's trial of a video relay service to allow deaf customers to contact its customer services team using British Sign Language (BSL) and the option for BSL users to contact the Financial Ombudsman Service via video call. A Member suggested that the Government should take a lead by making all its department, agencies and services contactable via relay services. Another Member highlighted the omission of text-to-text calls from Ofcom's research but the Panel **NOTED** that BT could provide Ofcom with data for calls of this kind.

## ACOD item: ACOD related work

2. There was discussion of a) engagement with a range of relevant organisations and b) issues of portrayal. In relation to the former, organisations would be contacted and regarding the latter, a quarterly digest of relevant standards cases would be requested from Ofcom.