

Minutes of the meeting of the Communications Consumer Panel and ACOD

on 21 November 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

Libby Kinney

Mairi Macleod

Craig Tillotson

Bob Twitchin

In attendance

Eleanor Berg

David Edwards

Graham Howell, Ofcom Corporation Secretary (items 10 and 11)

Fiona Lennox

Roger Proudfoot, Red Review Ltd (via video conference) (item 8)

David Wright (item 8)

Other Ofcom colleagues

1. Declarations of interest

1.1 In relation to item 12, Chris Holland noted that he occasionally acted as a consultant for IDRS Ltd - a multi-sector consumer dispute resolution service.

2. Minutes of the meeting on 24 October 2013 and matters arising

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

2.2 Members had previously discussed writing to DCMS to encourage incorporation of provisions about lost and stolen mobile phones in DCMS' proposed industry code of practice for reducing bill shock. Members were informed of developments in this area and asked to be kept updated with further news.

2.3 An action plan for the dissemination of the Panel's *Going round in circles?* research report and engagement with communications providers and stakeholders had been drafted and would be circulated to Members for comment. Members **NOTED** that presentations on the research had been made at meetings of Ofcom's National Advisory Committees (NACs) for England, Wales and Northern Ireland and that a presentation at the Advisory Committee for Scotland would take place the following week. A summary of feedback would be drafted and circulated when the meetings were complete.

2.4 Members were invited to return to the Secretariat any hard copies of previous Panel meeting papers they wished to be disposed of - or arrange shredding of documents as appropriate.

- 2.5 Members **NOTED** that following a tender process, an agency had now been appointed to undertake the Panel's microbusinesses research.
- 2.6 Members would be provided shortly with a briefing note on MNOs, licence fees and related matters.

3. Consumer update

3.1 An Ofcom colleague joined the meeting for discussion about ongoing work related to issues of consumer empowerment; consumer protection; and citizen access and inclusion. There was discussion of issues including affordability; the Commission proposed single European market in electronic communications; the voluntary initiative for the provision of video relay; the level of complaints to Ofcom about communications providers; General Condition 9 and the issue of degraded mobile coverage; and online dispute resolution (ODR). A Member requested a briefing on ODR at a future Panel meeting.

4. Infrastructure report

4.1 Ofcom colleagues joined the meeting for discussion and Members **NOTED**: that the second Infrastructure Report Update had recently been published; that a full report was due the following year. There was discussion of issues including the availability of comparable international data; the roll out of superfast broadband, the implications of a median UK broadband speed of 10 Mbit/s and its sufficiency for most applications; take-up and availability, including on road and rail; consumers' awareness and understanding of superfast broadband; Skype and its 'light' bandwidth requirements; DAB in Wales, poor access to BBC Radio Wales on major roads and the predictability of market failure.

5. Nuisance calls

5.1 Members had received a paper to summarise recommendations in the recent report published by the All Party Parliamentary Group (APPG) on Nuisance Calls. The Panel had provided written evidence to the APPG. Ofcom colleagues joined the meeting for discussion of the report and of issues including: CLI and arguments for its free provision; registration and real-time update of Telephone Preference Service (TPS) lists; consent and whether there should be a time limit on the allowable sharing of personal data; the merits or otherwise of establishing a new co-regulatory body for nuisance calls and texts; research on where consumers sought advice or raised complaints about nuisance calls (which would be shared with the Panel); and the cost of TPS licences, details of which would be provided to Members.

6. Mobile QoE

6.1 Members had been provided with a paper summarising the work that Ofcom was conducting in the area of mobile quality of experience. Ofcom colleagues joined the meeting and issues discussed included: the need to take account of customer service in point of sale information; the adequacy of coverage information; the basis of a decision to purchase, ie mobile device, network coverage and price, or their combinations; consumers' awareness of

variable network performance; provision of information about ADR; and poor reception as grounds to exit a contract early. Members **NOTED** that Ofcom intended to repeat earlier research in this area and the Panel indicated its interest in seeing the results.

7. TV White Spaces

7.1 Members had received a paper to update them on the progress of Ofcom's TV White Spaces project. Ofcom colleagues joined the meeting for discussion of issues including: the likely extent of the demand for additional spectrum; whether there were applications that only white spaces could deliver; the risk of interference; and white spaces as a possible solution for not-spots, in Wales for example. Whilst Ofcom was engaged in the proof of concept phase of its project and there was no immediate impact on consumers, Members **AGREED** that it was helpful for the Panel to be aware of the applications that could result from White Spaces.

8. Mobile coverage in Scotland

8.2 Roger Proudfoot and David Wright joined the meeting and delivered a presentation, including a brief outline of previous research on mobile coverage in Scotland, commissioned by the Scottish Government, and the related recommendations. Red Review was hoping to undertake further research covering the UK, with support and funding from MNOs and engagement with stakeholders. The Panel expressed its support for further evidence in this area. Subsequent to the discussion, it was **AGREED** that Mairi Macleod would provide Members with a note to summarise Red Review's *Mobile Performance and Coverage in Scotland* research report.

9. Royal Mail update

9.1 An Ofcom colleague joined the meeting and briefed Members on: Ofcom's current work to renew the directions relating to exceptions to the postal deliveries and postal collections Universal Service Obligations; approval of alternative delivery points; minor amendment to Designated Universal Service Provider Condition 1; and related consultations. Members **NOTED** that the rules applied only to Royal Mail. There was brief discussion of vulnerable consumers and Members **NOTED** that Ofcom had not defined 'vulnerable' in the context of postal services, its approach being to deal with issues on a case-by-case basis.

10. Ofcom consultations

10.1 Members had been provided with a paper and Graham Howell and colleagues from Ofcom joined the meeting for discussion. Members **NOTED** Ofcom's intention to undertake a review of its consultation processes and that it had also begun work on a project on new approaches to regulation, an aspect of which would be to examine engagement with consumers and stakeholders. Members made a number of comments, and it was **AGREED** that a Panel subgroup would be set up to take forward work in this area.

11. General Ofcom update

11.1 Graham Howell provided members with a brief Ofcom update, reporting on the process to appoint a new Ofcom Chairman and on issues of current interest to the Board including affordability. Members **NOTED** that Ofcom had recently appointed new Chairs of its Advisory Committees for Wales and for Northern Ireland - the latter being Maureen Edmondson, previously of the Panel.

12. General Condition 14 update

12.1 Ofcom colleagues joined the meeting for a General Condition 14 (Codes of Practice and Dispute Resolution) update and Members **NOTED** that Ofcom was in the midst of a GC14 investigation. Discussion turned to the findings of the Panel's recent research *Going round in circles?* and its relevance to GC14. The Panel reiterated its desire for consideration of a shortening of the timetable for ADR (currently consumers were able to take their complaints to ADR only after 8 weeks).

13. Any other business

13.1 Members provided feedback and comments on the proposed sampling framework for the Panel's microbusinesses research, responding to a document provided by the research agency.

13.2 Ofcom had recently published *3G Coverage Obligation Verification Results*. It was **AGREED** that Ofcom would be requested to provide the Panel with an update on Vodafone's progress towards meeting its 3G coverage target in January.

13.3 Members **NOTED** that Chris Holland would present findings from the Panel's *Going round in circles?* research at a meeting with the ADR scheme CISAS.

.....ChairmanDate