

Minutes of the twenty-first meeting of the Ofcom Consumer Panel

Tuesday 13 December 2005 at 10.00 hours

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

Present:

Consumer Panel

Colette Bowe (Chairman)
Ruth Evans (Deputy Chairman)
Fiona Ballantyne
Roger Darlington
Simon Gibson
Graham Mather
Kevin McLaughlin
Kate O'Rourke
Bob Twitchin

In attendance

David Edwards (Consumer Panel Secretary)
Georgia Klein (Consumer Panel Manager)
Dominic Ridley (Policy Executive to the Panel)
an Ofcom colleague (item 5)

1. Welcome and introductions

1.1 The Chairman welcomed colleagues to the meeting. Apologies were received from Azeem Azhar. The Chairman thanked members for giving up time the previous evening for informal discussion of the Panel's 2006/07 work plan; it was an item on the meeting agenda.

2. Minutes of the meeting on 17 November 2005 and matters arising

2.1 The minutes of the previous meeting were agreed.

2.2 The Panel would continue to meet away from Riverside House twice a year and Roger Darlington, the Panel member for England, was asked to consider an appropriate location in England for the next such meeting. Members had received an electronic copy of the log of Panel engagement with Ofcom; they would be provided with a hard copy, and had been copied a paper on how Ofcom would import the consumer interest 'tool-kit' into its working practices.

2.3 Following discussion of Ofcom's Consumer Policy project at the previous meeting, Ofcom had provided a note on existing consumer research under headings including awareness of/confusion about the costs of communications

services, any resulting detriment and how consumers absorbed, retained and acted on information. The note had informed a Panel discussion with Ofcom that resulted in an Ofcom research specification on how consumers used information to inform their purchasing decisions, including consumers' own definitions of detriment. Commenting on the latter, the Chairman said that the researchers could usefully talk to front-line staff dealing with customer complaints. Research would commence in January 2006 with results expected three months later. The Chairman's view was that it would not be sensible for Ofcom to proceed with its consultation on consumer policy in advance of the research findings.

2.4 The Secretary had amended register of interest entries for the Chairman and the Deputy Chairman. Simon Gibson declared two new interests. It was agreed that declarations would be a standing item on meeting agendas and subject to an overriding prohibition on members holding a financial stake in a regulated company the Panel's approach to members' interests would be one of disclosure and transparency.

2.5 There was discussion of publication of Panel minutes and meeting papers. It was agreed that the Panel would publish its minutes from January 2006.

AP1 Roger Darlington to consider an England location for the next out of London Panel meeting.

AP2 Secretary to ensure that Panel members receive a hard copy of the log of Panel engagement with Ofcom.

AP3 Secretary to make register of members' interests declarations a standing agenda item.

AP4 Secretary to update register entries.

AP5 Secretary to draft future Panel minutes for publication.

3. Chairman's report

3.1 The consumer interest toolkit launch event would take place on 2 February 2006. The Chairman said that there would be a number of speakers, including Stephen Carter, Ofcom Chief Executive.

3.2 Recruitment for two new Panel members was progressing. The closing date for applications was 2 December 2005. Shortlisting took place on 7 December 2005 and six candidates would be interviewed on 16 December. It was expected that appointments would be made in time for the January 2006 Panel meeting.

3.3 Bi-lateral meetings had taken place with a number of members of the Consumer Forum on Communications (CFC). These were attended by the Chairman and/or the Deputy Chairman and/or Georgia Klein. Discussions had clarified for CFC members the Panel's resources and approach to its work; CFC members had reported the difficulty of finding a 'shortcut' to the important communications issues for consumers; the Panel's e-newsletter had been found

to be useful; and the organisations representing consumers had limited resources and were pleased that the Panel was able to host CFC meetings. The e-newsletter had appeared on two occasions and it was agreed that there should be a more regular schedule of publication.

3.4 There was discussion of the Panel's approach to consultations and the following points were made:

- the Panel could share its draft responses with other consumer representatives on an 'in confidence' basis but the prevailing view was that the Panel should confine itself to seeking views or advice from experts rather than engage them in commenting on Panel drafts as the latter would raise issues of accountability and transparency;
- there were wider issues about how Ofcom related to consumer organisations and the fragmentation of the consumer lobby; consultation documents were often complex and it was difficult to elicit responses;
- as part of its work planning the Panel could determine which were the main issues for which it would be important to gain feedback from consumer groups and work with Ofcom to make that happen;
- Ofcom held stakeholder events from time to time but there did not appear to be meeting notes or evidence of whether views were considered or accepted,
- the latter could be tackled as part of Ofcom's application of the consumer interest toolkit.

3.5 Summing up, the Chairman said that it would be useful to discuss these issues with the relevant Ofcom colleagues. She asked the Secretary to invite them to the January 2006 Panel meeting and said that if after that discussion the Panel remained concerned she would consider writing to David Currie, Ofcom Chairman, about these matters.

3.6 The Chairman had been keeping abreast of debates around 'Consumer Voice' and reform of consumer representation. A Department of Trade and Industry (DTI) consultation was expected shortly. The Secretary was asked to obtain and circulate copies of the document to Panel members and to include this as an item on the January 2006 agenda.

AP6 Dominic Ridley to schedule and produce the Panel e-newsletter on a regular basis.

AP7 Secretary to invite Ofcom colleagues to the January 2006 Panel meeting to discuss Ofcom consultations.

AP8 Secretary to ensure members receive a copy of the expected DTI consultation document.

AP9 Secretary to include discussion of 'Consumer Voice' on the January 2006 Panel meeting agenda.

4. Members' updates

4.1 Simon Gibson, the Panel's member for Wales, had been invited to attend a creative industries launch event at the Welsh Assembly. He had attended a meeting with the First Minister. Along with Roger Darlington and Azeem Azhar, Simon Gibson had attended a Wesley Clover analyst and investor briefing on IP (Internet Protocol) Multimedia Subsystem, a network architecture originally defined for 3G mobile networks. On 16 December 2005 he would attend an event at Cardiff University with behavioural scientists on research on usability of communications devices.

4.2 The Deputy Chairman reported on recent meetings. She had met Digital UK and that organisation had agreed to work closely with the Panel to pilot some of the recommendations of the Panel's report, on supporting the most vulnerable consumers through digital switchover (DSO), in the Borders, the first region of the UK expected to go digital. There would be further meetings with Digital UK on a regular basis with the next one on 10 January 2006, by which time it was expected that results of the Bolton pilot with vulnerable groups would be known. The Deputy Chairman and Roger Darlington would meet colleagues from the Department of Culture, Media and Sport, on 22 December 2005 to discuss DSO. The Deputy Chairman had met with DTI officials and discussed a number of DSO issues. She had met an analyst with views on the costs of DSO and separately had a meeting with Derek Wyatt MP, Chairman of the All Party Internet Group. The Deputy Chairman would feature in an item on DSO in the Sunday 18 December 2005 edition of Radio 4's The Westminster Hour.

4.3 Fiona Ballantyne, the Panel member for Scotland, reported on a consumer policy research unit to be set up in Scotland. She would be meeting the unit to find out whether communications issues would be a part of its work. Kevin McLaughlin, the Panel member for Northern Ireland, reported that he had met with RNIB and had working contact with colleagues at RNID. He would be sharing work on disability issues with Bob Twitchin, the Panel member that led work in that area.

4.4 Kate O'Rourke had attended a seminar organised by the Telecommunications Ombudsman. At the previous meeting she had raised the issue of 'stop orders' and their application to legal services. She subsequently forwarded details to an Ofcom colleague to allow him to consider whether there were lessons that could be applied to enforcement actions in the telecommunications sector.

4.5 Roger Darlington had met with an Ofcom colleague to discuss mis-selling and migrations. Ofcom's consultation was likely to be published in January 2006. He and the Chairman had met another Ofcom colleague to discuss how Ofcom would measure the success of its Strategic Review of Telecommunications (TSR). He had attended a briefing on Ofcom's audit of the Nations and Regions

project. He mentioned meetings with Community Service Volunteers and Timebank to discuss how volunteering could address the digital divide and discussions with the Broadband Stakeholder Group and the Confederation of British Industry on the review of the Television Without Frontiers Directive.

4.6 Graham Mather had been closely involved in the Panel's consumer audit project and he commended the Chairman's explanatory note that would form part of the published consumer interest toolkit report. He had provided Georgia Klein with a list of contacts to invite to the February 2006 consumer interest toolkit launch event.

4.7 Bob Twitchin would attend a meeting of PhoneAbility the following day. That event would be useful to set the scene for the review of the EU communications framework. PhoneAbility would be hosting a seminar on location based services on 10 May 2006 that he would attend. In Spring 2006 he would chair an Ofcom workshop on payphones as part of Ofcom's work on universal service.

AP10 Simon Gibson to feed back on university research on usability of communications devices.

5. Ofcom Annual Plan

5.1 The draft annual plan would be published the following day and the Secretary would ensure that members received a hard copy. An Ofcom colleague had provided Panel members with a discussion paper. He went through the paper and explained briefly the inputs to the draft annual plan and the issues that needed to be addressed, including the question of future use of spectrum freed-up by DSO and the development of new generation telecoms networks. The draft plan identified nine priorities, including TSR implementation, consumer protection and work on availability and access to services. He said that the consultation would end on 10 February 2006 and that it might be possible to refer to the preliminary findings of the Ofcom audit of the Nations and Regions in the final version of the Plan.

5.2 In discussion the following comments were made by members:

- it would be useful to look beyond UK models for regulation;
- the plan contained a number of references to children, there should be wider reference to vulnerable groups;
- a broad look at next generation networks was recommended, ie it should not be confined to BT's plans for roll-out;
- the plan did not appear to have taken account of investment, in future work arising from the TSR it would be important to review the extent to which markets were opening up and to consider what could be done to facilitate investment;

- priorities should be to make sure that implementation of the TSR was a success; development of a Public Service Publisher; and enforcement as part of consumer protection work;
- alignment of work on the consumer interest toolkit and impact assessments was well judged;
- the plan could be more explicit about issues affecting disabled consumers.

5.3 The Chairman expressed surprise that DSO was not given greater prominence in the plan. Despite the roles of Digital UK and the government, Ofcom should continue to engage with switchover. In the coming year Ofcom would do well to address issues arising from its audit of Nations and Regions and consider whether a 'one size fits all' approach or tailored solutions was appropriate. The Chairman concluded discussion by saying that the Panel would aim to have another discussion about the Ofcom plan. She suggested that Ofcom could include in its final plan document a review of whether it had set the correct priorities in 2005.

AP11 Secretary to send members a copy of Ofcom's draft annual plan.

6. Panel work plan

6.1 The Chairman summarised the informal discussion that had taken place the previous evening based on a paper by Georgia Klein. There were three issues: the Panel was attempting to handle too many issues; Panel meeting days were not being used to maximum advantage; and the Panel's relationship with Ofcom required some fine tuning.

6.2 In discussion of the first issue the following points were made:

- with the inclusion of 'future spotting' in DSO and work on a fair deal for consumers, ie consideration of the emerging issues, there was agreement about the 'big picture' themes identified in the paper;
- the proposed list of Panel projects contained too many items;
- one criterion to determine whether a project should be 'in or out' was how many consumers were affected;
- inclusion of a graphic would usefully depict Panel projects in relation to the main themes; rather than a small business project, small business interests could be included as strands of each project, where appropriate.

6.3 The support team was asked to refine and reduce the list for discussion at the February 2006 Panel meeting. If the Panel felt that it would be pursuing an important topic for consumers and that was missing from Ofcom's annual plan then that would be raised with the regulator.

6.4 The conclusion of discussion of the second issue was that from the January 2006 meeting onwards members would use a full day for Panel discussions, the monthly meeting in the morning followed by an afternoon

session to make better use of members' time. It was accepted that there would be occasions when some members could not commit to a full day. It was agreed that the January 2006 afternoon session would focus on two topics: Panel research on issues affecting older people and DSO. The research discussion would be led by Fiona Ballantyne and the DSO discussion by the Deputy Chairman. Ofcom research and media literacy colleagues and relevant members of Ofcom's Advisory Committee on Older and Disabled people (ACOD) would be invited to take part in the research discussion. There was also scope for the members for the Nations to hold a pre-meeting session in the mornings following an overnight stay. It was agreed that such a session would be held preceding the February 2006 meeting. Simon Gibson said that a spatial plan (of coverage/availability of communications services) would be a valuable tool. The Chairman asked Simon Gibson and Fiona Ballantyne to discuss this further outside the meeting.

6.4 Georgia Klein was working on the third issue: the Panel's working relationship with Ofcom. It was agreed that Stephen Carter, Ofcom Chief Executive, should be invited to attend the January 2006 Panel meeting.

6.5 There was brief discussion of the communications processes section of Georgia Klein's paper. Roger Darlington felt that there was scope to make more effective use of the Panel's website and to change hosting arrangements. He also proposed a Panel conference. These were matters under consideration but there was also an issue of resource management.

AP12 Georgia Klein and support team to refine the Panel's 2006-07 work plan projects list for discussion at the February 2006 Panel meeting.

AP13 Support team to invite Ofcom research and media literacy colleagues and members of ACOD to take part in the January research discussion.

AP14 Secretary to arrange a meeting for Panel members for the Nations on the Ofcom audit of the Nations and Regions for 9 am, ie immediately before the February 2006 Panel meeting.

AP15 Simon Gibson and Fiona Ballantyne to discuss spatial mapping.

AP16 Secretary to invite Stephen Carter to the Panel's January 2006 meeting.

7. Other matters to note/agree

7.1 Members had been provided with a report on meetings, consultations and approaches to the Panel; its contents were noted.

8. Any other Business

8.1 There was no other business.

.....Chairman

.....Date