

Minutes of the fiftieth meeting of the Ofcom Consumer Panel

Tuesday 15 July 2008 at 10.00 hours

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

Present

Consumer Panel

Anna Bradley (Chair)
Ruth Evans (Deputy Chairman)
Fiona Ballantyne
Roger Darlington
Simon Gibson
Graham Mather
Kevin McLaughlin
Jeremy Mitchell
Kate O'Rourke
Bob Twitchin
Allan Williams

In attendance

Georgia Klein (Consumer Panel Manager)
Paul Rogers (Acting Consumer Panel Secretary)
Other Ofcom colleagues (items 9 and 10)

1. Welcome and introductions

1.1 The Chair welcomed members to the meeting, which would be the last for Graham Mather, Jeremy Mitchell, Kate O'Rourke, Bob Twitchin and Allan Williams, whose appointments would end on 31 July 2008. [Note: The Deputy Chairman's appointment was also due to end on 31 July 2008 but she had agreed to continue in that role until January 2009 to assist in the transition to a new Panel, with new members expected to be appointed by October 2008.]

2. Declaration of members' interests

2.1 No interests were declared.

3. Minutes of the meeting on 10 June 2008 and matters arising

3.1 Minutes of the previous meeting were agreed subject to minor amendment.

3.2 Staff support arrangements for the Consumer Panel were being restructured and this would have an impact on work in hand.

3.3 It was agreed that Georgia Klein would have a discussion with Roger Darlington on how to use the Panel website for work on consumer activism. Discussion was ongoing on the use of blogs.

3.4 It was agreed that Georgia Klein and the Chair would discuss the next steps to be taken with respect to Ofcom's Public Service Broadcasting (PSB) Review.

AP1 Secretary to amend Panel minutes.

AP2 Georgia Klein to discuss options for use of the Panel website with Roger Darlington.

AP3 Georgia Klein to discuss PSB with the Chair.

4. Chairman's report

4.1 The Chair provided an update on the member recruitment exercise. A recommendation had been made to the Ofcom Board for the appointment of six Panel members. [Note: The recommendation was accepted by the Board at its meeting on 15 July 2008.] All appointments would be subject to Secretary of State approval. It had been decided, in order to ensure a competitive field, to extend the recruitment exercise for members representing Wales and Northern Ireland. The Chair was confident that the recruitment would be completed by the end of September 2008. Georgia Klein reported that recruitment was underway to replenish Consumer Panel support staff.

4.2 The Chair reported on her visit to BT's call centre at Warrington where she had been reminded of the skill required to handle customers. Subsequently the Chair and Bob Twitchin had met with BT to discuss its 21st century network (BT 21CN), next generation access (NGA) and BT Basic. BT Basic was expected to be launched in Autumn 2008. The Chair said that BT was keen to engage with the Panel and it was agreed that a meeting would take place in September/October 2008 to review progress on 21CN, NGA and BT Basic. Meetings between the Panel and mobile operators (expected to begin with Vodafone) would take place to discuss their views on a variety of issues.

4.3 The Chair and Dominic Ridley had visited the Office of the Telecommunications Ombudsman (Otel) in Warrington, to see it in operation and to assess the possibilities for further interaction with the Panel.

4.4 The Chair said that there was scope for Panel involvement in the 2009 Oxford Media Convention.

AP4 Sofia Stureson to arrange a meeting with BT to review progress on 21CN, NGA and BT Basic.

AP5 Sofia Stureson to arrange meetings with mobile operators, beginning with Vodafone.

AP6 Dominic Ridley to provide an update on Panel participation in the 2009 Oxford Media Convention.

5. Members' updates

5.1 Jeremy Mitchell reported that he had attended the launch of Otelos' Annual Plan on 16 July 2008.

5.2 Roger Darlington had attended a meeting of the Telecommunications Executive Network on progress towards NGA. He had also been a speaker at a Lisbon conference on NGA on 8 July 2008 with over 300 participants. He and the Chair had met with Francesco Caio, who was leading the Government's independent review on next generation broadband. A draft report was circulating within Whitehall and it was expected that it would be published in September 2008.

5.3 Fiona Ballantyne reported that the Scottish Consumer Council (SCC) was continuing its work on digital switchover. She and Jeremy Mitchell had attended an SCC event on rating six UK regulators, including Ofcom. The performance of each regulator had been assessed against a set of criteria. It was noted that the project would not be completed within the lifespan of the National Consumer Council and that the work would be taken over by its successor body, Consumer Focus.

5.4 Bob Twitchin reported that he had met with BT, the British Computer Society's ICT Accessibility Group and the Employers' Forum on Disability.

5.5 Graham Mather had met with colleagues from the Government's Convergence Think Tank (CTT). He was working with Georgia Klein on the Panel's position paper on the EU review.

5.6 The Deputy Chairman Ruth Evans and Dominic Ridley had met with David Scott, the new CEO of Digital UK. She reported that Digital UK wanted to maintain its working relationship with the Panel. The Panel noted that digital switchover (DSO) for the first UK region, Border, would start in November 2008. The Chair reported that at a recent Ministerial level meeting on DSO it had been announced that under the switchover help scheme there would be a facility for the provision of a free Sky box for the first two months providing access to the full range of Sky services following switchover, after which consumers would have the option to select a range of services other than the basic provision. The Deputy Chair was asked to discuss the consequences of this offer with David Scott.

5.7 Allan Williams reported on his involvement with the Rural Development Programme for England (RDPE) Monitoring Committee which was concerned about access to broadband in rural areas. This led to a discussion about the Government's Digital Equality Action Plan. The Action Plan was likely to involve a Charter and a Challenger and members asked that the Panel be kept informed of the timetable for the Action Plan and any discussions about a Panel role in it.

5.8 Kevin McLaughlin reported on his attendance at an Equality 2025 meeting. He would attend a meeting of the Ofcom Advisory Committee on

Older and Disabled People (ACOD) on 16 July 2008 and was saddened to report the recent death of Professor Janet Askham, one of ACOD's founding members. The Panel Chair would send a letter of condolence.

5.9 Simon Gibson reported on the response of the Welsh Assembly Broadcasting Committee to Ofcom's PSB review.

AP7 Georgia Klein and Graham Mather to revise the Panel's EU position paper.

AP8 Deputy Chairman to discuss the DSO help scheme with David Scott.

AP9 Dominic Ridley to keep members informed of developments related to the Government's Digital Equality Action Plan.

AP10 Chair to send a letter of condolence on behalf of the Panel on the death of Janet Askham.

6. Convergence Think Tank

6.1 Panel members had received a discussion paper from Georgia Klein. The Panel had allocated funds in its 2008/09 budget for research and had got two rather different suggestions. DCMS were not in a position to co-fund any research but had offered to assist in the design and provide a platform for the research to be presented and/or discussed. Panel members discussed the merits of the proposed research and asked for more information on objectives. It was agreed that Georgia Klein would arrange a meeting of a small group of Panel members to discuss the research objectives. Research briefs would be circulated to members in due course.

AP11 Georgia Klein to arrange a meeting of the sub-group to further explore the research objectives.

7. Panel Brussels event

7.1 Members had received a discussion paper from Dominic Ridley outlining proposals for a Panel event in Brussels to focus on the Panel's policy work on EU consumer communications issues and to further develop the Panel's consumer interest toolkit work. Members agreed the proposed outline agenda and resolved that the best time to hold the event would be October/November 2008. The event should be for circa 40 participants, focussing on opinion formers in the commission and member states' regulatory authorities, but also including BEUC (Bureau Européen des Unions de Consommateurs – the European consumer organisation). It would be held at either the Parliament building, if possible, or at a nearby hotel. It was suggested that the organisation of the event should be subcontracted to an event organiser. Dominic Ridley would take the event forward.

AP12 Dominic Ridley to take forward the Panel's EU event.

8. NGA Panel position paper

8.1 Roger Darlington presented the draft of a proposed Panel position statement on next generation access and suggested the need for a few minor up-dates. The statement was approved for publication subject to these changes. Roger Darlington would take the lead in discussion under the next agenda item, discussion with Ofcom on NGA.

9. Ofcom position on NGA

9.1 An Ofcom colleague joined the meeting for discussion of Ofcom's forthcoming next generation access (NGA) consultation paper which had been approved by the Ofcom Board earlier that morning. Roger Darlington made three initial observations: there appeared to be a shift of position within Ofcom on the rate of progress on NGA in the UK; Ofcom should and must play a role in the regulatory environment and needed to state clearly what its ambition was in this area; and more detail was required on the suggestion that a new body might be set up to drive forward the wider debate on NGA.

9.2 The Panel had already noted BT's news release of the same day, announcing a commitment to invest in the roll out of next generation broadband. It was acknowledged that BT's plans could provide an incentive for other communications providers to invest in the market. There were mixed views on whether a new body should be set up to drive debate and it was suggested that in the event that a new organisation was established, Ofcom would wish to retain 'ownership', drawing on its links with the communications industry, the Panel and other bodies in development of such a body.

9.3 The Panel noted that, if there was a need for public investment in NGA, Ofcom believed that there was a role for Regional Development Agencies to play in ensuring that NGA was delivered to those areas where the market could not deliver it. There was discussion of what services might be delivered by NGA; it was noted that it would be necessary to consider services such as High Definition TV on a case by case basis in order to avoid the danger of creating a new digital divide. It was noted also that equality of access to new services by broadband could not be guaranteed as not all consumers would take them up. The Panel noted that Ofcom Chief Executive Ed Richards would be meeting with the new CEO of BT, Ian Livingston, in September to discuss what the company was seeking from the regulatory environment. An Ofcom colleague confirmed Ofcom's commitment to a UK-wide market in which common standards applied.

AP13 Roger Darlington and Dominic Ridley to redraft the Panel NGA position paper for publication.

10. Co- and self-regulation

10.1 Panel members had received a discussion paper on co- and self-regulation and an Ofcom colleague joined the meeting for discussion. A 10-week consultation had been launched on 27 March 2008 and the Ofcom team

was studying the 28 responses received (of which 3 were confidential); a summary of those responses and recommendations would be presented to Ofcom's Strategy Steering Group. The Panel noted that industry was seeking more information on Ofcom's intentions in this area. It also noted that OXERA was completing a literature review of incentives for firms to participate and comply with self-regulation, to identify the key areas where the incentives of schemes may cause variation – from regulatory aims and consumer interests and between different companies. The Panel requested that a summary of the responses to the consultation document and the OXERA report be made available to Panel members.

AP14 Ofcom to circulate a summary/analysis of responses to its co- and self regulation consultation document and copies of OXERA's report to Panel members.

11. Other matters to note/agree

11.1 Members had received a written report on Panel activities, Ofcom publications, a summary review of policy projects and details of its conferences; its contents were noted.

12. Any other business

12.1 Jeremy Mitchell asked whether the interests of small businesses would feature on the agenda of the new Consumer Panel. The Chair said that she would consider the issue of the interests of small businesses in the recruitment process. She asked members if there were any other issues that they would like the new Panel to take forward and issues affecting young people were proposed.

12.2 There being no other business, the Chair thanked outgoing members for their valuable contributions to the work of the Panel and hoped that they would be willing to respond to requests for advice, if needed, by the new Panel.

.....Chairman

.....Date