

## **Minutes of the 54<sup>th</sup> meeting of the Communications Consumer Panel**

**Tuesday 3 March 2009 at 9.30 hours**

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

Present

### Consumer Panel

Anna Bradley (Chair)  
Fiona Ballantyne  
Louisa Bolch  
Kim Brook  
Colin Browne  
Roger Darlington  
Leen Petré  
Damian Tambini  
Bob Warner

### Apologies

Maureen Edmondson  
Bob Warner

### In attendance

David Currie (Ofcom Chairman – item 7)  
Alistair Bridge (Principal Adviser)  
David Edwards (Panel Secretary)  
Dominic Ridley (Policy Adviser)  
Claudio Pollack (Ofcom Director of Consumer Policy – item 6)  
Other Ofcom colleagues (items 4 and 6)

## **1. Declaration of members' interests**

1.1 There were no declarations.

## **2. Minutes of the meeting on 4 February 2009 and matters arising**

2.1 Minutes of the previous meeting were agreed. The minutes would be published on the Panel website with one item redacted.

### *Panel blog and website*

2.2 Various members had already contributed to the Panel blog. It was agreed that it was important to maintain momentum with regular blog posts and that it would be useful to monitor 'hits' on the Panel website.

### *Access & Inclusion*

2.3 Ofcom's Access & Inclusion (A&I) consultation was due for publication later in the month. Members would have an opportunity to comment on the draft if the publication timetable permitted this.

### *Digital Britain*

2.4 The Chair had discussed with Ofcom Board member Peter Phillips the Panel's view that the Consumer Interest Toolkit should be applied to Ofcom's work related to the Digital Britain agenda. The Panel's view had been received positively but Digital Britain timescales were tight and on this occasion it would be difficult to focus on process issues or apply rigorously the Toolkit. For these reasons it would be important for the Panel to submit its own written response to Digital Britain. The Chair and other colleagues would attend the Digital Britain steering Group meeting on 27 March 2009 to present findings from stage two of the Panel's research project on consumer views on the digital future, as a further contribution to Digital Britain.

### *999 mobile roaming*

2.5 The Panel sought early implementation of 999 mobile roaming but was uncertain about the necessity for extended testing. After ascertaining the pace of implementation it would review the position.

### *Panel stakeholder event*

2.6 The Chair informed members that a good number of attendees, including representatives from consumer and disability organisations and regulators, government officials and industry players, were expected to attend the stakeholder event immediately following the Panel meeting. The Chair would deliver a presentation covering the Panel's recent research report *No one should miss out: consumers say what they want from the digital future* and the Panel's proposed work programme. There would be a question and answer session and attendees would be invited to submit written comments and views. There would then be networking opportunities.

AP1 Secretary to publish redacted minutes.

AP2 Advisory Team to email members 'directed' blogging suggestions, indicating who should blog on particular topics.

AP3 Dominic Ridley to provide members with monthly web statistics.

AP4 Alistair Bridge to follow up NGA guidance on local schemes with Ofcom.

AP5 Alistair Bridge to provide members with a copy of Ofcom's draft A&I consultation document.

AP6 Advisory Team to make enquiries about the 999 roaming timetable, to explore whether it can be speeded up and report back to the Panel.

AP7 Chair to blog about the Panel stakeholder event.

### **3. Supporting disadvantaged citizens and consumers**

3.1 Members had received a discussion paper from Panel member Bob Warner. The paper was a 'horizon scanning' exercise and it would be important to make the priorities identified fit with the Panel's work programme. In Bob Warner's absence Leen Petré summarised the paper which provided background on stakeholders, current engagement, issues, suggestions concerning priorities and next steps. There was a discussion that included the following points.

- The Panel welcomed the paper.
- Ofcom was considering access options for people with a hearing impairment and had commissioned a study into the social/economic benefits of additional relay services.
- Claudio Pollack would present a paper at the next Panel meeting to provide more details on the planned work of the Ofcom Consumer Policy team - this was expected to include activity related to usability and to services for people with a disability.
- Ofcom's Advisory Committee on Older and Disabled People had commissioned research to explore how manufacturers, suppliers and retailers addressed the needs of older and disabled people – it was expected to be published before the Summer.
- Past Panel research findings had revealed low awareness of products to meet the requirements of consumers with a disability.
- The Communications Act 2003 placed a duty on Ofcom to encourage availability of easily usable equipment but powers were limited. Outcomes of Digital Britain and a new Communications Act could improve the position.
- The Disability Discrimination Act 1995 did not provide a remedy in relation to equipment, its application being to services and to reasonable adjustments.

3.2 The recommendations made in the paper were accepted. In particular it was agreed that: Bob Warner and Leen Petre would attend meetings of the Consumer Forum on Communications (CFC) as the Panel's representatives, a member of the Panel Advisory Team would attend and other Panel members would do so from time to time; contact with stakeholders would be managed through the Advisory Team, Alistair Bridge would act as the Panel's relationship manager for Consumer Focus; and work related to disadvantaged consumers would cut across Panel activities rather than comprise a separate workstream in the Panel's work programme.

AP8 Secretary to circulate meeting dates for the Consumer Forum on Communications (CFC).

AP9 Bob Warner and Leen Petre to attend meetings of the CFC as Panel representatives.

AP10 Advisory Team to build discussion of Ofcom's study into the social/economic benefits of additional relay services into agenda planning.

AP11 Advisory team to talk to Ofcom about ACOD research and publication plans, with the research as a possible agenda item at the April Panel meeting.

AP12 Advisory Team to build discussion of "Communications Act TWO" into agenda planning (for discussion in the Autumn).

AP13 Alistair Bridge to include work on issues affecting disadvantaged consumers, eg disabled consumers, as an 'underlay' to the Panel work programme.

#### **4. Mobile Sector Assessment**

4.1 Members had received an Ofcom information paper providing background on the Mobile Sector Assessment (MSA) consultation of August 2008, the conclusions drawn, and an outline of the second phase of the MSA. They were also provided with the draft executive summary of the next MSA consultation document expected to be published Spring 2009 and a set of slides prepared for Ofcom steering groups. Ofcom colleagues joined the meeting to discuss the MSA. Next steps for the MSA team included publication of a consultation planned for April. In the interval they would discuss the MSA with the Ofcom Board. A statement would be published later in the year. There was a wide-ranging discussion that included the following points made by the Panel.

- Coverage in rural areas remained a particular concern. The Panel said research on mobile coverage would allow mapping of fixed and mobile broadband 'not-spots'.
- National roaming to enhance the consumer experience had already been raised by the Panel whilst Ofcom's view was that this could constrain the extension of coverage through competition; the Panel countered with the view that the suggestion of national roaming could instead act as an incentive for mobile operators to extend coverage. In any event the Panel was keen that while the above research was completed, no future course of action should be ruled out.
- An issue for Ofcom to consider was whether to allow competition to take its course and take subsequent regulatory action if it did not deliver the desired outcome for consumers; or to recognise that competition would not deliver and to act at the outset. The Panel advocated a twin-track approach, ie for Ofcom to encourage competition but simultaneously to devise plans to address issues that competition could not resolve.
- Ofcom was pursuing a number of mobile issues as part of its Access & Inclusion (A&I) agenda; the Panel understood this but felt that issues such

as coverage had wider implications related to networks and could not be left solely to the A&I programme of work.

- In its analysis of switching behaviour and the complexity of the mobile market Ofcom could develop a model of the consumer; for example, there could be limits to what consumers should be expected to deal with in terms of information.
- There was an aspect of consumer confusion in the mobile market related to the lack of ease of use of handsets, something for Ofcom to consider.

4.2 The Panel agreed to provide its views on the MSA in an advice note to the Ofcom Board, in particular its concerns related to mobile coverage. Given the timescales, the Chairman would advise Ofcom's Chief Executive of the strength of Panel feeling on the issue of coverage.

4.3 Brief reference was made to the Panel's advice note mechanism, a procedure agreed with Ofcom as part of a Memorandum of Understanding (MoU). Current practice was for the Panel to publish its advice and Ofcom's response on the Panel website as soon as Ofcom published the policies to which the advice referred. There were sometimes delays, in receiving a formal response from Ofcom or in publication, and the Chair confirmed that this was something that could be considered as part of the planned review of the MoU.

AP14 Advisory Team to draft an advice note to Ofcom on the MSA.

AP15 Advisory Team to conduct an 'audit' of Panel advice notes to determine which have yet to receive a response from Ofcom.

## **5. Universal service commitment**

5.1 Alistair Bridge presented to the Panel a set of slides covering Digital Britain universal service policy objectives; Digital Britain actions related to plans for a digital universal service commitment by 2012 and a fund for it; the legal framework; the Digital Britain policy rationale; a desired 2Mb/s minimum service; speeds required for different services like the iPlayer, HDTV etc; issues about what could be delivered; types of connections; future-proofing; and process. Discussion included the following points made by the Panel.

- The Digital Britain interim report included five policy objectives but it was not clear why universality was sought. The drivers could be delivery of public services or inclusion of remote regions or access to entertainment or all of these and more.
- The Panel's research on the digital future could help provide the evidence base for digital universality.
- A minimum level of service(s) could be linked to a moving target, subject to review and/or made future proof - 2Mb/s could turn out to be an inadequate line speed by 2012. A trigger for review could be when the

then current speed of a universal service becomes too far out of line with the average speed..

- There were various ways to respond to the issue of universality: set an absolute connection speed; define a basket of service – although this could be subjective, backward looking and prone to being overtaken by developments as compression technologies improve; or set an objective based on social equity whereby once take-up of certain services passed 50% the judgement could be made to include them in universal provision. There could be some flexibility about delivery of universal access, ie a rolling target of X% by year 2, Y% by year 5 etc.
- Definitions and targets were important but it would be necessary to know what was happening ‘on the ground’, ie an exchange could be enabled to deliver a particular service but with local problems related to reliability or quality of service.
- Focus on connection speeds alone was inadequate, there were also the issues of access and reliability, the need to take account of the types of services delivered and the platforms required.
- The delivery of services considered essential to participation in a digital world could be a more useful target , set as a consumer test and subject to periodic review.

5.2 The Panel agreed to submit a written response to the Digital Britain report, including reiteration of some of the points made in the Chair’s earlier and unpublished letter to Lord Carter.

AP16 Alistair Bridge to copy slides on universal service to members.

AP17 Advisory Team to prepare a formal response to Digital Britain.

## **6. Consumer information**

6.1 Panel members had been provided with a discussion paper by Ofcom colleagues who were present also for discussion. The paper set out Ofcom’s general approach to consumer information and summarised thinking on price information and accreditation, quality of service, customer service information, technical or network service information, and broadband speeds testing. Panel members were also provided with a summary of Ofcom research carried out in 2008 to understand consumers’ need for information related to customer service. Discussion included the following points made by the Panel.

- The Panel noted that just under a third of consumers found it difficult to make cost comparisons in different communications markets, this raised the question of what % of difficulty constituted a tipping point where action was required by Ofcom; ie how much difficulty was too much.
- The Panel had submitted an advice in response to Ofcom’s 2008 review of quality of service information and looked forward to seeing its advice

- reflected in a consultation expected in April 2009 and to a formal response to its advice from Ofcom.
- The Panel's recent research had identified consumers' sense of difficulty in making choices in increasingly converged markets, difficulty when confronted by the complexity of a range of decisions. Their expectations were that this situation would become worse.
  - Ofcom's process for making decisions about information provision appeared to be fragmented rather than global, there could be value in looking at the entire set of consumer information requirements. For this reason the Panel welcomed the opportunity of a strategic discussion with Ofcom's project director responsible for its consumer information workstreams.
  - It could be useful to map the process of consumer decisions or to make use of case studies.
  - The Panel recognised that there were a number of factors that affected a consumer's service experience, a key element being the quality of a local line. There were questions about whether this was a natural monopoly and whether next generation access would provide an improved solution.

6.2 The Panel would discuss consumer information further under item 8.

AP18 Advisory Team to build into agenda planning discussion of Ofcom's portfolio of consumer information related workstreams.

## **7. David Currie**

7.1 David Currie was about to step down as Ofcom Chairman, after six years in that role. He would be succeeded by Ofcom Board member and former Consumer Panel Chairman Colette Bowe. David Currie joined the meeting to reflect on his experience at Ofcom, on issues for the regulator and for regulation more generally in the coming period and on his experience of the relationship between Ofcom and the Panel. The Panel acknowledged David Currie's enormous contribution to the work of Ofcom during his period of office.

## **8. Consumer information and media literacy**

8.1 Members discussed a number of issues in slides presented by Alistair Bridge. These made clear the relationship between media literacy, consumer empowerment and digital inclusion - including the work of the Media Literacy Working Group established by Ofcom and on which the Panel was represented. Discussion included the following points.

- The Panel maintained its view of consumer empowerment, ie the ability of consumers to choose and use services, but it could be useful to clarify the issue of access and whether this meant the means to use, manage and

navigate content.

- Although it appeared to be something of an afterthought in the Digital Britain report, Action 22 provided an opportunity to reappraise the definition and ambition of media literacy, something that was required prior to a new Communications Act.
- The working group had little time in which to report but there was a need for a joined-up/overarching response if there was to be considered treatment of media literacy.
- Ofcom may have pursued media literacy as far as it was able and there could be a need for another body to pick up the reins, in the way, for example, that Digital UK led on digital switchover.

8.2 The Panel agreed to continue to feed its views into the media literacy working group and that its response to the Digital Britain report would include the Panel's views on media literacy. In responding to the report and in addition to the universal service commitment, the Panel would comment on digital rights and distribution and the short timescales for consultation.

## **9. Any other business**

9.1 Members' views would be sought on Panel meeting start times.

AP19 Secretary to take email soundings on a 9 am start to future Panel meetings.

.....Chairman

.....Date