

Minutes of the 65th meeting of the Communications Consumer Panel

Wednesday 17 March 2010 at 13.30 hours

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

Present

Consumer Panel

Anna Bradley (Chair)

Fiona Ballantyne

Kim Brook

Louisa Bolch

Colin Browne

Roger Darlington

Maureen Edmondson

Leen Petré

Bob Warner

Apologies

Damian Tambini

In attendance

Alistair Bridge (Principal Adviser)

Nicola Ebdon (Panel Secretary)

Emily Keaney (Policy Adviser)

Angela Stainthorpe (Policy Advisor)

Philip Graf (Deputy Chairman - Ofcom) and an Ofcom colleague (item 3)

1. Declaration of members' interests

1.1 There were no interests declared.

2. Minutes of the meeting on 17 February 2010, matters arising, progress on actions and forward plan 2010

2.1 Members **APPROVED** the draft minutes for signature by the Chair.

2.2 Members **NOTED** the current status of actions arising including:

- AP 14 - An update from Claudio will be circulated to Members via the weekly update once received.

2.3 Members **NOTED** the content of the meeting forward plan.

3. Ofcom - Future of Content Regulation

3.1 The Panel **RECEIVED** a verbal update on Ofcom's current work on how audiovisual content regulation might change in light of the changes in UK media markets, and in consumers' behaviours and expectations. Ofcom are starting to think about how future regulation in this area might be developed. A paper and presentation, circulated to Members in advance, was discussed and the following points arose from the discussion:

- That content regulation covers both consumer protection and the maintenance of quality and Ofcom are reviewing regulation in relation to both areas;
- That there is currently great inconsistency of regulation across the different platforms over which consumers access content, which could be confusing to consumers;
- The Panel supported Ofcom's intention to consider other regulatory options, such as self-regulation and consumer information and education, for example:
 - consumer self-protection technical measures;
 - a self-regulatory code for providers; and
 - information to consumers to help recognise content regulated in different ways;

- The Panel supported Ofcom's intention to consider the potential for consumer harm as part of the review, and are particularly keen for vulnerable consumers to be considered;
- That Ofcom perceived a number of citizen and consumer dis-benefits in this area, including the potential for a democratic deficit as a result of reduced local news in the Nations; and
- That work in relation issues affecting children is being undertaken by Ofcom separately.

3.2 The Panel gave the following **ADVICE** to Ofcom:

- Consider undertaking wider research (than is currently undertaken) with consumers, potentially involving deliberative research, to assess:
 - the risks and benefits to citizens and consumers in relation to content supplied via different platforms; and
 - how consumers would like content regulated in the future, given the practical difficulties of enforcing regulation of content online;
- Consider developing a framework of the risks and benefits of consumer content issues and current or proposed regulatory remedies. Identify to Government any issues which are outside of Ofcom's regulatory powers;
- In relation to addressing the protection of minors from consumer harm, Ofcom could usefully explore the potential value of a social marketing programme to educate adults on how to manage risks to their children; and
- Ensure that the issues of accessibility - including sub-titling and audio-description, are considered in the review.

3.3 The Panel **DECIDED** that it will provide further comment on this issue if it can provide a different perspective which is of benefit. The team and BW will consider whether to ask ACOD if they are interested in pursuing the issue of harm to vulnerable consumers. The Panel **AGREED** to consider whether to include consumer expectations of content regulation in the scope of the research into consumer expectations of the internet project later in the year (if undertaken).

4. Next Generation Access Consultation

4.1 The Panel **CONSIDERED** a paper which provided Members with a summary of the main points of the Government's consultation on how best to extend the roll-out of next generation access (NGA) networks to the parts of the UK that the market will not reach.

4.2 Members discussed the issues raised in the consultation and paper and **AGREED** that its consultation response would reiterate previous Panel comments in relation to the next generation fund and the landline levy and recommend that:

- the fund be spent in a way which provides the best value for money in delivering the intended outcomes. The Department for Business (BIS) should identify any state aid or legacy issues with using the fund for technologies other than fixed broadband;
- the fund be technology neutral and consideration be given to the use of mobile and satellite if more appropriate than fixed broadband;
- intervention should start at the point where deployment costs escalate considerably (approx 90%) and work inwards to the point where commercial rollout will end (approx 70%);
- intervention should be equitable across the nations and continue until 100% has been delivered, on the basis that technology should improve and become cheaper over time to allow this to happen;
- wherever possible the USC should be provided using NGA to ensure that people who have an inadequate current-generation broadband service should not be left behind again as next generation broadband is rolled out;
- the limits of funding via the landline levy should be recognised and alternative funding options be leveraged in order to reach the last 10%;

- a set of minimum, service-based criteria such as a symmetric connection that is suitable for applications such as tele-medicine be developed, and in this respect BIS should consider the ACOD research on tele-medicine; and
- services should be procured on the basis of value for money for citizens, which might mean tendering at national, regional or sub-regional level.

4.3 The Panel had received a paper which gave a summary of mobile broadband services and the issues affecting consumers however did not have time to discuss the paper. It was **AGREED** that the paper would be discussed at the May Panel meeting and the team would consider if it could be converted into an information paper for the Panel's website.

5. Digital Participation Research and Literature Review

5.1 The Panel **CONSIDERED** draft copies of two intended Panel publications on digital participation: the research report and the literature review.

5.2 The Panel **AGREED** the key areas where the Panel should develop policy proposal as described in the paper, with the following additions:

- continuing support (added to purchase and set-up); and
- the qualities, characteristics and nature of the support consumers want (buddy/digital friend approach).

5.3 The Panel **AGREED** that:

- thought will be given whether to challenge retailers about the need to provide ongoing customer service and support;
- the sub-group will sign-off the policy proposals and reports for publication; and
- the tone of the research report will be amended to give further weight to the risks of the internet.

6. Any Other Business

6.1 It was suggested that the Panel paper template guidance should ask how Ofcom has taken the consumer perspective into account.

6.2 It was **AGREED** that the Panel will not commit to submitting a monthly column for the Communications Management Association newsletter, however will submit an article when relevant. This will be included in the publications checklist.

6.3 It was **AGREED** that any emails relating to a query from an external party relating to Ofcom complaints will be sent to AIB, who will ensure that an appropriate response is made.

6.4 The secretary of the Ofcom's Nations Committee will be advised that the Panel Members attending the meeting, will make representations on behalf of all Panel National Members.