

**Minutes of the 68<sup>th</sup> meeting of the Communications Consumer Panel  
Wednesday 16 June 2010 at 9.00 hours  
Riverside House, 2A Southwark Bridge Road, London SE1 9HA**

**Present**

Consumer Panel

Anna Bradley (Chair)  
Fiona Ballantyne  
Kim Brook  
Louisa Bolch  
Roger Darlington  
Maureen Edmondson (Items 1-7)  
Leen Petré  
Damian Tambini  
Bob Warner

Apologies

Colin Browne

In attendance

Alistair Bridge (Principal Adviser)  
Nicola Ebdon (Panel Secretary)  
Emily Keaney (Policy Adviser)  
Angela Stainthorpe (Policy Advisor)  
Ofcom colleagues (items 4 and 9)  
Chris Woolard - Ofcom Partner, External Affairs and Governance (item 7)

**1. Declaration of members' interests**

1.1 Members declared no interests.

**2. Minutes of the meeting on 12 May 2010, matters arising and progress on actions**

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

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

- AP1 - The net neutrality seminar with POLIS is scheduled for 28 September. The note sent to Peter Phillips will be sent to Members in the weekly update.
- AP 10 & 13 - The letter to Ed Vaizey, introducing the Panel's Digital Participation research and proposed actions, will be revised to reflect changes to the Digital Participation Consortium and highlight the importance of the devolved nations and SMEs.
- AP15 - Feedback from the Ofcom Board on the Panel's paper and how well the process of Panel guidance worked will be circulated to Members once received.
- AP17 - The list of Panel leads has been reviewed and changed to reflect Leen as Panel lead for behavioural economics. A revised list will be circulated shortly.
- AP 21 - Roger **AGREED** to be the Panel stakeholder lead for persons living in urban areas. All stakeholder leads will be preparing papers setting out the issues specific to their group of stakeholders in September, in preparation for consideration at the Panel October workplan review session.
- AP 36 - ALB will draft a statement to clearly define the Panel's role and its

relationship with Ofcom, which will be passed to Graham Howell and the Ofcom legal team for comment.

### 3. Panel discussion of approach to agenda policy items

3.1 The Panel reviewed the policy items for discussion during the day and discussed a number of key points which are reflected in the minutes below.

### 4. Ofcom - Digital dividend clearance project

4.1 The Panel **CONSIDERED** a paper which updated Members on Ofcom's decision to clear the 800MHz spectrum band so that it can be made available for EU-wide mobile broadband use. The following points arose from the discussion, Ofcom:

- recommended options to DCMS and BIS for communications and support as specified in the paper. These options have been supported by DCMS and BIS;
- will undertake further detailed technical analysis as to the scale and scope of coverage gaps to enable the Government to make a decision regarding funding for additional support;
- plans to employ technical solutions to address the majority of coverage gaps in order to mitigate disruption to consumers; and
- believes in the region of 5.6 million consumers will be required to retune and are looking at ways to identify which of these consumers will need targeted support (those on the Helpscheme database).

4.2 The Panel gave the following **ADVICE** to Ofcom, it should:

- ensure that MPs are made aware of any planned impacts in their constituency;
- ask Digital UK to identify consumers who will not be helped by the currently available help, i.e. consumers with limited sight and without internet access; and
- bear in mind that the ideal solution for consumers is to ensure that receivers with the assisted retuning function are recommended to consumers, particularly vulnerable consumers and those on low incomes, as the requirement to retune will happen again in the future.

### 5. Ofcom - Non-Geographic Call Services Review

5.1 The Panel **CONSIDERED** a paper which updated Members on Ofcom's proposed review of non-geographical calls services. The following points arose from the discussion, Ofcom:

- aims to restructure the existing regulations to meet the needs of consumers and ensure a functioning market for services provided on non-geographic calls;
- has received over 40 responses to its call for inputs, which identify concerns over call charges and confusion over the revenue share of call charges;
- explained that non-geographic call charges are immensely complicated and can not be published in a format which would be clear to consumers;
- plans to try and distinguish between the cost of the call and cost of the service provided;
- previously reviewed whether it is possible for companies to provide information on call charges at the start of a call, and found that it is difficult due to high costs and problems with interference to alarm services (with possible risks to health);

- is aiming to establish the scale and nature of consumer detriment and ensure that call charges are equitable; and
- will return to the Panel in September with a set of proposals for discussion before consultation.

5.2 The Panel gave the following **ADVICE** to Ofcom, it should:

- ensure that the consultation document is clear about the issues, what Ofcom wants to achieve for consumers and possible solutions;
- try to ensure that the analysis identifies the level of detriment for consumers who do not have a choice over how they access Government services, i.e. those who only have access via mobile phone;
- though economic analysis consider whether removing uncertainty about call charges will increase demand for public and essential services;
- consider again whether it is possible to provide information on call costs at the start of a call or after a call (by text); and
- consider whether it will be possible to ring fence certain free numbers for particular health uses, should an opportunity arise to have a wider review of number allocation.

5.3 Once Ofcom colleagues left the meeting, Members **AGREED** that it will ask the numbering team to provide an information paper on numbering allocation for the September Panel meeting.

## 6. Conflicts within the emerging TV landscape

6.1 The Panel **RECEIVED** a presentation which gave an overview of recent television technology and future trends. Members discussed the key issues which could have implications for consumers (particularly disadvantaged consumers) including:

- it is unlikely internet enabled televisions will be used by consumers to access the web;
- it is unlikely that consumers currently without broadband will purchase broadband in order to access on demand television content;
- the replacement cycle for televisions is shifting from 20 to 2 years;
- pay TV providers will be able to provide access to exclusive content, enhanced functionality and accessible support. Unless retailers improve their support services, some consumers will be disadvantaged;
- it is likely that in the future a higher demand for on demand television content via broadband will lead to demands for higher broadband speeds;
- the increase in bundles of television and broadband, and inter dependency of technology and quality of service, is likely to lead to less competition in broadband suppliers; and
- behavioural targeting of programming and advertising will increase.

6.2 The Panel found the presentation thought provoking and **DECIDED** it would reconsider the issues raised when considering its workplan for 2011/12.

## 7. Chris Woolard - Ofcom Partner, External Affairs and Governance

7.1 The Panel **RECEIVED** an update on the new Government and its policy priorities in relation to issues within Ofcom's remit.

## 8. Ofcom - Universal service

8.1 The Panel **CONSIDERED** a paper which updated Members on recent developments in Ofcom's Universal Service work programme. The following points arose from the discussion, Ofcom:

- has concluded that there is no realistic prospect of establishing a new USO framework with revised funding arrangements and therefore has decided not to continue with the USO review;
- will continue to engage with BIS and the EC review of USO scope; and
- will examine the case for changes to relay services provision as a separate project.

8.2 The Panel **RECEIVED** an update on the Universal Service Commitment. The following points arose from the discussion:

- Broadband UK are undertaking a scoping analysis to establish the scale of the problem and are holding a stakeholder day on 15 July to explore possible local technical solutions; and
- Broadband UK will follow a procurement led approach and explore using NGA to deliver the USC.

8.3 The Panel **DECIDED** it would discuss with the Ofcom International team at the July Panel possibilities for Panel interaction with BEREK regarding the EU USO Review.

## 9. Consumer Affairs Quarterly update

9.1 The Panel **CONSIDERED** a set of papers which updated Members on progress of Ofcom's consumer policy projects and enforcement work since January 2010 and their expected activity over the next quarter.

9.2 In relation to the Review of Relay Services, the following points arose from the discussion, Ofcom is:

- examining what changes need to be made to the existing text relay service to ensure equivalence to voice telephony for speech and hearing impaired end-users;
- trying to ensure that the market research includes the right questions to fully understand the final service used by consumers;
- identifying other commercially viable current and possible future solutions; and
- conducting research on voice recognition open software, the results of which could be presented to the Panel if desired.

9.3 In relation to the Review of Relay Services, the Panel gave the following **ADVICE** to Ofcom, it should:

- look to categorise different uses of relay services for segments of consumers when considering what is functionally equivalent; and
- consult with end user organisations for ideas as to how to future proof relay services by using technology rather than humans.

9.4 In relation to Silent Calls, the following points arose from the discussion:

- the majority of complaints to Ofcom about silent calls are generated by companies with a UK presence;

- Ofcom’s analysis suggests that Answer Machine Detection (AMD) technology is the main cause of silent calls;
- Ofcom decided on a limit of one silent call in 24 hours independent analysis of the complaints data indicated that 70% of the silent call complaints where frequency is noted involve consumers who have received more than one silent call from the same company over the course of the day; and
- The consultation is focused on tackling repeat silent calls and clarifying existing policy guidance.

9.5 In relation to the publication of Complaints Data, the Panel were supportive of the efforts made by Ofcom to publish its own complaints data. The following points arose from the discussion:

- the timetable for publication of complaints data is dependent on the need to ensure data is accurate and without bias;
- there is some demand for publication to coincide with the publication of the Consumer Experience Report in early December 2010, but this is challenging given the need to ensure the data is of sufficient quality; and
- the market research team are working with consumer affairs and the OAT to ensure complaint data collection is of sufficient quality.

9.6 The Panel discussed with Ofcom the possibility of publishing data on complaints which become subject to ADR and complaints data from companies. Once Ofcom colleagues left the meeting, Members **AGREED** that it will ask Ofcom to explore the potential for publishing ADR data via a roundtable meeting with representatives from the ADR schemes and other regulated ADR schemes who already publish data.

9.7 The Panel discussed with Ofcom its current sources of market intelligence. The Panel **AGREED** that it would like to have a further conversation with Ofcom to explore other interactive sources of market intelligence, such as blogs and crowd sourcing.

## 10. Panel round up discussion of agenda policy items

10.1 The Panel reviewed the policy items which had been discussed during the day and agreed any further actions as reflected in the minutes above.

## 11. Any Other Business

11.1 Members discussed the content of an information paper on the Panel’s Communications project. Members are pleased with the work completed and look forward to seeing the results of the work still to be completed.

11.2 Additional copies of the Panel’s Annual Report and Digital Participation Reports are available on request.

11.3 The Panel **AGREED** that it will respond to the BEREC Consultation on switching.

.....Chairman .....Date