

Minutes of the 74th meeting of the Communications Consumer Panel

on 23 February 2011 at 10.30 hours

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

Present

Consumer Panel

Anna Bradley (Chair items 1-4 and 6-10)

Fiona Ballantyne

Colin Browne

Roger Darlington

Maureen Edmondson

Bob Warner (Chair item 5)

In attendance

Alistair Bridge (Principal Adviser)

Nicola Ebdon (Panel Secretary)

Emily Keaney (Policy Adviser)

Andy Harries (Broadband Delivery UK - item 4)

an Ofcom colleague (item 7)

	Action
<p>1. Declaration of members' interests</p> <p>1.1 Members declared no additional interests.</p>	
<p>2. Minutes of the meeting on 15 December 2010, matters arising and progress on actions</p> <p>2.1 Members APPROVED the draft minutes for signature by the Chair and NOTED the current status of actions arising, including:</p> <ul style="list-style-type: none"> • AP1 - the meeting with Tim Gardam is not likely to be required; • AP2 - at the meeting with Bill Dutton Members were invited to contribute to a blog. • AP5 - a statement is to be made in the Panel's newsletter once the Panel's future is clear. • AP7 - the planned meeting with Richard Hooper, Chair of the Broadband Stakeholders Group is no longer required. Members AGREED to arrange a meeting with the BSG in May to discuss the Panel's work plan, including net neutrality, once the Panel's 2011/12 workplan is agreed. • AP8 - Christine Farnish, Chair of Consumer Focus is considering holding a series of dinners with the Chair's of consumer bodies over the transitional period. Roger will follow-up with Christine to establish progress. • Claire Milne, Chair of the Consumer Forum for Communications, has invited Panel Members to join the Forum. 	<p>AnB</p> <p>AIB</p> <p>RD</p> <p>ALL</p>
<p>3. Panel discussion of approach to agenda items</p> <p>3.1 The Panel reviewed the items for discussion during the day and discussed a number of key points which are reflected in the minutes below.</p>	

4. Broadband Delivery UK

4.1 Members welcomed Andy Harries to the meeting. The Panel **CONSIDERED** a paper which updated Members on BDUK's work. The following points arose from the discussion:

- BDUK will set up systems drawing on lessons learnt from the pilots;
- BDUK are planning on publishing procurement information and timescales, including proposed coverage maps. Consumers should be able to see whether they will be covered and ask questions;
- the Government is aiming to be "Best in Europe" and BDUK will measure this objective in a way that ensures a sensible comparison across Europe;
- BDUK are expecting County Councils/Nations Governments to create local broadband delivery plans identifying how money will be spent and what will be achieved, following engagement by BDUK to set goals and parameters;
- BDUK will ensure that funding is allocated to areas with the larger availability problems;
- following Panel input BDUK are describing what communications providers will be required to deliver in terms of what consumers will receive;
- BDUK are developing tools to enable County Councils/Nations Governments to engage with consumers and gain local support;
- BDUK will develop similar but separate tools for SMEs;
- BDUK will only consider addressing urban not-spots after 2015;
- BDUK are expecting County Councils/Nations Governments to be proactive and apply for funding, but will chase any who are slow to apply;
- if consumers do not receive a level of service they need then they will need to take this up with the County Councils/Nations Governments; and
- where this happens County Councils/Nations Governments will allow communities to develop their own wireless solution by providing them with a digital hub (fibre to a central point in the community) so the community can build infrastructure from that point.

4.2 The Panel welcomed the work undertaken so far and gave the following **ADVICE** to BDUK;

- consider whether more should be spent on delivering a better broadband service to the last 1% to facilitate the Government's plans to 'switch off' some face-to-face public services;
- redefine the target of "best in Europe by 2015" to reflect that the measures only covers commercial delivery, or add some measures that covers publicly supported delivery;
- ensure that SMEs are fully integrated into their plans;
- consider developing a second score card to measure take-up as well as coverage within the UK;
- re-define how BDUK identify the user experience to show that the percentage of consumers identified is a percentage of the final third;
- include a bullet under each category to identify what public services consumers will be able to receive; and
- the descriptions of the services that should be achievable should be used to communicate with consumers, as well as being used for commercial

AH

discussions.	
<p>5. Ofcom Chairman</p> <p>5.1 The Panel welcomed Colette Bowe to the meeting and held a private session which was chaired by Bob Warner.</p>	
<p>6. Panel policy position paper</p> <p>6.1 The Panel CONSIDERED a paper which reflects the Panel’s policy positions in relation to work completed since 2008. Members AGREED to:</p> <ul style="list-style-type: none"> • send individual comments on the detail of the report to Nicola by 1 March; • once completed keep a version which includes all sections for internal use; • only include areas in the main report on which the Panel has had significant engagement (including superfast broadband); • include a section which covers the issues (in list form) on which the Panel has engaged with Ofcom and provided advice, made statements or consultation responses; • at the start of the impact section summarise the way in which the Panel works to give a general flavour of the “actions, outputs and stakeholder engagement” sections which should then be shortened; • include the Digital Participation Framework; • check the mobile coverage section to ensure that it accurately reflects the advice provided by the Panel to Ofcom; • include a list (with links) of all submissions made and documents published which will include some that are not mentioned in the report; • include a section in the introduction which covers the Panel’s common views on issues that run as threads through its work, including: putting consumer and citizens needs at the heart of the policy debate, access and inclusion, issues affecting rural consumers and SMEs. These threads will be expanded in more detail in another paper covering the themes which have emerged from the Panel’s work in recent years; • be clear in each section what still needs to be achieved and include a section at the end which draws them together and includes new areas not yet covered by the Panel, such as the regulation of post and the internet; • in the introduction include a paragraph to explain that the Panel existed before 2008; • in the complaints section put the Panel’s advice to Ofcom regarding possible detrimental effects of two ADR schemes in the “our advice..” section; • in the behavioural economics section draw out the issue over the general use of information; • in the switching section outline how the Panel encouraged Ofcom to align switching processes; and • in the online copyright section expand on the Panel’s success in getting the consumer principles embedded in Ofcom’s code of practice. <p>6.2 The Panel NOTED that this paper will be published with a paper describing the themes emerging from the Panel’s work, a version of which will be circulated to Members shortly for comment, ahead of review at the March</p>	<p>AIB/NE</p> <p>ALL</p> <p>AIB</p>

<p>Panel meeting. It was AGREED that the draft policy position paper will be sent to Damien Tambini to help with drafting the paper.</p>	<p>AIB</p>
<p>7. Monetisation of data research update</p> <p>7.1 The Panel CONSIDERED a paper which summarised progress made by the Panel team on commissioning and managing the research, drafting the context document and formulating recommendations. Members NOTED that:</p> <ul style="list-style-type: none"> • the research is progressing to deadline, with a de-brief meeting scheduled for 9 March. Details of the meeting will be circulated to all Members. The research will be presented at the March Panel meeting; • the team are in the process of setting up meetings with stakeholders to discuss the research findings and recommendations; and • the project timescales are tight but achievable. <p>7.2 Members gave the following ADVICE to the Panel team;</p> <ul style="list-style-type: none"> • include an introduction which discusses the use of data online in general, to put the research into context; • separate out the risks and benefits identified in the paper so that benefits are highlighted further; • include some case studies and examples to bring the issues to life; • include a value chain diagram; • include a preamble to the recommendations, to explain that the Panel’s aim is to enable consumers to take advantage of the best consequences of monetisation of data and take action against the worst. Explain the benefits and need for protection and that the Panel wants there to be appropriate consumer protection; • expand the right to be forgotten recommendation to explain how it could work, the technology available and the implications for consumers, and consider whether there is a better way to describe this recommendation; • include a new recommendation which identifies where there is a need for more work to be completed on this issue. Establish whether more should be done on the security and misuse of data online down the value chain and whether consumers should be notified if there is a security breach; • ensure that sufficient liaison with stakeholders, Ofcom and government is undertaken in advance of publication to reduce possible publication delays; • consider the extent to which it is feasible to establish links with social networking sites to discuss Panel’s recommendations; and • consider the resource implications of publishing draft recommendations as a contribution to the discussion in March, then holding a stakeholder workshop to discuss the issues and then publish refined recommendations. 	<p>EK/AIB</p>
<p>8. Ofcom - Draft Annual Plan</p> <p>8.1 The Panel CONSIDERED a paper which contained a draft response to Ofcom’s draft Annual Plan consultation. Members AGREED to:</p> <ul style="list-style-type: none"> • send the response as a letter, rather than a consultation response and publish both the letter and response from Ofcom; • include sub headings; 	<p>AIB</p>

<ul style="list-style-type: none"> • include a paragraph to raise the issue of the requirement for independent consumer advocacy; • refine the response to reflect the fact that following comments made to Ofcom at the Panel’s December meeting, the Draft Annual Plan now includes more evidence to substantiate its decisions about priorities. However the Plan does not provide adequate justification (drawing on the evidence provided) as to why the issues chosen are the most important; • refine the response to reflect that following the NAO report and comments made to Ofcom at the Panel’s December meeting the draft Annual Plan now identifies more intended consumer outcomes. However spectrum is an issue where the identified consumer outcomes are the least well-defined; • include the point that the Panel would like Ofcom to ensure that research in relation to consumer interests is not compromised by the need to make cost savings; and • include the point that in future draft annual plans the Panel would like Ofcom to set out the issues they decided not to address, with justification. 	
<p>9. Future of Consumer Advocacy and the Panel</p> <p>8.1 The Panel NOTED that:</p> <ul style="list-style-type: none"> • the Public Bodies Bill had been significantly delayed and therefore Ofcom could not complete its governance changes by Easter 2011 as planned; • Ofcom have stated that the Department for Business, Innovation and Skills (BIS) are probably not going to consider any extensions of Member terms of appointment and that there is no independent resource allocated to the Panel after 31 March 2011; and • the Government has made recent appointments to both Consumer Focus and others. <p>8.2 The Panel REFLECTED on their earlier discussion with Colette Bowe, Ofcom Chairman and AGREED:</p> <ul style="list-style-type: none"> • to send a note to Colette to say the panel want a little time to reflect on the conversation at the Panel meeting; BW • to follow up this note with a more detailed note outlining the Panel’s thoughts on how it can continue to operate at Ofcom after March in a way which would not undermine its ability to fulfil its statutory remit and its independence. Members felt strongly that if the Panel were unable to fulfil its statutory function during 2011/12 with the resources provided by Ofcom, then consumers would be put at a disadvantage as there would not be any effective consumer advocacy for communications; BW • to ask Ofcom to reach a decision on future resourcing very quickly so there can be an effective handover with the current Panel team by 31 March 2011; BW • that the Panel nominate Bob Warner to succeed Anna Bradley as Chair of the Panel as from 10 April 2011, subject to Ofcom and the Minister approving; BW • that in order for the Panel to exist it must have actual Members, therefore the current Member terms of office must be extended or previous Members re-instated, otherwise the Panel will cease as from 27 October 	

<p>2011;</p> <ul style="list-style-type: none"> • to circulate a copy of the Panel’s Memorandum of Understanding with Ofcom to Panel Members; • to identify areas where the Panel’s independence might be a source of conflict for those working for the Panel and for Ofcom, should this be part of the solution to resourcing; and • to use the April Panel meeting to set a work plan for 2011/12 and then identify if the resource provided by Ofcom is adequate on an ongoing basis. In the first place the draft Panel workplan for 2011/12 will include areas in Ofcom’s Annual Plan on which the Panel wants to engage and areas in the Panel Policy Positions paper identified as issues requiring further action. 	<p>NE</p> <p>ALL</p> <p>NE</p>
<p>10. Any Other Business</p> <p>10.1 Members NOTED that subject to a change in legislation the Panel will consider whether to engage on the issue of the regulation of Post.</p> <p>10.2 Members NOTED that there is a chance that the UK and Ireland could reach a bi-lateral agreement on data roaming which could be an area for the Panel to consider in the future.</p> <p>10.3 A response to the BIS draft consultation document on the consumer landscape would be submitted shortly, incorporating Member comments. Colin will attend the next working group on Thursday 24 February 2011.</p> <p>10.4 The Panel extended its best wishes to Emily who will be leaving the Panel team to go on maternity leave on 4 March 2011. Members thanked Emily for her fantastic contribution to the Panel.</p>	

.....ChairmanDate