

Minutes of the 88th meeting of the Communications Consumer Panel
on 23 May 2012 at 9.30

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

Present

Consumer Panel

Bob Warner (Chair)

Colin Browne

Kim Brook (ex-officio member)

Roger Darlington

Chris Holland (co-opted member)

In attendance

David Edwards

Fiona Lennox

Other Ofcom colleagues (items 3 to 6 and 8 - 11)

Apologies

Fiona Ballantyne

1. Declarations of interest

1.1 Colin Browne was a non-executive director of CEDR - the Centre for Effective Dispute Resolution. CEDR had acquired IDRS Ltd, which runs the Communications and Internet Services Adjudication Scheme (CISAS), and Chris Holland was acting as a consultant across all dispute resolution schemes offered by IDRS. For these reasons Colin Browne and Chris Holland would not take part in discussion of agenda item 4 on Ofcom's review of ADR schemes.

2. Minutes of the meeting on 25 April 2012, matters arising and progress on actions

2.1 Members **APPROVED** the draft minutes for signature by the Chairman. The Chairman gave an update on Ofcom's plan for the Panel, this being a merger between the CCP and Ofcom's Advisory Committee on Older and Disabled People (ACOD). ACOD's current Chairman, Jo Connell, would Chair going forward. The timetable for formal merger was dependent on an Order under the Public Bodies Act 2011 that would allow Ofcom the flexibility to change its governance arrangements. Graham Howell, Ofcom's Corporation Secretary, would speak to members to discuss rationale and next steps. It was suggested that a hand-over paper of issues could be prepared for the merged body and as part of any induction material.

2.2 It was **AGREED** that BDUK should be invited to meet the Panel again to discuss BDUK activities to stimulate demand for broadband.

2.3 Members **NOTED** that the European Commission was examining the mobile 'micropayments' joint venture proposed by Vodafone, O2 and Everything Everywhere.

2.4 DCMS had indicated that it wished to meet the Panel to discuss the Communications Review. Members **NOTED** that DCMS was planning to host a series of seminars on communications regulation later in the year.

2.5 The Chairman had discussed Ofcom consultation processes with Graham

Howell, Ofcom's consultation champion. It was **AGREED** that Graham Howell would be invited to a Panel meeting to discuss this matter further.

2.6 Members **NOTED** the information in the latest Panel Implementation Plan, providing a summary and strategic overview of Panel activities.

3. Broadband mystery shopping

3.1 Members had received a paper and copies of Ofcom's published report on *Voluntary Code of Practice on Broadband Speeds: Mystery shopping research*. The Panel had issued a news release on publication of the report, expressing the view that ISPs must give consumers information on their likely broadband speeds and do so early in the sales process, before any decision to purchase had been made. Ofcom colleagues joined the meeting for discussion and summarised findings, which indicated that information provided by ISPs had improved but that there remained some areas for further work.

3.2 It was **NOTED** that voluntary approaches to resolving communications issues sometimes involved a long drawn-out process or finally resulted in regulation. A member suggested that Ofcom might wish to reflect on such voluntary approaches.

3.3 The Panel was interested to know more about actions that ISPs had proposed to take to improve their compliance with the Code and in response to mystery shopping findings. Ofcom would provide a note with details.

4. ADR consultation update

4.1 Colin Browne and Chris Holland left the meeting for this item. An Ofcom colleague joined the meeting to discuss Ofcom's review of ADR schemes. Members of the Panel, with the exception of the two mentioned, had been provided with papers and details of Ofcom's plans to consult on issues arising from the review, including a proposal for a shared set of decision making principles to be adopted by the two ADR schemes. The Panel supported the principles proposal and agreed that they would promote consistency within and between schemes.

5. Research update

5.1 Members had been provided with a number of documents with information about Ofcom research projects, with details of recently completed research and of ongoing programmatic research. An Ofcom colleague joined the meeting for discussion and to expand on the information provided. She would follow up and report back on a number of research queries raised by members, including the question of whether Ofcom was undertaking or planned to undertake any specific research related to the Communications Review. It was proposed that similar research updates be provided to the Panel on a quarterly basis. Members **NOTED** that Ofcom would also provide the Panel with a written research update on a monthly basis.

6. Relay services update

6.1 Ofcom colleagues joined the meeting for discussion. Members had been provided with a paper to update them on Ofcom's relay review and on plans to publish a short consultation at the end of the month. The latter would propose

maintenance of the requirement that all communications providers provide access to text relay services and set out criteria to approve bodies offering next generation text relay services (NGTR). The Panel welcomed proposals on NGTR and would respond to the consultation in due course.

7. PhonepayPlus report

7.1 Members had been provided with PhonepayPlus' bi-yearly report. This included data on call volumes, consumer enquires, number checker usage and website visits; information on complaints logged and trends; details of fines levied and investigations undertaken; and summary details of key adjudications and of satisfaction measures. Members raised a number of questions in response to the report and sought clarification on some points. Those points would be followed up with PhonepayPlus and their response would be fed back to the Panel.

8. Transparency update

8.1 Members had been provided with a paper and copies of a draft Ofcom discussion document on consumer information remedies. Ofcom colleagues joined the meeting for discussion. Members made a number of comments related to the draft document, including that, in order to utilise information, consumers had to know that it was available and where to find it. Members **NOTED** that Ofcom intended to host a project related seminar and would welcome Panel participation.

9. Online Copyright infringement

9.1 An Ofcom colleague joined the meeting and briefed members on the background to Ofcom's work on online copyright infringement, its legal basis being the Digital Economy Act 2010. Ofcom was engaged in a number of activities, including the framing of a code of practice and the set-up of an independent appeals body. Members **NOTED** that Ofcom would welcome Panel involvement in its efforts to establish the latter. Ofcom would continue to keep the Panel informed of developments.

10. Political update

10.1 An Ofcom colleague joined the meeting and provided an oral update on relevant and recent Government and legislative issues. Those **NOTED** included the Communications Review; a proposed Consumer Rights Bill; and the Ofcom related Order under the Public Bodies Act 2011, expected towards the year end.

11. Digital participation

11.1 Members had been copied the latest draft of the Panel's research report *Bridging the Gap*. Members were invited to make final comments on the draft prior to publication, scheduled for the following week along with two related Panel events that would be held in Scotland. The report launch would coincide with the Chairman's speaking engagement at ND2012, the 7th National Digital Conference. Slides used would be copied to members and

consideration would be given to holding other Panel events to disseminate the research findings.

12. Any other business

12.1 The chairman of the Communications Forum for Communications had drafted a letter to request a meeting with the Telephone Preference Scheme to discuss a number of consumer issues. The Panel **AGREED** to be one of the co-signatories of the letter, once the draft was finalised.

12.2 Members had been copied the Panel's draft response on DMOL's *Consultation on proposals for the reorganisation of the DTT LCN listing and on changes to DMOL's LCN policy*. During brief discussion of the DMOL consultation a member suggested that it could be useful for consumers to have readily available instructions on re-tuning their televisions, either available online or as an on-TV screen text. It was **AGREED** that the suggestion should be passed on to Ofcom colleagues.

12.3 There was no other business.