Minutes of the 84th meeting of the Advisory Committee for England, connected meeting at Riverside House and via Teams on 8 June 2023

Present

Paula Carter	Chair
Aaqil Ahmed	Member (via Teams)
Caroline Gardner	Member
Matthew Littleford	Member
Alan Nunn	Member
Mark Smith	Member

In attendance

Angela Dean	Ofcom Board Member for England
Lina Ding	NextGenNEDs observer
Emma McFadyen	Director, England
Richard Spencer	Consumer Panel Member for England
David Edwards	Committee Secretary
Other Ofcom colleagues	

Introduction
1.   The Chair welcomed Members and attendees to the 84th meeting of the Committee, held at Ofcom's office in London and via Teams. Monisha Shah usually attended as an observer but had sent apologies. This would have been Monisha's last meeting (her membership of Ofcom's Content Board was due to end on 30 September).
N.B. Dekan Apajee would take on the role of Content Board member for England and attend future Committee meetings.
Declaration of Members' Interests
2.   No interests were declared by Members or attendees.
Minutes of the meeting held on 2 March 2023 and matters arising – Minutes 83(23)
3.   The minutes of the meeting held on 2 March 2023 were **APPROVED** for signature by the Chair as an accurate record. There were no outstanding actions. It was confirmed that Bradford would be pursued as the location for the next Committee meeting.
Ofcom Board update
4.   Angela Dean reported on recent topics considered by the Board (minutes and notes of meetings being available on the Ofcom website). The Board had met three times since the last Committee meeting, in March, April and May 2023.
5.   Matters discussed had included Openreach's 'Equinox 2' pricing offer for full-fibre broadband (Ofcom's decision not to prevent introduction of the offer was published on 24 May 2023); postal issues (of ongoing concern for the Committee were consumers in

rural areas, some of whom could experience simultaneously poor media, broadband and postal delivery services); Ofcom's affordability work; fraud and scams; UK cloud services; and a comparison of the key provisions of the Online Safety Bill with the EU Digital Services Act. In response to Members' interest in the latter, summary details would be shared. Ofcom's Agility Programme had been another topic and prompted the Committee's interest in AI and its implications for Ofcom.

6.   It was noted that the Online Services Group (OSG) had launched successfully and following a review, rather than maintain a separate Technology, Data and Innovation Group, the Trust & Safety Technology and Technology Policy teams had moved across to the OSG and the Data team to Corporate Group.

Consumer Panel update - ACE 8(23)

7.   The Committee noted recent Consumer Panel activity and current priorities (minutes of meetings being available on the Panel's website). The update focussed on issues including Ofcom's work on affordability and the need to promote social tariffs, take-up remained very low and the Panel believed more could be done to raise consumer awareness. If uptake continued to remain very low, Ofcom and government might need to consider whether a voluntary approach to social tariffs was the most effective mechanism for meeting the needs of low income consumers. Other issues for the Panel were migration to VoIP (BT was now pursuing a more measured approach to roll-out) and the adequacy of comms campaigns to inform customers. It was noted that the Panel was about to publish research to explore the experiences of people living and working in rural and remote areas using communications services.

Public Policy update – ACE 9(23)

8.   A range of issues were flagged. Members noted that the Government had published its Fraud Strategy, committing to disrupting fraudsters' ability to spoof UK telephone numbers and engagement had continued with DSIT on the PSTN switch off and migration to VoIP. The Government had published its Wireless Infrastructure Strategy (WIS) and Spectrum Statement, with various asks for Ofcom. An investigation had been launched into Royal Mail's QoS performance for 2022-23. The Retained European Union Law Bill was working its way through Parliament, a recent amendment having removed a sunset clause which would have deleted laws automatically. The Online Safety Bill had reached Lords Committee stage and line-by-line scrutiny, with talking points including bringing app stores within the scope of age assurance/ verification requirements. The Government had published its white paper, setting out plans for implementing a pro-innovation approach to AI regulation, and a Draft Media Bill, with pre-legislative scrutiny in progress.

9.   In discussion the Chair requested data on take-up of social tariffs in England, which could be provided offline. 2G/ 3G switch-off was raised, including the possibility of reduced mobile coverage (a Government ambition in its WIS was to realise the benefits of 5G, whilst working with MNOs to ensure that users of 2G and 3G experienced a smooth transition away from those technologies and towards alternatives).

BBC Programmatic Update and Audiences Review – ACE 10(23)

10.   Members were briefed on areas of work that included review of the BBC's Annual Plan and its Annual Report; to monitor performance and measurement (including the BBC's nations and regions strategy); update of the performance measurement framework (currently being consulted on); monitoring and responding to BBC changes (currently focused on considering BBC local radio changes and the recent news channel merger); and Ofcom's Annual Report on the BBC (including thematic review and focus on satisfaction/ reaching audiences in lower socio-economic groups).

11.   In discussion Members raised a number of issues, suggesting a need in audience research to go beyond socio-economic groups traditionally referred to as D and E and to consider cultural diversity and issues of religion, for example the UK's muslim community, and the geographic location of focus groups to ensure representation of diverse communities. It was noted that Ofcom planned to meet with BBC commissioners, the importance of understanding their commitment to D and E audiences beyond daytime commissioning was flagged. In response to a request for feedback on an Ofcom roundtable, with organisations representing older and people with different disabilities held as part of the audience review, it was noted that issues raised had included portrayal, diversity of access requirements and the interface of BBC iPlayer, and societal changes resulting from the cost of living crisis. It was important to bear in mind that some people, including in rural areas, faced deficits in the provision of post, telecoms and broadcast services. It was suggested also that Ofcom could ask the BBC to share commissioning briefs, to determine whether social class was a factor in the framing of independent productions, and to provide granular data about audiences on who was watching what.

Media Bill and Channel 4 relicensing – ACE 11(23)

12.   Members were briefed on the progress of the Draft Media Bill, published at the end of March. The DCMS Select Committee was undertaking pre-legislative scrutiny of the Draft Bill and Ofcom had submitted written evidence in May, ahead of oral evidence sessions in June and July. The Committee was expected to report its conclusions early in the autumn to facilitate introduction of the Bill in the fourth Parliamentary session.

13.   In discussion the Chair raised PSB prominence across (smart TV) platforms and expectation was that Ofcom would set out a code of practice and guidance, that intervention would be a last resort and there was a preference for commercial arrangements. TV-like platforms, like Amazon Prime, would be in scope of a proposed VOD Code, similar to the Broadcasting Code, to ensure editorial standards more akin to those applicable to broadcast TV. Algorithm requirements and smart speakers were raised and the Chair queried whether virtual assistant technology, e.g. Amazon Alexa, would take users, on request, to PSB news/ local news.

14.   The Committee was also updated on the process to relicense Channel 4, which would need to take account of the Media Bill, e.g. the option of in-house production, and the channel's business/ digital strategy. Ofcom expected to consult on the new licence in the Autumn. Separately the annual Statement of Media Content Policy would continue to hold Channel 4 to account (the latest SMCP due for publication shortly).

Media Nations – ACE 12(23)

15.   Media Nations is one of Ofcom's key annual research and data publications, covering audience and industry trends across TV, video, radio and audio sectors. This year's report would be published in early August. The Committee had received a paper with findings, covering data for 2022. Highlights noted included a continued decline in broadcast TV viewing across all age groups and for the first time among over-65s versus their pre-pandemic level and subscription services had plateaued. Overall, audiences continued to be broadly satisfied with PSB.

16.   Issues raised by Members included the viewing patterns of 16-24 year-olds, for the first time this was the UK age cohort that watched the least broadcast TV, and what this would mean for the future (younger audiences become older audiences). Fall in viewing figures across all age groups would be a particular concern for commercial broadcasters (impact on advertising revenues). Citing the example of radio, it was noted that the loss of a key presenter could result in a sudden fall in listeners that often took time to recover. Restrictions on HFSS advertising to children was flagged, making it harder to fund programming for younger audiences and it was suggested that, rather than disaggregate data by each of the Nations, it could be more useful to do so by audience sub-groups.

Members' open session

17.   A Member flagged recent developments in broadcasting capability using 5G mobile applications, including a temporary private 5G network deployed for national events like the coronation of King Charles III. Cost savings, pro-sustainability and much reduced equipment/ resource requirements were some of the benefits.

18.   Telecoms security, critical infrastruture and resilience were other topics raised, including reliance on GPS (the conflict in Ukraine had highlighted jamming capability) and a recent TechUK workshop on readiness of Dynamic Source Routing. A Member suggested that there was confusion in industry about Telecoms Security Requirements and testing that was raised. The largest national scale (Tier 1) network providers were the first in scope for regulation but it was not clear whether they would pass some of their responsibilities on to their smaller suppliers.

Future agendas

19.   There was brief discussion about future meeting agendas, including holding the next meeting in Bradford and possible engagement with the Mayor of West Yorkshire and with the BBC. It was flagged that the Good Things Foundation had been doing work to develop a new benchmark Minimum Digital Living Standard, i.e a basic 'basket' of digital goods, services and skills to allow households to live in a digital world, and this could be of interest to the Committee.

Information items
20. Broadcast, Postal and Telecoms data (England) – ACE 13(23): The paper was noted.
Any Other Business
21. There was no other business.
Date of the Next Meeting
22. The next scheduled Committee meeting would be held on 5 October 2023.