

Minutes of the 89th meeting of the Advisory Committee for Scotland – hybrid meeting in person and virtually over Microsoft Teams on 4 October 2022

Present

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| Elizabeth Partyka | Chair |
| Stephen Speirs | Member (Online via phone) |
| Jess McBeath | Member |
| Gerry Crawley | Member |
| Ashe Hussain | Member |

In attendance

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| Maggie Cunningham | Content Board Member for Scotland |
| Bob Downes | Ofcom Board Member for Scotland |
| Glenn Preston | Ofcom Scotland Director (Online) |
| Mairéad Reid | Observer |
| Lauren Galloway | Ofcom Scotland |
| Shraddha Rathi | Ofcom Scotland |
| Debbie Hughes | Ofcom Scotland |
| Other Ofcom colleagues | |
| Colleagues from Consumer Scotland (Item 19) and DCMS (Items 27-29) | |

Welcome, introductions, conflicts, and apologies

1. The Chair welcomed everyone to the meeting.
2. There were no conflicts of interest to note.
3. Apologies were received from Laura Anderson and the Consumer Communications Panel Member for Scotland, Amanda Britain.

Minutes of the 87th meeting held on 14 June 2022

4. In the discussion of actions which arose from the June 2022 meeting, it was NOTED that:
 - The Chair had met with BBC Scotland in June. The Chair had asked about the announcement of CBBC programming going on-line and would it affect Scotland? It was confirmed that there would still be production but for online only.
 - The Chair had been introduced to BBC Board member for Scotland, Muriel Gray, and it was advised that Muriel would like to attend a future ACS meeting.
 - It was advised that the Committee had submitted their response to DCMS on their BBC Mid Charter Review and that DCMS would be attending today's meeting to explore and discuss some of the points raised. The Ofcom Scotland Director advised that the BBC had been in contact with Ofcom to ask about engagement between their nations committees and Ofcom's Advisory Committees and it would be necessary to pick this up with the ACS Chair and a range of Ofcom colleagues in the Governance, Content Policy and Public Policy teams.

- It was confirmed that the R100 case studies were circulated following the Scottish Government's Digital Connectivity and Strategy session at the last meeting.
- The Chair suggested inviting the Climate Change Team to the February meeting.
- The Chair asked if the Committee's Strategy and Annual Report has been shared with Ofcom's Chair and CEO. It was confirmed that these will be attached to a briefing note ahead of the Advisory Committee Chairs meeting with Ofcom's Chair and CEO in November.

5. The minutes of the meeting held on 14 June 2022 were APPROVED for signature by the Chair as an accurate record.

Members' updates

6. A member commented on Royal Mail's ongoing strike action and the impact that it was having on services. It was advised that there would be an 18% retail price increase in November and there was concern at the timing of this being just before Christmas.

7. The Ofcom Scotland Director gave a brief update and advised that Royal Mail were due to meet with Ofcom colleagues and will feedback to the Committee on the next steps.

8. A member commented that there is lots of media attention on online safety especially around the self-harm and suicide content given the recent court hearing relating to a young person's death. They also went on to advise that they are receiving more enquiries, mainly from charities, about how to help vulnerable adults.

9. A member highlighted the laying of sub sea fibre to a number of Scottish islands as part of the Scottish Government's R100 programme. This was a great development for a lot of the island communities, and it was NOTED that the challenge would be to ensure connectivity spread to the hardest to reach places on these islands.

10. The Chair advised she had met with the other Advisory Committee Chairs in preparation for their meeting with Ofcom's Chair and CEO in November. There were two areas of common interest across the Nations;

- the basic cost of living/affordability and how telecoms feature within that (including on the issue of migration to VOIP); and
- regulation of the BBC and a possible UK Media Bill, where there was the possibility of unintended consequences, e.g. detrimental impact on the independent production sector.

11. It was also advised that STV had published their Interim Results.

12. It was NOTED that Kelvin Hall Studios were now open and it would be interesting to see if there would be sufficient production work to fully occupy the new space.

Director's Report / Public Policy update

13. The Ofcom Scotland Director presented their written report and highlighted a few key points to NOTE:

- There would be a Supreme Court Hearing on 11 and 12 October in relation to a proposed Independence Referendum and whether the Scottish Parliament had the legislative powers to pass a Bill;

- It was highlighted that the Scottish Government’s ‘Programme for Government’ Report contained a commitment to continuing to roll-out fixed & mobile infrastructure and to tackle misogynistic criminal behaviours with a potential Bill being introduced within this Parliament. Ofcom would look closely at any proposed legislation and how this might relate to its new online safety responsibilities.
- Colleagues from the Ofcom Scotland team had met with the Western Isles Council during their recent trip to Stornoway. The focus of the discussion was on telecoms infrastructure issues and lack of take up of the Scottish Government’s voucher scheme. It was NOTED there was potential to explore a sandbox pilot on Spectrum sharing as part of the Uist repopulation scheme the Council was driving and the Ofcom Scotland team would be following this up with relevant colleagues;
- The Chair asked about any budget issues within the Scottish Government and whether this would affect the commitment to infrastructure investment. The Ofcom Scotland Director advised his understanding was that the R100 and 4G infill funding was allocated capital expenditure and was unlikely to change.

14. Moving to the Public Policy update, an Ofcom colleague gave a brief summary of their report.

15. It was advised that Ofcom awaited clarity from the UK Government about the next steps for a number of UK Bills but it was NOTED that the Telecoms Security Act had now come into force.

16. The Ofcom Scotland Board member asked about the timeline for the Online Safety Bill and related Ofcom preparations. It was advised that Ofcom’s published roadmap remained in place but final timelines would need to be confirmed in line with the UK Government’s intentions for the legislation.

17. The Chair asked about the progress of the Channel 3 (and Channel 5) relicensing process. It was confirmed that the process was still continuing with Ofcom having set out their position to the UK Government who would now need to reach a view on the proposed way ahead. This would have implications for issues such as how the channel 3 networking arrangements continued to function given the increasing strategies of “digital first” and would be something the ACS might wish to revisit.

Consumer Scotland Presentation

18. Gail Walker, Consumer Scotland introduced her brief as Head of Water and Post at Consumer Scotland. Gail highlighted the role of Consumer Scotland including:

- The reduction of harm for consumers, working collaboratively with stakeholders, promoting sustainable consumption of natural resources, and advancing inclusion and fairness and other aspects of wellbeing in Scotland.
- The Consumer Scotland Act 2020 included public sector duties to consider impact of policies on consumers and a range of statutory functions to support this. It was hoped to have tangible guidance for holding devolved public bodies to account by March 2023.
- This would include a strong focus on promoting the interests of current and future consumers, including on the transition to net-zero, decarbonisation, cost of living, and consumers in vulnerable circumstances.
- There would be phased implementation of Consumer Scotland’s work – phase 1 on emerging issues, phase 2 on strategy, and phase 3 on policy development, which included a telecoms and levy workplan.

- On post specifically, the focus this year was on building a strong network of post sector stakeholders, a literature review to understand previous findings across POL and USO, promoting a fairer postal market in Scotland for rural customers - including more parcels market choice – and working with Scottish Government to look at innovative tech solutions.

Affordability Research update

19. Ofcom colleagues provided an overview of research in the affordability publications:

- Tracker is done on quarterly basis (next in November). The July wave shows just under 3 in 10 struggling to afford comms services. This is the highest number seen since Ofcom started monitoring, having been on an upward trajectory since April.
- Increasing number of providers offering social tariffs, most on fixed broadband except one offering mobile.
- Uptake of social tariffs has increased from 55k to 136k since the last update (3.2% of those eligible). Barriers for uptake include ETCs, lack of awareness, concerns about flexibility, speed, reliability.
- Ongoing demographic analysis to pinpoint groups who may need most help (segmentation).
- Awareness of social tariffs has gone up (69% from 84% unaware), with media coverage and engagement with DWP playing a role in this.
- Ofcom's updated social tariff page emphasises protections around social tariffs and address concern.
- Next steps – continue tracker, engage with providers to increase social tariffs, address barriers to take-up (collaborate, behavioural research, target promotion).

20. In discussion, means of furthering awareness of social tariffs was covered, such as engagement with local authorities, as was the possible stigma around the terminology of 'social tariff'.

Connected Nations Scotland Autumn Report 2022

21. Ofcom colleagues provided a brief update on the key figures in Ofcom's Connected Nations Scotland Report.

22. It was advised that the Spring Report had been delayed due to the Queen's passing, but that it was the same data and information used to measure progress for the Autumn Report.

23. In the discussion that followed, the Ofcom Scotland Director NOTED that there would, as usual, be a standalone Scotland Report, highlighting areas of particular relevance to Scotland. There would also be an interactive dashboard which would allow for data analysis at local authority, Scottish Parliament, and UK Parliament constituency level.

24. It was again NOTED that daily lived experiences of consumers could be further considered in the Connected Nations reports.

BBC Annual Report

25. The BBC Annual Report team discussed the plans for this year's Ofcom BBC Annual Report and gave a brief overview of their initial conclusions from the data available.

DCMS – BBC mid-charter review

26. The discussion focused on the importance of ensuring appropriate governance structures for the BBC in Scotland and making sure they had the right powers and visibility in addition to access to the right information and data.

27. There was a discussion about the importance of monitoring diversity accurately, including in the freelance sector and questions asked about how this could be done effectively.

VSP Report update

28. Ofcom colleagues summarised the key findings from the VSP report, noting that it was the first report of its kind Ofcom had produced and was informed by responses to Ofcom's information requests.

29. They flagged that Ofcom still continues to have limited information on how well safety measures are operating and that one of the key conclusions of the report was that VSPs need to be better prepared for regulation.

30. Additionally, they highlighted the requests for Nations specific data that they included for platforms.

31. The Committee noted that the variety and scale of work Ofcom has done in this space could be made clearer earlier on in the report in addition to how Ofcom has balanced competing policy objectives.

Plan of Work 2023/24

32. Ofcom colleagues discussed the Plan of Work 2023/24 and invited input from the Committee:

- Explained that the Plan of Work was taking place in the context of the 3 Year Plan for the first time and welcomed any input on proposed changes, reflection on past processes, and any areas of work the Committee would like highlighted in this year's Plan of Work.
- The Committee asked about how the Plan of Work would address cost-of-living; colleagues explained that Ofcom was doing a specific piece on this area and on affordability, with these messages included in the Plan of Work.
- The Committee asked about tracking delivery against the last Plan of Work, such as through a dashboard; colleagues explained tracking was done through the Annual Report and internal reporting.
- There was discussion on the Plan of Work event, and lessons learned from the year before.
- Ofcom colleagues discussed that the Scotland section of the Plan of Work was due for a refresh to be more closely aligned to the themes of the 3 Year Plan.

Content Board update

33. Members had been provided with a 'For Information' written paper and the Committee NOTED its content.

34. The Chair asked about Commercial TV and extra airtime. It was advised that Ofcom are going to be flexible in the short term to allow all of the broadcasting Channels programming flexibility to recoup some of the revenue lost for the Queen's funeral.

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| <p>Consumer Panel/ACOD update</p> <p>35. Members had been provided with a 'For Information' written paper and the Committee NOTED its content.</p> <p>36. The Chair confirmed that they would attend the next Consumer Hub meeting on Friday 7 October.</p> |
| <p>Ofcom Contact Centre Information</p> <p>37. Members had been provided with a 'For Information' paper with Scotland's data and the Committee NOTED its content.</p> |
| <p>Draft Strategy 2022/23 & Draft Annual Report 2021/22</p> <p>38. Members had been provided with a 'For information' written paper and the Committee NOTED its content.</p> |
| <p>SMEs experiences in the communications markets</p> <p>39. Members had been provided with a 'For information' written paper and the Committee NOTED its content.</p> <p>40. It was suggested that the team come and present to the Committee earlier next year when they are doing their research.</p> |
| <p>Any Other Business</p> <p>41. None</p> |
| <p>Date of the Next Meeting</p> <p>42. The next scheduled Committee meeting will be held on 8 December 2022.</p> |

Approved: _____

Chair

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Date: _____