

Minutes of the 90th meeting of the Advisory Committee for Scotland – hybrid meeting in person and virtually over Microsoft Teams on 8 December 2022

Present

Laura Anderson	Member
Stephen Speirs	Member
Jess McBeath	Member
Gerry Crawley	Member
Ashe Hussain	Member

In attendance

Maggie Cunningham	Content Board Member for Scotland (am only)
Amanda Britain	Communications Consumer Panel Member for Scotland
Bob Downes	Ofcom Board Member for Scotland
Glenn Preston	Ofcom Scotland Director (Stand-in Chair)
Jonathan Ruff	Ofcom Scotland
Stefan Webster	Ofcom Scotland
Lauren Galloway	Ofcom Scotland
Curtis Weir	Ofcom Scotland
Debbie Hughes	Ofcom Scotland
Other Ofcom colleagues	
Colleagues from Channel 4 (Items 22 to 24)	

Welcome, introductions, conflicts, and apologies

1. The Ofcom Scotland Director welcomed everyone to the meeting, noting the Committee Chair was unwell and that he would act as stand-in Chair for the meeting.
2. Apologies had been received from Elizabeth Partyka, Chair.
3. A member noted the Director's Report contained an update on a Scottish Government consultation that may have a bearing on a separate non-executive role they held. The Chair noted this should not be a conflict of interest given the update was purely a factual description of a published consultation, but that recusal could be explored for any further discussions where Ofcom may be seeking advice from the Committee on the relevant issues.

Minutes of the 89th meeting held on 4 October 2022

4. The minutes of the 89th meeting were approved. In the discussion of actions which arose from the October 2022 meeting, it was NOTED that:
 - The Ofcom Scotland Director would be having discussions with a range of Ofcom colleagues on possible, future engagement with the BBC's Nations Committees.
 - Members of the Advisory Committee for Wales met with their BBC Nation Committee 2-3 times per year.

Members' updates

5. A member advised that they had met with Consumer Scotland to get insight and views on Royal Mail's performance.
6. It was NOTED that the posting dates for Christmas deliveries had been brought forward due to strike days and it was advised that companies were looking at using alternative providers to ensure deliveries by Christmas.
7. It was NOTED that the dates of using old stamps had been extended to the end of June 2023.
8. A member advised that there is going to be a big push on socio-economic diversity within the BBC across the UK.
9. It was advised that Channel 4 senior personnel had been in Scotland as part of their 40th anniversary celebrations at the beginning of the month.
10. It was NOTED that ITVX launches on 8 December 2022.
11. A member asked if the BBC Operating Licence slides from the meeting with the Ofcom team would be available on Diligent and it was confirmed that these would be uploaded.
12. A member advised that there had been significant changes made to the Online Safety Bill, including changing the approach to legal but harmful content for adults. This was being called a triple shield which would mean platforms:
 - must remove illegal content
 - they should remove content that breaches their terms; and
 - users should be given more options to manage the type of content that they see
13. A member commented on the lack of 4G connectivity by some providers in the around the Crianlarich and Tyndrum areas (which were popular with tourists) after a recent visit there. This had been a surprise given full connectivity around the Loch Lomond area.
14. A member commented on the implications of poor connectivity on the electrical vehicle charging network with some charging points requiring mobile connectivity with people having to use an app to be able to charge their car. There was concern that in some parts of Scotland that would be a challenge.
15. A member commented that it was good to see the UK Government pushing for providers to help consumers who were struggling with the cost of living to sign up to a social tariff. There was concern, following Ofcom's recently published research, that the availability of these tariffs was not matched by the appropriate level of public awareness.
16. A member commented on Ofcom's consultation on the proposed removal of fax services from the universal service obligation, asking what the implications were for businesses, if any? It was NOTED the consultation had closed and had received a lot of media attention, which should help to flush out any businesses or other organisations who may be affected.
17. A member commented on the DCMS's trial of satellite solutions for harder to reach places, noting the proposal to use Starlink, and asking if there was any Scottish involvement. It was NOTED Ofcom had introduced Scottish Government officials to Starlink as part of discussions about satellite as a potential solution for those not caught by commercial rollout or Scottish or UK public subsidy schemes.

18. The Chair provided a brief update on the recent meeting between Ofcom's Chair and CEO with the Chairs of the Advisory Committees. The discussion looked at the last 12 months and Ofcom's proposed Plan of Work for 2023.

19. It was NOTED that Ofcom's Chair had committed to explore how the work of the Advisory Committees could be better reflected in Ofcom's Annual Report. The Advisory Committee for Scotland's Annual Report had also been welcomed.

Director's Report / Public Policy update

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

- The Scotland team would continue to monitor political developments as they related to Ofcom's responsibilities following the Supreme Court's judgment on the Scottish Government's proposed Independence Referendum Bill.
- The Scottish Budget would be introduced by the Scottish Government on the 15 December. That was expected to contain continuing commitments to deliver the R100 and 4G infill programmes.
- In relation to the recent Shetland outage and the EE 4G outage in Uig, there was a short discussion. This had made the Scotland team consider an issue around the thresholds for incident reporting (which related to the numbers of people affected and not the duration or the wider, societal impacts), which it would be taking up with relevant Ofcom colleagues.
- Two new appointments were being announced to the MG ALBA Board; a new Chair, John Morrison, and a new Bòrd na Gàidhlig nominee, Ingrid Henderson. The Ofcom Director suggested that MG ALBA be invited to a future ACS meeting once the new Chair had his feet under the table.
- The Scottish Government had launched a Consultation on 'Alcohol advertising and promotion'. The Advertising Standards Agency had the primary regulatory duties in this area but the Ofcom Scotland team planned to meet Scottish Government officials to understand any implications for Ofcom's responsibilities.
- A member asked for further details about a recent independent production sector meeting and it was confirmed that it was between the Ofcom Board member for Scotland and the independent production company, Firecracker. The purpose had been to learn about their views of the state of the sector in Scotland. During further discussion it was noted Screen Scotland intended to convene a meeting with representatives of the independent production sector in the new year with the aim of trying to engage them more in policy and regulatory issues. There could be merit to a ACS member attending that and the Ofcom Scotland team would follow up in due course.

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

- The amendments to the Online Safety Bill had passed as expected. The House had voted to recommit the Bill to a second committee stage.
- In the Chancellor's Autumn Statement it had been confirmed a Digital Markets Bill would be brought forward.

- Gill Whitehead, the current CEO of the Digital Regulation Cooperation Forum (DCRF), would be joining Ofcom as Group Director of Online Safety. It was NOTED that Gill's DRCF role would be replaced.
- The DCMS Secretary of State had given evidence on the Media Bill to the DCMS Select Committee, which had included discussion about the potential privatisation of Channel 4.
- The Shadow Business Minister had published a letter to the UK Government calling for an inquiry into the management of Royal Mail.
- The Telecoms Security's Code of Practice had now come into force as from 1 December.

Channel 4 Presentation

22. Channel 4 provided an oral update on their progress pertaining to their strategy for transforming Channel 4 into a digital PSB.

23. They provided information about 'Screw', a production based in Kelvinhall in Glasgow and the talent recruited for the production. They outlined their efforts to ensure behind screen talent was as diverse as possible and how they had supported those working on the production to progress in their profession.

24. They also outlined their digital strategy and how content is curated and selected for platforms such as YouTube, giving examples of how they are working with Scottish talent in this area.

BBC Operating Licence

25. An Ofcom colleague presented an oral update on an upcoming consultation pertaining to the BBC's operating licence.

26. The Ofcom colleague explained that this is a follow-up consultation on changes to the BBC operating licence first published on 22 June 2022 that members of the committee had already responded to. The BBC responded to that consultation in October with further proposed changes to the licence.

27. Changes proposed to the operating licence by the BBC were deemed significant enough to reconsult.

28. The Ofcom colleague outlined the changes to the operating licence proposed by the BBC in their response, focussing on proposed changes to programming of national and regional interest (including a reduction in the number of hours demanded by quotas).

29. Ofcom's provisional view was likely to be to accept the proposed changes to the BBC's operating licence alongside increased transparency requirements. Committee members were encouraged to engage with the full detail of the consultation upon its publication.

Migration to VOIP

30. Ofcom colleagues provided the Committee with a short progress update on the industry-led migration to VOIP programme, the role of Ofcom protecting consumers from harm and upcoming next steps over the next year.

31. An Ofcom colleague advised of the various groups of consumers that might require additional support during the migration process; this included consumers in vulnerable circumstances and those who did not currently have an active broadband connection. Ofcom continued to engage regularly with communications providers and had set out expectations for industry to ensure these changes are

communicated clearly and that appropriate steps had been taken to identify more vulnerable consumers. In parallel, Ofcom was continuing to engage with government and the third sector on these changes.

32. Members NOTED the update and reiterated the Committee’s long-standing interest in this issue. A Committee member also referenced recent research commissioned by the Consumer Communications Panel, which highlighted the low awareness of the migration process and particular challenges relating to telecare systems. There was a short discussion about the role of the Scottish Local Government Digital Office to help coordinate activity across local authorities.

Connected Nations Scotland Autumn Report 2022

33. Ofcom colleagues provided the Committee with a summary of the upcoming Connected Nations report.

34. Members NOTED the update and offered feedback on how mobile coverage figures are presented in the report, how it reflected the availability of services that don’t rely on traditional infrastructure and the need to ensure a consumer focus when looking at fixed and mobile coverage.

2G/3G switch-off

35. Ofcom colleagues provided the Committee with a short update on industry-led plans to switch off 2G and 3G mobile services, as well as Ofcom’s role monitoring the process and engaging with the four mobile network operators.

36. Committee members NOTED the update and asked for clarification around the key milestones leading up to the final switch off date. An Ofcom colleague further explained the wider reliance on 2G services for connected devices, such as energy Smart Meters.

37. There was a short discussion around the challenges posed by the use of roaming/international SIM cards, which made it more difficult for providers to identify particular groups of consumers affected by the switch off. Committee members reiterated the need for mobile operators to proactively identify other groups of consumers. In response, an Ofcom colleague confirmed that Ofcom is continuing to engage with industry on these issues.

Online Safety Bill, public interest journalism roundtable & media literacy

38. An Ofcom colleague provided an update on the recent amendments to the Online Safety Bill and the discussion at the recent Public Interest Journalism roundtable organised by the Scottish Government. Members NOTED the updates.

39. An Ofcom colleague then provided an update on the ‘Initiate’ strand of Ofcom’s Media Literacy work and a recent tender issued to look at community-based media literacy interventions. Members NOTED the update.

Plan of Work 2023/24

40. Ofcom colleagues provided the Committee with an oral update on the progress of Ofcom’s proposed Plan of Work for 23/24. This built on a session with the Committee earlier in the year.

41. An Ofcom colleague highlighted the range of discussions that had been taking place across the organisation on our strategic ambitions – both for the coming financial year but also over the longer term. This would reflect the new responsibilities Ofcom had or would be taking on across video-sharing platforms, online safety, and telecoms security. It would also highlight measures to enhance the organisation’s digital and data capabilities. There was a short discussion about the wider challenges

<p>facing the UK economy, including the ongoing cost-of-living issues. An Ofcom colleague also explained how we will seek to reflect the specific challenges across the four nations of the UK.</p> <p>42. Committee members NOTED the update and confirmed that it would be submitting a response to the consultation to highlight specific issues relating to citizens and consumers in Scotland. Finally, there was a short discussion about plans for the Plan of Work event to be held in the Edinburgh office.</p>
<p>Content Board update</p> <p>43. Members had been provided with a 'For Information' written paper and the Committee NOTED its content.</p>
<p>Consumer Panel/ACOD update</p> <p>44. Members had been provided with a 'For Information' written paper and the Committee NOTED its content.</p>
<p>Ofcom Contact Centre Information</p> <p>45. 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>46. Members had been provided with a 'For information' written paper and the Committee NOTED its content.</p>
<p>Any Other Business</p> <p>47. The Chair thanked member, Laura Anderson, for her contribution to the Committee over the last few years and wished her well in her new role.</p>
<p>Date of the Next Meeting</p> <p>48. The next scheduled Committee meeting would be held on 22 February 2023.</p>

Approved: _____

Chair

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Date: _____