

Minutes of the 93rd meeting of the Advisory Committee for Scotland – hybrid meeting in person and virtually over Microsoft Teams on 27 September 2023

Present

Elizabeth Partyka	Chair
Jess McBeath	Member
Gerry Crawley	Member
Polly Tolley	Member

In attendance

Bob Downes	Ofcom Board Member for Scotland, on-line
Maggie Cunningham	Content Board Member for Scotland – on-line from Agenda Item 8
Glenn Preston	Ofcom Scotland Director
Stefan Webster	Ofcom Scotland
Ross Hamilton	Ofcom Scotland
David Bagshaw	Ofcom Scotland
Aiden Pacey	Ofcom Scotland
Debbie Hughes	Ofcom Scotland
Cameron Bailey (observing)	Ofcom Network & Comms
Rick Hill	Chair, Ofcom’s Communications Consumer Panel – on-line for Agenda Item 3 only

Other Ofcom colleagues

For Agenda Items 2 & 3 only:

Katie Milligan: Openreach – Chief Commercial Officer and Chair, Openreach Scotland Committee

Graeme Heron: Openreach, Regional Director

Anna Steven: Openreach, Head of External Communications for Scotland

Discussion with ACS / Openreach

1. Openreach representatives joined the Committee for a high level discussion on aspects of fixed telecoms policy, and how these impact consumers and businesses across Scotland.

Welcome, introductions, conflicts, and apologies

2. The Chair welcomed everyone to the meeting and introduced Aiden Pacey, the new Graduate in the Ofcom Scotland team.
3. It was NOTED that Stephen Speirs, Ashe Hussain and Amanda Britain had sent their apologies.
4. A member advised that they had started a new temporary role with Ofcom’s Media Literacy Policy team up until March 2024.
5. A member advised that they had started a new role with NatWest Bank who had indicated they would find it helpful to engage with Ofcom on the Online Safety Bill in relation to fraud and scams. It was agreed that Ofcom Scotland colleagues would set up a meeting (and noted that this would likely be part of a wider suite of engagement with financial services companies).

Minutes of the 92nd meeting held on 6 June 2023

6. The minutes of the 92nd meeting were APPROVED. In the discussion of actions which arose from the June 2023 meeting, it was NOTED that:

- The Chair asked if the 'Policy Matters' workshop with Screen Scotland had been arranged. It was NOTED that Screen Scotland had approached Ofcom to see about hosting the workshop to set this up in the Spring of next year at Ofcom's offices in Edinburgh. It was NOTED that the workshop would be open to ACS members, but the Ofcom Scotland Director suggested Ofcom's Board member and Content Board member for Scotland may also wish to attend.

- The Chair asked if there was an update on what was causing the increase on the analogue listening figures against digital that was mentioned in the Media Nations Report. It was NOTED that an investigation had been carried out across all the platforms, but it was advised that nothing had been found to pinpoint the cause for this.

Members' updates

7. A member advised that the Online Safety Bill was now moving at pace and likely to get Royal Assent shortly. It was advised that the member had attended a IWF (Internet Watch Foundation) presentation on the impact of AI on child sexual abuse.

8. It was NOTED that the UK Safer Internet Centre are hosting a Safer Internet Day planning event in Ofcom's Edinburgh office in November. This is looking at helping children and young people stay safe online.

9. A member commented that inflation was reducing slightly but there was concern that the cost of living will still be harder for consumers this winter as costs i.e. energy prices and interest rates are still higher than in previous years.

10. A member advised that the cost of 1st class stamps is being increased by 14% in October.

11. The Chair advised that Screen Scotland's 2021 economic report was very positive as it was a booster year in terms of productions, especially in films. It is hoped that the report will be bi-annual which will see it cover 2023 which has been a challenging year for the broadcasting and production sector. It was thought that this is due to the writer's strike in the USA which has an impact on preventing the big productions not being able to come to Scotland, meaning that casts and crews don't get jobs.

12. The Chair also advised that Screen Scotland are commissioning some research into '20 years of the Communications Act' to look at the impact on the production sector in Scotland and how it compares against the wider UK.

Director's Report / Public Policy update

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

- An introductory meeting had taken place with Ofcom's Chief Executive and Scotland Board member plus a member of the Scotland team with Richard Lochhead MSP at the end of July. Mr. Lochhead's ministerial portfolio covers digital economy and strategy, digital participation, and digital connectivity and most of the discussion centred around the connectivity challenges in rural Scotland.

- The Scottish Government’s Programme for Government document, which was published on 5 September 2023, had restated a commitment to completion of the R100 Programme by March 2028.

- The 4G Infill Programme was nearing completion with the last mast due to be turned on shortly. This would take the total amount of masts built to 55.

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

- The Online Safety Bill had completed its Parliamentary passage and was awaiting Royal Assent. The Ofcom team were preparing initial consultation documents on the design of the Online Safety regime for publication in November, while the House of Commons Public Accounts Committee will be holding a hearing on the National Audit Office’s review of Ofcom’s preparedness for the Online Safety regime in October.

- Ofcom was engaging in the new pilot DRCF “AI and Digital Hub” and preparations for the UK Government-led AI Safety Summit on 1 and 2 November. There were two separate Parliamentary inquiries – by the Commons Science, Innovation and Technology Committee, and Lords Communications and Digital Committee, respectively – on AI related matters, to which Ofcom had provided written evidence and is anticipated to provide oral evidence.

- The Media Bill, which is still in draft pre-legislative scrutiny, is expected to be included in the Kings Speech on 7 November.

- A response had been submitted to a UK Government consultation proposing to extend the “Growth Duty” to Ofcom, Ofgem and Ofwat.

- The Chair raised the recent decision on COSTA rules for PSB channels, and commented on Ofcom’s reasoning around advertising during news in reaching its conclusion. Ofcom colleagues provided a response and reaffirmed Ofcom’s position to revisit the policy when the PSB landscape is more settled.

- A Committee member raised the “aggressive” techniques which were being used by some telecoms providers in respect of consumer indebtedness and whether Ofcom was considering looking at anything in this area. Ofcom colleagues highlighted the wider programme of work being undertaken to support consumers through the cost of living crisis, and enforcement action which had been launched against Virgin Media regarding closure of accounts as examples of work underway.

Connected Nations Scotland Report 2023:

15. Ofcom colleagues provided the Committee with a summary of the timings and process around the upcoming Connected Nations report as well as an overview of some of the trends the report is expected to focus on this year.

16. A discussion followed that covered the USO definition, the role sustainability would play in this year’s reports and how case studies would be used to complement the data.

Future of TV Distribution

17. Ofcom colleagues briefed the Committee on the upcoming call for evidence on the Future of TV Distribution.

18. An Ofcom colleague NOTED that the main issues concerning Scotland in the CFE would be future broadband coverage and the response of STV.

- 19. The Chair NOTED that switching off digital terrestrial television would affect Arqiva.
- 20. The Scotland Director asked whether current fibre networks would be able to cope with the increase in data usage (as had been suggested by some infrastructure providers) and an Ofcom colleague highlighted that capacity could be a concern with high levels of people watching content online.
- 21. The Chair NOTED that the Committee may want to respond to the call for evidence.

BBC Annual Report

- 22. Ofcom colleagues provided an overview of this year’s Annual Report, explaining that this will be the final annual report under the previous Operating Licence. From now on, the report will capture key issues and themes. Ofcom intends to make this work programmatic with on-going engagement with the BBC throughout the year rather than solely an annual report.
- 23. The Chair confirmed that Ofcom's BBC Annual Report aligns with the BBC's own annual report time period (2022-23) and NOTED the tone of this year’s report in draft stage as well as the themes that are most relevant to Scotland.
- 24. The Ofcom Content Board member for Scotland enquired about Ofcom's DE audience workstream and NOTED Ofcom colleague’s comments on how the findings are taking shape.
- 25. The Chair asked about any reference to BBC Governance within the Report. The Ofcom Scotland Director noted the challenge of reporting on the BBC’s Governance while staying within Ofcom’s regulatory remit.
- 26. A Member commented on the complex political and competitive landscape that the BBC operates in and how that is reflected in the report.

Consumer Panel/ACOD update

- 27. Members had been provided with a ‘For Information’ written paper and the Committee NOTED its content.

Ofcom Contact Centre Information

- 28. Members had been provided with a ‘For Information’ paper with Scotland’s data and the Committee NOTED its content.

ACS Strategy Report 2023/24

- 29. Members had been provided with a ‘For Information’ written paper and the Committee NOTED its content.

Any Other Business

- 30. The Chair NOTED that at the next meeting in November that a range of Ofcom’s sectors will be on the Agenda including a couple of external Stakeholder presentations.
- 31. The Chair NOTED that all the Advisory Committee meetings for 2024 have been agreed and asks that members ensure that these are confirmed in their diaries and for any clashes to be highlighted asap.

Date of the Next Meeting

32. The next scheduled Committee meeting is being held on 29 November 2023.

Approved: _____

Chair

[remove for published minutes]

Date: _____