

Minutes of the twenty-second meeting of the Ofcom Consumer Panel

Tuesday 24 January 2006 at 10.00 hours

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

Present:

Consumer Panel

Colette Bowe (Chairman)
Ruth Evans (Deputy Chairman)
Fiona Ballantyne
Roger Darlington
Simon Gibson
Graham Mather
Kate O'Rourke

In attendance

Stephen Carter (Chief Executive, Ofcom, item 2)
David Edwards (Consumer Panel Secretary)
Julia Guasch (Consumer Panel Support Executive)
Georgia Klein (Consumer Panel Manager)
Dominic Ridley (Policy Executive to the Panel)
other Ofcom colleagues

1. Welcome and introductions

1.1 The Chairman welcomed colleagues to the meeting and introduced Julia Guasch who had joined the Consumer Panel support team. Apologies were received from Azeem Azhar, Kevin McLaughlin and Bob Twitchin. The Chairman reported that ministers had approved two new Ofcom appointments to the Panel. A Panel news release would announce appointment of Allan Williams and Jeremy Mitchell shortly.

2. Stephen Carter, Ofcom Chief Executive

2.1 Stephen Carter delivered a short presentation based on his update to the Ofcom Board meeting of 13 December 2005. The pre-Christmas period had been particularly busy for Ofcom. He drew attention to the announcement on Ofcom's approach to the UK television advertising sales market and the Contract Rights Renewal (CRR) remedy put in place as a condition of the Carlton-Granada merger; the consultation on Ofcom's Annual Plan 2006/7; and Ofcom's final statement on the further development of Digital Audio Broadcasting (DAB) radio, with the allocation of three blocks of VHF Band III spectrum to fill the gaps in local multiplex coverage. He referred briefly to Ofcom's finances and confirmed that Ofcom would continue to achieve cost savings. Ofcom was in mid-position

on a large body of work and there were three areas where it would become busier: spectrum; engagement with international issues; and a basket of implementation issues arising from the Strategic Review of Telecommunications (TSR) and follow on from other telecoms work. He concluded his presentation by summarising a number of Ofcom internal and organizational priorities.

2.2 Roger Darlington questioned whether Ofcom would be able to continue to regulate broadcasting in a context of dramatic convergence in communications and the EU's TV without frontiers directive, the latter an indication of major deregulation. Stephen Carter said that some profound questions would have to be asked in a period of progressive handover of content regulation to the consumer and the market. Currently Ofcom's authority derived from its content regulation powers and ability to secure public service broadcasting obligations reflecting the commercial public service broadcasters' access to scarce analogue spectrum. In five years' time TV could be unrecognisable and Ofcom would no longer have the tools to impose regulatory solutions. The Chairman said that in such a scenario consumers would have to be active and informed, but work on digital switchover (DSO) showed that many consumers were not. The Deputy Chairman raised concern about the ability of all consumers to adopt new communications technologies and the impact on the knowledge gap between younger and older people. Stephen Carter's view was that the need to understand technologies would reduce, ie devices and usability would become easier, and people's ability to respond to change would improve. He added that the extent to which increased choice was good, or disorientating, varied by market segment and consumer information was a critical factor.

3. Declaration of members' interests

3.1 There were no declarations.

4. Minutes of the meeting on 13 December 2005 and matters arising

4.1 The minutes of the previous meeting were agreed subject to minor amendment.

4.2 The Panel's workplan would be on the agenda of the February 2006 meeting. The Chairman said that spectrum issues should be included in that discussion. There were more consumer issues than the Panel could handle and there could be scope for Ofcom's Advisory Committee for England (ACE) to take on some of them.

AP1 Secretary to amend minutes.

AP2 Discussion of the Panel workplan at the February 2006 meeting to include spectrum issues.

AP3 Secretary to ensure a meeting is set up as soon as possible with the Chairman of ACE. Attendees to include the Panel Chairman, Roger Darlington and Georgia Klein.

5. Chairman's report

5.1 The Panel's launch event for the consumer interest toolkit would be on 2 February 2006 and all arrangements were in hand. The DTI's consultation on proposals to strengthen consumer representation was due to be published (Note: the consultation was published on 25 January 2006.). The Chairman had met with the chairmen of the Financial Services Consumer Panel and Water Voice to discuss related issues. The Chairman had visited the Office of the Telecommunications Ombudsman and was given an update on its activities.

6. Members' updates

6.1 Kate O'Rourke had met Philip Graf, the recently appointed Deputy Chairman of Ofcom. Philip Graf had expressed interest in meeting the Panel. The previous day Roger Darlington, the Panel's member for England, attended a meeting of the ACE that included a report on Ofcom's media literacy work and Ofcom's Audit of the Nations and Regions. He had met with Ofcom colleagues to discuss the EU review of communications regulation. Graham Mather reported that the European Policy Forum would be holding a conference on the EU review on 9 March 2006.

6.2 Fiona Ballantyne, the Panel's member from Scotland, reported that a first draft of the Panel's tracker research was expected at the beginning of February 2006. In the afternoon following the Panel meeting she would chair a Panel discussion on the current state of knowledge on communications issues affecting older people as a preliminary to a related Panel research project. She had a discussion with Ofcom on its SME research and initial findings. Qualitative research was complete and the next stage would be a large scale quantitative exercise.

6.3 The Deputy Chairman would chair a Panel discussion on DSO in the afternoon following on from the Panel meeting. Attendees would include members of Ofcom's DSO team. She would also be meeting various organisations to discuss the DTI's consultation on consumer representation.

6.4 Simon Gibson, the Panel's member for Wales, had been a speaker at a recent event organised by the Digital Television Group (DTG). It was his view that the Panel should engage with DGT and it was agreed that the Deputy Chairman would meet with that organisation. Simon Gibson had met Ofcom's Director for Wales and was given an update on the Ofcom Audit of the Nations and Regions. He had also met the Chairman of the Welsh Development Agency to discuss DSO.

AP4 Secretary to invite Philip Graf to meet the Panel.

AP5 Secretary to ensure a meeting is arranged between the Deputy Chairman and the Digital Television Group. Roger Darlington and Georgia Klein would also take part.

7. Consultations and capturing the consumer interest in Ofcom

7.1 An Ofcom colleague outlined the process of an Ofcom consultation exercise. There were a number of phases:

- steps to ensure stakeholder awareness of a consultation;
- the distribution and access phase;
- ensuring understanding of what was being asked;
- publishing responses; and
- communicating final outcomes.

7.2 Consultations could be improved by better use of the Ofcom website and a number of site changes were planned. An online response system would be in place by the end of March 2006. Responses would be fed into a database allowing rapid publication and analysis of responses but some IT security issues remained yet to be resolved. There would be re-design of the navigation area for responses to consultations, including a docketing system to allow searches. Ensuring awareness and aiding understanding of consultations were more difficult tasks.

7.3 In discussion the following points were made:

- Kate O'Rourke commented that some respondents would not wish to respond on-line.
- Ofcom colleagues confirmed that other options would remain, eg hard copy, and said that there was a wider debate about stakeholder engagement and how to gain views outside formal consultation processes.
- Roger Darlington proposed proactive steps to seek views, eg writing to specific groups and highlighting or targeting particular issues or questions on which views were required. He further suggested more stakeholder events and on-line discussions and that greater use could be made of Ofcom's advisory committees.
- An Ofcom colleague said that on-line discussions could be resource heavy, would need to be moderated and that Ofcom would first wish to take stock of the planned website changes.
- Simon Gibson suggested the use of podcasts or other broadcasts on consultations and that these could lead to increased engagement with younger people.
- The Deputy Chairman said that one factor militating against consultation responses was often the lack of follow-up activity, eg an audit of responses and steps to find out why certain stakeholders did not respond.

- An Ofcom colleague said that the sheer volume of consultations was part of the problem, together with the need to indicate which were the important consultations or issues for particular stakeholders. Ofcom project managers took some proactive steps but the current system appeared to favour industry stakeholders with the staff and resources to respond to consultations. He recognised the need to synthesise key questions and to aid engagement and that there was not a 'one size fits all' solution.
- The Deputy Chairman suggested that Ofcom could set up a panel or a pool of people to consult, it could be an e-consultation group.
- The Chairman suggested that supermarkets – rather than GPs surgeries – could be a more effective route to communicate consultations to a broad demographic of potential respondents. She said that the Panel supported Ofcom's web based initiatives but also wished to discuss how Ofcom could reach small interest or single issue groups. Even fairly large organisations, eg RNIB, appeared to have only one person working on a very wide range of communications issues. To secure engagement with such groups Ofcom would need to determine a limited number of important consumer issues, Ofcom resources would be required almost on an 'account manager' basis. The Panel would be happy to assist in selecting the issues and the appropriate stakeholders.
- An Ofcom colleague said that Ofcom was considering a bi-lateral approach to consumer stakeholders as opposed to issue based relationships. The Consumer Forum on Communications could be a means to pursue that. He added that Ofcom's application of the Panel's consumer interest toolkit would also help to ensure that stakeholder views were targeted and their views sought.

7.4 An Ofcom colleague would update the Panel immediately before the start of the March 2006 meeting with a demonstration of Ofcom's new on-line form for consultations. Outside the meeting another Ofcom colleague and Georgia Klein would discuss issues of consumer engagement in the context of the consumer interest toolkit. That colleague would return to the April 2006 Panel meeting to continue that discussion and return to the March 2006 meeting to talk about Ofcom enforcement activities. In the interval he would welcome feedback on Ofcom's formal response to the toolkit as outlined in David Currie's letter to the Panel. The Chairman said that at a later date the Panel would discuss with Ofcom colleagues the Ofcom projects that the Panel wished to 'audit' by using the toolkit. There was brief discussion of a new consumer advice area that would be a feature of the Ofcom website. Modelled on the site's existing complaints portal, it would improve access to a wide range of advice that was already available on-line. A demonstration of the advice portal could be held prior to the April or May 2006 Panel meeting, depending on progress in its development.

AP6 Secretary to arrange a demonstration of Ofcom's new online form for consultation responses (immediately preceding the start of the March Panel meeting).

AP7 An Ofcom colleague to attend the April Panel meeting to continue discussion of Ofcom engagement with consumer stakeholders.

AP8 An Ofcom colleague to talk about Ofcom enforcement activities at the March Panel meeting.

AP9 Secretary to arrange a demonstration of Ofcom's new online consumer advice area (immediately preceding the start of the April or May Panel meeting).

8. Ofcom's Annual Plan

8.1 Members had been copied a draft Panel response to Ofcom's Annual Plan consultation. There was general satisfaction with the draft but a small number of comments were made that would require minor amendment by Dominic Ridley.

AP10 Dominic Ridley to amend the draft response in the light of Panel comments.

9. Other matters to note/agree

9.1 Members had been provided with a report on meetings, consultations and approaches to the Panel; its contents were noted.

9.2 Since the previous meeting the Chairman had received three letters from David Currie providing responses from the Ofcom Board to the Panel on the consumer interest toolkit, referred to earlier, Ofcom's Consumer Policy review and the TSR. It was agreed that the letter on the toolkit was a full response. The Panel was satisfied that Ofcom was taking the toolkit seriously. In the letter on the Consumer Policy review the Ofcom Board disagreed with some of the Panel's views. Citizen issues, in particular, would require further discussion. It was agreed that the Chairman would re-circulate to Panel members her note on citizens, that the Chairman and Georgia Klein would prepare a paper on that topic for discussion at the April 2006 Panel meeting. The Chairman would also write in response to David Currie's letter and invite him to discuss consumer/citizen issues at the April Panel meeting. Georgia Klein would check to confirm that the Board's response on the TSR addressed all the Panel's concerns. Although a letter had been received on evaluation of outcomes of the TSR, a further letter was expected to provide a full response to the Panel's views. It was agreed that in future Board responses would be forwarded to Panel members with the Panel's original advice attached, plus a note confirming whether Panel concerns have been addressed.

AP11 Chairman to circulate to members her note on citizens.

AP12 Chairman and Georgia Klein to prepare a paper on the citizen topic for the April Panel meeting.

AP13 Chairman to write to David Currie in response to his letter on Ofcom's consumer policy review and invite him to the April Panel meeting to talk about consumer/citizen issues.

AP14 Georgia Klein to check the Ofcom Board's response to the Panel's advice on the TSR to confirm that all Panel issues have been addressed.

AP15 Dominic Ridley to ensure that Board responses are forwarded to members with the Panel's original advice attached and a note confirming whether Panel concerns have been addressed.

10. Any other Business

10.1 There was no other business.

.....Chairman

.....Date