

## **Minutes of the twenty-fifth meeting of the Ofcom Consumer Panel**

**Thursday 27 April 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)  
Azeem Azhar  
Fiona Ballantyne  
Roger Darlington  
Graham Mather  
Kevin McLaughlin  
Jeremy Mitchell  
Kate O'Rourke  
Bob Twitchin

### In attendance

David Edwards (Consumer Panel Secretary)  
Julia Guasch (Consumer Panel Support Executive)  
Georgia Klein (Consumer Panel Manager)  
Dominic Ridley (Policy Executive to the Panel)

## **1. Welcome and introductions**

1.1 The Chairman welcomed members to the meeting. Apologies were received from Simon Gibson and Allan Williams.

## **2. Declaration of members' interests**

2.1 Roger Darlington reported that he had been appointed as a member of the Council of Postwatch, the consumer watchdog for postal services. He would act as chairman of Postwatch's greater London region and its research committee and as a member of its counters committee.

## **3. Minutes of the meeting on 21 March 2006 and matters arising**

3.1 The minutes of the previous meeting were agreed.

3.2 It was agreed that Philip Graf, the recently appointed Deputy Chairman of Ofcom, would be invited to dine with the Panel on the eve of the July 2006 Panel meeting. Graham Mather would pursue contacts at the Swedish communications regulator - Post- och telestyrelsen, PTS, the Swedish National Post and

Telecom Agency – to allow the regulator to meet the Panel during the course of 2006. The Chairman had met with the support team to discuss Panel agenda issues for the coming months and it was agreed that a note would be copied to members. The Panel would meet in Cardiff on 23 May 2006; Julia Guasch would liaise with members on travel and the Secretary would progress Wales arrangements. It was agreed that the Panel would meet in Carlisle in the Autumn and Julia Guasch would consult members on a suitable date.

AP1 Julia Guasch to invite Philip Graf to dine with the Panel.

AP2 Graham Mather to pursue the Swedish regulator to facilitate a meeting with the Panel in the near future.

AP3 Support team to copy members a note on Panel agendas for the coming months.

AP4 Julia Guasch to liaise with members on travel arrangements for the May 2006 meeting in Wales.

AP5 Secretary to progress Wales meeting arrangements.

AP6 Julia Guasch to consult members to agree an Autumn 2006 Panel meeting date in Carlisle.

#### **4. Chairman's report**

4.1 The Chairman reported that the Panel had submitted its response to the DTI consultation on consumer representation and redress (the Consumer Voice consultation). The Chairman and Deputy Chairman had met their counterparts on the Financial Services Consumer Panel and had discussed the DTI consultation. The Chairman expected to meet the DTI's consultation team in the near future. Roger Darlington stressed the importance of keeping abreast of debates, he recommended that the Panel reach a consensus with others where this was possible and said that industry views should weigh in the balance along with consumer views. The DTI was expected to react publicly to the consultation responses before the Summer, with legislation in the Queen's speech in the Autumn.

4.2 On 29 April 2006 the House of Commons Culture, Media and Sport Committee published its report on Analogue Switch-off and the Panel had issued a news release welcoming the Committee's recommendations. [Note: the report can be found at:

<http://www.publications.parliament.uk/pa/cm200506/cmselect/cmcmcomeds/650/650i.pdf>] The Chairman and Deputy Chairman had met with officials from the Department of Culture, Media and Sport (DCMS) and DCMS appeared to be reacting positively to the report. It was agreed that the Chairman of the Select Committee, John Whittingdale MP, should be invited to meet the Panel.

4.3 At the last meeting the Chairman reported that she had met Suzy Brain England, Chairman of Ofcom's Advisory Committee for England (ACE), and it had been agreed that the Panel and ACE would collaborate on scrutiny of the single non-emergency number. Subsequently the Panel and ACE had become

deterred from pursuing that issue because it appeared that there were limited prospects of influencing policy. The Chairman would be consulting further with ACE. The Chairman had met the mobile operator Hutchison 3G and had discussed mobile number portability. The latter raised issues for consideration in the Panel's work on telecoms issues.

AP7 Secretary to invite John Whittingdale MP to meet the Panel.

## **5. Members' updates**

5.1 The previous day Bob Twitchin and Kevin McLaughlin had attended the quarterly meeting of Ofcom's Advisory Committee on Older and Disabled People (ACOD). The ACOD Chairman and Deputy Chairman had recently attended an Ofcom Board meeting and the Committee's priorities appeared to have been endorsed. At the ACOD meeting there was discussion of the difficulties for people with a learning disability unable to obtain a telephone service because they did not have a bank account or a credit card. ACOD had asked if this was an issue that the Panel could pursue. The Panel Chairman's view was that this was a financial matter rather than a communications issue and suggested that it could be raised with the Financial Services Consumer Panel. Kevin McLaughlin had also met with RNID in Northern Ireland.

5.2 Kate O'Rourke, Georgia Klein and Dominic Ridley had met with Ofcom colleagues to discuss consumer information and enforcement issues. They had been encouraged by the work that was being undertaken by Ofcom and would receive regular updates. It was agreed that the customer Codes of Practice of the telecoms operators should form part of the Panel's discussion with the Ofcom consumer enforcement team in Autumn 2006.

5.3 Azeem Azhar had been in dialogue with 3G mobile operators. He would demonstrate mobile internet services for Panel members and to coincide with the June 2006 Panel meeting. He raised the issue of current debates in the United States (US) about internet neutrality. The separation between content and delivery of internet services was breaking down with US telecoms operators seeking to charge to carry certain websites. It was agreed that Azeem Azhar would brief members on internet neutrality in advance of the dinner with Philip Graf, scheduled for July 2006.

5.4 Roger Darlington had attended a number of meetings related to Panel business since the last Panel meeting. As an action point from the previous month's meeting of the Consumer Forum on Communications (CFC) he had agreed to consider how an on-line forum could be developed to facilitate dialogue between consumer and disability organisations and Ofcom's consumer policy team. He had met with an Ofcom colleague who had agreed to consider the proposal. Roger Darlington and Georgia Klein had met the UK Competitive Telecommunications Association (UKCTA) and discussed the Consumer Voice consultation and the Panel's views on Ofcom's consumer policy consultation. In

that meeting the suggestion was made to set up an industry equivalent of CFC to engage with industry players. Kate O'Rourke commented that industry representatives were often reluctant to express their views in the company of competitors. Jeremy Mitchell said the diversity of industry players and the turnover in their representatives could also be problematic for an industry forum. The Deputy Chairman said that it would be important to engage with industry colleagues responsible for strategic thinking. It was agreed that Georgia Klein would give further consideration to the proposal of an industry forum.

5.5 Following up dialogue with Ofcom colleagues at the previous meeting on consumer enforcement issues, Graham Mather had forwarded to an Ofcom colleague details of a US service called "Do Not Call" and BT's customer compensation scheme. Graham Mather had met with a colleague engaged in the Treasury review of the UK's intellectual property framework led by Andrew Gowers; there were issues related to the pricing of content and to changing formats, eg downloads from the internet. These were amongst a number of issues that cut across content and its delivery, another was the increase in production of creative content on-line amongst younger people. Dominic Ridley would make enquiries about the Gowers review and determine whether the Panel should respond to its call for evidence. [Note: the closing date for submissions was 21 April 2006, see [http://www.hm-treasury.gov.uk/independent\\_reviews/gowers\\_review\\_intellectual\\_property/gowersreview\\_index.cfm](http://www.hm-treasury.gov.uk/independent_reviews/gowers_review_intellectual_property/gowersreview_index.cfm)]

5.6 Fiona Ballantyne had met with the research organisation engaged in the Panel's qualitative research project on older people and communications. There would be a presentation on findings for Panel members in the afternoon. The previous day she and Kevin McLaughlin had attended a presentation to launch publication of Ofcom's audit of the Nations and Regions. A number of rural themes had emerged from the audit and these appeared to be shared by the UK as a whole rather than issues specific to a particular area. These were: poor reception, lack of demand, limited choice and lack of access. An issue that emerged from discussion at the Ofcom event was the marketing of broadband services on the basis of price and speed. Two particular concerns were that consumers knew what they were paying for a broadband service. But where they getting the speed that was promised and how could they monitor the latter? After discussion it was agreed that Georgia Klein and Dominic Ridley would explore these issues further to determine whether there was/map out a project for the Panel to pursue. They would then report back to the Panel. Fiona Ballantyne had attended an Ofcom presentation on its switching research based on findings from focus groups. The next phase would be quantitative research. Members requested a presentation on the research findings which could take place on the day of the June 2006 Panel meeting.

5.7 The Deputy Chairman had meetings with DCMS and Timebank (a national volunteering organisation) to discuss digital switchover (DSO). The latter was keen to be involved in supporting hard to reach/socially isolated people but had

concerns about the scale of the DSO project and whether it had the resources to play a part. The Panel's second low income seminar took place on 28 March 2006 and included a series of presentations and respondents, followed by discussions. Attendees included academics, and colleagues from Ofcom and government departments. [Note: a report of the seminar would be posted on the Panel's website.]

AP8 Bob Twitchin to raise the issue of bank accounts and access to a telephone service with the Financial Services Consumer Panel.

AP9 Team to arrange for Ofcom's Consumer Enforcement team to discuss CoPs with the Panel, probably in October 2006.

AP10 Azeem Azhar to present on mobile internet services on the day of the June 2006 Panel meeting.

AP11 Azeem Azhar to prepare a briefing on internet neutrality to immediately precede the July Panel dinner.

AP12 Georgia Klein to consider issues around an industry equivalent of the Consumer Forum on Communications.

AP13 Dominic Ridley to make enquires about the Gowers Review on intellectual property rights and determine whether the Panel should respond to the call for submissions.

AP14 Georgia Klein and Dominic Ridley to determine whether there was/map out a project on broadband speeds and how consumers could monitor whether they were getting the services marketed to them.

AP15 Support team to arrange a briefing on Ofcom's switching research (possibly for the day of the June 2006 Panel meeting but team to determine the best time for Panel engagement).

## **6. Panel workplan**

6.1 Members had received a set of templates covering each of the Panel's strategic work themes, which were workstreams in addition to its ongoing work, eg on low income consumers, disability issues etc. The templates had been compiled by the members leading on particular themes and it was agreed that in future members' updates at Panel meetings should include reports on strategic workstreams. The Chairman commented that the templates included a section on key performance indicators (KPIs) and members were asked to review these to allow the Panel to make a reasonable assessment of its successes, eg demonstrating that it had presented a well-argued case in a policy area rather than achieving the implementation of a particular policy. There was discussion of each of the strategic themes as follows:

- the consumer interest toolkit: next steps would include a meeting to decide which Ofcom projects the toolkit would be applied to by the Panel and related toolkit speaking engagements for the Chairman; the Chairman had written to Stephen Carter, Ofcom's Chief Executive, and had praised the way in which Ofcom was internalising the toolkit;

- Consumer Voice: Ofcom had submitted its response to the DTI consultation; Georgia Klein would copy Ofcom's response to Panel members;
- the Universal Service Obligation in telecoms: the Panel's KPIs would be reviewed;
- consumer protection: KPIs would be reviewed; it was agreed that issues related to unsolicited calls and the Telephone Preference Service should be included in the workstream; Graham Mather would forward details of "Do Not Call" to Kate O'Rourke; Jeremy Mitchell said that there could be issues for this workstream arising from Ofcom's Consumer Policy consultation, eg quality of service and comparative pricing information; the Chairman said that there were different views amongst Panel members about whose role it was to provide information to consumers; it was agreed that Georgia Klein and Dominic Ridley would brief Jeremy Mitchell on the Panel's involvement in Ofcom's Consumer Policy project.
- DSO: some changes would be made to timescales; the Panel was an advisory body and the Chairman said that the Panel had to ensure that it did not become part of the delivery mechanism for DSO;
- older people and digital inclusion: immediately preceding the Panel meeting there had been a session with Professor Janet Askham to discuss cognitive issues and older people; the objective of the workstream was to persuade Ofcom to include issues affecting older people in its mainstream work programme; it was agreed that the Panel would host a by-invitation seminar to take place before the Summer holidays;
- spectrum: the Chairman would discuss this workstream with Simon Gibson in advance of the next Panel meeting; the Panel would need to determine where it could add value to spectrum debates.

AP16 Future members' updates at Panel meetings to include reports on workstreams.

AP17 Where necessary members to re-work workstream templates, by 9 May.

AP18 Georgia Klein to copy members Ofcom's response to the Consumer Voice consultation.

AP19 Graham Mather to copy his email on "Do Not Call" to Kate O'Rourke.

AP20 Georgia Klein and Dominic Ridley to brief Jeremy Mitchell on the Panel's involvement in Ofcom's Consumer Policy project.

AP21 Team to organise a seminar/workshop on older people to take place before Summer 2006.

AP22 Chairman to discuss the spectrum workstream with Simon Gibson before the May 2006 Panel meeting.

## **7. Panel tracker research**

7.1 Members had received a draft foreword to the research report. The latter was to have been published on 15 May 2006 but that would be the day that findings from the Bolton DSO trial would be published. A new date would be agreed for publication of research and members were asked to forward any

comments on the tracker foreword to Georgia Klein.

AP23 Members to forward comments on the tracker foreword to Georgia Klein by 5 May 2006.

**8. Panel annual report**

8.1 Members had received a draft of the annual report. They were requested to forward suggestions for topics for inclusion or emphasis in the report's foreword to the Chairman and other comments on the draft report to the Secretary.

AP24 Members to forward suggestions for topics for inclusion or emphasis in the annual report foreword to the Chairman and other comments on the main report to the Secretary, by 5 May 2006.

**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.

**10. Any other Business**

10.1 Kate O'Rourke reported that Baroness Greenfield had made a speech in the House of Lords on the impact of digital technology and how people think and learn. The Secretary would copy the speech to members. [Note: the speech can be found at [http://www.publications.parliament.uk/pa/ld200405/ldhansrd/pdvn/lds06/text/60420-18.htm#column\\_1219](http://www.publications.parliament.uk/pa/ld200405/ldhansrd/pdvn/lds06/text/60420-18.htm#column_1219)] Roger Darlington had written a note on rural issues and would copy it to Panel members.

AP25 Secretary to forward members the text of a recent speech by Baroness Greenfield in the House of Lords.

AP26 Roger Darlington to copy members a note on rural issues.

.....Chairman

.....Date