

Minutes of the 78th meeting of the Communications Consumer Panel

on 15 June 2011 at 9.30 hours

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

Present

Consumer Panel

Bob Warner (Acting Chair)

Fiona Ballantyne

Kim Brook (ex-officio member)

Colin Browne

Roger Darlington

Maureen Edmondson

In attendance

David Edwards

Fiona Lennox

Stephen Temple (item 10)

Ofcom colleagues (items 3 and 5 - 9)

1. Declarations of interest

1.1 Members declared no interests.

2. Minutes of the meeting on 11 May 2011, matters arising and progress on actions

2.1 Members **APPROVED** the draft minutes for signature by the Chair.

2.2 Members had received an updated actions list. Bob Warner had fed back comments to Damian Tambini on his draft paper. Damian Tambini would re-structure the paper, taking account of members' comments, and it was expected that the paper would be published in September.

2.3 Members **NOTED** the information in the latest Panel Implementation Plan, providing a summary and strategic overview of Panel activities.

3. Proposed Communications Bill issues

3.1 The Panel **NOTED** the issues raised by a paper from Ofcom on preparing for the Communications Bill and by DCMS's open letter inviting views. Initial member reactions were:

- it was necessary to look to the future, eg twenty years hence, particularly in the context of an ageing population and online migration of many public services;
- the DCMS letter appeared to place an emphasis on the promotion of growth, with little mention of consumers;
- work would be required to define the scope of legislation; for example, whether media literacy would continue to be included.

3.2 An Ofcom colleague joined the meeting and discussion touched on further issues:

- the timetable, including a Green Paper expected in the Autumn;

- levels of DCMS resource to devote to the Bill;
- the Government's desire to reduce regulation where possible but expressed concern in certain areas, eg the recent Bailey Review of the Commercialisation and Sexualisation of Childhood;
- the focus on growth;
- broadcasting issues were likely to be to the fore, but there would be important debates about convergence, internet privacy and copyright issues;
- an expectation that over time consumer issues would gain greater prominence in debates about a Bill;
- there would be difficulties in future-proofing but an element would need to be a technology neutral approach;
- the Panel's desire to continue to engage with debates throughout the Bill process, with Ofcom, DCMS and others.

4. Panel response to DCMS open letter

4.1 It was **AGREED** that members would provide feedback to Fiona Lennox on the Panel's draft response to the DCMS letter. The draft would then be revised to take account of those comments and the meeting discussion.

5. Ofcom research update

5.1 Members had received a paper providing an update on Ofcom market research plans for 2011/12. An Ofcom colleague joined the meeting and expanded on the summary information provided. There was brief discussion and members **NOTED** that:

- the scale of a number of research projects had been reduced to reflect the reduction in Ofcom's research budget;
- Nations samples would be retained, as would age breaks;
- the Consumer Experience report would again include a chapter on empowerment; Ofcom would welcome Panel advice on how best to analyse the data and Fiona Lennox would provide members with a link to the empowerment chapter in the previous report;
- the Consumer Experience report would be launched later in the year and Ofcom would welcome Panel participation and advice on the format of the event;
- members wished to be kept informed of the outcomes of the online copyright infringement study and protecting audiences in an online world research, with members of the latter's Ofcom team attending a Panel meeting in due course;
- in addition to its current programme, Ofcom retained resource to undertake limited reactive and/or additional ad hoc research should the need arise.
- Ofcom would follow-up on a small number of the issues referred to on empowerment, protecting audiences and switching.

6. Transparency project

6.1 Members had received a paper providing details of an Ofcom desk research project on the role of consumer information remedies on the

internet. An Ofcom colleague provided a summary introduction. Members welcomed the project; were keen to be kept informed of progress and commented that:

- consumer information was not always readily assimilated;
- there were issues of information availability, use and quality;
- there could be academic research available on consumers' ability to absorb information;
- where an information remedy was found not to work, other measures would need to be considered.

6.2 Members **NOTED** that Ofcom intended to communicate the results of its research internally.

7. DTT interference project

7.1 An Ofcom colleague informed members about Ofcom's project on mitigation measures to deal with potential interference to digital terrestrial television, arising from new advanced mobile services in the 800 MHz spectrum band. Members **NOTED** the issues and measures available and suggested that Ofcom take advantage of the experience and expertise of Digital UK and seek advice from consumer bodies on how best to communicate and manage mitigation activities.

8. Provider specific consumer information

8.1 The Panel **NOTED** the issues raised by a paper from Ofcom on provider specific consumer information. Ofcom intended to publish a quality of service (QoS) research report in July. Initial member reactions were:

- overall, even the best satisfaction levels left much to be desired;
- Ofcom had recently published complaints data; this was applauded as a measure to encourage providers to improve their ranking and their levels of customer service.

8.2 An Ofcom colleague joined the meeting for discussion. Discussion included that:

- consumers would need a short, accessible document rather than the full research report; for this reason the Panel recommended publication of a summary;
- when publishing its research, Ofcom could use the opportunity to remind consumers about the provider complaints data already published;
- ADR schemes should follow Ofcom's example and publish data on complaints;
- there could be value in annual QoS research to track trends and to allow comparisons.

9. Net Neutrality

9.1 The Panel **NOTED** the issues raised by a summary paper from Ofcom on issues related to Net Neutrality and a draft industry code of practice on traffic management transparency for broadband services, including good practice principles. Initial comments included:

- there did not appear to be evidence that any large ISP was currently managing traffic in such a way to adversely affect consumers;
- less experienced users would be less likely to be aware of the potential

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| <p>problems of 'traffic management' and the term itself was unhelpful to consumers;</p> <ul style="list-style-type: none"> • the Broadband Stakeholder Group was undertaking a study about information provision, in tandem with Consumer Focus; <p>9.2 Ofcom colleagues joined the meeting and provided further background. The discussion points NOTED were:</p> <ul style="list-style-type: none"> • the EU had issued a recent statement; it recognised the importance of traffic management issues but also stressed the need to allow time to test the adequacy of the current regulatory framework; • that the framework included powers to deal with anti-competitive behaviour and to impose stricter specifications of transparency; • BEREC was expected to provide an opinion on QoS in the first half of 2012; • good practice would involve making clear to customers the traffic management practices employed by ISPs. <p>9.3 The Panel AGREED with Ofcom's approach to consumer transparency, ie supporting self-regulation in the first instance; that information provided to consumers needed to be relevant and intelligible; and that it was correct for Ofcom to link its work on transparency with work on broadband speeds. The Panel stressed that any potential 'blocking' of public services would raise significant concerns.</p> |
| <p>10. Panel work Plan 2011/12</p> <p>10.1 The Panel had consulted on its draft work plan and it had been revised to take account of the views received. Members were provided with copies of the consultation responses and the revised draft. They made minor comments and agreed a final draft for publication. Fiona Lennox would acknowledge responses received and copy the work plan to the consultation respondents.</p> |
| <p>11. PhonepayPlus report</p> <p>11.1 Members NOTED the contents of a bi-annual report to the Panel from PhonepayPlus. It included useful information on complaint categories, encouraging data on declining complaint volumes and details of fines. Members raised questions related to both success rate in the collection of fines and to the level of fines. Fiona Lennox would feed the questions back to PhonepayPlus.</p> |
| <p>12. Panel response to 4G spectrum auction</p> <p>12.1 To inform the Panel's thinking on Ofcom's spectrum auction consultation (award of 800MHz and 2.6GHz spectrum) Stephen Temple had been commissioned to provide a paper on mobile coverage issues. The paper and a draft response to the consultation, including input from Panel members, had been circulated. Stephen Temple joined the meeting to clarify any issues or outstanding questions.</p> <p>12.2 The Panel was in broad agreement with the draft response and in discussion NOTED its continued concerns about current 2G and 3G coverage, the value of roaming; and its proposal that monies from the future spectrum auction should be set aside to provide coverage benefits. The draft response would be reviewed in the light of discussion and submitted to Ofcom by the</p> |

end of the week. A draft advice note had also been prepared and provided to members for comment, again prior to submission to Ofcom.

13. Any Other Business

13.1 There was no other business.

.....ChairmanDate