Minutes of the 81ˢᵗ meeting of the Communications Consumer Panel

on 11 October 2011 at 9.30

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

Present
Consumer Panel
Bob Warner (Chair)
Fiona Ballantyne
Kim Brook (ex-officio member)
Colin Browne
Roger Darlington
Maureen Edmondson
Chris Holland (co-opted member)

In attendance
David Edwards
Fiona Lennox
Ofcom colleagues (items 4 – 10)

1.	Declarations of interest

1.1   Roger Darlington's membership of the board of Consumer Focus would come to an end in January 2012. Since item 3 would be a discussion of digital switchover for UK radio, he also reminded members of his recent appointment as Chairman of the DCMS Consumer Expert Group on digital radio.

2.	Minutes of the meeting on 14 September 2011, matters arising and progress on actions

2.1   Members **APPROVED** the draft minutes for signature by the Chair, subject to a minor amendment.

2.2   Members had received an updated actions list.

2.3   The Panel had issued a news release responding to the Committee of Advertising Practice's (CAP) new guidance for internet service providers when advertising broadband speeds. It was **AGREED** that CAP should be invited to a future Panel meeting and that it be requested to provide examples of how its guidance would affect advertising copy. Members **NOTED** the information in the latest Panel Implementation Plan, providing a summary and strategic overview of Panel activities.

3.	Digital Switchover of radio

3.1   Members had received copies of a paper from Roger Darlington providing a short guide to digital switchover for UK radio. The aim of discussion was to determine how the Panel wished to be involved in the Consumer Expert Group's work and touched on issues that included:

- noting a lack of compelling consumer demand or a spectrum need for radio switchover;
- the BBC and national commercial radio broadcasters were committed to switchover, one factor being a desire to avoid dual transmission and its costs;

- a decision on switchover could take place in 2015, but there was a requirement for 50% of radio listening to be digital for that to happen;
- issues of geography resulted in poor propagation of DAB and FM – this could create significant issues in Wales;
- switchover could raise particular concerns for older people;
- the Government was expected to publish a cost benefit analysis by the year-end.

3.2 It was **AGREED** that the Panel would send a representative to the Consumer Expert Group and await the Government's publication. Roger Darlington would keep members informed of any developments; and enquiries would be made to determine the thinking of Ofcom's Content Board.

4.   Transparency

4.1   Members received an update on Ofcom's project to understand under what conditions transparency could be effective as a regulatory or self-regulatory tool on the internet. This was in three specific policy contexts: broadband speed advertising; traffic management practices advertising; and behavioural targeted advertising.

4.2   An Ofcom colleague joined the meeting, reporting that desk research had been completed in addition to a number of interviews. A discussion paper was currently being drafted and would include case studies covering the three policy contexts mentioned. It was **AGREED** that Ofcom's draft discussion paper would be considered by the Panel in due course, probably at its December meeting.

5.   Consumer Experience

5.1   Members received slides providing interim analysis of Ofcom's Consumer Experience (CE) research findings on access and take-up; issues of choice, value, range of communications services; and consumer empowerment and protection. An Ofcom colleague joined the meeting and discussion included the following points:
- the key themes of the report would be raised with the Ofcom Policy Executive in November;
- the Panel considered it possible that price increases in the fixed-line market could disproportionately affect certain groups, eg older people;
- on broadband speeds, Ofcom would be conducting research next year;
- members felt that it would be useful to highlight switching issues at the CE launch event.

5.1   It was **NOTED** that the Panel would be part of Ofcom's CE report launch on 7 December 2011 - the Panel Chairman would be a speaker at the event.

6.   Digital participation

6.1   The Panel discussed an outline research brief for its digital participation research project and an Ofcom colleague joined the meeting for discussion. Members considered the brief and commented on overall design, including desk research and depth interviews amongst stakeholders and amongst people working in frontline services and ethnographic research amongst consumers. Discussion included the following points:
- it would be useful to discuss with stakeholders what they understood by the term 'digital participation';

- it could be worth making enquiries about the impact of the digital outreach report *Get Connected, Get Online*, ie whether any bodies or agencies had acted on the report;
- there was value in a case study investigating take-up in a single area of extreme deprivation, eg in Glasgow;
- a research partner in Scotland might be amenable to sharing the cost of the project.

6.2   It was **AGREED** that via an appropriate tendering exercise, bids should be obtained on a mix of digital participation research options and a decision then made on the specific lines of enquiry. Selection of a research agency was delegated to Fiona Ballantyne and Fiona Lennox, on behalf of the Panel.

7.   Switching

7.1   Members had received a paper and a number of supporting annexes updating them on Ofcom's consumer switching project. An Ofcom colleague joined the meeting for discussion and reported that further work was to be undertaken on slamming. This was likely to have an impact on the timetable for Ofcom's planned consultation.

8.   Mobile usability

8.1   An Ofcom colleague joined the Panel meeting and reported that, following the Panel's work on mobile handset usability, an Ofcom stakeholder event had been held in September, chaired by Bob Warner. The Ofcom meeting had focussed on the Global Accessibility Reporting Initiative (GARI) website, launched by the Mobile Manufacturers Forum (MMF). The Ofcom meeting had generated useful feedback on the GARI website and this had been relayed to the MMF. The website was demonstrated to Panel members and a copy of the Ofcom letter to the MMF would be forwarded to them.

9.   Net Neutrality

9.1   Members had received a paper about the Body of European Regulators for Electronic Communications (BEREC) draft guidelines on net neutrality and transparency and a number of supporting annexes, including information about the BSG Key Facts Indicators. An Ofcom colleague joined the meeting and summarised the role of BEREC; the work it was doing on net neutrality and wider EU debates; and the guidelines themselves. Discussion included the following points:
- transparency was important but not a complete solution for consumers;
- information needed to be available, comparable and usable;
- consumers needed to be aware of the issues and that information was available, including where to find it.

9.2   The Panel **AGREED** to submit its views on the guidelines to BEREC.

10.   Cloud computing

10.1   Members had received a paper and Ofcom colleagues joined the meeting to outline Ofcom's project on Cloud Computing storage and applications services. Its mass adoption raised a number of potential challenges, including implications for data protection and information security. The project was at the scoping stage and Ofcom intended to assess

the market for Cloud Computing services and examine how mass adoption could change consumer behaviour. Discussion included the following points:
- different cloud-based services would have differing impacts on consumers and this needed to be borne in mind by Ofcom;
- the Panel encouraged Ofcom to factor in the issues arising from Cloud Computing into its contribution to thinking about the new Communications Bill;
- there were extra-territorial issues beyond the scope of regulation in the UK;
- developments in Cloud Computing suggested a tendency towards simpler terminal devices, with software and storage remaining in the cloud, but an absence of local storage would require ubiquitous cloud coverage.

10.2   It was **AGREED** that Cloud Computing should be a subject for discussion at a future Panel meeting.

11.   Any Other Business

11.1   Members **NOTED** that the Panel had submitted its response to the BIS consultation *Empowering and Protecting Consumers*. It was **AGREED** that the Federation of Small Businesses should be invited to meet the Panel.

…………………………………….Chairman   …………………………………….Date