

## NOTES OF THE ILP MEETING ON TUESDAY 15<sup>th</sup> MAY 2007

### **Present:**

Nicola Robbins (Chair)  
Jacqui Brooks  
Suhail Bhat  
Roy Ellyatt  
Hamish MacLeod  
Martin Ballard  
Tony Maher  
Michael Taylor  
Mark Thorndike  
Ann Cook  
Edward Boddington  
Robert Dirskovski  
Mike Short  
Iain McCallum (phone)

Sir Alistair Graham  
George Kidd  
Paul Whiteing  
Stephanie Ratcliffe

**On going action Log of all open actions.**

Meeting/Action number	Description	Owner	Status
2.1	Clarity with ICSTIS over live service permission and aggregators to be sought in October.	Suzanne Gillies/PRA	PENDING. Trustees written to ICSTIS. ICSTIS reviewing size & scheme of fund, consultation due in Autumn.
4.2	Assess whether it's possible to include the actual premium rate numbers related to adjudications on the website.	Paul Whiteing	PENDING. Confirmed changes to be made to adjudication reports mid May.
6.1	Lesa Green to circulate a lay person guide to key numbering changes as announced/planned by Ofcom	Lesa Green	PENDING
6.3	11 <sup>th</sup> Code communication/structure suggestions to be sent to Mark Collins ( <a href="mailto:mcollins@icstis.org.uk">mcollins@icstis.org.uk</a> )	All	PENDING responses to be followed up with Mark Collins
6.5	George to share during March a draft template of key measures for ILP comment. This will then become a regular agenda item.	George Kidd	PENDING scope relevance of reach in value chain i.e. broadcasting. Residual issues based around pricing/billing to be presented to Board on 24.05. Finalize and distribute 3 yr plan. Ensure plan is linked to operational data & ensure the annual statement sets out measures. By end of June at latest.
6.6	All to consider ILP membership and put forward ideas for new members at the next meeting	ALL	PENDING Ann Cook (ITV) has joined Endemol invited to attend
7.1	Martin to report back on best practice for customer service at the next ILP.	Martin Ballard	PENDING
7.2	Hamish to advise ILP on timescales for the market data project group	Hamish MacLeod	PENDING
7.3	Bradley Brady to be invited to	Stephanie Ratcliffe	PENDING

	present to next ILP		
7.4	Nicola Robbins and/or another ILP member to convene a meeting with the Gambling Commission re clarity of law	Nicola Robbins	PENDING
7.5	A due diligence workshop to be convened by ICSTIS	Paul Whiteing	PENDING
7.6	Iain McCallum to present on O2 red/yellow cards and provide industry wide data at next ILP meeting.	Ian McCallum	PENDING

### Working Group Actions

Ref	Action	Owner	Status
AP1.1	Martin, Mark and Nicola to work on a list of goals to put forward to the ILP.	Martin Ballard, Michael Traynor and Nicola Robbins	PENDING Nicola and Martin to action agreed suggestion to share ownership and workload.
AP1.5	Paul to share his list of requirements for the Ofcom market trend report.	Paul Whiteing	PENDING – liaising with Ofcom.
AP1.6	George to periodically share compliance stats for the 11 <sup>th</sup> code.	George Kidd	PENDING – Review trends on adjudications & sanctions. Present balance between informal/standard & emergency procedure cases and periodically share compliance statistics. 2006: Fines issued £1.1m, fines recovered 76%. Trends below i.e. complaints around pricing, need to be considered. Iain McCallum to present on O2 red/yellow cards and provide industry wide data at next ILP meeting. See new action 7.6.
AP1.8	Neil to share historic market data under non disclosure.	Neil Penny	PENDING Neil Penny organizing an NDA

## **Apologies**

Were received from Suzanne Gillies and Mark Gracey.

### **1.0 Notes from the previous meeting**

- Clarification was given that where 070 numbers are used for revenue sharing purposes not only with the end user then they become CPRS and subject to regulation by ICSTIS. It follows that in such cases the service, amongst other things, will be found to be operating on the wrong prefix.

### **2.0 Matters Arising**

The action log (above) was considered and updated in light of discussions on each PENDING issue.

There was a discussion about the need for follow-up meetings with stakeholders following the closure of an ICSTIS consultation. It was agreed that these are generally only necessary where the written submissions to a consultation demonstrate no consensus as to the issues being consulted on.

### **3.0 PRS in TV – how are regulators and industry responding?**

Paul Whiteing confirmed that an ICSTIS consultation document for the proposition of a Prior Permission scheme for Broadcast PRS will be issued that day. The prior permission scheme aims to provide a way forward and raises issues about how the regime should or could cover the parties in the value chain beyond the “service provider”. The results and views of the consultation document will be fed back to the Board and the timing is such that the results will also feed into Ofcom’s Inquiry outcomes.

Iain McCallum commented that a great deal of effort has been made by the industry to provide a regulatory environment and emphasised that some of the speculation about SMS was not correct. It was agreed that the industry should work together rather than in isolation to resolve issues.

Suhail Bhat informed the panel that a meeting is being organised by Mobile Entertainment (MEF) to identify what the industry can do on a practical level to improve relationships between the different companies as well as identify a framework for action via the four main regulators. There was a considerable amount of discussion about what sort of self-regulatory approach would best suit the situation, how prescriptive it should be and how it should be mandated or enforced.

Ann Cook reported that the fallout from the various allegations made recently about some services had had a detrimental impact on broadcasters and that restoring trust was critical. Ann Cook agreed the need to resolve mobile network issues on communication operators and to improve communication between broadcasters and network operators. It was proposed that when appropriate broadcasters should meet with network operators to resolve and minimize risks.

Roy Ellyatt confirmed the need for improved communication and requested the ILP be kept informed of any issues.

## 4.0 Working Group update

Priority by members of late has centred on other issues. However, it was noted that further support and participation from ILP to Nicola Robbins is required in order to progress actions; the aim to increase member's ownership of actions.

The following update was provided for each task group:

### 4.1 Developing best practice for customer service

The panel agreed that Martin Ballard would chair it going forward and view the existing documents produced by Robert Dirskovski and NOC papers. Ed Boddington, Tony Maher and Robert Dirskovski would assist in writing the framework and principle guidelines.

**Action: Martin to report back on best practice for customer service at the next ILP.**

### 4.2 Market Data

It was concluded that market trends should remain on the agenda. The objective being to have a permanent secure resource available on ICSTIS website where reports/presentations and the collection of data can be accessed.

Hamish MacLeod agreed to take ownership of the group and ensure information is retained in one place, Neil Penny to assist.

**Action: Hamish to advise ILP on timescales of the market data project**

### 4.3 Pricing Transparency

Nicola Robbins confirmed this issue is due to be considered as part of Ofcom's Scope review of PRS and that a consultation is due in September/October.

**Action: Bradley Brady to be invited to next ILP meeting**

The PRS scope was discussed and Jacqui Brooks raised the question as to what constitutes financial service and telephony and how they are separated in regulatory terms? George Kidd agreed the issue was live and advised that regulating financial services is part of the scope review. The overlap between financial regulations and ICSTIS regulations remains to be looked at and boundaries need to be identified.

## 5. ICSTIS budget 2007/8 stats and market trends: Update

George Kidd circulated 2 charts; PRS on Public Spend; PRS on Consumer Spend on the last 7 quarters from network declarations for DQ, Fixed Line and Mobile Networks. The charts represent £758m of Outpayments in 2005/6 and £525m of Outpayments in the first ¾ payments of 2006/7.

These figures were based on assumed notional outpayments representing 55% of public spend. On this basis public spend last financial year was £1.3-1.4billion with this financial year 2006/7 being £950m as so far projected over 3 Qtrs only. This figure will depend on whether trends and growth will be sustained going forward.

The issue was raised on the trend now and how and whether to make this information public and whether it is too early to measure what is happening in the market. Roy Ellyatt suggested that his members believe the industry will dip below £1bn, possibly 15%, down from last year. The ILP agreed that the PRS needs further positive

promotion. Some members discussed some steps they are staking to raise the positive PR for premium rate.

Member's views on the Gambling Commission were raised in relation to the proposed Gambling Act due to take effect in September 2007. Concern was raised that the Gambling Commission will view quizzes and other competition services as unlawful lotteries. ICSTIS confirmed they would be engaging with the Gambling Commission as their regulatory guidance becomes clearer and they try to better define what the differences are between lotteries and prize competitions.

**Action: Nicola and/or another ILP member to arrange ILP meeting with Gambling Commission to gain clarity.**

## **6.0 Network due diligence issues**

It was agreed that Trade Body members would benefit from a round table with ICSTIS to discuss and seek clarity on some aspects of network due diligence requirements in the 11<sup>th</sup> Code.

**Action: Paul Whiteing to organise a workshop for trade body members to review with the ILP the new code, due diligence and how new services come into the market.**

## **7. AoB**

Paul Whiteing confirmed the Consultation document on 0871 has already been circulated. It was agreed that a round table should be organised after the closing date for the consultation under the framework of the ILP to discuss the outcomes. Paul Whiteing offered all trade bodies the opportunity to meet with him to discuss their thoughts about the consultation in the period leading up to the closing date on 28<sup>th</sup> June.

**Action: Paul Whiteing to arrange a round table meeting under the framework of ILP with key respondees and Ofcom officials to discuss early July.**