

NOTES OF THE ILP MEETING ON TUESDAY 10th JULY 2007

Present:

Nicola Robbins (Chair)
Jacqui Brooks
Suhail Bhat
Roy Ellyatt
Martin Ballard
Mark Thorndike
Robert Dirskovski
Mike Short
Iain McCallum
Mark Gracey
Peter Cowley
Bradley Brady

Sir Alistair Graham
Edward Boddington
George Kidd
Paul Whiteing
Trays O'Reilly
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 is 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	Bradley Brady to provide guide list to key numbering changes as announced/planned by Ofcom and produce list on website.	Bradley Brady	PENDING.
6.3	11 th Code communication/structure suggestions to be sent to Mark Collins (mcollins@icstis.org.uk)	All	CLOSED. Responses to be followed up with Mark Collins.
6.5	George Kidd to share during March a draft template of key measures for ILP comment. This will then become a regular agenda item.	George Kidd	CLOSED – item on agenda.
6.6	All to consider ILP membership and put forward ideas for new members at next meeting.	ALL	CLOSED Ann Cook, Peter Cowley & Iain McCallum joined.
7.1	Martin Ballard to report on best practice for customer service at next meeting.	Martin Ballard	PENDING
7.2	Hamish MacLeod to advise ILP on timescales for the market data project group at the next meeting.	Hamish MacLeod	PENDING, see also 8.2
7.3	Bradley Brady to be invited to present to ILP.	Stephanie Ratcliffe	CLOSED
7.4	Nicola Robbins and/or another ILP member to convene a meeting with the Gambling Commission re clarity of law.	Nicola Robbins & Ed Boddington to facilitate meeting	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 the next meeting.	Iain McCallum	PENDING

8.1	Stephanie Ratcliffe to circulate slides of presentation to ILP members.	Stephanie Ratcliffe	NEW
8.2	Hamish MacLeod to liaise with Paul Whiteing on sharing collection data and provide update at next ILP meeting.	Hamish MacLeod	NEW
8.3	Industry to provide regular update on industry issues, include as a regular agenda item.	ILP members	NEW
8.4	Paul Whiteing and Nicola Robbins to consider how to improve ILP comms to ensure members are made aware of issues that might be of interest to their members.	Paul Whiteing/ Nicola Robbins	NEW
8.5	Stephanie Ratcliffe to circulate a copy of the Quarterly Report to ILP members and invite Bradley Brady to next ILP meeting.	Stephanie Ratcliffe	NEW
8.6	Agenda item on Service Testing and Monitoring to be included for next ILP meeting.	Stephanie Ratcliffe	NEW, see also 7.6

Working Group Actions

Ref	Action	Owner	Status
AP1.1	Martin Ballard, Michael and Nicola Robbins to work on a list of goals for the ILP to put forward to the ILP.	Martin Ballard, Michael Taylor and Nicola Robbins	PENDING
AP1.5	Paul Whiteing to share 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 th code.	George Kidd	CLOSED
AP1.8	Neil to share historic market data under non disclosure.	Neil Penny	PENDING Neil Penny organizing an NDA.

Apologies

Were received from Ann Cook, Hamish MacLeod, Tony Maher, Michael Taylor.

1.0 Presentation on PRS Review of Scope of Regulation by Bradley Brady

Bradley Brady presented on the terms of reference and themes of the scope review; including the characteristics and consumer experience, how consumers interact with the PRS. With only 47% of PRS being utilised by the public, room for improvement and growth potential exist. Issues addressed included clarity of pricing and adequate consumer protection and understanding.

The scope addresses the definition of PRS in the market place, the different modes for regulation and concerns on whether the regime is proportionate to the service offered. The report will consider regulatory enforcement and a risk-based regime and identify where the roles of ICSTIS, regulatory and consumer protection bodies overlap.

The document will be open to industry consultation in the autumn and a statement on the outcome is due in the first quarter of 2008. Stakeholder events are planned for during the 12 week consultation period.

Jacqui Brooks questioned whether the framework directive was part of the scope review; Bradley Brady confirmed it was not.

Nicola Robbins queried whether the numbering issue would be covered in the review. Bradley Brady confirmed Ofcom's aim is to cover all PRS elements in the scope review, with the main focus being on the 09 number range and digit issues.

Bradley Brady also mentioned that Ofcom plan to issue a separate consultation on a new 09 number range, which is intended to deal with number shortages.

Suhail Bhat emphasised that the co-regulatory framework for non linear broadcast services will impact on PRS and non-PRS issues. Bradley Brady confirmed that Ofcom are currently undertaking research on all co-regulatory arrangements to identify improvements and to gain consistency amongst the different organisations.

Action: Stephanie Ratcliffe to circulate slides of presentation to ILP members.

2.0 Presentation on re-branding of ICSTIS by Trays O'Reilly

Nicola Robbins noted that some ILP members had been approached with queries concerning the re-branding of ICSTIS.

Trays O'Reilly described the research undertaken which led to the proposed rebranding of the name 'ICSTIS,' outlining the requirement to capture ICSTIS' values, vision and behaviours. The panel was taken through the processes which led to the final short-listing of the chosen name 'PhonePayPlus'. After further research and consultation with Ofcom and DBERR the registration and purchase of Domain names commenced.

Trays O'Reilly requested feedback from the Panel on the strapline and descriptor "Regulating Information and Entertainment Charged to your Phone" which is under review until end July.

The Panel was advised that the brand name launch is due on 15th October, with logo, visual identity, strapline and other issues now being developed.

The Panel raised concern over the new name, especially with regards to the word 'Phone' and whether the name reflected more of a customer consumer brand rather than a service. Trays O'Reilly confirmed that despite stakeholder views, the public approved the proposed name, consumer perception showed that the word 'Phone' is regarded as an important part of the service ICSTIS provide.

PhonepayPlus was considered the most appropriate name, deciding factors included:

- industry did not consider other short listed names appropriate
- consumers reacted well to the PhonePayPlus name
- consumer awareness of "ICSTIS" is less than 1%, this has not changed despite high profile press coverage both now and in the past

The Panel discussed the regulatory role of ICSTIS. Bradley Brady and George Kidd confirmed ICSTIS's role as co-regulator, with Ofcom being the back stop statutory regulator.

Jacqui Brookes questioned whether it would be possible to update companies' codes of practise of the name change prior to the launch to ensure records are updated. Trays O'Reilly confirmed this would be in order.

Roy Elyatt queried whether *all* stakeholders had been informed of or contacted for their views on the proposed name. Sir Alistair emphasised that further testing on improved customer understanding was required in 12 months to establish how successful the name change was.

The Panel raised the issue of costs associated with the re-branding exercise. Trays O'Reilly explained that the re-branding costs had been kept as much as possible to a minimum.

Action: Stephanie Ratcliffe to circulate slides of presentation to ILP members.

3.0 Summary Notes of Last Meeting held 15th May 2007

5.0 Peter Cowley raised concern over the Gambling Commission's report, in relation to the proposed Gambling Act due to take effect in September. It remains unclear how it will affect the industry and what rights the industry will have. George Kidd and Paul Whiteing informed the Panel that during their meeting on 29th June with the Gambling Commission issues on how to divide responsibilities between the Gambling Commission and ICSTIS were discussed and they will be documented in a Memorandum of Understanding. It remained the broad intention

of the Gambling Commission to resolve issues with the industry rather than '*go to the courts*'.

A NOC seminar on the Gambling Act will be held on 25th July, where concerns can be addressed.

Action: Nicola Robbins and Ed Boddington to facilitate meeting with Gambling Commission to gain clarity.

4.0 Matters Arising

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

5.0 Working Group Updates

The following update was provided for each task group:

1.5 Bradley Brady announced that Ofcom are due to publish a document on market data collated on market trend and size of PRS and intend to review the PRS sector in finer detail in 2008. Bradley Brady confirmed Mike Short's query that the 087 series data would be reflected in the document.

Nicola Robbins advised the Panel that Hamish MacLeod will be providing an update on market trend at the next ILP meeting. As part of this work Hamish is assessing various changes that could be made to the quarterly outpayments form to enable improved market information.

Action: Hamish MacLeod to liaise with Paul Whiteing on sharing collection data and provide update at next ILP meeting.

6.0 Agenda items 6 & 7 - ILP Engagement and Opt in Marketing

Roy Elyatt raised concern over opt in marketing lack of ILP engagement. Paul Whiteing stressed that an email had been sent to aggregators informing them of industry issues and that it remained ICSTIS' intention to ensure the industry were informed of any issues. The Panel stressed the need to increase ILP engagement.

Action: Industry to provide regular update on industry issues, include as a regular agenda item.

Action: Paul Whiteing and Nicola Robbins to consider how to improve ILP comms to ensure members are made aware of issues that might be of interest to their members.

7.0 Regulatory/Market Situation Report Q1 2007

George Kidd presented the Quarterly Report Q1 2007 to the Panel. It was noted that the volume of complaints and cases related to mobile had decreased and queries centred mainly around subscription services which would make a significant change to the figures. Fines recovery was 73%. The Panel found the Report very useful.

3.1 Monitoring - Iain McCallum stressed that testing should not sit with the operator. Internal resources should be used more effectively to create a more stable environment where the public know services are being tested. George Kidd agreed for ICSTIS to balance the operation with benefits to the ILP members. The issue will be addressed at the next meeting, including a presentation by Iain McCallum on O2 red/yellow cards.

Action: Stephanie Ratcliffe to circulate a copy of the Quarterly Report to ILP members and invite Bradley Brady to next ILP meeting.

Action: Agenda item on Service Testing and Monitoring to be included for next ILP meeting.

8.0 AoB

8.1 Participation TV framework MEF Update by Suhail Bhat

Issues are focusing on how to determine the processes required to ensure service providers, network operators, broadcasters and regulators can work alongside each other and together. Refund issues and how broadcasters and network providers can work in practise on a practical level alongside the Code of Practise were also discussed. A further meeting to determine these discussions will be taking place on 17th July with DBERR and Ofcom.

Suhail Bhat commented that the roles of ICSTIS and Ofcom in terms of adjudication need further clarity. Industry providers and broadcasters have commented on a considerable reduction in calls, with the public backing out of PRS. Ofcom and ICSTIS need to therefore consider how services are represented to the public and support the providers in the way the public view them, with regards to TV especially. Bradley Brady confirmed the premium rate mechanism works well and confirmed Ofcom will identify and address this issue in the scope review.

Mike Short stressed the need to be aware and consider how to deal with the media and take steps to ensure recommendations are fully supported before the Ayre report is published. Roy Elyatt mentioned it would be beneficial to have a round table discussion to voice opinions.

George Kidd & Paul Whiteing informed the Panel of key issues arising over the next months:

- Stakeholder Engagement
- Anonymous SMS
- 0871 regulation

The next ILP meeting will be held on Tuesday 9th October at 10.30am.