



## NOTES OF THE ILP MEETING ON TUESDAY 9<sup>TH</sup> OCTOBER 2007

### **Present:**

Nicola Robbins (Chair)  
Jacqui Brooks  
Jeremy Flynn  
Martin Ballard  
Mark Thorndike  
Robert Dirskovski  
Hamish MacLeod  
Tony Maher  
Michael Taylor  
Mark Gracey  
Gabbi Cahane (part)

Sir Alistair Graham  
George Kidd  
Paul Whiteing  
Trays O'Reilly (part)  
Stephanie Ratcliffe

## On going action log

Meeting/ Action number	Description	Owner	Status
2.1	Clarity with ICSTIS over live service permission and aggregators to be sought in October.	Paul Whiteing confirmed ICSTIS are scoping the review of a live services compensation scheme including multi party chats.	PENDING. Paul Whiteing to arrange Workshop and inform ILP of progress.
4.2	Assess whether it is possible to include the actual premium rate numbers related to adjudications on the website.	Paul Whiteing	CLOSED Confirmed changes made to adjudication reports
6.1	Bradley Brady to provide guide list to key numbering changes as planned by Ofcom.	Bradley Brady	CLOSED
7.1	Martin Ballard to report on best practice for customer service at next meeting.	Martin Ballard	PENDING - report due by end of November
7.2	Hamish MacLeod to advise ILP on timescales for the market data project group at the next meeting.	Hamish MacLeod	PENDING - update due next meeting
7.4	Nicola Robbins and/or another ILP member to convene a meeting with the Gambling Commission re clarity of law.	Knowledge event attended, negotiating MOU with Gambling Commission.	CLOSED
7.5	A due diligence workshop to be convened by ICSTIS.	Paul Whiteing	CLOSED
7.6	Iain McCallum to present on O2 red/yellow cards or PayforIt at the next meeting.	Iain McCallum	PENDING – presentation at next meeting
8.2	Hamish MacLeod to liaise with Paul Whiteing on sharing collection data and provide update at next ILP meeting.	Martin Ballard may be able to share some research concerning the mobile networks and will liaise with Hamish MacLeod. Hamish MacLeod will look to see if any of the Vodafone classifications would help define the service groups for the form. Mark Gracey to obtain information	PENDING - update due next meeting

		on fixed line operators's willingness to supply market data on part of their financial returns to ICSTIS.	
8.3	Industry to provide regular update on industry issues.	ILP members	PENDING – regular agenda item
8.4	Paul Whiteing and Nicola Robbins to consider how to improve ILP comms to ensure members are made aware of issues of interest.	Mark Gracey to set up an ILP email group for non-PPP members so that a single response can be coordinated to PhonepayPlus	CLOSED
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	CLOSED
8.6	Agenda item on Service Testing and Monitoring to be included for next ILP meeting.	Stephanie Ratcliffe	CLOSED
8.7	Rebranding and Relaunch of Name. Trays O'Reilly to produce a short descriptor and send copies of presentation and the brand culture document to the panel.	Tray's O'Reilly	NEW
8.8	Market Situation Report – headings and graphs to be more explicit and descriptive	George Kidd	NEW
8.9	ICSTIS Policy Update on informal representations – confirm number of informal breaches relating to lead investigations	Paul Whiteing	NEW
9.0	Pricing Transparency- Nicola Robbins to facilitate meeting with NOC, PayphonePlus and Ofcom to discuss best way forward. Roy Ellyatt provide report outlining main areas of concern to present at next meeting.	Nicola Robbins & Paul Whiteing Roy Ellyatt	NEW
9.1	Review goals and objectives for ILP	Nicola Robbins	NEW
9.2	Due Diligence – Mark to run a workgroup to produce a due diligence standardisation template.	Mark Gracey	NEW
9.3	Paul to consider if there are any new topics for inclusion in	Paul Whiteing	NEW

	the working group list.		
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### 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	CLOSED - see new action 9.1.
AP1.5	Paul Whiteing to share list of requirements for the Ofcom market trend report.	Paul Whiteing	CLOSED - progress made with Ofcom.
AP1.8	Neil to share historic market data under non disclosure.	Neil Penny	CLOSED

### Apologies

Were received from Suhail Bhat, Ed Boddington, Bradley Brady, Ann Cook, Peter Cowley, Roy Ellyatt, Suzanne Gillies, Iain McCallum and Mike Short.

A revised agenda was circulated to the Panel.

### 1.0 Presentation on Renaming & Relaunch of ICSTIS and Discussion on Branding Plan

Gabbi Cahane presented to the Panel the reason and evidence behind the requirement and need for a name change for ICSTIS. He confirmed that the new brand name arose from the need to differentiate ICSTIS from other regulators, to meet consumer expectations and to build consumer trust. He explained the development, process and methodology used to identify a name which included the undertaking of consultation programmes, road testing and legal and trademark searches.

'PhonepayPlus' and its descriptor were discussed within the context of defining the company's role and meaning within premium rate services. The Panel agreed that the word 'premium rate' lacks clarity and that a cultural change is to be expected with the re-branding. The term "premium rate" will still appear in the legislation as the Communications Act will not change. Gabbi Cahane confirmed the new name should not be seen in isolation but will always appear within a visual identity and context.

The visual language, illustrated by logo, icons and colour, reinforces 'PhonepayPlus' role in the industry and will be brought into context of the 3 Year Plan. George Kidd confirmed the need for consistency, coherence and collateral, to develop an effective communications strategy, encourage the right culture and

live up to values of brand promise. There is work planned to address this internally and Gabbi has produced a brand values document.

Jeremy Flynn recommended PhonepayPlus produce a short descriptor which is physically linked and permanently associated with the logo for several years until a level of awareness exists with the public. The descriptor would be removed from the brand name when no longer required. Sir Alistair Graham agreed the need to take a long term approach and continue to review the brand name's progress.

The Panel agreed a descriptor was required in line with the launch of the brand name to improve and build consumer trust.

Jeremy Flynn asked whether ICSTIS will contractually still exist once the new name is launched on 15<sup>th</sup> October. Trays O'Reilly confirmed ICSTIS will remain contractually as an entity. This means that customer contracts do not need to be changed immediately but can be updated at renewal time.

Nicola Robbins requested copies of the presentation be sent to the Panel.

**Action: Trays O'Reilly**

## **2.0 Summary Notes of Last Meeting held 10<sup>th</sup> July 2007**

With reference to media and communications management George Kidd stressed the importance of the industry working together and asked the Panel to share any new or important issues arising.

Jeremy Flynn informed the Panel that PayforIt is now active and represents a new framework for protecting consumers.

## **3.0 Matters Arising**

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

8.2 Hamish MacLeod and Martin Ballard agreed to work together to improve and ensure network operators provide statistics. The Panel agreed a short code rolling survey was necessary to motivate aggregators in providing a classification on services. Mark Gracey agreed to obtain information on the fixed line operators' willingness to supply market data on part of their financial returns to ICSTIS.

**Action: Hamish MacLeod, Martin Ballard, Mark Gracey**

## **4.0 Working Group Updates**

The following update was provided:

- 1 Nicola Robbins informed the Panel that the Chairmanship's renewal would be discussed under item 10 of the agenda.
- 2 Nicola Robbins informed the Panel that the ILP goals and objectives need to be reviewed and that any additional areas the ILP should be focusing on, should be considered. The ILP agreed to review their objectives and consider areas to focus on at the next ILP meeting.
- 3 Martin Ballard confirmed he would produce and circulate to the Panel a report on 'Best Customer Practise' by end November.

**Action: Nicola Robbins, Martin Ballard**

## **5.0 Regulatory/Market Situation Report**

George Kidd presented the Quarterly Report Q2 2007 to the Panel and stated that the position of the state of the market in the second quarter was not included in the report but would be available to view on our website in November.

He confirmed:

- 1 landline is likely to remain level albeit there was negative impact arising from PTV
- 2 the mobile market appears steady and on the increase
- 3 a decrease in enforcement action is apparent
- 4 complaints remain low and relate to customers being charged from premium rate services who claim not to have opted into a service.

The Panel agreed Opt In/Out services need to be clearly defined and are cause for concern. Jeremy Flynn recommended 'free' text messaging as a solution however agreed it would be difficult to mandate. The Panel discussed whether the primary concern lay in being charged or receiving a message. Paul Whiteing advised the Panel that ICSTIS continue to research and investigate this issue.

Further concerns raised included:

- 1 the swapping of third party lists between service providers
- 2 inadequate quarantine on recycled numbers

George Kidd informed the Panel that Broadcast Radio was another area of interest which ICSTIS is reviewing.

Discussion focused on the 3 Year Plan, and the industry's views on ICSTIS's role and objectives. The Panel agreed with the principle of a three year target for levy however did not agree with setting a flat rate levy for the whole period but recommended the levy be based on actual revenues to ensure industry incur the lowest cost each year. George Kidd stressed the need to consider all factors for setting a flat levy rate for the entire period. This includes actual market size and

income generated by sources such as fines and administration charges. The annual Activity and Budget Plan consultation is due for publication soon.

### **5.1 Network Support and Compliance Work**

Jacqui Brooks questioned whether the name change would impact on the number of complaints received. George Kidd confirmed that the name change should not impact on the number of complaints and that first call resolution analysis undertaken, showed that 90% of calls made, were not complaints but in fact enquiries.

The Panel requested the format of the report including headings and graphs be more descriptive and explanatory.

**Action: George Kidd**

### **6.0 ICSTIS Policy Update - by Paul Whiteing**

1. Anonymous SMS – following consultation and finalisation, the final statement should be issued w/c 15<sup>th</sup> October.
2. Participation TV – Ofcom consultation ends 17<sup>th</sup> October. Constructive discussions are in-hand with Ofcom officials on how complaints about Broadcast PRS services are to be handled between each regulator and how these arrangements will need to be reviewed once decisions on their consultation are finalised.
3. Supplementary Billing – discussions are ongoing on adult services billing mechanism via SMS and 0871 numbers used. A dialogue with Ofcom on where regulatory boundaries lie and how to include price transparency and child protection services is underway.
4. PayforIt – discussions with mobile operators are underway which involve interpretation of ICSTIS' rules, and how PayforIt services and prices interact with each other.
5. Data Charging – this is an area where the issues go wider than ICSTIS. The matter has therefore been brought to Ofcom's attention to consider.
6. 0871 – following finalisation of the Statement of Application which will advise our intentions, we aim to publish by end of October although this will depend on Ofcom's review. A reminder will be sent out prior to publication and workshops will take place after publication.
7. Informals – discussions with the mobile sector are ongoing and we aim to publish information regarding informal breaches after 15<sup>th</sup> October.

Referring to the operational report, Hamish MacLeod questioned how many of the lead investigations related to informal breaches and raised concern over the

definition of 'informal' representations. Paul Whiteing advised he would confirm the number of breaches relating to lead investigations and reassured Hamish MacLeod that 'informal' was widely defined.

## **7.0 Industry Developments/Issues & Market Changes – ILP Members**

Nicola Robbins addressed the decline in market revenues and market movement.

Paul Whiteing confirmed that dial through services such as cheap international calls are treated under the Code of Practice as premium rate services.

Nicola Robbins asked whether any issues had arisen which the industry needed to be made aware of. George Kidd confirmed we had not experienced any problems relating directly to 09 numbers.

Paul Whiteing confirmed that Fathom are carrying out research and collecting data on industry sectors and will be producing an online survey.

## **8.0 Forthcoming Industry Issues/Research**

None were reported

## **9.0 Pricing Transparency**

Jeremy Flynn advised the Panel of the need for a fixed premium for mobile calls to aid pricing transparency and asked the Panel advice on how to progress. He confirmed it is in the interest of the mobile operators to have pricing transparency. The Panel agreed the need to look for a commonality for mobile operators either via a fixed price or by advertising a maximum price.

The Chairman agreed to facilitate a meeting with NOC, ICSTIS and Ofcom to discuss the best way forward on pricing transparency and requested Roy Ellyatt produce a report outlining the main areas of concern to present at the meeting.

**Action: Nicola Robbins, Paul Whiteing, Roy Ellyatt**

## **10. ILP Chair Review**

The Chairman advised the Panel that Chairmanship is due for renewal and requested proposals.

The Panel agreed for Nicola Robbins to continue as Chairman for a further year.

The Chairman accepted the position of Chairman for a further year and agreed to review the goals of ILP and PhonepayPlus (formally ICSTIS) and continue to improve on working relationships.

**Action: Nicola Robbins**

## **11. AoB**

### **11.1 Due Diligence**

Mark Gracey agreed to lead a working group to produce a due diligence standardisation template.

**Action: Mark Gracey**

### **11.2 Retail Pricing**

Jeremy Flynn raised concern over the requirement for consistent retail pricing; whether prior permission is required for video pricing, at what stage ICSTIS should become involved and whether this should be explained in the 11<sup>th</sup> Code of Practise via a help note.

Paul Whiteing confirmed retail pricing did require consistency and that the issue was being handled under Ofcom's scope review, with focus being on the totality, not merely the individual, cost of the service.

The next ILP meeting will be held on **Tuesday 26<sup>th</sup> February 2008 at 10.30am.**