



# **Draft Forward Work Programme 2019/2020**

**The Consumer Council's business plan for  
the fourth year of our Corporate Strategy  
2016-2021**

## 1. Introduction

1.1 The Energy (Northern Ireland) Order 2003, the Water and Sewerage Services (Northern Ireland) Order 2006, the Transport Act (Northern Ireland) 2011, and The Public Bodies Order (Abolition of the National Consumer Council and Transfer of the Office of Fair Trading's Functions in relation to Estate Agents etc.) 2014 require The Consumer Council to publish a Forward Work Programme (FWP) each year.

1.2 The legislation sets out that, *"The Consumer Council shall, before each financial year, publish a document (the "Forward Work Programme") containing a general description of the projects which it plans to undertake during the year in the exercise of its relevant functions (other than projects comprising routine activities in the exercise of those functions)."*

1.3 This draft FWP lists the activities that we propose to undertake during 2019-2020 and is published for consultation. During the consultation, we would particularly welcome views on:

- whether we have identified the right projects;
- any objections to our proposed projects; and
- any other comments.

1.4 Most of the projects are major pieces of work that will span the business planning year. Comments or observations on the timing of projects are also welcome.

1.5 We would be grateful if we could receive comments by the 31 January 2019 at the latest to Siobhan Rafferty ([Siobhan.Rafferty@consumercouncil.org.uk](mailto:Siobhan.Rafferty@consumercouncil.org.uk)).

1.6 We intend to hold a meeting during the consultation period, on 23 January 2019, at our offices. This will provide an opportunity to discuss the draft FWP. Please let us know by 19 January 2019 if you wish to attend.

1.7 A paper copy of the draft FWP can be obtained from:

Siobhan Rafferty  
The Consumer Council for Northern Ireland  
Floor 3, Seatem House  
28-32 Alfred Street  
Belfast  
BT2 8EN

E-mail: [Siobhan.Rafferty@consumercouncil.org.uk](mailto:Siobhan.Rafferty@consumercouncil.org.uk)

Telephone: 028 9025 1655

Textphone: 028 9025 1600

- 1.8 After reviewing consultation responses, we will publish, subject to final approval by the Department for the Economy (DfE), a final FWP by 31 March 2019. Responses to this consultation may be made public by us. If you do not wish your response or name to be made public, please state this clearly by marking the response as confidential and outline your reasons as to why your response should be treated as confidential.

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## 2. Who We Are

2.1 The Consumer Council is a non-departmental public body (NDPB) established through the General Consumer Council (Northern Ireland) Order 1984. Our principal statutory duty is to promote and safeguard the interests of consumers in Northern Ireland.

2.2 Our main statutory functions are to:

- Consider any<sup>1</sup> complaint made to it relating to consumer affairs and, where it appears to The Consumer Council to be appropriate having regard to any other remedy which may be available to the complainant, investigate the complaint and take such further action in relation thereto as The Consumer Council may determine;
- Carry out, or assist in the carrying out of, inquiries and research into matters relating to consumer affairs;
- Promote discussion of, and the dissemination of information relating to, consumer affairs; and
- Report to a Northern Ireland department on any matter relating to consumer affairs which is referred to The Consumer Council by that department.

2.3 The Consumer Council has specific statutory duties in relation to energy<sup>2</sup>, postal services<sup>3</sup>, transport<sup>4</sup>, and water and sewerage<sup>5</sup>. In these areas, we are to have particular regard to consumers:

- Who are disabled or chronically sick;

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<sup>1</sup> In agreement with DfE, The Consumer Council handles complaints relating to energy, postal affairs, transport, and water and sewerage (in agreement with DfI). Consumerline and the Northern Ireland Trading Standards Service provide complaints services in relation to goods and services.

<sup>2</sup> General Consumer Council Order (NI) 1984; Electricity Order (NI) 1992; The Gas Order (NI) 1996; Energy Order 2003; Energy Act (NI) 2011; The Gas and Electricity (Internal Markets) Regulations (NI) 2011; The Gas and Electricity Licence Modification and Appeals Regulations (Northern Ireland) 2015; and Electricity and Gas regulatory Licences. In September 1995, following direction from the then President of the Board of Trade, The Consumer Council took the role of promoting and safeguarding the interests of domestic coal consumers in NI, including the functions of the Coal Ombudsman.

<sup>3</sup> Postal Service Act 2011, The Postal Services (Universal Postal Services) Order 2012, The Public Bodies Order (Abolition of the National Consumer Council and Transfer of the Office of Fair Trading's Functions in relation to Estate Agents etc) 2014.

<sup>4</sup> Transport (NI) Act 1967; General Consumer Council Order (NI) 1984; The Airports (NI) Order 1994, Taxi Act 2008; Transport Act 2011; Civil Aviation (Access to Air for Disabled Persons and Persons with a Reduced Mobility) Regulations 2007; and The Rail Passengers Rights and Obligations (Designation and Enforcement) Regulations (Northern Ireland) 2017.

<sup>5</sup> The Water and Sewerage Services (Northern Ireland) Order 2006 and NI Water's Regulatory Licence.

- Of pensionable age;
- With low incomes; or
- Who reside in rural areas.

2.4 In common with other public bodies, The Consumer Council is also designated under Section 75 of the Northern Ireland Act 1998, which gives it a statutory duty to promote equality of opportunity and good relations across a range of other equality categories.

2.5 The Consumer Council is a designated consumer body under the Enterprise Act 2002 and the Financial Services and Markets Act Order 2013. If a market in the UK is, or appears to be, significantly harming the interests of consumers, designated consumer bodies can raise a super-complaint to the following UK and Northern Ireland regulators:

- Civil Aviation Authority (CAA);
- Financial Conduct Authority (FCA);
- Payment Systems Regulator (PSR);
- Office of Rail and Road (ORR);
- The Competition and Markets Authority (CMA);
- The Office of Communications (Ofcom);
- The Office of Gas and Electricity Markets (Ofgem);
- The Utility Regulator (UR); and
- Water Services Regulation Authority (Ofwat).

2.6 Once a super-complaint has been lodged the regulator is required to investigate the issue and publish a response within 90 days.

2.7 In addition, under the Gas and Electricity Licence Modification and Appeals Regulations (Northern Ireland) 2015, The Consumer Council can make an appeal to the CMA if we believe a modification by UR to a gas or electricity company's licence is detrimental to the interests of consumers.

- 2.8 A detailed overview of The Consumer Council's statutory and regulatory duties and powers are contained within Appendix 1 of this document.
- 2.9 The Consumer Council is governed by a board whose 10 members<sup>6</sup> are appointed by the Minister for the Economy. The Board is supported by a team of 45-55 staff<sup>7</sup>.
- 2.10 The Consumer Council's core funding is provided through DfE. Our role in relation to specific markets is funded by DfE (energy), the Department for Infrastructure (water), the Department for Business, Energy and Industrial Strategy (BEIS) (postal services), Department of Justice (Scamwise Partnership), and HM Treasury (illegal money lending).

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<sup>6</sup> <http://www.consumercouncil.org.uk/about-us/who-we-are-and-what-we-do/member-details/>.

<sup>7</sup> <http://www.consumercouncil.org.uk/about-us/who-we-are-and-what-we-do/staff-details/>.

### 3. What We Do

3.1 The Consumer Council adopts an integrated model of consumer representation by working in the areas of:

- Consumer Insight;
- Consumer Redress; and
- Consumer Empowerment.

#### Consumer Insight

3.2 Consumer Insight involves the undertaking of quantitative and qualitative (primary) research, desk-based (secondary) research, the collation of reliable and robust data, and rigorous analysis to understand and communicate current and future consumer issues in Northern Ireland. This insight is used to inform, to advocate for change, and where possible, to improve the lives of consumers in the region.

3.3 Our insight work has three main areas of focus:

- To collate robust insight on issues of relevance to Northern Ireland consumers, including issues that affect both current and future consumers;
- To contextualise all information ensuring Northern Ireland's most vulnerable groups are represented and included; and
- To share insight with regulators, government departments, business and other organisations to enable the design of policies that address consumer issues in the areas that they oversee.

#### Consumer Redress

3.4 Consumer redress is the ability of consumers to seek amends or compensation when things go wrong. Consumer redress mechanisms safeguard consumers and maximise their participation and trust in the markets. This in turn contributes to the growth of competitive markets as consumers can gain redress and dispute resolution without the need to resort to court procedures that are lengthy and costly for all involved.

3.5 During 2017-18, The Consumer Council helped a total of 4,040 (3,968 in 2016-17) consumers. In this period, we investigated 2,694 (2,559 in 2016-17) enquiries and complaints and assisted 1,346 (1,409 in 2016-17) consumers by providing general

advice and signposting them to other organisations. Through the investigation of these complaints, we returned £141,083 (£278,863 in 2016-17) to consumers.

- 3.6 The Consumer Council is a member of the Institute of Consumer Affairs (ICA) which is a professional body for organisations working in consumer protection. ICA works to promote and protect the interests of consumers by supporting the development of consumer advice services and the sharing of best practice.
- 3.7 The Consumer Council is also a member of the Ombudsman Association, which is a professional association for complaint handling organisations. The Ombudsman Association's role is to support and promote an effective system of complaint handling and redress, and to promote best practice and policy for those involved in complaint handling to ensure an effective service for the public. Through our membership of these bodies The Consumer Council can ensure that we undertake best practice in relation to complaint handling.

### Consumer Empowerment

- 3.8 For consumers to be empowered it is essential that they have information about their rights and can understand how to use this to prevent or resolve problems in buying goods and services. Confident consumers who feel empowered to make good choices serve to increase consumer trust in business and public services. Similarly, empowered consumers help to drive competition by shopping around and demanding more of businesses. In turn, businesses must work harder to win and retain custom by offering higher standards of customer care, better products, innovation, and reducing costs. This leads to increased productivity and drives economic growth.
- 3.9 Genuinely competitive markets rely on consumers to drive competition by making the best choices for their circumstances. Consumers therefore need to be able to judge and compare a product, or a service, based on price, quality, value and service. Empowered consumers will be able to resolve complaints, shop around more effectively, exhibit safer pre-purchase behaviours and therefore be better able to take control and independently improve their own welfare. The Consumer Council works to provide:
- Consumer information (for consumers who can choose effectively and assert their rights if pointed to the right material);
  - Consumer advice (for consumers who need help to interpret or apply information); and

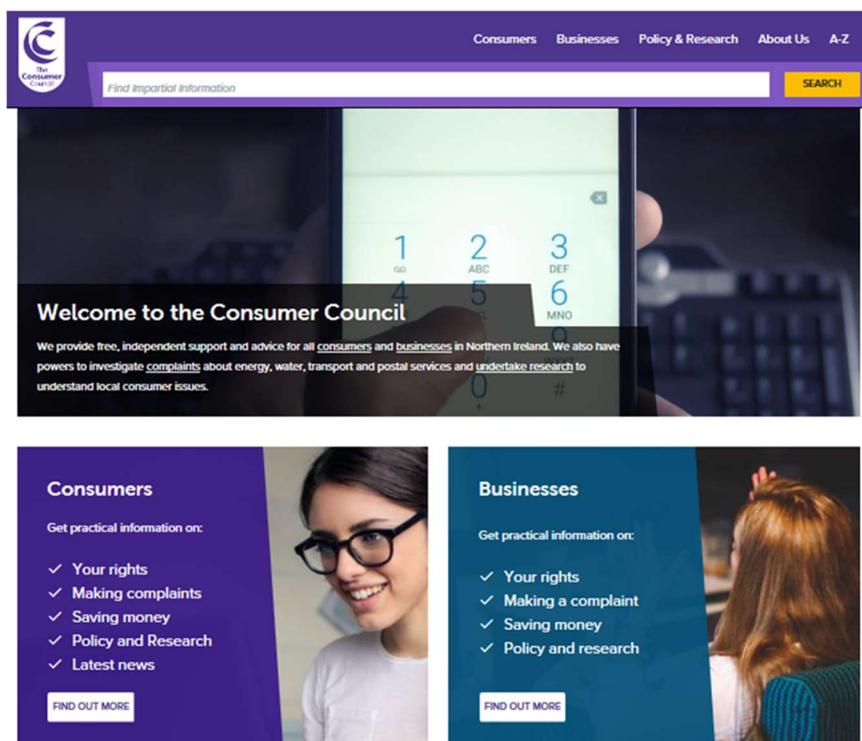
- Consumer education (for consumers who may not be aware of the risks in certain markets, of the importance of exercising choice carefully, or of their rights as consumers).
- 3.10 A successful economy requires informed, protected and empowered consumers. To that end, The Consumer Council educates consumers about their rights, advocates on their behalf and protects them from unfair or unscrupulous practices.
- 3.11 We continue to make every effort to engage with new and wider audiences, and in 2017-18, The Consumer Council attended 53 exhibitions (42 in 2017-18) and information events throughout Northern Ireland and delivered 69 presentations (52 in 2017-18), engaging directly with over 4,827 consumers (2,700 in 2017-18). As part of this work, we undertook our second Consumer Parliament in Derry/Londonderry in March 2018, and attended the Balmoral Show, Portrush Air Show, Disability Exhibition 2018, and 50+ Expo.
- 3.12 On top of this we have distributed our Student Guide<sup>8</sup> and delivered a series of outreach activities for students studying at Queen's University, Belfast, Ulster University, College of Agriculture, Food and Rural Enterprise (CAFRE) and the eight regional colleges throughout Northern Ireland. We engaged with over 850 students, who are now more aware of their rights, how to manage household bills, how to budget, and where to go for expert help and advice across a wide range of consumer issues.
- 3.13 In 2017-18 there were 151,232<sup>9</sup> hits (133,486 in 2016-17) to The Consumer Council website. In June 2018, we revised our website from a corporate website, to one that was more focused on giving consumers and businesses advice and support. Following extensive user testing to make the content easier to navigate, the new website now signposts consumers and business consumers to specific content relevant to their needs. Hits to the new website have increased by nearly 37% since it went live in June 2018. To further improve the accessibility of our website resources, we have added Browsealoud software that assists our website users with sight impairment, reading difficulties, and people for whom English is not a first language.

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<sup>8</sup> [www.consumercouncil.org.uk/sites/default/files/2018-08/Student\\_Guide.pdf](http://www.consumercouncil.org.uk/sites/default/files/2018-08/Student_Guide.pdf)

<sup>9</sup> The average time spent on our website in 2017-18 was 1.48 minutes.

Figure 1: A screenshot of the new website



3.14 In addition, during 2017-18 The Consumer Council had just over 2,289 Facebook followers (1,057 in 2016-17), and nearly 4,543 Twitter (4,181 in 2016-17) followers.

3.15 The Consumer Council produces a monthly e-newsletter, which as of September 2018 has 1,007 subscribers (1,095<sup>10</sup> in September 2017). The e-newsletter helps to promote new Consumer Council resources, information campaigns and topical issues affecting Northern Ireland consumers.

## Our Purpose, Vision and Values

### Our Mission:

3.16 We are committed to promoting and safeguarding the interests of consumers in Northern Ireland by empowering them and providing a strong representative voice to policy-makers, regulators and service providers.

### Our Values:

- **Ambition** – We seek to deliver the best possible deal for consumers in Northern Ireland;

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<sup>10</sup> To comply with GDPR in April 2018, The Consumer Council asked all existing e-newsletter subscribers to opt-in to receiving our newsletter. The reduction in subscribers is due to individuals not completing the active opt-in process.

- Excellence – We will ensure our work is robust and considered, and bears comparison with the best;
- Commitment – We will provide consumers in Northern Ireland with the best possible service;
- Fairness – We will listen to everyone and respect all consumers’ concerns;
- Teamwork – We will work in a collegiate manner;
- Honesty – We will operate openly and transparently;
- Integrity – We seek to be trustworthy and trusted; and
- Objectivity – We will base our conclusions in evidence.

### **How we work**

- 3.17 To achieve an impact, it is imperative that the work of The Consumer Council is both authoritative and credible. Our legitimacy is determined by the extent to which we demonstrably connect into consumer experience, support our analysis with evidence, and have suitable quality controls.
- 3.18 We will continue to work in partnership with other stakeholders to ensure consumers feel empowered throughout each part of their “consumer journey”. Over this corporate planning period we will look to further develop strategic partnerships and strengthen data sharing to expand the awareness of consumer information/advice/education provision, and the overall understanding of consumer needs in Northern Ireland.

### **Consumer Principles**

- 3.19 Consumer principles are used by The Consumer Council to assess the consumer interest and form a consistent framework within which our policy is developed and communicated. The Consumer Council uses eight consumer principles, to work out how particular issues or policies are likely to affect consumers.

**Figure 2: Consumer Principles**



3.20 These principles allow us to champion consistent and transparent policy positions across a diverse range of subject areas, and to operate confidently and effectively when new or unfamiliar issues arise. They also provide a straightforward way of explaining to stakeholders how we identify and analyse consumer issues.

### **A Consumer**

3.21 The Consumer Rights Act 2015<sup>11</sup> defines a consumer as an individual (a natural person rather than a legally incorporated organisation such as a company) who is acting for purposes wholly or mainly outside his or her trade, business, craft or profession. In line with the CMA, The Consumer Council considers that the words 'wholly or mainly' clearly invite consideration of transactions that are entered into for a mixture of personal and business reasons. In case of doubt, an individual under UK law is presumed to be a consumer until shown not to be.

3.22 The UR's licences for energy and water companies in Northern Ireland also use the term 'customer'. Whilst in common English language use these terms may be interchangeable, under competition law the concepts are slightly different<sup>12</sup>. As previously set out, a 'consumer' is an individual who uses goods or services, whereas a 'customer' is an entity that purchases the goods or services and includes undertakings for purposes of business, trade or profession.

<sup>11</sup> Territorially, the 2015 Act extends to England, Wales, Scotland and Northern Ireland.

<sup>12</sup> 'Consumer' versus 'Customer': The Devil in the Detail, Pinar Akman, ESRC Centre for Competition Policy and Norwich Law School, University of East Anglia, 2008.

3.23 Therefore, during this corporate plan the focus of our work will be on individuals (consumers) as set out in the Consumer Rights Act 2015. However, in the regulated industries of electricity, natural gas, postal services, and water and sewerage, we will extend this description to cover both domestic and business customers.

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## 4. Ministerial Review of The Consumer Council

4.1 In October 2012, the Department for Enterprise, Trade and Investment (DETI) commissioned an efficiency review of The Consumer Council. In June 2014, the then DETI Minister, Arlene Foster, concluded that, *“Northern Ireland’s consumer representation role should continue to be delivered by a Non-Departmental Public Body (NDPB), and that The Consumer Council should continue to fulfil that role.”*

4.2 However, the review called for the following developments:

- The key priorities, objectives, structures and funding of The Consumer Council must be focused on issues that are of regional significance to Northern Ireland;
- A clearer emphasis on the outputs that are to be delivered;
- The size of the Board to be reduced to levels consistent with the size of the Boards of many other NDPBs;
- Detailed annual work plans to be agreed with DfE and DfI to support the funding provided;
- Greater collaboration between the consumer and advice sectors;
- A communication strategy to be developed to explain and raise awareness of existing consumer representation bodies in Northern Ireland, and to provide clarity on their respective roles and responsibilities;
- To improve the efficiency and effectiveness of consumer representation and advice, and so deliver better value for money; and
- Learn from the consumer landscape in GB and elsewhere.

## 5 The Context for this Forward Work Programme

5.1 In this section we briefly identify the situation at the time of developing this forward work programme.

### Programme for Government

5.2 The Programme for Government (PfG) sets the overall strategic context for public service activity in Northern Ireland. Following 2016's Assembly Elections the NI Executive began consulting on a new PfG. The PfG is the highest level strategic document of the NI Executive and sets out the priorities that it will pursue in the current Assembly mandate (2016-2021), and the most significant actions it will take to address them.

5.3 We recognise that this FWP is being prepared in advance of a budget, or the PfG being agreed for the period covered, and that it may be subject to change as a result. Therefore, following finalisation of the PfG, we will review this work programme to ensure our work is consistent with its aims and objectives.

### Key external developments during 2018-19

#### Brexit

5.4 In June 2016, the UK electorate voted to leave the European Union. Currently, the UK Government plans to incorporate existing consumer rights into UK law without reference to the EU, to maintain the status quo. Unfortunately, at the time of writing, it is still not possible to assess the full impact of Brexit on Northern Ireland consumers.

5.5 During 2018-19, The Consumer Council has worked to highlight the specific needs of consumers in Northern Ireland to UK Ministers, Select Committees, Government Departments and Regulators. As part of this work, The Consumer Council is active within BEIS's Consumer Protection Partnership (CPP) to try and ensure Northern Ireland consumers are protected throughout the Brexit process, and that the interests of Northern Ireland consumers are considered in the development of cross border issues such as:

- Cost of living and impact on costs (value of Sterling(£) against the Euro(€));
- Cross-border trade;
- Standing of enforcement agencies, consumer bodies and regulators in relation to breaches of consumer law regarding cross-border purchases of goods and services;

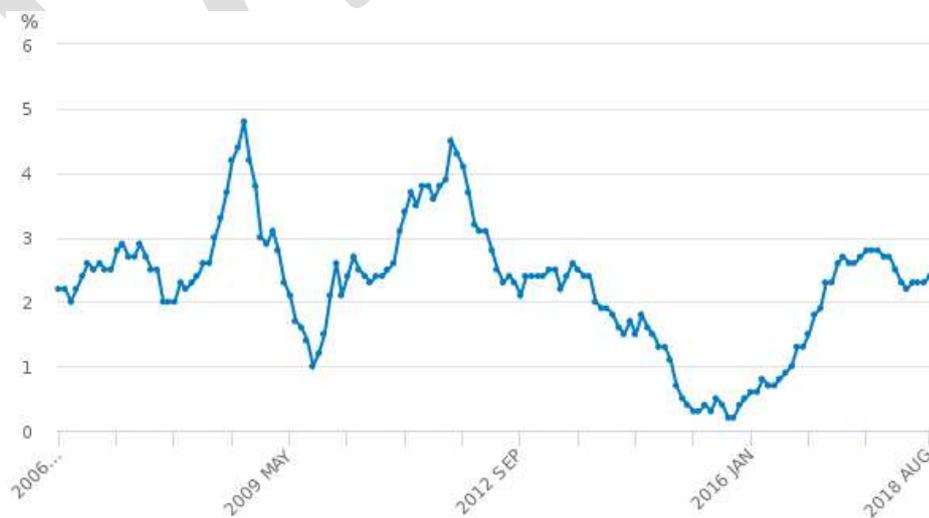
- Communications (including mobile roaming charges);
- Integrated Single Electricity Market (I-SEM);
- Insurance (car and travel);
- Food affordability;
- Home Heating Oil;
- Cross border public transport arrangements (train and bus);
- Air travel to and from Northern Ireland; and
- Cross border postal issues.

### Consumer Price Index

5.6 The Office for National Statistics (ONS) shows the Consumer Price Index (CPI) sits at 2.4% in August 2018. This is 0.3% lower than the same time last year (2.7% in August 2017). In the last twelve months prior to August 2018, the lowest rate was in April when it was at 2.2%; the highest was in October when it was 2.8%. Over the last twelve years, the lowest level of inflation was experienced in September and October 2015 when the rate was 0.2%; the highest level overall was in September 2008 when it was 4.8%.

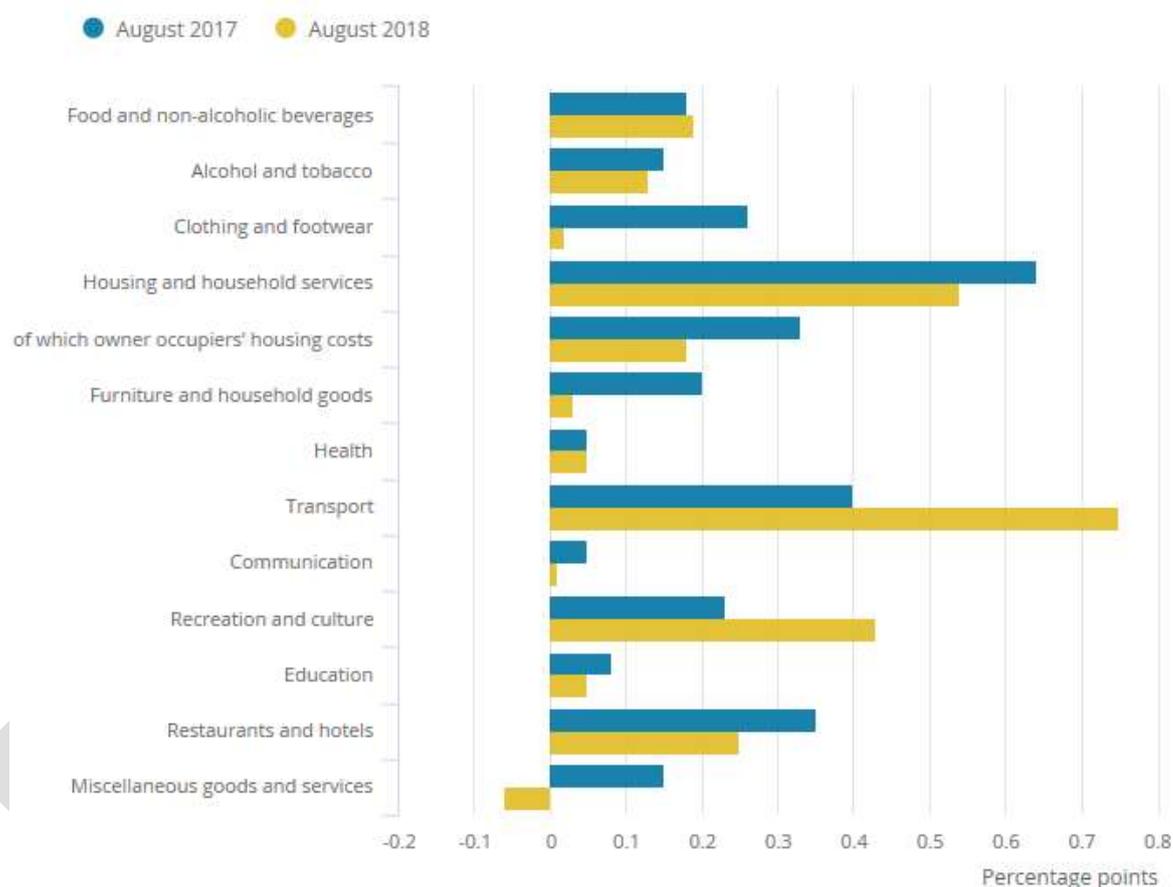
**Figure 1: CPI inflation rate for the last 12 years: January 2006 to August 2018**

Source: <https://www.ons.gov.uk/economy/inflationandpriceindices/timeseries/l55o/mm23>



5.7 Currently, the biggest factors driving up inflation are food, recreational goods and transport costs. The devaluation in Sterling (£) has led to higher inputs for manufacturers. Partially offsetting downward contributions came from furniture and household goods, and telecommunications; prices for these rose between July and August 2018 but by less than a year ago<sup>13</sup>.

**Figure 2: Contributions to the CPIH 12-month rate: August 2017 and August 2018<sup>14</sup>**



### Northern Ireland Economy

5.8 The Northern Ireland Statistics and Research Agency's (NISRA) Northern Ireland Composite Economic Index (NICEI) October 2017 results show that NI economic activity was estimated to have decreased by 0.3% in real terms from Quarter 4 (October – December) 2017 to Quarter 1 (January – March) 2018. The index decreased by 1.0% over the year to Quarter 1 2018.

5.9 Over the last two years annual output (averaged over the four quarters to Quarter 1 2018 compared to the previous four quarters) remained flat (at 0.0%). Although the

<sup>13</sup> [www.ons.gov.uk/economy/inflationandpriceindices/bulletins/consumerpriceinflation/august2018](http://www.ons.gov.uk/economy/inflationandpriceindices/bulletins/consumerpriceinflation/august2018)

<sup>14</sup> Ibid 11

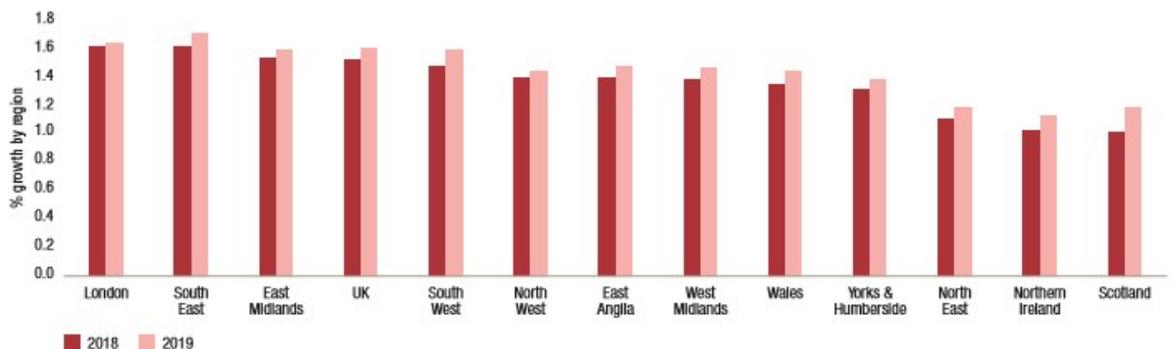
measures are not produced on a fully equivalent basis, comparisons with the UK over the same period show that the NICEI grew at a slower rate (0.0%) than UK GDP (1.5%). In the UK quarterly growth (0.2%) was also higher than that recorded for NI (-0.3%).

**Figure 3: NI Composite Economic Index Q1 2006 – Q1 2018<sup>15</sup>**



5.10 PwC’s latest economic outlook (March 2018) projects that Northern Ireland will continue to deliver the lowest economic growth amongst the 12 UK regions in 2019 after a lacklustre performance in 2018. PwC says Northern Ireland’s growth in 2018 is likely to be equal-lowest with Scotland at 1% with NI’s growth in 2019 forecast to edge up only marginally to 1.1%, behind Scotland's forecast 1.2% and the UK average of 1.6%. Fastest growing amongst the UK’s 12 regions in 2019 are expected to be the South East of England at 1.7% and London, the East Midlands and South West at 1.6%. Adding to the suggestions that the Northern Ireland recovery is slowing, is data from the ONS which shows that Northern Ireland’s previously improving employment rate fell by around 1.2% in the year to December 2017 - the largest fall amongst the 12 UK regions<sup>16</sup>.

**Figure 4: PwC Main Scenario for Output Growth By Region in 2018/2019<sup>17</sup>**



<sup>15</sup> [www.nisra.gov.uk/system/files/statistics/NI-Composite-Economic-Index-Statistical-Bulletin-Q1-2018.pdf](http://www.nisra.gov.uk/system/files/statistics/NI-Composite-Economic-Index-Statistical-Bulletin-Q1-2018.pdf)

<sup>16</sup> [www.pwc.co.uk/who-we-are/regional-sites/northern-ireland/press-releases/UKEO-0318.html](http://www.pwc.co.uk/who-we-are/regional-sites/northern-ireland/press-releases/UKEO-0318.html)

<sup>17</sup> [www.pwc.co.uk/who-we-are/regions/northernireland/UK%20Economic%20Outlook%20March%202018.pdf](http://www.pwc.co.uk/who-we-are/regions/northernireland/UK%20Economic%20Outlook%20March%202018.pdf)

- 5.11 Danske Bank predicts that the rate of economic growth in Northern Ireland is expected to be relatively subdued, with 1% growth in 2018 and only a marginal increase to 1.1% next year. The first quarter of the year saw poor growth throughout the UK, in part due to adverse weather conditions. Above-target inflation and high uncertainty remain constraining factors in both Northern Ireland and the wider UK overall. Danske expects 'administrative & support', 'information & communication' and 'professional services' to be the three fastest growing sectors in Northern Ireland this year. Public 'administration & defence' is the only sector expected to contract significantly<sup>18</sup>.
- 5.12 Whilst analysts believe growth in Northern Ireland will be subdued, consumers in Northern Ireland have a role in supporting that growth. A 2015 HM Treasury report<sup>19</sup> highlighted that confident, informed consumers are essential to growing the economy, boosting business competitiveness, and reducing consumer detriment.
- 5.13 In May 2018, NISRA published its Economic Accounts Overview for Northern Ireland. The report shows that in 2015, GDP for NI was £41.6bn, and £40.2bn in 2014. The change from 2014 to 2015 represents a 3.5% increase in GDP in current market prices. In 2015, the total value of "Final Use" in Northern Ireland was estimated to be £66.2bn. This represents the total value of expenditure by Consumers and Government plus the value of investment, external sales to Great Britain and exports:
- Expenditure by the household sector (including non-profit organisations) was estimated to be £26.5bn or 40% of Final Use, showing the importance of the household sector's contribution to local consumption of goods and services in the economy.
  - Central & Local Government Expenditure (£12.4bn) accounted for 19% of Final Use, (compared to 15% in the UK), showing the relatively greater role government plays in Northern Ireland (in addition to public sector wages and salaries).
  - Capital Investment (£5.6bn) accounted for 8% of Final Use in Northern Ireland, which is considerably lower than the UK as a whole (13%).
  - "External sales" (£21.6bn), including exports and sales to customers in GB accounted for 33% of Final Use in Northern Ireland. In contrast, exports accounted for 21% of UK Final Use.
  - "Imports" (including purchases from GB) equated to £24.6bn and exceeded external sales resulting in a net negative trade balance of £3.0bn in 2015<sup>20</sup>.

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18 <https://danskebank.co.uk/-/media/danske-bank/uk/business/economic-analysis/quarterly-sectoral/danske-bank-northern-ireland-quarterly-sectoral-forecasts-2018-q3-final-.la=en.pdf>

<sup>19</sup> A better deal: boosting competition to bring down bills for families and firms, HM Treasury, November 2015.

<sup>20</sup> [www.nisra.gov.uk/sites/nisra.gov.uk/files/publications/NI-Economic-Accounts-Project-2015-experimental-results-FINAL.pdf](http://www.nisra.gov.uk/sites/nisra.gov.uk/files/publications/NI-Economic-Accounts-Project-2015-experimental-results-FINAL.pdf)

5.14 The importance the UK Government places on active consumers and strong consumer protection is recognised within the Industrial Strategy (2017)<sup>21</sup> and the Consumer Green Paper (2018)<sup>22</sup> which look to address the areas where markets are not working for consumers and businesses.

5.15 Unfortunately, sometimes a good, or a service, is not as intended or falls short of expectation. This is known as “consumer detriment”. The Office of Fair Trading identified three elements to consumer detriment:

- price detriment: consumers may not buy the product or service at the cheapest price available to them;
- appropriateness detriment: consumers may not buy the most appropriate product, given their tastes and preferences; and
- quality detriment: consumers may purchase a product or service that is not of the quality they assumed *ex ante*.

5.16 In September 2016, Citizens Advice and Oxford Economics released a report<sup>23</sup> on consumer detriment which highlighted:

- 35.3% of UK consumers suffered some form of consumer detriment in 2015;
- The cost of detriment was £22.9 billion per year, or £446 per adult;
- Younger people experience the most problems, but 35-54 year olds suffer the highest cost;
- The time lost in trying to resolve complaints in the UK in total is 1.158 million hours per year, or 24 hours per adult;
- 55% of affected consumers had not sought redress; and
- Only 51% of those who sought redress felt they had achieved a satisfactory resolution.

5.17 The Consumer Council, and other agencies such as the Northern Ireland Trading Standards Service (NITSS) have a vital role to play in minimising this detriment by empowering and protecting consumers and promoting their rights.

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<sup>21</sup> Industrial Strategy: Building a Britain fit for the future, HM Government, November 2017.

<sup>22</sup> <https://www.gov.uk/government/consultations/consumer-green-paper-modernising-consumer-markets>.

<sup>23</sup> Consumer Detriment: Counting the cost of consumer problems. Citizens Advice and Oxford Economics, September 2016.

- 5.18 In 2015, the Consumer Rights Act came into force. It represents a significant overall strengthening of consumer rights and seeks to simplify, strengthen and modernise UK consumer law. The act consolidates three pieces of existing consumer legislation - the Sale of Goods Act, Unfair Terms in Consumer Contracts Regulations, and the Supply of Goods and Services Act. The Act also gives consumers many new rights and remedies covering: contracts for goods and services, clarifying rights for digital content, and updating the law relating to unfair terms and conditions.
- 5.19 The UK Government concluded its reforms to the consumer landscape in April 2014. The reforms were designed to:
- Reduce the complexity of the consumer landscape;
  - Strengthen the effectiveness of the enforcement of consumer rights; and
  - Ensure that activities that help empower consumers are delivered more cost-effectively.
- 5.20 As part of these reforms the UK Government through the then Department for Business, Innovation and Skills (BIS)<sup>24</sup> set up the CPP to create a joined-up approach among UK consumer bodies.
- 5.21 The CPP is a UK-wide group established with the aim of better identifying both current and emerging areas of the greatest consumer detriment, and to prioritise and coordinate collective action. The Consumer Council is a member of the CPP along with Advertising Standards Agency, BEIS, CMA, DfE, FCA, NITSS, the National Trading Standards Board, the Trading Standards Institute, Trading Standards Scotland, Citizens Advice and Citizens Advice Scotland.
- 5.22 In addition, to support our work on an all-Island basis, in 2011 The Consumer Council set up a North/South Consumer Organisations Working Group with the European Consumer Centre (Ireland), NITSS, the Competition and Consumer Protection Commission (Ireland), the Belfast Consumer Advice Centre, the Department of Jobs, Enterprise and Innovation (Ireland), the CMA and DfE. The purpose of the group is to identify opportunities for joint working, including coordination of consumer information campaigns and sharing information, with the aim of maximising opportunities to support consumers, particularly those living in border areas.
- 5.23 In 2015, The Consumer Council initiated discussions to develop with Advice NI, Citizens Advice Bureau Northern Ireland, and the Law Centre a memorandum of

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<sup>24</sup> This is now run by the Department of Business, Energy and Industrial Strategy (BEIS).

understanding to establish the 'Consumer Rights Initiative Northern Ireland' (CRINI), which aims to bring closer collaboration between the organisations on consumer issues. The vision of the partnership is of a Northern Ireland where consumers know who to contact when they have a consumer rights problem, where consumers know that they will be given the help they need, and where consumers receive a seamless service regardless of the organisation they contact first. The CRINI will do all this through clear signposting to information and consumer protection bodies and other support.

- 5.24 The Consumer Council also works very closely with DfE's Consumer Affairs team, the NITSS and NI Direct's Consumerline to support consumers and traders to understand consumer rights and responsibilities. In agreement with DfE, The Consumer Council handles complaints relating to our specific statutory areas of energy, postal services, transport, and water and sewerage. Consumerline and the NITSS provide complaints services in relation to goods and services, including scams.
- 5.25 The Consumer Council is a member of the Government Advice and Information Group. This group is convened by the Department for Communities (DfC) and provides a forum for government organisations to share information and ensure the best use of funding for the advice sector.

#### Alternative Dispute Resolution

- 5.26 Regulations came into force in October 2015 that require traders to provide information to consumers on the availability of Alternative Dispute Resolution (ADR). Although traders are required by law to provide this information, they are not obliged to engage in the ADR process except where they operate in a sector that is mandated by statute or by membership of a trade association to use ADR.
- 5.27 Although the use of ADR is not mandatory to traders, the UK Government hopes that the potential benefits in getting and keeping custom through good customer relations will encourage traders to do so. The option to use ADR usually begins when the consumer has exhausted the trader's internal complaints process and has been unable to resolve the dispute satisfactorily.
- 5.28 ADR is designed to be a quicker and cheaper alternative to court, where consumers and traders can resolve their disputes. It is a voluntary process and parties can still choose to take further court action if they do not reach a mutually acceptable solution. For the purposes of the Regulations, the Chartered Trading Standards Institute (CTSI) acts as the UK Competent Authority that handles applications from bodies, seeking approval, operating in non-regulated consumer sectors.

- 5.29 In the Green Paper “Modernising Consumer Markets”<sup>i</sup> published by BEIS in April 2018, it was suggested that the system of ADR could be more effective and that consumers who use alternative dispute resolution tend to be older, more educated, and earn more than the average adult. The Green Paper sought input into how to improve consumer awareness and take-up of ADR, and what model would deliver the best experience for consumers.
- 5.30 The Consumer Council will continue to work with our colleagues in BEIS to monitor developments in ADR and inform consumers as appropriate.

## Energy

- 5.31 In 2018-19, energy consumers in Northern Ireland have experienced price rises across all fuels. Domestic electricity prices have increased throughout the year. In February, Electric Ireland customers experienced an increase of 7.8%, in May, Budget Energy took the step of introducing a daily standing charge and in July Click Energy customers experienced an increase of 9.6%. In October all five electricity suppliers announced increases ranging from 9.6% to 18.2%. Natural gas users also experienced increases of between 6.8% and 8.8% in April and 10.9% and 12% in October. However, Northern Ireland’s regulated price remains 15% cheaper than the GB average standard tariff and 29% cheaper than ROI.
- 5.32 In the Phoenix Natural Gas (PNG) licence area gas prices are 9% lower than the GB average and 23% cheaper than the standard tariff in ROI. However, in the Firmus Energy licence area the domestic gas price is now over 10% more expensive than the GB average standard tariff but 6% cheaper than the ROI standard tariff. The reason for this is the higher conveyance charge in the Firmus Energy area which is caused by the company’s need to recover previous discounts that were designed to encourage consumers to convert to gas.
- 5.33 SGN has continued its work to extend the natural gas network to the west of Northern Ireland. Strabane already has customers on supply, whilst Coalisland, Cookstown, Derrylin, Dungannon, Enniskillen, Magherafelt and Omagh are scheduled to have customers on supply in 2019. Meanwhile PNG has commenced work on extending its network to Whitehead in Co. Down.
- 5.34 In May, the Northern Ireland Housing Executive released the results of its House Condition Survey (HCS) (which was undertaken in May 2016), the first since 2011. This showed that in 2016, 22% of households were in fuel poverty, a fall from 42% in 2011.

However, the survey was conducted when all domestic energy prices were at a historic low; in 2011 the cost of home heating oil was £300 for 500 litres compared to £161 in 2016.

- 5.35 Between May 2016 and May 2018 the price of home heating oil increased by 66% (£107). The HCS survey showed that the amount of homes in Northern Ireland that use home heating oil remained unchanged at 68% of households. With home heating oil prices currently over 80% higher than 2016, the indication is that fuel poverty is currently higher than the 22% latest HCS figure.
- 5.36 From April 2018 to October 2018, The Consumer Council delivered the Switch & Save message at 100 events and presentations. In total, through these events we have engaged with over 4,590 consumers.
- 5.37 The price comparison website tool received 52,543 visits between 1 April and 31 October 2018. Domestic electricity supplier switching figures have stabilised at just over 3% per quarter (equating to 13.2% Q3 17 – Q2 18).
- 5.38 The domestic electricity market in Northern Ireland is now beginning to exhibit some of the characteristics seen in the GB market, with suppliers creating fixed term tariff products whilst allowing their standard variable tariffs (SVT)<sup>25</sup> to drift upwards. For example, the SSE Airtricity SVT unit rate is currently 18.67 pence per Kwh, whilst its one-year discounted deals range from 15.87 pence per Kwh to 17.55 pence per Kwh. In GB, the Government sought to limit the effects of this tendency in the market by introducing a price cap for customers who are unwilling or unable to switch supplier. In Northern Ireland, the price capped regulated tariffs of Power NI in electricity and SSE Airtricity and Firmus Energy in natural gas continue to provide protection to these customers.
- 5.39 On 1 October 2018, the new all island electricity market (I-SEM) was launched. Early trading has been characterised by isolated incidents of exceptionally high prices in the balancing market. At this stage, there is not enough data to draw any robust conclusions or to make direct comparisons with the previous SEM prices.
- 5.40 The Consumer Council recognises the potential benefits that new technology presents for consumers, and encourages its development whilst being mindful of the need to protect those consumers unwilling or unable to take advantage of new technology.

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<sup>25</sup> A standard variable tariff (SVT) is a supply contract with an indefinite length that does not have a fixed-term applied to the terms and conditions. It is an energy supplier's basic offer. If a customer does not choose a specific energy plan, for example after their fixed tariff ends, they are moved to an SVT until they choose a new one. A customer can also make an active choice to select an SVT.

During this year The Consumer Council will continue to engage on these issues and be a thought leader in the role of consumers in the energy market of the future.

- 5.41 In October 2018, The Consumer Council with the support of the electricity and natural gas industry launched its energy theft awareness campaign through social media. The campaign delivers three key messages; Energy theft is dangerous, illegal and paid for by you. The graphics containing these messages are accompanied by a telephone number for reporting suspected energy theft which is provided by, paid for and managed by the UK Revenue Protection Association (UKRPA), and it provides a one stop shop for reporting energy theft.



- 5.42 Throughout the year, The Consumer Council has worked in conjunction with other energy sectors including the home heating oil, coal and liquid petroleum gas (LPG) industries. Every week we complete a survey of regional home heating oil distributors and publish prices on our website to assist consumers in shopping around and making an informed choice. Some consumers continue to use coal, and The Consumer Council works in conjunction with the newly formed Northern Ireland Coal Trade Association Limited (NICTAL) to help assist with consumer enquiries and complaints. We have also established a similar arrangement with Northern Ireland's LPG providers to enable us to make representations on behalf of consumers.

- 5.43 The Consumer Council has worked with UR, the energy industry and other stakeholders on a number of energy issues and has represented consumers on numerous working groups. This includes energy industry groups such as the Electricity Stakeholders' Group, Central Design Authority, Electricity Retail Interface Group, Electricity Suppliers' Forum, NIE Networks Consumer Engagement Advisory Panel, Energy Theft Working Group, Gas Market Opening Group, Gas Suppliers' Forum and

the natural gas networks Consumer Engagement Group. We also represent consumers on stakeholders' groups such as the Home Energy Conservation Authority, Energy Justice Campaign, SPIRE and Gerona battery storage groups, Energy Savings Week organising group and the Fuel Poverty Coalition Steering Group.

- 5.44 During 2017/18, in our statutory role to investigate consumer energy complaints, The Consumer Council received a total of 858 enquiries and complaints from consumers about electricity, natural gas, coal, oil and LPG<sup>26</sup>. Issues for electricity consumers included billing, metering, problems with supply, and poor customer service. For natural gas consumers, we were contacted for advice on supplier tariffs, information on company policy, supplier contact details and information about switching. As a result of our work, over £11.4k was returned to consumers for energy complaints between 1 April 2017 and 31 March 2018.
- 5.45 In 2019-20, The Consumer Council will continue to press the energy industry and UR to ensure that competition in all parts of the supply chain delivers for consumers and will contribute to the planning and delivery of a renewed, forward looking energy strategy for Northern Ireland.

## **Postal Services**

### UK Consumer Advocacy Bodies

- 5.46 The responsibility for consumer representation for postal services in Northern Ireland is held by The Consumer Council. However, as post is a reserved issue to the UK Government at Westminster, it is imperative that to provide value for money and achieve maximum impact for consumers in Northern Ireland, we must work closely with other UK Consumer Advocacy Bodies<sup>27</sup> with a responsibility for postal services. To facilitate and ensure close working with all advocacy bodies, a Memorandum of Understanding has been agreed by all organisations and we continue to work closely with our colleagues in consumer advocacy bodies in GB.

### The Universal Postal Service<sup>28</sup>

- 5.47 In 2018-19, The Consumer Council made an important contribution to the policy debate about the prices consumers are expected to pay to access the Universal Postal

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<sup>26</sup> <http://www.consumercouncil.org.uk/publications/enquiries-and-complaints-report-2016-17/>.

<sup>27</sup> Citizens Advice and Citizens Advice Scotland.

<sup>28</sup> Delivery of letters six days a week (and for parcels five days a week, Monday to Friday) to all addresses in the United Kingdom at an affordable and uniform tariff.

Service. Ofcom consulted on its price cap regulation proposals for second class standard letters, large letters and parcels up to 2kg to keep these prices affordable to vulnerable consumers.

- 5.48 The Consumer Council highlighted several general risks, supported by evidence, about the price increases allowed within the proposed level of the price cap<sup>29</sup>. We asked Ofcom to reassess if the proposed increase for standard letters was indeed affordable for Northern Ireland consumers with a disability. Alongside this, we asked Ofcom to investigate how it can make sure parcel products remain affordable as the proposed price cap had significant scope for excessive price increases. Ofcom is expected to announce its decision in early 2019. It is crucial that The Consumer Council continues to monitor developments in pricing so vulnerable consumers have access to the Universal Postal Service.

### Brexit

- 5.49 The Postal Services Directive<sup>30</sup> sets out the rules EU Member States must implement in order to complete the EU internal market on postal services. After Brexit, postal services between the EU and UK will be governed by the Universal Postal Union and CERP (Committee of European Postal Regulators).
- 5.50 A UK Parliamentary briefing paper on Brexit identified two potential issues with postal services<sup>31</sup>. The first was a negative effect on letter and parcel volumes caused by economic uncertainty. The second was that UK consumers may face increased costs due to the changing trading relationship with the EU. These potential costs include customs charges and postal operator handling fees.
- 5.51 Considering this, depending on the trade deal negotiated after the UK's withdrawal from the EU, it is important The Consumer Council continues to monitor Brexit developments to understand the potential impact on parcel operators and ultimately postal consumers in Northern Ireland.

### Parcel Surcharging

- 5.52 Parcel surcharging continues to negatively affect consumers in Northern Ireland who shop online. Parcel delivery surcharging and restrictions are applied by some UK online

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<sup>29</sup> <http://www.consumercouncil.org.uk/policy-research/publications/consultation-response-postal-price-cap-regulation>.

<sup>30</sup> [https://ec.europa.eu/growth/sectors/postal-services/legislation\\_en](https://ec.europa.eu/growth/sectors/postal-services/legislation_en).

<sup>31</sup> <http://researchbriefings.files.parliament.uk/documents/SN06763/SN06763.pdf>

retailers to deliveries in Northern Ireland, Highlands and Islands in Scotland and other remote areas. This is a longstanding issue which causes consumer detriment.

5.53 Throughout 2018-19, The Consumer Council worked in partnership with the Consumer Protection Partnership, postal consumer advocacy bodies, CMA and Ofcom to address this problem. For instance, The Consumer Council:

- Supported the launch of Committee for Advertising Practices (CAP) enforcement notices<sup>32</sup> on retailers who use misleading delivery promotions or practices through a media campaign to raise awareness in Northern Ireland;
- Participated in the Scottish Ministerial Roundtable on 27 June 2018, which brought together parcel delivery companies, retailers, consumer groups and representative bodies to discuss the collaborative action needed to deliver solutions that will benefit Northern Ireland consumers<sup>33</sup>;
- Worked with Highlands Trading in the development of the [www.deliverylaw.uk](http://www.deliverylaw.uk) website so consumers and businesses can get information about their rights and responsibilities when buying or selling goods online;
- Carried out extensive media activity to raise awareness of the [www.deliverylaw.uk](http://www.deliverylaw.uk) website in Northern Ireland. This included undertaking 10 radio interviews to promote the website and 18 articles published in local papers providing consumer advice on delivery surcharging when shopping online. The Consumer Council will also be promoting the Delivery Law website in the run up to the busy Christmas period; and
- Completed research which explored feasible solutions for UK retailers and operators. These potential solutions will be discussed at a future workshop event in 2019.

### Consumer Empowerment

5.54 The UK parcel market is competitive. However, most consumers and small businesses in Northern Ireland do not shop around when they need to send a parcel. This reduces choice meaning they may pay more than necessary. Recent Consumer Council research showed nearly half of consumers (49%) and over a third (35%) of businesses that send parcels say competition in the parcel market is limited<sup>34</sup>.

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<sup>32</sup> <https://www.asa.org.uk/uploads/assets/uploaded/a1339942-cc8c-4c53-afccc4f4eec618ed.pdf>

<sup>33</sup> [https://www.gov.scot/publications/parcel-delivery-charges-ministerial-roundtable-minutes-june-2018/.](https://www.gov.scot/publications/parcel-delivery-charges-ministerial-roundtable-minutes-june-2018/)

<sup>34</sup> [http://www.consumercouncil.org.uk/sites/default/files/original/Experiences\\_and\\_attitudes\\_of\\_vulnerable\\_consumers\\_and\\_businesses\\_to\\_the\\_postal\\_service.pdf.](http://www.consumercouncil.org.uk/sites/default/files/original/Experiences_and_attitudes_of_vulnerable_consumers_and_businesses_to_the_postal_service.pdf)

5.55 To improve awareness, The Consumer Council is developing a web-based empowerment tool for all consumers and businesses which will make these two groups more aware of all parcel access points across Northern Ireland. Additionally, we will undertake a communication campaign in the run up to the busy postal Christmas period, advising consumers and businesses on how to save money, and know their rights and responsibilities in relation to deliveries. This will complement our activity promoting the Delivery Law website which provides consumer advice to those shopping online and business advice to those selling online.

### Post Office Network

5.56 The Post Office network is a vital access point to the Universal Postal Service<sup>35</sup>. The Consumer Council worked collaboratively with Citizens Advice, Citizens Advice Scotland and Post Office Ltd to develop a UK framework to manage future changes to the Post Office Network. This is called the Principles of Community Engagement on changes to the Post Office network and was implemented across the UK in July 2018

5.57 At a local level, the Principles of Community Engagement will make sure consumers and local representatives across Northern Ireland know about future changes to the Post Office network and provide feedback to Post Office Ltd for significant changes<sup>36</sup>.

5.58 In 2018–19, The Consumer Council scrutinised two proposed post office relocations and reviewed 121 customer responses. One relocation was in Donaghadee. The Post Office agreed to engage with Transport NI to request a dedicated disabled parking bay near to the new location, if one was not already available. The second relocation was in Cookstown. The Post Office agreed to introduce a pedestrian walkway and designated car parking space.

5.59 At a strategic level the new UK framework ensures The Consumer Council can fulfil its statutory obligations by making sure it can continue to investigate and monitor the number and locations of post offices across Northern Ireland.

### Postal Complaints

5.60 This year, The Consumer Council has worked in partnership with Citizens Advice and Citizens Advice Scotland to consider the nature and extent of postal consumer

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<sup>35</sup>Delivery of letters six days a week (and for parcels five days a week, Monday to Friday) to all addresses in the United Kingdom at an affordable and uniform tariff.

<sup>36</sup>[http://corporate.postoffice.co.uk/sites/default/files/Principles%20of%20Community%20Engagement\\_June%202018.pdf](http://corporate.postoffice.co.uk/sites/default/files/Principles%20of%20Community%20Engagement_June%202018.pdf).

complaints in today's postal market. The Consumer Council's work shows many postal consumers do not complain<sup>37</sup>.

- 5.61 The Consumer Council has also assessed postal operator complaint procedures to understand if consumers have access to the right information, so it is easy to make and pursue a complaint<sup>38</sup>. Our findings were shared with several postal operators at a Post Operators Group meeting in London on 30 October 2018. We made several recommendations to ensure postal complaint procedures are clearly visible, transparent and simple to follow for consumers. The Consumer Council will continue to discuss how to improve consumer visibility and access to postal complaint processes with other UK consumer advocacy bodies and operators.
- 5.62 In June 2018, The Consumer Council launched a new online postal tool which tells consumers about their postal rights, and whether they are entitled to compensation when they experience lost, delayed, or damaged mail.
- 5.63 The Consumer Council only has statutory powers to investigate complaints about postal services if the consumer is deemed 'vulnerable', and if we are satisfied that it is not reasonable to expect that person to pursue their own complaint. This means our level of postal contacts is expected to be lower compared to the other policy areas where we have a more universal statutory complaint handling function. In 2017-18, we received a total of 45 (45 in 2016-17) contacts about Postal Services<sup>39</sup>. We pursued six cases where we felt the consumer was in a vulnerable position and required extra assistance, and £1,002 was returned to consumers for postal complaints during 2017-18 which represents an average £167 per case.

#### Vulnerable Postal Consumers – Scam Mail

- 5.64 The Consumer Council's past research showed many consumers and businesses across Northern Ireland have received scam mail<sup>40</sup>. Nearly a third of consumers (30%) say they have received mail they believe to be a scam with those with a disability most affected (35%). The problem is also being experienced by businesses with 17% saying they received mail believed to be a scam.

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<sup>37</sup> Unpublished report. Postal complaints in the UK Postal Market. November 2018.

<sup>38</sup> Ibid.

<sup>39</sup> Ibid.

<sup>40</sup> [http://www.consumercouncil.org.uk/sites/default/files/original/Experiences\\_and\\_attitudes\\_of\\_vulnerable\\_consumers\\_and\\_businesses\\_to\\_the\\_postal\\_service.pdf](http://www.consumercouncil.org.uk/sites/default/files/original/Experiences_and_attitudes_of_vulnerable_consumers_and_businesses_to_the_postal_service.pdf)

5.65 Throughout 2018 -19, The Consumer Council played an integral role in supporting the ScamwiseNI Partnership's<sup>41</sup> Scam Mail campaign. We developed an interactive map<sup>42</sup> and guidance to help promote awareness of scam mail and encourage consumers and businesses to report incidents to the relevant organisations. The interactive tool has been accessed on 59 occasions. We also issued nearly 5,000 scam mail advice leaflets to local councils and libraries across Northern Ireland. These leaflets provide clear advice on how to identify scam mail and how to report the incident. Additionally, we had 24 articles published in various regional papers across NI which provided consumer advice on scam mail. The Consumer Council will continue to raise consumer awareness of this problem through its advocacy work.

## **Transport**

5.66 In 2018, Translink launched Glider, a new rapid transit service for Belfast that connects the east and west of the city by public transport. It is a step change in public transport services for Northern Ireland consumers and was a signature project of the Northern Ireland Executive. This kind of investment in public transport is essential to the delivery of the dPFG's Outcome 13 "*We connect people and opportunities through our infrastructure.*" The focus is to improve public transport services for passengers and increase passenger journeys. In our role as the passenger representative, The Consumer Council has seen passenger ratings for public transport increase to some of the highest scores on record for overall satisfaction, punctuality and value for money<sup>43</sup>. During 2019-20, The Consumer Council will actively support DfI and Translink in the development and delivery of public transport services that meet the needs of passengers, based on what passengers have told us are the things that matter to them.

5.67 Air passenger complaints continue to be our highest area of complaint (539 in 2017-18; 334 in 2016-17). When services are delayed and cancelled the impact on passengers can be significant, leading to stress, anxiety and financial detriment. During the year The Consumer Council is leading a UK-wide project as part of BEIS's Consumer Protection Partnership to review the complaint handling practices of airlines when dealing with consumers' requests for help and in some cases redress. It is anticipated that this project will be reported on in 2019-20 and will draw on the experiences of consumers and complaint handling bodies across the UK.

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<sup>41</sup> The Partnership includes the Police Service of Northern Ireland, Royal Mail, the Northern Ireland Policing Board, Department of Justice, Commissioner for Older People, The Consumer Council, Trading Standards and Age Sector Platform.

<sup>42</sup> <http://www.consumercouncil.org.uk/consumers/rights-and-advice/postal-services/scam-mail>

<sup>43</sup> In the PwC passenger charter survey for Autumn 2017 and Spring 2018, all Translink services recorded a score of 90% or more of passengers being quite satisfied or very satisfied with the overall service.

- 5.68 Brexit was a major issue for transport consumers during the year, with there being significant concern over what the implications would be for holiday passengers in terms of their rights, travel insurance, driving licenses etc. As clarity emerges over the impact of Brexit, The Consumer Council will continue to assess the impact on consumers' travel needs and provide information to passengers on their rights.
- 5.69 Access to transport is essential for all consumers and can present barriers for passengers with a disability or reduced mobility. During 2018/19 The Consumer Council facilitated groups of passengers with a range of disabilities through Northern Ireland airports and on the new Gilder public transport system. Improving access to transport services is a key priority for The Consumer Council and we will seek to undertake further work in this area with the ferry companies in Northern Ireland during 2019-20
- 5.70 In 2018-19, The Consumer Council began work to establish Accessibility Forums at each of the three Northern Ireland airports. The aim is to provide a forum for users of the Airports' Special Assistance services or their representative to share their knowledge and experiences of services at the airport. This in turn will help towards improving the services and ensuring that they continue to meet passengers' needs.
- 5.71 The Consumer Council received a total of 655 (437 in 2016-17) transport related enquiries and complaints during 2017-18 and helped consumers get over £78,000 (£68,000 in 2016-17) in refunds, compensation and goodwill gestures. These contacts relate to our statutory role regarding air travel, sea travel and public transport. Air travel continued to account for the largest proportion of transport contacts, with the main issue for consumers being delays and cancellations. Public transport passengers contacted us in relation to poor customer service, and issues regarding services and facilities. Issues about services and on-board facilities were the most common concern for ferry passengers.
- 5.72 The Consumer Council continued to represent the interests of consumers on several key transport forums. These forums enable The Consumer Council to report on the views and experiences of consumers with a view to improving the provision of transport services for Northern Ireland consumers. During the year, Consumer Council staff sat on the Translink Passenger Charter monitoring group, the Glider Stakeholder Forum, the Airport Users' Forums at each of the three Northern Ireland airports, the All-Party Disability Group, as well as a wide range of other stakeholder groups and engagements across industry, government, and the community and voluntary sector. Working in partnership across these forums is essential to achieve improved services for all consumers.

## **Water and Sewerage**

- 5.73 The Consumer Council's aim in water is to ensure water and sewerage services in Northern Ireland are fair, affordable and sustainable.
- 5.74 Consumers' fundamental day to day expectations from NI Water are a constant supply of good quality drinking water, wastewater services that remove waste, treat it and return it clean to the environment and high-quality customer services<sup>44</sup>. Consumers have strong views that these are the basics that should be provided<sup>45</sup>. Any regression in service and quality levels would be unacceptable to consumers<sup>46</sup>.
- 5.75 2017-18 marked the mid-way point of NI Water's six-year business plan (PC15 covering 2015-2021). The UR's mid-term review showed that NI Water is delivering well against its PC15 targets and continues to become more efficient<sup>47</sup>.
- 5.76 The dPFG notes the need to invest and fund NI Water to deliver against PC15 improvements. Our research shows that consumers understand the need to adequately fund NI Water for health, protection of the environment and to support new housing and economic development. The Consumer Council supports a fully funded PC15 as the best outcome for consumers, ensuring continued improvements in the level of efficiency and services delivered by NI Water, and delivering the requirements set in DfI's Social and Environmental Guidance 2015-2021<sup>48</sup>. However, we also recognise the reality of the public expenditure pressures facing all public bodies including NI Water.
- 5.77 The realities of these public expenditure pressures are shaping our considerations as we start the development of NI Water's next business plan, PC21 covering 2021-2027<sup>49</sup>. During 2018, we have worked closely with all water stakeholders beginning the detailed work of identifying consumer priorities, investment priorities and associated service levels. Key to this has been a programme of consumer engagement that will inform the development of NI Water's plans. This work will continue throughout 2019-20.
- 5.78 Knowing how satisfied consumers are with services, and why, is crucial to improving the service. Our research shows that consumers continue to trust NI Water and NI

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<sup>44</sup> 'Connecting with Consumers: A report on consumers' priorities for water and sewerage services' March 2014. <http://www.consumercouncil.org.uk/publications/connecting-with-consumers-report/>.

<sup>45</sup> Ibid.

<sup>46</sup> Ibid.

<sup>47</sup> <https://www.uregni.gov.uk/pc15-mid-term-review>

<sup>48</sup> <https://www.infrastructure-ni.gov.uk/sites/default/files/publications/drd/sustainable-water-a-long-term-water-strategy-for-northern-ireland-2015-2040.PDF>

<sup>49</sup> <https://www.uregni.gov.uk/publications/pc21-approach-document>

Water's research<sup>50</sup> shows high levels of consumer satisfaction with the services it provides. Following our work with NI Water, UR and DfI, new customer satisfaction measures continue to be trialled alongside new customer performance measures. We have also been looking in more detail into what makes consumers of NI Water's services satisfied or not. The findings of this work have been used to make improvements to NI Water's services and improved consumer focused changes in company behaviour.

- 5.79 The Consumer Council's work with NI Water on how it prevents and then deals with complaints continued to deliver improvements. Our recent assessments of NI Water's complaint handling showed where improvements could be made, and NI Water has implemented our recommendations<sup>51</sup>. We regularly review practice and policy with NI Water. During 2018, these reviews have included looking at how NI Water applies assessed and trade effluent charges for businesses, how consumers' tap water is tested, NI Water's digital offerings, and how third-party claims are handled.
- 5.80 Our work looking at the support provided by utility companies for consumers in vulnerable circumstances continues. We chair a consumer working group looking at both the implementation of the UR's ten proposals following its 2016 review, and the broader area of what services are provided and how these are delivered. Our work is based on views gathered from specialist representative groups including advice, community, charity and voluntary organisations and their clients/service users. The Consumer Council will continue to push for improvements as we work closely with utility companies and UR in 2019-20.
- 5.81 In 2017-18, The Consumer Council received a total of 275 (312 in 2016-17) enquiries and complaints from consumers about water and sewerage services<sup>52</sup>. Issues about non-domestic billing, including inaccurate bills, disputed liability and retrospective billing, continue to be the most common cause of contact. There has been a drop in complaints about NI Water, most notably about non-domestic billing. This is due mainly to the introduction of a new NI Water retrospective billing policy called for by The Consumer Council, and, more generally, more consumer-focused behaviours and operations throughout the organisation.

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<sup>50</sup> The Consumer Council's biannual consumer tracking research and NI Water's internal research.

<sup>51</sup> Annually we assess NI Water's handling of telephone and written complaints. The telephone assessment scores ten telephone calls made to NI Water by consumers. Our assessment provides an external view to supplement NI Water's in-house quality checks, taking a snapshot of the call handling service and testing it against NI Water's procedures. It includes reliability, response times and quality of responses, checking for consistency of delivery against internal rules and highlighting areas of improvement. A similar process is followed for our assessment of written complaints when 25 complaints are assessed.

<sup>52</sup> Ibid 42.

- 5.82 In addition, in 2017-18, we provided our free water bill health checks and introductory water efficiency advice to 73 businesses (65 in 2016-17). Through these efforts and our water complaints role we returned over £41k (£172k in 2016-17) to businesses in Northern Ireland in 2017-18 and over £1.24m since 2014. During 2018, we also carried out water bill health checks in a pilot project with a local council which has already identified significant savings for the council. During 2019-20, The Consumer Council will be looking to replicate similar projects with the other councils in Northern Ireland.
- 5.83 In 2018, we re-launched our Water Champions award with the support of Invest NI. The award recognises organisations that have taken steps to become more water efficient. We aim to recognise 25 Water Champions each year.
- 5.84 We work with different water stakeholders through several groups to ensure the consumer's voice is heard as performance is reviewed, plans are made, and decisions are taken. These include: The Water Stakeholders' Steering Group; The Output Review Group; and The Water Resource and Supply Resilience Group. We meet bilaterally with NI Water at Chair, CEO and Director level to discuss strategic issues, and with Heads of Sections to look at specific work areas and improvements for consumers. We are a member of the Regional Community Resilience Group established to deliver community engagement and resilience across Northern Ireland, and we have recently joined the Regional Recovery Forum looking at the support provided to consumers when rebuilding, restoring and rehabilitating the community following an emergency. We meet regularly with the Consumer Council for Water and the Consumer Futures Unit of Citizens Advice Scotland to learn and share best practice across other jurisdictions, a relationship formalised in a Memorandum of Understanding between the three organisations.

### **Financial Services and Illegal Money Lending**

- 5.85 In the Financial Sector, The Consumer Council is a member of UK Finance's<sup>53</sup> Consumer Advisory Group<sup>54</sup>, which acts as a steering group to the financial services sector by identifying key consumer issues to the UK Finance's Board and the overall industry. In addition, The Consumer Council sits on LINK's<sup>55</sup> Consumer Council<sup>56</sup>, and through this

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<sup>53</sup> UK Finance represents around 300 firms in the UK providing credit, banking, markets and payment-related services.

<sup>54</sup> The Consumer Advisory Group was established as the formal platform enabling constructive dialogue between the UK Finance Board and the main consumer advocate groups on personal financial services issues.

<sup>55</sup> LINK is the UK's largest cash machine network.

<sup>56</sup> The LINK Consumer Council was established by LINK in April 2006 to provide advice on consumer issues that relate to the UK's largest cash machine network, and to represent the interests of consumers in the governance and development of the network. The Council brings together independent consumer representatives and LINK Members including card issuing banks and cash machine operators.

joint work LINK has installed 75 free-to-use ATMs across Northern Ireland<sup>57</sup>. The Consumer Council is also a member of FCA Consumer Network, Money Advice Service's Northern Ireland Forum and the Financial Ombudsman Service's Consumer Liaison Group.

- 5.86 In July 2018, The Consumer Council presented evidence on levels of financial inclusion/capability in Northern Ireland to a DfC round table discussion on Financial Inclusion. The event was chaired by Guy Opperman MP, Minister for Pensions and Financial Inclusion and was the first of its kind, with further regional roundtables planned.

In September 2018, The Consumer Council supported The Progressive Building Society's inaugural Northern Ireland Savings Week. The initiative was designed to help develop a saving culture in Northern Ireland, and encourage people to think about and prioritise savings.

- 5.87 During 2018-19, The Consumer Council has responded to CMA, FCA and Link Access consultations on the delivery of financial capability/debt advice, access to cash, consumer duty of care, push payment scams, cash savings, and the working age money management plan.

- 5.88 In April 2018, The Consumer Council agreed with HM Treasury that it would lead its first ever educational and awareness campaign to help prevent the most vulnerable from being affected by loan sharks.

- 5.89 In 2013, the Centre for Economic Empowerment undertook research<sup>58</sup> into illegal lending in Northern Ireland. As part of this research, local political representatives were interviewed, as well as other research participants. They stated that illegal lending in Northern Ireland is linked with perceived paramilitary activity. The report highlighted that a credible strategy to tackle illegal lending in Northern Ireland must have four main components:

- a. regulation of lending;
- b. accessibility to affordable credit;
- c. education; and
- d. enforcement.

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<sup>57</sup> [www.link.co.uk/media/1185/link-10-financial-inclusion-programme-website-flyer.pdf](http://www.link.co.uk/media/1185/link-10-financial-inclusion-programme-website-flyer.pdf).

<sup>58</sup> Expensive Lending in Northern Ireland: A Discussion Paper, Centre for Economic Empowerment, 2013.

- 5.90 During 2018-19, The Consumer Council will further its work with HM Treasury, and other partners such as the PSNI, Advice NI, Christians Against Poverty and Illegal Money Lending Teams elsewhere in the UK to develop a project that will undertake a consumer-focused analysis of the illegal lending market in Northern Ireland, and see where it differs from that in GB.
- 5.91 In doing so we aim to develop a partnership with the major Northern Ireland banks, building societies, and the two main Credit Union associations (The Irish League of Credit Unions and Ulster Federation of Credit Unions), to creatively and proactively develop thought, leadership and policy opportunities to increase responsible lending in Northern Ireland, and a media campaign about responsible lending opportunities.
- 5.92 The Consumer Council aims to build on the success of The Consumer Council's Affordable Credit Pilot in Derry/Londonderry<sup>59</sup> which facilitated participants away from high cost short-term payday loans and doorstep lending, and made it easier for them to open a Credit Union account where they could access loans and start saving.

### **Scams**

- 5.93 The continued move towards digitalisation in retailing, banking and government/public service provision will mean some consumers, especially older and low-income groups, will need continued advice and support to raise e-consumer skills and awareness on issues such as shopping safely and avoiding scams. We will continue to undertake this work with key partners, including Digital Inclusion Unit, NITSS and the PSNI, and through specific information campaigns and outreach work.
- 5.94 To tackle the proliferation of ever more sophisticated scams – and protect consumers from falling victim to these, The Consumer Council continues to be an active member of the ScamswiseNI Partnership, which was launched in November 2016. The partnership is led by the PSNI and includes NITSS, DoJ, the Commissioner for Older People NI, and Royal Mail.
- 9.95 In June 2018, the PSNI asked The Consumer Council to develop resources for the uniformed youth sector to learn about scams and how young people can protect themselves. The initiative also encourages participants to pass this new knowledge to their family, friends, schoolmates, and people living in their community. The DOJ has funded this project. Through this work, The Consumer Council will work in partnership with all six of the uniformed organisations based in Northern Ireland to develop a resource booklet and activities that group leaders will deliver to young people aged

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<sup>59</sup>[www.consumercouncil.org.uk/filestore/documents/Credible\\_Credit\\_An\\_Interim\\_Report\\_on\\_the\\_Financial\\_Capability\\_and\\_Affordable\\_Credit\\_Pilot.pdf](http://www.consumercouncil.org.uk/filestore/documents/Credible_Credit_An_Interim_Report_on_the_Financial_Capability_and_Affordable_Credit_Pilot.pdf).

between 10 to 25. After completing a range of activities, participants will receive a 'Scamwise' badge and certificate. In total, we anticipate this initiative reaching over 20,000 young people who are members of Girlguiding Ulster (GGU), Catholic Guides of Ireland, The Scouts, Scouting Ireland, Girls' Brigade (GB), and the Boys' Brigade (BB). The project will be jointly launched with the PSNI in August 2019.

### **Telecoms/Broadband**

- 9.96 In Northern Ireland, as with the rest of the UK, telecoms, including broadband services are seen by consumers as an essential service. Therefore, The Consumer Council strongly believes that there is a need for a statutory consumer advocate and complaints body in Northern Ireland for telecoms. The body would need to be independent but work in partnership alongside Ofcom (and its Advisory Committee) to provide consumer advocacy, education and redress. This reflects The Consumer Council's current role in Northern Ireland in relation to postal services. As The Consumer Council already fulfils a similar statutory role in relation to advocacy, education and redress in the areas of energy, water, transport, post and general consumer policy in Northern Ireland, it would be logical to consumers in Northern Ireland if The Consumer Council was to fulfil a similar role in Northern Ireland in relation to telecoms.
- 9.97 During 2019-20, The Consumer Council will continue the work it has begun this year in understanding the telecoms market and areas of consumer detriment in Northern Ireland, and understanding where it differs to the GB market.
- 9.98 In October 2018, The Consumer Council was invited by the Minister for Culture, Communications and Creative Industries, Margot James MP at the Department for Digital, Culture, Media and Sport to participate in its Consumer Ministerial Roundtable on telecoms issues.

### **Corporate**

- 5.99 In 2017-18, the Consumer Council received an unqualified audit report from the Northern Ireland Audit Office. During the year, we have looked to drive further efficiencies and cost savings across the organisation. The Consumer Council where possible has moved its services to the NICS Shared Services model, and now our building, and all our IT and HR Services are outsourced to NICS central government. During the year, The Consumer Council moved to NICS Record Management System. Unfortunately, we were told we were unable to move to Account NI.

- 5.100 During 2019-20, we are looking to see where we can streamline and expand the capacity of our complaint services. We are working with organisations such as NI Direct, Resolver etc. to see how we can further develop our services.
- 5.101 In February 2018, The Consumer Council was awarded silver status accreditation under the Investors in People's new sixth generation framework. The accreditation will last for three years. The Consumer Council achieved a benchmark performance higher than the public sector average across all nine indicators, and in some areas significantly so (Leading and Inspiring People, Recognising and Rewarding High Performance and Creating Sustainable Success).
- 5.102 In March 2018, The Consumer Council was a finalist in the GO Awards Northern Ireland 2018 Awards for "Procurement Team of the Year". From April 2017 The Consumer Council has been responsible for administering procurements of less than £30,000 via eTendersNI. This service was previously provided by CPD at a cost thus delivering further cost savings as no additional resources were employed to provide this service.
- 5.103 In May 2018, The Consumer Council updated policies and processes to ensure compliance with the new General Data Protection Regulation and became a JAM Card friendly organisation when training was provided to all staff to ensure they can support people with learning difficulties and communication barriers.
- 5.104 In June 2018, The Consumer Council recertified against the Customer Service Excellence (CSE) Standard. The assessment included an in-depth examination of The Consumer Council's policies and practices, as well as discussions with its customers and staff. At this assessment, The Consumer Council achieved 12 "Compliance Plus" (7 in 2017), 45 "Compliance" (42 in 2017), and no "Partials" (5 in 2017). In presenting the standard, Paul Hindley, CSE Assessor, commented that:
- "The CEO and Board members are totally committed to growing The Consumer Council's role protecting consumers' rights and evidence of this can be found in numerous locations. The application was prepared by an excellent team, the members of which worked extremely hard to bring the application to the very high level that it currently is.*
- This was an excellent assessment which showed the high degree of commitment by staff to the process. It was abundantly clear during the assessment that improvement in customer service was at the heart of everything that the staff undertake."*
- 5.105 In October 2018, The Consumer Council was awarded the CIPFA Public Finance Team of the Year. The award recognises the achievements of the team in delivering excellence and clear value-adding benefits through working together efficiently and effectively. In addition, The Consumer Council was a finalist in the public sector category of Employers

for Childcare's Family Friendly Employer Awards 2018, which recognises employers who provide and actively promote family friendly working policies.

In December 2018, The Consumer Council was named as a finalist in three categories of the UK Complaints Handling Awards 2019; complaints management process; complaints handling; and best complaints handling team of the year. The Awards recognise and reward outstanding achievement in complaint handling.

- 5.106 In January 2019, The Consumer Council will apply for the NI Gender Diversity Charter Mark 'Bronze' level award. The Charter will show The Consumer Council's commitment to, and progress on, gender diversity. This award follows a methodology of self-assessment, target-setting and review, and prioritises continuous improvement.

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## 6 Corporate Strategy 2016-2021

6.1 The Consumer Council's Corporate Plan for the period 2016-2021 provides the strategic direction for the organisation for the next four years. It is based around five main objects:

- Objective 1: To Empower Consumers
- Objective 2: To Represent Consumers
- Objective 3: To Protect Consumers
- Objective 4: To Understand the Needs of Future Consumers
- Objective 5: To Provide Value for Money and Good Governance

6.2 A copy of our 2016-2021 Corporate Plan can be found on our website at: [http://www.consumerCouncil.org.uk/filestore/documents/Draft\\_Corporate\\_Plan\\_2016\\_2021.pdf](http://www.consumerCouncil.org.uk/filestore/documents/Draft_Corporate_Plan_2016_2021.pdf). A paper copy can be obtained by contacting:

Siobhan Rafferty  
The Consumer Council for Northern Ireland  
Floor 3, Seatem House  
28-32 Alfred Street  
Belfast  
BT2 8EN

E-mail: [Siobhan.Rafferty@consumerCouncil.org.uk](mailto:Siobhan.Rafferty@consumerCouncil.org.uk)

## 7 List of business plan projects

7.1 As per The Consumer Council's Corporate Plan 2016-2021, we have five objectives. However, we also make an important contribution to the NI Executive's proposed Programme for Government. Therefore, under each of our five objectives we have described:

- The strategic priorities we will adopt to support that objective;
- The contribution we will make to the relevant government's strategic outcomes;
- The activities we will carry out to support the objective; and
- The range of indicators (both internal and external) that we will use to measure our short-term and long-term effectiveness.

### Objective 1: To Empower Consumers

#### **The Consumer Council's Strategic Priorities**

1. To inform consumers and businesses about their consumer rights and responsibilities.

#### **Contributes to Draft Programme for Government Strategic Outcomes**

- No.1: We prosper through a strong, competitive, regionally balanced economy;
- No.2: We live and work sustainably – protecting the environment;
- No.3: We have a more equal society;
- No.4: We enjoy long, healthy, active lives;
- No.5: We are an innovative, creative society, where people can fulfil their potential;
- No.7: We have a safe community where we respect the law, and each other;
- No.8: We care for others and we help those in need;
- No. 9: We are a shared society that respects diversity;
- No.10: We are a confident, welcoming, outward-looking society;
- No.12: We have created a place where people want to live and work, to visit and invest; and
- No. 13: We connect people and opportunities through our infrastructure.

#### **Proposed Project Activity by The Consumer Council in 2019/20**

- To support and educate consumers on the consumer landscape leading up to and following the UK's exit from the EU;
- To develop advice and educational partnerships with, for example, elected representatives, regional councils, youth/community organisations, with a targeted focus on disadvantaged/vulnerable groups;
- To train businesses across Northern Ireland on their responsibilities to consumers under The Consumer Rights Act 2015, Sale of Goods Act 1979, Consumer Contracts Regulations 2013, and Consumer Protection from Unfair Trading Regulations 2008;
- To develop consumers' and businesses' understanding of their energy and water bills, and the measures that can be taken to reduce costs;

- To develop consumer awareness around the issue of illegal money lending and to educate consumers around responsible and legal forms of credit; and
- To further develop The Consumer Council’s website so that it becomes a “consumer hub” for all NI consumer issues.

#### **Draft Programme for Government Indicators**

- The percentage change in energy security of supply margin;
- The percentage of journeys which are made by public transport, cycling or walking;
- The percentage of water bodies at “good” status;
- The percentage of the population living in absolute and relative poverty;
- Percentage of population with GHQ12 scores greater or equal to 4 (signifying possible mental health problems);
- Self-efficacy;
- Prevalence rate (the percentage of the population who were victims of any NI Crime survey);
- Average life satisfaction score of people with disabilities;
- Number of households in housing stress;
- Average journey times on key economic corridors; and
- Overall Performance Assessment (NI Water).

#### **Additional External Indicators**

- Consumer switching and satisfaction levels in energy, transport, insurance, banking, postal services etc. (Source: UR Transparency Reports, CAA BACS, Ofcom, Translink Monitoring etc.);
- Gas connection/conversion rates (Source UR Transparency Reports, Gas Distribution Companies);
- The prevalence of illegal money lending (Source: Christians Against Poverty, Stepchange, Northern Ireland Federation of Housing Associations etc.);
- Fuel Poverty rates (Source: House Conditions Survey, Northern Ireland Housing Executive);
- Levels of spending, saving, borrowing and debt (Source: ONS Family Resource Survey);
- Complaints to service providers, ADR, and small claims court (Source: Service Providers, ADR Bodies, Social Media etc.);
- Levels of debt (Source: Money Advice Service, Christians Against Poverty and Stepchange etc.);
- Credit Union Membership (Source: Bank of England, FCA); and
- Northern Ireland Mortgage Market (Source: Council of Mortgage Lenders).

#### **Internal Indicators for The Consumer Council**

- Number of partnership memorandums agreed to provide consumer information, advice and education;

- Number of requests for information and resources (via all media);
- Number of businesses that have reduced water bills;
- Number of hits to The Consumer Council's website;
- Number of hits to The Consumer Council's switching tools;
- Time spent on The Consumer Council's website;
- Number of followers/shares of The Consumer Council's social media output (Twitter, Facebook and LinkedIn);
- Number of training sessions provided;
- Increase in consumers' awareness of the role of The Consumer Council and its support services (qualitative data through participant evaluations);
- Number of outreach events undertaken and participant evaluations; and
- Number of social media, newspaper, journal and magazine articles, and TV/radio interviews.

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## **Objective 2: To Represent Consumers**

### **The Consumer Council's Strategic Priorities**

2. To express and defend consumers' opinions; and
3. To build a consumer protection framework that encourages high standards and economic growth.

### **Contributes to Draft Programme for Government Strategic Outcomes**

- No.1: We prosper through a strong, competitive, regionally balanced economy;
- No.2: We live and work sustainably – protecting the environment;
- No.3: We have a more equal society;
- No.4: We enjoy long, healthy, active lives;
- No.5: We are an innovative, creative society, where people can fulfil their potential;
- No.8: We care for others and we help those in need; and
- No. 13: We connect people and opportunities through our infrastructure.

### **Proposed Project Activity by The Consumer Council in 2019/20**

- To raise awareness of the needs and concerns of NI consumers in relation to EU Exit and identify policy opportunities to improve consumer well-being;
- To advocate on behalf of consumers (with a focus on vulnerable consumers), decision and policy-makers around general consumer policy and in the sectorial areas of energy, financial services, postal services, transport, telecoms, and water;
- To undertake access audits in ferries and public transport with disability or low mobility groups/consumers;
- To work with partners (water and energy companies, DfE, DfI and UR) to agree consumer engagement procedures in relation to price controls and contribute to the wider development of price control methodologies;
- To undertake research on the impact of e-commerce/digitalisation in Northern Ireland on consumers;
- To hold a Consumer Parliament; and
- To advocate for better consumer representation and protection in relation to private car parking, and telecoms.

### **Draft Programme for Government Indicators**

- The percentage change in energy security of supply margin;
- The percentage of journeys which are made by public transport, cycling or walking;
- The percentage of the population living in absolute and relative poverty;
- Preventable mortality;
- The percentage of water bodies at 'good' status;
- Average journey times on key economic corridors;
- Self-efficacy;
- The percentage of population with GHQ12 scores greater or equal to 4 (signifying possible mental health problems);
- Number of households in housing stress;

- Proportion of Northern Ireland premises with access to broadband services in excess of 30 Mbps;
- Average life satisfaction score of people with disabilities; and
- Overall Performance Assessment (NI Water).

#### **Additional External Indicators**

- Fuel Poverty rates (Source: NIHE House Condition Survey);
- Levels of consumer spending, saving, borrowing and debt (Source: ONS Family Resource Survey);
- The number of Post Offices (Source: Post Office);
- The number of bank closures (Source: Banks and UK Finance);
- The number of free to use cash machines (Source: LINK);
- The average cost of sending parcels (Source: Royal Mail, Parcel Operators and Ofcom);
- Consumer switching rates in energy (Source: UR); and
- CAA's Airport Accessibility Ranking (Source: CAA).

#### **Internal Indicators for The Consumer Council**

- Social Media Engagement;
- Number of social media, newspaper, journal and magazine articles, and TV/radio interviews;
- Number of complaints successfully resolved;
- Number of recommendations made by The Consumer Council that are adopted by service providers;
- Number of policies that are changed as a result of representation by The Consumer Council;
- Agreed approach for price controls with consumer involvement methodologies in place, resulting in a consumer-focused regulatory process for future price controls; and
- Increased consumer satisfaction with energy, postal, transport and water service providers.

### **Objective 3: To Protect Consumers**

#### **The Consumer Council's Aims:**

4. To advocate for individuals who have cause for complaint; and
5. To ensure high consumer protection standards for consumers in Northern Ireland.

#### **Contributes to Draft Programme for Government Strategic Outcomes**

- No.1: We prosper through a strong, competitive, regionally balanced economy;
- No.2: We live and work sustainably – protecting the environment;
- No.3: We have a more equal society;
- No.5: We are an innovative, creative society, where people can fulfil their potential;
- No.8: We care for others and we help those in need;
- No. 9: We are a shared society that respects diversity;
- No. 10: We are a confident, welcoming, outward-looking society; and
- No. 13: We connect people and opportunities through our infrastructure.

#### **Proposed Project Activity by The Consumer Council in 2019/20**

- To raise awareness of NI consumers specific needs with policy makers and regulators in relation to the UK's exit from the EU;
- To work with UR on its Consumer Protection Programme to deliver improvements to Utility Companies' Registers of consumers in vulnerable circumstances;
- To work with NI Banks, Building Societies, and Credit Unions to encourage the uptake of current accounts, savings, and responsible lending options;
- To assess and monitor NI Water's, Translink's and energy distribution/supply companies' internal complaints; and
- To raise consumer awareness of how to make a complaint through The Consumer Council, TSNI Consumerline, and ADR providers.

#### **Draft Programme for Government Indicators**

- The percentage of journeys which are made by public transport, cycling or walking;
- The percentage of the population living in absolute and relative poverty;
- Average journey times on key economic corridors;
- Self-efficacy;
- The percentage of population with GHQ12 scores greater or equal to 4 (signifying possible mental health problems);
- Number of households in housing stress;
- The percentage of water bodies at 'good' status;
- Average life satisfaction score of people with disabilities; and
- Overall Performance Assessment (NI Water).

#### **Additional External Indicators**

- The number of vulnerable consumers registered on utility companies' registers (Source: Utility Companies);

- The number of parcels and letters sent under the Universal Service Provision (Source: Royal Mail and Ofcom);
- Social media discussion regarding levels of service received (Source: Twitter, Facebook, LinkedIn); and
- Complaints to Energy, Postal Services, Transport, Water Companies, UR, DfE, and DfI.

**Internal Indicators for The Consumer Council**

- Number of enquiries received;
- Number of complaints received;
- Number of referrals to TSSNI/Consumerline;
- Increased awareness of The Consumer Council's complaint role and knowledge of how to make to make a complaint (qualitative data through participant evaluations);
- Evaluation of the different demographic groups and geographic areas that contact The Consumer Council for assistance;
- The number of complaints received in relation to door-step selling;
- The number of energy, postal service, transport and water complaints received;
- Evaluation of consumer awareness of energy companies' information for consumers; and
- The number of complaints processed on-line.

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## Objective 4: To Understand the Needs of Future Consumers and Sustainable Consumption

### **The Consumer Council's Strategic Aims:**

6. To understand the needs of both current and future consumers; and
7. To promote sustainable consumption.

### **Contributes to Draft Programme for Government Strategic Outcomes**

- No.1: We prosper through a strong, competitive, regionally balanced economy;
- No.2: We live and work sustainably – protecting the environment;
- No.5: We are an innovative, creative society, where people can fulfil their potential;
- No.8: We care for others and we help those in need;
- No.10: We are a confident, welcoming outward-looking society; and
- No. 13: We connect people and opportunities through our infrastructure.

### **Proposed Project Activity by The Consumer Council in 2019/20:**

- To undertake a Consumer Insight Survey to highlight emerging consumer issues, with particular focus on vulnerable consumers;
- To further develop a social impact model around the work of The Consumer Council;
- To publish a monthly index of essential goods to inform consumers of price movements, and monitor fluctuations and trends; and
- To identify differences in the NI consumer landscape in relation to GB and ROI.

### **Draft Programme for Government Indicators:**

- The percentage change in energy security of supply margin;
- The percentage of journeys which are made by public transport, cycling or walking;
- Greenhouse gas emissions;
- The percentage of household waste that is reused, recycled or composted;
- The percentage of water bodies at 'good' status;
- The percentage of the population living in absolute and relative poverty;
- The proportion of premises with access to broadband services at speeds at, or above 30Mbps;
- Self-efficacy;
- The percentage of the population living in absolute and relative poverty; and
- Overall Performance Assessment (NI Water).

### **Additional External Indicators:**

- Average Weekly Discretionary Income (Source: Asda Discretionary Income Survey);
- Consumer Spending as a percentage of Overall GDP (Source: Ulster University, Outlook);
- Adult Media Literacy in the Nations (Source: OFCOM); and
- Annual Survey of Hours and Earnings (Source: ONS/NISRA).

**Internal Indicators for The Consumer Council:**

- Qualitative survey data on the current and future needs of NI consumers;
- Qualitative survey data on the unique and distinct features of the NI consumer landscape; and
- Number of “thought leader” articles/interviews undertaken.

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## **Objective 5: To Provide Value for Money and Good Governance**

### **The Consumer Council's Strategic Aims:**

8. To provide high quality and accountable service for taxpayers.

### **Contributes to Draft Programme for Government Strategic Outcomes:**

- No.11: We have high quality public services.

### **Proposed Project Activity by The Consumer Council in 2019/20:**

- To begin the consultation and background research that will be needed in the development of The Consumer Council's Corporate Plan 2021-26;
- To achieve ISO 9001 Quality Management Systems and ISO 22301 Business Continuity Management;
- To gain Business in the Community's CORE standard for corporate responsibility;
- To maintain accreditation for Customer Service Excellence and work towards Investors in People Gold Standard accreditation in 2021;
- Develop integrated workforce planning and stakeholder management information tools; and
- To work with NI Direct to see where The Consumer Council can further integrate its services with their online channels.

### **Draft Programme for Government Indicators:**

- Usage of online channels to access public services.

### **Internal Indicators for The Consumer Council:**

- To receive an unqualified audit report from the Northern Ireland Audit Office;
- To implement all internal audit recommendations;
- To maintain The Consumer Council's Customer Service Excellence accreditation;
- Compliance with GDPR;
- Usage of online channels to access The Consumer Council's services and information; and
- Percentage of people satisfied with the services of The Consumer Council.

## Annex 1: The Consumer Council's Statutory and Regulatory Duties and Powers

### A. Overall

#### The General Consumer Council (Northern Ireland) Order 1984

##### Establishment

- 1) There **shall** be established a body called the General Consumer Council For Northern Ireland.

##### General Functions of The Consumer Council

- 2) The functions of The Consumer Council **shall** be:
  - To promote and safeguard the interests of consumers in Northern Ireland; and
  - To exercise functions under the Electricity Order (NI) 1992 and Water and Sewerage Services (Northern Ireland) Order 2006.
- 3) The Consumer Council **may**:
  - Consider any complaint made to it relating to consumers affairs and, where it appears to The Consumer Council to be appropriate, have regard to any other remedy which may be available to the complainant, investigate the complaint and take further action as The Consumer Council may determine;
  - Carry out, or assist in carrying out, inquiries and research into matters relating to consumer affairs;
  - Promote discussion of, and the dissemination of information relating to, consumer affairs; and
  - Report to any Northern Ireland Department on any matter relating to consumer affairs which is referred to The Consumer Council by that department.
- 4) The Consumer Council **shall** establish a group in connection with the exercise of its functions in relation to transport, food, energy, water and sewerage services.
- 5) The Consumer Council **may**, in connection with the exercise of any of its other functions, establish other groups as it appears to be appropriate.
- 6) Persons who are not Board Members of The Consumer Council **may** be appointed to such groups.
- 7) The Consumer Council **may**, after consultation with DfE and DfI, reduce the number of groups that need to be established under the Order.

## B. Super-Complaint

### The Enterprise Act 2002 (Bodies Designated to make Super-complaints) (Amendment) Order 2005 and 2009

8) The Consumer Council is designated as a body to make Super-Complaints.

#### Super Complaints to CMA

9) As a designated consumer body, The Consumer Council **can** make a complaint to the CMA that any feature, or combination of features, of a market in the United Kingdom for goods or services is or appears to be significantly harming the interests of consumers.

10) The CMA **must**, within 90 days after the day on which it receives the complaint, publish a response stating how it proposes to deal with the complaint, and in particular:

- whether it has decided to take any action, or to take no action, in response to the complaint, and
- if it has decided to take action, what action it proposes to take.

11) The response **must** state the CMA reasons for its proposals.

### The Enterprise Act 2002 (Super-complaints to Regulators) Order 2003

#### Super-complaints to regulators other than the CMA

12) As a designated consumer body, The Consumer Council **can** make a complaint to the specified regulator if it concerns a market in relation to which that regulator has relevant functions. The regulators include:

- OFCOM;
- OFGEM;
- The Utility Regulator;
- CAA;
- The Rail Regulator; and
- OFWAT.

## C. Energy (Coal, Electricity and Natural Gas)

### The Electricity (Northern Ireland) Order 1992

#### Licence Modifications

13) The Utility Regulator **must** provide The Consumer Council with a copy of a licence modification notice within 28 days of the publication of the notice.

14) An appeal against a licence modification **can** be brought to the Competition and Markets Authority by The Consumer Council (in the capacity of representing consumers whose interests are materially affected). The CMA **may** refuse this appeal if the interests of consumers are not materially affected by the decision.

### Consumer Protection: standards of performance

#### Electricity supply and distribution: performance in individual cases

- 15) Any dispute regarding standards of performance **may** be (following agreement by both parties) referred by The Consumer Council to the Utility Regulator for a determination.

#### Standards of Performance (Electricity Distribution and Supply)

- 16) Before determining standards of performance, the Utility Regulator **shall** consult with The Consumer Council.

#### Procedures for dealing with complaints

- 17) Each Electricity Supplier **shall** establish a procedure for dealing with complaints made by their customers, or potential customers, in connection with the supply of electricity services. No procedure **shall** be established unless the Electricity Supplier had consulted with The Consumer Council.

#### Billing Disputes

- 18) A dispute **shall** be determined by the Utility Regulator. However, no dispute shall be referred for determination (except with the consent of the Utility Regulator) unless the dispute has first been referred to The Consumer Council, and the matter has not been resolved to the satisfaction of the customer within three months of the matter being referred to The Consumer Council.

#### Deemed Contracts

- 19) As soon as practicable after an electricity supplier makes a deemed contract scheme, or a revision to a scheme, they **shall** send a copy to The Consumer Council.

### **The Gas (Northern Ireland) Order 1996**

#### Modification of Licences

- 20) The Utility Regulator must provide The Consumer Council with a copy of a licence modification notice within 28 days of the publication of the notice.
- 21) An appeal against a licence modification **can** be brought to the Competition and Markets Authority by The Consumer Council (in the capacity of representing consumers whose interests are materially affected). The CMA may refuse this appeal if the interests of consumers are not materially affected by the decision.

#### Billing Disputes: Gas Distribution and Gas Supply

- 22) A dispute **shall** be determined by the Utility Regulator. However, no dispute shall be referred for determination (except with the consent of the Utility Regulator) unless the dispute has first been referred to The Consumer Council, and the matter has not been resolved to the satisfaction of the

customer within three months of the matter being referred to The Consumer Council.

### **The Energy (Northern Ireland) Order 2003**

#### **Utility Regulator Reports**

23) The Utility Regulator **shall** send The Consumer Council a copy of each annual report and any other report (including progress of the projects described in the Forward Work Programme, and any references by the Utility Regulator to the CMA).

#### **Energy Group of The Consumer Council**

24) The Consumer Council **shall** establish a group in connection with the exercise of its functions in relation to energy.

#### **Forward Work Programme of The Consumer Council**

25) The Consumer Council **shall**, before each financial year, publish a Forward Work Programme containing a general description of the projects which it plans to undertake during the year in exercise of its relevant functions (other than projects comprising of routine activities in the exercise of its functions).

26) That the Forward Work Programme **shall** include the objectives of each project.

27) That the Forward Work Programme **shall** include an estimate of the overall expenditure which The Consumer Council expects to incur during the year in exercise of its relevant functions.

28) Before publishing a Forward Work Programme for any year, The Consumer Council **shall** consult on a draft Forward Work Programme, and **shall** consider any representations or objections which are made.

29) The Consumer Council **shall** send a copy of the draft Forward Work Programme to the Utility Regulator and DfE.

#### **Functions of The Consumer Council in relation to Gas or Electricity**

30) The Consumer Council **shall** have regard for the interests of:

- Individuals who are disabled or chronically sick;
- Individuals of pensionable age;
- Individuals with low incomes; and
- Individuals residing in rural areas.

but, that is not to be taken as implying that regard may not be had to the interests of other descriptions of consumer.

#### **Acquisition and review of information**

31) The Consumer Council **shall** obtain and keep under review:

- Information about consumer matters; and

- Information about the views of consumers on such matters.

32) The Utility Regulator **shall** send a copy of any document or notice to The Consumer Council that it publishes under The Energy Order 2003, The Electricity Order 1992, and The Gas Order 1996.

#### Provision of advice and information to public authorities and other persons

33) The Consumer Council **may**:

- Make proposals, or provide advice and information, about consumer matters; and
- Represent the views of consumers on such matters,

To public authorities, Gas and Electricity Licence Holders, and other persons whose activities may affect the interests of consumers.

34) Information relating to a particular individual or corporate body **shall not** be disclosed by The Consumer Council **unless** one or more of the following applies:

- The individual or body has consented to the disclosure;
- It is information that is available to the public from some other source; or
- It is not information; the disclosure of which would or might, in the opinion of The Consumer Council, seriously and prejudicially affect the interests of the individual or body.

35) Before deciding to disclose any information relating to an individual or body, The Consumer Council **shall**:

- Consult that individual or body; and
- Have regard to any opinion expressed by the Utility Regulator as to the information, and the desirability of its disclosure.

36) Paragraphs 29 and 30 **do not apply** to the disclosure of information to the Utility Regulator, DfE, CMA, or any other public authority.

#### Provision of Information to Consumers

37) The Consumer Council **may** provide information (that is available to the public from some other source) about consumer matters, in such form as appears appropriate to The Consumer Council to be most useful to the recipients and to consumers of electricity and gas. This **may** be exercised by:

- Publishing information in any manner that The Consumer Council thinks appropriate for the purpose of bringing it to the attention of those likely to be interested; or
- Furnishing information to any consumer.

#### Publication of Statistical Information about Complaints<sup>60</sup>

- 38) The Consumer Council **may** publish, in such a form and manner and with such frequency as it thinks appropriate, such statistical information as it considers appropriate in relation to:
- Complaints made by consumers about any matters relating to the activities of electricity and gas supply and distribution licence holders; and
  - The handling of such complaints.

#### Power to publish advice and information about consumer matters

39) If it appears to The Consumer Council that the publication of any advice and information about consumer matters would promote the interests of consumers, The Consumer Council **may** publish advice or information in such a manner as it thinks fit.

40) Information related to the affairs of any particular individual or body **shall not** be published **unless**:

- That individual or body has consented to the publication;
- It is information that is available to the public from some other source; or
- It is not information that the publication of which would or might, in the opinion of The Consumer Council, seriously and prejudicially affect the interests of that individual or body.

41) Before deciding to publish any information relating to a particular body or individual The Consumer Council **shall**:

- Consult that individual or body; and
- Have regard to any opinion expressed by the Utility Regulator as to the information, and the desirability of its disclosure.

#### Consumer Complaints

42) Where a complaint about an electricity or gas licence holder (unless frivolous or vexatious) is referred to The Consumer Council, The Consumer Council **shall** investigate the complaint. In investigating the complaint, The Consumer Council **shall** make representations on behalf of the complainant to the persons against whom the complaint it made about, or to which the complaint relates.

43) The Consumer Council **is not required**:

- To investigate a complaint, until the complainant has taken such steps as appear to The Consumer Council to be reasonable for them to take for the purpose of giving the person against whom the complaint is made a reasonable opportunity to deal with the complaint;

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<sup>60</sup> Complaints include complaints made directly to the licence holders, and complaints made to The Utility Regulator, or The Consumer Council.

- To investigate any matter in which the Utility Regulator has the authority and has had a reasonable opportunity to exercise any enforcement function; or
  - To investigate any matter constituting a dispute which has been referred to the Utility Regulator under any provision of the Electricity Order 1992.
- 44) Where a dispute in the opinion of The Consumer Council relates to a matter which can be referred to the Utility Regulator under the Electricity Order 1992, The Consumer Council **shall** inform the complainant that they may refer the dispute to the Utility Regulator.
- 45) Where it appears to The Consumer Council that the complaint relates to a matter in respect of any enforcement action, The Consumer Council **shall** inform the Utility Regulator.
- 46) Information that can identify the complainant **shall not** be published or disclosed by The Consumer Council or the Utility Regulator, **without** consent of the complainant.
- 47) Where a representation is made to the Utility Regulator under Paragraphs 37 to 41 the Utility Regulator **shall** refer the complaint to The Consumer Council.

Power of The Consumer Council to Investigate.

- 48) The Consumer Council **may** investigate any matter which appears to it to be a matter relating to the interests of consumers in relation to electricity or gas.
- 49) Where The Consumer Council has investigated a matter it **may** report that to the Utility Regulator, DfE, CMA, or any other relevant public authority.
- 50) The Consumer Council **may**:
- Send a report on any matter investigated in regards to electricity and gas to any person who appears to The Consumer Council to have an interest in the matter; and
  - Publish any such reports that The Consumer Council thinks appropriate.
- 51) Information which relates to the affairs of any particular individual or body **shall not** be included in a report (as per Paragraph 45) unless:
- That individual or body has consented to the publication;
  - It is information that is available to the public from some other source; or
  - It is not information that the publication of which would or might, in the opinion of The Consumer Council, seriously and prejudicially affect the interests of that individual or body.

52) Before deciding to publish any information relating to a particular body or individual The Consumer Council **shall**:

- Consult that individual or body; and
- Have regard to any opinion expressed by the Utility Regulator as to the information, and the desirability of its disclosure.

53) The power to undertake an investigation **includes**, without prejudice to the generality of Paragraph 43, the power to investigate any matter relating to, or anything connected with, gas fittings (or their use) or the use of gas.

#### Provision of Information to The Consumer Council

54) The Consumer Council **may** direct the Utility Regulator or the holder of a gas or electricity licence to supply it, in a form that it may reasonably specify, such information specified or described to fulfil its functions.

55) The Utility Regulator and the holder of an electricity and gas licence **shall** comply with Paragraph 49 as soon as is reasonably practicable.

56) Before requesting information under Paragraph 49, The Consumer Council **shall** have regard to minimising costs and detriment to the Utility Regulator and holders of gas and electricity licences.

57) If the Utility Regulator fails to comply with Paragraph 49 it **shall** give notice to The Consumer Council the reasons for its failure.

58) The Consumer Council **may** refer an electricity or gas licence holder to the Utility Regulator if they fail to comply with Paragraph 49.

#### Publication of notice of reasons

59) Subject to the provisions in Paragraph 55 and 56, The Consumer Council **may** publish a notice given to it under Paragraph 52.

60) Information which relates to the affairs of any particular individual or body **shall not** be included in a report (as per Paragraph 54) unless:

- That individual or body has consented to the publication;
- It is information that is available to the public from some other source; or
- It is not information that the publication of which would or might, in the opinion of The Consumer Council, seriously and prejudicially affect the interests of that individual or body.

61) Before deciding to publish any information relating to a particular body or individual The Consumer Council **shall**:

- Consult that individual or body; and
- Have regard to any opinion expressed by the Utility Regulator as to the information, and the desirability of its disclosure.

#### Provision of Information by The Consumer Council to the Utility Regulator

- 62) The Utility Regulator **may** direct The Consumer Council to supply it, in a form that it may reasonably specify, such information specified or described to fulfil its functions.
- 63) The Consumer Council **shall** comply with Paragraph 57 as soon as is reasonably practicable.
- 64) If The Consumer Council fails to comply with Paragraph 57 it **shall** give notice to The Consumer Council the reasons for its failure, and the Utility Regulator **may** publish this in a manner it feels appropriate.

#### Electricity from Renewable Sources

##### Obligations on connection with electricity from renewable sources.

- 65) Before imposing any renewable obligation on electricity suppliers, DfE **shall** consult with The Consumer Council.

#### Altering Licensable Activities

- 66) The Utility Regulator **shall** give The Consumer Council a copy of the notice of any alterations to gas or electricity licences.

### **Energy Act (Northern Ireland) 2011**

#### Standards of Performance

- 67) Any dispute regarding prescribed standards around gas supply or conveyance **may** be referred to the Utility Regulator by either party (complainant or licence holder), or with agreement of both parties, by The Consumer Council, and such references **shall** be accompanied by such information as is necessary to allow determination in the relation to the dispute.

#### Procedures for Standards of Performance

- 68) Before determining standards of performance for gas suppliers and conveyors the Utility Regulator **shall** consult The Consumer Council.

#### Procedure for dealing with Complaints (Gas Suppliers)

- 69) Each gas supplier **shall** consult with The Consumer Council in establishing a procedure for dealing with complaints made by customers or potential customers in connection with the provision of gas supply service.

#### Deemed Contracts

- 70) As soon as reasonably practicable a gas supplier shall send a copy of their Deemed Contract scheme, or any revision, to The Consumer Council.

## **The Gas and Electricity Licence Modifications and Appeals Regulations (Northern Ireland) 2015**

### **Modification of conditions of licences**

71) Before making any modifications to the licence, the Utility Regulator **must** give notice:

- Stating that it proposes to make modifications;
- Setting out the proposed modifications and their effect;
- Stating the reasons why it proposes to make the modifications; and
- Specifying the time within which representations with respect to the proposed modifications may be made.

The Utility Regulator **shall** send a copy of the notice to The Consumer Council.

### **Appeal to the CMA against a decision by The Utility Regulator**

72) An appeal to the CMA against a decision by the Utility Regulator to proceed with a modification of a condition of a licence **may** be brought by The Consumer Council in the capacity of representing consumers whose interests are materially affected by the decision.

73) The CMA **may** refuse permission to bring an appeal in relation to an appeal by The Consumer Council if the interests of consumers are not materially affected by the decision.

## **Electricity**

### **Electricity Supply Licences<sup>61</sup>**

#### **Modifications of Single Electricity Market Trading and Settlement Code and Cancellation of Contracts**

74) The Utility Regulator **shall** consult with The Consumer Council with regard to the establishment of, and modifications to, an electricity trading system.

75) The Utility Regulator **shall** give The Consumer Council 180 days' notice if it plans to cancel a generator unit agreement.

#### **Payment of Fees**

76) Electricity Supply Licence Holders **shall** pay the Utility Regulator a fee which includes a proportion, as determined by the Utility Regulator, of the amount notified to the Utility Regulator by The Consumer Council and approved by DfE as being The Consumer Council's estimate of its likely costs during the year in question in exercise of the functions in relation to electricity assigned

<sup>61</sup>Electricity Supply Licence Holders are (as at December 2018): AES Ballylumford, Bord Gais Energy Limited, Brookfield Green Energy, Budget Energy Limited, Click Energy, Electric Ireland (ESBIE NI Ltd), Electricity Supply Board (ESB), ElectroRoute Energy, Energia (Viridian Energy Supply Limited), Firmus Energy (Supply) Limited, Gaelectric Green Energy Limited, Go Power (LCC Power Limited), LCC Group Limited, ONI Electricity Limited, Power NI (NIE Energy Ltd), SSE Airtricity Energy Supply Limited, Vayu Limited, and 3T Power Limited.

to The Consumer Council under the Electricity Order, The Energy Order, The SEM Order and the Directive Regulations and any other function as The Consumer Council has been, or may be required, to exercise by the Utility Regulator.

#### Terms and Conditions of Electricity Supply Contracts

77) Electricity Supply Licence Holders **shall** ensure that their standard terms and conditions **shall** include details of how a Domestic Customer can contact, and the relevant address and telephone number of, The Consumer Council for further help and advice.

#### Preparation, Revision Of and Compliance with Codes of Practice

78) Electricity Supply Licence Holders **shall**, before submitting any Code of Practice to the Utility Regulator for approval, consult The Consumer Council and shall consider any representations made by it about the Code or the manner in which it is likely to be operated.

79) In carrying out any such review of the Code of Practice, Electricity Supply Licence Holders **shall** consult The Consumer Council and **shall** consider any representations made by it about the Code or the manner in which it is likely to be or has been operated.

80) The Utility Regulator, following consultation with the Electricity Supply Licence Holder, The Consumer Council, and any other person who in the opinion of the Utility Regulator is likely to be interested or affected **may** make modifications to:

- Code of Practice on Payment of Bills;
- Code of Practice on Provision of Services for Persons who are of Pensionable Age or Disabled or Chronically Sick;
- Code of Practice on the Efficient Use of Electricity;
- Code of Practice on Complaints Handling Procedures; and
- Code of Practice on Services for Prepayment Meter Customers.

81) Electricity Supply Licence Holders **shall** send a copy of the approved Code of Practice to The Consumer Council.

#### Customer Protection: Modification of Conditions

82) The Utility Regulator, following consultation with Electricity Supply Licence Holders, The Consumer Council and any other person who in the opinion of the Utility Regulator is likely to be interested or affected, **may** from time to time modify the Conditions of the Licence.

#### Report on Performance

83) As soon as reasonably practicable after 31 December in each year, Electricity Supply Licence Holders **shall** submit to the Utility Regulator and The Consumer Council a report dealing with the matters relating to consumer

protection, which **shall** include a comparison of the Electricity Supply Licence Holders' performance against any established standards in relation to that year. This report **shall** include:

- The number and different services offered by the Electricity Supply Licence Holder;
- The number of domestic customers on the Electricity Supply Licence Holder's register of domestic customers who are of pensionable age, disabled or chronically sick;
- The number of the Electricity Supply Licence Holder's domestic customers using each payment method offered by the Electricity Supply Licence Holder;
- The number of domestic premises to which the supply of electricity was cut off by the Electricity Supply Licence Holder for reason of non-payment of charges;
- The quantities of electricity supplied and recovery of electricity charges; and
- The number of consumer complaints, whether made in writing, in person or by telephone:
  - Received by the Electricity Supply Licence Holder;
  - Resolved by the Electricity Supply Licence Holder; and
  - The number of visits made to customers' premises and the number of responses made to enquiries.

#### Meetings with The Consumer Council

84) Electricity Supply Licence Holders **shall** meet with The Consumer Council whenever requested to do so by it, up to a maximum of six times in every year during the period of the Licence.

85) Electricity Supply Licence Holders **shall** meet with The Consumer Council at least once in every year during the period of the Licence.

86) In at least one meeting with The Consumer Council in every year during the period of the Licence, Electricity Supply Licence Holders **shall** be represented by one or more of its directors.

#### Provision of Information to Customers

##### Complaints Handling Information

87) Electricity Supply Licence Holders **shall** keep their customers informed:

- Of the customer's right to initiate the Electricity Supply Licence Holder's complaints handling procedure;
- That The Consumer Council can assist in resolving complaints which the Electricity Supply Licence Holder has not resolved to the customer's satisfaction;
- That the customer has the right to refer complaints which relate to billing matters to the Utility Regulator where The Consumer Council

has been unable to resolve the complaint to the customer's satisfaction; and

- Of the contact address and telephone number of The Consumer Council.

#### Format of Bills and Statements

88) Electricity Supply Licence Holders **shall** provide the information required by the Utility Regulator's Billing Code of Practice on or with each bill. If no Billing Code of Practice has been published by the Utility Regulator the format of the bill and statement **shall** be determined by the Electricity Supply Licence Holder in consultation with the Utility Regulator and The Consumer Council.

### **Electricity Distribution Licence (Northern Ireland Electricity Networks)**

#### Payment of Fees

89) NIEN **shall** pay the Utility Regulator a fee which includes a proportion, as determined by the Utility Regulator, of the amount notified to the Utility Regulator by The Consumer Council and approved by DfE as being The Consumer Council's estimate of its likely costs during the year in question in exercise of the functions in relation to electricity assigned to The Consumer Council under the Electricity Order, The Energy Order, The SEM Order and the Directive Regulations and any other function as The Consumer Council has been, or may be required, to exercise by the Utility Regulator.

90) Where the estimated costs of The Consumer Council are revised during the course of the year, the Utility Regulator **may** refund NIEN the difference of the fees paid.

#### Relations with The Consumer Council

91) NIEN **shall** meet with The Consumer Council whenever requested to do so by it, up to a maximum of six times in every year during the period of the Licence.

92) NIEN **shall** meet The Consumer Council at least once in every year during the period of the Licence.

93) In at least one meeting with The Consumer Council in every year during the period of the Licence, NIEN **shall** be represented by one or more of its directors.

#### Preparation, review and compliance with Codes of Practice

94) NIEN **shall**, before submitting a Code of Practice to the Utility Regulator for its approval, consult The Consumer Council and **shall** consider any representations made by it on the Code or the manner in which it is likely to be operated.

95) In carrying out any such review of the Code of Practice NIEN **shall** consult The Consumer Council and **shall** consider any representations made by it about the Code or the manner in which it is likely to be or has been operated.

96) NIEN **shall** as soon as practicable following the preparation of the Code, or any revision made to it, send a copy to The Consumer Council, in a form approved by the Utility Regulator.

### **Electricity Transmission Licence (Northern Ireland Electricity Networks)**

#### **Payment of Fees**

97) NIEN **shall** pay the Utility Regulator a fee which includes a proportion, as determined by the Utility Regulator, of the amount notified to the Utility Regulator by The Consumer Council and approved by DfE as being The Consumer Council's estimate of its likely costs during the year in question in exercise of the functions in relation to electricity assigned to The Consumer Council under the Electricity Order, The Energy Order, The SEM Order and the Directive Regulations and any other function as The Consumer Council has been, or may be required, to exercise by the Utility Regulator.

98) Where the estimated costs of The Consumer Council are revised during the course of the year, the Utility Regulator **may** refund the NIEN the difference of the fees paid.

#### **Relations with The Consumer Council**

99) NIEN **shall**, if requested by The Consumer Council with regard to the Transmission Owner Business, meet The Consumer Council at least once in every year during the period of the Licence.

### **Electricity Generation Licence<sup>62</sup>**

#### **Modifications of Single Electricity Market Trading and Settlement Code and Cancellation of Contracts**

100) The Utility Regulator **shall** consult with The Consumer Council with regards to the establishment of, and modifications to, an electricity trading system.

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<sup>62</sup>Electricity Generation Licences are held by (as at December 2018): AES Ballylumford (Ballylumford Power Ltd), AES Kilroot Ltd (Kilroot Power Ltd), AES Kilroot Generating Ltd, Altahullion Wind Farm, Altamuskin Wind Farm Ltd, Altaveedan Energy Limited, Brockaghboy Windfarm Ltd, Carn Hill Windfarm Ltd, Carnavarrow Windfarm, Church Hill Energy Ltd, ContourGlobal Solutions (NI), Coolkeeragh Power Ltd, Cregganconroe Wind Farm Limited, Crighshane Energy Ltd, Crockagarran Wind Farm Ltd, Crockandun Wind Farm Ltd, Curryfree Wind Farm Ltd, Dunbeg Windfarm Limited, Dunmore Wind Farm Limited, ERE Developments Limited, Full Circle Generation Limited, Garves Wind Limited, Gortfinbar Windfarm Ltd, Gruig Wind Farm Ltd, Hunters Hill Wind Farm Ltd, Hunter's Hill Wind Farm Ltd Carrickatane Site, Hunters Hill Wind Farm Ltd Crockdun Site, Hunters Hill Wind Farm Ltd - Eglishe Site, Inishative Wind Farm Limited, Lendrum's Bridge Wind Farm Ltd, Lightsource SPV 10 Ltd, Lightsource SPV 48 Ltd, Lightsource SPV 94 Ltd, Lightsource SPV 266 Ltd, Long Mountain Wind Farm Ltd, Lough Hill Wind Farm Ltd, Mantlin Ltd (Slieve Rushen Wind Farm), Molly Wind Limited, Monnaboy Wind Farm Limited, Ora More Energy Ltd, Owenreagh Wind Farm Ltd, Seegronan Wind Farm Limited, ScottishPower Renewables, Screggagh Windfarm Ltd, Short Brothers PLC T/a Bombardier Aerospace, Slieve Divena Wind Farm Ltd, Slieve Divena Wind Farm No. 2 Limited, Smulgedon Windfarm Ltd, SSE Renewables UK Limited, Tappaghan Wind Farm (NI) Ltd, Teiges Mountain Wind Farm, Thornog Windfarm Ltd, Tyrone Wind Energy Licence, Upper Ballyrogan Wind Farm Limited, WEL Solar Park 15 Limited, and Wheelhouse Energy (NI) Limited.

101) The Utility Regulator **shall** give The Consumer Council 180 days' notice if it plans to cancel a generator unit agreement.

### **Electricity Storage Generation Licence**<sup>63</sup>

#### **Modifications of Single Electricity Market Trading and Settlement Code and Cancellation of Contracts**

102) The Utility Regulator **shall** consult with The Consumer Council with regard to the establishment of, and modifications to, an electricity trading system.

103) The Utility Regulator **shall** give The Consumer Council 180 days' notice if it plans to cancel a generator unit agreement.

### **Electricity Storage Supply**<sup>64</sup>

#### **Modifications of Single Electricity Market Trading and Settlement Code and Cancellation of Contracts**

104) The Utility Regulator **shall** consult with The Consumer Council with regard to the establishment of, and modifications to, an electricity trading system.

105) The Utility Regulator **shall** give The Consumer Council 180 days' notice if it plans to cancel a generator unit agreement.

## **Natural Gas**

### **Gas Supply Licences**<sup>65</sup>

#### **Consultation with The Consumer Council**

106) Gas Supply Licence Holders **shall** in due time consult with The Consumer Council in the formulation of:

- Policies for the conduct of their business activities relating to the supply of gas insofar as they may affect consumers; and
- The general arrangements for their implementation;

And **shall**:

- Give The Consumer Council reasonable notice of the publication, announcement or implementation (if no publication or

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<sup>63</sup>Electricity Storage Generation Licences are held by (as at December 2018): AC Automation (UK) Ltd Activation Energy DSU Ltd, -Empower Generation Ltd, Energy Trading Ireland DSU Ltd, iPower Solutions Ltd, Kiwi Power Limited, Powerhouse Generation Ltd, and Wire-Lite Sensors Ltd.

<sup>64</sup>Electricity Storage Supply Licences are held by (as at December 2018): AC Automation (UK) Ltd Activation Energy DSU Ltd, -Empower Generation Ltd, Energy Trading Ireland DSU Ltd, iPower Solutions Ltd, Kiwi Power Limited, Powerhouse Generation Ltd, and Wire-Lite Sensors Ltd.

<sup>65</sup>Gas Supply Licences are held by (as at December 2018): SSE Airtricity Gas Supply (NI) Ltd, Firmus Energy (Supply) Ltd - Ten Towns, Firmus Energy (Supply) Ltd - Greater Belfast Area, Vayu Limited, Electric Ireland, Equo Energy, Go Power, Flogas Natural Gas Limited, Energia, Power NI Energy Limited, SSE Airtricity Energy Supply (NI) Ltd, ONI Gas Limited, SSE Energy Supply Limited, Shell Energy Europe Limited, Viridian Energy Limited, Bord Gais Energy Ltd, AES Ballylumford Limited, British Gas Trading Limited, Coolkeeragh ESB Limited, and Power NI Energy Limited (formally NIE plc).

announcement is made) of details of any significant change in any such policies and general arrangements; and

- Give to The Consumer Council as The Consumer Council may reasonably request an explanation of any such significant change and of the implementation of those policies.

#### Preparation, Revision Of and Compliance with Codes of Practice

107) Gas Supply Licence Holders **shall**, before submitting any Code of Practice to the Utility Regulator for its approval, consult The Consumer Council and **shall** consider any representations made by it about the Code of Practice or the manner in which it is likely to be operated.

108) In reviewing the Code of Practice, Gas Supply Licence Holders **shall** consult The Consumer Council and **shall** consider any representations made by The Consumer Council about the Code of Practice or the manner in which it is likely to be or has been operated.

109) Gas Supply Licence Holders **shall**, whenever requested to do so by the Utility Regulator, review any Code and the manner in which it has been operated, with a view to determining whether any modification should be made to that Code or to the manner of its operation.

110) The Utility Regulator, following consultation with Gas Supply Licence Holders, The Consumer Council and any other person who in the opinion of the Utility Regulator is likely to be interested or affected, **may** from time to time make such modifications to:

- The Code of Practice on Complaints Handling Procedure;
- The Code of Practice on Services for Prepayment Meter Consumers;
- The Code of Practice on the Efficient Use of Gas;
- The Code of Practice on Provisions of Services for Persons who are of Pensionable Age or Disabled or Chronically Sick; and
- The Code of Practice on Payment of Bills.

as the Utility Regulator considers are necessary or expedient.

111) Gas Supply Licence Holders **shall** as soon as practicable following the Utility Regulator's approval of a Code (including following a revision) send a copy of the Code of Practice to the Utility Regulator and The Consumer Council.

#### Report to the Utility Regulator and The Consumer Council

112) As soon as is reasonably practicable after the end of each year ending on 31 December, Gas Supply Licence Holders **shall** submit to the Utility Regulator and The Consumer Council a report dealing with the operation of:

- The Code of Practice on the Efficient Use of Gas;
- The Code of Practice on the Provision of Services for Persons who are of Pensionable Age or Disabled or Chronically Sick; and
- The Code of Practice on Payment of Bills.

113) As soon as is reasonably practicable after the end of each year ending on 31 December, Gas Supply Licence Holders **shall** submit to the Utility Regulator and The Consumer Council a statistical record of its performance in relation to the provision of gas supply services to domestic consumers including services relating to:

- The giving of, and continuation of the giving of, supplies of gas;
- The ascertainment of quantities of gas supplied and the recovery of gas charges; and
- The making of visits to consumers premises and the response made to enquiries.

#### Terms and Conditions of Gas Supply Contracts

114) Gas Supply Licence Holders **shall** within their standard terms and conditions include details of how the domestic consumer can contact, and the relevant address and telephone number of The Consumer Council for further help and advice.

#### Provision of Information to Consumers

##### Complaints Handling Information

115) Gas Supply Licence Holders **shall** keep each of its consumers informed that:

- The Consumer Council can assist in resolving complaints which the Gas Supply Licence Holder has not resolved to the consumer's satisfaction;
- The consumer has the right to refer complaints which relate to billing matters to the Utility Regulator where The Consumer Council has not been able to resolve the complaint to the consumer's satisfaction; and
- The contact address and telephone number of The Consumer Council.

116) The Gas Supply Licence Holder's Consumer Checklist **shall** contain the contact address and telephone number of The Consumer Council.

#### Format of Bills and Statements

117) Gas Supply Licence Holders **shall** provide Complaints Handling Information on or with each bill or statement in such detail and in such form required by the Utility Regulator. Where the Utility Authority has not published the Billing Code of Practice, has been determined by Gas Supply Licence Holders in consultation with the Utility Regulator and The Consumer Council.

#### Consumer Protection: Modification of Conditions

118) The Utility Regulator, following consultation with Gas Supply Licence Holders, The Consumer Council and any other person who in the opinion of the Utility Regulator is likely to be interested or affected, **may** from time to time modify the Conditions of the Licence.

119) As soon as reasonably practicable after 31 December in each year, Gas Supply Licence Holders **shall** submit to the Utility Regulator and The Consumer Council a statistical record for each quarter of its performance in relation to the provision of gas supply services to domestic consumers including:

- The number of different types of services offered by the Gas Supply Licence Holder to domestic consumers on the register maintained in regards to the Code of Practice on Provision of Services for Persons who are of Pensionable Age or Disabled or Chronically Sick, and the number of domestic consumers included on the register;
- The number of the Gas Supply Licence Holder's domestic consumers using each payment method offered by the Gas Supply Licence Holder; and
- The number of domestic premises to which the supply of gas was cut off by the Gas Supply Licence Holder for reasons of non-payment of charges;
  - The quantities of gas supplied and the recovery of gas charges;
  - The number of consumer complaints, whether made in writing, in person or by telephone;
  - Received by the Gas Supply Licence Holder;
  - Resolved by the Gas Supply Licence Holder; and
  - The number of visits made to consumers' premises and the number of responses made to enquiries.

## **Gas Distribution Licences**<sup>66</sup>

### **Consultation with The Consumer Council**

120) The Gas Distribution Licence Holder **shall** in due time consult with The Consumer Council in the formation of:

- Its policies for the conduct of its business activities relating to the conveyance of gas insofar as they may affect consumers; and
- The general arrangements for their implementation;

And **shall**:

- Give The Consumer Council reasonable notice of the publication, announcement or implementation of details of any significant change in any such policies and general arrangements; and
- Give to The Consumer Council as The Consumer Council may reasonably request an explanation of any such significant change and of the implementation of those policies.

### **Payment of Fees**

121) The Gas Distribution Licence Holder **will** pay any fee for the previous year had a fee been calculated in relation to the actual costs of The Consumer Council

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<sup>66</sup>Gas Distribution Licences are held by (as at December 2018): Phoenix Natural Gas Limited, Firmus Energy Ltd, and SGN Natural Gas Limited.

with regards to the exercise of its functions relating to gas consumers for the previous year.

- 122) Where the estimated costs of The Consumer Council are revised during the course of the year, the Utility Regulator **may** refund the Gas Distribution Licence Holder the difference of the fees paid.

#### Conveyance Charges, Other Terms for the Conveyance of Gas and the provision of Conveyance Services

##### Resolution of Disputes

- 123) Where the Utility Regulator receives a dispute that previously has not been referred to The Consumer Council, or The Consumer Council has not concluded its investigation, the Utility Regulator **may** refer the dispute to The Consumer Council to assist the parties in the resolution of the dispute.
- 124) Where the Utility Regulator refers the dispute to The Consumer Council it **will** at the same time inform the parties of that referral.
- 125) Where The Consumer Council has not been able to assist the parties in the resolution of the dispute within three months of the Utility Regulator referral, either party **may** refer the matter back to the Utility Regulator for determination.

#### Connection Charges and Obligation to Permit a Connection

##### Resolution of Disputes

- 126) Where the Utility Regulator receives a dispute that previously has not been referred to The Consumer Council, or The Consumer Council has not concluded its investigation, the Utility Regulator **may** refer the dispute to The Consumer Council to assist the parties in the resolution of the dispute.
- 127) Where the Utility Regulator refers the dispute to The Consumer Council it **will** at the same time inform the parties of that referral.
- 128) Where The Consumer Council has not been able to assist the parties in the resolution of the dispute within three months of the Utility Regulator referral, either party **may** refer the matter back to the Utility Regulator for determination.

#### Preparation, Revision of and Compliance with Codes of Practice

- 129) Gas Distribution Licence Holders **shall**, before submitting any Code of Practice to the Utility Regulator for its approval, consult The Consumer Council and **shall** consider any representations made by it about the Code of Practice or the manner in which it is likely to be operated.
- 130) In reviewing the Code of Practice, Gas Distribution Licence Holders **shall** consult The Consumer Council and **shall** consider any representations made

by The Consumer Council about the Code of Practice or the manner in which it is likely to be or has been operated.

131) Gas Distribution Licence Holders **shall**, whenever requested to do so by the Utility Regulator, review any Code and the manner in which it has been operated, with a view to determining whether any modification should be made to that Code or to the manner of its operation.

132) The Utility Regulator, following consultation with Gas Distribution Licence Holders, The Consumer Council and any other person who in the opinion of the Utility Regulator is likely to be interested or affected, **may** from time to time make such modifications to:

- The Distribution Marketing Code;
- The Complaints Handling Procedure; and
- The Consumer Information Code

as the Utility Regulator considers are necessary or expedient.

#### Terms and Conditions of Gas Contracts with Domestic Consumers

133) Before entering into or concluding a gas contract with any domestic consumer, the Gas Distribution Licence Holder **shall** give the domestic consumer details of how the domestic consumer can contact, and the relevant address and telephone number of The Consumer Council for further help and advice, including in particular with regard to their rights in relation to the supply of gas services provided by the Gas Distribution Licence Holder.

#### Standards of Performance

##### Report to The Consumer Council

134) As soon as is reasonably practicable after the end of each year, the Gas Distribution Licence Holder **shall** submit to The Consumer Council a report dealing with:

- The connection of the premises of domestic consumers to be supplied with gas to the Network and the maintenance of such conditions;
- Arrangements made in relation to the conveyance of gas to the occupier of a premise who:
  - Is a domestic consumer;
  - Is chronically sick, disabled or of pensionable age;
  - Does not share the occupancy of the premises with any person who is not chronically sick, disabled or of pensionable age or a minor;
  - Is included in the list of domestic consumers' information that has been provided by any gas supplier under the conditions of the Gas Supplier's licence; and
  - Is not deprived of adequate heating and cooking facilities where the conveyance of gas to the premises has been disconnected for the purpose of averting danger to life or property.

- The prevention of escapes of gas in or into the premises of domestic consumers;
- The number of visits to premises;
- The responses to complaints and enquiries made in person, by telephone, in writing or otherwise in respect to:
- Gas connections;
- The arrangements made in relation to the conveyance of gas to the occupier of a premise who:
  - Is a domestic consumer;
  - Is chronically sick, disabled or of pensionable age;
  - Does not share the occupancy of the premises with any person who is not chronically sick, disabled or of pensionable age or a minor;
  - Is included in the list of domestic consumers' information that has been provided by any gas supplier under the conditions of the Gas Supplier's licence; and
  - Is not deprived of adequate heating and cooking facilities where the conveyance of gas to the premises has been disconnected for the purpose of averting danger to life or property.
- Standards in relation to those who are chronically sick, disabled, or of pensionable age.

### **Gas Transmission Licence**<sup>67</sup>

#### **Consultation with The Consumer Council**

135) The Gas Transmission Licence Holder **shall** in due time consult with The Consumer Council in the formation of:

- Its policies for the conduct of its business activities relating to the conveyance of gas insofar as they may affect consumers; and
- The general arrangements for their implementation;

And **shall**:

- Give The Consumer Council reasonable notice of the publication, announcement or implementation of details of any significant change in any such policies and general arrangements; and
- Give to The Consumer Council as The Consumer Council may reasonably request an explanation of any such significant change and of the implementation of those policies.

#### **Payment of Fees**

136) The Gas Transmission Licence Holder **will** pay any fee for the previous year had a fee been calculated in relation to the actual costs of The Consumer Council with regard to the exercise of its functions relating to gas consumers for the previous year.

<sup>67</sup>Gas Transmission Licences are held by (as at December 2018): Belfast Gas Transmission Limited (BGTL), GNI (UK), Premier Transmission Limited (PTL), and West Transmission Limited (WTL).

137) Where the estimated costs of The Consumer Council are revised during the course of the year, the Utility Regulator **may** refund the Gas Transmission Licence Holder the difference of the fees paid.

Conveyance Charges, Other Terms for the Conveyance of Gas and the provision of Conveyance Services

Resolution of Disputes

138) Where the Utility Regulator receives a dispute that previously has not been referred to The Consumer Council, or The Consumer Council has not concluded its investigation, the Utility Regulator **may** refer the dispute to The Consumer Council to assist the parties in the resolution of the dispute.

139) Where the Utility Regulator refers the dispute to The Consumer Council it will at the same time inform the parties of that referral.

140) Where The Consumer Council has not been able to assist the parties in the resolution of the dispute within three months of the Utility Regulator referral, either party **may** refer the matter back to the Utility Regulator for determination.

Connection Charges and Obligation to Permit a Connection

Resolution of Disputes

141) Where the Utility Regulator receives a dispute that previously has not been referred to The Consumer Council, or The Consumer Council has not concluded its investigation, the Utility Regulator **may** refer the dispute to The Consumer Council to assist the parties in the resolution of the dispute.

142) Where the Utility Regulator refers the dispute to The Consumer Council it will at the same time inform the parties of that referral.

143) Where The Consumer Council has not been able to assist the parties in the resolution of the dispute within three months of the Utility Regulator referral, either party **may** refer the matter back to the Utility Regulator for determination.

**Gas Storage Licence**<sup>68</sup>

Policy Statements For The Consumer Council

144) The Gas Storage Licence Holder **shall** in due time consult with The Consumer Council in the formation of:

- Its policies for the conduct of its business activities relating to the storage of gas insofar as they may affect consumers; and
- The general arrangements for their implementation;

And **shall**:

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<sup>68</sup>Gas Storage Licences are held by (as at December 2018): Islandmagee Storage Ltd.

- Give The Consumer Council reasonable notice of the publication, announcement or implementation of details of any significant change in any such policies and general arrangements; and
- Give to The Consumer Council as The Consumer Council may reasonably request an explanation of any such significant change and of the implementation of those policies.

#### Payment of Fees

145) The Gas Storage Licence holder **will** pay any fee for the previous year had a fee been calculated in relation to the actual costs of The Consumer Council with regard to the exercise of its functions relating to gas consumers for the previous year.

146) Where the estimated costs of The Consumer Council are revised during the course of the year, the Utility Regulator **may** refund the Gas Storage Licence Holder the difference of the fees paid.

#### Coal Industry

147) In September 1995, following direction from the then President of the Board of Trade, The Consumer Council took the role of promoting and safeguarding the interests of domestic coal consumers in Northern Ireland.

### **D. Financial Services**

#### **Financial Services and Markets Act 2000**

148) As a designated consumer body, The Consumer Council **may** make a complaint to the FCA that a feature, or combination of features, of a market in the United Kingdom for financial services is, or appears to be, significantly damaging the interests of consumers.

#### **The Financial Services Act 2012**

149) As a designated consumer body, The Consumer Council **may** make a complaint to the FCA that a feature, or combination of features, of a market in the United Kingdom for financial services is, or appears to be, significantly damaging the interests of consumers.

#### **Financial Services (Banking Reform) Act 2013**

150) As a designated representative body, The Consumer Council **may** make a complaint to the Payment Systems Regulator that a feature, or combination of features, of a market in the United Kingdom for services provided by payment systems is, or appears to be, significantly damaging the interests of those who use, or are likely to use, those services (“service-users”).

## E. Postal Services

### **Consumers, Estate Agents and Redress Act 2007 (as amended by The Public Bodies (Abolition of the National Consumer Council and Transfer of the Office of Fair Trading's Functions in relation to Estate Agents etc.) Order 2014**

151) Before making an amendment to postal services legislation the Secretary of State for Business, Energy and Industrial Strategy must consult with The Consumer Council on issues which relate to postal services in Northern Ireland.

#### **Forward work programmes of The Consumer Council**

152) The Consumer Council **must** before each programme year publish a Forward Work Programme containing:

- a statement of any priorities of The Consumer Council for the year in relation to postal services;
- a general description and the objectives of the main activities (including any projects) which it plans to undertake during the year in relation to postal services;
- a statement of any other priorities of The Consumer Council for the year; and
- a general description of any other projects which it plans to undertake during the year.

153) The Forward Work Programme for any year **must** also include:

- an estimate of the overall expenditure which The Consumer Council expects to incur during the year in the exercise of its functions, and
- an estimate of the expenditure which The Consumer Council expects to incur during the year in the exercise of its functions in relation to postal services.

154) In preparing a draft of the Forward Work Programme for any year, the Consumer Council **must** consult with Citizens Advice (England and Wales), and Citizens Advice Scotland.

155) Before publishing the Forward Work Programme for any year, The Consumer Council **must** publish and consult on a draft of the Forward Work Programme, and consider any representations which are made.

156) The Consumer Council **must** send a copy of the Forward Work Programme to the Secretary of State for Business, Energy and Industrial Strategy, CMA and any regulatory body which The Consumer Council considers might have an interest.

### General provision about functions of The Consumer Council

157) The Consumer Council **must** have regard to the interests of consumers in different areas.

158) The Consumer Council must have regard to the interests of consumers that are:

- Disabled or chronically sick;
- Individuals of pensionable age;
- Individuals with low incomes; and
- Individuals residing in rural areas.

But, that is not to be taken as implying that regard may not be had to the interests of other descriptions of consumer.

The Consumer Council must have regard to the need to use its resources in the most efficient and effective way.

159) In discharging its duties, The Consumer Council must take account of the existence of any other public bodies with the same functions as, or similar functions to those of The Consumer Council.

160) The Consumer Council must exercise its functions in the manner which it considers is best calculated to contribute the achievement of sustainable development.

### Core Functions

161) The Consumer Council **may**:

- Provide advice and information to persons about postal services;
- Make proposals about postal services; and
- Represent the views of consumers on postal services to:
  - Any Minister of the Crown or government department;
  - Scottish Ministers;
  - Welsh Ministers;
  - Any regulatory body;
  - The European Commission or any other international organisation; and
  - Any other person whom The Consumer Council considers might have an interest.

### The Research Function

162) The Consumer Council may obtain and keep under review:

- Information about postal service matters;
- Information about the views of consumers on postal services; and
- Information that may be prescribed by the Secretary of State for Business, Energy and Industrial Strategy.

### The Information Function

163) The Consumer Council **may** facilitate the dissemination to consumers of advice and information about:

- The Consumer Council and its functions;
- Postal services; and
- Other matters prescribed by the Secretary of State for Business, Energy and Industrial Strategy.

164) The Consumer Council **may**:

- Publish or make available information on postal services; and
- Support (financially or otherwise), facilitate or co-ordinate the activities of other persons.

### General Powers of Investigation

165) The Consumer Council **may** investigate:

- A complaint made by or on behalf of a consumer which appears to The Consumer Council to raise one or more issues of general relevance concerning matters that relate to postal services in Northern Ireland; and
- Any matter which appears to The Consumer Council to be, or be related to, a problem which affects or may affect consumers of postal services in Northern Ireland.

166) A complaint raises an issue of general relevance **if** it raises:

- A novel issue which affects or may affect consumers generally or consumers of a particular description, or
- Any other issue which has or may have an important effect on consumers generally or consumers of a particular description.

167) The Consumer Council **must** refer any complaint to OFCOM if:

- The subject matter of the complaint indicates that a regulatory condition has been contravened;
- The subject matter of the complaint is referable; or
- It is appropriate to do so.

### Investigation of complaints made by vulnerable designated consumers

168) Where a person is vulnerable i.e. it is not reasonable to expect that person to pursue a complaint on their own behalf, The Consumer Council **may** investigate the complaint, and:

- Provide advice to the consumer; and
- Make representations on behalf of the consumer.

#### Investigations relating to public post offices

169) The Consumer Council **may** investigate any matter relating to the number and location of post offices in Northern Ireland.

#### Reports by The Consumer Council

170) The Consumer Council **may** prepare and publish a report in relation to any matter relating to postal services.

#### Secretary of State Powers

171) The Secretary of State for Business, Energy and Industrial Strategy **may** direct The Consumer Council to prepare and submit to the Secretary of State for Business, Energy and Industrial Strategy a report which relates to postal services in Northern Ireland.

#### Advice, information and guidance

172) The Consumer Council **may** issue advice or guidance to any person with a view to improving standards of service and promoting best practice in connection with the handling of complaints made by consumers or any other matter affecting the interests of consumers.

173) The Consumer Council may publish advice or information about consumer matters if it appears to The Consumer Council that its publication would promote the interests of consumers.

#### Provision of information to The Consumer Council

174) The Consumer Council may require the following people to give it information in regard to postal services:

- The CMA;
- OFCOM;
- Any person who supplies goods or services in the course of a business carried on by that person; and
- Any other person specified by the Secretary of State for Business, Energy and Industrial Strategy.

175) If a person fails to comply the person **must** give The Consumer Council notice of the reasons for the failure. The Consumer Council **may** publish this notice.

176) Where a regulated provider fails to comply The Consumer Council **may** refer the failure to Ofcom.

177) Where a non-regulated body or person fail to comply, The Consumer Council **may** apply to the High Court, or Court of Session for an order directing the defaulter to comply with the notice. The costs of this order **will** be borne by the defaulter.

### Provision of Information by The Consumer Council

178) The CMA, Ofcom or a person designated by the Secretary of State for Business, Energy and Industrial Strategy **may** request The Consumer Council to supply it with information in relation to postal services in Northern Ireland.

### Information with respect to compliance with complaints handling standards

179) The Consumer Council **must** publish statistical information as it considers appropriate relating to the levels of compliance with the standards which postal operators have achieved.

## **Royal Mail's Operating Licence with OFCOM**

### Universal Service Obligation

180) The universal service provider (The Royal Mail) **shall** notify The Consumer Council of:

- The brand names of the universal service obligation products and services it provides;
- The terms and conditions of those services (including prices);
- Any proposed change to the information, at least one month in advance of the date on which it is to be implemented;
- The latest delivery times for the UK and the specified collection times;
- Any changes it intends to make to its latest delivery times and its specified collection times not less than three months prior to the change being made;
- Every re-classification of addresses that will result in the latest delivery time of an address becoming later and of every re-classification of access points that will result in an access point's specified collection time starting earlier, within one month of such a change;
- Any statement of arrangements for premises more than 10km from access points and access arrangements for those facing mobility challenges; and
- Publish no later than three months from 31 March its annual UK wide performance statistics for all agreed universal service obligation products and services.

### Consumer Protection Conditions

181) Each regulated postal operator **must** put in place arrangements to deal with complaints made through its complaints handling procedure in relation to any representation The Consumer Council makes on behalf of a vulnerable consumer. The regulated postal operator **must** take such additional steps as it considers necessary or appropriate with a view to assisting that vulnerable consumer and completing their consumer complaint in an appropriate and prompt manner.

182) The universal service provider **shall** provide The Consumer Council with and publish in such a manner as will ensure reasonable publicity for them, not later than two months from the end of the quarter to which they relate, with written quarterly reports which **shall**:

- set out –
  - the number of consumer complaints received during that quarter from relevant consumers which have not become completed complaints; and
  - the number of consumer complaints received during that quarter from relevant consumers which have become completed complaints.
  
- present the information referred to in paragraph (a) for the UK as a whole:
  - broken down by no less than ten main categories of consumer complaint, and
  - showing the compensation that has been paid to relevant consumers in relation to consumer complaints that were found to be valid.

#### Essential Conditions

183) Regulated postal operators **must** submit to The Consumer Council annual reports not later than three months from the end of the year (being 31 March) to which those reports relate, which include:

- the number of (or where precise numbers are not known, reasonable estimates of the numbers of) Code Postal Packets during the relevant year which were lost, stolen, damaged or interfered with;
- details of any trends, patterns or other notable features (such as above average incident levels at certain premises) in relation to the incidence of loss or theft of, damage to, or interference with, Code Postal Packets; and
- any remedial measures to achieve Mail Integrity Objectives and reduce levels of loss, theft or damage.

184) Regulated postal operators **must** submit to The Consumer Council with each annual report, a statement of the measures that the regulated postal operator intends to take to remedy any failures or patterns of failure to achieve the Mail Integrity Objectives and to reduce the numbers of Code Postal Packets lost, stolen, damaged or interfered with.

## F. Transport

### **Transport Act (Northern Ireland) 1967 (as amended by The General Consumer Council (Northern Ireland) Order 1984)**

#### Complaints as to inadequacy of railway services

- 185) Where a reference made to The Consumer Council, by anybody or person or group of persons representing, or appearing to represent a substantial number of users of any railway service provided by NI Railways, The Consumer Council **shall** consider whether a service is inadequate to meet the needs of persons who might be expected to use it.
- 186) NI Railways **shall** consider any recommendation made by The Consumer Council in connection with the complaint and **shall** take such steps, if any, as appear to NI Railways to be necessary or expedient to render the service adequate to meet the needs of persons expected to use it.
- 187) If, in the opinion of The Consumer Council, NI Railways has unreasonably failed to comply with any requirement made by The Consumer Council to render a service adequate to meet the needs of persons expected to use it, The Consumer Council **may** refer the matter to the Minister for Infrastructure.
- 188) On reference to the Minister for Infrastructure, after making such investigations as they may think fit, the Minister for Infrastructure **may** give such direction as they think fit to NI Railways and NI Railways **shall** comply with that direction.

### **The General Consumer Council (Northern Ireland) Order 1984**

#### Functions of The Consumer Council in relation to Transport

- 189) The Consumer Council **shall**:
- Consider, and where it appears desirable, make recommendations with respect to any matter affecting road or railway passenger transport services and facilities in Northern Ireland, and services and facilities provided for passengers travelling to and from Northern Ireland; and
  - Exercise the functions previously exercised by the Transport Users Committee under the Transport Act (Northern Ireland) 1967.

### **The Airports (Northern Ireland) Order 1994**

#### Facilities for consultation at airports

- 190) Belfast International Airport, Belfast City Airport and City of Derry Airport shall provide adequate facilities for consultation with respect to any matter concerning the management or administration of the airport for users of the airport, The Consumer Council, any appropriate district council and any other organisation representing local interests.

## **The Civil Aviation (Access to Air Travel for Disabled Persons and Persons with Reduced Mobility) Regulations 2007**

### **Enforcement and complaints**

191) The Consumer Council is the designated body for the purposes of Article 15(2)<sup>69</sup> in respect of a complaint made under the EC Regulation (No. 1107/2006)<sup>70</sup> relating to—

- An airport in Northern Ireland, or
- A flight departing from an airport in Northern Ireland.

## **Taxis Act (Northern Ireland) 2008**

### **Duties of licensed operators, etc.**

192) A licensed operator **shall** deal with any complaints made to the licensed operator concerning the licensed operator's operation of a taxi service in such manner as may be prescribed. This is without prejudice to any provision for the involvement of The Consumer Council in relation to any such complaints.

### **Regulation of fares, etc.**

193) Before DfI makes any regulations in regard to taxi fares it **shall** take into consideration any recommendations made by The Consumer Council.

### **Publication of information**

194) Before DfI publishes any information in regard to the provisions of the Taxis Act, it **shall** take into consideration any recommendations made by The Consumer Council.

## **Transport Act (Northern Ireland) 2011**

### **Service Permits**

#### **Matters to which DfI must have regard**

195) DfI **shall** take into regard any recommendations made by The Consumer Council.

### **Consumer Council**

196) The Consumer Council **shall**, before each financial year, publish a Forward Work Programme containing a general description of the projects which it plans to undertake during the year in exercise of its transport functions (other than projects comprising routine activities in the exercise of those functions).

197) The Forward Work Programme **shall** include the objectives for each project.

<sup>69</sup> Article 15(2): If a disabled person, or person with reduced mobility, cannot obtain satisfaction in such way, complaints may be made to the managing body of the airport or to the attention of the air carrier concerned, or to any other competent body designated by a Member State, about an alleged infringement of this Regulation.

<sup>70</sup> <http://eur-lex.europa.eu/legal-content/en/TXT/?uri=CELEX:32006R1107>

198) The Forward Work Programme for any year **shall** also include an estimate of the overall expenditure which The Consumer Council expects to incur in the exercise of its transport functions.

199) Before publishing the Forward Work Programme for any year, The Consumer Council **shall** consult on a draft Forward Work Programme.

200) The Consumer Council **shall** send a copy of the draft Forward Work Programme to DfI.

#### Co-operation between DfI and The Consumer Council

201) DfI and The Consumer Council in respect of its transport functions **shall** make arrangements with a view to securing:

- Co-operation and the exchange of information between them; and
- Consistent treatment of matters which affect both of them.

202) As soon as practicable after agreement is reached on those arrangements, DfI and The Consumer Council **shall** prepare a memorandum setting them out.

203) Arrangements under this section **shall** be kept under review by DfI and The Consumer Council.

204) As soon as practicable after agreement is reached on any changes to those arrangements, DfI and The Consumer Council **shall** revise their memorandum.

205) DfI **shall** lay a copy of any memorandum prepared or revised under this section before the Assembly.

#### **The Civil Aviation (Access to Air Travel for Disabled Persons and Persons with Reduced Mobility) Regulations 2014**

##### Duty to enforce

206) The General Consumer Council for Northern Ireland is the designated body for those purposes in respect of a complaint made under the EC Regulation (No. 1107/2006) relating to:

- An airport in Northern Ireland, or
- A flight departing from an airport in Northern Ireland.

## **Memorandum of Understanding with The Department for Transport (EU Regulation 1177/2010<sup>71</sup>) 2014**

207) With support from the Department for Transport, all the voluntary complaint handling bodies<sup>72</sup> hereby **agree** to work together to:

- Co-operate, in the light of experience, on sharing information and best practice with the aim of achieving a common approach to complaint handling and data management; and
- Assist with the Department for Transport's ongoing review of the UK implementing regulations.

208) The Consumer Council **will** deal with complaints that arise from ports or on services departing from ports within Northern Ireland. If the complaint cannot be resolved at this stage, the complaint may then be escalated to The Maritime and Coastguard Agency. The role of the Maritime and Coastguard Agency is not to act as an arbiter or conciliator between the passenger and the carrier or terminal operator. However, where disputes arise on whether alleged breaches under the EU Regulation have taken place, then the Maritime and Coastguard Agency could be asked to investigate.

209) The Consumer Council **will** cooperate with the Maritime and Coastguard Agency in the preparation of this biennial enforcement report, and in particular respond in a timely fashion to data collection / analysis requests. A standard reporting template has been developed by the Department for Transport and the Maritime and Coastguard Agency for reporting purposes for all complaint handling bodies to use.

210) The Department for Transport (and where appropriate, the Maritime and Coastguard Agency) **will** provide clarity from a policy perspective where there is a difference in interpretation of the EU Regulation between the voluntary complaint handling bodies. Where a voluntary complaint handling body disagrees with the Maritime and Coastguard Agency interpretation of the EU Regulation, the matter will be reviewed by the Maritime Commerce and Infrastructure Division of the Department for Transport.

211) The complaint handling role is a voluntary function. The complaint handling bodies are not bound by the Department for Transport's policy view of the

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<sup>71</sup> Maritime Passenger EU Regulation 1177/2010 concerning the rights of passengers, including disabled and persons with reduced mobility, when travelling by sea and inland waterways. The rights of ferry passengers are legally protected under 1177/2010 as long as:

- The journey is not for sightseeing or an excursion;
- The ship is capable of carrying more than 12 passengers;
- The ship has a crew of more than three people; and
- The service is more than 500m one-way.

<sup>72</sup> CLIA UK and Ireland, ABTA, London TravelWatch, The Consumer Council, and Transport Scotland.

EU Regulation, as each organisation may have a different view on how the EU Regulation should work in the interests of maritime passengers. However, the voluntary complaint handling bodies should be able to demonstrate that they have considered the Department for Transport's policy view in making their decisions.

### **The Consumer Council/DfI Memorandum of Understanding in regard to its Transport Functions 2016**

212) The MOU agreed that:

- The Consumer Council **shall** have a consultative role during the annual Translink Corporate Planning process;
- The Consumer Council **shall** be entitled to be consulted in relation to any fare reviews and significant changes outside of Translink's Corporate Planning process;
- The Consumer Council **shall** have a key role in the publication of advice and information to promote road or railway passenger interests; and
- Translink and/or DfI **shall** consult with The Consumer Council on areas such as customer complaint procedures, significant changes to ticketing products, changes to passenger information and other changes to business activities that may affect consumers.

### **The Rail Passengers Rights and Obligations (Designation and Enforcement) Regulations (Northern Ireland) 2017**

#### **Establishment/designation of passenger complaints handling system**

213) The designated body for the purpose of Article 30(2) of Regulation 1371/2007 to which any passenger **may** submit a complaint about an alleged contravention of Regulation 1371/2007 **is** The Consumer Council, and a complaint **shall** be in writing.

## **G. Water and Sewerage**

### **The Water and Sewerage Services (Northern Ireland) Order 2006**

#### **Forward Work Programme of the Utility Regulator**

214) The Utility Regulator **shall** send a copy of its Forward Work Programme to The Consumer Council, and DfI.

215) The Utility Regulator **shall** send a copy of each annual report published, and any other relevant publication to The Consumer Council and DfI.

#### **Guidance on social and environmental matters**

216) DfI **shall** consult with The Consumer Council before issuing guidance on social and environmental matters in relation to water and sewerage.

### Financial penalties

217) The Utility Regulator **shall** give The Consumer Council notice of any financial penalties it issues to NI Water.

### The General Consumer Council: preliminary

218) In considering the interests of consumers in relation to:

- The supply of water to premises by water undertakers; and
- The provision of sewerage services by sewerage undertakers.

The Consumer Council **shall** have regard to the interests of:

- Individuals who are disabled or chronically sick;
- Individuals of pensionable age;
- Individuals with low incomes; and
- Individuals residing in rural areas,

but that is not to be taken as implying that regard may not be had to the interests of other descriptions of consumer.

219) The Consumer Council **shall** carry out its functions in relation to water and sewerage service in the manner which it considers is best calculated to contribute to the achievement of sustainable development.

220) The Consumer Council **shall** establish a group in connection with water and sewerage services.

221) The Consumer Council **shall** send to DfI a copy of every annual report.

222) The Consumer Council **shall**, before each financial year, publish a Forward Work Programme containing a general description of the projects which it plans to undertake during the year in exercise of its water and sewerage functions (other than projects comprising routine activities in the exercise of those functions).

### Forward Work Programme of the Consumer Council

223) The Forward Work Programme **shall** include the objectives for each project.

224) The Forward Work Programme for any year **shall** also include an estimate of the overall expenditure which The Consumer Council expects to incur in the exercise of its water and sewerage functions.

225) Before publishing the Forward Work Programme for any year, The Consumer Council **shall** consult on a draft Forward Work Programme.

226) The Consumer Council **shall** send a copy of the draft Forward Work Programme to the Utility Regulator and DfI.

#### Co-operation between The Consumer Council and other authorities

227) The Consumer Council **shall** make arrangements with the Utility Regulator and DfI with a view to securing co-operation and the exchange of information between them, and the consistent treatment of matters which affect both of them. This agreement **shall** be agreed within a memorandum of understanding, which DfI **shall** lay before the Assembly.

#### Acquisition and review of information

228) The Consumer Council **shall** obtain and keep under review:

- Information about consumer matters; and
- Information about the views of consumers on such matters.

229) Where the Utility Regulator is required by any provision under the Water and Sewerage Order 2006 to publish a notice or any other document, it **shall** send a copy of the document to The Consumer Council.

#### Provision of advice and information to public authorities and other persons

230) The Consumer Council **may**:

- make proposals, or provide advice and information, about consumer matters; and
- represent the views of consumers on such matters, to public authorities, NI Water and other persons whose activities may affect the interests of consumers.

#### Provision of information to consumers

231) The Consumer Council **may** provide information to consumers about consumer matters in such form as appears to The Consumer Council to be most useful to the recipients. This power may be exercised by:

- publishing information in any manner The Consumer Council thinks appropriate for the purpose of bringing it to the attention of those likely to be interested; or
- Furnishing information to any consumer.

#### Power to publish information and advice about consumer matters

232) If it appears to The Consumer Council that the publication of any advice and information about consumer matters (including information about the views of consumers on such matters) would promote the interests of consumers, The Consumer Council **may** publish that advice or information in such manner as it thinks fit.

#### Provision of information to The Consumer Council

233) The Consumer Council **may** direct the Utility Regulator or NI Water to supply to it, in such form as it may reasonably specify, such information specified or described for the purpose of exercising its role. The Utility Regulator, or NI Water, **shall** comply with it as soon as reasonably practicable (in doing so,

The Consumer Council shall have regard to the desirability of minimising the costs, or any other detriment, to the body to which the direction is given).

234) If the Utility Regulator fails to comply with this direction it **shall**, if so required by The Consumer Council, give notice to The Consumer Council of the reasons for its failure. The Consumer Council **may** publish this notice.

#### Provision of information by The Consumer Council

235) The Utility Regulator or DfI **may** direct The Consumer Council to supply to it, in such form as it may reasonably specify, such information specified or described in the direction as the Utility Regulator or DfI may require.

236) The Consumer Council **shall** comply with a direction as soon as reasonably practicable. Where The Consumer Council fails to comply with a direction it **shall** give to the body which gave the direction notice of its reason for the failure, and that body **may** publish that notice in such manner as it considers appropriate.

#### Consumer complaints

237) Unless frivolous or vexatious The Consumer Council **shall** investigate the complaint, in relation to the functions of NI Water, for the purpose of determining whether it is appropriate to take any action to assist in reaching a satisfactory resolution of a complaint referred. The Consumer Council **shall** make representations on behalf of the complainant to NI Water about anything to which the complaint relates.

238) Where it appears to The Consumer Council that the complaint is one the Utility Regulator or DfI would be required to investigate, The Consumer Council **shall** refer the complaint to the relevant body.

239) The Consumer Council **is not required** to investigate any matter if it appears to The Consumer Council that:

- It is unlikely that the complaint could be resolved by action taken by the NI Water; or
- NI Water has not been given a reasonable opportunity to deal with the complaint.

240) After investigating a complaint, The Consumer Council **may** make a report to the Utility Regulator or DfI. The report **may** include information about any representations made by The Consumer Council and the response of NI Water to the complaint. No report shall be published without the consent of the complainant.

241) Where a representation is made about any consumer complaint the Utility Regulator, or Dfl, **shall** refer the matter to The Consumer Council.

#### Power of the Council to investigate other matters

242) The Consumer Council **may** investigate any matter which appears to it to be a matter relating to the interests of consumers.

243) Where The Consumer Council has investigated a matter it **may** make a report on that matter to the Utility Regulator, Dfl, the CMA or any other public authority whose functions appear to The Consumer Council to be exercisable in relation to that matter. The Consumer Council **may** publish any such report as it thinks is appropriate.

#### Restrictions on disclosure of information by The Consumer Council

244) Information relating to a particular individual or body **may** be disclosed by The Consumer Council if:

- The individual or body has consented to the disclosure;
- It is information that is available to the public from some other source; or
- It is not information the disclosure of which would or might, in the opinion of The Consumer Council, seriously and prejudicially affect the interests of the individual or body.

245) Before deciding to disclose any information relating to a particular individual or body The Consumer Council **shall**:

- Consult that individual or body; and
- Have regard to any opinion expressed by the Utility Regulator the information or as to the desirability or otherwise of its disclosure.

#### Duty to consult the Council

246) It **shall** be the duty of the Utility Regulator to consult The Consumer Council in relation to the exercise of each of its functions, except where:—

- The Consumer Council has indicated to the Utility Regulator (whether specifically or generally) that it does not wish to be consulted; or
- The Utility Regulator considers that it would be clearly inappropriate to consult The Consumer Council.

#### Provision of statistical information about complaints

247) It **shall** be the duty of The Consumer Council to publish, in such form and manner and with such frequency as it thinks appropriate, such statistical information as it considers appropriate in relation to:

- complaints made by consumers about any matter relating to the activities of relevant undertakers; and
- the handling of such complaints.

“complaints” includes complaints made directly to NI Water and complaints to the Utility Regulator, The Consumer Council or DfI.

Procedure for dealing with complaints

248) NI Water **shall** establish a procedure for dealing with complaints made by its customers in connection with the supply of water or, as the case may be, the provision of sewerage services. No such procedure **shall** be established, and no modification of such a procedure **shall** be made, unless NI Water has consulted The Consumer Council; and the proposed procedure or modification has been approved by the Utility Regulator.

Water resources management plans: review, consultation, etc.

249) Before preparing its water resources management plan and drought plans (including a revised plan), NI Water **shall** consult with the Utility Regulator and The Consumer Council.

Complaints with respect to the exercise of works powers on private land, etc.

250) The Utility Regulator **shall** not be required to investigate any such complaint as is mentioned in relation to works on private land if:

- the complaint appears to the Utility Regulator to be vexatious or frivolous;
- the Utility Regulator is not satisfied that the complaint has been brought by the complainant to the attention of NI Water and that NI Water has been given a reasonable opportunity of investigating and dealing with it;
- the complaint was first made to the Utility Regulator or The Consumer Council more than 12 months, or such longer period as the Utility Regulator may for special reasons allow, after the matters to which the complaint relates first came to the notice of the complainant; or in the case of a complaint referred to The Consumer Council, it appears to the Utility Regulator that the complaint is likely to be resolved by The Consumer Council.

Directions in the interests of national security

251) The Minister for Infrastructure **may** after consulting The Consumer Council, give directions to the Consumer Council as to the exercise of its functions as appear requisite or expedient for national security.

252) DfI **may**, after consulting The Consumer Council, give directions to The Consumer Council as to the exercise of its functions as appear requisite or expedient for the preservation of security of assets connected with the provision of water and sewerage services, or preventing reducing or mitigating the effects of a civil emergency.

## **Water and Sewerage Services Act (Northern Ireland) 2016**

### **Power to remove or relax duty to install water meters when making domestic connections**

253) Before making regulations in relation removing or relaxing NI Water's duty to install water meters when making a domestic connection, DfI **must** consult The Consumer Council.

### **Connection of drains and private sewers to public sewers: adoption agreements**

254) Before issuing guidance in respect of the connection of drains and private sewers to public sewers: adoption agreements, DfI **must** consult The Consumer Council.

## **NI Water Operating Licence**

### **Code of Practice for Customers and relations with The Consumer Council**

255) NI Water **shall** consult with The Consumer Council, not less frequently than once every three years, on its Code of Practice describing:

- Nature of services to domestic consumers;
- Tariffs charged to domestic consumers;
- Arrangements for the payment of bills by domestic customers;
- The procedure for complaints handling for domestic customers;
- Meter reading and meter tampering procedures;
- Emergency procedures;
- How to contact NI Water; and
- The functions of The Consumer Council and its contact details.

256) NI Water **shall** send a copy, and each revision, of the Code of Practice to The Consumer Council.

257) NI Water **shall** at the request of The Consumer Council meet The Consumer Council no less than two times a year, and **shall** meet on other occasions at the reasonable request of The Consumer Council. At least one of these meetings **shall** be with a Director of NI Water.

258) NI Water **shall** consult with The Consumer Council in relation to its policies for the conduct of its business activities relating to the supply of water and the provision of sewerage services.

259) NI Water **shall** give The Consumer Council reasonable notice and explanation of any significant change to its policies, or the arrangements for their implementation.

260) NI Water **shall** consult The Consumer Council on its procedures for Debt Recovery.

261) NI Water **shall** consult with The Consumer Council, not less frequently than once every three years on its procedures on leakage.

### **Ministerial Water Stakeholders Partnership Agreement 2008 and 2012**

262) Under the Ministerial Water Stakeholders Partnership Agreement, the signatories (DfI, Drinking Water Inspectorate, Northern Ireland Environment Agency, Utility Regulator, and The Consumer Council) **agreed** a common objective of:

*“Getting water and sewerage services right for today’s and tomorrow’s consumers and taxpayers through good governance that achieves the right balance of efficiency, fairness, affordability, sustainability, value and quality.”*

263) In this agreement, The Consumer Council’s role is to represent and protect the consumer interest and pay particular regard to the needs and interests of vulnerable consumers.

264) Signatories to the Agreement **agree** that:

- We **share** responsibility for delivering the Common Objective and our way of working reflects this;
- All stakeholders have a statutory remit. We **respect** this and **acknowledge** that statutory duties must ultimately take precedence. At the same time we recognise the benefits of discussing and where possible seeking to resolve issues with Stakeholders;
- We **collaborate** and **treat each other as equals**. We value robust, straightforward relationships that combine assertiveness with co-operation;
- We **recognise** that openness and trust are inter-related. We work hard and patiently with each other to increase both through our actions and behaviours;
- We **expect** each other to take responsibility. Mutual respect depends on saying what needs saying and keeping commitments;
- We **allow** each other reasonable space to operate, showing consideration for the demands we all face. Not all our dealings are multilateral but we keep each other informed;
- We **choose** the best way to communicate, preferring to talk to each other rather than write on informal matters. We recognise that situations may arise when a more formal communication is appropriate;
- Partners **will** provide information in a timely manner and in a form and of a quality appropriate to enabling the discharging of stakeholder duties and responsibilities;

- We **address** issues directly with each other and attempt to resolve them internally rather than through the law or the media. Our governance arrangements provide the fora for us to address and escalate issues, and give them a platform for resolution; and
- We **will** aim, through positive communication, to resolve any issues constructively and in a measured way. Issues that cannot be resolved between individuals or stakeholders will be subject to Water Stakeholder Steering Group discussion before being escalated elsewhere.

**The Consumer Council/Dfl Memorandum of Understanding in regard to its Water and Sewerage Functions 2016**

265) There **will** be formal contact between Dfl and The Consumer Council as per the meeting arrangements set out in the Ministerial Water Stakeholders Partnership Agreement.

DRAFT

## Annex 2: Acronyms

ADR	Alternative Dispute Resolution
BEIS	Department for Business, Energy and Industrial Strategy
BIS	Department for Business, Innovation and Skills
BITC	Business in the Community
CAA	Civil Aviation Authority
CBI	Confederation of British Industry
CfD	Contract for Difference
CEAP	Consumer Engagement Advisory Panel
CERP	Committee of European Postal Regulators
CMA	Competition and Markets Authority
CoC	Chamber of Commerce
COPNI	The Commissioner for Older People for Northern Ireland
CPI	Consumer Price Index
CPP	Consumer Protection Partnership
CRINI	Consumer Rights Initiative Northern Ireland
CSE	Customer Service Excellence
CTSI	Chartered Trading Standards Institute
DEESS	The Collaborative Network for Domestic Electrical Energy Storage Systems
DETI	Department for Enterprise, Trade and Investment
DfC	Department for Communities
DfE	Department for the Economy
DfI	Department for Infrastructure
DFP	Department of Finance and Personnel
dPFG	Draft Programme for Government
DRD	Department for Rural Development
DSD	Department for Social Development
EU	European Union
EC	European Commission
EST	Energy Savings Trust
FAST	Families and Schools Together
FCA	Financial Conduct Authority
FOS	Financial Ombudsman Services
FSA	Food Standards Agency
FSB	Federation for Small Businesses
FWP	Forward Work Programme
GBP	Great Britain Pound (£)
GDP	Gross Domestic Product
HCS	House Conditions Survey
ICA	Institute of Consumer Affairs
I-SEM	Integrated Single Electricity Market
LCC	Lissan Coal Company
LPG	Liquid Petroleum Gas
NEA	National Energy Action
NDPB	Non-Departmental Public Body
NIACRO	Northern Ireland Association for the Care and Resettlement of Offenders
NICEI	Northern Ireland Composite Economic Index
NICTAL	Northern Ireland Coal Trade Association Limited
NIEN	Northern Ireland Electricity Networks

NIOF	Northern Ireland Oil Federation
NIRO	Northern Ireland Renewable Obligation
NISRA	Northern Ireland Statistics and Research Agency
NITSS	Northern Ireland Trading Standards Service
NTP	Network Transformation Programme
OFCOM	The Office of Communications
OFGEM	The Office of Gas and Electricity Markets
OFWAT	Water Services Regulation Authority
ONS	Office of National Statistics
ORR	Office of Rail and Road
PBNI	Probation Board Northern Ireland
PC	Price Control
PfG	Programme for Government
POL	Post Office Limited
PSNI	Police Service of Northern Ireland
PSR	Payments Systems Regulator
SEM	Single Electricity Market
SGN	SGN Natural Gas
UR	The Utility Regulator

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