



Draft Forward Work Programme 2018/2019

**The Consumer Council's business plan for
the third 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 2018-2019 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 Comments should be sent to us by 9 February 2018 at the latest to Siobhan Rafferty (Siobhan.Rafferty@consumercouncil.org.uk)

1.6 We intend to hold a meeting during the consultation period, on 31 January 2018, at our offices. This will provide an opportunity to discuss the draft FWP. Please let us know by 19 January 2018 if you wish to attend.

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

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- 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 2018. 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 any¹ complaint made to it relating to consumer affairs and, where it appears to the 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 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 Council by that department.

2.3 The Consumer Council has specific statutory duties in relation to energy², postal services³, transport⁴, and water and sewerage⁵. In these areas, we are to have particular regard to consumers:

- Who are disabled or chronically sick;
- Of pensionable age;

¹ 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.

² 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.

³ 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.

⁴ 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.

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

- 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);
 - Water Services Regulation Authority (Ofwat); and
 - The Department for Infrastructure (Dfi)⁶.
- 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

⁶ Under the Railways Infrastructure (Access, Management and Licensing of Railway Undertakings) Regulations (Northern Ireland) 2005 (S.I. 2005/537).

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 members⁷ are appointed by the Minister for the Economy. The Board is supported by a team of 35-40 staff⁸.
- 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 DfI (water), and the Department for Business, Energy and Industrial Strategy (BEIS) (postal services).

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

⁸ <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 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 are able to gain redress and dispute resolution without the need to resort to court procedures that are lengthy and costly for all involved.

3.5 During 2016-17, The Consumer Council helped a total of 3,968 consumers. In this period, we investigated 2,559 enquiries and complaints, and assisted 1,409 consumers

by providing general advice and signposting them to other organisations. Through the investigation of these complaints, we returned £278,863 to consumers.

- 3.6 The Consumer Council was a finalist in the UK Complaints Handling Awards 2017, which recognised outstanding achievement in complaint handling. We achieved this shortlist in the proactive complaints handling category along with United Utilities, FM Outsource, Brewdog Plc, yourgolftravel.com and Homes in Sedgemoor. This award category looked at how an organisation has tried to improve customer experience and how we anticipate consumers' current and future needs.
- 3.7 In addition, 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. 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 serves 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 In 2016-17, The Consumer Council attended 42 exhibition and information events throughout Northern Ireland and delivered 52 presentations, engaging directly with over 2,700 consumers. We also delivered 13 Train the Advisor workshops for frontline workers in the health, community and voluntary sectors. These workshops were attended by around 100 participants who, armed with this information, are able to independently promote The Consumer Council's complaints handling role and help disseminate our consumer empowerment information resources and comparison tools among their service users.

3.12 In addition, during 2016-17, there were nearly 133,500 hits to The Consumer Council website⁹. As at the end of November 2017, The Consumer Council had just over 1,200 Facebook followers, and nearly 4,500 Twitter followers.

Our Purpose, Vision and Values

Our Mission:

3.13 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;
- **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;

⁹ The average time spent on our website was 2.02 minutes.

- 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

3.14 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.

3.15 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

3.16 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:

- The right to satisfaction of basic needs - to have access to basic, essential goods and services; adequate food, clothing, shelter, health care, education, public utilities, water and sanitation.
- The right to safety - to be protected against products, production processes and services, which are hazardous to health or life.
- The right to be informed - to be given the facts needed to make an informed choice, and to be protected against dishonest or misleading advertising and labelling.

- The right to choose - to be able to select from a range of products and services, offered at competitive prices with an assurance of satisfactory quality.
- The right to be heard - to have consumer interests represented in the making and execution of government policy, and in the development of products and services.
- The right to redress - to receive a fair settlement of just claims, including compensation for misrepresentation, shoddy goods or unsatisfactory services.
- The right to consumer education - to acquire the knowledge and skills needed to make informed, confident choices about goods and services, while at the same time being aware of basic consumer rights and responsibilities, and how to act on them.
- The right to a healthy environment - to live and work in an environment that is non-threatening to the well-being of present and future generations.

3.17 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

3.18 The Consumer Rights Act 2015¹⁰ 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.

3.19 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 different¹¹. 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.

¹⁰ Territorially, the 2015 Act extends to England, Wales, Scotland and Northern Ireland.

¹¹ ‘Consumer’ versus ‘Customer’: The Devil in the Detail, Pinar Akman, ESRC Centre for Competition Policy and Norwich Law School, University of East Anglia, 2008.

3.20 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 2017-18

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. However, at the time of writing, it is not possible to assess the full impact of Brexit on Northern Ireland consumers.

5.5 The Consumer Council will continue to work in partnership with the Consumer Protection Partnership (CPP), European Consumer Centre Network, and other relevant bodies to 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:

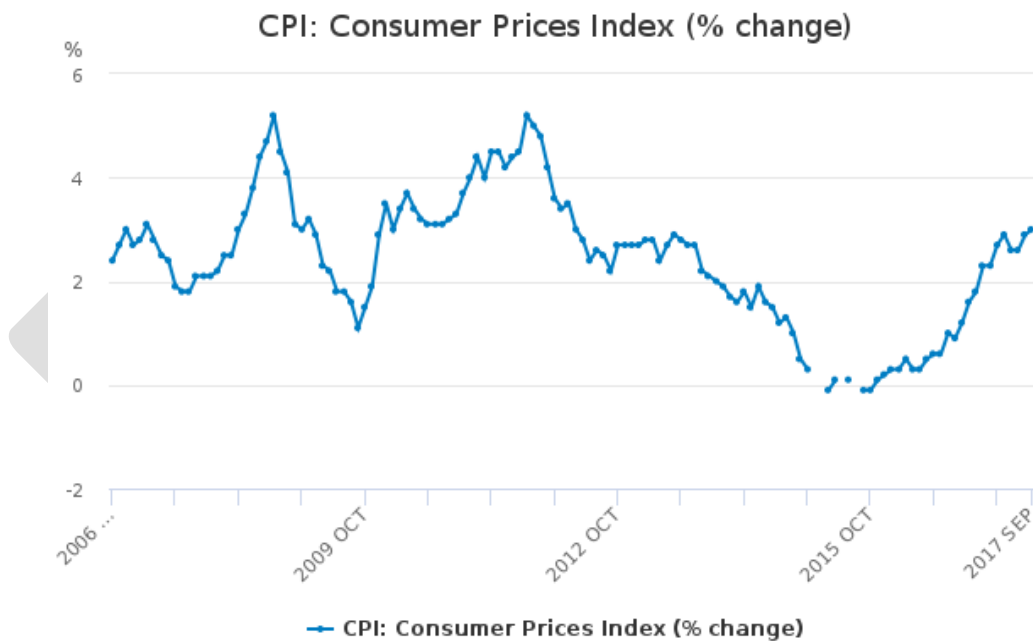
- Cost of living and impact on costs (value of Sterling (£) against the Euro (€));
- Cross-border trade;
- Standing of enforcement agencies, consumer bodies and regulators in relation to breaches of consumer law in relation to cross-border purchases of goods and services;
- Communications (including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

- All-Island Electricity Market (SEM);
- 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) rose to 3% in the year to October 2017. This is 2% higher than the same time last year, and the highest rate in five years.

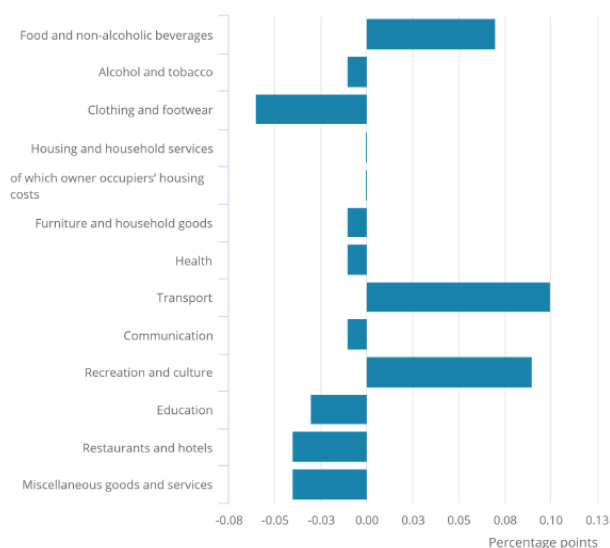
Figure 1: CPI 12-month inflation rate for the last 11 years: October 2006 to October 2017



Source:

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.

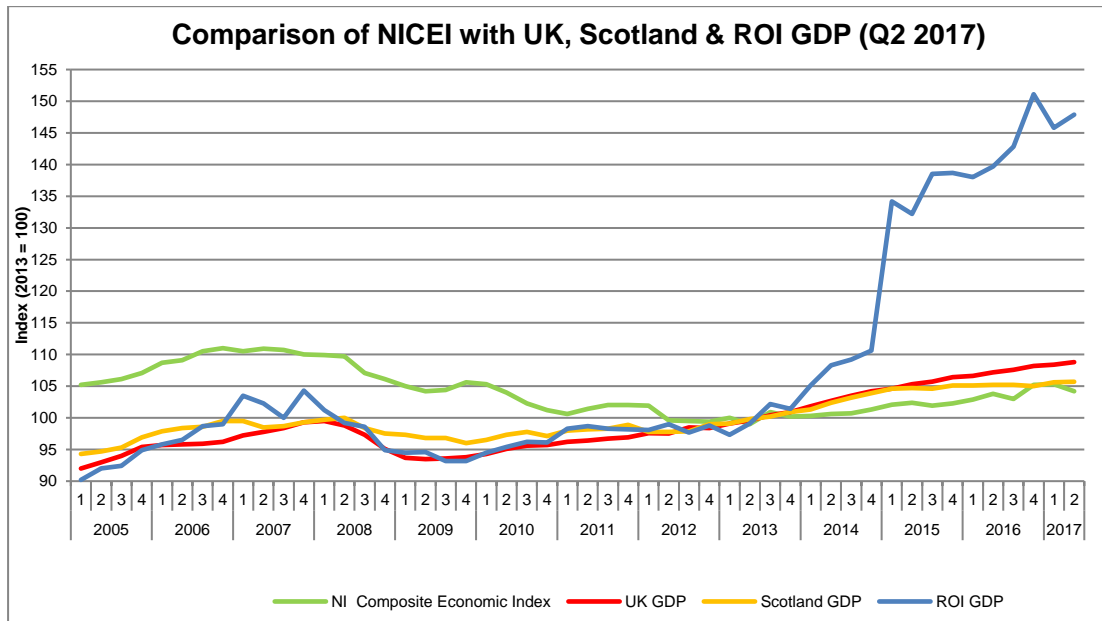
Figure 2: Contributions to the change in the CPI 12-month rate between August and September 2017



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 economic activity in Northern Ireland was estimated to have decreased by 1.0% in real terms from Quarter 1 (January – March) to Quarter 2 (April – June).
- 5.9 Over the last two years, annual output (averaged over the four quarters to Quarter 2 2017 compared to the previous four quarters) increased by 1.7%. Although the measures are not produced on a fully equivalent basis, comparisons with the UK over the same period show that the NICEI grew at a similar rate (1.7% compared to UK GDP (1.7%). In the UK quarterly growth (0.3%) was higher than that recorded for Northern Ireland (-1.0%).

Figure 3: Comparison of NICEI with UK, Scotland, and ROI GDP (Q2, 2017)



5.10 PwC’s latest economic outlook¹² (July 2017) projects UK growth to slow from 1.8% in 2016 to around 1.5% in 2017 and 1.4% in 2018. This reflects slower consumer spending growth, offset by some rise in UK exports and public investment. London is expected to continue to lead the regional growth ranking in 2017, expanding by around 1.8%. Most other regions are projected to expand at a rate at or below the UK average of 1.5% in 2017, while Northern Ireland is predicted to lag somewhat behind with growth of around 1%.

Figure 4: PwC Main Scenario for Output Growth By Region in 2017/2018

Figure 2.7 – PwC main scenario for output growth by region in 2017 and 2018



5.11 However, the report sets out that growth in London might fall slightly to just around 1.4% in 2018, while it could be 0.9% in Northern Ireland.

5.12 Danske Bank’s quarter 3 economic growth projections for Northern Ireland showed the economy is expected to grow by 1.2% in 2017 and 1% in 2018. Danske Bank’s UK

¹² <https://www.pwc.co.uk/services/economics-policy/insights/uk-economic-outlook.html>.

projections for 2017 and 2018 are at 1.6% and 1.5% respectively. This economic growth projection for Northern Ireland remains unchanged from the previous quarter. Danske Bank attributes high inflation to subduing consumer spending growth, and slowing growth of businesses wary of investing in a climate of Brexit-related uncertainty¹³.

- 5.13 Whilst analysts believe growth in Northern Ireland will slow during 2018, consumers in Northern Ireland have a role in supporting that growth. A 2015 HM Treasury report¹⁴ highlighted that confident, informed consumers are essential to growing the economy, boosting business competitiveness, and reducing consumer detriment.
- 5.14 In August 2017, NISRA published its Economic Accounts Overview¹⁵ for Northern Ireland. The report shows that in 2013, the total value of “Final Use” in Northern Ireland was estimated to be worth £64.8bn (a 3% increase from 2012). This represents the total value of expenditure by consumers and government plus the value of investment and net trade. Expenditure by the household sector (including non-profit organisations) was estimated to be £27.6bn or 43% of Final Use (decreased from 44% the previous year), showing the importance of local consumption of goods and services to the economy. NISRA’s expenditure approach to calculating GDP showed that £27.6bn in total household expenditure equated to a spend on goods and services of £20,848 per head of population in Northern Ireland.
- 5.15 The importance the UK Government places on active consumers and strong consumer protection is recognised within the latest Industrial Strategy¹⁶. The Strategy highlights that the Government will be shortly publishing a Consumer Green Paper which will look to address the areas where markets are not working for consumers and businesses.
- 5.16 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 identifies 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

¹³ <https://www.danskebank.co.uk/en-gb/About-the-bank/Bank-in-brief/Economic-Research/quarterly-sector-forecast/Pages/quarterly-sectoral-forecast-2017-q3.aspx>.

¹⁴ A better deal: boosting competition to bring down bills for families and firms, HM Treasury, November 2015.

¹⁵ <https://www.nisra.gov.uk/statistics/economic-accounts-project/ni-economic-accounts-overview>.

¹⁶ Industrial Strategy: Building a Britain fit for the future, HM Government, November 2017.

- quality detriment: consumers may purchase a product or service that is not of the quality they assumed *ex ante*.

5.17 In September 2016, Citizens Advice and Oxford Economics released a report¹⁷ 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.

5.18 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.

5.19 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.

5.20 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

¹⁷ Consumer Detriment: Counting the cost of consumer problems. Citizens Advice and Oxford Economics, September 2016.

- Ensure that activities that help empower consumers are delivered more cost-effectively.
- 5.21 As part of these reforms the UK Government through the then Department for Business, Innovation and Skills (BIS)¹⁸ set up the CPP to create a joined-up approach among UK consumer bodies.
- 5.22 The CPP is a new 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.
- 5.23 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.
- 5.24 In 2015, The Consumer Council initiated discussions to develop with Advice NI, Citizens Advice Bureau Northern Ireland, and the Law Centre a memorandum of 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 by ensuring consumers receive the advice they need to assert their rights through clear signposting to information and consumer protection bodies and other support.
- 5.25 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.

¹⁸ This is now run by the Department of Business, Energy and Industrial Strategy (BEIS).

- 5.26 During the year, The Consumer Council has facilitated roundtables for both the CMA and the FCA to ensure the Northern Ireland perspective has been heard in relation to their UK-wide consultations on Care Homes, Illegal Money Lending, and Access to Insurance.
- 5.27 The Consumer Council joined the Government Advice and Information Group in 2017. 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.
- 5.28 In the Financial Sector, The Consumer Council is a member of UK Finance’s¹⁹ Consumer Advisory Group²⁰, which acts as a steering group to the financial services sector by identifying key consumer issues to UK Finance’s Board and the industry as a whole. In addition, The Consumer Council sits on LINK’s²¹ Consumer Council²², and through this joint work LINK has installed 75 free-to-use ATMs across Northern Ireland²³. 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.
- 5.29 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 Police Service of Northern Ireland (PSNI), and through specific information campaigns and outreach work.
- 5.30 To tackle the proliferation of ever more sophisticated scams – and protect consumers from falling victim to these, The Consumer Council will continue 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, Department for Justice, the Commissioner for Older People NI, and Royal Mail.

¹⁹ UK Finance represents around 300 firms in the UK providing credit, banking, markets and payment-related services.

²⁰ The Consumer Advisory Group was established as the formal platform enabling constructive dialogue between UK Finance Board and the main consumer advocate groups on personal financial services issues.

²¹ LINK is the UK's largest cash machine network.

²² 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.

²³ www.link.co.uk/media/1185/link-10-financial-inclusion-programme-website-flyer.pdf.

- 5.31 New 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.
- 5.32 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.
- 5.33 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.
- 5.34 The Consumer Council will continue to monitor developments in ADR and inform consumers as appropriate.

Energy

- 5.35 Domestic electricity prices remained static for the first part of 2017 until autumn when consumers saw the first electricity price increases since 2013. Earlier, in April, domestic gas prices increased between 7.6% and 12.2%²⁴. By November 2017 all electricity suppliers had announced price increases of between 5.6% and 15.7%²⁵. Despite this, Northern Ireland's domestic electricity prices are 7% lower than they were in January 2009 and remain lower than both GB and the Republic of Ireland (ROI)²⁶.
- 5.36 Northern Ireland domestic gas prices remain lower than ROI²⁷. In the Phoenix Natural Gas licence area gas prices are on a par with GB, but in the Firmus Energy licence area

²⁴ With effect from 1 April 2017, SSE Airtricity increased its tariffs by 7.6% in Greater Belfast whilst Firmus Energy increased its tariffs by 12.2% in both Belfast and its exclusive Ten Towns licence area.

²⁵ Power NI 5.6%, SSE Airtricity 7.5%, Electric Ireland 7.2% and Click Energy 15.77%.

²⁶ At 3 October 2017, the annual typical bill for a NI domestic electricity customer based on the Power NI keypad tariff was £484 compared to ROI based on standard credit, pay on receipt of postal bill of £861.55 and to GB based on standard credit, pay on receipt of postal bill of £591.72.

²⁷ At 3 October 2017 the typical NI domestic gas customer on the SSE Airtricity PAYG tariff paid £495 per year compared to £620.96 for a typical customer in ROI on the Flogas Direct Debit tariff.

they are now over 20% higher than GB. 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.

- 5.37 In December 2016, the domestic electricity market lost a supplier with the closure of Open Electric. However, switching rates in the domestic electricity market remained strong with 16.2% of consumers switching in the period July 2016 to June 2017, although they dipped in the last quarter of that period. The Consumer Council domestic energy price comparison tool continued to attract a lot of traffic (60,566 visits) and we have started to observe a correlation between switching rates and visits to the comparison tool²⁸.
- 5.38 During 2017, SSE Airtricity has been losing customers to Electric Ireland and Click Energy. Whilst switching activity is welcome, it is often the same 'savvy' consumers who are switching amongst suppliers whilst the majority of energy consumers remain disengaged from the market²⁹. The Consumer Council continues to promote the benefits of switching suppliers to all consumers across Northern Ireland.
- 5.39 This year, we have seen an increase in energy suppliers offering novel incentives to encourage new customers³⁰; offers such as cash payments and shopping vouchers. We have also seen an increase in door step selling, which has a patchy history both in Northern Ireland³¹ and GB³² and we will be keeping a close eye to ensure that consumers do not suffer any detriment from the practice. Innovation can be a good way of attracting customers and increasing consumer awareness of competition. In 2018, The Consumer Council plans to look more closely at this area and will try to understand both the benefits and downside of this development for consumers.
- 5.40 In April 2017, UR removed the Power NI Price Control for small I&C customers who use up to 50 MWh per year. We opposed this move as we feel that this sector shares characteristics with domestic consumers and requires more consumer protection. In acknowledging this, the UR proposed a consultation on introducing consumer protection measures specifically for the small business market. We have now undertaken research and surveys to find out more about the experiences and needs of small businesses in the energy market in Northern Ireland. We used the findings as

²⁸ The comparison tool was launched in Q3 2016. From that time to Q1 2017 the number of visits to the comparison tool and the number of domestic customers switching electricity supplier rose each quarter. However, Q2 2017 saw a 42% reduction in visits to the comparison tool and in the switching figures which dropped from 4.5% to 3.6%.

²⁹ Consumer Council research March 2017: Only one in four consumers have switched in the past three years.

³⁰ All five electricity suppliers offer some form of consumer incentive.

³¹ Consultation on the Marketing Code of Practice, UR, February 2013.

³² <https://www.ofgem.gov.uk/investigations/investigations-and-enforcement-data>.

evidence in our response to UR consultation which was launched in October, and to develop information and advice for small businesses. A key objective for us in this area is the development of a small business energy price comparison tool which we are currently working on.

- 5.41 2017 saw three key network Price Controls determined by UR. Northern Ireland Electricity Networks (NIEN) RP6 Price Control came into effect on 1 October. The most significant outcome was a reduction in the rate of return on capital from 3.29% to 3.18%, which will save consumers £10.9m over the six-year period of the Price Control. The Consumer Council was part of the RP6 Consumer Engagement Advisory Panel (CEAP)³³ which commissioned consumer research and produced a report which informed the Price Control decision³⁴.
- 5.42 UR's Final Determination on the two other network Price Controls for Firmus Energy³⁵ and for SONI³⁶, were appealed by the companies to the CMA. The Consumer Council represented consumers at both these appeals.
- 5.43 Firmus Energy disputed over £13m of costs but the CMA decided that the £15 per year reduction on current tariffs that UR had provided for should be maintained. In the case of SONI, the CMA allowed an additional £5.4m from UR's determination to be recovered from consumers. This compares with the £14.7 million sought by SONI. This is to ensure that it is sufficiently financed and provides value for money for consumers in its role of the day to day management of the electricity transmission system.
- 5.44 The importance of the energy sector in an all-Ireland context was highlighted by the prominence it was given in October 2016 when the First Minister and Deputy First Minister wrote to the Prime Minister, Theresa May, regarding Brexit³⁷. In practical terms, the regulators in the north and south have continued to work together to have the new integrated single electricity market (I-SEM) in place by May 2018³⁸ and the North-South Interconnector³⁹ built as soon as possible. Both are regarded as essential to enhancing competition in the wholesale electricity market and improving security of supply for the whole of the island of Ireland⁴⁰.

³³ Comprised of NIE Networks, UR, DfE and The Consumer Council.

³⁴ www.consumercouncil.org.uk/filestore/documents/Empowering_Consumers_CEAP_report_FINAL.pdf.

³⁵ <https://www.gov.uk/cma-cases/energy-licence-modification-appeal-firmus-energy>.

³⁶ <https://www.gov.uk/cma-cases/energy-licence-modification-appeal-soni>.

³⁷ <https://www.executiveoffice-ni.gov.uk/sites/default/files/publications/execoffice/Letter%20to%20PM%20from%20FM%20%26%20dFM.pdf>

³⁸ <http://www.sem-o.com/ISEM/General/I-SEM%20Level%20%20Plan.pdf>.

³⁹ <http://www.soni.ltd.uk/TransmissionProjects/Tyrone-CavanInterconnector/>.

⁴⁰ <https://www.uregni.gov.uk/news-centre/forward-work-programme-fwp-201718-published>.

- 5.45 The extension of the natural gas network continued in 2017 with SGN Natural Gas (SGN) connecting the first business and domestic customers to its Strabane pipeline whilst PNG extended its network into East Down. SGN will extend its network west in 2018 as it heads towards Enniskillen and Derrylin. Firmus Energy continues to make natural gas available to new properties in the Ten Towns licence area, and it completed an extension of its gas network to Armagh and Markethill. The Consumer Council has worked with gas network operators to promote natural gas in these areas.
- 5.46 The current suspension of the NI Assembly has meant that the anticipated review of the Strategic Energy Framework, the new Fuel Poverty Strategy, the development of DfE's new 'Energywise' scheme to encourage energy efficiency and a decision on whether to participate in the UK 'Contract for Differences' renewable support scheme have not progressed. These are all issues that consumers have an interest in, therefore we will continue to represent consumers at the DfE's strategic Electricity Stakeholders Group.
- 5.47 Meanwhile, new developments are emerging which could cause fundamental changes to the way energy is produced and consumed. Battery electricity storage is developing quickly, particularly with the plant at AES Kilroot, smart meters are being installed to all homes in GB and the UK Government announced the end of fossil fuel vehicles by 2040, with the clear alternative being electric vehicles. The Consumer Council has been involved in these developments by representing consumers on the University of Ulster SPIRE 2⁴¹ and DEESS⁴² projects that pilot domestic electricity storage.
- 5.48 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. The Consumer Council has also worked with the Northern Ireland Oil Federation (NIOF) to develop its Customer Charter. This sets out minimum standards of service for consumers who buy oil from an NIOF member. A number of consumers continue to use coal, and The Consumer Council works in conjunction with the newly formed Northern Ireland Coal Trade Association (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.
- 5.49 Throughout the year, The Consumer Council has worked with UR, the energy industry and other stakeholders on a number of energy issues and has represented consumers

⁴¹ <https://www.ulster.ac.uk/spire2/the-project>.

⁴² The Collaborative Network for Domestic Electrical Energy Storage Systems.

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, CEAP, Energy Theft Working Group, Gas Market Opening Group and Gas Suppliers Forum. We also represent consumers on stakeholders groups such as the Home Energy Conservation Authority, Energy Justice Campaign, and the Fuel Poverty Coalition Steering Group.

- 5.50 During 2016-17, in our statutory role to investigate consumer energy complaints, The Consumer Council received a total of 1,285 enquiries and complaints from consumers about a range of energy issues on electricity, natural gas, coal, oil and LPG⁴³. 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 £32,000 was returned to consumers for energy complaints.
- 5.51 In 2018-19, 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

- 5.52 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 Bodies⁴⁴ with a responsibility for postal services. To facilitate and ensure close working with all Advocacy Bodies, a Memorandum of Understanding is being drafted and agreed by all organisations and we continue to work closely with our colleagues in consumer advocacy bodies in GB.

⁴³ <http://www.consumercouncil.org.uk/publications/enquiries-and-complaints-report-2016-17/>.

⁴⁴ Citizens Advice and Citizens Advice Scotland.

Parcel Surcharging

- 5.53 The rapid growth in online shopping over recent years has led to an increase in parcel deliveries to fulfil those orders. Forecasters⁴⁵ predict that Northern Ireland is set to see a 25% increase in parcel deliveries generated through online orders by 2018. However, the presence and continued practice of delivery surcharging can exclude some potential online shoppers from this increasingly important market, in particular consumers in Northern Ireland⁴⁶. Parcel delivery surcharging and restrictions applied by online retailers to deliveries in Northern Ireland, Highlands and Islands in Scotland and other remote areas is a longstanding issue which has been the focus of several initiatives since 2011⁴⁷.
- 5.54 Consumers in Northern Ireland face an inconsistent⁴⁸ approach to parcel delivery prices when ordering from online retailers. In some instances, retailers that sell the same items can apply differing delivery surcharges, whilst others offer free or standard UK delivery. Research⁴⁹ undertaken in 2015 by The Consumer Council showed that 33% of all online retailers place a delivery restriction on deliveries to Northern Ireland. Half (50%) of online retailers offer the same price for delivery for both Northern Ireland and GB consumers. Those who charge a differential price tend to do so at substantial extra cost.
- 5.55 Work undertaken by Ofcom, the Postal Regulator, and published in its 2015-16 Annual Postal Monitoring Report⁵⁰ concluded that prices charged by parcel operators to bulk customers (i.e. retailers) do vary by location in most cases. However, as it outlined this work did not clarify to what extent these surcharges are passed on to consumers.
- 5.56 The Consumer Council is working with the UK Consumer Protection Partnership, where the delivery surcharge issue has become a priority project. Concerns have been raised about the level and fairness of delivery surcharging. This work and further lobbying on the issue will continue by The Consumer Council into 2018-19.

⁴⁵ <https://www.home.barclays/content/dam/barclayspublic/docs/BarclaysNews/2014/September/the-last-mile-report.pdf>.

⁴⁶ <http://www.consumercouncil.org.uk/publications/the-online-parcel-premium/>.

⁴⁷ <https://www.gov.uk/government/publications/parcel-deliveries-best-practice-guide>
<https://www.businesscompanion.info/sites/default/files/Consumer-contracts-distance-sales-Online-delivery-leaflet-July-2016.pdf>.

⁴⁸ [Ibid 45.](#)

⁴⁹ [Ibid 45.](#)

⁵⁰ https://www.ofcom.org.uk/data/assets/pdf_file/0029/94961/2015-16-Annual-Report.pdf.

Consumer Empowerment

5.57 The parcel market is highly competitive. In its 2017 Results⁵¹ Royal Mail forecast 4% volume growth in the parcels market over the medium term, driven by growth in e-commerce. The consumer-originated (C2X) parcel segment of this market (e.g. consumer to consumer, returns and marketplace fulfilments) is estimated to be a particular area of future growth⁵². The price of sending a 1kg small or medium parcel fell by approximately 1-2%, between 2016 and 2017⁵³. The reduction in cost reflects the level of competition in the parcels sector; postal users can choose from a range of operators for the delivery of parcels in the UK, and to a lesser but not insignificant extent, Northern Ireland. However, most consumers and small business here do not shop around when it comes to securing the best deals for their postal services⁵⁴. To improve the competitiveness of the parcel market to and from Northern Ireland, The Consumer Council will be working on empowerment tools for all consumers and businesses. This will help consumers and businesses save money and help develop the parcel industry further in Northern Ireland.

Brexit

5.58 The Postal Services Directive⁵⁵ 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). However, 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.

Post Office Network

5.59 Between 2010 and 2018, the UK Government will have invested £2 Billion in the Post Office network. This investment was in the Network Transformation Programme which allowed Post Office Limited to modernise and maintain its network at the current size with an additional 200,000 opening hours a week and nearly 4,000 branches open on Sundays. The Programme aims to reduce the burden on the tax payer going forward, as less subsidy will be required for the Post Office network.

⁵¹www.royalmailgroup.com/sites/default/files/Royal%20Mail%20Full%20Year%202016-17%20Results%20Presentation.pdf.

⁵²https://www.ofcom.org.uk/data/assets/pdf_file/0020/13934/uk_6.pdf.

⁵³https://www.ofcom.org.uk/data/assets/pdf_file/0022/105439/uk-post.pdf.

⁵⁴ Vulnerable Consumer Report, The Consumer Council, Forthcoming.

⁵⁵https://ec.europa.eu/growth/sectors/postal-services/legislation_en.

- 5.60 The existing UK Government subsidy for the Post Office ends in March 2018, which means there is uncertainty about unprofitable areas of the network. The 2015 Conservative Manifesto⁵⁶ committed the party to secure the future of 3,000 rural Post Offices - around 80 post offices in Northern Ireland.
- 5.61 The Post Office is required by the UK Government to guarantee that 95% of the rural population must be within three miles of a branch. With around a total of 480 post office branches in NI, The Consumer Council has a role in continuing to monitor the number and location of post offices in the province.

Postal Complaints

- 5.62 The postal complaints landscape is complex, and it is difficult to quantify the volume and extent of complaint volumes in the wider postal industry. This is due in part to the change in the way consumers use and purchase postal products (using less letter post and increasing deliveries from online purchases), and the methods they choose to complain through (e.g. through feedback or social media sites). This can make the monitoring of this area difficult and even open to potential consumer detriment. Some regulated operators such as Royal Mail have to declare complaint volumes, however, other non-regulated parcel operators including 'pick-up and drop off' networks do not. Additionally, the contractual relationship between consumers, retailers and operators can create added obscurity and difficulty for the consumer to know where best to turn when making a successful postal complaint.
- 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. In 2016-17, we received a total of 45 contacts relating to Postal Services⁵⁷. Mail delivery was the primary postal issue raised by consumers and included concerns such as damaged or lost mail. As a result of our work, £1,000 was returned to consumers for postal complaints during 2016-17.

Transport

- 5.64 In 2016, Translink published its 'Get on Board' strategy⁵⁸ which sets Translink's vision '*To be your first choice for travel in Northern Ireland*'. In addition to this ambition, the DfI delivery plan for Indicators 23 and 25 of the dPFG outlines the work DfI intends to undertake in support of the dPFG's Outcome 13 "*We connect people and opportunities*

⁵⁶ <https://www.conservatives.com/manifesto2015> (Page 21).

⁵⁷ Ibid 42.

⁵⁸ [Translink "Get on Board" Strategy - 2016.](#)

through our infrastructure.” The focus within both these key documents is to improve public transport services for passengers and increase passenger journeys. During 2018-19, The Consumer Council will continue to actively support these actions and we will work with DfI and Translink to deliver public transport services with the needs of passengers at the core.

- 5.65 A number of airlines cancelled flights to and from Northern Ireland during 2017-18. The widespread disruption caused by Ryanair’s decision⁵⁹ to cancel a large number of flights demonstrated the importance of having an effective passenger protection system in place. Despite the development of ADR processes and the fact that EU air passenger rights have been in place for over a decade, passengers continue to require support, assistance and in some cases, direct intervention, to receive the redress they are legally entitled to when flights are delayed and cancelled. The full impact of Brexit on air and sea passenger rights continues to be unknown and there continue to be challenges that uniquely impact on Northern Ireland consumers such as Air Passenger Duty and connectivity to key hubs. We will continue to provide support to passengers impacted by delays and disruption, and represent the interests of Northern Ireland passengers on key consultations in relation to air and sea travel.
- 5.66 In 2017-18, The Consumer Council worked with Translink and Stena Line⁶⁰ to conduct access audits with a group of passengers with a disability or reduced mobility. We provided feedback to service providers on the special assistance provided and we will continue this work with passengers and specialist interest groups to promote services, improve facilities and to make passengers aware of their rights when travelling with a disability or reduced mobility.
- 5.67 In December 2017, our work on access audits was recognised in the World Health Organisation 2017 Belfast Healthy Cities Awards⁶¹. The Consumer Council was shortlisted and received a “highly commended award” in the Healthy Places category in recognition of our work to make transport services and facilities more accessible for Northern Ireland consumers.
- 5.68 In our role as complaints handling body for transport in Northern Ireland, The Consumer Council received a total of 437 transport related enquiries and complaints during 2016-17⁶². These contacts included issues with regard to planes, trains, buses and ferry travel. Air travel accounted for the largest proportion of transport contacts

⁵⁹ In September 2017, Ryanair began cancelling thousands of flights which impacted on NI consumers seeking to fly from Belfast to Gatwick.

⁶⁰ Reports are currently being drafted and will be available on The Consumer Council website in 2018.

⁶¹ www.belfasthealthycities.com/sites/default/files/Belfast%20Healthy%20Cities%20Awards%202017%20Categories.pdf.

⁶² Ibid 42.

with the main issue for consumers being delays and cancellations. Bus passengers contacted us in relation to poor customer service and issues regarding services, facilities and fares while rail passengers were mostly concerned with customer service. Issues about fares was the most common concern for ferry passengers. As a result of our work, over £68,000 was returned to consumers for transport complaints.

- 5.69 During the year, The Consumer Council continued to represent the interests of consumers on a number of key transport forums. These included the Airport Users' Forums at each of the three Northern Ireland airports, the Translink Passenger Charter monitoring group and the Taxi Stakeholder Forum, as well as a wide range of other stakeholder groups and engagements across industry, government, and the community and voluntary sector. Our role in these forums is to report on the views and experiences of consumers, provide input into legislative and policy changes, and consider developments that will improve the provision of transport services for Northern Ireland consumers.

Water and Sewerage

- 5.70 The Consumer Council's aim in water is to ensure water and sewerage services in Northern Ireland are fair, affordable and sustainable.
- 5.71 NI Water continues to deliver against its six-year business plan (PC15 covering 2015-2021), meeting most of its KPIs and becoming more efficient⁶³. The Consumer Council supports a fully funded PC15 Final Determination 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. However, we also recognise the reality of the public expenditure pressures facing all public bodies including NI Water.
- 5.72 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 services⁶⁴. Consumers have strong views that these are the basics that should be provided⁶⁵. Any regression in service and quality levels would be unacceptable to consumers⁶⁶.

⁶³ NI Water Annual Report and Accounts 2016/17.

<https://www.niwater.com/sitefiles/resources/pdf/annualreport/annualreportaccounts2016.17.pdf>.

⁶⁴ '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/>.

⁶⁵ Ibid 63.

⁶⁶ Ibid 63.

- 5.73 The dPFG notes the need to invest and fund NI Water to deliver against PC15 improvements. Our research⁶⁷ 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.
- 5.74 Consumers have the right to clean drinking water and sanitation services⁶⁸. Knowing how satisfied consumers are with these services, and why, is crucial to improving the service. Our and NI Water's research⁶⁹ during 2017 shows consumers increasingly trust NI Water and have high levels of 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. These measures will give us more information about how NI Water is performing and where improvements are needed. We continue to monitor their introduction. Formal targets will be set for PC21 but we are already seeing improved consumer focused changes in company behaviour.
- 5.75 The Consumer Council's work with NI Water on how it prevents and then deals with complaints continued to deliver improvements. Our two recent assessments of NI Water's telephone complaint handling showed where improvements could be made, and we are working with NI Water on the implementation of recommendations⁷⁰. We and NI Water have implemented all 21 recommendations from the joint review of our complaint handling processes meaning consumers benefit from a speedier service while we continue to deliver high levels of satisfaction.
- 5.76 Our 2016 review of NI Water's Customer Care Register for consumers in vulnerable circumstances placed us in a good position to respond to UR's review of NI Water's Register and NIE Network's Critical Care Register. Our work on improving the Registers⁷¹ is based on views gathered from specialist representative groups including advice, community, charity and voluntary organisations and their clients/service users. We will continue to push for improvements with the two network companies and work closely with UR in 2018/19 as the review expands to encompass gas network and energy supply companies.

⁶⁷ Ibid 63.

⁶⁸ United Nations Resolution 64/292. 28 July 2010.

⁶⁹ The Consumer Council's biannual consumer tracking research and NI Water's internal research.

⁷⁰ Each assessment scores ten telephone calls made to NI Water by consumers. Calls are classified as 'good', 'satisfactory' or 'needing improvement'. 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.

⁷¹ <http://www.consumercouncil.org.uk/publications/consumer-council-response-to-the-utility-regulators-care-register-review-co/>.

- 5.77 Charges for businesses increased in 2018/19. We are monitoring the new retrospective billing policy⁷² introduced in April 2017 reducing how far NI Water back bills from six years to 18 months.
- 5.78 In 2016/17, we provided our free water bill health checks and introductory water efficiency advice to 65 businesses. Through these efforts and our water complaints role we returned over £172k to businesses in 2016/17 and £1.2m in the last three years (2014-17). We continued to promote our Water Champions Award to recognise organisations that have taken steps to become more water efficient, with 25 awarded in 2016/17 including sole traders, small retailers, licensed premises and hotels, and large international manufacturers and traders.
- 5.79 In 2016-17, The Consumer Council received a total of 312 enquiries and complaints from consumers about water and sewerage services⁷³. Issues about non-domestic billing remains the most common type of water complaint including inaccurate bills, disputed liability and retrospective billing.
- 5.80 We work with different water stakeholders through a number of groups to ensure the consumer's voice is heard as performance is reviewed, plans are made, and decisions are taken. These include: The Water Stakeholder 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. 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.

Illegal Money Lending

- 5.81 In 2013, the Centre for Economic Empowerment undertook research⁷⁴ 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;

⁷² NI Water's 2017/18 Scheme of Charges, paragraph 9.21.

⁷³ Ibid 42.

⁷⁴ Expensive Lending in Northern Ireland: A Discussion Paper, Centre for Economic Empowerment, 2013.

- b. accessibility to affordable credit;
 - c. education; and
 - d. enforcement.
- 5.82 The Consumer Council is looking to work with HM Treasury in 2018 to develop a project that will undertake a consumer-focused analysis of the illegal lending market in Northern Ireland.
- 5.83 In doing so we aim to develop a partnership with the major Northern Ireland banks and building societies, along with 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.
- 5.84 In addition, we aim to build on the success of The Consumer Council's Affordable Credit Pilot in Derry/Londonderry⁷⁵ 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.

Corporate

- 5.85 In 2016/17, 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.
- 5.86 In June 2017, The Consumer Council achieved the industry-renowned 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. In presenting the standard, Paul Hindley, CSE Assessor, commented that:

"the overall impression was of an excellent organisation that has used the Standard to introduce new policies such as those relating to Benchmarking and Complaints. Customer comments were extremely positive especially regarding the assistance given to those who were disadvantaged. Several customers stated to the assessor that they felt that a weight

⁷⁵www.consumercouncil.org.uk/filestore/documents/Credible_Credit_An_Interim_Report_on_the_Financial_Capability_and_Affordable_Credit_Pilot.pdf.

had been lifted off their shoulders following the friendly and very professional assistance received from the staff.”

- 5.87 The Consumer Council was a finalist in the Family Friendly Employer Awards 2017. These awards, organised by Employers For Childcare, are to recognise employers who provide and actively promote family friendly working policies. The Consumer Council was shortlisted in the public-sector category with the likes of Belfast City Council, Belfast Trust, and Queen’s University Belfast.
- 5.88 During the year staff from The Consumer Council have looked to give back to the community by raising money for Bryson Charitable Trust Christmas Appeal, Save the Children Christmas Jumper Day, NEA’s Fuel Poverty Awareness Day, Inspire Mental Health Day, World Kindness Day and by volunteering for Business in the Community’s Silver Surfer days.

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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. A paper copy can be obtained by contacting:

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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:

- Our 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 2018/19

- To develop advice and educational partnerships with, for example, elected representatives, regional councils etc.;
- To develop educational tools for 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 transport passenger information and awareness on passenger rights (with a specific focus on passengers who are disabled or have reduced mobility) and how to make a complaint;
- To develop tools to enable consumers to become aware of parcel access points;
- To increase consumers' understanding of their energy and water bills, and the measures that can be taken to reduce costs;
- To educate consumers on responsible consumer lending; and
- To provide small businesses with information about their own consumer rights.

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.

Objective 2: To Represent Consumers

The Consumer Council's Strategic Priorities

2. To express and defend consumers' opinions;
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 2018/19

- 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, in particular vulnerable consumers, decision and policy-makers around general consumer policy and in the sectorial areas of energy, postal services, transport and water;
- To undertake access audits in airports 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 examine the standard of customer service offered by broadband and telecom providers in Northern Ireland;
- To hold a Consumer Parliament; and
- To advocate for better consumer representation and protection in relation to private car parking.

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 and government;
- 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;
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 2018/19

- To work with UR on its Consumer Protection Strategy to deliver improvements to Utility Companies' Registers of consumers in vulnerable circumstances;
- To evaluate (in partnership with Citizens Advice (England and Wales) and Citizens Advice Scotland) the complaint handling processes in place for postal services and whether this meets the current need;
- To research door-step energy selling in Northern Ireland and identify the consumer benefit and/or detriment;
- To produce a report on how individual energy supply and network companies fulfil their licence obligations regarding: Customer Information; Complaints Handling Procedures; Vulnerable Consumers; Prepayment Meters; and The Effective Use of Energy;
- To investigate the impact and value of the Postal Universal Service Provision for NI consumers and businesses;
- 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, including the development of on-line complaint tools.

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 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.

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;
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 2018/19:

- To undertake a Consumer Insight Survey to highlight emerging consumer issues, with particular focus on vulnerable consumers;
- To publish a monthly index of essential goods to inform consumers of price movements, and monitor fluctuations and trends;
- To identify differences in the NI consumer landscape in relation to GB and ROI; and
- To develop future consumer insight reports with a specific focus on energy, postal services, transport and water.

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 2018/19:

- To adopt Ombudsman Services best practice principles for complaint handling;
- To undertake customer journey mapping and automated telephone surveys to continue our Customer Service Excellence accreditation;
- To develop policies and procedures in line with ISO Standards; and
- To implement GDPR compliant procedures.

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 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 Complaints⁷⁶

- 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;

⁷⁶ 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 Licences⁷⁷

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

⁷⁷Electricity Supply Licence Holders are (as at December 2017): 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;
- 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 Licence⁷⁸

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.

⁷⁸Electricity Generation Licences are held by (as at December 2017): 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 Licence⁷⁹

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 Supply⁸⁰

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 Licences⁸¹

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

⁷⁹Electricity Storage Generation Licences are held by (as at December 2017): 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.

⁸⁰Electricity Storage Supply Licences are held by (as at December 2017): 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.

⁸¹Gas Supply Licences are held by (as at December 2017): 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;
- 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 Licences⁸²

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

⁸²Gas Distribution Licences are held by (as at December 2017): 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 Licence⁸³

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.

⁸³Gas Transmission Licences are held by (as at December 2017): 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 Licence⁸⁴

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**:

⁸⁴Gas Storage Licences are held by (as at December 2017): 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.
- 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

- 190) 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

- 191) 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

192) The Consumer Council is the designated body for the purposes of Article 15(2)⁸⁵ in respect of a complaint made under the EC Regulation (No. 1107/2006)⁸⁶ 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.

193) 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.

194) 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

195) 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

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

Consumer Council

197) 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).

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

⁸⁵ 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.

⁸⁶ <http://eur-lex.europa.eu/legal-content/en/TXT/?uri=CELEX:32006R1107>

199) 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.

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

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

Co-operation between DfI and The Consumer Council

202) 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.

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

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

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

206) 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

207) 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 1177/2010⁸⁷) 2014

208) With support from the Department for Transport, all the voluntary complaint handling bodies⁸⁸ 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.

209) 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.

210) 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.

211) 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.

212) 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

⁸⁷ 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.

⁸⁸ 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

213) 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

214) 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

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

216) 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

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

Financial penalties

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

The General Consumer Council: preliminary

219) 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.

220) 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.

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

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

223) 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

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

225) 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.

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

227) 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

228) 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

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

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

230) 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

231) 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

232) 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

233) 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

234) 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).

235) 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

236) 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.

237) 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

238) 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.

239) 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.

240) 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.

241) 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.

242) 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

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

244) 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

245) 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.

246) 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

247) 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

248) 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

249) 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.

250) 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.

251) 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

252) 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.

253) 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

254) 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

255) 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

256) 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.

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

258) 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.

259) 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.

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

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

262) 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

263) 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.”

264) 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.

265) 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

266) 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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