



The Consumer Council's draft Forward Work Programme for the final year of our Corporate Strategy 2016-2021

(Including the combined business cases for our statutory functions in Energy, Transport, Postal Services, and Water and Sewerage).



CUSTOMER SERVICE EXCELLENCE



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. This 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)."*
- 1.2 This draft FWP lists the activities that we propose to undertake during 2020-2021 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.
- 1.3 We would be grateful if we could receive comments by 31 January 2020 at the latest to Eóin McShane (eoin.mcshane@consumercouncil.org.uk).
- 1.4 We intend to hold a meeting during the consultation period, on 17 January 2020, at our offices. This will provide an opportunity to discuss the draft FWP. Please let us know by 10 January 2020 if you wish to attend.
- 1.5 A paper copy of the draft FWP can be obtained from:
- Eóin McShane
The Consumer Council for Northern Ireland
Floor 3, Seatem House
28-32 Alfred Street
Belfast
BT2 8EN
- E-mail: eoin.mcshane@consumercouncil.org.uk
Telephone: 028 9025 1650
Textphone: 028 9025 1600
- 1.6 We will review the consultation responses received, and subject to final approval by the Department for the Economy (DfE), we will publish a final FWP by 31 March 2020. Responses to this consultation may be made public by us, however, if you do not wish your response or name to be made public, please state this clearly by marking the response as confidential and outlining the reasons as to why your response should be treated as confidential.

2. Who We Are

2.1 The Consumer Council is a non-departmental public body (NDPB). We were established through the General Consumer Council (Northern Ireland) Order 1984 (The Order)¹. The Order sets out that our principal statutory duty is to promote and safeguard the interests of consumers in Northern Ireland.

2.2 In addition, The Order also sets out that The Consumer Council has a duty to:

- Consider any² complaint made to it relating to consumer affairs and, where it appears to The Consumer Council to be appropriate having regard to any other remedy which may be available to the complainant, investigate the complaint and take such further action in relation thereto as The Consumer Council may determine;
- Carry out, or assist in the carrying out of, inquiries and research into matters relating to consumer affairs;
- Promote discussion of, and the dissemination of information relating to, consumer affairs; and
- Report to a Northern Ireland department on any matter relating to consumer affairs which is referred to The Consumer Council by that department.

2.3 In addition to The Order, The Consumer Council also has further specific statutory duties in relation to energy³, postal services⁴, transport⁵, water and sewerage⁶, food and financial services. In the areas of energy, postal services, transport, and water and sewerage we have additional statutory responsibilities to have particular regard to consumers:

- Who are disabled or chronically sick;
- Of pensionable age;
- With low incomes; or
- Who reside in rural areas.

¹A detailed overview of The Consumer Council's statutory and regulatory duties and powers are contained within Appendix 1 of this document.

²In 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.

³General Consumer Council Order (Northern Ireland) 1984; Electricity Order (Northern Ireland) 1992; The Gas Order (Northern Ireland) 1996; Energy Order 2003; Energy Act (Northern Ireland) 2011; The Gas and Electricity (Internal Markets) Regulations (Northern Ireland) 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 Northern Ireland, including the functions of the Coal Ombudsman.

⁴Postal 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.

⁵Transport (Northern Ireland) Act 1967; The Road Transport (Qualification of Operators) Regulations (Northern Ireland) 1977, General Consumer Council Order (Northern Ireland) 1984; The Airports (Northern Ireland) 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.

⁶The Water and Sewerage Services (Northern Ireland) Order 2006 and NI Water's Regulatory Licence.

- 2.4 Further to this, The Consumer Council is a designated body under both the Rural Needs Act 2016 and Section 75 of the Northern Ireland Act 1998. This gives The Consumer Council a responsibility to have due regard for rural needs and promote equality of opportunity and good relations across a range of equality categories.
- 2.5 In addition, The Consumer Council is a designated consumer body under the Enterprise Act 2002 and the Financial Services and Markets Act Order 2013. Under both these acts, The Consumer Council can, if it believes a market in the UK is, or appears to be, significantly harming the interests of consumers, raise a super-complaint to the following UK and Northern Ireland regulators:
- Civil Aviation Authority (CAA);
 - Financial Conduct Authority (FCA);
 - Payment Systems Regulator (PSR);
 - Office of Rail and Road (ORR);
 - The Competition and Markets Authority (CMA);
 - The Office of Communications (Ofcom);
 - The Office of Gas and Electricity Markets (Ofgem);
 - The Utility Regulator (UR); and
 - Water Services Regulation Authority (Ofwat).
- 2.6 Once a super-complaint has been lodged with one of these regulators, they are required to investigate the issue and publish a response within 90 days.



Above: The Consumer Council team at our Consumer Parliament in Belfast, March 2019.

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

- 2.8 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 45-55 staff⁸. The Consumer Council's core funding (£1.2m) is provided through DfE. Our role in relation to specific markets is funded by:
- Energy (£392k) – a levy on energy companies (administered through DfE);
 - Water (£322k) – a levy on NI Water (administered through the Department for Infrastructure (DfI));
 - Postal Services (£302k) – A levy on postal operators (administered through the Department for Business, Energy and Industrial Strategy (BEIS)); and
 - Illegal Money Lending (£532k) – A levy on payday lenders (administered through HM Treasury).
- 2.9 Our achievements over the Corporate Plan 2016-2021 (figures as at end of March 2019) to date:
- Public awareness of The Consumer Council has increased by 43%;
 - Stage 2 complaints have increased by 374%;
 - Hits to The Consumer Council website have increased by 107%;
 - Just under 450 outreach events undertaken across Northern Ireland, with over 15,600 attendees;
 - Returned £708k back to consumers in Northern Ireland;
 - Increased social media followers and e-zine recipients by 84%;
 - Secured authorisation from the FCA⁹ to act as a credit broker; and
 - Achieved the following external accreditations:
 - Customer Service Excellence¹⁰;
 - JAM Card¹¹;
 - Investors in People (6th Generation) – Silver¹²;
 - Every Customer Counts¹³;
 - Disability Confident Employer¹⁴;
 - Diversity Charter Mark - Bronze¹⁵; and
 - Cycle Friendly Employer - Bronze¹⁶.

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/>

⁹ Firm Reference Number 913082

¹⁰<https://www.customerserviceexcellence.uk.com/>

¹¹<https://jamcard.org/>

¹²<https://www.investorsinpeople.com/>

¹³<https://www.equalityni.org/everycustomercounts>

¹⁴<https://www.gov.uk/government/collections/disability-confident-campaign>

¹⁵<https://diversity-mark-ni.co.uk/>

¹⁶<https://www.cyclinguk.org/cyclefriendlyemployer>



Above: Jenny Redman, Paula McCann and Scott McClenaghan from The Consumer Council promoting the Jam Card Initiative in November 2019.

- We have had the following successes in the following awards:
 - CIPFA Northern Ireland Public Finance Team of the Year 2018 and 2019;
 - UK Complaints Handling Awards 2019:
 - Pro-Active Complaint Handling – Silver (against organisations such as United Utilities plc and HSBC UK plc);
 - Complaints Management Processes – Bronze (against organisations such as Vitality Health and HSBC UK plc);
 - Best Complaints Handling Team of the Year – Finalists (against organisations such as Hutchinson/Three Telecoms plc, United Utilities plc and Leicestershire County Council).
 - Bus and Train Week – Public Sector Organisation 2018, and small employer 2019 (third place);
 - Shortlisted for:
 - Employers for Childcare Award - 2017, 2018, and 2019;
 - Go Awards - Public Procurement Awards - 2018;
 - Ulster University Excellence Awards - Placement Employer (Highly Commended) - 2018; and
 - Belfast Healthy Cities Awards - Healthy Places (Transport Access Audits) (Highly Commended) - 2017.

- Invited to be members of:
 - The Department for Culture, Media and Sport's (DCMS) Ministerial Advisory Group on Broadband and Telecoms;
 - BEIS Ministerial Communications Group on EU Exit;
 - BEIS Consumer Protection Partnership, which includes leading a UK-wide project on air travel;
 - The Property Ombudsman's Consumer Panel;
 - FCA's Consumer Partnerships Group and Debt and Credit Forum;
 - Financial Ombudsman Service's Consumer Liaison Group;

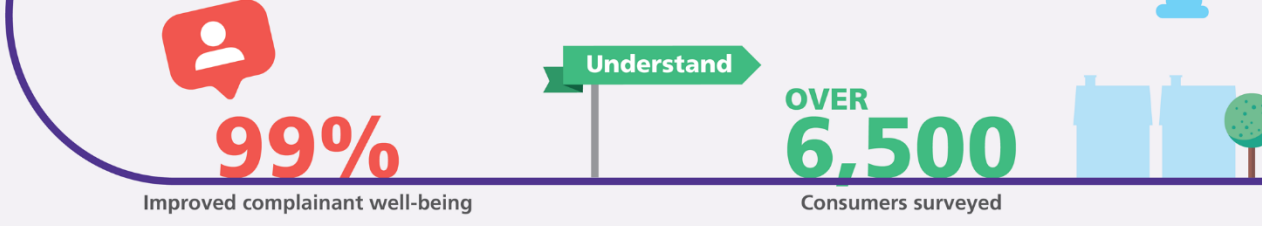
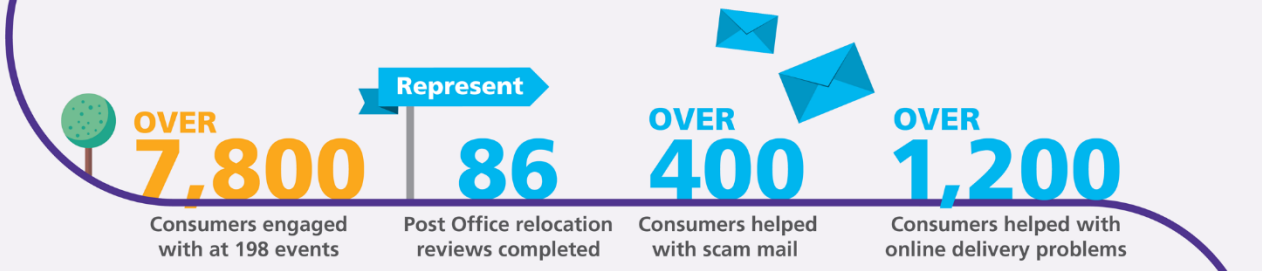
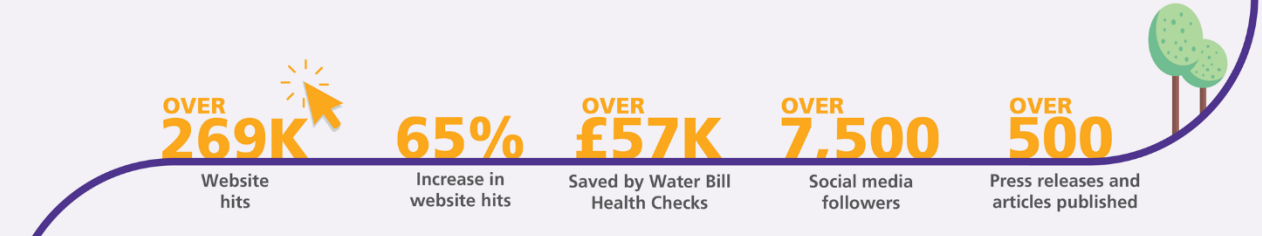
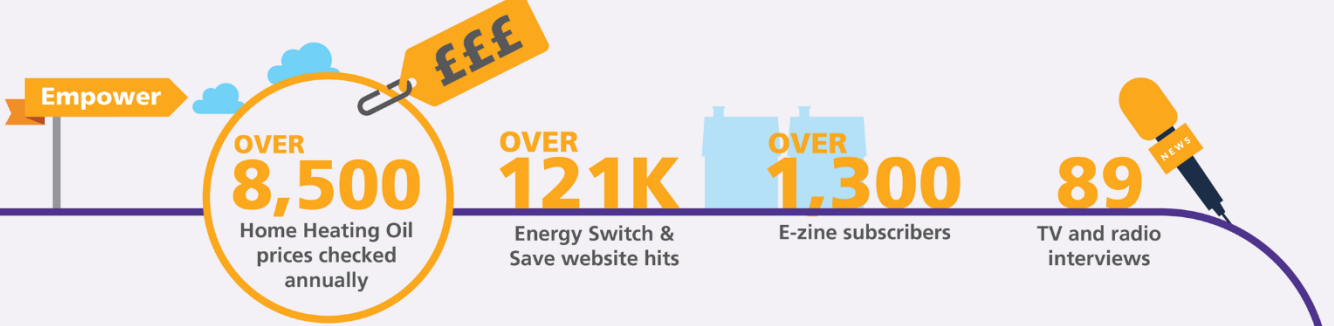
- LINK's Consumer Council;
- UK Finance's Consumer Panel; and
- Chair of UR's working group on vulnerability.



Above: Mark Crawford, Noleen Charnley and Laurie Brown from The Consumer Council at the UK Complaint Handling Awards 2019.

YEAR AT A GLANCE

SOME HIGHLIGHTS



Empower



Trained Translink's customer service staff



Launch of Consumer Champion Badge with Boys' Brigade Belfast



Produced consumer advice videos for housing association tenants



Represent



Energy Theft awareness campaign launched



New Stop Loan Sharks NI team set up & website launched



Accessibility Forums set up with all 3 airports



Access audit on Glider



CSE Accredited

Governance



Success at UK Complaint Handling Awards

Protect



Launched partnership with Resolver to cover more consumer issues



Just a minute

JAM Organisation



IIP Silver Award



CIPFA Public Finance Team of the Year



The Consumer Council responded really quickly. I felt like I had someone on my side who was fighting my corner.



We had almost given up trying to get compensation. We had sent dozens of emails but got no response. We contacted The Consumer Council and within two weeks we had received the money.



The staff were courteous, helpful and made everything easy to understand. The outcome was positive and taught me matters concerning my consumer rights that I wasn't aware of.



The Consumer Council made everything stress free, they were so helpful and nothing was too much trouble.

3. What We Do

3.1 In undertaking its statutory role, The Consumer Council adopts an integrated model of consumer representation working across the areas of:

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

Consumer Insight

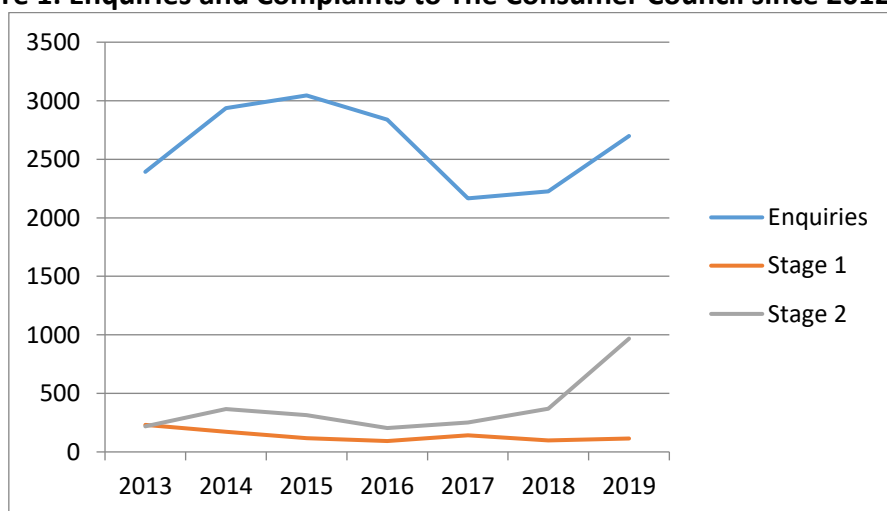
3.2 Consumer insight involves undertaking quantitative and qualitative (primary) research, desk-based (secondary) research, the collation of reliable and robust data, and rigorous analysis to understand and communicate current and future consumer issues in Northern Ireland. This insight is used to inform,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

Consumer Redress

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

3.4 During 2018-19, The Consumer Council helped a total of 4,995 (3,968 in 2017-18) consumers. In this period, we investigated 3,782 (2,694 in 2017-18) enquiries and complaints and assisted 1,213 (1,346 in 2017-18) consumers by providing general advice and signposting them to other organisations. Through the investigation of these complaints, we returned £212,848 (£141,083 in 2017-18) to consumers.

Figure 1: Enquiries and Complaints to The Consumer Council since 2012/13





The Consumer Council Standards of Service Annual Report: 2018 - 2019

We recognise that excellent customer service is integral to the delivery of high quality public services and we are committed to meeting the needs of customers in a professional manner. You can expect the following standards when you contact us:

All targets are 100% unless otherwise stated.

Calling in Person:



If you have an appointment we aim to meet you within 5 minutes of your appointment time.



If you call in person and do not have an appointment a member of staff will meet you within 15 minutes.



Staff:



We will treat our customers fairly.



Our staff will act with professionalism.



Our staff will be polite and friendly.



Telephone:



We aim to answer 85% of calls to our freephone 0800 121 6022 number between 9am & 5pm within 20 seconds.



We will answer voicemails left to our freephone number between 9am and 4pm within 3 hours, or the next working day if left outside office hours.



Our Service:



If your enquiry or complaint is about an issue we do not cover we will give you the contact details of the organisation that can help.



We will respond to all correspondence within 3 working days.



We will keep you updated on the progress of your complaint.



We will provide you with a copy of the response from service providers within 5 working days.



Feedback & Complaints:



We will acknowledge all formal complaints within 3 days.



We will aim to provide a formal response to a complaint within 10 working days.



3 complaints received this year.

Our Net Promoter Score:

NPS score



Key:

Within 10% of set target



Within 15% of set target



Target not met



- 3.5 To ensure we deliver a quality service we constantly measure customer satisfaction and the net promoter score in relation to our service.

Figure 2: Consumer Satisfaction with The Consumer Council’s complaint handling process

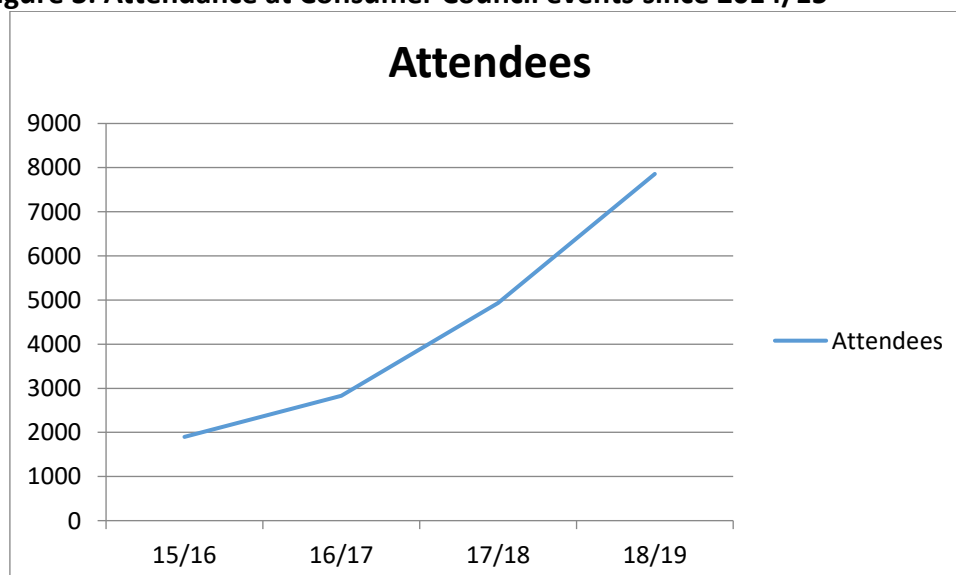
	2016-17	2017-18	2018-19
Net Promoter Score (NPS)	84	94	95
Customer Satisfaction	99.0%	99.6%	99.2%
Amount returned to Consumers	£279k	£141k	£212k

- 3.6 In addition, we have looked to externally validate our complaints process through accreditation with the Customer Service Excellence Award (17 “Compliance Plus” (12 in 2018), 40 “Compliance” (45 in 2018), and no “Partials”). In addition, in December 2018, The Consumer Council was named as a finalist in three categories of the UK Complaints Handling Awards 2019. The Awards recognise and reward outstanding achievement in complaint handling. In March 2019, The Consumer Council was successful in being awarded silver in the Pro-active Complaints Handling category and bronze in the Complaints Management Process B2C category.

Consumer Empowerment

- 3.7 For consumers to be empowered it is essential that they have information about their rights and can understand how to use this to prevent or resolve problems in buying goods and services. Confident consumers who feel empowered to make good choices serve to increase consumer trust in business and public services. Similarly, empowered consumers help to drive competition by shopping around and demanding more of businesses. In turn, businesses must work harder to win and retain custom by offering higher standards of customer care, better products, innovation, and reducing costs. This leads to increased productivity and drives economic growth.

Figure 3: Attendance at Consumer Council events since 2014/15



- 3.8 During 2018/19, The Consumer Council attended 72 exhibitions (53 in 2017-18) and information events throughout Northern Ireland and delivered 112 presentations (56 in 2017-18), engaging directly with over 7,731 consumers (4,827 in 2017-18). As part of this work, we undertook our third Consumer Parliament in Belfast in March 2019, and attended the Balmoral Show and 50+ Expo.



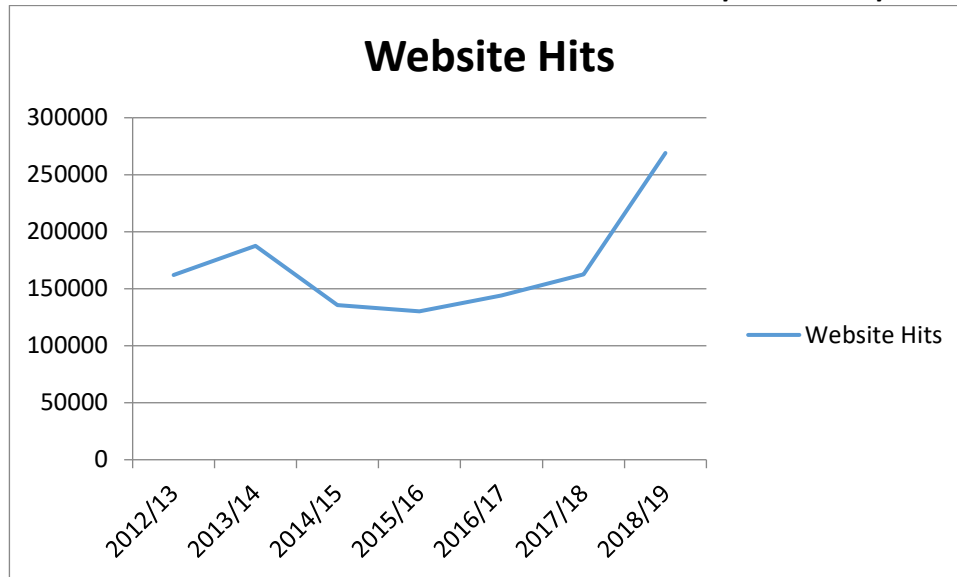
Above: Ronan Convery (Senior Consumer Empowerment Officer) launching, with Triangle Housing and Mid and East Antrim Borough Council, a five part video series on energy efficiency for consumers in supported living.

- 3.9 In addition to our usual outreach work, during this year, The Consumer Council has worked with Triangle Housing and Mid and East Antrim Council to produce five videos on energy efficiency, how to read your meter, what to do if your electricity goes off, how to make an energy complaint and information on customer care and critical care registers. These videos are available on The Consumer Council's website¹⁷. We have also worked with students studying animation at Northern Regional College (NRC) to produce an animation video on the role and function of The Consumer Council. We continue to work with the uniformed organisations through the ScamwiseNI partnership by developing resources to raise awareness of scams among young consumers and for them to pass their new knowledge to their family, friends and wider community. We have engaged with over 890 students studying at four Ulster University campuses and 11 regional colleges throughout Northern Ireland to inform students about their consumer rights, how to manage their household bills, and how to budget. We also disseminated our Student Guide to students during these outreach activities.

¹⁷ <https://www.consumerCouncil.org.uk/energyvideos>

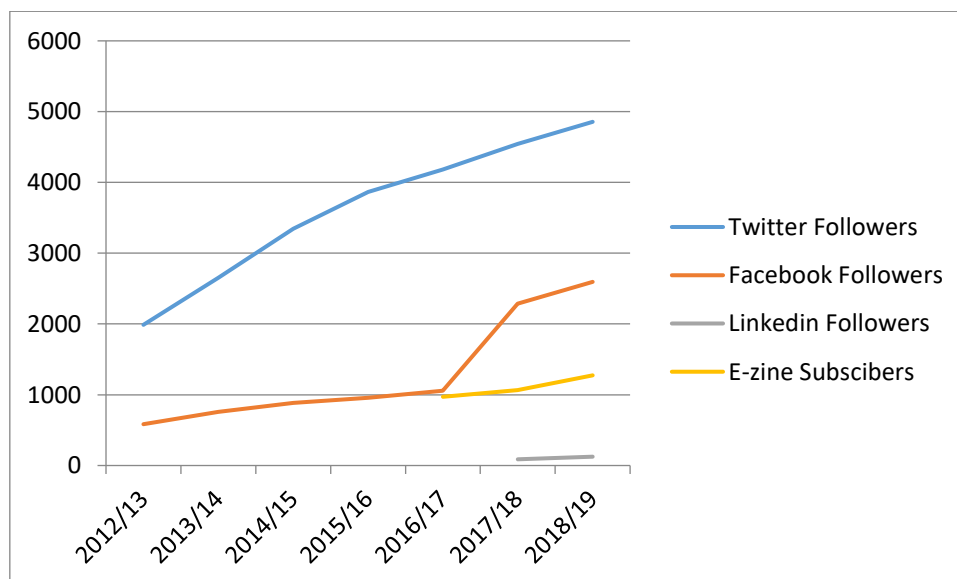
3.10 In 2018-19, there were 269,050 hits (151,232 in 2017-18) to The Consumer Council website, an increase of 78% year-on-year. To further improve the accessibility of our website resources, we have added ReciteMe software that assists our website users with sight impairment, reading difficulties, and people for whom English is not a first language.

Figure 4: Website Hits to The Consumer Council’s website 2012/13 to 2018/19



3.11 In addition, during 2018-19, The Consumer Council had 2,595 Facebook followers (2,289 in 2017-18), and 4,856 Twitter followers (4,543 in 2017-18).

Figure 5: Social Media Followers from 2012/13



- 3.12 The Consumer Council produces a monthly e-newsletter which, as of September 2019, had 1,891 subscribers (1,007 in September 2018). The e-newsletter helps to promote new Consumer Council resources, information campaigns and topical issues affecting Northern Ireland consumers.

Our Mission and Values

Our Corporate Plan 2016-2021 sets out the following mission and values for the work of The Consumer Council:

Our Mission:

- 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;
- 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

- 3.13 The Consumer Council like many consumer and regulatory organisations (such as; The Consumer Council for Water, The Institute for Chartered Accountants in England and Wales, CAA, Citizens Advice Scotland, Scottish Legal Complaints, Legal Services Consumer Panel, Consumer Finance, Healthwatch) uses a set of eight principles to help assess where the consumer interest lies, and then to develop and communicate our policies.

3.14 The eight principles are included in Figure 6 below.

Figure 6: Consumer Principles



3.15 The eight principles were adopted by the United Nations in the 1970s in its Guidelines for Consumer Protection as “eight consumer rights”. In April 2013, the United Nations Conference on Trade and Development (UNCTAD) stated that, “the Guidelines remain a valid and relevant document for consumer protection policy and have inspired a significant number of national consumer protection laws”.

3.16 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.

4 The Context for this Forward Work Programme

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

Programme for Government

4.2 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 Northern Ireland 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. 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.



Above: Mick McAteer (Deputy Chair of The Consumer Council) at the launch of the Scamwise Champion education scheme in September 2019. The scheme was a joint partnership with the PSNI and the uniformed youth organisations.

Key external developments during 2019-20

EU Exit

- 4.3 In June 2016, the UK electorate voted to leave the European Union. Currently, the UK Government plans to incorporate existing consumer rights into UK law without reference to the EU, to maintain the status quo. Unfortunately, at the time of writing, it is still not possible to assess the full impact of Brexit on Northern Ireland consumers without clarity on the UK's future relationship with the EU.
- 4.4 During 2019-20, The Consumer Council has worked to highlight the specific needs of consumers in Northern Ireland to UK Ministers, Select Committees, Government Departments and Regulators. As part of this work, The Consumer Council is active within BEIS's Consumer Protection Partnership (CPP) and its EU Exit Ministerial Communication Group to try and ensure Northern Ireland consumers are protected throughout the EU Exit process, and that the interests of Northern Ireland consumers are considered in the development of cross border issues such as:
- Cost of living and impact on costs (value of Sterling (£) against the Euro (€));
 - Cross-border trade;
 - Standing of enforcement agencies, consumer bodies and regulators in relation to breaches of consumer law regarding cross-border purchases of goods and services;
 - Communications (including mobile roaming charges);
 - Integrated Single Electricity Market (I-SEM);
 - Insurance (car and travel);
 - Food affordability;
 - Home Heating Oil;
 - Cross border public transport arrangements (train and bus);
 - Air travel to and from Northern Ireland; and
 - Cross border postal issues.
- 4.5 Given the potential for significant consumer impacts as a result of EU Exit, The Consumer Council has since May 2019 had two EU Exit dedicated staff members (on secondment from DfE) to monitor impacts, advocate on behalf of consumers and carry out consumer insight.

Northern Ireland Economy

- 4.6 Danske Bank predicts that consumer spending is projected to pick up throughout the year, boosted by rising wages and a moderation of inflationary pressures. But Brexit-related uncertainty is likely to continue to drag on business investment and the slower pace of global economic growth is expected to weigh on exports, forecasting that the Northern Ireland economy will grow by 1.0% in 2019 and 1.3% in 2020.¹⁸
- 4.7 Whilst analysts believe growth in Northern Ireland will be subdued, consumers in Northern Ireland have a role in supporting that growth. A 2015 HM Treasury report¹⁹

¹⁸ <https://danskebank.co.uk/business/economic-analysis/quarterly-sectoral-forecasts/northern-ireland-quarterly-sectoral-forecasts-2019-q2>

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

highlighted that confident, informed consumers are essential to growing the economy, boosting business competitiveness, and reducing consumer detriment. The importance the UK Government places on active consumers and strong consumer protection is recognised within the Industrial Strategy (2017)²⁰ and the Consumer Green Paper (2018)²¹ which look to address the areas where markets are not working for consumers and businesses.



Above: Paul Michael (Mayor of Antrim and Newtownabbey) with Ms Noyona Chundur (Board Member) and John French (Chief Executive) at the launch of a new Boys Brigade 'Consumer Champion' badge with 7th Newtownabbey in April 2019.

Energy

- 4.8 In 2019-2020, electricity consumers in Northern Ireland unfortunately experienced price increases despite falls in wholesale energy prices. Power NI, Electric Ireland and SSE Airtricity increased their domestic tariffs by 6.1%, 8% and 6.9% respectively from 1 October 2019. Click Energy increased its domestic tariffs on the same date by 5.87% and introduced a standing charge. Click is the second supplier to introduce a standing charge after Budget Energy in 2018.
- 4.9 Natural Gas consumers in the Firmus Energy licence area (Ten Towns) benefited from an 8.77% price decrease on 1 October 2019. SSE Airtricity, the incumbent supplier in the Phoenix Natural Gas (PNG) licence area (Greater Belfast), kept its domestic prices unchanged with Firmus Energy decreasing prices in Greater Belfast by 8.77% on 8 October 2019. Prices in the SGN licence area (Gas to the West) remained unchanged.

²⁰ Industrial Strategy: Building a Britain fit for the future, HM Government, November 2017.

²¹<https://www.gov.uk/government/consultations/consumer-green-paper-modernising-consumer-markets>



Above: John French (Chief Executive) presenting at National Energy Action's Fuel Poverty Conference in Sheffield in September 2019.

- 4.10 The Consumer Council Electricity and Natural Gas Online Price Comparison Tool for Small Businesses went live on 6 September 2019. We also produced a Switch On energy guide for small businesses to empower small non-domestic consumers in the area of energy. The guide is available on our website and we will distribute 1,500 copies in partnership with the Federation of Small Businesses, and as part of our outreach and water champions work.
- 4.11 The domestic energy online price comparison tool received 36,175 visits between 1 April and 30 September 2019. The electricity and natural gas price comparison tables were downloaded 13,592 times. Domestic electricity supplier switching figures have stabilised at just over 3% per quarter (equating to 12.8% Q3 2018 – Q2 2019).
- 4.12 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.



Above: Paulino Garcia (Head of Energy) discussing energy prices with UTV in August 2019.

4.13 The Consumer Council has worked with UR, the energy industry and other stakeholders on a number of energy issues and has represented consumers on numerous working groups. This includes energy industry groups such as the Electricity Stakeholders’ Group, Central Design Authority, Electricity Retail Interface Group, Electricity Suppliers’ Forum, NIE Networks Consumer Engagement Advisory Panel, Energy Theft Working Group, Gas Market Opening Group, Gas Suppliers’ Forum and the natural gas networks Consumer Engagement Group. We also represent consumers on stakeholders’ groups such as the Home Energy Conservation Authority, SPIRE and Girona battery storage groups, Energy Savings Week organising group and the Fuel Poverty Coalition Steering Group.

4.14 During 2018/19, in our statutory role to investigate consumer energy complaints, The Consumer Council received a total of 1,376 enquiries and complaints from consumers about electricity, natural gas, coal, oil and LPG. Issues for electricity consumers included billing, metering and problems with supply, and poor customer service represented 85% of the 1,176 energy contacts. 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 £30k was returned to consumers for energy complaints between 1 April 2018 and 31 March 2019.

Figure 7: Energy Enquiries and Complaints to The Consumer Council since 2016/17

		2016/17	2017/18	2018/19
Complaints and Enquiries		1,285	1,038	1,376
Returned to consumers		£32k	£11k	£32k

- 4.15 In 2020-21, The Consumer Council will continue to press the energy industry and UR to ensure that competition in all elements of the energy market delivers for consumers, and will contribute to the planning and delivery of a renewed, forward looking energy strategy for Northern Ireland.

Postal Services

- 4.16 Postal Services are a reserved issue for the UK Government at Westminster. The Consumer Council works in partnership with the other UK Consumer Advocacy bodies to promote and safeguard the needs of Northern Ireland consumers.
- 4.17 Over the last year, The Consumer Council published the first in a series of reports by the Consumer Advocacy Bodies on postal complaints. The report²² provides a review of complaint handling in the postal market and makes a series of recommendations for how the market can be improved. The Consumer Council has led the UK Consumer Advocacy Bodies in producing joint guides for the postal operator industry. The guides provide a tool kit for operators to implement good practice in their handling of postal complaints.
- 4.18 In 2017, our Border Post report²³, showed that almost two in five consumers in Northern Ireland placed orders for goods outside the UK during 2017-2018. With the UK's withdrawal from the EU, international postal services from Northern Ireland could see some significant changes, especially in relation to the border with the Republic of Ireland. During the year we have been highlighting the finding of our research to raise discussions with industry and government locally and at UK level, to minimise the impact and detriment on Northern Ireland consumers.
- 4.19 In June 2019, The Consumer Council published its Packaged Deal report²⁴ which found that four in 10 UK online retailers apply an additional delivery surcharge for consumers living in Northern Ireland. This can cost on average an additional £6.72. The Consumer Council continues to work in partnership with the CMA and Citizens Advice Scotland through BEIS's Consumer Protection Partnership (CPP) to find a better deal for consumers in Northern Ireland.

²²<https://www.consumercouncil.org.uk/policy-research/publications/stamp-out-complaints>

²³https://www.consumercouncil.org.uk/sites/default/files/original/Border_Post.pdf

²⁴https://www.consumercouncil.org.uk/sites/default/files/2019-06/Package_Deal_Report.pdf



Above: In October 2019, The Consumer Council organised a visit for Kelly Tolhurst MP (Minister for Small Business, Consumers and Corporate Responsibility), and Gavin Robinson MP to see the Royal Mail's sorting office at Mallusk.

4.20 During the year, The Consumer Council completed its research²⁵ looking into how Northern Ireland consumers use the universal postal service. There is much discussion at an international level around the need for change on postal regulation to reflect the ongoing technological, economic and social developments that will continue to change how we use postal services in the future. This research has been with policy makers such as Ofcom, the European Commission and industry to ensure the needs of Northern Ireland consumers remain at the heart of any future universal postal service.



Above: Michael Legg (Senior Policy Officer – Postal Services) being interviewed outside the Royal Mail offices in Tomb Street, Belfast, by BBC Radio Ulster and BBC Radio Foyle on parcel costs.

²⁵ Report to be published on website (January 2020)

- 4.21 In 2019, we also launched a postal access web tool²⁶ which allows consumers to save money by shopping around for parcel services. This tool will help to promote parcel competition in Northern Ireland, which will lead to better customer services and lower prices.

Figure 8: Postal Service Enquiries/Complaints²⁷/Post Office Relocation Consultations to The Consumer Council since 2016/17

	2016/17	2017/18	2018/19
Complaints and Enquiries	45	39	43
Returned to consumers	£1,020	£1,091	£57
Post Office Relocations	19	5	3
Post Office Relocation Public Consultations reviewed	961	63	127

Transport

- 4.22 The Consumer Council focus is to improve public transport services for passengers and increase passenger journeys. During 2020-21, in our role as the statutory passenger representative, The Consumer Council will continue to support DfI and Translink in the development and delivery of public transport services that meet the needs of passengers, based on what passengers have told us are the things that matter to them.

²⁶<https://www.consumercouncil.org.uk/parcelpal-ni>

²⁷ Under 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, The Consumer Council provides an "extra help" complaints service to consumers that may be considered vulnerable.



Above: Richard Williams (Head of Transport) at Translink’s launch of route enhancements to its Metro service, which were designed to simplify the network and make it more accessible.

4.23 Since the start of our current Corporate Plan 2016-2021, The Consumer Council has supported over 1,750 enquiries and complaints from passengers in Northern Ireland, and returned £235,000 back to consumers.

Figure 9: Transport Enquiries and Complaints to The Consumer Council since 2016/17

		2016/17	2017/18	2018/19
Complaints and Enquiries		437	655	667
Returned to consumers		£69k	£79k	£87k

4.24 The Consumer Council has looked to support passengers when services are delayed or cancelled. Throughout 2019, consumers have endured strikes by Ryanair and British Airways cabin crew, Thomas Cook closing for business and reductions to the air routes available from our Northern Ireland airports by Ryanair, Flybe and Aer Lingus.

4.25 In June 2019, the CAA UK Aviation Consumer Survey²⁸ revealed that overall satisfaction of recent air passengers has declined over the last three years. It found the proportion of people satisfied with their most recent flying experience has decreased from 90% in June 2016 to 81% in June 2019. The report highlighted that recent plane travellers from Northern Ireland are the least content at 67%.

²⁸ CAA UK Aviation Consumer Survey (June 2019)
https://publicapps.caa.co.uk/docs/33/CAP1831%20ComRes_CAA_UKACR_Wave%207_full%20report_v2.pdf

- 4.26 Also in June 2019, The Consumer Council responded to the UK Department for Transport (DfT) consultation 'Aviation 2050', which will lead to a UK aviation strategy for the next 30 years. Our response focused on the need to ensure passengers were adequately protected, the need to ensure the unique reliance within the UK of Northern Ireland on air connectivity is recognised and catered for, and the need to continue to improve services for passengers with restricted mobility.
- 4.27 Northern Ireland's reliance on air connectivity was highlighted with the collapse of Flybmi in February 2019 which had operated the publicly subsidised Public Service Obligation (PSO) route between City of Derry Airport and London Stansted. Loganair, temporarily took over the operation of the route and following a competitive tender process the airline was awarded the PSO contract between the City of Derry Airport and London Southend which became operational in October 2019.



Above: Richard Williams (Head of Transport) and Linda McAuley (BBC – On Your Behalf) speaking about passenger rights following flight cancellations and strikes.

- 4.28 Also in June 2019, The Consumer Council presented at the CAA's Annual Accessibility Conference in London. This was an opportunity to highlight at a UK level the positive partnership work being carried out by the three Northern Ireland airports and The Consumer Council to help shape the delivery of special assistance services. It was encouraging therefore, to see that George Best Belfast City Airport was rated as 'very good' and Belfast International Airport was rated as 'good' in the CAA's annual report on airport accessibility²⁹.
- 4.29 During the year The Consumer Council has continued to work with transport providers and stakeholders to improve accessibility for passengers who have a disability or reduced mobility. For the first time, the transport team joined IMTAC to look at accessibility provision on board the Rathlin Island Ferry. We are working with DfI and IMTAC to develop a passenger charter for passengers using this service.

²⁹ CAA Report on Airport Accessibility 2018/19, <https://publicapps.caa.co.uk/docs/33/CAP1821.pdf>



Above: Investigating accessibility provision on the Rathlin Island Ferry, along with Dfi, IMTAC, Disability Action NI, Age Sector Platform and Guide Dogs NI.

- 4.30 Uncertainty around Brexit continued to be a major concern for transport consumers during the year. As some clarity emerged in relation to European Health Insurance Cards and driver insurance, further concern arose over arrangements for people to cross the Irish border with domestic animals, including assistance dogs. The Consumer Council will continue to assess the impact on consumers’ travel needs and provide information to passengers on their rights.
- 4.31 The Consumer Council continued to represent the interests of consumers on several key transport forums. These forums enable The Consumer Council to report on the views and experiences of consumers with a view to improving the provision of transport services for Northern Ireland consumers. During the year, Consumer Council staff sat on Translink’s Passenger Charter monitoring group, the Glider Stakeholder Forum, the Airport Users’ Forums at each of the three Northern Ireland airports, the All-Party Disability Group, as well as a wide range of other stakeholder groups and engagements across industry, government, and the community and voluntary sector. Working in partnership across these forums is essential to achieve improved services for all consumers.
- 4.32 The last two years have seen an increase in the use of private car parking in Northern Ireland. Typically, the types of car parks that issue Parking Charge Notices are found at shopping centres, airports, railway stations, supermarkets, fast food restaurants and out of town retail outlets. In England and Wales, under the Protection of Freedoms Act (PoFA) 2012, the registered keeper is liable for any private parking charges the vehicle may incur. However, the law is different in Northern Ireland and Scotland whereby it is the driver of the car, not the registered keeper who is liable. As there was no complaints body to support Northern Ireland consumers through this process, The Consumer Council decided in 2017, through the statutory powers

within The Order to consider these complaints. Figure 10 shows the complaints and the money returned to Northern Ireland consumers over these two years.

Figure 10: Private Car Parking Enquiries and Complaints since 2017/2018

	2017/18	2018/19
Consumer Complaints	75	646
Returned to Consumers	£6k	£62k

Water and Sewerage

- 4.33 The Consumer Council continues to work to ensure water and sewerage services in Northern Ireland are fair, affordable and sustainable. Consumers’ fundamental day to day expectations from NI Water are a constant supply of good quality drinking water, wastewater services that remove waste, treat it and return it clean to the environment and high-quality customer services. Consumers have strong views that these are the basics that should be provided³⁰, and any regression in service and quality levels would not be acceptable.
- 4.34 Our research³¹ shows that consumers understand the need to adequately fund NI Water for health, protection of the environment and to support new housing and economic development. The Consumer Council supports a fully funded PC15 (NI Water’s current six year plan) 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 2015-2021³². However, we also recognise the reality of the public expenditure pressures facing all public bodies, including NI Water.
- 4.35 The UR’s PC15 mid-term review published in 2018 showed that NI Water is delivering well against its PC15 targets and continues to become more efficient³³, and NI Water’s 2018/19 Annual Report and Accounts³⁴ demonstrate another year of good performance. The Annual Report also notes the increasing pressure of public funding and these realities are shaping our considerations as we continue to work with stakeholders on the development of NI Water’s next business plan, PC21 covering 2021-2027. During 2019, we have worked closely with all water stakeholders to identify consumer priorities, and shape NI Water’s investment priorities and associated service levels. Key to this has been a programme of consumer engagement that will inform the development of NI Water’s plans. This work will continue throughout 2020.
- 4.36 Knowing how satisfied consumers are with services, and why, is crucial to improving the service. Our research³⁵ shows that consumers continue to trust NI Water and that there are high levels of consumer satisfaction with the services NI Water provides. Further to this, we have also been looking in more detail into what makes

³⁰ Connecting with Consumers: A report on consumers’ priorities for water and services March 2014.

³¹ Ibid

³² <https://www.infrastructure-ni.gov.uk/sites/default/files/publications/drd/final-social-and-environmental-guidance-%20for-water-and-sewerage-services-2015-2021.pdf>

³³ <https://www.uregni.gov.uk/pc15-mid-term-review>

³⁴ <https://www.niwater.com/annual-report/>

³⁵ The Consumer Council’s Bi-Annual Consumer Tracking Research and NI Water’s Internal Research.

consumers of NI Water's services satisfied or not. The findings of this work have been used to make improvements to NI Water's services and improved consumer focused changes in company behaviour.

- 4.37 The Consumer Council's work with NI Water on how it prevents and then deals with complaints continued to deliver improvements. Our recent assessments of NI Water's complaint handling showed where improvements could be made, and NI Water has implemented our recommendations. We regularly review practice and policy with NI Water. During 2019, our recommendations to review pipe size charging bands, charging policies for mixed use sites, unmeasured charges and trade effluent billing have all been accepted by NI Water.



Above: Graham Smith (Head of Water) meeting with representatives from the Consumer Council for Water and Citizens Advice Scotland on UN World Water Day in March 2019.

- 4.38 Our work looking at the support provided by utility companies for consumers in vulnerable circumstances continues. The Consumer Council chairs a consumer working group looking at both the implementation of UR's 10 proposals following its 2016 review of critical care registers, and the broader area of what services are provided and how these are delivered. Our work is based on views gathered from specialist representative groups including advice, community, charity and voluntary organisations and their clients/service users. The Consumer Council will continue to push for improvements as we work closely with utility companies and UR in 2020-21.
- 4.39 In 2018-19, The Consumer Council received a total of 177 (275 in 2017-18) enquiries and complaints from consumers about water and sewerage services. Issues about non-domestic billing, including inaccurate bills, disputed liability and retrospective billing, continue to be the most common cause of contact. There has been a drop in complaints about NI Water, most notably about non-domestic billing. This is due mainly to the introduction of a new NI Water retrospective billing policy called for by The Consumer Council, and, more generally, more consumer-focused behaviours and operations throughout the organisation.

- 4.40 Annually, we assess NI Water’s handling of telephone and written complaints and contacts. Our telephone 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 for improvement. A similar process is followed for our assessment of written complaints when 25 complaints are assessed.
- 4.41 In 2018-19, we provided our free water bill health checks and introductory water efficiency advice to 107³⁶ organisations (71 in 2017-18). Through these efforts and our water complaints role we returned nearly £92k (£41k in 2017-18) to businesses in Northern Ireland in 2018-19 and over £1.3m since 2014. During 2018, we also carried out water bill health checks in a pilot project with a local council which identified significant potential savings of £108k for the council. During 2019-20, The Consumer Council has been working with another local council and will continue to look to replicate similar projects with the other councils in Northern Ireland.

Figure 8: Water and Sewerage Enquiries/Complaints/Water Bill Health Checks to The Consumer Council since 2016/17

	2016/17	2017/18	2018/19
Complaints/Enquiries/Water Bill Health Checks	338	372	291
Returned to consumers	£173k	£56k	£92k



Above: Andrew Culbert (Water Policy Officer) offering free water bill health checks at NI Chamber of Commerce event at St. George’s Market in September 2019.

- 4.42 The Consumer Council works with different water stakeholders through several groups to ensure the consumer’s voice is heard as performance is reviewed, plans

³⁶ 62 business and 45 District Council accounts.

are made, and decisions are taken. These include The Water Stakeholders' Steering Group, The Output Review Group, and The Water Resource and Supply Resilience Group. We meet bilaterally with NI Water at Chair, CEO and Director Level to discuss strategic issues, and with Heads of Sections to look at specific work areas and improvements for consumers. We are a member of the Regional Community Resilience Group established to deliver community engagement and resilience across Northern Ireland, and we have recently joined the Regional Recovery Forum looking at the support provided to consumers when rebuilding, restoring and rehabilitating the community following an emergency. We meet regularly with the Consumer Council for Water and the Consumer Futures Unit of Citizens Advice Scotland to learn and share best practice across other jurisdictions.

Financial Services and Illegal Money Lending

- 4.43 The financial services market in Northern Ireland can be different to the rest of the UK, with different levels of access to services and different providers. Northern Ireland consumers are also different to their UK counterparts. Consumers here generally have lower levels of disposable income, lower levels of financial confidence and fewer people have savings. Taking these differences into account, The Consumer Council continues to highlight how proposed and existing interventions have the potential to impact on Northern Ireland consumers. During 2019/2020 we responded to consultations on behalf of Northern Ireland consumers on a wide range of financial issues including mortgages, pensions, access to cash, loyalty penalties and proposed debt remedies.
- 4.44 In addition to this, The Consumer Council was also involved in a number of key events during the year which will shape the provision of financial services to future generations of Northern Ireland consumers. We took part in the Money and Pensions Service listening events and called for a greater focus on Northern Ireland key performance measures. We took part in the FCA stakeholder events on vulnerable consumers and we also continued our call for the FCA to have a physical presence in Northern Ireland. In this regard, The Consumer Council hosted a secondee from the FCA. The benefit of this relationship has been to have a direct reporting link into the FCA to be able to highlight the unique needs of Northern Ireland consumers. Going forward, The Consumer Council will continue to promote the needs of Northern Ireland consumers to key decision makers.
- 4.45 The Consumer Council is a member of UK Finance's Consumer Advisory Group, which acts as a steering group to the financial services sector by identifying key consumer issues to UK Finance's Board³⁷ and the industry as a whole. In addition, The Consumer Council sits on LINK's³⁸ Consumer Council³⁹ and through this joint work LINK has installed and 'protected' 75 free to use ATMs across Northern Ireland⁴⁰. The Consumer Council is also a member of the FCA Consumer Network, Money and

³⁷UK Finance represents around 300 firms in the UK providing credit, banking and payments related services.

³⁸LINK is the UK's largest cash machine network.

³⁹The 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.

⁴⁰www.link.co.uk/media/1185/link-10-financial-inclusion-programme-website-flyer.pdf.

Pensions Service Northern Ireland Forum and the Financial Ombudsman Service Liaison Group.



Above: Scott Kennerley (Director of Financial Services) talking to the BBC on the cost of funeral services in Northern Ireland in September 2019.

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



Above: Colin Neely (Education and Communications Officer) and Ronan Convery (Senior Consumer Empowerment Officer) explain to Sue Gray (Permanent Secretary, Department of Finance), the work of The Consumer Council and the illegal money lending project.

- 4.47 During 2019-20, The Consumer Council worked with partners such as Advice NI, Christians Against Poverty and Ulster University to build our understanding of the issues relating to illegal money lending. Our research showed that younger people, those in low income households and those in social housing are more likely to be affected by these issues in comparison to the Northern Ireland population in general.
- 4.48 The Consumer Council responded to this evidence by developing education and outreach programmes to increase consumer awareness and resilience. During the year, The Consumer Council worked with the YMCA and two secondary schools in Belfast to develop education materials for young people. We also worked with the Northern Ireland Housing Executive to understand the needs of new tenants, and with the advice sector to understand the needs of those consumers in financial difficulty. We will continue this work to provide people with an awareness of responsible borrowing and where to go for help if in financial difficulty.



Above: Scott Kennerley (Director of Financial Services) and staff from the Progressive Building Society at the launch of Northern Ireland Saving Week in September 2019.

- 4.49 Another key area of work is Access to Credit. During the year The Consumer Council established the Responsible Lending Forum with representatives from housing organisations, the finance industry, credit unions and the advice sector. The role of the forum has been to increase awareness of alternative sources of affordable credit. Increasing awareness of free advice and affordable credit is key to reducing financial exclusion and the risk of using illegal lenders. Therefore, during 2019 The Consumer Council secured authorisation from The FCA⁴¹ to act as a credit broker. This will enable The Consumer Council to promote awareness of financial products and services that may be an alternative to high cost credit. This is an area of work that The Consumer Council will continue to prioritise.

⁴¹ Firm Reference Number 913082

Telecoms/Broadband

- 4.50 In Northern Ireland, as with the rest of the UK, telecoms, including broadband services, is seen by consumers as an essential service. The Consumer Council strongly believes that there is a need for a statutory consumer telecoms advocate and complaints body in Northern Ireland. In July 2019, following our work within DCMS's Ministerial Advisory Group on Broadband and Telecoms, DCMS launched a consultation which proposed that The Consumer Council is DCMS's preferred option to become the consumer advocacy and complaints body in Northern Ireland. We hope this proposal will develop further during 2020/21.
- 4.51 As part of this work, The Consumer Council has been working to understand the telecoms market and areas of consumer detriment in Northern Ireland, and highlighting to policy-makers and regulators where it differs to the GB market.



Above: Sheila McClelland (Chair) and John French (Chief Executive) at the launch of our Consumer Parliament in March 2019. Nearly 200 consumers attended the event which discussed the cost of living and the potential impact of EU Exit on consumers.

Corporate

- 4.52 For the fourth year, in 2018-19, the Consumer Council received an unqualified audit report from the Northern Ireland Audit Office, without modification or recommendations. During the year, we have looked to drive further efficiencies and cost savings across the organisation. The Consumer Council continues, where viable to move towards NICS Enterprise Shared Services.
- 4.53 From April 2017, The Consumer Council has been responsible for administering procurements of less than £30,000 via eTendersNI. This service was previously provided by CPD at a cost, but as no additional resources were employed to provide this service, cost savings as at September 2019 was approximately £78,000.

4.54 In May 2018, The Consumer Council updated policies and processes to ensure compliance with the new General Data Protection Regulation, and became a JAM Card friendly organisation when training was provided to all staff to ensure they can support people with learning difficulties and communication barriers.

4.55 In June 2019, The Consumer Council recertified against the Customer Service Excellence (CSE) Standard. The assessment included an in-depth examination of The Consumer Council's policies and practices, as well as discussions with its customers and staff. Following another successful assessment, The Consumer Council has now achieved 17 "Compliance Plus" (12 in 2018), 40 "Compliance" (45 in 2018), and no "Partials". In presenting the standard, Paul Hindley, CSE Assessor, commented that:

"The CEO and Board members are totally committed to growing The Consumer Council's role protecting consumers' rights and evidence of this can be found in numerous locations. The application was prepared by an excellent team, the members of which worked extremely hard to bring the application to the very high level that it currently is. The evidence was in all cases excellent, as were the justifications. This was an excellent assessment which showed the high degree of commitment by staff to the process. It was abundantly clear during the assessment that improvement in customer service was at the heart of everything that the staff undertake."

4.56 In August 2019, The Consumer Council was awarded the Bronze Diversity Charter Mark. The Charter demonstrates The Consumer Council's commitment to, and progress on, diversity, equality and inclusion. The Consumer Council can progress to the silver mark after holding the Bronze award for at least two years and with evidence of progress. This will involve continuation of the current three targets, or new gender diversity targets and two new wider diversity targets.

4.57 In October 2019, The Consumer Council became CIPFA NI Public Finance Team of the Year, for the second year in a row, which shows our ongoing commitment to good corporate governance. Also in October, The Consumer Council was short-listed as a finalist in the public sector category of Employers for Childcare's Family Friendly Employer Awards 2019. These awards recognise employers who provide and actively promote family friendly working policies.



Above: Paula McCann (Head of Finance) and Joanne Akkaya (Accounts Assistant) receiving the award for CIPFA NI Public Finance Team of the Year 2019.

5 Corporate Strategy 2016-2021

5.1 The Consumer Council's Corporate Plan for the period 2016-2021 provides the strategic direction for the organisation. It is based around five main objectives:

- 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

5.2 A copy of our 2016-2021 Corporate Plan can be found on our website at: <https://www.consumercouncil.org.uk/node/944>, or a paper copy can be obtained by contacting:

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6. List of business plan projects for 2020-2021

Objective 1: To Empower Consumers

The Consumer Council will encourage and assist consumers to develop the knowledge and skills necessary to make choices and to enable them to feel confident about taking independent action in pursuit of their rights.

No.	Project	Anticipated Outcome	Sectoral Area	Deadline
1.	To undertake consumer proficiency research to understand the levels of consumer knowledge and skills in Northern Ireland.	To undertake consumer proficiency research to understand the levels of consumer empowerment in Northern Ireland. This builds on previous research undertaken at the start of the current Corporate Planning period.	All	Quarter 4
2.	To develop agreed partnerships with councils in Northern Ireland to provide a joined up consumer information, advice and education service.	To further develop the regional presence of The Consumer Council across Northern Ireland.	All	Quarter 4
3.	To develop a consumer guide on Alternative Dispute Mechanisms in Northern Ireland.	To highlight the services of ADR providers in Northern Ireland.	All	Quarter 4
4.	To undertake social media campaigns around NI Savings Week, Be Ready NI, Get Online Week, National Customer Service Week, Gas Safety Week and Child Poverty Is Here.	To raise consumer awareness of consumer issues such as savings, online services, gas safety etc.	All	Throughout 2020/2021
5.	To develop a consumer education programme with The Cadets for Northern Ireland and Youth Work Alliance.	To continue the youth education programme already undertaken with Girl Guiding Ulster, Scouts, and the Boys Brigade.	All	Quarter 4
6.	To undertake our annual Consumer Parliament and regional Consumer Assemblies.	To understand consumer needs, and enable consumers across Northern Ireland to express their views to The Consumer Council and other stakeholders.	All	Quarter 4
7.	To develop consumer education programmes in partnership with the Probation Service and NIACRO.	To develop consumer education programmes with those leaving prison.	All	Throughout 2020/2021
8.	To develop and maintain energy information resources for domestic consumers and support the Consumer Empowerment Team to deliver The Consumer Council outreach objectives where they relate to energy.	An increase in the awareness, confidence and engagement of domestic consumers in the energy market.	Energy	Throughout 2020/2021
9.	To manage the online electricity and gas price comparison tools	Greater availability and transparency of electricity and	Energy	Throughout 2020/2021

	for domestic consumers and small businesses.	gas prices for domestic consumers, small businesses and not for profit organisations.		
10.	To develop and deliver a Switch and Save campaign for small businesses and not for profit organisations.	An increase in the awareness, confidence and engagement of small businesses and not for profit organisations in the energy market.	Energy	Throughout 2020/2021
11.	To promote energy efficiency messages with partner organisations such as Bryson Energy, NEA, EST, NIHE and HECA.	An increase in the awareness of energy efficiency measures amongst consumers and strengthened partnerships with key stakeholders.	Energy	Throughout 2020/2021
12.	To promote and develop in partnership with industry, UR, UKRN and PSNI the Energy Theft Awareness campaign.	An increase in consumer awareness around the dangers and costs of energy theft.	Energy	Throughout 2020/2021
13.	To work with Gas Distribution Network Operators to promote the extension and infill of the gas network.	Consumers in new Gas Distribution Network Areas have access to independent information and advice on the benefits of switching to natural gas.	Energy	Throughout 2020/2021
14.	To complete the development of a home heating oil online price checker and promote shopping around amongst home heating oil domestic consumers.	To develop a consumer tool that enables home heating oil consumers to find the best price.	Energy	Quarter 2
15.	To use the findings of the Community Switching Feasibility Study, to deliver one pilot project to facilitate collective switching to better value electricity tariffs.	Use the purchasing power of a group to get a better deal for its members.	Energy	Throughout 2020/2021
16.	To support DfE in its new energy strategy work in engaging with consumers and developing information resources (eg. electric cars, solar panels etc.).	To ensure an informed consumer voice is developed in relation to DfE's new energy strategy.	Energy	Quarters 1-3
17.	To develop educational programmes for consumer groups around responsible borrowing, the issues of illegal lending and sources of help when in financial difficulty.	To gain increased awareness of sources of responsible borrowing, the dangers of illegal lending and sources of help when in financial difficulty.	Illegal Money Lending/Financial Services	Throughout 2020/21
18.	To undertake passenger media and information activity, developing seasonal travel campaigns, and passenger rights (pre and post EU Exit).	To raise the awareness of consumers on their passenger rights and inform consumers of transport issues and provide consumer advice.	Transport	Throughout 2020/2021
19.	To create a passenger transport knowledge hub on The Consumer Council's website.	To provide an accessible information resource for consumers, media, policy makers	Transport	Quarter 3

		and academics on transport issues in Northern Ireland.		
20.	To review and report on Translink's, and the Northern Ireland Airports' websites.	To improve the experience of travellers using these websites.	Transport	Quarter 3
21.	To advertise the statutory role of The Consumer Council in relation to air travel at the three Northern Ireland Airports and elsewhere.	To raise awareness of the role of The Consumer Council in relation to its passenger complaints and access to transport role.	Transport	Quarter 1
22.	To develop consumer education materials about the "value of water".	Greater consumer understanding of the value of water.	Water	Quarter 2
23.	To undertake 80 water bill health checks and award water champions.	To help consumers save water and ensure businesses are correctly billed for their water usage.	Water	Throughout 2020/2021
24.	To empower postal consumers so that they can effectively complain, shop around for a better deal and avoid scam mail.	To ensure postal consumers in Northern Ireland know how to access the postal redress process, search for the best deal, and avoid being scammed.	Postal Services	Quarter 3

Objective 2: To Represent Consumers

The Consumer Council will speak out on behalf of consumers, and ensure their interests are articulated and defended. The Consumer Council will seek to ensure that public policies are developed with their potential effect on people as consumers in mind and that their contribution to consumer well-being is recognised as an important policy goal.

No.	Project	Anticipated Outcome	Sectoral Area	Deadline
1.	To advocate for and ensure Northern Ireland consumers' views and concerns are heard within the EU Exit discussions.	To work to ensure the views, concerns of consumers in Northern Ireland, and the differences between them and their GB counterparts are understood by policy-makers, regulators, and others.	All	Throughout 2020/2021
2.	To undertake a report on the impact of e-commerce/digitalization on consumers in Northern Ireland.	To understand the digital provision and levels of accessibility within Northern Ireland.	All	Quarter 4
3.	To benchmark the consumer performance of Northern Ireland companies (energy, transport, water, post, financial services etc.) against their GB and ROI counterparts.	To ensure consumers in Northern Ireland are receiving comparable or better treatment than their counterparts in GB and ROI.	All	Quarter 4
4.	To undertake a consumer insight survey.	An annual update of consumer trends and concerns.	All	Quarter 4
5.	To advocate on behalf of consumers, (with a focus on vulnerable consumers), decision and policy-makers, around general consumer policy, and in the sectorial areas of energy, financial services, postal services, transport, telecoms, and water.	To increase awareness of policy-makers and regulators to the specific needs of consumers, especially the most vulnerable in our society.	All	Throughout 2020/2021
6.	To respond appropriately to all relevant industry and government policy developments, consultations, and calls for evidence, reviewing industry Codes of Practice, maintaining statistics for policy documents and assisting with complaint resolution and other lobbying and advocacy activities on behalf of Northern Ireland consumers.	All relevant consultations and policy developments are addressed and consumer information is kept up to date, and the consumer voice is represented in these areas.	Energy	Throughout 2020/2021
7.	To represent Northern Ireland consumers in the Power NI, Firmus Energy and SSE Airtricity Gas regulated tariff reviews and in SONI's Price Control 2020-2025.	All relevant consultations and policy developments are addressed and consumer information is kept up to date, and the consumer voice is represented in these areas.	Energy	Throughout 2020/21

8.	<p>To monitor the development of and respond as required to key high level energy issues such as the EU Clean Energy Package, the use of Big Data and Brexit. Continue to represent consumers at a range of forums including:</p> <ul style="list-style-type: none"> • Fuel Poverty Coalition Steering Group; • Home Energy Conservation Authority; • Gas Market Opening Group/Gas Supplier Forum; • Electricity Retail Interface Group; • Energy Theft Working Group; • Manufacturing Energy Users Group; and • Northern Ireland Redefining Energy Vision Stakeholder Group. 	That the views of consumers in Northern Ireland are taken into account of when developing energy policy.	Energy	Throughout 2020/21
9.	To develop consumer evidence to contribute to the development of the new Fuel Poverty strategy and the policy and practical initiatives required to meet any targets contained therein.	The interest of Northern Ireland consumers is at the centre of the design and delivery of the new Fuel Poverty Strategy.	Energy	Throughout 2020/2021
10.	To work with Banks, Building Societies and Credit Unions in Northern Ireland to encourage the uptake of current accounts, savings, and responsible lending options.	Increased availability of responsible lending and banking products for Northern Ireland consumers	Illegal Money Lending/Financial Services	Throughout 2020/2021
11.	To chair the Responsible Lending Forum to promote awareness of alternative forms of affordable credit and free debt advice services.	To develop a collaborative approach to promoting awareness of sources of free debt advice and sources of responsible borrowing across industry and stakeholders.	Illegal Money Lending/Financial Services	Throughout 2020/2021
12.	To respond to: Translink's fare review and passenger monitoring survey, bus licence permit applications, transport consultations, and attend CHB, IMTAC, Accessibility Forums, Airport consultative forums, Translink bi-monthly, Taxi Group etc. In addition, The Consumer Council will work to represent	To ensure Northern Ireland consumers are represented in transport policy and operational forums.	Transport	Throughout 2020/2021

	Northern Ireland consumers in relation to Translink's ticketing project, Belfast Hub, Translink's accessibility project, and Translink's public service agreement.			
13.	To work to ensure passengers who use private bus and coach operators receive the same protection as public transport passengers. As part of this initiative we will offer free staff training.	To ensure consistency of passenger protection across bus and coach operation in Northern Ireland.	Transport	Quarter 3
14.	In partnership with DfI and DVA, promote the DVA taxi complaints role.	Raise the awareness of the DVA complaints process with taxi users.	Transport	Quarter 4
15.	To undertake a project to examine the mechanisms for airlines to automatically pay compensation for delays and cancellations.	To initiate a project and discussion with CAA and CPP on automatic compensation payments for airline consumers.	Transport	Quarter 4
16.	To review two of NI Water's policies providing recommendations for improvements. To assess and improve NI Water's complaint handling process.	To ensure ongoing improvement of consumer experience of NI Water services.	Water	Throughout 2020/2021
17.	To advocate for consumer focused performance commitments in PC21.	To ensure consumer priorities are set and met, with clear service commitments detailed in the PC21 Final Determination.	Water	Quarter 3
18.	To advocate for and ensure the voice of Northern Ireland postal consumers is heard at Brexit negotiations and to produce a report that outlines the impact of Brexit for Northern Ireland postal consumers.	To ensure NI postal consumers get a fair deal with any potential changes to the transportation of post to and from Northern Ireland.	Postal Services	Throughout 2020/2021

Objective 3: To Protect Consumers

The Consumer Council will act as an advocate for individuals with cause for complaint, and seek to change for the better the conditions under which public and private sector goods and services are provided to consumers in Northern Ireland.

No.	Project	Anticipated Outcome	Sectoral Area	Deadline
1.	To review a sample of complaints files with NIE Networks, electricity and gas suppliers, Translink and NI Water.	Improved complaint handling processes from companies that consumers can benefit from.	Energy, Transport, Water	Throughout 2020/2021
2.	To implement the recommendations of the 2019-2020 Consumer Protection and Vulnerable Energy Consumers Journey research working with industry, government and consumers.	Improved consumer experience of switching supplier, making a connection, dealing with supplier over debt, financial detriment, metering, making a complaint and energy efficiency.	Energy	Throughout 2020/2021
3.	To work with UR on its Consumer Protection Programme to deliver for Northern Ireland vulnerable consumers.	Joint work undertaken with UR on its Consumer Protection Programme.	Energy and Water	Throughout 2020/2021
4.	To undertake accessibility audits with the three Northern Ireland airports.	To improve the accessibility of airports for persons with a disability.	Transport	Throughout 2020/2021
5.	To clarify the process for “deadlocked” bus and rail complaints with DfI and Translink	To improve the complaints handling process for rail and bus users in Northern Ireland.	Transport	Quarter 3
6.	To develop a Northern Ireland Code of Practice and an agreed complaints process with private car parking companies.	To improve understanding and customer protection in relation to private car parking.	Transport	Quarter 1
7.	To work with the Regional Community Resilience Group to develop further support measures such as needs based resilience plans for households at risk of flood.	To improve household and individual resilience after a flooding incident.	Water	Throughout 2020/2021
8.	To undertake joint work with Citizens Advice (England and Wales, and Scotland) to review and suggest consumer-centric solutions for the UK parcel market.	To ensure the growing parcel market works for all UK consumers. The work will look at the underlying structure of the parcels market, the service standards within it, and parcel surcharging.	Postal Services	Quarter 4
9.	To explore how parcel operators’ practices are disadvantaging consumers in Northern Ireland.	To use our information gathering powers and by commissioning legal advice, we will examine the fairness of parcel operators’ terms, conditions and selling practices for single piece parcel products.	Postal Services	Quarter 4
10.	To monitor the number and location of post offices in	Through the use of GIS mapping and other tools, map the	Postal Services	Throughout 2020/2021

	Northern Ireland.	provision of post offices within Northern Ireland.		
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Objective 4: To Understand the Needs of Future Consumers and Sustainable Consumption

The Consumer Council will continue to work for a sustainable future for consumers in Northern Ireland. We are committed to promoting responsible consumerism and encouraging consumers to change their behaviour to benefit them today and tomorrow. Our aim is to ensure consumers are provided with information, choice and value for money whilst the negative environmental impacts of the production and consumption of goods and services are minimised.

No.	Project	Anticipated Outcome	Sectoral Area	Deadline
1.	To develop a Consumer Council Strategy for Future Consumers.	A greater understanding of the needs of future consumers in Northern Ireland.	All	Quarter 4
2.	Research how energy, financial services, food, transport, postal services and water suppliers are meeting the needs of an ageing and more vulnerable population.	A greater understanding of the needs of current and future vulnerable consumers.	All	Quarter 4
3.	Map and evaluate the experience of consumers who have purchased or installed renewable and low carbon equipment such as PVP, heat pumps, electric vehicles and other.	Consumer evidence that can help inform policy development and practical services.	Energy	Quarter 3
4.	Carry out research to explore the views, preferences and barriers of Northern Ireland consumers in respect of the energy transition.	Consumer evidence that can help inform policy development and practical interventions necessary to deliver the transition to zero carbon.	Energy	Quarter 2
5.	Review the findings of the Vulnerable Energy Consumer Journey research carried out in 2019/2020 and make recommendations for action. Implement the recommendations where possible.	Greater protection and improved services for Northern Ireland vulnerable energy consumers.	Energy	Quarter 2
6.	Research passengers' views on the cost of being offline, poverty, and the cash economy in relation to public transport.	Provide consumer input into the dPFG public transport policy debate.	Transport	Quarter 4
7.	Undertake survey/focus groups of users to gather their views and experiences of community transport in Northern Ireland.	Understand the issues and needs of passengers who use community transport.	Transport	Quarter 3

Objective 5: To Provide Value for Money and Good Governance

The Consumer Council is committed to providing overall value for money to taxpayers. We will manage our affairs efficiently and effectively, and in accordance with the requirements for corporate and public accountability.

No.	Project	Anticipated Outcome	Sectoral Area	Deadline
1.	To maximise our performance, impact and overall effectiveness and efficiency, both internally and externally via internal reviews and audits and implementations of agreed recommendations.	To receive an unqualified audit report from the Northern Ireland Audit Office, and implement any recommendations from internal audit.	All	Throughout 2020/2021
2.	To ensure the processes of The Consumer Council are compliant with the EFQM Excellence Model and ISO 31000 Risk Management.	To further improve the governance and the efficiency of the processes within The Consumer Council.	All	Quarter 4
3.	To achieve British Standard for Inclusive Service Provision (BS 18477: 2010) which sets guidelines to help organisations provide a fair, flexible service that can be used by all consumers equally, regardless of their health, age or personal circumstances.	To formalise the Consumer Council commitment to the use of fair, ethical and inclusive practices and accessibility to services for all; improve our ability to identify vulnerable consumers and enable us to show leadership to Northern Ireland service providers.	All	Quarter 4
4.	To recertify for the Customer Service Excellence accreditation.	To ensure ongoing improvements within the processes of The Consumer Council.	All	Quarter 2
5.	To develop a contract and project management database.	To ensure improved project and contract management to further improve governance within The Consumer Council.	All	Quarter 3
6.	To undertake research and meetings around the development of a new corporate plan for the period 2021-2026.	To develop a new corporate plan for public consultation in January 2021.	All	Throughout 2020/2021
7.	To undertake a "Best Companies" assessment to further develop staff engagement.	To undertake accreditation to the "Best Companies" standard in workplace and staff engagement.	All	Quarter 1

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

A. Overall

The General Consumer Council (Northern Ireland) Order 1984

Establishment

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

General Functions of The Consumer Council

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

B. Super-Complaint

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

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

Super Complaints to CMA

- 9) As a designated consumer body, The Consumer Council **can** make a complaint to the CMA that any feature, or combination of features, of a market in the United Kingdom for goods or services is or appears to be significantly harming the interests of consumers.
- 10) The CMA **must**, within 90 days after the day on which it receives the complaint, publish a response stating how it proposes to deal with the complaint, and in particular:
- whether it has decided to take any action, or to take no action, in response to the complaint, and
 - if it has decided to take action, what action it proposes to take.
- 11) The response **must** state the CMA reasons for its proposals.

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

Super-complaints to regulators other than the CMA

- 12) As a designated consumer body, The Consumer Council **can** make a complaint to the specified regulator if it concerns a market in relation to which that regulator has relevant functions. The regulators include:
- OFCOM;
 - OFGEM;
 - The Utility Regulator;
 - CAA;
 - The Rail Regulator; and
 - OFWAT.

C. Energy (Coal, Electricity and Natural Gas)

The Electricity (Northern Ireland) Order 1992

Licence Modifications

- 13) The Utility Regulator **must** provide The Consumer Council with a copy of a licence modification notice within 28 days of the publication of the notice.
- 14) An appeal against a licence modification **can** be brought to the Competition and Markets Authority by The Consumer Council (in the capacity of representing consumers whose interests are materially affected). The CMA **may** refuse this

appeal if the interests of consumers are not materially affected by the decision.

Consumer Protection: standards of performance

Electricity supply and distribution: performance in individual cases

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

Standards of Performance (Electricity Distribution and Supply)

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

Procedures for dealing with complaints

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

Billing Disputes

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

Deemed Contracts

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

The Gas (Northern Ireland) Order 1996

Modification of Licences

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

Billing Disputes: Gas Distribution and Gas Supply

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

The Energy (Northern Ireland) Order 2003

Utility Regulator Reports

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

Energy Group of The Consumer Council

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

Forward Work Programme of The Consumer Council

- 25) The Consumer Council **shall**, before each financial year, publish a Forward Work Programme containing a general description of the projects which it plans to undertake during the year in exercise of its relevant functions (other than projects comprising of routine activities in the exercise of its functions).
- 26) That the Forward Work Programme **shall** include the objectives of each project.
- 27) That the Forward Work Programme **shall** include an estimate of the overall expenditure which The Consumer Council expects to incur during the year in exercise of its relevant functions.
- 28) Before publishing a Forward Work Programme for any year, The Consumer Council **shall** consult on a draft Forward Work Programme, and **shall** consider any representations or objections which are made.
- 29) The Consumer Council **shall** send a copy of the draft Forward Work Programme to the Utility Regulator and DfE.

Functions of The Consumer Council in relation to Gas or Electricity

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

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

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

Acquisition and review of information

- 31) The Consumer Council **shall** obtain and keep under review:
- Information about consumer matters; and
 - Information about the views of consumers on such matters.
- 32) The Utility Regulator **shall** send a copy of any document or notice to The Consumer Council that it publishes under The Energy Order 2003, The Electricity Order 1992, and The Gas Order 1996.

Provision of advice and information to public authorities and other persons

- 33) The Consumer Council **may**:

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

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

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

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

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

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

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

Provision of Information to Consumers

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

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

Publication of Statistical Information about Complaints⁴²

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

⁴² Complaints include complaints made directly to the licence holders, and complaints made to The Utility Regulator, or The Consumer Council.

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;
- 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 Utility Regulator 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 Licences⁴³

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

⁴³Electricity Supply Licence Holders are (as at December 2018): AES Ballylumford, Bord Gais Energy Limited, Brookfield Green Energy, Budget Energy Limited, Click Energy, Electric Ireland (ESBIE NI Ltd), Electricity Supply Board (ESB), ElectroRoute Energy, Energia (Viridian Energy Supply Limited), Firmus Energy (Supply) Limited, Gaelectric Green Energy Limited, Go Power (LCC Power Limited), LCC Group Limited, ONI Electricity Limited, Power NI (NIE Energy Ltd), SSE Airtricity Energy Supply Limited, Vayu Limited, and 3T Power Limited.

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.

Terms and Conditions of Electricity Supply Contracts

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

Preparation, Revision Of and Compliance with Codes of Practice

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

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

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

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

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

Customer Protection: Modification of Conditions

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

Report on Performance

- 83) As soon as reasonably practicable after 31 December in each year, Electricity Supply Licence Holders **shall** submit to the Utility Regulator and The Consumer Council a report dealing with the matters relating to consumer protection, which **shall** include a comparison of the Electricity Supply Licence Holders' performance against any established standards in relation to that year. This report **shall** include:

- The number and different services offered by the Electricity Supply Licence

Holder;

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

Meetings with The Consumer Council

- 84) Electricity Supply Licence Holders **shall** meet with The Consumer Council whenever requested to do so by it, up to a maximum of six times in every year during the period of the Licence.
- 85) Electricity Supply Licence Holders **shall** meet with The Consumer Council at least once in every year during the period of the Licence.
- 86) In at least one meeting with The Consumer Council in every year during the period of the Licence, Electricity Supply Licence Holders **shall** be represented by one or more of its directors.

Provision of Information to Customers

Complaints Handling Information

- 87) Electricity Supply Licence Holders **shall** keep their customers informed:
- Of the customer's right to initiate the Electricity Supply Licence Holder's complaints handling procedure;
 - That The Consumer Council can assist in resolving complaints which the Electricity Supply Licence Holder has not resolved to the customer's satisfaction;
 - That the customer has the right to refer complaints which relate to billing matters to the Utility Regulator where The Consumer Council has been unable to resolve the complaint to the customer's satisfaction; and
 - Of the contact address and telephone number of The Consumer Council.

Format of Bills and Statements

- 88) Electricity Supply Licence Holders **shall** provide the information required by the

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

Electricity Distribution Licence (Northern Ireland Electricity Networks)

Payment of Fees

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

Relations with The Consumer Council

- 91) NIEN **shall** meet with The Consumer Council whenever requested to do so by it, up to a maximum of six times in every year during the period of the Licence.
- 92) NIEN **shall** meet The Consumer Council at least once in every year during the period of the Licence.
- 93) In at least one meeting with The Consumer Council in every year during the period of the Licence, NIEN **shall** be represented by one or more of its directors.

Preparation, review and compliance with Codes of Practice

- 94) NIEN **shall**, before submitting a Code of Practice to the Utility Regulator for its approval, consult The Consumer Council and **shall** consider any representations made by it on the Code or the manner in which it is likely to be operated.
- 95) In carrying out any such review of the Code of Practice NIEN **shall** consult The Consumer Council and **shall** consider any representations made by it about the Code or the manner in which it is likely to be or has been operated.
- 96) NIEN **shall** as soon as practicable following the preparation of the Code, or any revision made to it, send a copy to The Consumer Council, in a form approved by the Utility Regulator.

Electricity Transmission Licence (Northern Ireland Electricity Networks)

Payment of Fees

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

by the Utility Regulator.

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

Relations with The Consumer Council

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

Electricity Generation Licence⁴⁴

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

Electricity Storage Generation Licence⁴⁵

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 Supply⁴⁶

⁴⁴Electricity Generation Licences are held by (as at December 2018): AES Ballylumford (Ballylumford Power Ltd), AES Kilroot Ltd (Kilroot Power Ltd), AES Kilroot Generating Ltd, Altahullion Wind Farm, Altamuskin Wind Farm Ltd, Altaveedan Energy Limited, Brockaghboy Windfarm Ltd, Carn Hill Windfarm Ltd, Carnararrow 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, Grug 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 Ballyroghan Wind Farm Limited, WEL Solar Park 15 Limited, and Wheelhouse Energy (NI) Limited.

⁴⁵Electricity Storage Generation Licences are held by (as at December 2018): AC Automation (UK) Ltd Activation Energy DSU Ltd, Empower Generation Ltd, Energy Trading Ireland DSU Ltd, iPower Solutions Ltd, Kiwi Power Limited, Powerhouse Generation Ltd, and Wire-Lite Sensors Ltd.

⁴⁶Electricity Storage Supply Licences are held by (as at December 2018): AC Automation (UK) Ltd Activation Energy DSU Ltd, Empower Generation Ltd, Energy Trading Ireland DSU Ltd, iPower Solutions Ltd, Kiwi Power Limited, Powerhouse Generation Ltd, and Wire-Lite Sensors Ltd.

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 Licences⁴⁷

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 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

⁴⁷Gas Supply Licences are held by (as at December 2018): SSE Airtricity Gas Supply (NI) Ltd, Firmus Energy (Supply) Ltd - Ten Towns, Firmus Energy (Supply) Ltd - Greater Belfast Area, Vayu Limited, Electric Ireland, Equo Energy, Go Power, Flogas Natural Gas Limited, Energia, Power NI Energy Limited, SSE Airtricity Energy Supply (NI) Ltd, ONI Gas Limited, SSE Energy Supply Limited, Shell Energy Europe Limited, Viridian Energy Limited, Bord Gais Energy Ltd, AES Ballylumford Limited, British Gas Trading Limited, Coolkeeragh ESB Limited, and Power NI Energy Limited (formally NIE plc).

is likely to be interested or affected, **may** from time to time make such modifications to:

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

as the Utility Regulator considers are necessary or expedient.

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

Report to the Utility Regulator and The Consumer Council

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

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

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

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

Terms and Conditions of Gas Supply Contracts

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

Provision of Information to Consumers

Complaints Handling Information

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

- The Consumer Council can assist in resolving complaints which the Gas Supply Licence Holder has not resolved to the consumer's satisfaction;

- The consumer has the right to refer complaints which relate to billing matters to the Utility Regulator where The Consumer Council has not been able to resolve the complaint to the consumer's satisfaction; and
- The contact address and telephone number of The Consumer Council.

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

Format of Bills and Statements

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

Consumer Protection: Modification of Conditions

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

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

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

Gas Distribution Licences⁴⁸

Consultation with The Consumer Council

120) The Gas Distribution Licence Holder **shall** in due time consult with The Consumer

⁴⁸Gas Distribution Licences are held by (as at December 2018): Phoenix Natural Gas Limited, Firmus Energy Ltd, and SGN Natural Gas Limited.

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 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 Licence⁴⁹

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:

⁴⁹Gas Transmission Licences are held by (as at December 2018): Belfast Gas Transmission Limited (BGTL), GNI (UK), Premier Transmission Limited (PTL), and West Transmission Limited (WTL).

- 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.
- 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 Licence⁵⁰

Policy Statements For The Consumer Council

- 144) The Gas Storage Licence Holder **shall** in due time consult with The Consumer

⁵⁰Gas Storage Licences are held by (as at December 2018): Islandmagee Storage Ltd.

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**:

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

Payment of Fees

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

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

Coal Industry

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

D. Financial Services

Financial Services and Markets Act 2000

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

The Financial Services Act 2012

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

Financial Services (Banking Reform) Act 2013

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

E. Postal Services

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

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

Forward work programmes of The Consumer Council

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

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

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

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

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

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

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

General provision about functions of The Consumer Council

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

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

- Disabled or chronically sick;

- Individuals of pensionable age;
- Individuals with low incomes; and
- Individuals residing in rural areas.

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

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

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

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

Core Functions

161) The Consumer Council **may**:

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

The Research Function

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

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

The Information Function

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

- The Consumer Council and its functions;

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

164) The Consumer Council **may**:

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

General Powers of Investigation

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

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

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

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

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

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

Investigation of complaints made by vulnerable designated consumers

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

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

Investigations relating to public post offices

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

Reports by The Consumer Council

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

Secretary of State Powers

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

Advice, information and guidance

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

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

Provision of information to The Consumer Council

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

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

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

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

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

Provision of Information by The Consumer Council

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

Information with respect to compliance with complaints handling standards

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

Royal Mail's Operating Licence with OFCOM

Universal Service Obligation

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

of:

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

Consumer Protection Conditions

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

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

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

be valid.

Essential Conditions

- 183) Regulated postal operators **must** submit to The Consumer Council annual reports not later than three months from the end of the year (being 31 March) to which those reports relate, which include:
- the number of (or where precise numbers are not known, reasonable estimates of the numbers of) Code Postal Packets during the relevant year which were lost, stolen, damaged or interfered with;
 - details of any trends, patterns or other notable features (such as above average incident levels at certain premises) in relation to the incidence of loss or theft of, damage to, or interference with, Code Postal Packets; and
 - any remedial measures to achieve Mail Integrity Objectives and reduce levels of loss, theft or damage.
- 184) Regulated postal operators **must** submit to The Consumer Council with each annual report, a statement of the measures that the regulated postal operator intends to take to remedy any failures or patterns of failure to achieve the Mail Integrity Objectives and to reduce the numbers of Code Postal Packets lost, stolen, damaged or interfered with.

F. Transport

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

Complaints as to inadequacy of railway services

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

The General Consumer Council (Northern Ireland) Order 1984

Functions of The Consumer Council in relation to Transport

189) The Consumer Council **shall**:

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

The Airports (Northern Ireland) Order 1994

Facilities for consultation at airports

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

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

Enforcement and complaints

191) The Consumer Council is the designated body for the purposes of Article 15(2)⁵¹ in respect of a complaint made under the EC Regulation (No. 1107/2006)⁵² relating to—

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

Taxis Act (Northern Ireland) 2008

Duties of licensed operators, etc.

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

Regulation of fares, etc.

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

Publication of information

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

⁵¹ 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.

⁵² <http://eur-lex.europa.eu/legal-content/en/TXT/?uri=CELEX:32006R1107>

Council.

Transport Act (Northern Ireland) 2011

Service Permits

Matters to which DfI must have regard

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

Consumer Council

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

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

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

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

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

Co-operation between DfI and The Consumer Council

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

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

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

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

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

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

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

Duty to enforce

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

- An airport in Northern Ireland, or

- A flight departing from an airport in Northern Ireland.

Memorandum of Understanding with The Department for Transport (EU Regulation 1177/2010⁵³) 2014

207) With support from the Department for Transport, all the voluntary complaint handling bodies⁵⁴ hereby **agree** to work together to:

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

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

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

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

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

⁵³ 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.

⁵⁴ CLIA UK and Ireland, ABTA, London TravelWatch, The Consumer Council, and Transport Scotland.

212) The MOU agreed that:

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

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

Establishment/designation of passenger complaints handling system

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

G. Water and Sewerage

The Water and Sewerage Services (Northern Ireland) Order 2006

Forward Work Programme of the Utility Regulator

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

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

Guidance on social and environmental matters

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

Financial penalties

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

The General Consumer Council: preliminary

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

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

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

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

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

- 219) The Consumer Council **shall** carry out its functions in relation to water and sewerage service in the manner which it considers is best calculated to contribute to the achievement of sustainable development.
- 220) The Consumer Council **shall** establish a group in connection with water and sewerage services.
- 221) The Consumer Council **shall** send to DfI a copy of every annual report.
- 222) The Consumer Council **shall**, before each financial year, publish a Forward Work Programme containing a general description of the projects which it plans to undertake during the year in exercise of its water and sewerage functions (other than projects comprising routine activities in the exercise of those functions).

Forward Work Programme of the Consumer Council

- 223) The Forward Work Programme **shall** include the objectives for each project.
- 224) The Forward Work Programme for any year **shall** also include an estimate of the overall expenditure which The Consumer Council expects to incur in the exercise of its water and sewerage functions.
- 225) Before publishing the Forward Work Programme for any year, The Consumer Council **shall** consult on a draft Forward Work Programme.
- 226) The Consumer Council **shall** send a copy of the draft Forward Work Programme to the Utility Regulator and DfI.

Co-operation between The Consumer Council and other authorities

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

Acquisition and review of information

- 228) The Consumer Council **shall** obtain and keep under review:
- Information about consumer matters; and
 - Information about the views of consumers on such matters.
- 229) Where the Utility Regulator is required by any provision under the Water and Sewerage Order 2006 to publish a notice or any other document, it **shall** send a copy of the document to The Consumer Council.

Provision of advice and information to public authorities and other persons

230) The Consumer Council **may**:

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

to public authorities, NI Water and other persons whose activities may affect the interests of consumers.

Provision of information to consumers

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

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

Power to publish information and advice about consumer matters

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

Provision of information to The Consumer Council

233) The Consumer Council **may** direct the Utility Regulator or NI Water to supply to it, in such form as it may reasonably specify, such information specified or described for the purpose of exercising its role. The Utility Regulator, or NI Water, **shall** comply with it as soon as reasonably practicable (in doing so, The Consumer Council shall have regard to the desirability of minimising the costs, or any other detriment, to the body to which the direction is given).

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

Provision of information by The Consumer Council

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

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

Consumer complaints

237) Unless frivolous or vexatious The Consumer Council **shall** investigate the complaint, in relation to the functions of NI Water, for the purpose of determining whether it is appropriate to take any action to assist in reaching a satisfactory

resolution of a complaint referred. The Consumer Council **shall** make representations on behalf of the complainant to NI Water about anything to which the complaint relates.

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

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

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

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

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

Power of the Council to investigate other matters

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

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

Restrictions on disclosure of information by The Consumer Council

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

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

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

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

Duty to consult the Council

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

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

Provision of statistical information about complaints

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

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

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

Procedure for dealing with complaints

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

Water resources management plans: review, consultation, etc.

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

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

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

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

Directions in the interests of national security

251) The Minister for Infrastructure **may** after consulting The Consumer Council, give

directions to the Consumer Council as to the exercise of its functions as appear requisite or expedient for national security.

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

Water and Sewerage Services Act (Northern Ireland) 2016

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

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

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

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

NI Water Operating Licence

Code of Practice for Customers and relations with The Consumer Council

- 255) NI Water **shall** consult with The Consumer Council, not less frequently than once every three years, on its Code of Practice describing:
- Nature of services to domestic consumers;
 - Tariffs charged to domestic consumers;
 - Arrangements for the payment of bills by domestic customers;
 - The procedure for complaints handling for domestic customers;
 - Meter reading and meter tampering procedures;
 - Emergency procedures;
 - How to contact NI Water; and
 - The functions of The Consumer Council and its contact details.
- 256) NI Water **shall** send a copy, and each revision, of the Code of Practice to The Consumer Council.
- 257) NI Water **shall** at the request of The Consumer Council meet The Consumer Council no less than two times a year, and **shall** meet on other occasions at the reasonable request of The Consumer Council. At least one of these meetings **shall** be with a Director of NI Water.
- 258) NI Water **shall** consult with The Consumer Council in relation to its policies for the conduct of its business activities relating to the supply of water and the provision of sewerage services.
- 259) NI Water **shall** give The Consumer Council reasonable notice and explanation of any significant change to its policies, or the arrangements for their implementation.

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

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

Ministerial Water Stakeholders Partnership Agreement 2008 and 2012

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

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

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

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

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

between individuals or stakeholders will be subject to Water Stakeholder Steering Group discussion before being escalated elsewhere.

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

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

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	Contracts for Difference
CEAP	Consumer Engagement Advisory Panel
CERP	European Committee for Postal Regulation
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
DCMS	Department of Culture, Media, and Sport
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 of 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

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/699937/modernising-consumer-markets-green-paper.pdf