

POLICY ADVISORY BOARD REPORT  
PORTLAND HOUSE, LONDON, SW1E  
10 May 2006  
MEETING 44

Those present:

Tom Adams	Appointed Member - Cabinet Office (e-Government Unit)
Alex Bligh	Appointed Member - Nominet Board
James Conaghan	Elected Member
Andy Clarey	Appointed Member - DTI
Jeremy Beale	Appointed Member - CBI
Gordon Dick	Appointed Member - Nominet Board
David Evans	Appointed Member - Office of Information Commissioner
Earl of Errol	Appointed Member - All Parliamentary Internet Group
Clive Feather	Elected Member
Subhi Hashwa	Elected Member
Jason Johns	Elected Member
Alex Kells	Elected Member
Sebastien Lahtinen	Elected Member (Chair)
Richard Martin	Elected Member
Hazel Pegg	Elected Member
Eric Ramage	Appointed Member - ITMA

From Nominet by invitation of the PAB:

Lesley Cowley, Chief Executive  
Emily Taylor, Director of Legal and Policy  
Phil Kingsland, Director of Marketing and Communications  
Gareth Cook, Communications Executive

1. Welcome and apologies

Apologies were received from Jonathan Zittrain and Francesca Woodhouse.

Sebastien Lahtinen welcomed newly elected PAB members Subhi Hashwa and Richard Martin and also congratulated James Conaghan, Clive Feather and Alex Kells on their re-election.

2. Election of PAB Chair

Sebastien Lahtinen reminded the meeting that he was standing down as PAB Chair. Eric Ramage stated that he was interested in standing for election as the new Chair. Jeremy Beale said he had considered standing but decided not to. James Conaghan asked for the PAB to vote to confirm Eric's appointment and following this Eric Ramage was unanimously appointed as the new PAB Chair. The PAB thanked Sebastien for his hard work as Chair over the past two years.

3. Approval of the March PAB meeting report

The PAB unanimously approved the report of the previous meeting.

#### 4. Feedback from Board on PAB recommendations

Emily Taylor reported back on some matters arising from this paper.

The Executive were currently working on a response to the PAB's recommendation to introduce Internationalised Domain Names and a paper would be brought to the next PAB meeting.

The Raising Industry Standards consultation period had been extended for another month, and the Executive were pleased to have received 18 responses so far, including useful contributions from LINX, the Internet Watch Foundation, the British Computer Society and the Trading Standards Institute, as well as responses from Nominet members.

In response to a query from Clive Feather Emily had checked whether the proposed changes to the ltd.uk and plc.uk rules would adversely affect companies who had registered domain names under the old rules. Emily advised that they would not be affected by the rule change. Emily also reported that the initial response to the rules consultation had been encouraging.

#### 5. net.uk Working Group Update

Sebastien Lahtinen apologised that he had not had time to complete the report from the working group in time for this meeting but said that he would bring a recommendation for the way forward to the next PAB meeting.

#### 6. Governance Review PAB Issues

Lesley Cowley introduced the paper and explained that the governance review had started in 2002, and whilst the PAB rules had been changed in 2003, this paper covered the issues that have arisen since then from the PAB members, the Board and Nominet members. Two of the key issues are to establish a better understanding about what is policy, and the establishment of a PAB work programme going forward to ensure that we could be more responsive. She explained that the aim of the paper was to encourage thinking and discussions on the key issues rather than try to resolve them at this meeting.

Lesley then introduced each issue in turn in order to get the views of PAB members.

#### PAB TITLE

The 'Board' element of the PAB's title had resulted in some confusion for Nominet members and some prospective PAB members. For example, some people who had considered standing for the PAB had thought they would be required to take on Board/Director responsibilities. The paper suggested that in order to avoid this confusion the title of the PAB could be changed. Possible changes suggested included 'Committee', 'Panel', or 'Group' and it was proposed that the title should be changed to 'Policy Advisory Committee'.

The PAB then discussed this issue, and there were a variety of different responses. Some PAB members felt that the use of 'committee' would risk diminishing the PAB's role in the eyes of wider stakeholder groups, as they might consider a committee to be a body that does not make decisions or move matters forward. It was also suggested that 'council' might be an appropriate alternative. Others felt that there was no need to change the title.

James Conaghan suggested that PAB members give the matter more thought and let the Executive have their views. The Executive agreed to then come back to a future meeting with proposals.

## DEFINING POLICY

It was noted that input on operational issues was encouraged from all Nominet members and PAB members, but that (under the current processes) it was felt that we were not sufficiently responsive or fast moving. The paper suggested that the meaning of 'policy' be discussed, that certain matters be reserved for discussion by the PAB and that a work programme for the PAB be reintroduced.

The paper proposed that a definition of policy for the PAB's consideration as:

'To provide and advise on the non-operational guiding principles which inform the decision making process regarding the oversight of the .uk domain name registry.'

The PAB then discussed this issue at length. Some PAB members felt that the PAB, as a strategic body, should be discussing guiding principles rather than operational detail whilst others considered that it was sometimes necessary to discuss operational matters as these were always closely linked to the guiding principles. There was concern that in suggesting 'non-operational' in the definition, the Executive may significantly reduce the number of issues it brings to the PAB for discussion. There was a consensus that the PAB should focus on key policy issues but should also be free to discuss other matters that might have some policy implications. It was agreed that discussion of the PAB work programme may assist in this debate.

## SCHEDULE OF MATTERS RESERVED FOR THE PAB

Lesley Cowley referred to the suggested list of matters reserved for the PAB in Appendix A of the paper, and asked for feedback.

As part of this debate, James Conaghan raised the issue of recompense for PAB members attending member events and other meetings that meant they were away from their own business for a significant period of time. The Earl of Erroll supported this view as he suggested that PAB members could be a useful communications resource for Nominet and the PAB could lose good people if they had to cut back on their involvement for business reasons. Others felt that PAB members should not be paid.

Lesley Cowley said that she would take the issue of recompense back to the Board and she said that she recognised the time and commitment required of PAB members. Alex Bligh stated that it would be useful for Nominet to be able to let people know what they require from PAB members before PAB elections or the appointment of new appointed members.

## CONFLICTS OF INTEREST

Emily Taylor explained that it was recognised that PAB members have their own business interests outside of Nominet. In terms of transparency it would be good for Nominet to know about these in advance and for them to be publicly declared.

The Earl of Erroll shared his experience of the register of interests being introduced into the House of Lords, and David Evans talked about the register of interests used by the Office of the Information Commissioner. He suggested that Nominet should copy the models they used, rather than try to 'reinvent the wheel'.

Alex Bligh pointed out that the PAB does make decisions on Nominet policy and that PAB members are there to represent stakeholders rather than themselves, so it is important to have transparency. Nominet members reading PAB reports should know whether a PAB member suggesting a certain action has other interests that may have influenced that view.

Clive Feather quoted the ISPA articles that require their members to declare an interest.

Andy Clarey supported the proposal to introduce a register of interests and noted that it would help newer PAB members to build a better understanding of the range of interests the PAB encompasses. Tom Adams also supported the proposal to introduce a register of members' interests.

#### CODE OF CONDUCT

Lesley Cowley explained that there have been situations where a Nominet member has emailed a PAB member because of their PAB membership and the response has been made in an individual capacity, without the recipient recognising this.

It was suggested that there should be a code of conduct for PAB members as their actions, even when acting outside PAB activities, could reflect on the PAB or Nominet.

Some PAB members expressed concern over a code of conduct, especially regarding how it would be enforced. Tom Adams said that he might not be at liberty to sign up for a PAB code of conduct as he is already bound to a code of conduct by his role as a crown servant. Eric Ramage advised that he had written a code of conduct for the Institute of Trade Mark Attorneys and that his experience would suggest that such a code would be acted upon very rarely.

It was suggested that some guidance as to PAB members' conduct would be useful and it was agreed that the Executive would develop a paper for a future PAB meeting.

#### POLICY DEVELOPMENT PROCESS

Emily Taylor noted that many members and stakeholders feel that the policy development process is currently too long. The paper suggested ways of streamlining the process, including publishing PAB papers one week before a PAB meeting (rather than two weeks) to make it easier to ensure papers make the meeting and are not delayed two months until the following meeting, and having a deadline for PAB working groups to complete their work within four months. There were also some recommendations about consultations, specifically that all consultations should be Nominet owned, with PAB input as currently.

In the subsequent discussion there was agreement that consultations should be Nominet owned, as it is important for Nominet to be seen to be consulting with stakeholders. It was suggested that there may need to be an extra loop in the process for the PAB to come back and debate any policy issues that come out of the consultation. Lesley Cowley made the point that Nominet is now actively seeking responses to consultations and making a lot of effort to increase the interaction with stakeholders.

In relation to the working groups it was suggested that it would be a challenge to get the work of a working group completed within four months. Emily Taylor suggested that PAB subcommittees appear to be more successful than working groups in meeting deadlines, and noted that a recent subcommittee met twice and then produced the PAB response to the raising industry standards consultation.

## Resolution

The PAB resolved to recommend adoption of the policy development process in section 7 of the 'Governance Review PAB Issues' paper.

### THE PAB CHAIR

Emily Taylor talked through the recommendations in 8.2 of the paper regarding the appointment of the PAB Chair.

Clive Feather and Eric Ramage pointed out that under the new system it would be possible that a Chair appointed in September may not get re-elected as a PAB member in the following PAB election. A number of PAB members felt that there was little wrong with the current practice of electing the PAB Chair and were in favour of it staying the same. Eric Ramage supported having a formal call for nominations, together with brief election statements and proxy voting.

Lesley Cowley said that the Executive would take on board these comments and agreed to comeback to the PAB with revised proposals.

### 7. DRS Review

Emily Taylor explained that this paper was a 'heads up' for the PAB that there would be a review of the Dispute Resolution Service and a paper would be presented at the next PAB meeting. She asked PAB members to advise Nominet of any issues that had not been included for review in this initial paper, so that they could be covered in the review.

The Earl of Errol said he was keen to ensure that there was no barrier to appeal against DRS decisions.

Andy Clarey highlighted a specific example of a 'phishing' related problem involving a domain name derived from a high profile organisation, and discussions he had subsequently engaged in with Nominet regarding the remit of the DRS in this area and other matters relating to web site content. Lesley Cowley stated that 'phishing' is a much wider issue and that the DRS could not always be expected to be used in such cases. It was agreed to discuss the topic in more details at a subsequent meeting.

James Conaghan advised that he would be contacting Emily with his personal recommendations on issues that the DRS review should cover. Emily Taylor and Lesley Cowley encouraged other PAB members to give them similar feedback inside or outside the meeting.

### 8. Matters arising from nom-steer and pab-suggest

James Conaghan said that there were matters he would like to address but given the time constraints of the meeting he would keep them for the next meeting.

### 9. Urgent Business

There was no urgent business.

### 10. Date of Next Meeting

The next meeting will be held on Wednesday 12 July 2006.