

POLICY ADVISORY BOARD REPORT
BERKELEY SQUARE, LONDON, W1X
1 December 2004
MEETING 35

Those present:

Tom Adams	Appointed Member - Cabinet Office (e-Government Unit)
Denesh Bhabuta	Elected Member
Alex Bligh	Appointed Member - Nominet Board
James Conaghan	Elected Member
James Cronin	Elected Member
Sue Daley	Appointed Member - CBI
Gordon Dick	Appointed Member - Nominet Board
Michael Duggan	Appointed Member - DTI
Clive Feather	Elected Member
Peter Gradwell	Elected Member
Sebastien Lahtinen	Elected Member (Chair)
Mark Lewis	Appointed Member - Companies House
Alex Kells	Elected Member
Hazel Pegg	Elected Member
Eric Ramage	Appointed Member - ITMA

From Nominet by invitation of the PAB:

Willie Black, Executive Chairman
Gareth Cook, Communications Executive
Jay Daley, Director of IT
Nick Soulsby, Communications Manager
Emily Taylor, Company Secretary

1. Apologies

No apologies were received.

2. Approval of October meeting report

The October meeting report was approved unanimously.

3. Feedback from Board on PAB recommendations

Willie Black summarised the feedback from the Board on the PAB's recommendations from the October meeting and updated the PAB on the latest version of the Status Report on PAB and CoM issues.

4. Child Pornography and the .uk Top Level Domain - Update

Emily Taylor reported on the progress of the previous PAB agenda item on this issue. The executive strongly recommended that it should draft a paper listing the options of appropriate responses to this issue, which the PAB should then debate and decide how it should go out to wider public consultation.

There followed a lengthy debate on the issue as a whole, with some members expressing the opinion that Nominet must do something, whereas others felt equally strongly that it was only necessary to make the IWF aware of the details in the PRSS. James Conaghan objected strongly to the suggested option that Nominet do nothing, and he did not feel that 'doing nothing' could possibly be an option in such an important and controversial issue.

There was a further debate as to whether the issue relates to domain names that point at child pornography websites or to domain names that are in themselves adverts for child pornography. It was decided that the paper should cover both areas.

Michael Duggan suggested that if Nominet took the approach that it would only do the minimum required by law, there was an increased risk that the law would be extended to produce a government's desired policy outcome. New laws always carried the risk of increased burden on companies and unintended consequences.

Resolution

The PAB resolved to request the executive to bring a paper to the PAB detailing the various options available for Nominet's handling of allegations of (i) registrations which themselves may constitute "child pornography" or an advertisement thereof and (ii) registrations pointing at content that may constitute "child pornography", with a view that the PAB would come to an initial conclusion in order to subsequently prepare for a wider consultation.

5. Working Groups Update - Working Group Chairs

Peter Gradwell explained that the working group chairs have been too busy to generate new debate on the lists, and that as a result little progress had been made. Clive Feather had got half way towards a proposal document from the Internationalised Domain Names group and intended to call a face to face meeting of the group to discuss the finished proposal.

Jay Daley suggested that the working group mailing lists could be used to advertise for new chairs if desired as those people have already expressed their interest in the topic. Alex Bligh suggested that it was not necessary that the chair should personally write up all proposals, and that they could ask someone else in the working group to write up a paper.

Michael Duggan suggested that the executive should perhaps give more support to the working groups through a secretariat, but Jay Daley explained that the additional input required related to formulating policy rather than administrative tasks. Alex Bligh suggested that the executive should write a set of proposals for the lock state working group. Jay Daley was happy to do this but would prefer it if it could be done together with the data restructuring consultation.

6. Recommendation from SLD Panellist Recruitment Subcommittee

Eric Ramage reported that the subcommittee had met and although they had identified a number of suitable candidates for the panel from the business and legal professions, there were no candidates who appeared to have sufficient technical knowledge. The subcommittee therefore felt unable to recommend any panel members at this stage and would like Nominet to speak to the recruitment consultants and encourage people with more technical experience in government, universities and other industries, including those responsible for running other large databases, should be encouraged to apply. Eric suggested that 10 to 12 candidates should be shortlisted so that the subcommittee could then select the best.

Resolution

The PAB resolved to accept the SLD panellist recruitment subcommittee's report that the availability of technically qualified applicants was inadequate, and that a recommendation should only be made when sufficient candidates with skills in all disciplines were available. Therefore the PAB resolved to request to the executive that it instruct the recruitment agency to provide a wider selection

of candidates with appropriate technical skills, in order that the subcommittee may complete its recommendations.

7. Positive Renewals - Correction of Errors

James Cronin presented his paper that had been deferred from the last meeting. The paper suggested three options to deal with the problem of positive renewals done in error, and the recommended option was to allow cancellations up to the point of invoice.

The executive had submitted a response paper that proposed the solution of allowing reversal up to the point of invoice, but only once during each registration period. The PAB were satisfied with this proposal.

Clive Feather suggested that there should be a separate manual process for dealing with large errors made by the tag holder which are brought to Nominet's attention after the tag holder has been invoiced. He suggested this should perhaps cover wider scenarios than just renewals, though they should incur a hefty cost-recovery fee and then get the credit note. Alex Bligh disagreed and felt that where people made such errors they should be made to pay for them.

Jay Daley suggested that Clive Feather write up a proposal that left the executive without any discretion. Clive explained he was too busy to do so and James Cronin volunteered to write it and submit it to the next PAB meeting.

Resolution

The PAB resolved to accept the executive's recommendation in its response on correction of errors.

8. Role of Board Participation on the PAB

Peter Gradwell introduced his paper. Gordon Dick suggested that it was unusual for the non-executive directors to be able to argue for the PAB to give them the advice they want. Willie Black suggested that it was better for the non-executives not to attend meetings at all, in order to give the PAB more independence. Alex Bligh agreed this was a viable option, but the problematic position was one where non-executives attended merely to represent the Company, as that would be an executive role and compromise the independence of the non-executives from a corporate governance point of view. Eric Ramage stated that as an appointed PAB member he had appreciated the input of the non-executives throughout his time on the PAB and benefited from their experience. However, he stated that he would prefer the executive to attend if he was forced to choose between them or the non-executives.

Peter Gradwell suggested that having two non-executive members, the Managing Director and one or more other members of the executive attending could result in them dominating the debate. There was then a discussion about whether the non-executive members can be seen as distinct from the executive when they attend, as they carry company duty with them. Alex Bligh argued that they can argue from a personal viewpoint which may be different from that of the Board and several people agreed with this. The idea of rotating which non-executives attended meetings was rejected as everyone felt that consistency was more important. Although it was useful for PAB members to meet the other non-executives, it was felt that this could be achieved outside PAB meetings.

There was a debate about whether non-executive directors should attend PAB meetings at all or whether they should participate in the debate but not vote. Several people felt that participating in the debate was qualitatively different from voting, and that the problem of non-executives being seen (in part) to

advise themselves was greater if they were voting that if they were not allowed to vote.

There were distinctly different views on the issue of non-executive participation and the PAB was unable to come to a consensus. The majority of PAB members felt that attendance by non-executives was beneficial but some members argued that the PAB should be independent of the Board.

The PAB also discussed the extent to which the executive who are invited to attend PAB meetings are involved in the debate. It was agreed that they should continue to attend under the current 'by invitation' arrangements. Clive Feather and James Conaghan both stated that they did not want any wording in the resolutions that would limit the executive's participation in debate, a view backed by the majority of the meeting.

Due to the lack of consensus regarding the issue of non-executive directors' participation as appointed members on the PAB, the resolution was approved by a vote of 10 to 3 in favour with both non-executive directors abstaining from the vote.

Resolution

The PAB resolved to recommend to the executive that the PAB rules should be amended such that: (i) the existing two non-executive members of the Board should become non-voting PAB members but should continue to contribute to the quorum; (ii) all PAB members and other attendees should continue to participate fully in the discussion.

9. Data Restructuring Proposals

Jay Daley presented his paper on the data restructuring proposals. Clive Feather was concerned that there are policy issues raised in the paper that were not clearly identified as such, for example, the rule not allowing the billing contact have a separate address and not specifying a tag at the domain level. It was agreed that these issues would be worked out during the consultation process.

Alex Kells asked about the timescale for implementation as she was concerned that there could be major implications for changes to tag holders' automated systems. Jay Daley responded that implementation would begin after the consultation period was over, but that there would be a significant amount of time before this impacted tag holders.

Resolution

The PAB resolved to recommend the introduction of new data structures in line with the proposal presented by the executive and the resultant change in tag holder interfaces. This is to be introduced subject to an open consultation to finalise the details, through an open mailing list, chaired and managed by the Nominet executive.

10. WHOIS for Tags

Jay Daley presented his paper on a proposed WHOIS for Tags which was accepted by the PAB without further comment.

Resolution

The PAB resolved to recommend the introduction of a WHOIS for tags as proposed by the executive. This is to be introduced once the online facility that allows tag holders to set and amend their details is in place.

11. .me.uk Rules

The PAB noted the .me.uk Rules as presented by the executive.

12. Data Release Policy

The PAB accepted the Data Release Policy as presented in the paper by the executive.

13. .net.uk Review

This item was deferred until the January PAB meeting due to lack of time.

14. Matters arising from nom-steer and pab-suggest

There were no matters arising.

15. Urgent Business

Eric Ramage reported about a complaint that had been sent to all the appointed PAB members by Andrew Hay about receiving a letter regarding a pre-Nominet domain name. He was unhappy about the references in the letter which led him to a Nominet webpage suggesting that the cost of renewing a domain was £80. Mr Hay was also concerned about the 'threatening' tone of the letter. Eric had replied personally and pointed out that Mr Hay could register the domain name via a tag holder for less money and that the letter was not actually threatening but represented a fair statement. Eric reported that they had had a further pleasant exchange of emails and that he had promised to raise the matter at the PAB meeting. Tom Adams had also replied to Mr Hay and assured him the matter would be discussed at the PAB. Eric asked the executive to review whether the letter would benefit from including the option of registering via a tag holder and rewriting to remove any perceived 'threatening' tone.

The executive agreed to write to Mr Hay on behalf of the PAB.

16. Date of Next Meeting

The next meeting will be held on Wednesday 12 January 2005.