



Purdah Rules

Radio Licensing

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Section 1

Purpose of the purdah rules

- 1.1 Ofcom colleagues and Members should do their utmost to ensure that their behaviour is not likely to give rise to allegations that a decision taken by Ofcom is not impartial. These rules are designed to protect Ofcom and all colleagues and Members from accusations of partiality and unfair practice and also to protect colleagues and Members from lobbying and other forms of pressure.
- 1.2 The purdah rules represent Ofcom best practice in this area. However, colleagues and Members should be aware that it is their responsibility to ensure that their behaviour does not create an appearance of partiality or unfair practice by Ofcom. It is possible that matters not expressly covered by these rules could be relevant to the perceived fairness of a decision and colleagues and Members should be aware of this risk. If in any doubt colleagues and Members should contact Ofcom's Secretary, Graham Howell, or in his absence General Counsel, Polly Weitzman.

Section 2

Radio licensing

- 2.1 Ofcom has adopted these rules covering contact with applicants for radio licences to help guard against the risk of any appearance of partiality.

Who do the purdah rules apply to?

- 2.2 For each radio licence award the purdah rules apply to:
- colleagues who are directly involved with the assessment of the applications for that licence; and
 - colleagues and Members who are permanent or additional members of the body empowered to make that award (currently the Radio Licensing Committee).

Who will be on the ‘purdah list’?

- 2.3 For each radio licence award, the Secretary will compile and circulate a list of the names of the companies and individuals connected with the applicants (the ‘purdah list’). The decision as to who should be included on the purdah list will be a matter for the Secretary’s discretion in consultation with the Director of Radio.
- 2.4 The Secretary will circulate the ‘purdah list’ to relevant colleagues and Members who should ensure that their contact with these companies and individuals during the purdah period is in accordance with the rules set out below.

During what period do the purdah rules apply?

- 2.5 The period during which the purdah rules apply (the ‘purdah period’) starts on the closing date for receipt of applications as specified in the licence advertisement. If Ofcom receives an application before the closing date then the purdah rules will apply in respect of that applicant from the date on which Ofcom receives the application.
- 2.6 The purdah rules cease to apply from the date on which the licence is awarded.

What type of contact should be avoided during the purdah period?

Contact for business purposes

- 2.7 Colleagues and Members may meet companies and individuals on the purdah list during the purdah period in order to discuss business matters not connected to the licence award. Any such meetings should generally take place at Ofcom premises. The relevant colleague or Member should complete a form recording the date, time and location of the meeting, the attendees, a brief summary of the subject of the meeting, and confirmation that there was no discussion of the relevant licence award. This form should be passed to the Secretary who will maintain a ‘purdah log’ for each licence award and monitor the frequency of contacts with individual applicants. It is important that all relevant contacts are recorded as the ‘purdah log’ will be made available to the public on request (although certain information for example about the subject matter of meetings may have to remain confidential in some circumstances).

- 2.8 Colleagues and Members should not generally visit business premises belonging to a company or individual on the purdah list during the purdah period. If there appears to be an urgent business need to do so, the colleague or Member should discuss the matter with the Secretary or in his absence General Counsel before coming to a decision.

Social contact

- 2.9 Colleagues and Members may have social contact with persons on the purdah list in the context of attending a public event such as an industry festival.
- 2.10 Colleagues and Members should not generally give or receive hospitality from any company or individual named on the purdah list. However, it is recognised that there could be circumstances where it is appropriate to make an exception to this rule, for example in the case of attendance at a reception hosted by an applicant company following a public event (see below).
- 2.11 In relation to third-party hospitality (i.e. hospitality offered by an individual or company not on the purdah list), colleagues and Members should exercise judgement on a case-by-case basis as to whether it is prudent to accept the invitation. The smaller the gathering and the greater the proportion of likely attendees who are on the purdah list, the more cautious a colleague or Member should be about accepting the invitation. Accordingly, colleagues and Members should check the nature of the event and the likely attendees and make a decision about whether to accept the invitation in light of that information, if necessary seeking the advice of the Secretary or in his absence General Counsel.
- 2.12 As is the case for business contact, colleagues and Members should complete a form recording details of any instances of social contact with a company or an individual on the purdah list during the purdah period and the completed form should be passed to the Secretary for the purposes of the purdah log.

Exceptional cases

- 2.13 If a colleague or Member thinks that it would be appropriate to have contact (business or social) with a company or individual on the purdah list in circumstances where the type of contact involved should generally be avoided under the above rules, then he or she should discuss the matter with the Secretary or in his absence General Counsel before coming to a decision. It is the responsibility of each individual colleague and Member to ensure that his or her behaviour does not create an appearance of partiality or unfair practice by Ofcom.

Section 3

Form for recording business or social contact with a company or individual on the purdah list

Date of contact	
Time	
Location	
Attendees	
Brief description of the purpose of meeting/ subject of discussion	
Was there any discussion relating to a radio licence award in respect of which one or more of the attendees was on the 'purdah list'?	

Signed

Name

Date

Please pass the completed form to the Secretary, Graham Howell.