

**Title:**

Mr

**Forename:**

Tony

**Surname:**

Mattu

**Representing:**

Organisation

**Organisation (if applicable):**

Coventry Trading Standards

**Email:**

[REDACTED]

**What do you want Ofcom to keep confidential?:**

Keep part of the response confidential

**If you want part of your response kept confidential, which parts?:**

My contact email address.

**Ofcom may publish a response summary:**

Yes

**I confirm that I have read the declaration:**

Yes

**Ofcom should only publish this response after the consultation has ended:**

You may publish my response on receipt

**Question 1: Do you consider there are other options to tackle mis-selling in the mobile market we have not identified in our review?:**

Proposed GC 23.5 places an obligation on MSPs to ensure that the customer intends and is authorised to enter into a contract and that the customer will be provided with details about the company, service, and the terms and conditions applicable to the deal. This should be sent out within 3 working days.

However, how can it be proven that these documents were sent and received? With reference to DSR issues, many IRs will not send out the relevant cancellation notification and claim that they have done so, with the effect of customers being unaware that they could cancel and subsequently being unable to do so by the time any problems come to light.

**Question 2: Do you agree with our preferred option to tackle mis-selling? If not, please explain your preferred approach and reasons.:**

With reference to the due diligence obligation imposed on MSPs, there does not seem to be much clarity. What does this specifically entail and will there be any guidance issued?

Would it be worth considering an option so that MNOs would be prompted to investigate IRs once a threshold number of complaints has been received?

**Question 3: Do you consider there are other options to tackle issues with onerous/misleading cashback terms and conditions we have not identified in our review?:**

Our experience has shown that many cashback complainants who have approached Trading Standards do not speak English as their first language, and a significant number of independent retailers' outlets are in ethnic minority areas.

Will there be any guidance issued to IRs or MSPs for issuing simpler, clearer terms? ? e.g. making prominent the significant terms of the agreement upon which all parties will rely.

These "Key Issues" should not wholly rely on a written provision, as customers need to be fully aware which can be achieved through a verbal explanation followed by express consent of the customers.

**Question 4: Do you agree with our preferred option to tackle onerous/misleading cashback terms and conditions? If not, please explain your preferred approach and reasons.:**

GC 23.9 obligates MSPs to ensure that relevant information regarding any sales incentive is provided to customers, and also ensure that the terms and conditions of such sales incentives are not unduly restrictive.

How will this work in practice?

**Question 5: Do you consider there are other options to tackle issues with retailer insolvency we have not identified in our review?:**

**Question 6: Do respondents agree with Ofcom's analytical framework for defining geographic markets in the UK (excluding the Hull area) and the conclusions reached?:**

N/A

**Question 7: Do you agree with our preferred option to tackle retailer insolvency? If not, please explain your preferred approach and reasons.:**

Even though affected customers can contact the appointed liquidators of a limited company to register as an unsecured creditor, it almost certainly fails in terms of any recompense being paid.

This does not resolve the situation where a company will set up based on a "failed" cashback business model, which is ultimately unsustainable. By the time customers come to the relevant time to make a claim for cashback, the commission has already been passed on by the network and therefore, there is less of an incentive to assist the customer who may be unable to carry on with the line rental payments.

**Question 8: We would like to have your views on the proposals set out in Section 9:**

- **Could you give an indication of the costs of keeping records for an additional 6 months?**
- **Do you think a confirmation letter would help in tackling mis-selling and cashback issues?**
- **What kind of information do you think such a letter should contain for it to be effective?**
- **For retailers selling services via telesales could you give us an indication of costs and time to implement this proposal?**
- **Could you give an indication of costs and the feasibility of the due diligence requirements, including the requirement where we propose all current independent retailers to be checked within 12 months from the GC coming into force?**
- **Could you give us your views on the proposed transition period of 2 months to implement the provisions of the GC?**

:

N/A