

Title:

Mr

Forename:

Brian

Surname:

Jenkins

Representing:

Organisation

Organisation (if applicable):

Central Office of Information

What do you want Ofcom to keep confidential?:

Keep nothing confidential

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

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

Additional comments:

Question 1 (a): Do you consider that Option A should be adopted by Ofcom?:

No

Question 1 (b): If so, do you wish to comment on Option A?:

Question 1 (c): If not, please explain why. You may wish to respond to this under Question 2 below under ?Alternative approaches?..:

The status quo is no longer feasible, as it prevents COI and other public sector organisations from using radio to its maximum potential to promote better public understanding of health, safety and welfare issues in furtherance of improving social well-being. The relationship between listeners and radio stations is a strong one, which is why the medium has been successfully used by public information campaigns, and any means to broaden the means of using the medium to reach the public would be welcomed.

Question 1 (d): Do you have any comments on the rule set for Option A above? If so, please refer to any individual rules by reference to their current rule numbers.:

Question 1 (e): Do you agree with our assessment of the impact, including in relation to equality issues, of Option A on listeners, the radio industry and any other parties?:

Question 1 (f): If not, please explain why, providing any evidence or data you have to support your answer.:

Question 2 (a): Do you wish to suggest an alternative approach in relation to the regulation of commercial communications on radio?:

Question 2 (b): If so please outline your proposals, which should comply with relevant legislation (including the Communications Act 2003, Article 10 of the European Convention on Human Rights and Schedule 1 of The Consumer Protection from Unfair Trading Regulations 2008):

Question 3 (a): Do you consider that Option B should be adopted by Ofcom?:

Yes

Question 3 (b): If so, do you wish to comment on Option B? If you responded to the 2009 Code Consultation you may wish to refer Ofcom to your 2009 response.:

Please refer to our submission to the 2009 Code Consultation.

Question 3 (c): If not, please explain why. Again, if you responded to the 2009 Code Consultation you may wish to refer Ofcom to your 2009 response.:

Question 3 (d): Do you agree with our approach to the issue of not-for-profit funders? If you responded to the 2009 Code Consultation you may wish to refer Ofcom to your 2009 response on the issue of Public Information Programming.:

We broadly agree that the approach to not-for-profit funders is appropriate (see our 2009 response for more on this). However, we would also like to ensure that the definition of not-for-profit funders enables the participation of a wide range of organisations. It is possible that

public information campaigns may be funded or partially funded directly or indirectly from profit making organisations, but this does not undermine their social value and importance. Therefore the rules governing Public Information Programming should permit their participation too. For example, an organisation promoting sensible alcohol consumption may be not-for-profit in itself, but it may be directly funded by drinks companies. This does not impact on the campaign meeting its objectives, nor diminish the social worth of the campaign.

Question 3 (e): Do you have any comments on the rule set for Option B. If so, please refer to any individual rules by reference to the proposed rule numbers. You may also wish to outline any further exemptions (to the separation between commercial communications and spot ads) beyond those referred to in the rule set above.:

Question 3 (f): Do you agree with our assessment of the impact, including in relation to equality issues, of Option B on listeners, the radio industry and any other parties?:

We support the proposals for transparency. We believe it important to recognise that audiences are comfortable with commercial references in appropriate environments so long as they are properly transparent. COI recognises that the public's trust in radio is one of the medium's strengths as a marketing channel, and this trust needs to be maintained.

Question 3 (g): If not, please explain why, providing any evidence or data you have to support your answer.:

Question 4 (a): Do you consider that Option C should be adopted by Ofcom?:

Yes, given that the conditions for PIP in Option B would also be permitted were Option C to be implemented.

Question 4 (b): If not, please explain why.:

Question 4 (c): Do you agree with our approach to the issue of additional prohibitions or restrictions? Do you agree with our approach to a proposed review period? In particular do you wish to comment on the criteria which could govern a future review?:

Question 4 (d): Do you agree with our proposed approach prohibiting commercial references in programming primarily aimed at children and the related guidance we propose.:

We feel that there should be opportunities for appropriate public information content in programming aimed at children. Given the same conditions as laid out for PIP in Option 2, not-for-profit entities should be able to utilise children's programming to promote health, safety and welfare campaigns (e.g. child safety on the internet, anti-smoking, bullying etc). So the prohibition should have exemptions.

Question 4 (e): Do you agree with our proposed approach to consumer affairs:

We feel that there should be opportunities for appropriate public information content in consumer affairs programming, as consumer education is an area of concern to public sector bodies. So the prohibition should have exemptions.

Question 4 (f): Do you agree with our approach to the issue of not-for-profit funders? In particular do you wish to comment on the range of safeguards which would be in place?:

See our previous responses

Question 4 (g): Do you agree with our approach to the issue of the selection or rotation of music? In particular do you wish to comment on our proposed approach in relation to the Public File guidelines, and our proposed approach to related Code Guidance, including the issue of appropriate intervals for, and content of, broadcast messages directing listeners to the Public File on stations? websites? You are also welcome to provide comments in relation to the selection or rotation of music in programming primarily aimed at children.:

Question 4 (h): Do you have any comments on the rule set for Option C (above)? If so, please refer to any individual rules by reference to the proposed rule numbers set out above.:

Question 4 (i): Do you have any comments on the discussion on guidance for Option C (above)?:

Question 4 (j): Do you agree with our assessment of the impact, including in relation to equality issues, of Option C on listeners, the radio industry and any other parties?:

Question 4 (k): If not, please explain why, providing any evidence or data you have to support your response.:

Question 5 (a): Do you consider that Option D should be adopted by Ofcom?:

Yes, for the reasons presented above.

Question 5 (b): If not, please explain why.:

Question 5 (c): If so, do you wish to make any comments about our approach to Option D?:

We believe the same exemptions to children's programming and consumer affairs programming as we sought in earlier questions should apply.

Question 5 (d): Do you agree with our assessment of the impact, including in relation to equality issues, of Option D on listeners, the radio industry and any other parties?:

Question 5 (e): If not, please explain why, providing any evidence or data you have to support your answer.: