



Local Media Assessment Guidance

Consultation

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Closing Date for Responses: 20 September 2010

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Section 1

Introduction

- 1.1 Ofcom is publishing draft Local Media Assessment Guidance (LMA Guidance) which sets out Ofcom's proposed approach to providing the Office of Fair Trading (OFT) with Local Media Assessments (LMAs). The purpose of this consultation is to invite comments on the draft.
- 1.2 LMAs have their origins in the Government's Digital Britain Interim Report¹. The report referred to local media groups' views that the transition to digital business models requires consolidation but the current media merger regime does not take account of potential cross-media competition². Prompted by this report, the OFT conducted a Review of the Local and Regional Media Merger Regime³.
- 1.3 The OFT subsequently concluded that the existing merger regime is "*flexible and evidence-based*", and thus able to take into account the various considerations raised. Nonetheless, in recognition of the benefit available from Ofcom's knowledge of the media sector, the OFT proposed that in local media merger cases raising *prima facie* competition concerns, the OFT would ask Ofcom to provide them with an LMA⁴.
- 1.4 The OFT's revised Jurisdictional and Procedural Merger Guidance published in June 2009 confirmed this provision⁵. LMAs are therefore a new element in the existing OFT's merger procedure. They are a more formalised way for Ofcom to assist the OFT in its assessment of mergers involving local media.
- 1.5 The Digital Britain Final Report, the OFT's Review of the Local and Regional Media Merger Regime and the OFT's new Jurisdictional and Procedural Merger Guidance each provide an indication of what issues future LMAs may cover. Ofcom has carried out further work in order to define in more detail the potential scope, the content and the process of conducting LMAs. In the course of this process Ofcom has worked closely with the OFT, which has provided advice and comments on Ofcom's proposed LMA Guidance.
- 1.6 Ofcom is inviting comments on its draft LMA Guidance. Ofcom is particularly interested in stakeholders' views on:
- whether the draft LMA Guidance correctly identifies the issues that may be relevant to local media mergers;
 - and whether the proposed process is sufficiently clear and avoids unnecessary burden on the merging parties and others.
- 1.7 The consultation period ends on the 16th of August 2010.
- 1.8 Please see Annexes 1 to 3 for details of how to respond to this consultation.

¹ Digital Britain Interim Report,

http://www.culture.gov.uk/images/publications/digital_britain_interimreportjan09.pdf

² Digital Britain Interim Report, section 3.3, p. 47

³ OFT: Review of the Local and Regional Media Merger Regime,
http://www.offt.gov.uk/shared_offt/mergers_ea02/oft1091.pdf

⁴ OFT: Review of the Local and Regional Media Merger Regime, paragraphs 1.4 to 1.11

⁵ OFT: Mergers - Jurisdictional and Procedural Guidance,
http://www.offt.gov.uk/shared_offt/mergers_ea02/oft527.pdf, paragraph 6.15

Section 2

Proposed draft LMA Guidance

Background

2.9 In January 2009 the Government published the Digital Britain Interim Report⁶. It noted the views of local media groups who felt there were strong pressures on them to consolidate in order to make the transition to digital business models⁷. It also noted arguments that the current media merger regime does not take into account the potential for competition across boundaries between newspapers and other media. In response to this, the Digital Britain Interim Report invited the OFT to undertake an exploratory review across the local and regional media sector and to make appropriate recommendations.

2.10 The OFT's subsequent Review of the Local and Regional Media Merger Regime report⁸ was published alongside the Government's Digital Britain Final Report⁹ in June 2009. It concluded that the existing merger regime is "flexible and evidence-based", and thus able to take into account the various considerations raised¹⁰.

2.11 Similarly, the Government's final Digital Britain Report, published in June 2009, concluded that:

"...the existing framework provides an adequate mechanism for considering the importance of having a source of independent news and reporting at a local and regional level across the UK."¹¹

2.12 Nonetheless, in recognition of the benefit available from Ofcom's knowledge of the media sector, the OFT proposed to amend its merger guidance. This meant that in local media merger cases raising *prima facie* competition concerns, the OFT would ask Ofcom to provide them with a Local Media Assessment (LMA) covering relevant factors arising from Ofcom's understanding of media markets.

2.13 The OFT's revised Jurisdictional and Procedural Merger Guidance¹², published in June 2009, confirmed that:

"In media mergers involving newspaper publishing and/or commercial radio or television broadcasting, where the case raises prima facie competition concerns, the OFT will ask Ofcom to provide it with a local media assessment in order further to inform the OFT's

⁶ Digital Britain Interim Report,

http://www.culture.gov.uk/images/publications/digital_britain_interimreportjan09.pdf

⁷ Digital Britain Interim Report, section 3.3, p. 47

⁸ OFT: Review of the Local and Regional Media Merger Regime,

http://www.of.gov.uk/shared_of/mergers_ea02/oft1091.pdf

⁹ Digital Britain Final Report, <http://www.culture.gov.uk/images/publications/digitalbritain-finalreport-jun09.pdf>

¹⁰ OFT: Review of the Local and Regional Media Merger Regime, paragraph 4.71

¹¹ Digital Britain Final Report, chapter 5, paragraph 71

¹² OFT: Mergers - Jurisdictional and Procedural Guidance, http://www.of.gov.uk/shared_of/mergers_ea02/oft527.pdf

*decisions on the reference test and on the application of any available exceptions to the duty to refer*¹³.

2.14 The OFT's Jurisdictional and Procedural Merger Guidance explains that:

"...Drawing on Ofcom's understanding of media markets, the [local media] assessment would be likely to include Ofcom's views on:

- *the relevant counterfactual to the merger (including the risk of the asset or business in question failing),*
- *the scope of relevant product and geographic markets,*
- *the competitive effects of the merger, and*
- *exceptions to the duty to refer, and in particular Ofcom's views on whether the markets are of insufficient importance (de minimis) to warrant reference and whether there are 'relevant customer benefits' – such as higher quality (which, in the context of newspapers, could for example reflect the range and quality of news reporting) or greater choice of products – which might be weighed against an identified substantial lessening of competition."*¹⁴

2.15 This LMA Guidance sets out the approach that Ofcom intends to take in carrying out an LMA. In particular it covers:

- the objectives of an LMA;
- the circumstances in which Ofcom will carry out an LMA;
- how the timing of the Ofcom LMA will fit into the OFT's merger process and timescales;
- the issues that are likely to be covered by an LMA; and
- arrangements for information sharing.

The objectives of an LMA

2.16 Media industries have undergone profound changes over the past years and there is no indication that the pace of change is slowing down. While different media sectors are inevitably subject to their own individual pressures, the traditional distinctions between them are beginning to blur. Furthermore, it is important to recognise that media services are generally two-sided, providing services to consumers, and also to advertisers.

2.17 This has potential implications for whether mergers between local media companies are to be regarded as pro- or anti-competitive. The current merger regime, as the OFT report concluded, is sufficiently flexible to take account of these factors in assessing the impact of a merger on competition. The LMA will provide a means for Ofcom, using its sectoral knowledge, to provide views on these issues to assist the OFT in evaluating mergers.

¹³ OFT: Mergers - Jurisdictional and Procedural Guidance, paragraph 6.15

¹⁴ OFT: Mergers - Jurisdictional and procedural guidance, paragraph 6.15

- 2.18 Ofcom's LMAs will not reach conclusions on the competition impact of a media merger. Ofcom's aim in providing an LMA is to assist the OFT in evaluating the relevant merger and reaching its decision on whether to make a reference to the Competition Commission (CC). The final conclusion on all aspects of the competitive analysis (including, for example, the scope of the relevant market) remains one for the OFT, as does the ultimate conclusion on whether the merger creates a realistic prospect of a substantial lessening of competition.
- 2.19 The central objective of an LMA is, therefore, that it should add value to the OFT's investigation into a local media merger, by providing additional evidence and argumentation. This added value will come from two sources:
1. Ofcom will be in a position to provide an independent view informed by its existing knowledge of the media sector concerned.
 2. Ofcom will aim to assist the OFT by considering certain arguments that potentially have an important bearing on the OFT's competition assessment.

In what circumstances will Ofcom provide an LMA?

- 2.20 The OFT's merger guidance states that the OFT will request an LMA "*where the case raises prima facie competition concerns*"¹⁵. In practice this is likely to mean that an LMA will be requested when the OFT believes that it is appropriate to send an issues letter to the parties and to consider the case at a Case Review Meeting (CRM), in line with the OFT's Jurisdictional and Procedural Merger Guidance¹⁶.
- 2.21 Given this, an LMA will not be needed in all cases. In particular, if it is evident that the merger will raise no competition concerns then there is no role for an LMA. Ofcom and the OFT will liaise as appropriate in all relevant cases, even where an LMA is not ultimately required.
- 2.22 An LMA will also not be undertaken when a merger solely involves UK wide media. There is no generally accepted definition of "local", or indeed "regional" media, and Ofcom will consequently interpret the scope of the LMA broadly to cover any sub-UK media presence.
- 2.23 Ofcom may therefore provide an LMA in cases of mergers between local newspapers, radio or television broadcasters, including cross-media mergers. It may also provide an LMA in cases where only one merging party is a local media firm while the other is a UK wide media firm, or any other firm as long as the merger raises *prima facie* competition issues.

Timing of an LMA

- 2.24 The OFT's administrative timescales generally allow it 40 working days to reach a decision from the date that it receives a satisfactory submission¹⁷. The OFT aims to hold a "state of play" discussion with the parties between working days 10 and 20, depending on the type of case¹⁸, at which the OFT will aim to inform the parties

¹⁵ OFT: Mergers - Jurisdictional and procedural guidance, paragraph 6.15

¹⁶ OFT: Mergers - Jurisdictional and procedural guidance, paragraph 6.49

¹⁷ OFT: Mergers - Jurisdictional and procedural guidance, paragraph 4.65

¹⁸ OFT: Mergers - Jurisdictional and procedural guidance, paragraph 6.8

whether an issues letter will be sent and a CRM required. If a CRM is called, then the OFT will request an LMA from Ofcom at this point¹⁹.

- 2.25 Ofcom will need to produce an LMA for the OFT in time for it to be considered at the CRM and subsequently by the OFT in its final decision meeting. The timing for Ofcom to produce an LMA is therefore very short. Furthermore, it will not be clear whether the OFT is of the view that a CRM (and therefore an LMA) is needed until well into its administrative timescale. The OFT will inform Ofcom of any potentially relevant merger at the earliest opportunity and Ofcom will use its discretion as to whether, and to what extent, to commence preparing work on an LMA. In any event, given the timeframes, Ofcom will need to take a view on whether to commence preparing work on an LMA for a particular merger very soon after notification.
- 2.26 Because of these timeframes, in media mergers involving newspaper publishing and/or commercial radio or television broadcasting, the OFT has told Ofcom it will encourage merging parties to engage with Ofcom at the same time that they first engage with the OFT. The OFT has also told Ofcom it will not interpret this engagement with Ofcom as a signal that the parties believe that there are competition concerns associated with the merger.
- 2.27 Ofcom will be mindful of the need to use its resources efficiently and of the pressures an LMA may place on stakeholders. This consideration will be an important factor in Ofcom's decision whether or not to commence an LMA. Furthermore, given the timing issues set out above, Ofcom may potentially commence preparation of an LMA for a particular merger only to find, further into the process, that an LMA is not necessary, in light of the OFT's emerging thinking. In such circumstances, Ofcom may decide to suspend work on the LMA once the OFT informs Ofcom that it has not identified any significant competition concerns associated with the merger and therefore it will not be sending an issues letter and holding a CRM. Notwithstanding this, Ofcom will in any event liaise closely with the OFT in respect to any media merger, whether or not an LMA is requested.

What will an LMA cover?

- 2.28 Given the objectives of the LMA set out above, Ofcom will focus on the areas that it believes will add value to the OFT's decision making. This is likely to centre on three broad issues:
- the overall sectoral context;
 - the competitive constraints acting on the market (or markets);
 - the potential for a merger to produce relevant customer benefits, such as an increase in "quality".
- 2.29 In line with the objective that an LMA should add value to the OFT's decision-making process, Ofcom is unlikely to need to cover all these issues to a similar extent for all mergers. Rather, it will focus on those areas that have a greater bearing on the OFT's assessment.
- 2.30 Similarly, LMAs may vary substantially in terms of the level of attention paid to each set of issues. Ofcom will make an assessment of which issues to focus on, and to

¹⁹ In case the merger is notified under the statutory timetable, the "state of play" discussion will take place between days 10 and 15 of the process.

what extent, on a case by case basis. In addition, there may be issues, aside from those covered by the broad areas set out above, that Ofcom may decide should be included in a particular LMA.

Sectoral context

- 2.31 Ofcom will set out a view of the overall context to the merger drawing on its existing knowledge of the relevant sector. It will outline the central trends affecting the sector and relate these to the merger being considered.
- 2.32 A central argument behind some local media mergers (in particular local newspapers) has been the need to consolidate to ensure long term financial viability and growth. An LMA will provide Ofcom's view on the sectoral context and will also seek to relate this to the stated rationale for the merger.
- 2.33 In particular, the OFT's assessment of the merger is based against a counterfactual situation of what would happen if the merger did not take place. Generally, as set out in the OFT Substantive Merger Assessment Guidance²⁰, the OFT will take the pre-merger situation as the best approximation of the counterfactual to a merger. In dynamic sectors, however, as recognised by the OFT, the OFT's competitive assessment may need to take into account the sectoral context.

Competitive constraints

- 2.34 A major issue affecting the assessment of any merger is how widely to define the market. In local media mergers, this is relevant both in the product sense (whether the merging firms experience wider competitive pressures from other products or services that would limit their ability to raise prices after a merger) and in the geographical sense (what is the geographic area over which the market spreads?).
- 2.35 In respect of product markets, the LMA will examine the extent to which competitive pressure is exerted by other forms of media (eg radio on newspapers etc) A key feature in the development of media markets has been the potential for greater substitutability between different media, due in particular to the growth of the internet and its use as a means of advertising.
- 2.36 An LMA will, consequently, seek to provide views on whether there are broader competitive constraints from other products that potentially limit the merged entity's ability to raise prices. In doing this, Ofcom will seek to provide views on product substitutability between different forms of media and between different platforms. These will be based on an assessment of generic trends applied to the particular merger under consideration.
- 2.37 In a similar way, Ofcom may also provide views on the nature of geographic competition in respect to the particular merger. The issue of geographic market definition will inevitably be specific to the merger in question, depending on which parts of the country the merging companies operate. Ofcom will seek to provide views on whether competitive pressures from areas outside the geographic market definition initially posited by the OFT can be expected to affect post-merger competition.

²⁰ Office of Fair Trading: Substantive Merger Assessment Guidance 2003, paragraph 3.24

Relevant customer benefits - Quality

- 2.38 Under the Enterprise Act 2002 section 22(2)(b), 33(2)(c) and 30, where the OFT believes that there are “*relevant customer benefits*” that outweigh the potential substantial lessening of competition concerned and any adverse effects of the substantial lessening of competition, the OFT may exercise its discretion not to refer a merger to the CC. The Enterprise Act 2002 section 30(1) indicates that amongst such customer benefits is the potential for greater innovation and higher quality.
- 2.39 An LMA will consider whether potential improvements in quality exist and whether any such benefits might be weighed against the potential customer harm arising from an identified substantial lessening of competition.
- 2.40 When a merger takes place, in addition to the benefits accruing to the merging parties, there may be a number of wider benefits that result from the transaction. These benefits can be considered in two broad ways:
- a “public interest” perspective; and
 - private consumer benefits.
- 2.41 The “public interest” perspective is where “quality” is the level of contribution that the media makes to the life of consumers as democratic citizens. This viewpoint captures the positive externalities and wider social value of media. It would also include issues such as plurality of views and the coverage of democratic proceedings (e.g. local council meetings). A related view of the “quality” of media makes this synonymous with the quantity and depth of “worthwhile” journalism, whether or not this is what consumers would themselves choose if left to their own devices. In economic terms, quality in this sense is a “merit good”. Quality can also be seen in terms of the depth of “worthwhile” journalism, i.e. the quality of writing, the level of analysis of issues, etc.
- 2.42 On the other hand, quality can also be seen from a private consumer demand perspective – “quality” is what consumers consider it to be; specifically how an individual personally values the content of the media. That is, “quality” can be measured by whether the media satisfies consumer demand for particular types of content.
- 2.43 The public interest and merit good arguments are in essence “public values” whereas the private consumer benefits viewpoint focuses purely on the “private value” to an individual. Because the LMA is intended to inform the OFT’s assessment under the Enterprise Act 2002, the LMA will focus on the private value of media. This means that Ofcom will focus on the specific elements of the particular media involved that consumers themselves directly value, i.e. what they themselves enjoy and value.
- 2.44 While private consumer benefits might potentially fall within the definition of relevant customer benefits under section 30 of the Act, public values, on the other hand, would be more relevant if the Secretary of State has issued a public interest intervention notice under section 42 of the Enterprise Act (see section below.)

Other issues

- 2.45 In addition to the issues described above, an LMA may also cover further issues that Ofcom sees as potentially relevant to the OFT’s assessment. These may include the impact of media specific regulations on competition, and the overall importance of the

merger. In particular an LMA may include views on whether the value of the affected markets is sufficiently low that they might be seen as being of insufficient importance (“*de minimis*”) to warrant a reference to the CC.

Remedies

- 2.46 Because an LMA will cover specific aspects as set out above, it is not a full assessment of the impact of the merger. As such, Ofcom will not generally focus on potential remedies to the merger within LMA.
- 2.47 Nonetheless, the issues raised by an LMA may affect the OFT’s view of what undertakings in lieu it might be willing to consider. Ofcom will therefore provide views as and when it is valuable to do so.

Public Interest Test and Local Media Assessment

- 2.48 In addition to LMAs, Ofcom has a further role in providing advice in relation to media mergers, namely to assist the Secretary of State in assessing the public interest impact of mergers.
- 2.49 Section 42 of the Enterprise Act allows for the Secretary of State to assume responsibility for determining whether or not to refer a merger to the CC, and what action to take in relation to the merger, by issuing a public interest intervention notice (PIIN). A PIIN is issued when certain public interest considerations may be relevant to a particular media merger. In cases where the Secretary of State decides to intervene on media public interest grounds, Ofcom will advise the Secretary of State on the public interest aspects of the case under section 44A of the Act.
- 2.50 An LMA is distinct from any assessment that Ofcom may carry out in relation to the broader public interest implications of a merger. It operates under a different framework and considers different issues.
- 2.51 Ofcom’s role in respect to advising the Secretary of State on public interest aspects of the merger is to allow for considerations such as democracy, plurality, and other wider social value to be taken into account if the merger is seen as raising significant issues in this regard.
- 2.52 The role of an LMA, on the other hand, as set out above, is to assist the OFT in making its decision on the competition effects of the merger (and potentially any relevant exceptions to the duty to refer, including relevant customer benefits). As set out in the OFT’s merger guidance, in cases where a PIIN has been issued, the OFT will carry out its review in the same way as it would for any other case²¹. Because the LMA is undertaken to advise the OFT, whereas a public interest assessment is undertaken to consider issues that are wider than those recognised in the OFT’s review, the two exercises are therefore distinct, even though Ofcom may be required to undertake both exercises in relation to a single case.

Information gathering and sharing

- 2.53 Ofcom provides an LMA to the OFT on an advisory basis, given that the decisions in relation to the assessment of the substantial lessening of competition test fall to the

²¹ OFT: Mergers: Jurisdictional and Procedural Guidance, paragraph 9.7

OFT. Nonetheless Ofcom will need information from the merging parties to conduct an LMA. This information may include:

- rationale for merging;
- the parties' future plans for the new business;
- any information on what the likely future consumer benefits could be;
- evidence relevant to the counterfactual;
- any research conducted relating to consumer and supplier views of substitution;
- information relating to pricing policies – (this is to get an understanding about demand elasticities);
- views (consumer, supplier and merging parties) of characteristics and functionality of products; and
- details of products produced by target (e.g. if newspaper merger, number of titles, circulation, ad revenues, profitability over time, geographic coverage).

2.54 As outlined in the OFT Jurisdictional and Procedural Merger Guidance²², the OFT would also require similar information and Ofcom would therefore encourage the parties to provide this information to both the OFT and Ofcom.

2.55 Recognising the potential burden on parties, Ofcom will seek not to duplicate the information requested by the OFT. Ofcom encourages parties to provide copies of all material provided to the OFT to Ofcom at the same time to facilitate Ofcom's assessment.²³

2.56 Ofcom may also engage with the parties directly in order to obtain any additional information that might be needed for the LMA. This information may relate to any of the elements being considered under the LMA. Any information provided to Ofcom in relation to a specific merger will also be shared with the OFT.

2.57 Ofcom will treat all commercially confidential information sensitively, in line with its statutory responsibilities in this regard.

²² OFT: Mergers: Jurisdictional and Procedural Guidance, chapter 5

²³ It should be noted that there is a statutory gateway under the Section 241(1) Enterprise Act 2002 pursuant to which the OFT may be able to pass information that it receives to Ofcom for the purpose of facilitating the exercise by the OFT of its merger control function.

Annex 1

Responding to this consultation

How to respond

- A1.1 Ofcom invites written views and comments on the issues raised in this document, to be made **by 5pm on 20 September 2010**.
- A1.2 Ofcom strongly prefers to receive responses using the online web form at <http://stakeholders.ofcom.org.uk/consultations/local-media-assessment-guidance/> as this helps us to process the responses quickly and efficiently. We would also be grateful if you could assist us by completing a response cover sheet (see Annex 3), to indicate whether or not there are confidentiality issues. This response coversheet is incorporated into the online web form questionnaire.
- A1.3 For larger consultation responses - particularly those with supporting charts, tables or other data - please email LMAGuidance@ofcom.org.uk attaching your response in Microsoft Word format, together with a consultation response coversheet.
- A1.4 Responses may alternatively be posted or faxed to the address below, marked with the title of the consultation.
- Jakub Dubaniewicz
- Riverside House
2A Southwark Bridge Road
London SE1 9HA
- Fax: 020 7981 3745
- A1.5 Note that we do not need a hard copy in addition to an electronic version. Ofcom will acknowledge receipt of responses if they are submitted using the online web form but not otherwise.
- A1.6 It would be helpful if you can explain why you hold your views and how Ofcom's proposals would impact on you.

Further information

- A1.7 If you want to discuss the issues and questions raised in this consultation, or need advice on the appropriate form of response, please contact Jakub Dubaniewicz on 020 7981 3745.

Confidentiality

- A1.8 We believe it is important for everyone interested in an issue to see the views expressed by consultation respondents. We will therefore usually publish all responses on our website, www.ofcom.org.uk, ideally on receipt. If you think your response should be kept confidential, can you please specify what part or whether all of your response should be kept confidential, and specify why. Please also place such parts in a separate annex.

- A1.9 If someone asks us to keep part or all of a response confidential, we will treat this request seriously and will try to respect this. But sometimes we will need to publish all responses, including those that are marked as confidential, in order to meet legal obligations.
- A1.10 Please also note that copyright and all other intellectual property in responses will be assumed to be licensed to Ofcom to use. Ofcom's approach on intellectual property rights is explained further on its website at <http://www.ofcom.org.uk/about/accoun/disclaimer/>

Next steps

- A1.11 Following the end of the consultation period, Ofcom intends to publish a statement.
- A1.12 Please note that you can register to receive free mail Updates alerting you to the publications of relevant Ofcom documents. For more details please see: http://www.ofcom.org.uk/static/subscribe/select_list.htm

Ofcom's consultation processes

- A1.13 Ofcom seeks to ensure that responding to a consultation is easy as possible. For more information please see our consultation principles in Annex 2.
- A1.14 If you have any comments or suggestions on how Ofcom conducts its consultations, please call our consultation helpdesk on 020 7981 3003 or e-mail us at consult@ofcom.org.uk . We would particularly welcome thoughts on how Ofcom could more effectively seek the views of those groups or individuals, such as small businesses or particular types of residential consumers, who are less likely to give their opinions through a formal consultation.
- A1.15 If you would like to discuss these issues or Ofcom's consultation processes more generally you can alternatively contact Vicki Nash, Director Scotland, who is Ofcom's consultation champion:

Vicki Nash
Ofcom
Sutherland House
149 St. Vincent Street
Glasgow G2 5NW

Tel: 0141 229 7401
Fax: 0141 229 7433

Email vicki.nash@ofcom.org.uk

Annex 2

Ofcom's consultation principles

A2.16 Ofcom has published the following seven principles that it will follow for each public written consultation:

Before the consultation

A2.17 Where possible, we will hold informal talks with people and organisations before announcing a big consultation to find out whether we are thinking in the right direction. If we do not have enough time to do this, we will hold an open meeting to explain our proposals shortly after announcing the consultation.

During the consultation

A2.18 We will be clear about who we are consulting, why, on what questions and for how long.

A2.19 We will make the consultation document as short and simple as possible with a summary of no more than two pages. We will try to make it as easy as possible to give us a written response. If the consultation is complicated, we may provide a shortened Plain English Guide for smaller organisations or individuals who would otherwise not be able to spare the time to share their views.

A2.20 We will consult for up to 10 weeks depending on the potential impact of our proposals.

A2.21 A person within Ofcom will be in charge of making sure we follow our own guidelines and reach out to the largest number of people and organisations interested in the outcome of our decisions. Ofcom's 'Consultation Champion' will also be the main person to contact with views on the way we run our consultations.

A2.22 If we are not able to follow one of these principles, we will explain why.

After the consultation

A2.23 We think it is important for everyone interested in an issue to see the views of others during a consultation. We would usually publish all the responses we have received on our website. In our statement, we will give reasons for our decisions and will give an account of how the views of those concerned helped shape those decisions.

Annex 3

Consultation response cover sheet

- A3.24 In the interests of transparency and good regulatory practice, we will publish all consultation responses in full on our website, www.ofcom.org.uk.
- A3.25 We have produced a coversheet for responses (see below) and would be very grateful if you could send one with your response (this is incorporated into the online web form if you respond in this way). This will speed up our processing of responses, and help to maintain confidentiality where appropriate.
- A3.26 The quality of consultation can be enhanced by publishing responses before the consultation period closes. In particular, this can help those individuals and organisations with limited resources or familiarity with the issues to respond in a more informed way. Therefore Ofcom would encourage respondents to complete their coversheet in a way that allows Ofcom to publish their responses upon receipt, rather than waiting until the consultation period has ended.
- A3.27 We strongly prefer to receive responses via the online web form which incorporates the coversheet. If you are responding via email, post or fax you can download an electronic copy of this coversheet in Word or RTF format from the 'Consultations' section of our website at www.ofcom.org.uk/consult/.
- A3.28 Please put any parts of your response you consider should be kept confidential in a separate annex to your response and include your reasons why this part of your response should not be published. This can include information such as your personal background and experience. If you want your name, address, other contact details, or job title to remain confidential, please provide them in your cover sheet only, so that we don't have to edit your response.

Cover sheet for response to an Ofcom consultation

BASIC DETAILS

Consultation title:

To (Ofcom contact):

Name of respondent:

Representing (self or organisation/s):

Address (if not received by email):

CONFIDENTIALITY

Please tick below what part of your response you consider is confidential, giving your reasons why

Nothing

Name/contact details/job title

Whole response

Organisation

Part of the response

If there is no separate annex, which parts?

If you want part of your response, your name or your organisation not to be published, can Ofcom still publish a reference to the contents of your response (including, for any confidential parts, a general summary that does not disclose the specific information or enable you to be identified)?

DECLARATION

I confirm that the correspondence supplied with this cover sheet is a formal consultation response that Ofcom can publish. However, in supplying this response, I understand that Ofcom may need to publish all responses, including those which are marked as confidential, in order to meet legal obligations. If I have sent my response by email, Ofcom can disregard any standard e-mail text about not disclosing email contents and attachments.

Ofcom seeks to publish responses on receipt. If your response is non-confidential (in whole or in part), and you would prefer us to publish your response only once the consultation has ended, please tick here.

Name

Signed (if hard copy)