

Question 1a: Do you agree with Ofcom's assessment of those stakeholders likely to be affected by changes to the regulatory framework for Adult Chat and Psychic PTV services?:

Yes.

Question 1b: Do you agree with our understanding of the industry and operators?:

No comment. I do not consider myself qualified to assess this.

Question 2a: Do you agree with our analysis of the options available for regulation of the promotion of premium rate services of a sexual nature, and a) that on the basis of options, a change to the existing rules appears merited?:

Yes.

Question 2b: of the options presented, Option 4 meets the regulatory duties and suggests least potential impact on stakeholders?:

Please see 2c below.

Question 2c: that the scheduling restrictions of 9pm to 5.30am and requirements for labelling and EPG position under option 4 offer appropriate protection for viewers?:

Although the wording of Option 4 as stated in the heading of Para 7.23 is acceptable, Ofcom's subsequent interpretation that it would require removal of Adult Chat channels from Freeview is totally unacceptable as it would be a complete betrayal of Ofcom's remit under the Communications Act 2003.

The option simply states that PRS of a sexual nature should be allowed 'subject to scheduling restrictions and labelling rules'. The explanation of how this would operate then goes on to introduce the concept of positioning such services in an adult area of the EPG. This is not mentioned in the wording of the option but is acceptable as it has already been done on Freeview with effect from 30 September 2009: the 90-series channel numbers (comparable with the 900-series on Sky).

However, the final sub-paragraph then surreptitiously refers to this area of the EPG as 'segregated' without giving any reason or justification for this significant change to the nature of the proposal. In Section 8 the document again asserts the need for a segregated adult EPG section but again fails to explain why this should be so. There is no reasonable requirement for a segregated adult section in the Freeview EPG. It is probably desirable to have such an item on Sky owing to the large numbers of channels involved and the inconvenience that would be incurred if PIN-protection or removal had to be done on an individual basis, but the Freeview broadcast spectrum has insufficient room for any more than half a dozen or so such channels. Placing these few channels in an easily identifiable area of the EPG as has already been done should be sufficient without any need for segregation. PIN-protecting or removing them would take only a minute or two. All Freeview receiving equipments have built-in PIN-protected parental control and a facility to remove channels completely. Any viewer who is unwilling or too lazy to use these features cannot, in my opinion, be very seriously concerned about the content of these channels. It is not Ofcom's remit to do this for them at the expense of others' freedom of choice.

Appropriate labelling of the channels could be easily achieved by simply adding a prefix such as 'ADULT', 'ADULT CHAT' or '18+' (but preferably a combination of the last-mentioned and one

or other of the preceding two) to the titles shown in the Freeview EPG.

Paragraph 7.26 says: 'In particular, Option 4 would ensure that the interests of viewers would be met.'

Under Ofcom's inexplicable interpretation with regard to Freeview it will do no such thing. In fact it will do precisely the opposite in that it will deny freedom of choice to the vast majority of UK viewers. This would be in direct contravention of Ofcom's obligations and responsibilities under the 2003 Act to ensure that as many viewers as possible have access to the type of television they wish to watch. Furthermore, it would be contrary to European human rights legislation.

Many viewers who might wish to access these channels are unable to use any digital platform other than Freeview. Flat-dwellers, occupiers of listed buildings and those who live in conservation areas are often prevented from installing satellite dishes by planning regulations, while other viewers suffer limitations brought about by geographical location, physical features in their locality, or building orientation.

In any case, under Ofcom's own definitions there is likely to be very little, if any, offence caused by adult chat channels. Viewers are likely to unexpectedly encounter far more offensive material in the course of an evening's viewing of the mainstream television channels during peak viewing times and yet Ofcom finds no problem with this. A recent episode of the BBC's 'The Thick of It' was a constant tirade of obscenities from beginning to end. Almost every sentence uttered contained the words 'fuck' or 'fucking', usually several times, and more than once in conjunction with 'cunt'. Ofcom dismissed viewers' complaints despite the fact that the show had no artistic merit or justifying context. I encountered the show by accident when it followed a serious drama production and consider it to be the most offensive item I have ever seen on television (and I'm 64 years of age).

If that show was deemed to be inoffensive I can see no way in which offence could be caused by shows which are just a bit of adult fun with a few scantily-clad female presenters whom the Broadcasting Code expressly prohibits from indulging in any form of explicit language or behaviour.

'Protecting' what Ofcom itself defines as 'a small minority' from some theoretical possibility of offence cannot and must not be used as an excuse for denying freedom of choice to the majority.

Question 3: Do you agree with our analysis of the options available for regulation of the promotion of live personal psychic services, and a) on the basis of the options, that a change to the existing rules appears merited?:

No comment.

Question 3b: of the options presented, Option 4 meets the regulatory duties and suggests least potential impact on stakeholders?:

No comment.

Question 3c: that the restriction of promotion to specific live personal psychic services and the requirements for labelling and EPG position provide appropriate protection for viewers?:

No comment.

Question 4a: Do you agree with the principles identified for changes to the Advertising Code rules on promotion of PRS of a sexual nature (rule 11.1.2) and psychic practices (rule 15.5)?:

Yes.

Question 4b: Do you agree with the wording of the proposed rules? If not, please suggest alternative wording. :

Yes.