

Cover sheet for response to an Ofcom consultation

BASIC DETAILS

Consultation title: Broadcasting Code review

To (Ofcom contact): Sara Winter

Name of respondent: Box Television

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	<input checked="" type="checkbox"/>	Name/contact details/job title	<input type="checkbox"/>
Whole response	<input type="checkbox"/>	Organisation	<input type="checkbox"/>
Part of the response	<input type="checkbox"/>	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If you want part of your response, your name or your organisation not to be published, can Ofcom still publish a reference to the contents of your response (including, for any confidential parts, a general summary that does not disclose the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

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Name Rob Hooker

Signed (if hard copy)

Ofcom Consultation

Box Television Responses

Question 1

a) Do you consider the rule in relation to 'adult sexual material needs to be clarified?'

Box TV believes the existing rules do not need to be clarified, but has no objections to the proposed changes

b) Do you agree with our proposed amendments to the rule 'adult-sex' material

Box TV agrees with the proposed amendments

Question 2

a) Do you consider that the introduction of a new rule in relation to material of a strong sexual nature is appropriate?

Box TV do not consider the above proposal as appropriate

b) Do you agree with our proposed rule on material of a strong sexual nature (proposed Rule 1.19)?

Box TV does not agree with the proposed Rule 1.19

c) If you do not agree with our proposed new rule, please explain why and suggest alternative wording where appropriate.

Box TV operates 7 music channels and as such does not broadcast 'strong sexual material'. However, Box TV believes that the proposed introduction of Rule 1.19 could impact on broadcasters who provide educational programmes in such areas.

The proposed Rule 1.19 does not define "images and/or language of a strong sexual nature" and without such definition Box TV believes the introduction of such a rule would, in effect, change the existing rules rather than add clarity as stated in the consultation document

Question 3

a) Do you consider that the rule in relation to material equivalent to the BBFC R-18 rating needs to be separated from the rule in relation to R-18 rated works?

Box TV is not opposed to the proposed changes

b) Do you agree with our proposed rule on material equivalent to the BBFC R-18 rating (proposed Rule 1.17)?

Box TV agrees with the proposed amendments to Rule 1.17

Question 4

a) *Do you consider that the rule in relation to pre-watershed material needs to be clarified?*

Box TV agrees with the clarification

b) *Do you agree with our proposed amendments to the rule on pre-watershed material (proposed Rule 1.20 to replace Rule 1.17)?*

Box TV agrees with the proposed amendments to Rule 1.20 and to replace Rule 1.17

Question 5

a) *Do you consider that the associated revisions are appropriate following the other rule revisions outlined above?*

Box TV agrees the associated revisions are appropriate

b) *Do you agree with our proposed associated revisions in Section One?*

Box TV agrees with the proposed revisions in Section One

Question 6

a) *Do you wish to suggest an alternative approach to the proposed set of rules in relation to sexual material? If so, please outline your proposals, which should comply with relevant legislation (including the Communications Act 2003 and the European Convention on Human Rights).*

Box TV does not wish to suggest an alternative approach.

Question 7

a) *Do you consider that the introduction of new rules in relation to competitions and voting is appropriate?*

Box TV agrees the introduction of the new rules is appropriate

b) *Do you agree with our proposed new rules in relation to competitions and voting (proposed Rules 2.11 to 2.13 to replace Rule 2.11)?*

Box TV agrees the introduction of the new rules is appropriate

Question 8

a) *Do you consider that the introduction of new meanings in relation to competitions and voting are appropriate?*

Box TV believes the new meanings are appropriate

b) Do you agree with our proposed new meanings in relation to competitions and voting?

Box TV believes the new meanings are appropriate, subject to comments below

c) If you do not agree with our proposed new meanings, please explain why and suggest alternative wording where appropriate.

Box TV believes the word 'programme' should be changes to 'Programming' to clarify the rules apply to all votes and competitions conducted in editorial time as set out in the new section 9 of the Code.

Question 9

a) Do you wish to suggest an alternative approach to the proposed set of rules in relation to competitions and voting? If so, please outline your proposals, which should comply with relevant legislation (including the Communications Act 2003, the Audiovisual Media Services Directive, the AVMS Directive (Implementation) Regulations 2009 and Article 10 of the European Convention on Human Rights.

Box TV does not wish to suggest an alternative approach

Question 10

a) Do you consider that the rules on commercial television would benefit from being separated from those for radio?

Box TV agrees that the separation of rules for Television and Radio are entirely appropriate

b) Do you agree with the introduction of the proposed new Section Nine on commercial references in television programming?

Box TV agrees with the introduction of the new proposed Section Nine on commercial references in television programming.

Question 11

a) Do you consider that it is appropriate for Ofcom to include the enforceable provisions relating to product and prop placement, replicated from the AVMS Directive (Implementation) Regulations 2009, as rules in the revised Code?

Box TV agrees this would be appropriate

Question 12

a) Would you consider that it appropriate for Ofcom to introduce rules that would allow Public Information Programming (as described above)? If so please explain why. If not, please explain why not.

In principle Box TV agrees with the proposed introduction of Public Information Programming ("PIP"). However, as stated above, Box TV operate music channels which, at present, does not appear to lend itself to PIP.

b) If Ofcom were to introduce rules in relation to Public Information Programming:

i. Are there any potential programmes that you believe could comply with the potential rules but that you consider would be undesirable or arguably not in the public interest? If so, please give details.

Box TV cannot comment at this stage.

ii. What impact (e.g. social, economic, equality) do you think the potential rules would have on viewers, the television industry and any other parties?

Box TV feel the introduction of PIP could create an additional source of funding for broadcasters.

iii. Do you consider that the potential rules would maintain the editorial independence of the broadcaster and provide adequate consumer protection? If not, please explain why.

Box TV feel that PIP funders would only agree to provide funds for programming which follow their way of thinking. Whilst maintaining consumer protection it has the potential to place increased pressure on the broadcaster to maintain editorial independence.

iv. Do you consider that additional or alternative safeguards to those included in the draft potential rules are necessary? If so, please provide details.

If Ofcom introduce these proposals then Box TV would recommend publishing detailed guidance on PIP. It would also be beneficial to provide initial support and advice to broadcasters if implemented.

v. Specifically, should there be any restriction on the type of non-commercial, not for-profit entities permitted to fund Public Information Programming, and if so, what restrictions?

Box TV feels some charities and religious organisations which, whilst being not-for-profit, would be inappropriate to fund PIP.

vi. Do you consider it would be appropriate for Ofcom to review these rules two years after their introduction? If not, please explain why.

If Ofcom introduces PIP then it is entirely appropriate to review these rules on a regular basis.

Question 13

a) Do you consider that the proposed new Section Nine would benefit from the introduction of new meanings?

Box TV agrees the proposed new Section Nine would benefit from the introduction of new meanings.

b) Do you agree with our proposed new meanings for Section Nine?

Box TV agrees with your proposed new meanings for Section Nine.

Question 14

a) Do you consider that the introduction of new Principles in relation to Section Nine is appropriate?

Box TV agrees the new principles for Section Nine are appropriate

b) Do you agree with the proposed new Principles for Section Nine?

Box TV agrees with the proposed new principles for Section Nine.

Question 15

a) Do you consider that the proposed Rules 9.1 to 9.5 are broadly the same, in terms of both scope and intent, of current Rules 10.1, 10.2, 10.3, 10.4 and 10.12?

Box TV agree with this

c) Do you agree with the introduction of the proposed new Rule 9.6?

Box TV agrees with the introduction of new Rule 9.6

Question 16

a) Do you consider it appropriate to introduce the proposed new Rule 9.9?

Box TV agrees with the proposed rule, but it is our understanding that all PRS activity is currently subject to this requirement.

Question 17

a) Do you consider that the introduction of a new competition and voting section is appropriate?

Box TV agrees with the introduction of a new competition and voting section

b) Do you agree with the proposed new competition and voting section for Section Nine?

Box TV agrees with the proposal

d) Do you agree that it is appropriate to apply these rules to BBC services funded by the licence fee?

Box TV agrees that BBC Services be subject to the same rules.

Question 18

a) Do you consider that the rules in relation to programme-related material would benefit from clarification?

Box TV agrees that the rules would benefit from clarification

b) Do you agree with the introduction of the proposed programme-related material section for Section Nine?

Box TV feels alternative wording (see below) would provide greater clarity

c) If you do not agree with the proposed programme-related material section, please explain why and suggest alternative wording where appropriate.

Rule 9.12 - suggested alternative wording

From:

Programme-related material may be promoted in the programme from which it is direct derived and only where it is editorially justified.

To:

Programme-related material may be promoted in Programming from which it is direct derived and only where it is editorially justified.

Question 19

a) Do you consider that the proposed cross-reference to the Cross-promotion Code would assist stakeholders?

Box TV agrees with the proposed changes – see comments below on wording

b) If you do not consider that the proposed cross reference to the Cross-promotion Code would assist stakeholders, please explain why and suggest alternative wording where appropriate.

Box TV feels a change to the wording would clarify that the rule is about Cross-promotion itself, rather than the service/programme to which it relates.

Suggested wording:

The broadcast of Cross-promotions should also comply with all relevant requirements of the Broadcasting Code and, in particular, Rules 9.1 to 9.6.

Question 20

a) Do you consider that the meanings in relation to sponsorship of television would benefit from revision?

Box TV agrees with the proposal

b) Do you agree that the revised meanings are consistent with those currently used, but more accurately reflect the definition of sponsorship as set out in the AVMS Directive?

Box TV agrees with the above

Question 21

a) Do you consider that the rules in relation to the content of sponsored output would benefit from clarification?

Box TV agrees these rules would benefit from clarification.

b) Do you agree with the introduction of the proposed new rules on the content of sponsored output in Section Nine?

Box TV agrees with the proposed new rules.

Question 22

a) Do you consider that the rules in relation to sponsorship credits would benefit from clarification?

Box TV agrees the rules would benefit from clarification

b) Do you agree with the introduction of the proposed rule?

Box TV agrees with the introduction of the proposed rules subject to the suggested wording below.

c) If you do not agree with the proposed rule, please explain why and suggest alternative wording where appropriate.

Following on from recent Ofcom Bulletins and guidance notes Box TV proposes the following wording:

Sponsorship credits must be distinct from advertising. Sponsor credits can include a brief description of the sponsor's products and services for the purpose of helping to identify the sponsor. However, the primary focus of the credit must be on the sponsorship arrangement itself. Credits must not contain advertising messages or calls to action. In particular, credits must not encourage the purchase or rental of the products or services of the sponsor or a third party.

Question 23

a) Do you consider that the rules in relation to appeals for funds would benefit from clarification?

Box TV agrees with the clarification of these rules

b) Do you agree with the introduction of the proposed Rule 9.29 and the section on appeals for funds for programming or services?

Box TV agrees with the introduction of Rule 9.29

Question 24

a) Do you consider that the proposed rule revisions are appropriate and would remain consistent with current rule requirements?

Box TV considers the proposed rule revisions are appropriate and would remain consistent with current rule requirements.

Question 25

a) Do you wish to suggest an alternative approach to the proposed revisions in relation to the regulation of commercial references on television?

Box TV does not suggest an alternative approach