

Title:

Forename:

Surname:

Representing:

Organisation (if applicable):

Email:

What do you want Ofcom to keep confidential?:

Keep organisation 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 the rule in relation to ?adult-sex? material needs to be clarified? b) Do you agree with our proposed amendments to the rule on ?adult-sex? material (Proposed Rule 1.18 to replace Rule 1.24)? c) If you do not agree with our proposed amendments, please explain why and suggest alternative wording where appropriate.:

- a. Yes
- b. Yes
- c. N/A

Question 2: a) Do you consider that the introduction of a new rule in relation to material of a strong sexual nature is appropriate? b) Do you agree with our proposed rule on material of a strong sexual nature (proposed Rule 1.19)? c)

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

- a. Yes
- b. We note that Ofcom states that, "The new rule would provide greater clarity to broadcasters in that it requires them to consider both the nature of the material for broadcast, and the contextual justification of that material. It highlights the strong contextual factors which must be applied in relation to material of a strong sexual nature, thereby reducing the likelihood of both compliance failures and regulatory intervention."
- c. CBC believes that the wording of this rule should make sure that the contextual justification is such that the broadcaster and their programme maker/supplier would themselves feel happy for the material to be shown to their parents and grandparents. We know that Ofcom wishes to be a "light-touch" regulator but we feel that, in the case of this rule, rather than having a regulation philosophy of "closing the door after the horse has bolted" that it should be incumbent on the broadcaster to justify in advance to Ofcom that the inclusion of the material is justified in the context of the programme. This would not remove the obligation of Ofcom investigating any subsequent complaints but it would enable a broadcaster to feel more confident that they had made the right value judgement.

Our proposed version of the rule would read as follows:

Rule 1.19 Programmes or trailers which contain images and/or language of a strong sexual nature, which are not broadcast for the primary purpose of sexual arousal or stimulation, can be broadcast after the watershed provided the broadcaster has, in advance of transmission, justified to Ofcom that there is strong contextual justification for so doing. When considering the strength of the material, and therefore the contextual justification, broadcasters should take account of factors which might include (but are not limited to):

- ? the amount of sexual material;
- ? the explicitness of the material, i.e. the nature of the sexual activity and sexual language used, for example how graphic, prolonged or prominent it is;
- ? the purpose of the sex scenes within the programme, i.e. whether this is to support an editorial purpose. If the purpose is sexual arousal or stimulation of the viewer Rule 1.18 applies;
- ? whether any plot or narrative provides sufficient editorial context for its inclusion; and,
- ? whether there is an educational or other perspective to justify the inclusion of material of a strong sexual nature.

(See Rules 1.6 and 1.18 and Rule 2.3 in Section Two: Harm and Offence which includes meaning of "context".)

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? b) Do you agree with our proposed rule on material equivalent to the BBFC R-18 rating (proposed Rule 1.17)? c) If you do not agree with our proposed new rule, please explain why and suggest alternative wording where appropriate.:

- a. Yes
- b. Yes
- c. N/A

Question 4: a) Do you consider that the rule in relation to pre-watershed material needs to be clarified? b) Do you agree with our proposed amendments to the rule on pre-watershed material (proposed Rule 1.20 to replace Rule 1.17)? c) If you do not agree with our proposed amendments, please explain why and suggest alternative wording where appropriate.:

- a. Yes
- b. Yes
- c. N/A

Question 5: a) Do you consider that the associated revisions are appropriate following the other rule revisions outlined above? b) Do you agree with our proposed associated revisions in Section One? c) If you do not agree with our proposed revisions, please explain why and suggest alternative wording where appropriate.:

- a. Yes
- b. Yes
- c. N/A

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).:

- a. Cross Rhythms has made a specific suggestion in our answer to Q.2 with regard to the wording of Rule 1.19 and we believe such a way forward would enhance the other proposals already made by Ofcom

Question 7: a) Do you consider that the introduction of new rules in relation to competitions and voting 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)? c) If you do not agree with our proposed new rules, please explain why and suggest alternative wording where appropriate.:

- a. Yes
- b. Yes
- c. N/A

Question 8: a) Do you consider that the introduction of new meanings in relation to competitions and voting are appropriate? b) Do you agree with our proposed new meanings in relation to competitions and voting? c) If you do not agree with our proposed new meanings, please explain why and suggest alternative wording where appropriate.:

- a. Yes
- b. Yes.
- c. N/A

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.:

a. We do not have any alternative suggestions and Cross Rhythms feels that this right way for Ofcom to proceed in regard to competitions and voting.

Question 10: a) Do you consider that the rules on commercial television would benefit from being separated from those for radio? b) Do you agree with the introduction of the proposed new Section Nine on commercial references in television programming? c) If you do not agree with the proposed new Section Nine, please explain why and suggest alternative wording where appropriate.:

- a. Yes
- b. Yes. However we need to make sure commercial references in television are still regulated separately from on-air appeals by faith-based broadcasters.
- c. N/A

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, as rules in the revised Code? b) If you do not consider this to be appropriate, please explain why.:

- a. Yes, provided that the regulations do not adversely affect Christian and other faith-based broadcasters.
- b. See answer to Q.11a

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. 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. 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? 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. iv. Do you consider that additional or alternative safeguards to those included in the draft potential rules are necessary? If so, please provide details.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? vi. Do you consider it would be appropriate for Ofcom to review these rules two years after their introduction? If not, please explain why.:

a. Cross Rhythms would agree with the Ofcom proposal to allow Public Information programming as we see them adding to the variety of material available. We give our views on extra safeguards under 12.b.iv

b.

i). The type of programme that could be made by a non-commercial body could include topics such as birth advice and if the organisation was either pro-life or pro-abortion such a ?health topic? programme aired as a Public Information Programme would possibly have a one-sided worldview.

We would point out that these Public Information Programmes should not be confused with ministry programming on a religious channel, which naturally has a faith perspective, when discussing various matters.

ii). This could be of benefit to viewers and, to some extent, relieve commercial TV companies from making some of their own information programmes.

iii). Yes in the main but we give our views elsewhere in this response.

iv). All Public Information Programming, whether produced by the Central Office of Information or another body, should clearly show a logo on the screen during the programme plus there should be announcements at the start and end of the programme plus every 15 minutes naming the programme supplier.

v). Yes we believe that there could be not-for-profit organisations, as mentioned in our answer to i). that could have a focus of their work that might not allow them to make Public Information Programmes.

vi). Yes

Question 13: a) Do you consider that 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? c) If you do not agree with our proposed new meanings, please explain why and suggest alternative wording where appropriate.:

a. Yes

b. Yes

c. N/A

Question 14: a) Do you consider that the introduction of new Principles in relation to Section Nine is appropriate? b) Do you agree with the proposed new Principles for Section Nine? c) If you do not agree with our proposed new Principles, please explain why and suggest alternative wording where appropriate.:

- a. Yes
- b. Yes
- c. N/A

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? b) If you do not consider the proposed rules are broadly the same as the current rules in this area, please explain why and suggest alternative wording where appropriate. c) Do you agree with the introduction of the proposed new Rule 9.6? d) If you do not agree with the proposed new Rule 9.6, please explain why and suggest alternative wording where appropriate.:

- a. Yes
- b. N/A
- c. Yes
- d. N/A

Question 16: a) Do you consider it appropriate to introduce the proposed new Rule 9.9? b) If you do not consider it appropriate to introduce the proposed new Rule 9.9, please explain why and suggest alternative wording where appropriate.:

- a. Yes
- b. N/A

Question 17: a) Do you consider that the introduction of a new competition and voting section is appropriate? b) Do you agree with the proposed new competition and voting section for Section Nine? c) If you do not agree with our proposed new competition and voting section, please explain why and suggest alternative wording where appropriate. d) Do you agree that it is appropriate to apply these rules to BBC services funded by the licence fee? e) If you do not agree that it is appropriate to apply these rules to BBC services funded by the licence fee, please explain why.:

- a. Yes
- b. Yes
- c. N/A
- d. Yes. The BBC needs to be regulated the same as other broadcasters.
- e. N/A

Question 18: a) Do you consider that the rules in relation to programme-related material would benefit from clarification? b) Do you agree with the introduction of the proposed programme-related material section for Section Nine? c) If you do not agree with the proposed programme-related material section, please explain why and suggest alternative wording where appropriate.:

- a. Yes
- b. Yes but see below our answer to 18.c
- c. As stated in our answer to 17.c these codes should in most cases also regulate the BBC.

Question 19: a) Do you consider that the proposed cross reference to the Cross-promotion Code would assist stakeholders? 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.:

- a. Yes but see below our answer to 19.b
- b. This part of the revised code should cover the BBC as they are involved in much cross promotion between their TV channels and their radio services. In addition the BBC does promote their books and other materials based on the TV series that they broadcast.

Question 20: a) Do you consider that the meanings in relation to sponsorship of television would benefit from revision? 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? c) If not please explain why, suggesting drafting changes where appropriate.:

- a. Yes
- b. Yes
- c. N/A

Question 21: a) Do you consider that the rules in relation to the content of sponsored output 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? c) If you do not agree with the proposed new rules on the content of sponsored output, please explain why and suggest alternative wording where appropriate.:

- a. Yes
- b. Yes
- c. N/A

Question 22: a) Do you consider that the rules in relation to sponsorship credits would benefit from clarification? b) Do you agree with the introduction of the proposed rule? c) If you do not agree with the proposed rule, please explain why and suggest alternative wording where appropriate.:

- a. Yes
- b. Yes
- c. N/A

Question 23: a) Do you consider that the rules in relation to appeals for funds would benefit from clarification? b) Do you agree with the introduction of the

proposed Rule 9.29 and the section on appeals for funds for programming or services? c) If you do not agree with the proposals, please explain why and suggest alternative wording where appropriate.:

- a. Yes
- b. In the main we do
- c. However we wish to make sure that any Christian and faith-based channels are not adversely affected by the interpretation of this rule.

Question 24: a) Do you consider that the proposed rule revisions are appropriate and would remain consistent with current rule requirements? b) If you not, please explain why and suggest alternative wording where appropriate.:

- a. Yes
- b. N/A

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? b) 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.:

- a. No
- b. N/A

Question 26: a) Do you consider that the rules on commercial radio would benefit from being separated from those for television? b) Do you agree with the introduction of the proposed new Section Ten on commercial references in radio programming? c) If you do not agree with the proposed new Section Ten, please explain why and suggest alternative wording where appropriate.:

- a. Yes
- b. Yes
- c. N/A

Question 27: a) Do you consider that it is appropriate for Ofcom to introduce the proposed rules concerning content-related promotions? If so, please explain why. b) If not, please explain why. c) Do you agree with our assessment of the impact of the proposed rules on listeners, the radio industry and any other parties? Please provide any evidence or data you have to support your answer. d) Do you consider that the proposed rules would maintain the editorial independence of the broadcaster and provide adequate consumer protection? e) If not, please explain why, suggesting drafting changes where appropriate.:

- a. Yes, as it enhances the listener's opportunity to further participate if they so wish
- b. N/A
- c. Yes we would agree. Our views are informed from talking with listeners and people involved in the radio industry rather than hard data.
- d. Yes
- e. N/A

Question 28: a) Do you consider that it is appropriate for Ofcom to introduce the proposed rules concerning outside broadcasts sponsored by the venue? If so, please explain why. b) If not, please explain why. c) Do you agree with our assessment of the impact of the proposed rules on listeners, the radio industry and any other parties? Please provide any evidence or data you have to support your answer. d) Do you consider that the proposed rules would provide adequate consumer protection, subject to the maintenance of full transparency concerning sponsorship arrangements? e) If not, please explain why, suggesting drafting changes where appropriate.:

- a. Yes because they clarify the rules for the various situations in which some broadcasters operate. A small-scale licensee may be covering a local village show sponsored by the local timber supply merchant whereas a large FM/DAB station may cover a music festival from the city park.
- b. N/A
- c. Yes we believe they would be beneficial. Our views are informed from talking with listeners and people involved in the radio industry rather than hard data.
- d. Yes
- e. N/A

Question 29: a) Do you consider that it is appropriate for Ofcom to introduce the proposed rules concerning sponsored listener competition features? If so, please explain why. b) If not, please explain why. c) Do you agree with our assessment of the impact of the proposed rules on listeners, the radio industry and any other parties? Please provide any evidence or data you have to support your answer. d) Do you agree that the proposed rules would provide adequate consumer protection, subject to the maintenance of full transparency concerning sponsorship arrangements? e) If not, please explain why suggesting drafting changes where appropriate.:

- a. Yes. Cross Rhythms believes that the rule changes will enable broadcasters to offer a wider choice of competitions to their listeners. We feel that this change will benefit small stations as well as specialist broadcasters such as Christian stations.
- b. N/A
- c. Yes
- d. N/A

Question 30: a) Would you consider that it is 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. 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. ii. What impact (e.g. social, economic, equality) do you think the potential rules would have on listeners, the radio industry and any other parties? Please provide any evidence or data to support your answer. 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. iv. Do you consider that additional or alternative safeguards to those included in the draft proposed rules are necessary? If so, please provide details. 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? vi. Do you consider that it would be appropriate for Ofcom to review these rules two years after their introduction? If not, please explain why. :

a. Cross Rhythms would agree with the Ofcom proposal to allow Public Information programming as we see them adding to the variety of material available. We have given our views on extra safeguards under 30.b.iv

b.

i). The type of programme that could be made by a non-commercial body could include topics such as birth advice and if the organisation was either pro-life or pro-abortion such a 'health topic' programme aired as a Public Information Programme would possibly have a one-sided worldview.

We would point out that these Public Information Programmes should not be confused with ministry programming on a religious station, which naturally has a faith perspective, when discussing various matters.

ii). This could be of benefit to listeners and allow some radio stations to supplement their own information programmes.

iii). Yes in the main but we give our views elsewhere in this response.

iv). All Public Information Programming, whether produced by the Central Office of Information or another body, should have announcements at the start and end of the programme plus every 15 minutes naming the programme supplier.

v). Yes we believe that there could be not-for-profit organisations, as mentioned in our answer to i). that could have a focus of their work that might not allow them to make Public Information Programmes.

vi). Yes

Question 31: a) Do you consider that the proposed new Section Ten would benefit from the introduction of new meanings? b) Do you agree with our proposed new meanings for Section Ten? c) If you do not agree with our proposed new meanings, please explain why and suggest alternative wording where appropriate.:

- a. Yes
- b. Yes
- c. N/A

Question 32: a) Do you consider that the introduction of new Principles in relation to Section Ten is appropriate? b) Do you agree with the proposed new Principles for Section Ten? c) If you do not agree with our proposed new Principles, please explain why and suggest alternative wording where appropriate.:

- a. Yes
- b. Yes
- c. N/A

Question 33: a) Do you consider that the proposed Rules 10.1 to 10.5 are broadly the same, in terms of both scope and intent, as current Rules 10.1, 10.2, 10.3, 10.4, and 10.12? b) If you do not consider the proposed rules are broadly the same as the current rules in this area, please explain why and suggest alternative wording where appropriate. c) Do you agree with the introduction of the proposed new Rule 10.6? d) If you do not agree with the proposed new Rule 10.6, please explain why and suggest alternative wording where appropriate.:

- a. Yes
- b. N/A
- c. Yes
- d. N/A

Question 34: a) Do you consider it appropriate to introduce the proposed new meaning of product placement, to reflect the definition required for television? b) If not please explain why, suggesting drafting changes where appropriate.:

- a. Yes
- b. N/A

Question 35: a) Do you consider it appropriate to introduce the proposed new Rule 10.10? b) If not please explain why, suggesting drafting changes where appropriate.:

- a. Yes
- b. N/A

Question 36: a) Do you consider that the introduction of a new competition and voting section is appropriate? b) Do you agree with the proposed new competition and voting section for Section Ten? c) If you do not agree with our proposed new competition and voting section, please explain why and

suggest alternative wording where appropriate. d) Do you agree that it is appropriate to apply these rules to BBC services funded by the licence fee? e) If you do not agree that it is appropriate to apply these rules to BBC services funded by the licence fee, please explain why and suggest drafting changes where appropriate.:

- a. Yes
- b. Yes
- c. N/A
- d. Yes, the BBC needs to be regulated the same as commercial and community radio broadcasters.
- e. N/A

Question 37: a) Do you consider that the rules in relation to programming-related material would benefit from clarification? b) Do you agree with the introduction of the proposed programming-related material section for Section Ten? c) If you do not agree with the proposed programming-related material section, please explain why and suggest alternative wording where appropriate.:

- a. Yes
- b. Yes, especially for Christian stations as in some ministry programmes there is mention of books and teaching materials that can enable the listener to learn more about the teachings of Jesus Christ.
- c. N/A

Question 38: a) Do you consider that the meanings in relation to sponsorship of radio would benefit from revision? b) Do you agree that it is appropriate for Ofcom to introduce the proposed meanings in relation to radio sponsorship? c) If not please explain why, suggesting drafting changes where appropriate.:

- a. Yes
- b. Yes, provided that these rules do not adversely affect ministry programming that is broadcast on some Christian stations.
- c. See our answer to 38b.

Question 39: a) Do you consider that the rules in relation to the content of sponsored output would benefit from clarification? b) Do you agree with the introduction of the proposed new rules on the content of sponsored output in Section Ten? c) If you do not agree with the proposed new rules on the content of sponsored output, please explain why and suggest alternative wording where appropriate.:

- a. Yes
- b. Yes
- c. N/A

Question 40: a) Do you consider that introduction of rules in relation to Service Level Agreements is appropriate? b) Do you agree with Ofcom's proposed rules on Service Level Agreements? c) If not please explain why, suggesting drafting changes where appropriate.:

- a. Yes
- b. Yes
- c. N/A

Question 41: a) Do you consider that the rule in relation to appeals for funds would benefit from clarification? b) Do you agree with the introduction of the proposed Rule 10.55 and the section on appeals for funds for programming or services? c) If you do not agree with the proposals, please explain why and suggest alternative wording where appropriate.:

- a. Yes
- b. No
- c. Radio stations should be free, if they so wish, to offer a station coffee mug or another gift as a 'thank you' to a supporter who donates funds to the station. Listener-supported broadcasters, such as many Christian stations, should not be restricted from offering such gifts. Our proposed wording would be:
Rule 10.55 Broadcasters must not offer any additional benefits or other incentives to donors. This Rule does not apply to either:
 1. Community Radio broadcasters conducting on-air society lotteries that are managed and run by broadcasters for the sole purpose of raising funds for programme making or running their specific services
 2. Radio broadcasters who receive more than 25% of their income from listener donations.

Question 42: a) Do you consider that the proposed rule revisions are appropriate and would remain consistent with current rule requirements? b) If you not, please explain why and suggest alternative wording where appropriate.:

- a. Yes
- b. N/A

Question 43: a) Do you wish to suggest an alternative approach to the proposed revisions in relation to the regulation of commercial references on radio? 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, Schedule 1 of The Consumer Protection from Unfair Trading Regulations 2008 and The Community Radio Order 2004). :

- a. No
- b. N/A

Question 44: a) Do you agree with the proposed approach which only proposes changes to Section One of the Code in relation to material of a sexual nature, only proposes changes to Section Two in relation to Competitions and Voting, and proposes no changes to Sections Three to Eight. b) If you do not agree with our approach, please explain which other sections of the Code you consider should be reviewed and why. c) Do you agree with Ofcom's approach which will be to provide, and update, guidance to all sections on an on-going basis? If so, are there particular areas where you consider an updating of guidance would be helpful?:

- a. We agree with Ofcom's current approach but we will keep a constant watch on how the Broadcasting Code may need revision in the future.
- b. N/A
- c. Yes