

**Question 1: Do you agree that television broadcasters should be directly responsible for PRS in programmes and also for other forms of communication where viewers seek to interact with programmes?**

**Please explain why.:**

Yes, given that they receive the largest proportions of revenue and are at the top of the supply chain, broadcasters are in the best position to command the content and quality of the programmes they commission.

**Question 2: If so, do you agree that a variation to television licences would be the most appropriate way of ensuring that broadcasters are responsible for such PRS compliance?:**

Yes.

**Question 3: Do you agree that there is a need for broadcasters to obtain independent, third-party verification that they are in fact complying with the draft licence obligations set out in Paragraph 2 of the draft licence variation? If so, which of the options for verification discussed in Section 4 do you think is most appropriate? Are there other appropriate options? Again, please provide reasons.:**

Yes, given the spate of incidents which imply endemic failings in the industry and the current state of consumer mistrust, independent third party verification is needed to restore standards and trust.

Option A (Independent verification to be in a form decided by the Licensee and only provided upon request) seems insufficient and would potentially result in inconsistencies in the frequency and rigour of verification arrangements implemented by broadcasters.

Option C (An annual audit in accordance with a detailed specification) would ensure greater consistency in the verification process for all broadcasters but, in addition to the greater cost issues already noted in the consultation, could prove difficult to implement and maintain in the long run. Aside from the issues in trying to create a detailed specification to suit the range of broadcasters, there is the question of how much flexibility this would provide in adapting to future developments in the industry ? e.g. with respect to regulations, European legislation, programme genres or technology.

Therefore we believe Option B (Independent verification to be in a form decided by the Licensee and provided at specified times) is the most suitable, if based on an appropriate risk management framework. This can be adapted to suit the variations in the industry (with respect to broadcasting medium, nature of programmes, etc.) and allows individual broadcasters to demonstrate compliance to the degree that is proportional to their respective risks and threats. By requiring that all broadcasters provide regular reports, Option B would also allow Ofcom to monitor the consistency of their verification arrangements. This review process could then serve as input to

further guidelines if necessary and be used to establish best practice across the industry.

**Question 4: Do you have any comments on the draft licence variation set out in Annex 5? Please support your comments with adequate explanation and provide drafting proposals as appropriate.:**

No comment.

**Question 5: Do you agree that the draft licence obligations should not be limited to television but should also apply to radio broadcasters? Please provide reasons.:**

Yes, although incidents have been more prevalent in television, there is nothing to suggest that the format on radio is any less susceptible to abuse. Hence, as for television, a risk management approach with independent verification would provide a targeted means to establish a continuous cycle of best practice implementation and review.

**Question 6: Which of the options proposed in Section 6 do you believe is most appropriate to ensure separation of advertising from editorial content? Please explain why.:**

**Question 7: Do you have any comments on the draft new rules and guidance in respect of Options 2, 3 and 4 set out in Annex 6? Please support your comments with adequate explanation and provide drafting proposals as appropriate.:**

**Question 8: Do you agree that Option 2 clarifies the existing provisions of the Broadcasting Code and therefore should not be limited to dedicated PTV only, but should apply to all editorial content (on both television and radio) which invites viewers to pay to take part? Please give reasons.:**

**Question 9: Has Ofcom correctly identified, in Section 6 and the Impact Assessment in Annex 7, the various impacts arising from each option for dedicated PTV? Again, please give reasons.:**

**Comments:**