



A “Nuisance Calls Agency” - Our Outline Proposal

We fully support the right of individuals to adopt measures to block calls using a variety of devices and services. We however see most “nuisance calls” as being subject to statutory prohibition through the terms of the **PECR**, enforced by the **ICO**, **Ofcom**’s discretionary powers to act against those engaged in “**persistent misuse**” and other regulatory provisions (see [this briefing](#)).

The proposed “agency”

To ensure that the maximum pressure may be brought to bear on the causes of nuisance, for the sake of all citizens, we see it as essential that the many existing powers be retained at the point where each may be most effectively deployed. This means that a network of regulators must be engaged. **Ofcom**, using the non-specific “persistent misuse” powers, acts as a “backstop”.

We believe however that existing diverse means of engagement with citizens and the investigative resources must be consolidated into a single “agency”.

The difficult task of making the initial determination of which regulation may have been breached would be undertaken by **the agency**, rather than by citizens. The particular evidence necessary would be collected and assembled before being passed to the respective regulatory body holding the powers. The regulator would then only need to perhaps do a little work of its own before taking appropriate action.

Publication and representations

Where **the agency** had assembled appropriate evidence of particular activity by an organisation, it would be free to identify that organisation and its evidenced activities in its regular reporting. That is not to say that it need be cavalier in its behaviour, as it would wish to work closely with the regulatory bodies, which typically prefer to engage in private efforts to secure compliance.

As well as listening to and having regard to these bodies and their policies, **the agency** would also be in a strong position to make representations, based on the evidence it held, for these policies to be revised and, as things stand at present, strengthened considerably.

We see it as vital to address the fact that the regulators, who are clearly seen to have been highly ineffective up to now, are a law unto themselves. They collect evidence, conduct investigations and make determinations about what action is required, in secret. They even commission private research to re-affirm improper elements of current policy - see “[Ofcom misses the point](#)”.

Location for the agency

For a variety of reasons we are keen for this agency to be located within an existing body, with its **Communication**, **Investigation** and **Policy** functions kept together. **Citizens Advice** is already expanding to cover very similar functions in related areas and would appear to be attractive as a host. The pressure of this current expansion may however deny the need to move swiftly.

A “virtual” existence, with the functions being directed although split, may need to be considered.

We are very keen to engage in discussion with those who recognise the merits of this proposal to see how establishment of the agency could be brought about within the public or supported voluntary sectors. Private sector engagement need not be precluded.

