



Another silly meaningless "Ban Cold Calling" proposal from the government

After a lot of hype and a brief reference in the **Chancellor's** Autumn Statement, [the government consultation on its proposals to address Pension Cash Investment Scams](#) was issued quietly yesterday.

The key element of this was supposed to be a meaningful ban on Cold Calling. In fact, once again there is nothing new in an over-hyped proposal.

The proposals confirm that the existing nonsense of direct marketing calls being permitted, despite being "unsolicited", will continue. The proposed "ban" is focussed only on those who are practicing fraud or deception.

Enforcement of this "ban" will be carried out using the weak powers held by the **Office of the Information Commissioner (ICO)**, rather than the **Financial Conduct Authority (FCA)** which, in conjunction with the **Police**, is responsible for tackling fraud and holds the necessary powers.

The consultation states, **"3.17 The proposal is not intended to apply to legitimate interactions"**. This is both the nonsense of the proposal and the point on which the **fair telecoms campaign** wholly disagrees with the government.

If an interaction that occurs is already illegitimate, then surely one needs to look at stronger enforcement action, rather than re-enacting the prohibition through a regime with weaker enforcement powers than those already in place to address the issue. We accept that recent liberalisation measures with regard to pensions have considerably increased the danger of citizens being led to act unwisely, but unsolicited direct marketing telephone calls is a much wider issue.

In this context, we challenge the **FCA** and the **Treasury** to justify their tolerance (and the consequent legitimacy) of the practice of marketing **any financial service** through calls to home landlines or personal mobiles where the call was not expressly requested ("solicited").

More broadly, we challenge regulators responsible for the marketing of products and services in other sectors (notably **claims management, energy, telecoms, gambling** and **charity fundraising**) to justify their view that the benefit allegedly derived by some warrants the inconvenience, annoyance and distress caused to the overwhelming majority of recipients of what are known as "nuisance calls" – see our [briefing](#).

Because the **PECR** (which includes the general regulations covering direct marketing telephone calls) derives from a EU Directive, we will have to wait until after the **"Great Repeal Bill"** has been passed before it can be re-shaped to properly protect the interests of UK citizens against those of competing businesses in the free trade single market that we have voted to leave.

In the meantime however the areas which represent over 90% of the complaints about "nuisance calls" made to the **ICO** can be made subject to a total ban on cold calling by the respective regulators. These regulators are aware of business practices in their sectors and have both a record of achieving compliance and the necessary powers to enforce it, so as to make the role of the **ICO** relatively insignificant.

We need an effective ban on cold calling, applied by those able to enforce it. Yet one more meaningless step, that only appears to be positive, is itself no less of a deceit than the practices which it seeks to address.

