



**Nuisance Calls - Government announces a step forward ...
and a step sideways**

Whilst the House of Lords was yesterday debating amendments to the Consumer Rights Bill, the government made two interesting announcements.

Total ban on cold calling by payday loans companies

The **FCA** will consult on banning use of cold calling (by telephone calls, text messages and emails) in the marketing of “payday loans”, next year - see [Hansard 26 Nov 2014 Column 914](#).

This responds to one of the key principles outlined in our [suggested approach to dealing with Nuisance Calls in general](#). The general prohibition on unsolicited marketing telephone calls, text messages and emails enforced by the **Office of Information Commissioner (ICO)**, under the provisions of the Privacy and Electronic Communications Regulations (PECR), has been clearly shown to be ineffective. We believe that proportionate and tight regulation of telephone contact activity must be applied **where it can have some realistic hope of achieving compliance** - by the regulators directly engaged with the relevant industry.

Payday loans is perhaps the most marked example of a service for which telemarketing is wholly unsuitable, however there are many more - within the scope of the **FCA** and elsewhere. We will continue to press the **FCA** to look at the wider issue of all telephone contact, with the objective of eliminating all nuisance calls from the sector for which it is responsible.

Compelling law breakers to identify themselves!

The government will, following a consultation, within “the next few months” require caller line identification (CLI) to be provided by those who make direct marketing calls - see [Hansard 26 Nov 2014 Column 915](#). This will be added to the PECR, **in addition to** the existing provision that these can only be made with the consent of the person being called.

The benefit of this provision appears to be based on some questionable assumptions:

- Display of an unrecognised telephone number would be more helpful than seeing no number at all in aiding a decision about whether or not to answer a call!
- Those who currently choose not to give a number when making marketing calls, would choose to give one that is useful in identifying them - when they do so illegally!

There are many situations where it is right and proper for a caller to withhold provision of a number (this point was acknowledged in the debate). It must also be acknowledged that CLI only lets one know who is calling **when the number is recognised** (a most useful feature).

When a call is made from a call centre, the number shown bears no relation to the point from which the call is made; it is selected by the caller to be whatever they wish it to be. Since blocking or failing to answer calls from withheld numbers has become common practice, nuisance callers now tend to provide whatever number they believe will cause the person called to answer (e.g. a random number on the local exchange).

It is good to know who is calling - but that only happens by CLI when we recognise the number.

Action against those who make nuisance calls, or provide meaningless CLI, would be easier if they could be compelled to identify themselves. Aiming such a requirement at those who have chosen to break the law anyway does not seem to be a sensible approach.

