



**fair telecoms campaign welcomes TWO inquiries into the problem of Nuisance Calls**

On Thursday [11 July] we commented about a lot of [Noise](#) being made about Nuisance Calls.

We are now delighted to hear timely announcements that TWO inquiries will be undertaken in order to understand the problem and look at the serious remedies that may be put in place.

### ***Inquiry by Culture Media and Sport (Select) Committee***

A press statement announcing this enquiry was released on Friday [12 July] - [see copy](#).

We will make the following recommendations to this inquiry:

- That the **ICO** be immediately granted the regulatory changes it has requested to enable more effective conduct of its enforcement activity. These modest revisions may be readily made, within a matter of weeks, there is no need for primary legislation (as proposed by some).
- **Ofcom** must be taken to task over its failure to use its **Persistent Misuse Powers** as [drafted](#), and as expected by parliament (see [Hansard](#)) -  
***“We expect you to use your powers to eradicate the nuisance of Silent Calls”.***

Contrary to pretence, these powers do not permit the general imposition of regulations on call centres. Ofcom has a duty to issue a **Notification of Persistent Misuse** whenever it has **reason to believe** that the telephone system is being used in a way that is **likely to cause unnecessary inconvenience, annoyance or anxiety**. Penalties may follow where this is disregarded.

In the case of “Silent Calls”, **Ofcom's** policy tolerates 1 in every 33 calls made being terminated in silence due to too many calls being instigated, and an unlimited number of daily calls to be answered to silence due to use of ineffective Answering Machine Detection equipment.

In cases where other regulators are unable to act against nuisance, Ofcom fails to step in.

### ***Inquiry by All Party Parliamentary Group on Nuisance Calls***

This additional inquiry was reported by the [Sunday Post \[14 July\]](#). (*The APPG release is available.*)

This inquiry will take a much-needed wider view of the issue. Our representations will include:

- Addressing the way in which many other regulators need to become involved in setting standards for the marketing and consumer contact activities of those they regulate, e.g. **Moj, DECC, Ofgem, Ofcom, FCA**. As many major culprits are seen to operate within the industries they regulate, and they have far greater powers, **it is foolish to leave it all to the ICO**.
- As there is already a complex regulatory network (for good reason), it is imperative that there be **a single INDEPENDENT agency to deal with the citizen/consumer side of the problem**. We see this as best located alongside the existing and developing general consumer contact and advocacy body being established within **Citizens Advice**. It is imperative that this agency have proper status and not be part of any body with regulatory powers of its own.
- Urging proper consideration of the technological options available. **Ofcom's** perverse tolerance of the use of Answering Machine Detection equipment - **possibly the major cause of “Silent Calls”** - must be supplanted by the acceptance of Answering Service Detection.
- Ensuring that personal remedies which individuals may acquire or deploy to isolate themselves from nuisance are **not used to deny others the proper protection of their rights**.

