

Ostrich Media

Response to ICSTIS' Public Consultation: Introducing Prior Permission For Premium Rate Services Used In Television And Radio Programmes

Introduction

This document sets out Ostrich Media's views and comments on the ICSTIS public consultation document entitled "Introducing Prior Permission For Premium Rate Services Used In Television And Radio Programmes".

Ostrich Media is the UK's leading independent producer of quiz TV programming, primarily under the 'Quiz Call' brand. Launched in August 2005 on its own dedicated channel and as programming for other broadcasters, Quiz Call was one of the first quiz TV channels in the UK.

Since the 15th January 2007, Quiz Call can be viewed on five, five US and five life.

As the producers of Quiz Call, Ostrich Media welcomes the opportunity to respond to a consultation about the rules and regulations regarding use of premium rate services in broadcasts.

Ostrich Media seeks to operate to the highest standards in every area of its business and it has always endeavoured to work, and will continue to work, with ICSTIS and Ofcom to ensure it meets the terms of those regulations that apply to it. In addition, Ostrich Media has recommended to ICSTIS a series of best practice techniques that we believe should be adopted by the industry as a whole.

At Ostrich Media, we believe our high level of satisfied customers demonstrates that consumers both want and understand quiz TV services and that all such services can be delivered in a fair and appropriate way.

Q1. Do you agree with this definition of Broadcast Premium Rate Services? If not, why not and what would you propose instead?

Ostrich Media agrees with this definition of Broadcast Premium Rate Services.

Q2. What evidence do you have as to how serious and widespread a problem there is in respect of calls received either before lines are announced as open or after lines are ostensibly closed, and what steps could be taken to manage this problem in a way that limits callers from incurring costs without the benefits of receiving the service?

We cannot comment directly on the scale of any such problems as these are not issues affecting programmes made by Ostrich Media.

Q3. Do you agree with our proposed conditions for prior permission in relation to connectivity and capacity? Have we omitted anything that is critical to considering risk?

As indicated in answer to Question 2 these issues are not relevant to Call TV. In our quiz TV shows calls can only occur during the relevant competition. Arrangements for handling excess peak traffic apply to broadcasts in prime-time. These broadcasts cover short time periods and have high numbers of viewers, resulting in high peak traffic. By contrast Call TV is broadcast during off-peak periods with fewer people participating over longer periods of time. The peak traffic issue therefore does not arise.

Q4. Do you agree with our proposed conditions for prior permission in relation to conduct as set out above? Have we omitted anything that is critical to considering risk?

Ostrich Media regards the proposed conditions for conduct as broadly acceptable. However, there are technical issues relating to the processing of SMS entries. We are currently not aware of a technical possibility to deactivate the SMS short code to ensure no SMS entries can be made during periods of non-competition. In terms of third party verification where a prize exceeds £5,000 we support an independent auditing mechanism for competition process. However we believe this mechanism, once applied, should permit multiple competitions offering similar prize levels without further recourse to independent verification.

Q5. Do you agree with our proposed conditions for prior permission in relation to cost and conditions as set out above? Have we omitted anything that is critical to considering risk?

Ostrich Media agrees.

Q6. Do you agree with our proposed conditions for prior permission in relation to coherence as set out above? Have we omitted anything that is critical to considering risk?

Ostrich Media agrees and already employs a senior manager with responsibility for all compliance issues. We have a compliance process in place which integrates Ostrich Media's code of conduct with the relevant regulatory requirements stipulated by Ofcom and ICSTIS, including the revised statement of expectations issued by ICSTIS earlier this year. ICSTIS personnel have already visited Ostrich Media's studios. We are happy to arrange further visits if necessary.

Q7. Do you agree with our analysis that the same inherent risks for premium rate use in programmes on television also exist in radio?

Ostrich Media's programmes are broadcast on TV only. We would not wish to comment on the implications for radio.

Q8. Do you agree with our judgement that the definition of Broadcast PRS should specifically extend to radio for the reasons set out above? If not, why not?

Ostrich Media's programmes are broadcast on TV only. We would not wish to comment on the rules regarding radio.

Q9. Do you agree with our proposal to require providers of Call TV Quiz Services to continue to obtain prior permission specific to Call TV Quiz Services but that we include in the existing permission certificates for providers of such services the above conditions? If not, why not?

Ostrich Media agrees with your proposal.

Q10. Do you agree with our assessment that Broadcast PRS involving auctions should be included with the need to obtain prior permission? If not, why not?
No Comment.

Q11. Do you agree that music channels using premium rate votes to determine playlists from participants should be included with the need to obtain prior permission? If not, why not?

No Comment.

Q12. Do you agree with our analysis that premium rate services involving charitable giving and donations should be included with the need to obtain prior permission? If not, why not?

No Comment.

Q13. Do you agree with our assessment as to why we suggest that chat services should be excluded from the prior permission regime proposed in this paper? If not, why not?

No Comment.

Q14. Do you consider that there are other categories of service which fall within the definition of Broadcast PRS but which should not be required to obtain prior permission?

No.

Q15. Do you agree with our proposals to introduce prior permission for Broadcast PRS where the primary focus of the need to obtain prior permission will be on service providers alone? If not, why not?

Q16. Do you have any suggestions about how the effectiveness of the proposed prior permission regime might be improved?

Q17. What thoughts or suggestions do you have as to whether or not it would be sensible to engage broadcasters and/or production companies (when information providers) directly within the prior permission regime by causing them to accept, in effect, a position where they are directly answerable to ICSTIS for Code and condition breaches?

As a service and information provider Ostrich Media is ideally placed to observe the benefits of integration throughout the production and broadcast process. We firmly believe it is in the interests of viewers that consistent procedures are applied at every stage.

That is one reason why Ostrich Media has its own manager with responsibility for compliance and regulation, ensuring control of the process in accordance with Ofcom and ICSTIS codes of practice.

We believe in-house management of compliance and regulation should be replicated throughout the industry to ensure a consistent approach in the interests of consumers.