

BETWEEN:

PHONEPAYPLUS LIMITED

Executive

- and -

WYE VALLEY PROMOTIONS LTD

Respondent

ADJUDICATION BY CONSENT (“CONSENT ORDER”)

Introduction

1. This Consent Order shall relate to the matter under PhonepayPlus case reference 30309, and the oral hearing listed for 24 November 2014.
2. This Consent Order is made following admissions of liability by the Respondent for the breaches as set out in the Schedule to this Consent Order (the “Schedule”).
3. The Schedule adopts the Adjudication Tribunal decision in this matter (dated 12 June 2014, the “Tribunal Decision”) and the findings therein, save for the findings and sanctions substituted by virtue of the Schedule and this Consent Order respectively.
4. This Consent Order further sets out the agreement between the parties in respect of the sanctions to be imposed on the Respondent and the administrative charges to be paid. The agreed sanctions and administrative charges have been approved by a legally qualified member of the Code Compliance Panel, pursuant to paragraph 3.16(d) of Annex 2 to the PhonepayPlus Code of Practice (the “Code”).

5. This Consent Order has been agreed by the Chairman of the Code Compliance Panel of PhonepayPlus.

Agreed Sanctions

6. The sanctions hereby agreed by the parties are:
 - a. A formal reprimand;
 - b. A requirement that refunds be paid (in accordance with paragraph 4.8.2(i) of the Code);
 - c. A fine of £85,000 (the Respondent has already paid £60,000 leaving a balance of £25,000); and,
 - d. A requirement that the Respondent submits all future competition (including prize draw) based promotional material that is intended for publication to PhonepayPlus for compliance advice for a period of one month from the date of this order. Such advice is to be provided by the Executive within two weeks of receipt of the advice request and implemented by the Respondent to the satisfaction of the Executive within two weeks of such advice being provided. Where an advice request contains multiple promotions the Executive will use its best endeavours to provide the advice within two weeks of receipt, or where this is not practicable, in the shortest possible time thereafter. A reasonable administrative charge for such advice may be charged to be paid to PhonepayPlus;

Administrative Charges in relation to this case

7. The Respondent shall pay the legal and administrative charges incurred by PhonepayPlus in relation to this case up to and including the Adjudication Tribunal decision in this matter (dated 12 June 2014). The parties shall bear their own costs and charges (including administrative charges) in relation to all subsequent work incurred as a result of this matter.

Payment of fine

8. The balance of the fine is to be paid within 21 days of the date of this Consent Order, subject to any alternative payment arrangements which may be agreed between the parties.

Oral Hearing date

9. The oral hearing date of 24 November 2014 shall be vacated.

Linda Lee

Chair of the Oral Hearing Tribunal

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SCHEDULE

The Tribunal decision shall be the decision in this matter, save for the following:

- (i) The initial assessment of rule 2.3.2 of the Code is **serious** and overall categorisation of the breaches is **serious**.
- (ii) With regard to the breach of rule 2.4.1 of the Code; Reason (ii) of the Executive's reasons is dropped and no allegation is made that consumers' privacy was invaded as a result of the Respondent collecting consumers' details with the intention of sharing them with third parties without sufficient consent.

