



## MAIL COMPETITION FORUM

### **Changes in consumer representation – licence condition modifications**

1. The Mail Competition Forum (MCF) wishes to respond on behalf of its members to the letter from Sarah Chambers, Chief Executive dated 6 August 2006.
2. Current membership of the MCF consists of City Link, Citipost AMP Ltd, DHL Global Mail (DHL), DX Network Services Ltd (DX), Racer Consultancy Management Services Ltd (Racer), Secure Mail Services Ltd (SMS), TNT Post UK Ltd (TNT Post) and UK Mail Ltd (UK Mail).
3. As the MCF is neither itself the holder of a licence nor authorised by any of its members to give consent on their behalf to any proposed licence changes, it is not in a position to accept the proposed changes and offers these observations merely as a response to Postcomm's consultation. Specific consent to any change will be required from each licensee in order to effect a change. Individual members may have additional points they wish to raise. For the avoidance of doubt, a modification can only be made under section 14 PSA 2000 if the licence holder consents to that modification.
4. The MCF invites Postcomm to take the following points into account in any proposed request for consent to a licence change:

#### TERMS OF NOTICE

- (a) Royal Mail is now a private limited (Limited) company and no longer a PLC (recital 1);
- (b) Paragraph 1 of the notice will need to be modified to show where consent from the licence holder has been obtained, as required by section 14(1). Where consent is not forthcoming, it will not be possible to make the amendment under section 14;

#### CONDITION 1

- (c) The standard licence currently has a definition of "Postwatch" rather than the "Council" which is to be replaced by a new definition of "the Council" (Condition 1 amendment);
- (d) The "CEAR Act" is not defined in the licence and should be cited in full as the "Consumers, Estate Agents and Redress Act 2007" and delete "and known as the NCC" as this expression is not used elsewhere in the licence (Condition 1 amendment);

#### CONDITION 2

- (e) As all but paragraph 1 of condition 2 will be the subject of the new complaint handling regulations, it would seem appropriate that all the other paragraphs in condition 2 (i.e. paragraphs 2 – 8) should be deleted. There will be adequate consumer information and publicity requirements in draft regulations 8 and 9;

#### CONDITION 10

- (f) References to “Postwatch” should either be deleted from condition 10, as the organisation will not exist beyond 30 September 2008, or replaced by a reference to “the Council”. Should any other licence changes in relation to a revised method of funding of Consumer Focus be made in the future, as indicated by the 6 August letter, these will be subject to an amendment under section 14 and, like the current proposed changes, also subject to consent of the licence holders.

#### ANNEX 1

- (f) Given the more generic role of Consumer Focus and their limited involvement in mail integrity issues, references to Postwatch in paragraphs 2.1, 7.6 and 7.7 of the Mail Integrity Code of practice (Annex 1) should be deleted to minimise the regulatory compliance burden.

5. Should Postcomm require any clarification or further input, prior to making a formal proposal seeking licence holders’ consent, we should be most happy to assist.

*MCF*

*3 September 2008*