

AMcC/SH/

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LP – 2, Glasgow 1  
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14<sup>th</sup> June 2006

FAO Mr Philips

Dear Mr Philips,

We represent the SOUL Steering Group, a group of like minded residents who formed a Group with the intention of preserving the English landscape. Mr Worlock, the Chairman of SOUL has forwarded to us your letter dated 19<sup>th</sup> May to respond to the Complaint raised by Pendragon Consultants Ltd, a Public Relations company ,on behalf of their client, Force 9 Energy, a company within the renewables industry with commercial interests in ensuring the installation of wind turbines.

We respectfully submit that our client's leaflet does not fall within the remit of the ASA and that as such it is incompetent for the ASA to consider Force 9 Energy's complaint.

SOUL Steering Group is a non-profit organisation. There is no reference either directly or indirectly within the CAP Code to the ability of the ASA having any jurisdiction to deal with a complaint such as that which is made by Force 9 Energy against our client.

The Code's purpose is to "police" the written media and principally to ensure fairness by advertisers and marketers towards consumers. The Code has a particular role in relation to political parties. This specification demonstrates that the Code has been drafted to include and exclude particular dimensions of the British forms of communication and its contributors.

Groups such as SOUL are specifically excluded by the Code and with good reason. If groups such as our client were to be included within the "policing" of the ASA then any individual or group of individuals could be gagged by the ASA merely by expressing a written opinion.

It is essential in a free, democratic society that freedom of speech is maintained. It is the cornerstone of any democratic society and to seek to restrict what is an opinion on a matter of consummate public interest, would go some way to create a police state within the UK.

Article 10 of the Human Rights Act sets out the rights of the individual to freely express their opinion without interference by the State or any other third party.

*ARTICLE*  
*10*

*FREEDOM OF EXPRESSION*

1. Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers. This Article shall not prevent States from requiring the licensing of broadcasting, television or cinema enterprises.

SOUL's publication is not what the CAP Code was intended to regulate nor what was envisaged when the Human Rights Act became part of UK law .

We look forward to receiving your response.

Yours sincerely,

Angela McCracken