



Information Policy & Compliance  
[bbc.co.uk/foi](http://bbc.co.uk/foi)

M Wilkinson  
[request-24275-41c78460@whatdotheyknow.com](mailto:request-24275-41c78460@whatdotheyknow.com)

15<sup>th</sup> December 2009

Dear Mr Wilkinson,

**Request for Information – RFI20091673**

Thank you for your request dated 1<sup>st</sup> December 2009 seeking information about TV Licensing. Your request is being dealt with under the Freedom of Information Act 2000 (“the Act”).

"TV Licensing" is a trade mark of the BBC and is used under licence by companies contracted by the BBC to administer the collection of television licence fees and enforcement of the television licensing system. The majority of administration is contracted to Capita Business Services Ltd, with cash related payment schemes contracted to Revenues Management Services Ltd. Over-the-counter services are provided by PayPoint plc. Marketing and public relations activities are contracted to the AMV Consortium. This consortium is made up of the following four companies: Abbott Mead Vickers BBDO Ltd, Fishburn Hedges Boys Williams Ltd, PHD Media Ltd and Proximity London Ltd. The BBC is a public authority in respect of its television licensing functions and retains overall responsibility.

You have requested copies of the following information:

*“Please provide me with the number of Warrants issued by Magistrates' Courts to allow your TV Licensing staff to enter private homes in the investigation of TV Licensing offences?”*

It is a criminal offence to install or use television receiving equipment to receive television programmes without a valid licence. TV Licensing investigates and prosecutes unlicensed use of television receiving equipment. It uses search warrants to assist in this activity.

TV Licensing's policy on search warrants has been made public in the past. Search warrants are applied for in cases where the evidence means that it is extremely likely that a television is in use. Search warrant applications are considered scrupulously before they go forward to the court and they are treated very



much as a last resort. As a matter of law a search warrant cannot be granted unless there are reasonable grounds for the application.

I can confirm that we do hold the information that you have requested in relation to the number of search warrants issued by Magistrates' Courts. However, I am withholding this information under sections 31(1)(a),(b),(d) and (g) and (2)(a) of the Act which relate to law enforcement, specifically on the grounds that disclosure would, or would be likely to, prejudice the prevention or detection of crime, the apprehension or prosecution of offenders, the collection of the licence fee and the BBC's ability to discharge its public functions in respect of such matters.

I am satisfied in terms of section 2(2) of the Act that in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information. I have provided further explanation of my consideration of the public interest test in the section 'Why information has been withheld' below.

### **Why information has been withheld**

I am required under section 2(2) of the Act to assess whether the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

There is a public interest in disclosure in order to reassure the public that:

1. the licensing authority is exercising its functions appropriately and proportionately, i.e. that search warrants will not be obtained except in exceptional circumstances; and
2. that public funds are being appropriately applied, that is:
  - a. that the TV Licensing system is being efficiently run; and
  - b. that value for money is being obtained.

However, I consider that the above public interest factors in favour of disclosure are outweighed by the following:

1. As search warrants are only issued by independent third parties (the magistrate or sheriff in Scotland) in accordance with strict legal requirements, the public interest in knowing that we are using our powers proportionately is satisfied.
2. TV Licensing does not prosecute except where it is in the public interest to do so which includes having sufficient evidence. This is a key principle of the Crown Prosecution Guidelines which we publicly state that we adhere to. Further, a magistrate would not allow a prosecution to take place if there was not sufficient evidence and public interest.
3. The BBC is required to satisfy the National Audit Office ('NAO') as to the value for money of the collection and enforcement arrangements and is accountable for the economy, efficiency and effectiveness of such arrangements. NAO's most recent audit is published at [http://www.nao.org.uk/publications/nao\\_reports/06-07/0607183.pdf](http://www.nao.org.uk/publications/nao_reports/06-07/0607183.pdf).

4. The BBC has reduced the cost of collection from 6.2% of the total licence fee collected in 1991/2, when it took over from the Home Office, to 3.6% for the financial year 07/08. This demonstrates that the TV Licensing system is being efficiently run. This and further related information is available in the BBC's annual report (see [www.bbc.co.uk](http://www.bbc.co.uk)) and the *TV Licensing Annual Review* (see <http://www.tvlicensing.co.uk/aboutus/annualreview.jsp>). A key part of this success has been the use of detection as a significant deterrent element.

Revealing additional information about search warrants will provide information that could be of use to people who wish to avoid paying the television licence fee.

I am therefore satisfied, in terms of section 2 of the Act, that in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest (outlined above) in disclosing the information.

### **Appeal rights**

If you are not satisfied with this response you have the right to an internal review by a BBC senior manager or legal adviser. Please contact us at the address provided, explaining what you would like us to review and including your reference number. If you are not satisfied with the internal review, you can appeal to the Information Commissioner. The contact details are: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF, telephone 01625 545 700 or see <http://www.ico.gov.uk/>

I hope this response is helpful.

Yours sincerely,

Dan McGregor  
Senior Policy Advisor  
TV Licensing Management Team