



Information Policy & Compliance
bbc.co.uk/foi

Chris
request-928-5b216600@whatdotheyknow.com

28 July 2008

Dear Chris,

Freedom of information request – RFI20080691

Thank you for your request received on 27 June 2008 seeking further information about TV Licensing. Your request is being dealt with under the Freedom of Information Act 2000 (“the Act”). However, I am sorry for the delay in sending you this reply. This was due to the complicated nature of your query. We recognise that we have failed to respond to your request within the 20 working days laid down by the Act, for which we sincerely apologise.

Please note that “TV Licensing” is a trading name used by companies contracted by the BBC to administer the collection of television licence fees and enforcement of the television licensing system. The majority of the administration of TV Licensing is contracted to Capita Business Services Ltd (which undertakes the majority of the administration of the TV Licensing system), with the administration of our cash related payment schemes contracted to Revenues Management Services Ltd (RMS). PayPoint Network Ltd and PayPoint Collections Ltd are contracted to provide over-the-counter services. The marketing and public relations activities are contracted to the AMV Consortium. The consortium is made up of the following four companies: Abbott Mead Vickers BBDO Ltd, Fishburn Hedges Boys Williams Limited, PHD Media Limited and Proximity London Ltd. The BBC is a public authority in respect of its television licensing functions and retains overall responsibility.

In your request you asked the following:

In the Corporation's response to the following:

http://www.whatdotheyknow.com/request/bbc_licence_fee_prosecutions

It is stated that "In practice, TV Licensing has a 99.9% conviction rate for cases of TV licence evasion which are prosecuted ..."



. . . implying that the Authority is only prosecuting cases it can win, which is in itself a vacuous truth. Therefore:

1. *What is the typical rate of prosecution, both by number and as a proportion, of all cases pursued not initially resulting in purchase of a licence? This includes prosecutions, those cases where a "prosecution statement" is taken, and any cases dropped other than as a result of payment on threat of prosecution.*

In relation to this question, I can neither confirm nor deny that we hold all of the information you have requested. However, I can tell you that any such information we do hold in relation to this question I am withholding 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.

2. *Regardless of the reasons for proceeding or otherwise with prosecution, what is the aggregate conviction rate for all cases, including those prosecuted, those for which a "prosecution statement" is taken, cases dropped under the guise of "commercial decision", cases involving use not subject to licensing (whether these are dropped or wrongfully pursued), or any case which did not result in payment prior to prosecution. This includes, but is not limited to, all cases where a mailshot is sent out and no payment received prior to a direct threat of prosecution.*

It is difficult to quantify the "aggregate conviction rate for all cases" since this would depend on which outcomes you are interested in. For example, I am unsure of what you mean by the "aggregate conviction rate". Also, it may not be possible to calculate any figures for some of the outcomes you have described in your question. For example, the conviction rate for "all cases where a mailshot is sent out and no payment received prior to a direct threat of prosecution" is not calculated or held by TV Licensing. We are not sure how we could calculate this rate should you be interested in it.

I therefore suggest you clarify your question and contact us again. However, please note that some of the information on this topic which you may request in any clarification may also be subject to exemptions under the Act.

3. *The number of cases for which the Authority held a properly executed authorisation for covert surveillance (i.e. surveillance carried out without the subject's knowledge) under the Regulation Of Investigatory Powers Act 2000 - including meeting the requirements of naming of the subject and a signature from an officer empowered under ss.30-32 of said Act.*

As you know, TV Licensing's use of detection equipment is strictly governed by the Regulation of Investigatory Powers Act 2000 (RIPA) and the Regulation of Investigatory Powers (British Broadcasting Corporation) Order 2001 (the Order). As you indicate in your request, RIPA and the Order outline how the relevant investigatory powers are to be used by the BBC and ensure compliance with human rights. Both pieces of legislation are publicly available online on the Office of Public Information website: <http://www.opsi.gov.uk/>.

I should emphasise that the Authority has held a properly executed authorisation for all cases of covert surveillance under the Regulation of Investigatory Powers Act. In relation to the number of cases this involves, I can confirm that we do hold the information that you have requested. 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 s 2(2) of the Act to assess whether the public interest in maintaining the exemptions outweighs the public interest in disclosing the information.

The following factors are in favour of disclosure:

1. ensuring that the licensing authority is exercising its functions appropriately and proportionately, i.e. that people will not be unfairly subjected to detection;
2. ensuring that public funds are being appropriately applied, that is:
 - a. ensuring that the TV Licensing system is being efficiently run; and
 - b. ensuring that value for money is being obtained.

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

1. The BBC has a duty to enforce the television licensing system and it is essential that effective deterrents against evasion are maintained for this purpose. Without an effective deterrent, evasion would invariably increase. This would be to the detriment of the honest majority of people who are properly licensed and to the overall amount of revenue available to the BBC. It would also increase detection costs.
2. The Office of Surveillance Commissioners is an independent body which monitors the BBC's compliance with legislation regarding detection, hence the public interest in people not being unfairly subject to detection is satisfied.

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.
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), the TV Licensing Annual Review and the *About TV Licensing* document (see <http://www.tvlicensing.co.uk/aboutus/index.jsp>). A key part of this success has been the use of detection as a significant deterrent element.

In this instance, the public interest is served by maintaining an effective deterrent to licence fee evasion and thus in turn protecting the BBC's revenue stream.

There is hence a greater public interest in ensuring the effective collection of the licence fee than in disclosing the information you have sought. 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 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,

Natalie Sanderson
Policy Adviser
BBC TV Licensing Management Team