



Information Policy & Compliance

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Sean Moran

Via email: [request-191693-7186240b@whatdotheyknow.com](mailto:request-191693-7186240b@whatdotheyknow.com)

30<sup>th</sup> January 2014

Dear Mr Moran

**Request for Information – RFI20140016**

Thank you for your request of 4<sup>th</sup> January 2014 under the Freedom of Information Act 2000 ('the Act') seeking the following information.

*"Could you please provide me with the following information for each of the last ten years:*

- 1. Number of prosecutions for TV license evasion.*
- 2. Number of convictions TV license evasion.*
- 3. Number of convictions from People signing the 178 form for TV license evasion.*
- 4. Number of convictions from People being detected by "Detector Vans" for TV license evasion and this being the evidence they were convicted on.*
- 5. Number of convictions from People being detected by "Hand Held Detectors" for TV license evasion and this being the evidence they were convicted on.*
- 6. Total amount paid to Capita by the BBC for TV license evasion detection and prosecution.*
- 7. Amount spent by the BBC on "Detector Vans".*
- 8. Amount spent by the BBC on "Hand Held Detectors"."*

Please note that "TV Licensing" is a trade mark 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 ('Capita'). Over-the counter services are provided by PayPoint plc ('PayPoint') in the UK, and by the Post Office in the Isle of Man and Channel Islands. Marketing and printing services are contracted to Proximity London Ltd. Media services are contracted to Mediaedge:CIA International Limited ("MEC"). The BBC is a public authority in respect of its television licensing functions and retains overall responsibility.

I shall address your queries in turn below.

**Questions 1, 2 and 3**

The BBC does not hold official statistics on the precise numbers of people actually prosecuted and convicted for evasion of the Television Licence Fee. For England, Wales and Northern Ireland, these figures

are retained by both the Ministry of Justice (“MOJ”) and individual magistrates’ courts and can be requested using the following address - Data Access and Compliance Unit, Postal Point 6.25, Floor 6, 102 Petty France, London, SW1H 9AJ.

However some MOJ statistics have been published online and can be viewed at the following links:  
[www.publications.parliament.uk/pa/cm200910/cmhansrd/cm100330/text/100330w0058.htm#10033134011432](http://www.publications.parliament.uk/pa/cm200910/cmhansrd/cm100330/text/100330w0058.htm#10033134011432)

For Scotland, figures are available from the Crown Office Scotland and can be requested from the following address: Criminal Justice and Disclosure Team, Crown Office, 25 Chambers Street, Edinburgh, EH1 1LA.

While the BBC does retain informal statistics on prosecution and conviction figures for England, Wales & Ireland, this information is indicative only and has not been verified against the official figures.

In terms of the informal statistics we *do* hold, we consider that the information requested is exempt from disclosure under section 31(1)(a), (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. This is because it would provide information of use to those seeking to evade and/or assist others in evading paying the licence fee.

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 in the section ‘Why information has been withheld’, below.

#### **Questions 4 and 5**

I can confirm that TV Licensing has not, to date, used detection evidence in Court. The reason for this is that under TV Licensing’s current prosecution process, the presentation of detection evidence in court is unnecessary. This is because TV Licensing uses detection evidence when applying for search warrants. If, following service of the warrant an individual is found to be evading payment of the TV Licence, then the evidence obtained via the search warrant is used in court, not the detection evidence. It is worth noting that search warrants are only issued at the discretion of a magistrate (or sheriff in Scotland) in accordance with strict legal requirements. Detection evidence would be carefully considered by the magistrate (or sheriff in Scotland) during the warrant application process. Please note, however, that TV Licensing’s current position on the use of detection evidence in Court may change in the future.

#### **Question 6**

Please find attached as Disclosure Document 1 the TV Licensing Costs of Collection which covers all aspects of collecting and enforcing the TV Licence fee. We do not group costs information for specific aspects of the service, such as enforcement.

#### **Questions 7 and 8**

I can confirm under section 1(1) of the Act that we hold information relevant to the remainder of your request. However I am withholding it because I consider that the information we hold is exempt from

disclosure under section 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. This is because it would provide information of use to those seeking to evade and/or assist others in evading paying the licence fee.

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 considered the public interest test in the section on '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 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; and
2. that public funds are being appropriately applied, and specifically that:
  - a. the TV Licensing system is being efficiently run; and
  - b. 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/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.
2. 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 on the NAO website at [www.nao.org.uk](http://www.nao.org.uk).
3. The BBC has reduced the cost of collection from 6.2% of the total licence fee collected in 1991/2, when it took over this responsibility from the Home Office, to 3.4% for the financial year 11/12. 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* ([www.tvlicensing.co.uk/about/our-performance-AB6/](http://www.tvlicensing.co.uk/about/our-performance-AB6/)).

In addition, the following factors are in favour of withholding the information:

1. The BBC has a duty to enforce the television licensing system and it is essential that evasion is kept to a minimum.
2. Part of keeping evasion to a minimum is maintaining uncertainty as to TV Licensing's enforcement practices. This uncertainty contributes to the deterrent effect which is an important part of TV Licensing's enforcement strategy<sup>1</sup>.
3. Without an effective deterrent to licence fee evasion, 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.
4. An increase in the rate of licence fee evasion would lead to an increase in enforcement costs and may lead to more prosecutions.
5. An increase in enforcement costs would lead to a decrease in the available funds to be put towards producing the BBC's content.

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 and keeping prosecutions to a minimum.

### **Appeal Rights**

If you are not satisfied that the BBC has complied with the Act in responding to your request you have the right to an internal review by a BBC senior manager or legal adviser. Please contact us at the address above, explaining what you would like us to review under the Act 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/>.

Kind regards

Rupinder Panesar

**Freedom of Information Advisor, TV Licensing Management Team**

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<sup>1</sup> In its decision EA/2010/0087 the Information Tribunal accepted that "uncertainty" as to the likelihood of enforcement action being taken was a key part of the overall enforcement strategy. The Information Commissioner has subsequently acknowledged in his Decision Notice [FS50476136](#) that there is a very strong public interest in the BBC being able to enforce the television licensing system and in not disclosing information which could impede the deterrent effect.

