



Information Rights

bbc.co.uk/foi bbc.co.uk/privacy

Paul Rogers

By email: request-337568-ab101252@whatdotheyknow.com

24th June 2016

Dear Mr Rogers,

Freedom of Information Act 2000 – RFI20161092

Thank you for your request under the Freedom of Information Act ('the Act') of 1 June 2016, seeking:

"1) Can you confirm whether owning a TV without a digital TV receiver box and no way of receiving live broadcasts requires a TV license?

2) Can you confirm whether owning other equipment, such as a tablet or computer, capable of receiving live TV broadcasts via the Internet requires a TV license?

3) If you answer yes to 2), can you explain how and why (under current legislation, citing that legislation)?

4) Can you tell the public how many search warrants were issued by Magistrates Judges during the last 12 months against individuals suspected of watching live television unlawfully without a TV license?

5) Can you give us a break down of all the search warrants issued during the last 10 years by court, town or County.

5) Can you tell us how many of these warrants applications were supported by:

a) Actual physical evidence of unlawful use of a television to watch live broadcasts without a license held at the premises.

b) Evidence that is circumstantial in nature and doesn't meet the legal burden of proof normally required in a criminal proceeding (for example; statements purportedly made by defendants at the doorstep which may be ambiguous to a Magistrate - ie "I own a television" and "I watch television sometimes" or merely opinions of TV Licensing employees; for example the sight of an digital broadcast receiving antenna, satellite dish or cable TV box on a property, without supporting evidence that actual live broadcasts were being received, or that the property had equipment inside that is capable of receiving live broadcasts).

6) Can you tell the public, how many people in total you attempted to bring legal proceedings against for not having a TV license during the last 12 months?

7) Can you also tell us how many of those cases resulted in a successful prosecution?

8) Can you tell us the average fine, damages and court costs awarded over the last 12 months, and also over the last 10 years? If you do not have that data, can you tell us how many court cases, resulted in the maximum £1,000 fine being given to defendants for not having a TV license, over the same periods?

9) Can you tell us the legal and court costs of bringing all your cases before the court, during the last 12 months, and over the last 10 years?

10) Can you tell us, whether the BBC made a net gain or loss, as a result of bringing legal actions during the last months for TV license evasion during the last 12 months, and also over the last 10 years?

11) Can you tell us, of the successful prosecutions over those periods (12 months and 10 years), how many were for for:

a) Not having a TV license and watching live TV broadcasts unlawfully.

b) Not allowing TV Licensing to inspect a property, and obstruction of a search warrant.

12) Can you tell us, where you do not have the legal name of legal occupiers, how you normally find out their name, in order to make a search warrant application?

13) With regard to the last question, can you tell us, whether the procedure for obtaining a legal occupiers name is in legal compliance (ie does not breach data-sharing restrictions) under the Data Protection Act (in cases where you do not have any actual physical evidence to support any criminal act)?

14) Can you tell us how much of the BBC's revenues received during the last 12 months, and also over the last 10 years, came from commercial activities (ie from any source other than the TV License fee revenue, for example the overseas licensing of TV shows, premium subscription services, DVD/BlueRay sales, live performance ticket sales etc).

15) Can you give us a comparison of the above figure, in relation to the TV License revenue received for both periods (12 months and 10 years)?

16) Can you confirm whether the above commercial revenues generated by the BBC are retained entirely for use by the BBC itself, or whether these are shared with other non-Government broadcasting media, or else passed to the government?

17) How financially transparent is the BBC as a company funded by the tax-payer? Are the public able to access a full set of audited accounts of the BBC?

18) Can you tell us during the last 12 months and over the last 10 years, how much the BBC has spent on overseas flights?

19) Looking at the above figures, can you tell us:

a) How many of these flights were first class and non-economy class?

b) How many were on British Airways and other non-budget airlines?

20) Can you tell us how much real-estate property the BBC owns in the UK and overseas? Can you tell us approximately how much that property is worth at the most recent valuation?

21) Can you tell us how much the BBC Director-General earns annually?

22) Returning to TV Licensing and Capita plc, can you tell us how much the BBC pays Capita plc for running TV Licensing?

23) Can you confirm whether Capita's TV Licensing employees earn commissions in addition to salary?

24) Can you explain what regulations or regulatory oversight is in place on Capita and TV Licensing? Is there a body members of the public can bring complaints about Capita/TV Licensing to?

25) How many complaints has the BBC received directly concerning Capita/TV Licensing during the last 12 months, and over the last 10 years?

26) How many of these complaints, resulted in police complaints or criminal proceedings being made against Capita/TV Licensing, over the last 12 months, over the last 10 years?

27) The BBC states it is completely independent organisation from government, can you tell us then:

a) How many meetings took place between members of the government, and the BBC, during the last 12 months?

b) How many people on the BBC Trust are either members of the Government, or civil servants, employed by the government?

28) European law states that it is unlawful for EU Member State governments to prevent EU citizens from watching live news and television or media broadcasts by other member States. Can you explain then how current UK legislation requiring a license to watch European TV news services, is not in breach of EU law (for example, individuals who either cannot afford a TV License due to not having any income, or individuals who are not UK residents, but who spend significant periods living and working in the UK?)

29) Of the TV license fee revenue generated during the last 12 months:

a) How much of it, in percentage terms, was used by the BBC, and how much of it was retained by the government for other purposes?

b) How much of the TV license revenue was retained by Capita for collecting it, and enforcing TV licensing?

c) Do the BBC/Capita carry out an annual financial audit using a firm of chartered accountants concerning TV Licensing and the TV license fee?

d) Are these audited accounts in the public domain and easily accessible, as they normally are for other public owned corporations?

30) What procedures and methods of scrutiny are in place within the BBC and by government, to ensure that the BBC as a major UK news source, as well as a major producer and broadcaster of political-content programming, is fully independent from government, other political parties and political interest groups?

31) Does OfCom monitor the BBC for political bias and is there any specific regulatory or legislative power concerning the BBC and political bias, given its audience size and significantly larger resources from the TV license fee, relative to commercial rival TV and radio media?"

We estimate that to deal with your request would take more than two and a half days; under section 12 of the Act, we are allowed to refuse to handle the request if it would exceed the appropriate limit. The appropriate limit has been set by the Regulations (SI 2004/3244) as being £450 (equivalent to two and a half days work, at an hourly rate of £25). If you would like to submit a narrowed request, we would be happy to consider it. Please note other exemptions may apply if a narrowed request were submitted.

You may request an internal review of our decision that your request exceeds the appropriate limit. Please contact us at the address above, 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, Tel: 0303 123 1113 (local rate) or 01625 545 745 (national rate) or see <http://www.ico.org.uk/>

Yours sincerely,

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