



Information Policy & Compliance

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

Danny Bamping

Via email: request-263813-a5d1f965@whatdotheyknow.com

12th May 2015

Dear Mr Bamping

Request for Information – RFI20150603

Thank you for your request of 14th April 2015 under the Freedom of Information Act 2000 ('the Act') seeking the following information:

“Do any of the Public or Private Prisons in the UK pay for a TV Licence?”

Are prisoners allowed to watch TV in prisons without a licence?

How many people last year did the BBC/Capita Jail for non payment of the TV Licence?”

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.

Questions 1 and 2

Please be advised that the Act gives a general right of access to all types of recorded information held by public authorities. We are not required to create new information to respond to a request, or give a judgement or opinion that is not already recorded. Whilst these parts of your request are queries rather than requests for recorded information, I am happy to respond to them outside the scope of the Act.

As you may be aware, you need to be covered by a valid TV Licence if you watch or record TV as it is being broadcast. However, neither the Communications Act 2003 nor the Communications (Television Licensing) Regulations 2004 bind the Crown; and therefore the Crown is not subject to the TV Licensing regime. In accordance with the BBC TV Licensing Crown Immunity Policy, Crown buildings (or parts thereof) are exempt from paying for a TV Licence, if televisions are used for an official purpose. The Government has

determined that televisions used by prisoners in cells and/or any other communal areas within the prison grounds do not need to be licensed; although in staff areas such as bars, common rooms and staff rooms, a TV Licence will be required in order to comply with licensing requirements.

Question 3

Firstly, I should explain that a person cannot be sentenced to imprisonment if convicted of an offence under section 363 of the Communications Act 2003. The maximum penalty for not having a valid TV Licence is a £1000 fine (or £2000 in Guernsey and £500 in Jersey). The court may also order the convicted person to pay for TV Licensing's costs in the proceedings. However, a person may be imprisoned by the court for failing to pay the court fine as a last resort. Section 82(4) (b) Magistrates' Courts Act 1980 states that a magistrates' court can only issue a warrant of commitment where it is satisfied that the default in payment of the fine imposed is due to the offender's wilful refusal or culpable neglect, and it has considered or tried all other methods of enforcing payment of the sum and it appears to the court that they are inappropriate or unsuccessful.

For England, Wales and Northern Ireland, imprisonment 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.

Under our duty to advise and assist you under section 16 of the Act, please find attached , as Disclosure Document 1, a response to a recent parliamentary question which I consider relevant to your request.

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 SK9 5AF. Tel: 0303 123 1113 (local rate) or 01625 545 745 (national rate) or see <http://www.ico.gov.uk/>.

Kind regards

Rupinder Panesar

Freedom of Information Advisor, TV Licensing Management Team

