



Information Rights

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Philip Edwards

Via email: [request-380281-0aff620a@whatdotheyknow.com](mailto:request-380281-0aff620a@whatdotheyknow.com)

3<sup>rd</sup> February 2017

Dear Mr Edwards

**Request for Information – RF12017016**

Thank you for your request of 6<sup>th</sup> January 2017 under the Freedom of Information Act 2000 ('the Act') seeking the following information:

*"Many of the letters and other communications issued by yourselves as the Licensing Authority, under the brand of TV Licensing, or on your behalf by appointed subcontractors, make reference to "investigations" into the addressed property's need to have a valid television licence.*

*I would therefore like to obtain the following information under the Freedom of Information Act 2000:*

- 1) Any manuals, training information or other relevant literature relating to the approved method or process of conducting such investigations;*
- 2) If the above are not available or do not exist, the approving process followed, if any, in the course of undertaking such investigations;*
- 3) The average length of time spent by your employees or subcontractors in the course of undertaking each such investigation (this may be calculated by dividing the total number of hours spent investigating each year, by the number of such investigations undertaken);*
- 4) The number of such investigations you, or subcontractors on your behalf, have undertaken [sic] in the last year for which data is available;*
- 5) The possible outcomes of a such investigation; and*
- 6) The number of times each of the above outcomes occurred in the same period as for 4)."*

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 Media Planning Limited trading as Havas Media UK. The BBC is a public authority in respect of its television licensing functions and retains overall responsibility.

I shall address your requests in turn below.

### **Request 1**

As explained in my response dated 14<sup>th</sup> October 2016 to your previous request RFI20161679, TV Licensing enquiry officers are engaged by Capita and whilst Capita will hold recorded information in relation to the training of enquiry officers, it is not held by Capita on the behalf of the BBC. In accordance with section 3(2)(a) of the Act, Capita is not a public authority as defined by the Act therefore information it holds but which is not held on behalf of the BBC is not subject to the Act.

I attach, as Disclosure document 1, the TV Licensing Visiting Officer Procedures for England and Wales, which I consider relevant to this part of your request<sup>1</sup>. Please be advised that some parts of the document have been redacted under sections 31(1) (a), (b), (d) and (g) and (2)(a) of the Act which relate to law enforcement; specifically 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 exemptions 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.

### **Request 2**

As I am providing you with information in respect of Request 1, I consider that this part of your request has been satisfied. However, in line with our duty to advise and assist you under section 16 of the Act, I can tell you - outside the scope of the Act - that an investigation may be concluded at any stage by a customer purchasing a licence if one is needed; alerting TV Licensing that no licence is needed; or being visited by an enquiry officer who determines the need for a licence

### **Request 3**

I have interpreted this part of your request as relating to the time spent by Proximity on sending TV Licensing letters, and Capita on enforcement. I can confirm that time dedicated to these activities is not documented by either contractor and therefore I can confirm under section 1(1) of that Act we do not hold any relevant recorded information.

### **Requests 4 and 6**

I can confirm under section 1(1) of that Act we do hold recorded information that is relevant to these parts of your request. However, I am withholding this information under sections 31(1) (a), (b), (d) and (g) and (2)(a) of the Act for the same reasons given in response to Request 1 above. I have provided further

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<sup>1</sup> Chapter 9 of the TV Licensing Visiting Officer Procedures for England and Wales was disclosed to you in response to your request RFI20161679 and subsequently following the Internal Review decision IR2016089.

explanation of my consideration of the public interest test in the section 'Why information has been withheld' below.

### **Request 5**

An investigation may result in a wide range of outcomes. Our priority is to determine the licensable status of an address. Depending on the various scenarios, those customers that require a licence will need to purchase one. Failure to purchase a valid licence where one is required could lead to prosecution and a fine of up to £1,000.

### **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. At the outset, we would like to note that it is likely to be only in the most exceptional circumstances that it will be appropriate to prejudice the discharge of a legal duty.

The BBC accepts that there is always a public interest in transparency, accountability and public understanding in respect of TV Licensing's operations. In this particular case the following factors are in favour of disclosure:

1. ensuring that the licensing authority is exercising its functions appropriately and proportionately;
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.

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

1. The substantial amount of information which the BBC publishes about TV Licensing's operations in its Annual Report and Accounts; on TV Licensing's website ([www.tvlicensing.co.uk](http://www.tvlicensing.co.uk)); in TV Licensing's Annual Review publications ([www.tvlicensing.co.uk/about/our-performance-AB6](http://www.tvlicensing.co.uk/about/our-performance-AB6)); and in the National Audit Office's annual Licence Fee Settlement Statement released at the end of each financial year.
2. The BBC Trust is specifically tasked under Article 24(2)(m) of the BBC Charter with ensuring that the arrangements for the collection of the Licence Fee are efficient, appropriate and proportionate.
3. TV Licensing's functions are subject to external review through reports of the Comptroller and Auditor General to the House of Commons and directions given by the Treasury.
4. The BBC is required to satisfy the 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 [www.nao.org.uk](http://www.nao.org.uk).

5. 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 just under 3% for the financial year 2015/16. This demonstrates that the TV Licensing system is being efficiently run.

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 opportunities are not provided to potential or actual evaders to escape detection or prosecution. There is a strong public interest in ensuring that information which prejudices law enforcement is not disclosed.
2. There is a strong public interest in the BBC being able to collect all the licence fee money to which it is entitled to enable the BBC to provide the public with services that encompass its public mission to inform, educate and entertain.
3. 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>2</sup>.
4. There is a strong public interest in ensuring the voluntary compliance with the licence fee regime. 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 who should not have to pay any more than is strictly necessary to ensure the compliance of those who deliberately evade paying the licence fee.
5. An increase in the rate of licence fee evasion would lead to an increase in enforcement costs and may lead to more prosecutions. There is a strong public interest in ensuring that the BBC can keep enforcement costs to a minimum, because any increase in enforcement costs will lead to a decrease in the funds available for producing the BBC's content.

## 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.org.uk/>.

Kind regards

Rupinder Panesar

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

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<sup>2</sup> The Information Commissioner has 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.



