



Information Policy & Compliance

[bbc.co.uk/foi](http://bbc.co.uk/foi)

Nigel Coleman

[request-5229xxxxxxxxx@xxxxxxxxxxxxxxxxxxx](mailto:request-5229xxxxxxxxx@xxxxxxxxxxxxxxxxxxx)

13 December 2010

Dear Mr Coleman,

**Request for Information – RFI20101529**

Thank you for your email received 19 November 2010 requesting information under the terms of the Freedom of Information Act 2000 (“the FOI Act”).

Before I respond to your question, it may be helpful if I first explain the nature of the relationship between TV Licensing and the BBC. “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 (which undertakes the majority of the administration of the TV Licensing system), with the administration of our cash related payment schemes contracted to iQor UK Limited. PayPoint Network Ltd and PayPoint Collections Ltd are contracted to provide over-the-counter services. Marketing and printing services are contracted to Proximity London Ltd as are public relations and advertising services. The latter are subcontracted by Proximity to Fishburn Hedges Boys Williams Ltd, Abbott Mead Vickers BBDO Ltd and PHD Media Ltd. The BBC is a public authority in respect of its television licensing functions and retains overall responsibility.

Responses to your queries, which follow my letter to you of 16 August 2010, are set out below:

- 1. Will the BBC please explain why it has chosen to offer a Mickey Mouse interpretation of the licence condition (which has a basis in the Communications Act (2003), S364 (2)(f)) and thus attempt to escape the BBC's legal responsibility to enforce a condition under which all UK TV Licences are issued?*

I can add nothing further to my earlier response which states that while s364(1)(a) of the Communications Act 2000 empowers the BBC to issue TV Licences subject to such restrictions and conditions as the BBC thinks fit, the BBC retains discretion in deciding whether or not to enforce those licensing conditions. The BBC considers that as a public body, it must take a pragmatic approach to the enforcement of TV Licensing conditions, thus ensuring best value for money for licence holders.



2. *Please provide documentary evidence of the BBC's statement above that the licence condition in question was intended for pirate broadcasters. Please elucidate fully on this matter.*

As the licence condition in question dates back to at least the 1930s<sup>1</sup>, the statement concerning its origin was based upon the best recollection of staff currently working at the BBC. In terms of any documentary evidence, it is not known whether such documentation is contained in the BBC archives as the information is historical in nature. I consider that to search the BBC archives for any information relevant to this request would exceed the appropriate limit. Under section 12 of the Act the BBC is 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).

3. *If this documentation is not available (which is very likely since the assertion is untrue), please provide the BBC's full and complete policy for how it deals with a breach of this licence condition, as is happening at countless locations around the UK at this moment, including at my own location where it has become impossible to use some radio equipment due to the interference from a neighbour's licensed TV equipment.*

In accordance with section 1(1) of the Act, I am able to confirm that the BBC does not hold the information you have requested, specifically a policy for dealing with a breach of the licence condition in question.

4. *Please also provide documentation for why the BBC has elected to not take my complaint seriously as is my right under the above cited TV Licence condition. Redact as necessary.*

In accordance with section 1(1) of the Act, I am able to confirm that the BBC does not hold the information you have requested. Whilst you may not agree with the BBC's response to your complaint, the issues you have raised have been carefully considered and responded to.

5. *Please provide full and detailed documentation, including but not limited to; email communications, memos, telephone notes etc. of any communications and/or direction the BBC has received from Ofcom relating to the BBC's current stance of not enforcing the non-interference clause of the TV Licence.*

Please find attached copies of documents which fall within the scope of your request. Some personal information relating to other individuals has been redacted from these documents under section 40(2) of the FOI Act. I also note that as some of the information which falls within the scope of this request relates to your own complaint, I am unable to provide the information under the FOI Act as section 40(1) exempts the personal data of individuals when they seek access to their own information. However, you have a right of access to your personal data under section 7 of the Data Protection Act ("the DPA"). Requests under section 7 of the DPA are known as subject access requests.

The process for making a subject access request is filling out the appropriate form and providing proof of identity (a copy of passport or photocard drivers' licence and a copy of a bank statement or utility bill dated within the last 3 months). There is also a £10 fee.

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<sup>1</sup> See [www.radiollicence.org.uk/licence1930s.html](http://www.radiollicence.org.uk/licence1930s.html)

Should you wish to make a request through this route, please return the completed form, identification and a cheque or postal order for £10 (made payable to British Broadcasting Corporation) to the address below so that I may commence processing your subject access request.

Senior Policy Advisor  
BBC TV Licensing Management Team  
Room 4436  
BBC White City  
201 Wood Lane  
**London W12 7TS**

- 6. Please provide any and all documentation relating to BT Vision, its known propensity to cause undue interference to authorised users of the radio spectrum and any policy documentation, internal decisions, communications, emails, telephone notes and memos which pertain to the BBC and its position of not taking enforcement action under the terms of the TV Licence condition cited at the head of this letter. Please include any direct communications with BT, as necessary.*

In accordance with section 1(1) of the Act, I am able to confirm that to the best of our knowledge the BBC does not hold the information you have requested, specifically “any and all documentation relating to BT Vision, its known propensity to cause undue interference to authorised users of the radio spectrum and any policy documentation, internal decisions, communications, emails, telephone notes and memos which pertain to the BBC and its position of not taking enforcement action under the terms of the TV Licence condition cited at the head of this letter. Please include any direct communications with BT, as necessary”.

- 7. Please include any documentation in which the BBC has determined whether BT Vision equipment qualifies as TV equipment for the purpose of issuing TV Licences due to the fact that it obtains TV programming via the internet which is now included in the licence fee.*

In accordance with section 1(1) of the Act, I am able to confirm that the BBC does not hold the information you have requested, specifically “any documentation in which the BBC has determined whether BT Vision equipment qualifies as TV equipment for the purpose of issuing TV Licences due to the fact that it obtains TV programming via the internet which is now included in the licence fee”.

## **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 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, telephone 01625 545 700 or see [www.ico.gov.uk/](http://www.ico.gov.uk/)

Kind Regards

Dan McGregor  
**Senior Policy Advisor, TV Licensing Management Team**