



**BBC  
TELEVISION LICENSING  
WITHDRAWAL OF THE IMPLIED  
RIGHT TO ACCESS POLICY  
(WOIRA)**

**POLICY NUMBER: BBC009  
AUTHOR: BBC  
VERSION: 1**

## DOCUMENT HISTORY

### Document Location

The document is only valid on the day it was printed. The source of this printed document can be found with the TV Licensing ("TVL") Policy Team.

### Document History

Revision date	Summary of changes	Version No.
March 2010	Initial drafting of policy	1

### Approvals

All changes to this policy document require the approval of BBC Finance's Business Management Routine ("BMR").

Version	BMR Approval
1	9 March 2010

### Distribution

This document has been distributed to all relevant managers / team leaders for communication to all TVL staff.

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## 1. Purpose

- 1.1 To state the BBC's policy on the steps taken when people notify the BBC or TV Licensing that they have withdrawn the implied right of access (WOIRA) to their property by TV Licensing and its agents.

## 2. Scope

- 2.1 This policy sets out the procedure for:
- receiving notice of WOIRA;
  - encouraging customers to provide their name for Data Protection purposes;
  - the differences between the treatment of notice of WOIRA for licensed and unlicensed properties;
  - the enforcement process for unlicensed addresses where notice has been given; and
  - the treatment of detection results under this policy.
- 2.2 This policy applies to residential and non-residential addresses.

## 3. Definitions

- 3.1 **"Implied Right of Access"** – an implied right for a person who has legitimate business with the occupier to walk through an unlocked gate to the entrance of a property.
- 3.2 **"WOIRA"** – withdrawal of the implied right of access.
- 3.3 **"Notice of WOIRA"** – a notification of withdrawal of the implied right of access (email, letter, telephone call or verbally via a face to face contact) to the BBC or TV Licensing.
- 3.4 **"WOIRA Address"** - an address where the occupant has notified TV Licensing of their withdrawal of the implied right of access.
- 3.5 **"Authorised person"** – a person with the power to withdraw the implied right of access i.e. the occupier or landlord of an address.
- 3.6 **"WOIRA guard"** – an indefinite guard against both visits and standard mailings to an address that has given notice of WOIRA.
- 3.7 **"Standard Mailings"** – WOIRA addresses are guarded against receiving TV Licensing's standard enforcement mailings as these refer to potential visits from Enquiry Officers.

## 4 General Principles

### Right of access

- 4.1 It is well established that an implied right of access to a property exists for those that have a legitimate reason to be on the property. This implied right allows the caller to come to the front door/gate if they have legitimate business with the occupier. If they are asked to leave then the implied right no longer applies. Enquiry officers have a legitimate purpose for their visits, to collect and enforce the TV Licence and accordingly have an implied right of access.

### Trespass

- 4.2 Requests to withdraw the implied right of access must be respected as TV Licensing Enquiry Officers would be committing trespass if they visited the address after the right of access had been withdrawn. The implied right must be withdrawn by someone who has the authority to do so i.e. most likely the occupier of the property.

### Name not required

- 4.3 There is no legal requirement to provide a name when someone withdraws their implied right of access. However, TV Licensing will always request a name as this the best way of ensuring we are corresponding with the occupier. The occupier has the power to withdraw the right and we wish to ensure, as far as is possible, that TVL is in contact with the correct person. By recording the occupant's wishes against their name, TVL maintains an adequate and accurate database in compliance with the 4<sup>th</sup> data protection principle to keep data "accurate, and up to date" (Data Protection Act). This is also a preferred approach, as for unlicensed properties who give notice of WOIRA, there is an increased likelihood of detection. TV Licensing will continue regular contact via correspondence to confirm that it is still the same occupier. If a person responds to a letter addressed to the occupier then that is taken as confirmation that the person is the occupier or has the authority of the occupier.

## 5. WOIRA notification

- 5.1 Notice of WOIRA is not legally required to be in writing. TV Licensing may receive a notice of WOIRA via either:
- letter
  - email
  - telephone
  - verbally when an enquiry officer is told by an occupant that he has withdrawn the implied right of access.
- 5.2 TV Licensing's policy process for dealing with notice of WOIRA is outlined at **Appendix I (unlicensed address) and Appendix II (licensed address)**.
- 5.3 If such a property also claims not to require a licence then the No Licence Needed policy will need to be taken into account (see **Appendix III**).

- 5.4 Upon receipt of a WOIRA notification, written acknowledgement and an explanation of the policy will be sent to the individual by TV Licensing.
- 5.5 As noted in 4.3 above, TV Licensing will always request a name to record the wishes of the individual against their name for Data Protection reasons. The name will be marked against the address for this purpose.
- 5.6 Regardless of whether a name is provided, once the occupant at an address has notified the BBC or TV Licensing of the withdrawal of the implied right to visit, a WOIRA guard will be applied (see 3.6).
- 5.7 As withdrawing the implied right of access may be a potential method of evasion, unlicensed WOIRA addressees will be sent bespoke mailings which do not refer to Enquiry Officer visits. This is part of TV Licensing's approach to these addresses to ensure it upholds its duty to collect and enforce the licence fee. Other enforcement methods may be used as necessary. Licensed WOIRA addresses will receive relevant bespoke mailings as required.
- 5.8 TV Licensing reserves the right to confirm that the WOIRA is still applicable to that address over time. This will include TV Licensing writing to individuals who have withdrawn this implied right to check this is still the authorised person for that address.

## **6. Visiting addresses**

- 6.1 WOIRA addresses must not be visited (see 4.2 Trespass).
- 6.2 Addresses will become available for visits again under a limited number of circumstances, for example if notification is received from the Royal Mail that the occupant has moved away (see appendices).

## **7. Guards**

- 7.1 Once an address has given notice of WOIRA then a WOIRA guard will be applied immediately to prevent standard mailings being sent and the address being visited.
- 7.2 Withdrawing the right to visit can be for an indefinite period. But, as circumstances can change, e.g. when people move house, TV Licensing needs to ensure that such guards continue to be accurate. A confirmation letter asking if the situation remains the same will be sent to unlicensed properties every two years.
- 7.3 The WOIRA guard will be removed<sup>1</sup>-

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<sup>1</sup> As stated earlier, the power to withdraw may also lie with the owner or landlord of an address. In order for TV Licensing to ensure that the tenant is aware of this limitation on access, TV Licensing will always correspond with both the landlord and the occupier of the WOIRA address when dealing with WOIRA mailings.

In rare circumstances a landlord may not give an alternative address for correspondence to the WOIRA address. Where that is the case TV Licensing will correspond with both the landlord and the occupier via the WOIRA address. A WOIRA guard will not be removed if TV Licensing receives new data that a tenant has moved if the WOIRA was given by a landlord.

- If TV Licensing receives no response to its confirmation letters
- if TV Licensing receives new data that indicates the person who withdrew the implied right of access has moved

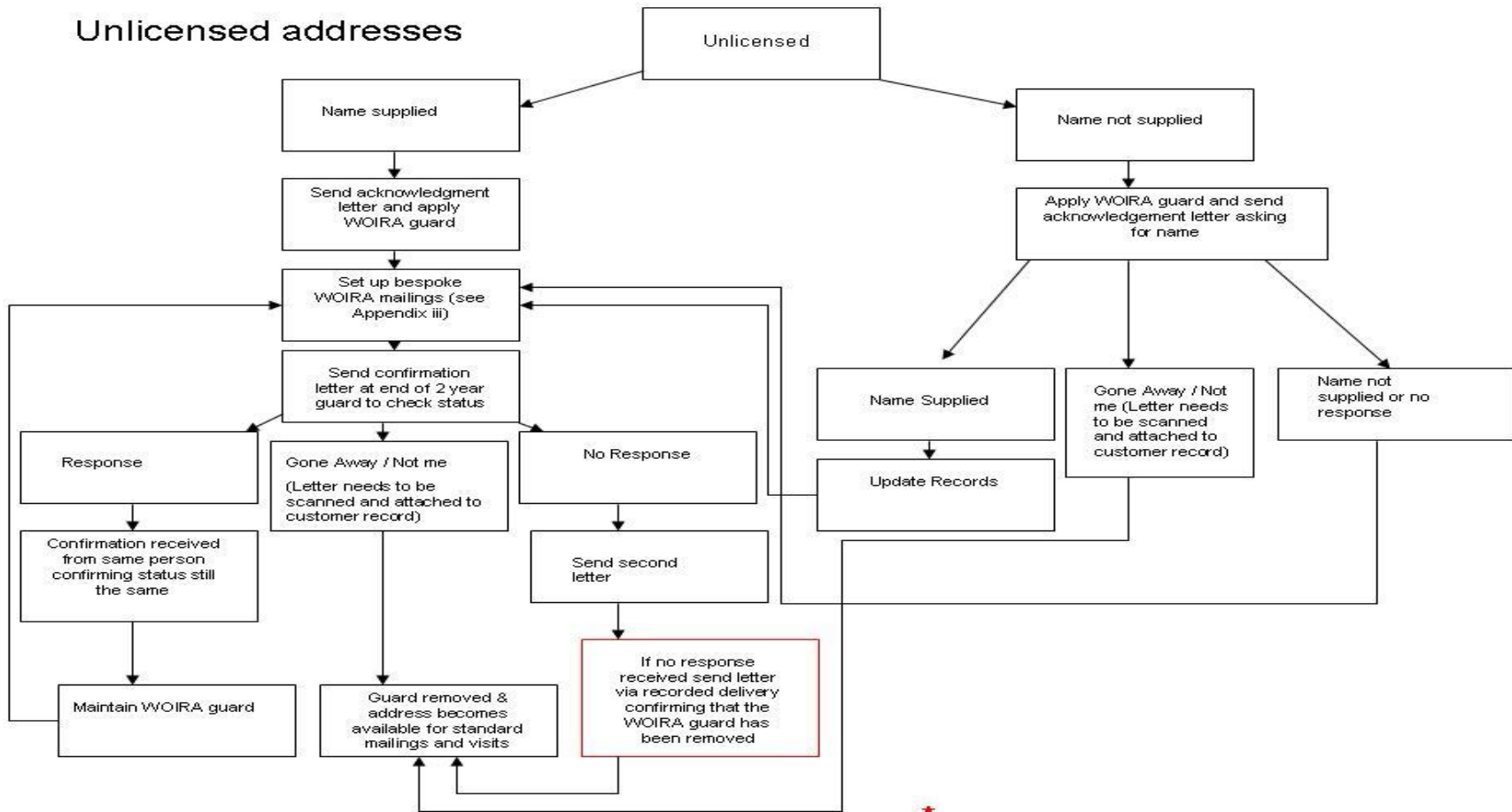
7.4 If individuals with a WOIRA guard who are unlicensed contact TV Licensing to say they are moving, TV Licensing will transfer the guard to their new address, if requested. If someone with a WOIRA guard who is licensed moves to a new address, then the guard will be transferred automatically.

## **8. Detection and Search Warrant Procedures**

Given that TV Licensing is unable to visit WOIRA addresses, detection and search warrants will be used as necessary and appropriate. Negative detection results will result in the WOIRA guard being reset and bespoke mailings being stopped for 2 years. Positive detection results will result in further investigations being undertaken.

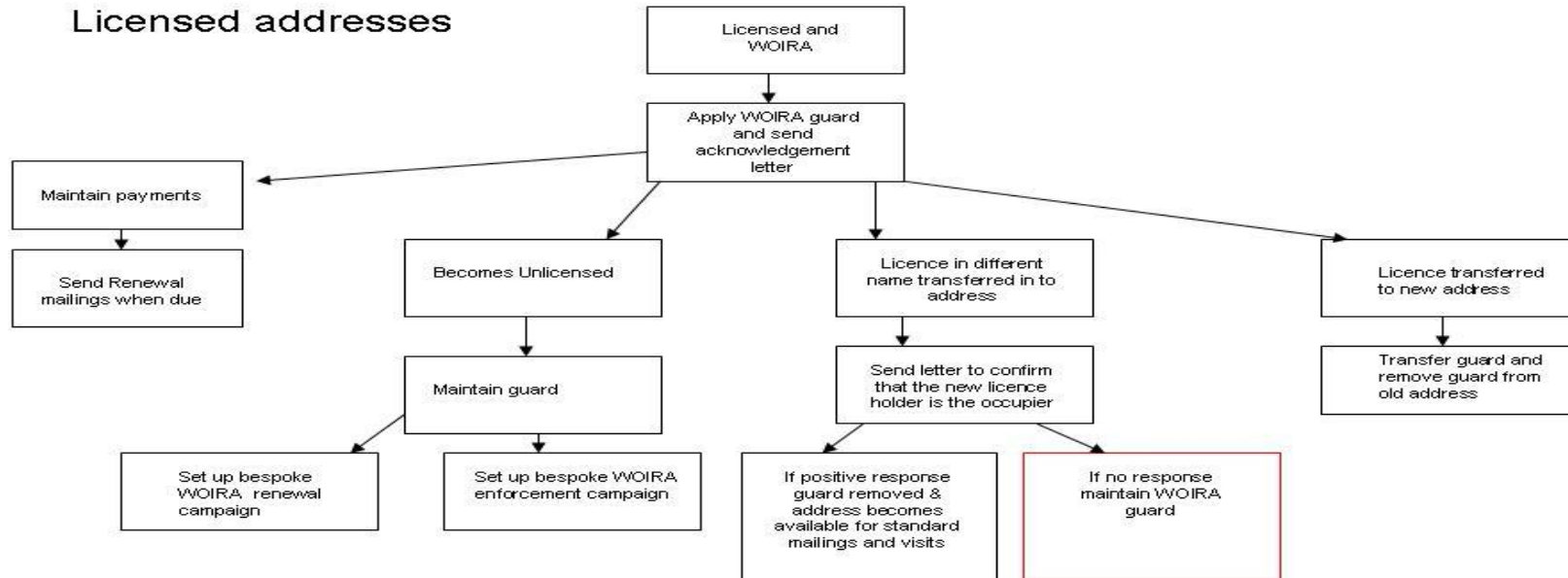
- 8.1 A WOIRA guard will remain in place regardless of the results of detection but addresses may still be visited if a search warrant is obtained by TV Licensing
- 8.2 Detection will be carried out in accordance with the BBC Policy on the Authorisation and Operation of Detection Equipment under the Regulation of Investigatory Powers Act 2000.
- 8.3 Search warrants will be executed in accordance with the Capita search warrant policy.

## APPENDIX I – UNLICENSED ADDRESSES



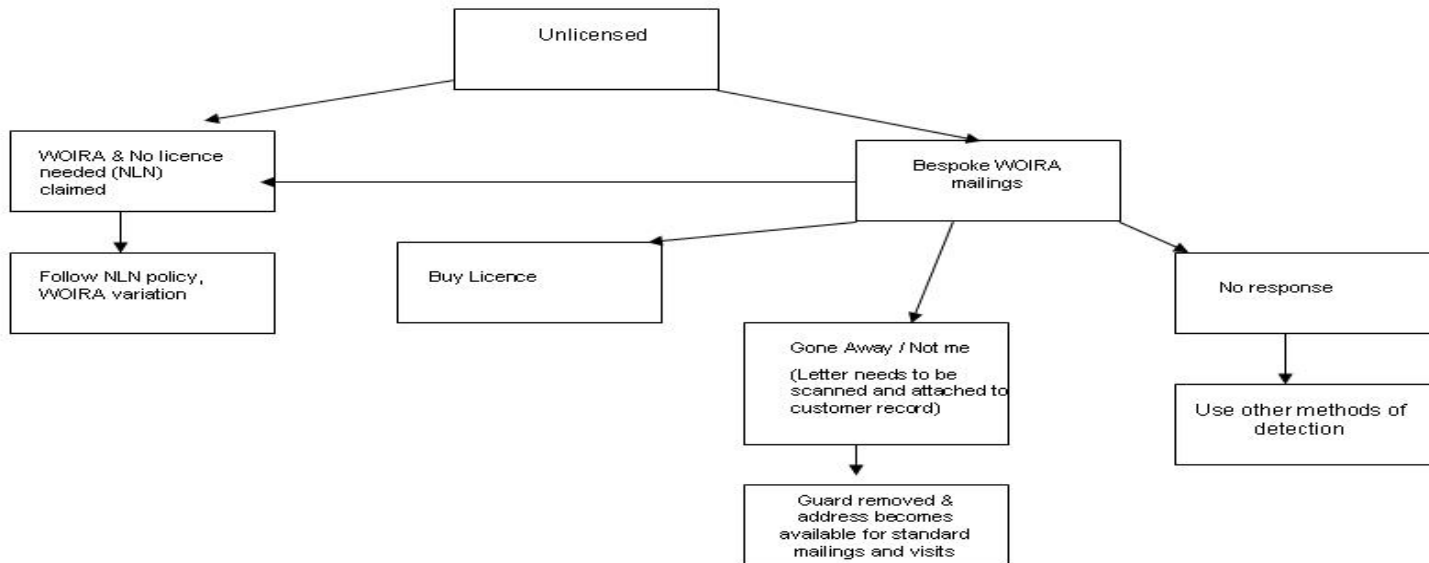


## APPENDIX II – LICENCED ADDRESSES



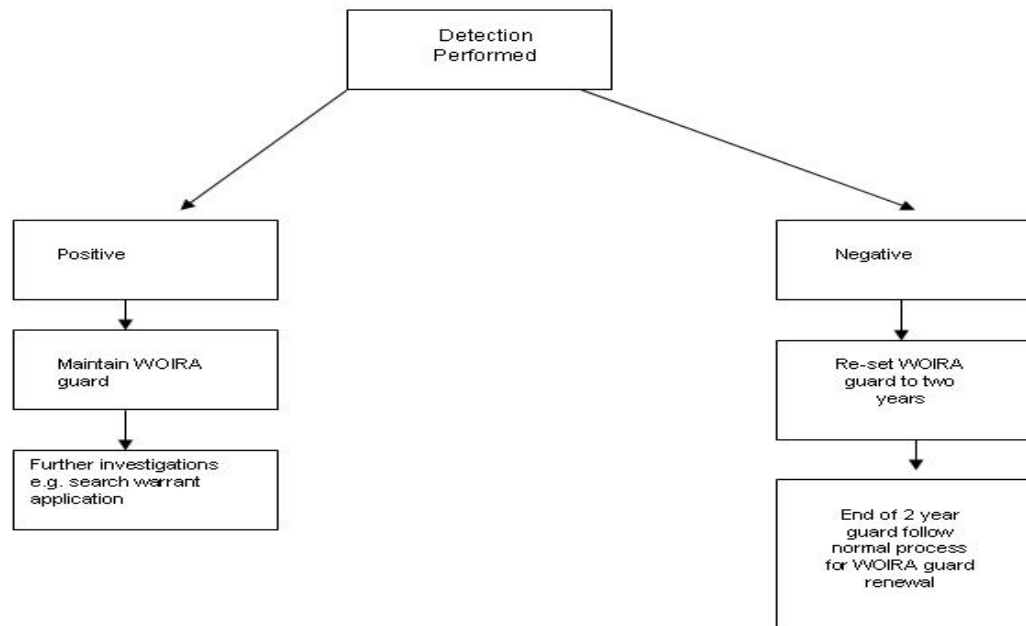
## APPENDIX III – ENFORCEMENT PROCESS

### Enforcement Process



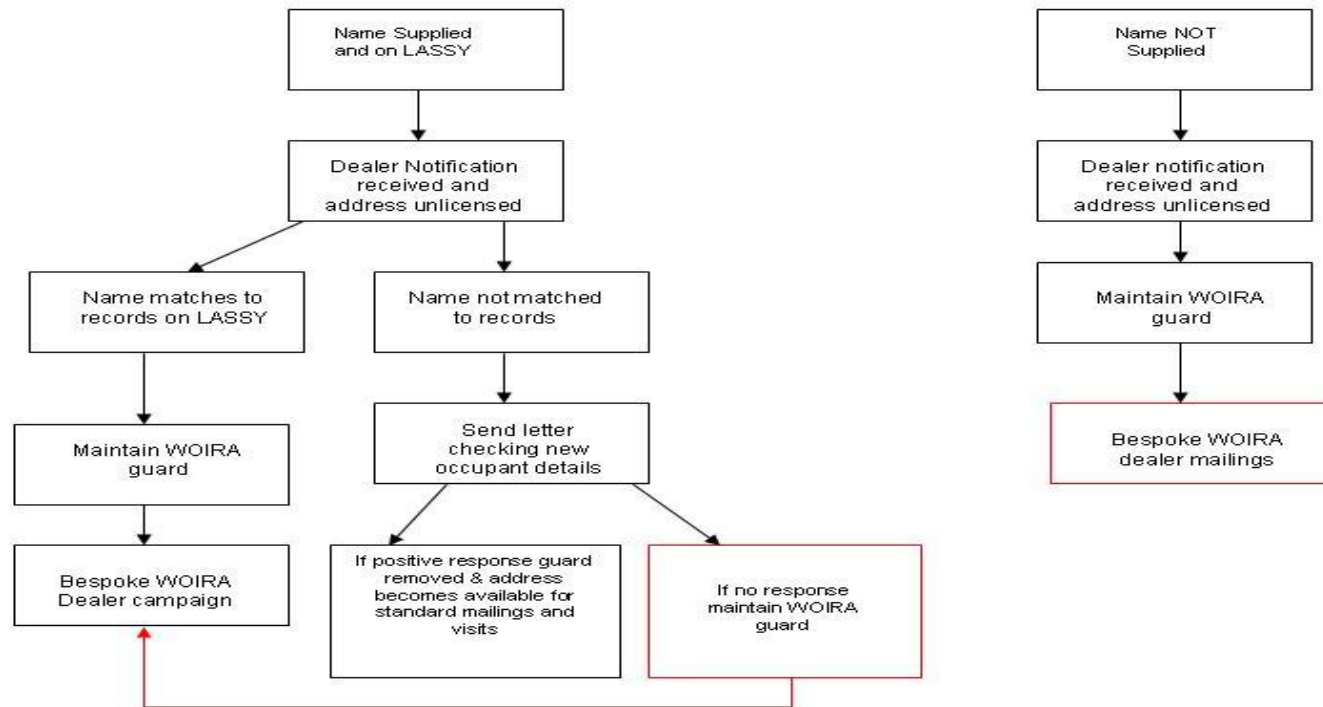
## APPENDIX IV - DETECTION

### Detection



## APPENDIX V – DEALER NOTIFICATION\* (DN) FOR UNLICENSED ADDRESSES

### Dealer Notification\* (DN) For Unlicensed Addresses



\* Dealer notification is information supplied to TV Licensing from TV retailers that a person has purchased a piece of TV receiving equipment