



Information Policy & Compliance

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

Doyle Williams

Via email: request-149508-2b4c8b51@whatdotheyknow.com

11 March 2013

Dear Mr Williams,

Request for Information – RFI20130195

Thank you for your request of 12 February 2013 under the Freedom of Information Act 2000 ('the Act') seeking the following information:

"Please disclose the amount of profit the BBC makes from prosecuting people for the offence of 'using a television without a licence'. I don't think the BBC would be prosecuting people at a loss or breaking even on this.

Please also list each magistrates court the BBC uses for the prosecutions and please also disclose the costs of booking these courts for the prosecution hearings.

What is the total cost to the BBC for prosecution [sic] hearings including legal professionals etc."

Data for the last three years is sought but if retrieving this data exceeds the time allowed to spend on such requests please provide the information to fall within the terms of the FOI Act.

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.

I shall address your requests in turn below.

Question 1

Firstly, I should explain that the BBC does not make a profit as it is not a commercial organisation. I can tell you that enforcement activity, including the investigation and prosecution of cases, is carried

out by our contractor Capita on the BBC's behalf. As the prosecutor, Capita may apply to the court for reasonable costs incurred in investigating and prosecuting cases and it is up to the court to decide whether to award these; but the purpose of awarding costs is to reimburse the prosecutor and not enrich them. As such the BBC does not directly profit in monetary terms from prosecuting people for the offence of using a television receiver without a licence. Whilst Capita may hold information relating to profit made from certain aspects of its operation, this information is it is not held by Capita on behalf of the BBC.

The Act gives rights of public access to information held by public authorities (as defined in section 3 of the Act). Section 3(2)(a) of the Act says that, for the purposes of the Act, information is held by a public authority if it is held by the public authority themselves or if it is held by another person on behalf of the authority. 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.

Question 2

Please find enclosed in the attached Disclosure Document a list of Magistrates Courts in England, Wales and Northern Ireland (there are no Magistrates Courts in Scotland) that are used by Capita in respect of TV Licensing. Please note that there is no charge to list criminal cases for hearing.

Question 3

I can confirm under section 1(1) of the Act that the BBC does not hold relevant information that would enable us to answer your specific request. Legal expenses in relation to enforcement of the licence fee, including the cost of prosecution cases, are held by our contractor Capita and this information is not held by the BBC in a recorded form. Whilst this information requested may be held by Capita, it is not held by Capita on behalf of the BBC; and therefore is not subject to the Act.

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, Cheshire, SK9 5AF, telephone 01625 545 700 or see <http://www.ico.gov.uk/>.

Kind regards

Rupinder Panesar

Freedom of Information Advisor, TV Licensing Management Team