



Information Policy & Compliance
bbc.co.uk/foi bbc.co.uk/privacy

Mr D Cameron
Via email: request-140581-c412831e@whatdotheyknow.com

13 December 2012

Dear Mr Cameron

Request for Information – RFI20121427

Thank you for your request of 30th November under the Freedom of Information Act 2000 ('the Act') seeking the following information:

"Please could you kindly answer the following questions.

- 1. I have just purchased a mobile phone which has the "ability" to view live television, this is not an application that can be removed from my new mobile smart phone, i have chosen NOT to view and programs as they are being broadcast, however as the new phone has the "ability" to view them am i required to purchase a tv license?*
- 2. Due to my religion which i am not prepared to share with you at this point (i will tell you in person as people may simply quote by religion to avoid such problems) i am forbidden to watch television, am i required by law to co-operate with a licensing investigation into my property?*
- 3. Am i required by law to allow any persons representing the the BBC or TV Licensing into my property?*
- 4. Am i required by law to "prove" that i do not watch live broadcasted programs in my own home?*

Please note - i am unclear from the current legislation and all information available to me as to my position and responsibility, I have in order to avoid breaking the law decided to ask the "qualified professional" ie you. I will see refusal to answer my questions as confirmation that :

- 1. I do not require a TV license for my mobile phone.*
- 2. I am NOT required by law to allow entry to any persons representing the bbc or any third party seeking to establish if a tv license is required at my property.*
- 3. I am NOT required by law to prove i own any equipment used for viewing broadcasted programs."*

Please note that "TV Licensing" is a trade mark of the BBC and is used under licence 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 mainland and Northern Ireland, 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.

Please be advised that the Act gives a general right of access to all types of recorded information held by public authorities. Whilst your request is really a query, rather than a request for recorded information, I'm happy to respond to your questions in line with our duty to provide reasonable advice and assistance under section 16 of the Act.

Question 1

A TV Licence is only required if you use or install any equipment to watch or record television programmes, as they are being shown on TV. If you don't watch or record television programmes as they are being shown, you can contact us via the following link to advise that you do not need a TV Licence:

<https://www.tvlicensing.co.uk/no-licence-needed/>

We will update our records in accordance with our No Licence Needed ('NLN') Policy - which is available at the link below – and you won't receive any more letters or emails from us for almost two years. We will then get in touch with you to check whether your circumstances have changed. Please note that we do visit a proportion of addresses where an NLN declaration has been made to confirm that this status is accurate.

http://www.tvlicensing.co.uk/resources/library/BBC/policies/No_Licence_Needed_policy_25Aug2011.pdf

However, I should remind you that using any device (for example, TVs, computers, laptops, mobile phones, games consoles, digital boxes and DVD/VHS) to watch or record television programmes as they are being shown on TV without a valid TV Licence is against the law and could lead to prosecution and a fine of up to £1,000.

Questions 2 and 3

I have interpreted "*co-operate with a licensing investigation into my property*" as referring to both TV Licensing mailings and to visits from TV Licensing visiting officers.

In terms of TV Licensing mailings I confirm that individuals are not obliged to respond. As we are legally obligated to ensure all those who need a licence have one, we write to unlicensed properties to ask whether a licence is required. If no response is received we have no way of knowing whether a licence is required or not.

If no response is received to enquiry letters from TV Licensing, an enquiry officer will call at the address to determine the licensing requirements. The occupant of a property has no obligation to grant entry to an enquiry officer. If refused entry the enquiry officer will leave the property. However, please note that if enquiry officers are refused access or an occupant withdraws the right to visit, then TV Licensing reserve the right to use other methods of detection.

Search warrants are only applied for in cases where the evidence means that it is likely that a television is in use. TV Licensing is open regarding its policy that it will only apply for a search warrant as a last resort. Search warrant applications are considered scrupulously before they are submitted. As a matter of law, a search warrant cannot be granted unless there are reasonable grounds for the application.

Question 4

Please see my response to Question 1 above.

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

