



Information Policy & Compliance

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David Knight

Via email: [request-189774-85239983@whatdotheyknow.com](mailto:request-189774-85239983@whatdotheyknow.com)

16<sup>th</sup> January 2014

Dear Mr Knight

**Request for Information – RFI20131911**

Thank you for your request of 18<sup>th</sup> December 2013 under the Freedom of Information Act 2000 ('the Act') seeking the following information:

*"The following statements are taken from the website of TV Licensing.*

*"If you don't have a television set or have one but don't use it to watch programmes as they are being shown on TV, we ask that you inform us this is the case, so that we can register it on our database to prevent unnecessary contact. An enquiry officer may call to verify this. This is necessary because when we make contact on these visits, almost a fifth of people are found to require a TV Licence. We believe that the fairest and most consistent approach is to visit addresses where TV Licensing is notified that no television set is used."*

*"If, during a brief visit, an enquiry officer can verify that no licence is likely to be needed, he or she will stop any further contact to that address for two years for a residential address and three years for a business address."*

- 1. Do these instructions form part of the TV licensing legislation?*
- 2. Is there any obligation to comply with the instructions within those two paragraphs?*
- 3. Is there any obligation to allow an enquiry officer into my home or business?*
- 4. If a person has said, he/she will never watch live broadcasts or will never buy a TV. Why do you intend to pester him/her every two years to check his/her honesty?*
- 5. Are you proud of the fact that you and your agents Capita put poor people into further poverty with the swingeing fines and court costs?"*

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 queries in turn below.

#### **Question 1**

Firstly, I should explain that information about legal basis of the requirement to hold a TV Licence and pay a fee for it is readily available on the TV Licensing website at <http://www.tvlicensing.co.uk/about/foi-legal-framework-AB16/> under the heading *"Which legislation authorises the BBC to collect the TV Licence fee?"*.

The statements to which you refer do not form part of this legislation. Rather, they constitute supplementary information to assist people who do not watch or record television as it is being shown and therefore do not require a licence.

#### **Questions 2 and 5**

Please be advised that the Act gives a general right of access to all types of recorded information held by public authorities. As this is not a request for recorded information; and we are not required to create new information to respond to a request, or give a judgement or opinion that is not already recorded - we will not be providing a response to these parts of your request.

#### **Question 3**

Whilst this is not a request for recorded information, I can tell you that information relevant to your query is available on the TV Licensing website at <http://www.tvlicensing.co.uk/about/foi-administering-the-tv-licensing-system-part-2-AB20/> under the heading *"What law authorises enquiry officers to request access to my home? Can I refuse to let them in?"*.

#### **Question 4**

This is not a request for recorded information. However, under our duty to advise and assist you under section 16 of the Act, I should explain that addresses that have notified TV Licensing that no licence is needed ('NLN') we update our records to reflect this and we will not send any further letters for approximately two years. We only get in touch again after two years to check circumstances haven't changed, for example the occupants haven't moved house or started watching or recording live TV. As part of its review of TV Licensing's collection strategy, the BBC Trust's research found that, on balance a majority of those without a television accepted that it was reasonable for TV Licensing to continue to send standard mailings where the householder had not notified them of their status.

Please note that TV Licensing also reserves the right to visit addresses that have made an NLN declaration to confirm that a licence is not required as when we make these visits almost 1 in 5 addresses is found to need a licence (2012-13 financial year figures).

## **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**

