



Information Rights

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Karin Maberley

Via email: [request-467920-07a6eb7f@whatdotheyknow.com](mailto:request-467920-07a6eb7f@whatdotheyknow.com)

28 March 2018

Dear Karin Maberley

**Request for Information – RFI20180402**

Thank you for your request of 28<sup>th</sup> February 2018 under the Freedom of Information Act 2000 ('the Act') seeking the following information:

*"I understand that the householder in this video*

*<https://www.youtube.com/watch?v=6cWGzwZ8Xyw> was charged with obstruction of the search warrant because he did not consent to entry by the Capita employees, although his front door was standing wide open.*

- 1. It is my understanding that the search warrant gives Capita employees the power to force entry. Is this correct?*
  
- 2. Assuming your answer to 1 is "Yes", and given the unobstructed front door, the consent or not of the householder to execute the warrant is not required and in fact makes no difference whatsoever to the ability of the Capita employee to execute the warrant. Is this correct?*
  
- 3. Assuming your answer to 2 is "Yes", the Capita employee in the video could simply have entered through the open front door. Choosing not to execute the warrant without the consent of the householder was therefore elective on his part. Is this correct?*
  
- 4. Assuming that your answer to 3 is "Yes" and since we have already established that an open door and a lack of consent cannot obstruct a search warrant that has powers of entry, to bring charges of obstruction against the individual in question is an abuse of process and an attempt to pervert the course of justice. Is this correct?*

*Please fully explain any "No" responses"*

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 Media Planning Limited trading as Havas Media UK. The BBC is a public authority in respect of its television licensing functions and retains overall responsibility.

While you have requested ‘yes or no’ answers to each query, I should reiterate that the Act gives a general right of access to all types of recorded information held by public authorities; 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. Consequently, we are not obliged to provide a response to your queries.

However, in line with our duty to advise and assist you under section 16 of the Act, I can tell you that force is not used by TV Licensing enquiry officers to gain entry to a property.

### **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 SK9 5AF. Tel: 0303 123 1113 (local rate) or 01625 545 745 (national rate) or see <http://www.ico.gov.uk/>.

Kind regards

Rupinder Panesar

**Freedom of Information Advisor, TV Licensing Management Team**

