



Information Rights

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

Christopher Whittaker

request-645863-446120b3@whatdotheyknow.com

12 March 2020

Dear Mr Whittaker

Request for Information – RFI20200244

Thank you for your request to the BBC of 12th February 2020 under the Freedom of Information Act 2000 ('the Act') for the following information:

"I would like to knowing [sic] exactly how many TV licences have been physically cancelled in Last 12 month (13/02/19-13/02/20) I would also like the Same information but with regards to NEW licences being took out

I would very much like a breakdown per month

2. I would Also like to know how many people you have convicted for haveing [sic] no tv licence in the last 3 years.

3, I would also like to know how much the process of sending letter and investigating then prosecute them. With a full breakdown. "

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. Target Group ('Target') is the supplier for the Simple Payment Plan trial. Marketing and printing services are contracted to Proximity London Ltd. Media services are contracted to Havas Media Limited. The BBC is a public authority in respect of its television licensing functions and retains overall responsibility.

Please be advised the Act gives a general right of access to all types of recorded information held by public authorities; and that we are not required to create new information to respond to a request, or give a judgement or opinion that is not already recorded.

I shall address each request in turn below.

Request 1

We have interpreted this part of your request as relating to the total number of licences in force and the total number of TV Licence cancellations reported in respect of the time period you have specified.

Licences in force (LIF)

TV Licensing reports on the number of TV licences 'in force' and the exact number of licences in force varies on a daily basis as people will be buying new licences and some will terminate payment schemes before full payment has been made. This management information is only generated on a monthly basis and compiled following month-end. Accordingly, I am providing you with total monthly LIF figures as at the date of your request i.e. for the period February 2019 to January 2020:

	Licences in Force ('000,000)
February 2019	25,774
March 2019	25,753
April 2019	25,740
May 2019	25,726
June 2019	25,698
July 2019	25,691
August 2019	25,675
September 2019	25,656
October 2019	25,669
November 2019	25,607
December 2019	25,581
January 2020	25,581

Cancellations

For your information, TV Licensing management information on cancellations is also reported on a monthly basis and comprises data relates to licences in force where the licence has been cancelled by TV Licensing as a result of payment failure and by customers themselves. These two types of cancellation cannot be disaggregated and therefore this information cannot be taken to mean solely the number of licences cancelled by customers.

A monthly breakdown of all cancellations for the 2018/19 financial year (derived from TV Licensing management information) is readily available on the TV Licensing website at <https://www.tvlicensing.co.uk/about/foi-licences-facts-and-figures-ABI8>.

Please be advised that monthly cancellations figures are consolidated at the end of the financial year and intended to be published on the TV Licensing website, following the publication of the TV Licensing Annual Review in July each year. Since we will be publishing these figures for the 2019/20 financial year later this calendar year, I am withholding the figures for the remaining months within the scope of your request i.e. April 2019 to January 2020. This information is being withheld under section 22(1)(a) of the Act; which relates to information which is intended for future publication (specifically, that the information is held with a view to its being published by the BBC at a future date). Please note that this information is intended for publication on the TV Licensing website later this calendar year.

I am satisfied in terms of section 2(2) of the Act that in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information. I have provided further explanation of my consideration of the public interest in the section 'Why information has been withheld', below.

Why information has been withheld

I am required under section 2(2) of the Act to assess whether the public interest in maintaining the exemption used above outweighs the public interest in disclosing the information.

In favour of disclosure, there is a general public interest in providing further information about the BBC's television licensing activities which affect a large percentage of the general public.

In addition, I consider that the following factors are in favour of withholding the information:

1. That the publication of information by public authorities is a carefully planned and managed activity.
2. That the release of information generated for internal reporting only would not provide an accurate public understanding of television licensing before that information has been reviewed and consolidated.

In this instance, the public interest is served by maintaining the BBC's planning procedures. I am therefore satisfied in terms of section 2 of the Act that in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest (outlined above) in disclosing the information.

Request 2

By way of background, section 363 of the Communications Act 2003 makes it an offence to install or use a television receiver to watch or record any television programmes as they're being shown on television without a TV Licence. TV Licensing will prosecute TV Licence fee evaders if it is in the public interest and there is sufficient evidence to do so. Anyone who watches or records television programmes as they're being shown on TV without a valid TV Licence, or uses BBC iPlayer, runs the risk of prosecution. The maximum penalty for not having a valid TV Licence is a

£1,000 fine. However, a fine is a matter solely for the court to impose and collect, not TV Licensing.

The BBC does not hold official statistics on the precise numbers of people actually prosecuted or convicted for evasion of the Television Licence Fee¹. For England and Wales this information – together with details of fines imposed - is retained both by the Ministry of Justice and individual magistrates' courts; and can be requested using the following address - Data Access and Compliance Unit, Postal Point 6.25, Floor 6, 102 Petty France, London, SW1H 9AJ.

For your information, prosecutions and convictions data for the period 2013 to 2018 (the most recent data available) can be found at the below link to the Criminal Justice System statistics publication:

<https://www.gov.uk/government/statistics/criminal-justice-system-statistics-quarterly-december-2018>²

For Northern Ireland, prosecutions and convictions information is retained by the Northern Ireland Department of Justice. This can be requested using the following address - Freedom of Information Team, Information Services Division, Block 2, Knockview Buildings, Ballymiscaw, Stormont, Belfast BT4 3SL.

For Scotland, figures are available from the Crown Office & Procurator Fiscal Office Scotland and can be requested from the following address - Criminal Justice and Disclosure Team, Crown Office, 25 Chambers Street, Edinburgh, EH1 1LA.

Request 3

Cost of unlicensed mailings

By way of background, TV Licensing has a statutory duty to ensure people are covered by a TV Licence when one is needed. It has a comprehensive database of approximately 31 million addresses across the UK and there are approximately 25.8 million TV Licences in force. TV Licensing writes to unlicensed addresses, where we have not been informed by the occupier that a licence is not required. Paper communications are minimised wherever possible and letters are only used where it does not have an email address or customer consent to use an email address. All TV Licensing's mailings have a positive return on investment (ROI) and sending letters is the most cost effective means of enforcing the law regarding TV Licensing.

The cost of sending TV Licensing mailings comprises print and fulfilment, which is carried out by Proximity (who sub-contract to Communis Group (Communisis)); and postal services, which are contracted to Communis. I can confirm that we do hold information that we consider relevant to your request, namely costs information in respect of the constituent elements of printing and fulfilment and postage. However, we consider all components to be exempt from disclosure and I am withholding this information under section 43(2) of the Act; because the release of such pricing

¹ While the BBC does retain informal statistics on prosecution and conviction figures, this information is indicative only and has not been verified against the official figures.

² Select "Outcomes by Offence data tool" and from the "offence" drop down box select '191A Television licence evasion'.

information would be likely to prejudice the commercial interests of Proximity, Communis and the BBC.

The release of the information would reveal valuable information about our contractors' and sub-contractors' pricing to their competitors, while they would not be in possession of the same information regarding their competitors. The release of the requested information would therefore be likely to assist such competitors in future negotiations.

I am satisfied in terms of section 2(2) of the Act that in all the circumstances of the case, the public interest in maintaining the exemptions outweighs the public interest in disclosing the information. I have provided further explanation of my consideration of the public interest test in the section 'Why information has been withheld' below.

In line with the duty to provide you with reasonable advice and assistance under section 16 of the Act, I can confirm the average postage cost for a standard TV Licensing letter during the relevant financial years was as follows:

Financial year	Average postage cost for a standard TV Licensing letter
2018/19	£0.24
2019/20 (to January 2020)	£0.25

Why information has been withheld

As section 43 is a qualified exemption, I am required by section 2(2) of the Act to assess whether the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

In favour of disclosure, it is in the public interest that there should be transparency to assure licence fee payers that:

1. the BBC is using public money effectively; and
2. the BBC is getting value for money in respect of its use of the licence fee when purchasing goods and services.

However, it is the BBC's view that given the commercial sensitivity of pricing information, these objectives will be prejudiced if the information requested is disclosed, because:

1. It is important that the BBC maintains a strong bargaining position vis-à-vis suppliers during contractual negotiations in order to ensure that the licence fee is spent effectively.

2. It is also important that the competitive position of companies in their particular market is not disadvantaged by doing business with the BBC. It would not be in the public interest to disclose sensitive information about the commercial arrangements between particular companies if that information would be likely to be used by competitors to gain a competitive advantage.
3. Releasing the cost of commercial transactions would be likely to adversely affect the BBC's negotiating position in future contractual negotiations with suppliers of this type of service. This would compromise the BBC's ability to achieve value for money for licence fee payers.

Further, I consider that the above public interest factors in favour of disclosure are served by the following:

1. The fact that the BBC is subject to a broad range of internal mechanisms, including oversight by the BBC Board which is responsible for ensuring the effective and efficient management of BBC finances and operations in accordance with the principles of regularity, propriety, value for money and feasibility (Articles 16 and 20(7)(a) of the Charter).
2. The BBC is required to comply with Ofcom regulations, the fair trading regime and competition law in general.
2. In the interests of transparency and accountability, certain limited information on expenditure is already provided in the BBC's Annual Report and Accounts and the TV Licensing Annual Review.

In this instance, I consider that the public interest is served by ensuring that the pricing details of the BBC's commercial arrangements are protected. I am therefore satisfied, in terms of section 2(2) of the Act, that in all the circumstances of the case, the public interest in withholding the information outweighs the public interest (outlined above) in disclosing the information.

Cost of investigation and prosecution

TV Licensing routinely publishes information on the cost of collecting the licence. However, please note that collection costs cover all aspects of collecting and enforcing the TV Licence fee and we do not group costs information for specific aspects of the service, such as enforcement (which includes the investigation and prosecution of cases).

Information on overall collection costs for the 2018/19 financial year is published in the TV Licensing's Annual Review which is available at <http://www.tvlicensing.co.uk/about/our-performance-AB6>. Information on previous years' collection costs is also available on the TV Licensing website at <http://www.tvlicensing.co.uk/about/foi-financial-information-AB19>.

Appeal Rights

If you are not satisfied that we have 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 and including your reference number. A request for an internal review must be made within 40 working days of receiving the BBC's response to your original request.

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, Tel: 0303 123 1113 or see <https://ico.org.uk/>.

Yours sincerely

Rupinder Panesar

Freedom of Information Advisor, TV Licensing Management Team

