



Information Rights

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

T. Jackson
request-332060-209dd427@whatdotheyknow.com

1 June 2016

Dear T. Jackson,

Request for Information – RFI20160939

Thank you for your request of 1 May 2016 under the Freedom of Information Act 2000 ('the Act') seeking the following information:

According to my records the BBC has previously released a copy of the TV Licensing Court Presenters' Manual, which is a thoroughly engrossing read. I believe it was released in response to RFI20151337.

The contents page of that document indicates that the following Appendices exist:

- A. Justice of the Peace article - Regina v Dew (lodger);
- B. Liverpool judgment Liverpool Magistrates 2003;
- C. Associated Octel Co Ltd, R v. [1996] EWCA Crim 1237;
- D. Copy transcript Campbell v Strangeways (licence not valid prior to purchase);
- E. Copy transcript Monks v Pilgrim (husband and wife equally liable);
- F. Copy transcript Rudd v DTI (inference of use);
- G. Pickering v Miller judgment Guildford Magistrates 2003;
- H. Blake, R v [1996] EWCA Crim 729;
- I. Policy for TV Licensing Prosecutions;
- J. Communications Act 2003 - Part 4;

The information contained within those Appendices, which the BBC presumably holds as it has released the parent document, was not disclosed in response to RFI20151337.

In accordance with section 1 of the Freedom of Information Act 2000, please provide ALL information contained within the Appendices listed above.

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.

Firstly I can confirm that the TV Licensing Court Presenters' Manual was disclosed in response to request RFI20151337 and the BBC's response and disclosure documents are published on the What Do They Know website at

https://www.whatdotheyknow.com/request/case_law_relating_to_tv_licensin#incoming-703629.

As explained in that response, please note that the documents listed in the 'appendices' to which you refer do not in fact form an appendix. The referenced documents are not provided to court presenters as part of the manual or circulated at all but rather are a list of additional reference material.

Documents C, H and J are available online and therefore already in the public domain. As the BBC's response to request RFI20151337 contains web-links to the published sources, please refer to that response for these details. Similarly, a redacted version of document I was disclosed in the same response; therefore this document - together with the BBC's reasons for withholding certain parts of it - is also available on the What Do They Know website.

The response to RFI20151337 also confirmed that documents B and G are held by the BBC. However, this information was withheld under a number of exemptions in the Act. I consider that these documents remain exempt for the same reasons outlined in the BBC's previous response.

With regard to the remainder of the documents referenced in the Appendix, I shall address these below.

Document A

I can confirm under section 1(1) of the Act that we do hold the requested information. However, this article is taken from the Justice of the Peace law report, which is a monthly publication that is exclusively accessible via a paid for legal subscription service provided by LexisNexis. Consequently, I am withholding this information under section 43(2) of the Act because the release of this document would be likely to prejudice the commercial interests of LexisNexis.

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.

Documents D, E and F

The documents you have requested are attached as Disclosure Documents 1, 2 and 3, respectively.

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.

The BBC accepts that there is always a public interest in transparency, accountability and public understanding in respect of TV Licensing's operations. In this particular case the following factors are in favour of disclosure:

1. ensuring that the licensing authority is exercising its functions appropriately and proportionately; and
2. to promote public understanding of its enforcement of the television licensing system.

However, I consider that the above public interest factors in favour of disclosure are adequately addressed by the following:

1. The substantial amount of information which the BBC publishes about TV Licensing's operations in its Annual Report and Accounts; on TV Licensing's website (www.tvlicensing.co.uk); and in TV Licensing's Annual Review publications (www.tvlicensing.co.uk/about/our-performance-AB6); and in the National Audit Office's annual Licence Fee Settlement Statement released at the end of each financial year.
2. The BBC Trust is specifically tasked under Article 24(2)(m) of the BBC Charter with ensuring that the arrangements for the collection of the Licence Fee are efficient, appropriate and proportionate.
3. TV Licensing's functions are subject to external review through reports of the Comptroller and Auditor General to the House of Commons and directions given by the Treasury.
4. The BBC is required to satisfy the National Audit Office ('NAO') as to the value for money of the collection and enforcement arrangements and is accountable for the economy, efficiency and effectiveness of such arrangements. The NAO's most recent audit is published at www.nao.org.uk.
5. The BBC has reduced the cost of collection from 6.2% of the total licence fee collected in 1991/2, when it took over this responsibility from the Home Office, to below 2.7% for the financial year 2014/15. This demonstrates that the TV Licensing system is being efficiently run.

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

1. That the competitive position of companies in their particular market is not disadvantaged by the unilateral disclosure of information by the BBC.

2. Releasing information under the Act that is of commercial value to LexisNexis would undermine its position as exclusive supplier of that information via a paid for subscription service.
3. This would undermine its commercial relationship with its subscribers – such as higher education law libraries and solicitors firms – who access that information for an agreed subscription fee.

In this instance, I consider that the public interest is served by ensuring that LexisNexis' provision of services is 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.

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.org.uk/>.

Kind regards

Rupinder Panesar

Freedom of Information Advisor, TV Licensing Management Team

