



Information Rights

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

Alex Jones

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29 July 2022

Dear Alex

Request for Information – RFI20220387

Thank you for your request to the BBC of 1st March 2022 under the Freedom of Information Act 2000 ('the Act') seeking the following information::

"Please provide a copy of the latest "TV Licensing Visiting Procedures" document or its successor document provided to Capita Visiting Officers.

If you redact any sections under the Fol Act please mark each section with the section of the Act used to justify the redaction."

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 Limited ('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 Limited ('Target') is the supplier for the Simple Payment Plan. Marketing and printing services are contracted to RAPP Limited ('RAPP'). 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.

I should firstly explain that the Act gives a general right of access to all types of recorded information held by public authorities. We are not required to create new information to respond to a request, or give a judgement or opinion that is not already recorded. The release of information under the Act is viewed as disclosure into the public domain; and we therefore must consider the consequences of disclosure to the world at large, and not just the impact of providing this information to you.

I am providing you with a copy of the current TV Licensing Visiting Procedures in response to your request: this is a Capita document, held on behalf of the BBC. For your information, there

has been a change impacting Jersey since this document was last reviewed; and the paragraph under the heading “Visiting on Jersey” on page 36 of the document has been updated as follows:

Visiting on Jersey

Prior to any visiting campaign we are required to notify (the Hon Police/States Police) to confirm the dates and locations for the proposed visiting campaign. This will be completed by the relevant campaign manager in conjunction with legal.

Visiting Officers are permitted to carry out an interview/take a Record of Interview without the presence of an Honorary Constable and are now permitted to issue a caution pursuant to a recent statutory change on the Island.

There is a requirement to always have photo ID.

Please note that certain parts of this document referred to above have been redacted. This is because we consider that the information contained therein to be exempt from disclosure under the following sections of the Act. Each instance of redaction has been annotated to indicate which exemption has been applied

Section 3(2)

The Act gives rights of public access to information held by public authorities (as defined in section 3 of the Act). Section 3(2)(a) of the Act says that, for the purposes of the Act, information is held by a public authority if it is held by the public authority themselves or if it is held by another person on behalf of the authority. Capita is not a public authority as defined by the Act therefore internal Capita information which is not held on behalf of the BBC is not subject to the Act. One part of the document is redacted under this provision of the Act.

Section 31

The vast majority of the redactions relate to information withheld because it is our view that this is are exempt under sections 31(1)(a), (b), (d) and (g) and (2)(a) of the Act which relate to law enforcement; specifically that disclosure would, or would be likely to, prejudice the prevention or detection of crime, the apprehension or prosecution of offenders, the collection of the licence fee and the BBC’s ability to discharge its public functions in respect of such matters. This is because such information would be of use to those considering evading paying the licence fee and/or assist others in evading paying the licence fee.

Section 38

Two sections in the document (highlighted in the document) are redacted because we consider them exempt under section 38 of the Act, which relates to health and safety. This section provides an exemption from disclosing information if it would be likely to endanger the physical or mental health of any individual, or endanger the safety of any individual.

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 considered the public interest test in the section on ‘why information has been withheld’ below.

Why information has been withheld

As sections 31 and 38 are qualified exemptions, I am required under section 2(2) of the Act to assess whether the public interest in maintaining the exemptions outweighs the public interest in disclosing the information. At the outset, we would like to note that it is likely to be only in the most exceptional circumstances that it will be appropriate to prejudice the discharge of a legal duty.

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;
2. that public funds are being appropriately applied, and specifically that:
 - a. the TV Licensing system is being efficiently run; and
 - b. value for money is being obtained.

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); 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 Board is specifically tasked under Article 20(7) 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 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. 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 3.6% for the financial year 2020/21. This demonstrates that the TV Licensing system is being efficiently run.

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

Section 31

1. The BBC has a duty to enforce the television licensing system and it is essential that opportunities are not provided to potential or actual evaders to escape detection or prosecution. There is a strong public interest in ensuring that information which prejudices law enforcement is not disclosed.
2. There is a strong public interest in the BBC being able to collect all the licence fee money to which it is entitled to enable the BBC to provide the public with services that encompass its public mission to inform, educate and entertain.
3. Part of keeping evasion to a minimum is maintaining uncertainty as to TV Licensing's enforcement practices. This uncertainty contributes to the deterrent effect which is an important part of TV Licensing's enforcement strategy¹.
4. There is a strong public interest in ensuring the voluntary compliance with the licence fee regime. Without an effective deterrent to licence fee evasion, evasion would invariably increase. This would be to the detriment of the majority of people who are properly licensed, and who should not have to pay any more than is strictly necessary to ensure the compliance of those who deliberately evade paying the licence fee.
5. An increase in the rate of licence fee evasion would lead to an increase in enforcement costs and may lead to more prosecutions. There is a strong public interest in ensuring that the BBC can keep enforcement costs to a minimum, because any increase in enforcement costs will lead to a decrease in the funds available for producing the BBC's content.

Section 38

During the course of their enforcement activities, TV Licensing visiting officers have been regularly subjected to unwarranted physical contact by members of the public, which is a real and actual danger to their health and safety. Therefore, the BBC considers that the disclosure of any information relating to protective measures in place for contractors who work on behalf of the BBC, would compromise the BBC's and its contractor's ability to maintain their safety; and is therefore exempt from disclosure under the Act.

As the release of information under the Act is considered to be disclosed to the general public, it is necessary to take into account that information of this nature could be used for untoward purposes by others.

¹ The Information Commissioner has acknowledged in his Decision Notice [FS50476136](#) that there is a very strong public interest in the BBC being able to enforce the television licensing system and in not disclosing information which could impede the deterrent effect.

Consequently, there is a greater public interest in ensuring the effective collection of the licence fee and maintaining the safety of employees of BBC contractors than in disclosing the information in question. 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 that has been redacted.

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. 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

