



Information Policy & Compliance  
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Mark  
Via email: [request-171869-92931139@whatdotheyknow.com](mailto:request-171869-92931139@whatdotheyknow.com)

03 September 2013

Dear Mark

**Request for Information – RFI20131140**

Thank you for your request of 6<sup>th</sup> August 2013 under the Freedom of Information Act 2000 ('the Act') seeking the following information:

*"I am aware of a number of instances where a Summons for TV Licence evasion has been withdrawn by TV Licensing following protestations of innocence by the (alleged) defendant, before the case appears in Court.*

*Please can you tell me:-*

- 1. The number of such instances on any relevant reporting basis.*
- 2. Any relevant breakdown of the numbers, for example:-*
  - a) Proven/provable irregularity with the 178 form (differences between copies).*
  - b) Non-provable irregularities with 178 forms.*
  - c) Issues with BBC processes.*
  - d) Issues with PACE requirements.*
- 3. The number of TVL operatives subject to criminal, fiscal or disciplinary penalty, or retraining following the withdrawal of a summons.*

*Please be aware that misconduct in a public office is a serious matter - one in which a clear public interest exists in favour of full and frank disclosure."*

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 requests in turn below.

### **Question 1**

We have interpreted your request as meaning the number of people summoned to court for offences under s.363 of the Communications Act 2003 who, following their declaration of innocence, have had the case against them withdrawn by TV Licensing before it is heard. As you have not specified a timeframe for your request, we have considered your request as relating to the previous financial year (2012/13).

I estimate that to deal with this part of your request would take more than two and a half days; under section 12 of the Act, we are allowed to refuse to handle the request if it would exceed the appropriate limit. The appropriate limit has been set by the Regulations (SI 2004/3244) as being £450 (equivalent to two and a half days work, at an hourly rate of £25). There are a number of reasons why a case may be withdrawn before it is heard, however, we do not maintain a central record of these reasons in a manner that would enable us to answer your specific request. Consequently, the only way of confirming the information you have requested would be by manually searching through individual case files.

Based on the steps that would be involved in answering your question, which I have outlined above, we consider that narrowing your request to one month within the 2012/13 financial year would bring it within the appropriate limit. If you would like to submit a narrowed request, we would be happy to consider it.

### **Question 2**

Please see my response to question 1 above.

### **Question 3**

It is not possible to answer this part of your request without ascertaining the information requested in questions 1 and 2. However, I can advise you under section 1(1) of the Act that the BBC does not hold the information you have requested. This is because it is the responsibility of Capita to manage the performance of its staff and to take disciplinary action where appropriate. As such, any action which might be taken should these circumstances arise is carried out by Capita is not shared with the BBC and is carried out by Capita for the purposes of its own employee management and would not be shared with the BBC.

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 information it holds but which is not held on behalf of the BBC is not subject to the Act.

To be helpful, I can tell you that there have only been a small number of cases over the last few years where enquiry officers have been convicted of offences committed during the course of their duties. This information is already in the public domain and I can advise you that the last conviction was in 2010.

### **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**

