



Information Rights

[bbc.co.uk/foi](http://bbc.co.uk/foi)      [bbc.co.uk/privacy](http://bbc.co.uk/privacy)

Karin Mabberley

Via email: [request-468041-7bd51c6a@whatdotheyknow.com](mailto:request-468041-7bd51c6a@whatdotheyknow.com)

28 March 2018

Dear Karin Mabberley

**Request for Information – RFI20180400**

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:

*"The image at the following link shows the caution to be read to occupiers by Capita employees before attempting an interview. <https://goo.gl/mXMdfV>*

*The Government's Guidance document on conducting interviews under the Police and Criminal Evidence Act 1984 (Available here <https://goo.gl/YSNXyX>) states that*

*"Section 11 of Code C of the Police and Criminal Evidence (PACE) Codes of Practice and Police and Criminal Evidence (Northern Ireland) Order 1989 (PACE (NI)) Codes of Practice define an interview as:*

*"...the questioning of a person regarding his involvement, or suspected involvement, in a criminal offence or offences which, by virtue of paragraph 10.1 of Code C, is required to be carried out under caution". "*

*Capita employees who turn up at unlicensed households (with or without a search warrant) seek to question the occupier regarding his or her involvement or suspected involvement in the criminal offence of licence fee evasion under Section 363 of the Communications Act 2003. Very clearly such interviews must therefore be compliant with the provision of PACE. Furthermore, since individuals interviewed by Capita employees on suspicion of licence fee evasion are not detained or under arrest, the interview must be regarded as voluntary under Section 31 of PACE.*

*This being the case kindly state why the TVL178 includes only the simplified caution intended to be used only where the suspect does not understand the full caution (as stated in the Home Office guidance linked to above).*

*Kindly further explain why Capita employees are not instructed to advise suspects of their rights under PACE*

*a) to terminate the interview at any time*

*b) to have rest breaks*

*c) to be provided with refreshments*

*d) to obtain legal advice.*

*In this video [https://www.youtube.com/watch?v=WQDqEVpM1\\_c](https://www.youtube.com/watch?v=WQDqEVpM1_c) it may be seen that the Capita employee solicits the police officer to arrest the householders for "obstruction" for exercising their right to remain silent, requesting legal counsel and declining a voluntary interview.*

*Does the BBC condone the actions of this employee?*

*Has this employee been provided with any training to help him understand the provisions of PACE and his obligations under them?*

*What action does the BBC take to ensure that its agents Capita fully comply with PACE during the execution of doorstep interviews and interviews during search under warrant?*

*What action does the BBC take to protect the public from the actions of rogue operatives such as the one seen in the video linked above soliciting the police to deprive citizens of their liberty and charge them with an offence for having the temerity to exercise the rights afforded to them under PACE"*

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.

As I have advised you in my responses to your recent related requests under the Act, please note 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. As your correspondence comprises a series of queries, as opposed to requests for recorded information, they fall outside the scope of the Act.

I am mindful of our duty to advise and assist you under section 16 of the Act, and can tell you outside the scope of the Act that TV Licensing enquiry officers receive comprehensive and ongoing training and are fully up to date with the law in respect of TV Licensing. As outlined on the TV Licensing website at <http://www.tvlicensing.co.uk/about/foi-administering-the-licence-fee-AB20>, enquiry officers must abide by strict rules of conduct and TV Licensing uses various measures to ensure that officers are undertaking their

responsibilities appropriately. Any complaints made about enquiry officers' conduct are investigated thoroughly and appropriate action taken.

Moreover, please also note that enquiry officers are not the police and do not have police powers. They have regard to the PACE Codes of Practice or Scottish criminal law (depending on where the address is) when questioning people. This information is readily available on the TV Licensing web-link provided above.

### **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**

