



Information Policy & Compliance
bbc.co.uk/foi bbc.co.uk/privacy

27th March 2013

Request for Information – RFI20130333

Thank you for your request of 27th February 2013 under the Freedom of Information Act 2000 ('the Act') seeking the following information:

- “• How many letters about [illegal] TV license fee avoidance were sent in 2012?*
- How many letters were sent in 2012 to student halls of residence and Houses in Multiple Occupation?*
- What was the annual cost in 2012 of posting letters about TV licensing?*
- How much of that was spent in 2012 on sending material to student halls of residence and Houses in Multiple Occupation?*
- In 2012 how many cases of license fee avoidance went to court?*
- How many of those cases resulted in convictions?*
- Of those convictions, how many were students?*
- How much was spent in legal fees prosecuting TV license fee avoiders?”*

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

Firstly, I should explain that I have interpreted question 1 of your request as relating to TV Licensing enforcement mailings that are coded 'Red'. These mailings are sent to addresses that have failed to respond to reminders to purchase or renew a valid TV Licence where one is needed.

Please find below the information we hold relevant to this part of your request which provides an approximate figure for the number of mailings sent - I have provided this information by reference to financial year (since this is the way all our figures are reported):

Financial year 2012/13 (to February 2013) - 7,011,875

Question 2

I have interpreted question 2 of your request as meaning the total number of all mailings sent to the types of address described.

Multiple Occupation

I can confirm under section 1(1) of the Act that the BBC does not hold the information requested. TV Licensing only collect the information we require in order to administrate the collection of the licence fee. There is no need for us to know the number of occupants in a household and therefore TV Licensing does not collect this information.

Student halls of residence

Please find below the information we hold relevant to this part of your request which provides an approximate figure for the number of mailings sent to addresses that are currently identified as Student halls of residence, by reference to financial year:

Financial year 2012/13 (to February 2013) - 1,083,560

Question 3

Information about the annual costs of collecting the TV Licence fee, including postage costs, is published on the TV Licensing website; and is therefore already in the public domain. Recorded information relevant to your request can be found on page 5 of the TV Licensing 2011/12 Annual Review, which is available at the link below.

<http://www.tvlicensing.co.uk/about/our-performance-AB6/>

I can confirm that we do hold further information in relation to postage costs for the current financial year (to date). However, I am withholding this information 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 the information currently available on the TV Licensing website referred to above will be updated as soon as the 2012/13 costs of collection figures are finalised.

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 (e.g. information about planned work) 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 surprise and interest in relation to upcoming stories and developments to be released to the media regarding the importance of purchasing a television licence should be maintained.
2. That the publication of information by public authorities is a carefully planned and managed activity.
3. That the release of the information would not serve to increase the public's understanding of television licensing and could undermine the purpose of media planning.

In this instance, the public interest is served by maintaining the BBC's media 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.

Question 4

I have interpreted this part of your request as meaning the total number of all mailings sent to the types of address described.

House in multiple occupation

As noted in my response to question 2 of your request, I can confirm under section 1(1) of the Act that the BBC does not hold the information requested.

Student halls of residence

I can provide you with an average postage cost to post one standard TV Licensing letter (which is defined as a "DL" envelope size or smaller, weighing less than 100 grams, and able to be "mail sorted" to achieve the best rate), over the time period requested. This can be extrapolated up to give you an approximate mailing cost for the letters to Student halls of residence referred to in question 2. The postage costs are as follows:

Financial Year 2012/2013 (to February 2013) - £0.18383

When applied to the mailing volume outlined in my response to question 2, this leads to the following, approximate postage costs:

$1,083,560 \times £0.18383 = £199,190.83$

Questions 5, 6 and 7

The BBC does not hold official statistics on the precise numbers of people actually prosecuted for evasion of the Television Licence Fee. While the BBC does retain informal statistics on prosecution and conviction figures for England, Wales & Ireland, this information is indicative only and has not been verified against the official figures.

For England, Wales and Northern Ireland, these figures are retained by both the Ministry of Justice ("MOJ") 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.

However some MOJ statistics have been published online and can be viewed at the following links:

www.publications.parliament.uk/pa/cm200910/cmhansrd/cm100330/text/100330w0058.htm#10033134011432

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

In terms of the informal statistics we *do* hold, we consider that the information requested is exempt from disclosure under section 31(1)(a), (d) and (g) and 2(a) of the Act which relate to law enforcement; specifically, on the grounds 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 it would provide information of use to those seeking to evade and/or assist others in evading paying the licence fee.

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 exemptions outweighs the public interest in disclosing the information.

The following factors are in favour of disclosure:

1. ensuring that the licensing authority is exercising its functions appropriately and proportionately; and
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.

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

1. The BBC/TV Licensing does not prosecute except where it is in the public interest to do so which includes having sufficient evidence. This is a key principle of the Crown Prosecution Guidelines

which we publicly state that we adhere to. Further, a magistrate would not allow a prosecution to take place if there was not sufficient evidence and public interest

2. 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. NAO's most recent audit is published on the NAO website at www.nao.org.uk.
3. 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 3.4% for the financial year 11/12. This demonstrates that the TV Licensing system is being efficiently run. This and further related information is available in the BBC's annual report (see www.bbc.co.uk) and the *TV Licensing Annual Review* (www.tvlicensing.co.uk/about/our-performance-AB6/).

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

1. The BBC has a duty to enforce the television licensing system and it is essential that evasion is kept to a minimum.
2. Part of keeping evasion to a minimum, is preventing evaders from being able to calculate the likely risk of enforcement action by TV Licensing. This creates uncertainty which contributes to the deterrent effect which is an important part of TV Licensing's enforcement strategy.
3. Without an effective deterrent to licence fee evasion, evasion would invariably increase. This would be to the detriment of the honest majority of people who are properly licensed and to the overall amount of revenue available to the BBC.
4. An increase in the rate of licence fee evasion would lead to an increase in enforcement costs and may lead to more prosecutions.
5. An increase in enforcement costs would lead to a decrease in the available funds to be put towards producing the BBC's content.

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.

Question 8

I can confirm under section 1(1) of the Act that the BBC does not hold relevant information that would enable us to answer your specific request. Enforcement activity, including the investigation and prosecution of cases, is carried out by our contractor Capita on the BBC's behalf. Whilst this information requested is held by Capita, it is not held by Capita on behalf of 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.

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

