

**TV LICENSING**

**VISITING PROCEDURES**

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the Freedom of Information Act 2000**

## Overview of Visiting

These documents provide a set of procedural instructions to be followed by all Capita staff who carry out TV Licensing Redacted under section 31 ("law enforcement") of the Freedom of Information Act visiting, referred to as Visiting Officer (VO) throughout these instructions.

**The need to treat each visit confidentially and to make the enquiry without causing offence is paramount.**

All staff need to be aware that they are expected to behave in a professional manner that does not compromise the reputation of the customer or Capita. The Visiting Officer Code of Practice is listed in 1.2 below.

As a part of Capita's responsibilities to ensure that TV Licensing staff are following the highest possible standards, work will periodically be checked. If malpractice is discovered, this will be challenged. This could result in disciplinary action of the individual concerned.

When making a visit, visiting staff are expected to:-

1. always prove their identity by showing their identity card and on request, provide a telephone number so that this can be confirmed.
2. always state why they are visiting.
3. be polite and courteous at all times. This extends to any notes written about the customer/interviewee on the Visit Request.
4. conduct enquiries firmly and fairly and in the least intrusive way possible.
5. never threaten or intimidate and to stop the enquiry if asked to leave.
6. only enter a property when given permission.

The Visiting Manager should be contacted if the Visiting Officer is unsure of any aspect of the procedures and no assumptions should be made. If in doubt, ask.

### Race and Religion

The Race Relations Act 1976 makes it unlawful to discriminate against a person on the grounds of race, colour, nationality, ethnic or national origins.

Discrimination is described as when one person is treated less favourably than another because of their race, colour, ethnic or national origin, gender or disability.

We all like to be described accurately and treated appropriately, however, by using - even inadvertently - inappropriate words or actions we can cause offence. The meaning of some words has changed over time, and some words that used to be acceptable in the past are no longer acceptable. If there is any doubt as to how a person should be addressed, they should be asked. The VO should also ask how unfamiliar names should be pronounced/spelt.

### Personal Descriptions

For TV Licensing cases, it is not normally necessary to consider describing a person. There are however instances where a description of the person seen will be required. (In Scotland a description is required for every case and must be recorded upon the Record of Interview.) Great care must be taken in recording

names and when noting a persons description. Any description made after an interview should either be noted on the Visit Request or on a separate piece of paper and must not be noted upon the Record of Interview.

When it is necessary to record the ethnic background of a person, the Magistrates Courts have adopted the nine point Office of Population and Census Statistics (OPCS) self classification ethnic monitoring system.

The nine points based on OPCS are:- White; Black Caribbean; Black African; Black other; Indian; Pakistani; Bangladeshi; Chinese; other.

These nine categories may be condensed to the following:- White; Black; Asian; Other; Not Known / Not Recorded.

In addition, if a country of origin is provided, then this should be noted.

### **Names and Naming Systems**

The VO is not expected to know all the names and naming systems, but is expected to treat people with courtesy and to address them properly.

The VO needs to establish the full name of the customer. If in doubt, they should ask for the correct spelling / pronunciation of the customers name.

Details should be written clearly, if necessary in block capitals, so that work is unambiguous. Once written down, this should be shown to the interviewee to confirm it has been written correctly.

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Both husband and wife (partners) are equal in law. However, if one partner wishes to be interviewed for the alleged offence in preference to the other, it is TV Licensing practice to agree to that wish whenever possible and practical to do so.

Domestic staff living as an integral part of the licensee's family are regarded as covered by the licence. Domestic staff who live in separate accommodation within the same building as the licensee and which constitutes a separate unit of accommodation or domestic staff living in separate accommodation away from the main building (e.g. keeper's lodge, gardener's cottage) require a separate licence. In this case, a prosecution statement should be taken.

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## Visiting Visually Impaired People

When it is established that the interviewee is registered as severely visually impaired, the Visiting Officer should ensure that an especially sympathetic and tactful approach is adopted throughout the interview.

If a licence cannot be produced an interview under caution should be conducted as normal. Subsequent to the interview, the person should be informed of the 50% reduction on the fee payable and should be urged to obtain a licence without delay. The Record of Interview should note that this was done and was acknowledged by the interviewee.

The Record of Interview should be clearly marked above the name and address at the top of the form, in bold capital letters 'REGISTERED SEVERELY VISUALLY IMPAIRED PERSON'. The Visit Request should also be marked in the same way.

A "Sound Box" - which is used to receive television sound but not the picture does not require a TV licence.

If setting up a licence for the customer, it is not necessary for the documentary "proof" to be sent in.

Acceptable evidence is:

- A photocopy of or the original blind certificate
- National Registration Card
- Certificate of Visual Impairment (photocopy or original, signed by an ophthalmologist and certifies that the person is blind / severely sight impaired)
- A letter from the local authority confirming they are severely sight impaired.

## Satellite / Subscription Television Only Claimed

Where the customer informs a VO that they only watch satellite or subscription only television, including cable services, and claim that a TV Licence is not needed, the customer must be advised that with the introduction of the Communications Act 2003, there has been a change to the licensing requirements. The following information should be given.

**"The situation has now changed. The Communications Act 2003 amends the definition of television programme services to include all broadcasts, including those broadcast by satellite from outside the UK."**

Inform the customer that regardless of where the signal is transmitted from, a television licence is now required.

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## Information

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## People 75 or over

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In conducting the interview, the Visiting Officer (VO) is gathering evidence of TV Licence evasion. Redacted under section 31 ("law enforcement") of the Freedom of Information Act. As this information may be given in evidence, it must be obtained within the rules set down by the appropriate Criminal Justice System.

**All questions on the Record of Interview must be asked and answers recorded verbatim at the time of interview. If the customer refuses to answer any question, this must be noted with the relevant reason/comment.**

If the interview is to be conducted by the VO in a language other than English, then the notes recording that interview must be written in that language and transcribed into English after the interview

If the interview is conducted in a language other than English and an interpreter is used, then the notes of interview may be in English, but the language used and the name of the interpreter must also be recorded. Where the interpreter used is a friend or relative of the interviewee, this **must** also be noted by the VO. (This is a PACE requirement). If the interpreter makes their own notes, the original notes must be retained.

Note: A person under 18 must not be used as an interpreter for conducting an interview under caution. The age or date of birth of the interpreter must be recorded.

Under no circumstances should personal, derogatory, sexist or racist remarks be made. Additional observations or relevant comments are to be noted on the supplementary information sheet as necessary and attached to the Visit Request.

**As soon as there are reasonable grounds for suspecting that a person has committed an offence the VO must caution that person** in the following terms which must be strictly adhered to:

The caution **must** be administered as follows, and is printed on Record of Interview.

**England and Wales:**

"You do not have to say anything. But it may harm your defence if you do not mention when questioned something which you later rely on in Court. Anything you do say may be given in evidence. Do you understand?"

**Scotland:**

"You are going to be asked questions about television licence evasion. You are not bound to answer, but if you do, your answers will be noted and may be used in evidence. Do you understand?"

**Northern Ireland:**

"You do not have to say anything, but I must caution you that if you do not mention when questioned, something which you later rely on in Court, it may harm your defence. If you do say anything it may be given in evidence."

The VO must confirm that the interviewee understands the caution before continuing.

The time of the caution must be recorded on the Record of Interview. Note that the twenty-four hour clock is to be used for this. The questions asked under caution must be those set out on the Record of Interview.

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If there is any significant break in the interview, the caution must be repeated.

**Full Completion of Prosecution Statement**

Detailed instructions on completion of the Record of Interview are contained in section 3. When completing the form the VO must pay regard to the following:

- All questions are to be asked whenever possible
- If a question is not asked that should be indicated and not simply left blank
- Verbatim answers should be given
- No gaps or answers with a line through should be recorded without explanation

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**Appropriate Person**

If during the interview it becomes apparent that the person being interviewed is not an appropriate person from whom prosecution evidence should be gathered, then the interview must be terminated. The visit should be recorded with a reply

code "9P".

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**Concluding The Interview**

At the conclusion of every interview the VO should invite the interviewee to read the completed Record of Interview and sign it as being a true record of the interview (excluding Scotland). Any agreed additional or corrected information should be recorded and signed by both the VO and the interviewee.

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No subsequent alterations or additions may be made to the Record of Interview. Any subsequent amendment, alteration or addition to the Record of Interview after the interview has been concluded is regarded as a serious offence and may result in disciplinary action.

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If a visit is inappropriately submitted as a reply code "8", the Prosecutions Manager is responsible for ensuring the reply code 8 will be deleted.

The visit will be passed to the Visiting Manager to discuss with the VO.

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## Introduction

This aide memoire has been prepared to help alleviate problems experienced by Visiting Officers when completing the Record of Interview.

### Proof “beyond reasonable doubt”

Any person accused of a criminal offence has the right to have the evidence against them tested in a court of law. Generally they need not submit a defence. The prosecution must prove beyond reasonable doubt that an offence was committed and that the accused is, in law, guilty of that offence. Redacted under section 31 (“law enforcement”) of the Freedom of Information Act

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The record of interview has separate sections for you to note what was seen by you and what was admitted to you. It is vital that you clearly note what you saw during the visit, separately from what was admitted. Where items may be selected on the form (either as “seen” or “admitted”), these are to be circled to clearly indicate what was observed or said. This will not only affect the wording of the statement of facts should a summons be issued, but you will be reliant upon your notes should your evidence be challenged in court.

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**It is important that each and every case is given the same diligent and careful approach so that the best evidence can be presented to the court.**

### Record of Interview as Evidence

Officers are required to comply with the Codes of Practice, issued under the Police and Criminal Evidence Act 1984. The Record of Interview has been designed to take account of those codes of practice. The Record of Interview is your record of the interview. Entries must therefore be factual, accurate and legible. It should not under any circumstances contain personal views or comments.

Questions should be asked as set out on the Record of Interview, with paraphrasing being avoided. Verbatim answers must be shown in quotation marks. If the interviewee refuses to answer a question, this must be noted. Although it is normally possible to note all the interviewee’s responses on the Record of Interview, if necessary, an additional notes form must be used to record these.

If in exceptional circumstances, the Record of Interview has to be re-written after the interview to be more legible, then this must be attached to the original, which remains the prime document, especially if this was signed by the interviewee.

If there is a second officer present during the interview (corroborating witness in Scotland), they must be aware of all that takes place. When the second officer countersigns the notes, as a true and accurate record of the interview, they are adopting the first officer’s notes as their own. They must be able and prepared to swear to the truth of what happened at the interview and answer questions about

the interview in court, if required.

If the interview is terminated early, the point in the interview, and the circumstances, must be clearly noted as soon as possible after the event. The exact words used must be recorded.

## Interview introduction

The form is titled "Record of Interview (England & Wales)" and includes the TV Licensing logo and website (www.tvlicensing.co.uk). It features a barcode at the top left with the number 1788748301. The form contains several input fields: "Visit Ref" (a box with a callout 2), "Day / Date" (a box with a callout 3), "Time" (a box with a callout 4), "Name (Title and Full Name)" (a box with a callout 5), "Address" (a box with a callout 6), and "Postcode". A callout 1 points to the "Interview Ref" field.

- ❶ **Interview Ref.** This reference number must be noted upon the visit request to provide a cross reference should the forms become separated.
- ❷ **Visit Ref.** These boxes are for the visit reference number and must be completed in every case. Where the interview relates to the address on the visit request, the Visit reference is to be used. If the Interview is in newly discovered Multi-Occupied premises, then "MULTI / OCC" is to be written in place of the visit reference. Likewise record the reason for any other legitimate visit without a visit request. i.e. summons service.
- ❸ Both day and date must be entered.
- ❹ This is the time that you arrived at the door. Note that the twenty-four hour clock is to be used.
- ❺ Enter the title, forename and surname of the interviewee.  
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- ❻ Enter the full postal address and postcode of the address visited if the actual address differs in anyway from the visit request or TVL178 and support with additional notes form.

Try and obtain the customers telephone number and note it in the space further down the form. (See item ❶ on the Personal Details section.)

## Opening Questions and Caution

TV LICENCE	Do you live here? ①
	②
Do you have a television here?	
Do you have a TV Licence ?	③ (Licence produced)
<b>CAUTION:-</b> ④ You do not have to say anything. But it may harm your defence if you do not mention when questioned something which you later rely on in court. Anything you do say may be given in evidence. Do you understand. (If the caution is not understood it is to be explained)	Time of Caution ⑤
	⑥

- ① Write the customers response - verbatim if possible. This should be "Yes" in almost every case. Redacted under section 31 ("law enforcement") of the Freedom of Information Act
  - ② Write the customers response - verbatim. It is possible that the interviewee may not possess a television set, but has a TV card in their computer, so the answer to ② may be "No", but a TV Licence will be required. If this happens the circumstances **must** be noted on the Record of Interview.
  - ③ Enter response. If there is a licence enter explanatory comments. Redacted under section 31 ("law enforcement") of the Freedom of Information Act. If a telephone check is made, this must be indicated and the result must be noted too. If a licence is confirmed, stop the interview and code the visit appropriately.
  - ④ If in the light of the answers to the questions at 2 & 3 you have reasonable grounds to suspect that an offence is being committed then the caution must be given immediately as shown on the form. If it is not possible to give the caution, then this must be annotated at ⑥ with the reasons why. If the caution is not understood, use your own words to explain it to the interviewee. This must also be noted at ⑥. You may be asked in court at a later date to give your explanation again.
  - ⑤ Put down the exact time the caution was given.
  - ⑥ If the interviewee makes any comment during or immediately after the caution was given, this must be noted here.
- Note** Once the interviewee has been cautioned the interview should normally proceed to its conclusion. If however there is any break in the interview it will be necessary to remind the interviewee that they are still under caution. If there is a significant break in the interview, the interviewee must be cautioned again.

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**Personal details / general remarks**

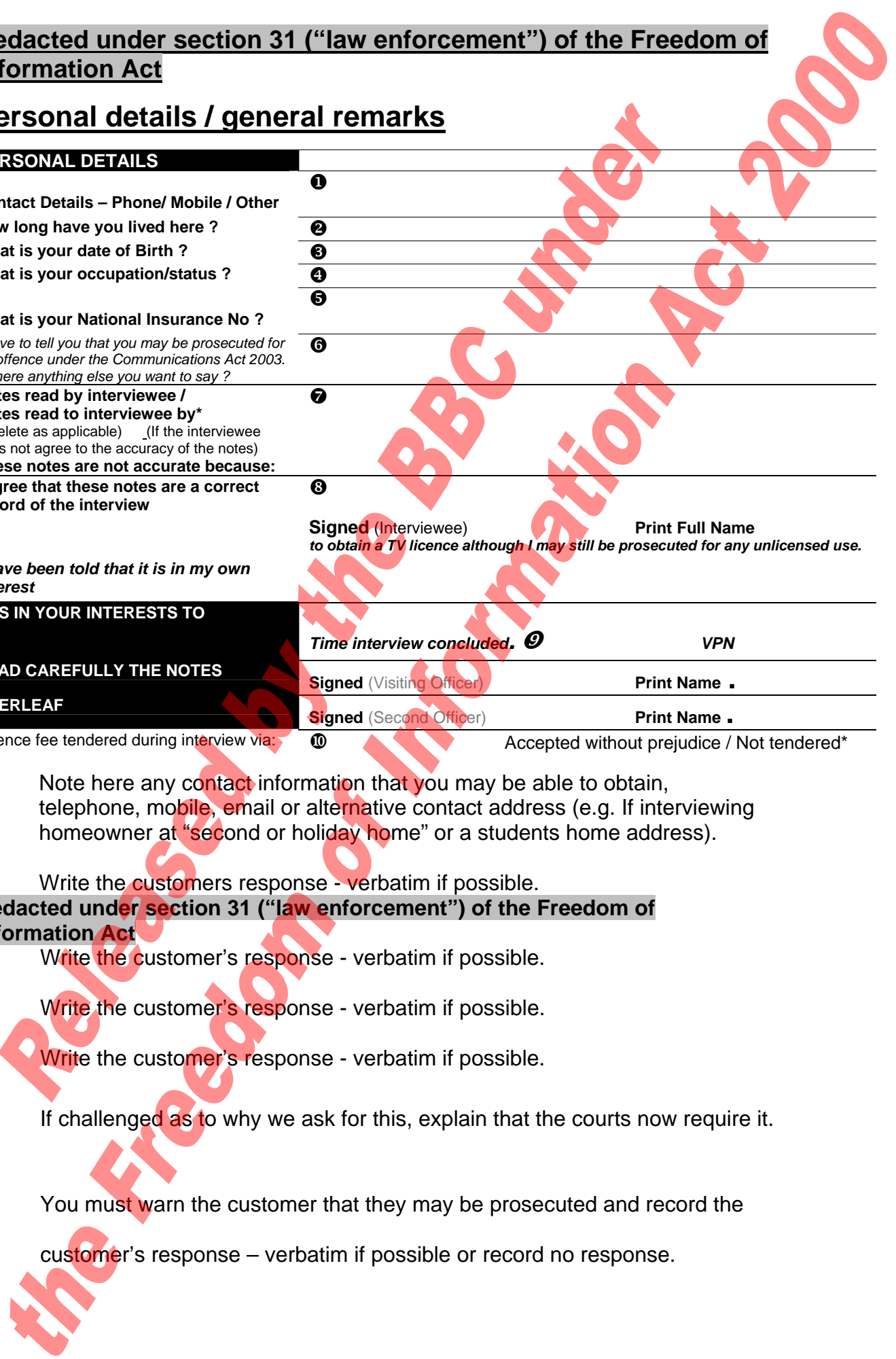
PERSONAL DETAILS	
Contact Details – Phone/ Mobile / Other	①
How long have you lived here ?	②
What is your date of Birth ?	③
What is your occupation/status ?	④
	⑤
What is your National Insurance No ?	⑥
<i>I have to tell you that you may be prosecuted for an offence under the Communications Act 2003. Is there anything else you want to say ?</i>	⑦
Notes read by interviewee / Notes read to interviewee by* (* delete as applicable) (If the interviewee does not agree to the accuracy of the notes) These notes are not accurate because:	⑧
I agree that these notes are a correct record of the interview	⑨
<i>I have been told that it is in my own interest</i>	

Signed (Interviewee) \_\_\_\_\_ Print Full Name \_\_\_\_\_  
to obtain a TV licence although I may still be prosecuted for any unlicensed use.

IT IS IN YOUR INTERESTS TO	
Time interview concluded. ⑩	VPN
Signed (Visiting Officer)	Print Name .
Signed (Second Officer)	Print Name .

Licence fee tendered during interview via: ⑪ Accepted without prejudice / Not tendered\*

- ① Note here any contact information that you may be able to obtain, telephone, mobile, email or alternative contact address (e.g. If interviewing homeowner at "second or holiday home" or a students home address).
- ② Write the customers response - verbatim if possible.
- Redacted under section 31 ("law enforcement") of the Freedom of Information Act**
- ③ Write the customer's response - verbatim if possible.
- ④ Write the customer's response - verbatim if possible.
- ⑤ Write the customer's response - verbatim if possible.
- If challenged as to why we ask for this, explain that the courts now require it.
- ⑥ You must warn the customer that they may be prosecuted and record the customer's response – verbatim if possible or record no response.



- ⑦ The interviewee must be given the opportunity to read through the record of interview or have it read to them. Remember to note if the form was read to the interviewee and delete as appropriate. If the customer does not agree that the notes are correct, write the customer's response - verbatim if possible. If necessary, amend the relevant entry and initial the change. Ask the interviewee to initial the change as well.
- ⑧ The interviewee must be asked to sign the record of interview and print their full name if at all possible. If the Record of Interview has been signed then it can be submitted in evidence and the Witness statement on the reverse of the Record of Interview **must** be signed before you submit this to the regional centre.  
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- ⑨ Note the time the interviewee and you signed the form. The VPN of the Officer conducting the interview must be noted. You must sign the form and print your name. Once signed, and the copy has been handed to the interviewee, no further entry may be made to the document.
- ⑩ Redacted under section 31 ("law enforcement") of the Freedom of Information Act

## Notes for Interviewee

### **PLEASE READ THESE NOTES, THEY ARE VERY IMPORTANT**

You could not show us a valid TV licence at the time of the visit and we warned you that you may be liable to prosecution under the Communications Act 2003.

If you can provide a valid TV licence that was bought before the date of this visit, please send it (or a copy) to TV Licensing using the envelope we have provided.

If you do not have a valid TV Licence, please get one straightaway.

For details of how to purchase a TV licence, telephone 0844 800 6763.

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These notes are for the interviewee to read after the interview and to answer some of the most common questions. They are there to reinforce the reason why the interview took place and what the customer should do next.

The telephone number listed is for customer use only. VOs should use the VO helpline number when confirming a licence or arranging a sale.

## Notice to Defendant and Statement of Witness

This section is on the reverse of the top copy of the TVL Record of Interview and is **not** on the customer copy.

It is only to be completed if the interviewee has signed the Record of Interview. You must print your name on the Statement of Witness line and also sign and date the statement. It is important to remember that the Witness Statement and accompanying TVL Record of Interview **MUST** be true in all respects.

Redacted under section 31 ("law enforcement") of the Freedom of Information Act. Please remember that all our cases are based upon the evidence that you gather and are shown on the TVL Record of Interview. Redacted under section 31 ("law enforcement") of the Freedom of Information Act, in addition you will not be able to remember the evidence in relation to each interview you conduct months after the interview, without your notes, so the evidence contained on the Record of Interview is vital.

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## Monochrome (B&W) Challenge Visits

It is not necessary to request sight of the black & white licence as this information will be detailed on the Visit Request.

Some objections may be received from genuine black & white TV owners. The VO should explain that it is a routine visit.

If necessary, reference may be made to the condition on the TV licence that refers to the inspection of equipment.

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If there is no reply, the Visit Request should be noted with reply code "9".

Visit Reply codes "A" and "D" are only to be used with Mono Challenge visits.

- "A" Confirmed black & white set only.
- "D" Black & white set claimed, inspection refused.

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Visit reply code "7" must only be used if a valid **Colour** licence is seen.

Only if it is **confirmed** that there is **no television set** on the premises, may reply code "C" be used.

Where use of a colour TV / VCR / DVD recorder / set-top box is found or admitted, an interview under caution should be conducted.

The interviewee should be given every opportunity to produce evidence of installation of any colour TV receiver and any documents produced must be noted on the Record of Interview.

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The following tasks are to be completed as shown

### Daily

Separate out and band / bundle separately:

1. Code 8 & Record of Interviews. Each case should be placed in a separate plastic wallet as per Chapter 14. **Only visits with a Record of Interview should be placed in plastic wallets.**

### England and Wales and Northern Ireland

Each Record of Interview is to be sent to the TVL Field Business Centre in a plastic folder, with the papers arranged as follows:

With the long opening of the plastic folder to the right, the short opening of the folder should be at the top. The Visit Request should be placed into the folder with the Record of Interview behind it and reversed so that it can be read through the back of the folder.

### **Scotland only**

The Record of Interview and the Visit Request are folded together and dispatched to the TVL Field Business Centre with the other work for that day.

### **All Areas**

If there is a cheque to accompany the Record of Interview, the cheque must be attached to the front of the TVL09, and the cheque and receipt attached to the Record of Interview.

### **Signing witness statement – statement used as evidence (Excluding Scotland)**

The witness statement on the reverse of the Record of Interview must always be signed by the VO as well as inserting the officer's full name in block capitals unless the customer has refused to sign the statement.

Where a black and white licence is in force for the address, it is necessary to confirm the correct wording of the witness statement. If necessary, insert the word "appropriate" (e.g. "using a television set without a licence" must be amended to read "using a television set without **an appropriate** licence").

### **SIGNING WITNESS STATEMENTS RECEIVED (Excluding Scotland) – Full Witness Statement**

Where a Full Witness Statement is prepared by the TVL Field Business Centre and sent to the VO, they must check the papers thoroughly against the enclosed copy of the Record of Interview to ensure all information is accurate, and that if it was a Mono Challenge visit, reference is to "appropriate" licence rather than "no licence". If any changes are required, these must be clearly marked and the statement immediately returned to the TVL Field Business Centre.

The witness statements must be signed and returned to the TVL Field Business Centre within 7 days of receipt.

### **Execution of a Search Warrant**

Any comments made following the caution must be recorded in the usual way and if possible and practical the notes offered for signature. A full report **must** be prepared and submitted with the case papers to allow consideration of further action against the individual.

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Any search of the premises must cease once sufficient evidence has been

gathered. A Record of Interview is to be completed and the separate Search Warrant Execution information sheet **MUST** be prepared. The Visit Request should be completed with the relevant reply code.

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