



Information Policy and Compliance
bbc.co.uk/foi

Via email: _____

11 October 2007

Dear Mr

Freedom of information request – RFI2007000791

Thank you for your request dated 16 September 2007 seeking further information about TV Licensing. Your request is being dealt with under the Freedom of Information Act 2000 (“the Act”).

As you may be aware, the Act only requires a Public Authority to comply with a request for recorded information that it holds. A Public Authority is not required to create information to answer a Freedom of Information request. In accordance with section 1(a) of the Act, we do not believe most of your requests are for information that the BBC holds, as they require the BBC to create information to answer your queries.

Nonetheless, I am able to respond to your questions as follows:

1. *As we have abolished the Radio License, wouldn't it be illegal to spend the license money on radio programmes?*

The BBC is incorporated by a Royal Charter (the Royal Charter for the Continuance of the British Broadcasting Corporation, Cm 6952). Clause 56 of the Charter defines ‘licence fee revenue’ as ‘any sums which may be paid to the BBC by the Secretary of State from time to time, pursuant to any Framework Agreement, to fund the services provided by the BBC for the promotion of its Public Purposes.’ Clause 5 of the Charter clarifies that these services shall include television, radio and online services.



INVESTOR IN PEOPLE

The Framework Agreement between Her Majesty's Secretary of State for Culture, Media and Sport and the BBC (Cm 6872) complements the Charter. Clause 11 of this Agreement lists and describes the public services which the BBC has undertaken to provide for the purpose of promoting its public purposes to UK audiences. Sub-section 3 of clause 11 details the radio services which the BBC has undertaken to provide. Clause 75 also reiterates that the BBC may use the licence fee funding 'to fund any activities properly carried on by the BBC'.

It is not therefore illegal to spend licence fee revenue on radio services.

Please see <http://www.bbc.co.uk/info/policies/charter/> for further information on the current Royal Charter and the Agreement.

2. *How do the BBC justify the TV license charge as fair and ethical?*

Section 365 of the Communications Act 2003 provides that the TV licence fees are payable to the BBC and recoverable by them.

The licence fee sum is determined by parliament each year by regulation (for example, the Communications (Television Licensing) (Amendment) Regulations 2007, <http://www.opsi.gov.uk/si/si2007/20070718.htm>).

The decision to levy a licence fee is a matter for Government and is not taken by the BBC.

3. *Have any successful legal arguments been brought against you yet (to stop people from paying the license charge)?*

No-one has successfully challenged the lawfulness of the TV licence fee.

4. *Is the license fee necessary in modern society?*

Please see my answer to question 2 above.

You also asked the following (which I have numbered 5 for ease of reference):

5. *Why is (a percentage of) the TV license fee spend on Radio? It's a TV license, not a BBC license.*

Please see my answer to question 1 above.

Appeal rights

If you are not satisfied with this response you have the right to an internal review by a BBC senior manager or legal adviser. Please contact us at the address provided, 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, telephone 01625 545 700 or see <http://www.ico.gov.uk/>

I hope this response is helpful.

Yours sincerely,

Natalie Sanderson
Policy Adviser
BBC TV Licensing Management Team