



Information Policy & Compliance
bbc.co.uk/foi

28 January 2008

Dear Mr

Freedom of information request – RFI20080004

Thank you for your request received on 28 December 2007 seeking further information about TV Licensing. Your request is being dealt with under the Freedom of Information Act 2000 (“the Act”).

Please note that “TV Licensing” is a trading name 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 (which undertakes the majority of the administration of the TV Licensing system), with the administration of our cash related payment schemes contracted to Revenues Management Services Ltd (RMS). PayPoint Network Ltd and PayPoint Collections Ltd are contracted to provide over-the-counter services. The marketing and public relations activities are contracted to the AMV Consortium. The consortium is made up of the following four companies: Abbott Mead Vickers BBDO Ltd, Fishburn Hedges Boys Williams Limited, PHD Media Limited and Proximity London Ltd. The BBC is a public authority in respect of its television licensing functions and retains overall responsibility.

In your message you asked the following:

Under FOI, I wish to have a list of all the educational establishments in Scotland that have TV licences. I would also like a list of all the educational establishments that don't have TV licences. Failing the above, I would like to know what number do and don't have licences.



INVESTOR IN PEOPLE

I understand this request may be being made in relation to your previous Freedom of Information request on a similar issue (reference RFI2007001037). In that request, we stated that would not be possible to provide you with the percentage of schools in Scotland which have TV licences because, although our database marks an address which is an educational establishment as such, it does not differentiate between different forms of educational establishment. We also stated that it might be possible for us to determine the total number of licences in force in schools in Scotland by manually comparing those addresses which are marked as educational establishments with other publicly-available lists of schools in Scotland. However, we estimated that this activity would take more than two and a half days and we outlined that under section 12 of the Act, we were allowed to refuse to handle the request if it would exceed the appropriate limit.

I assume your new request (above) is hence a clarification of your earlier request.

I can confirm that we do hold the information that you have requested concerning lists of educational establishments in Scotland which do and don't have TV licences. However, I am withholding this information under subsections 31(1)(a),(b),(d) and (g) of the Act which relate to law enforcement, specifically, that disclosure would or would be likely to prejudice the prevention or detection of crime. This is because to disclose such a detailed breakdown could reveal trends, the knowledge of which may prejudice our ability to prevent television licence fee evasion.

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 considered the public interest test in the section on why information has been withheld below.

I can, however, confirm that there are 3,620 educational establishments listed on the TV Licensing database as having a TV licence. Please note this figure may be subject to the following limitations:

- we cannot be certain that all schools or educational establishments will have been correctly listed as such on our databases; and
- we cannot be certain that all schools or educational establishments in Scotland will be included in our searches, as we understand there is at least one post code which overlaps the border between England and Scotland and which may hence cause confusion.

Why information has been withheld

I am required under s 2(2) of the Act to assess whether the public interest in maintaining the exemptions outweighs the public interest in disclosing the information.

It is a criminal offence to install and use television receiving equipment to watch or record television services without a valid television licence. TV Licensing investigates and prosecutes such unlicensed use of television receiving equipment on behalf of the BBC.

The following factors are in favour of disclosure:

1. ensuring that the licensing authority is exercising its functions appropriately and proportionately
2. ensuring that public funds are being appropriately applied, that is:
 - a. ensuring that the TV Licensing system is being efficiently run; and
 - b. ensuring that 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 has a duty to enforce the television licensing system and it is essential that effective deterrents against evasion are maintained for this purpose. Without an effective deterrent, 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. It would also increase detection costs.
2. The Office of Surveillance Commissioners is an independent body which monitors the BBC's compliance with legislation regarding detection, hence the public interest in people not being unfairly subject to detection is satisfied.
3. 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 at http://www.nao.org.uk/publications/nao_reports/06-07/0607183.pdf.
4. The BBC has reduced the cost of collection from 6.2% of the total licence fee collected in 1991/2, when it took over from the Home Office, to 4.1% for the financial year 06/07. 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), the TV Licensing Annual Review and the *About TV Licensing* document (see <http://www.tvlicensing.co.uk/aboutus/index.jsp>). A key part of this success has been the use of detection as a significant deterrent element.

In this instance, the public interest is served by maintaining an effective deterrent to licence fee evasion and thus in turn protecting the BBC's revenue stream.

There is hence a greater public interest in ensuring the effective collection of the licence fee than in disclosing the information you have sought. 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.

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