



Information Policy & Compliance
bbc.co.uk/foi

Request-11023-9cbb417b@whatdotheyknow.com

27th May 2009

Dear Mr Bolt,

Freedom of information request – RFI20090628

Thank you for your request received on 27th April seeking information about TV Licensing. Your request is being dealt with under the Freedom of Information Act 2000 (“the Act”).

"TV Licensing" is a trade mark of the BBC and is used under licence by companies contracted by the BBC to administer the collection of television licence fees and enforcement of the television licensing system. The majority of administration is contracted to Capita Business Services Ltd, with cash related payment schemes contracted to Revenues Management Services Ltd. Over-the-counter services are provided by PayPoint plc. Marketing and public relations activities are contracted to the AMV Consortium. This consortium is made up of the following four companies: Abbott Mead Vickers BBDO Ltd, Fishburn Hedges Boys Williams Ltd, PHD Media Ltd and Proximity London Ltd. The BBC is a public authority in respect of its television licensing functions and retains overall responsibility.

In your request you asked the following:

- 1. The number of prosecutions for not having a TV licence, that have taken place in the last year, where evidence from a 'detector van' or 'handheld detector' was used and presented in court*
- 2. Do the 'detector vans' actually exist?*
- 3. How many 'detector vans' do TV Licensing use?*
- 4. Do 'detector vans' and 'handheld detectors' detect only televisions or are they capable of detecting other equipment?*

In answer to your second question, I can confirm that TV detector vans do exist. Their use is governed by the Regulation of Investigatory Powers Act 2000 and the Regulation of Investigatory Powers (British



Broadcasting Corporation) Order 2001. This legislation outlines how the relevant investigatory powers are to be used by the BBC and ensure compliance with human rights. Both pieces of legislation are publicly available online on the Office of Public Information website: <http://www.opsi.gov.uk/>.

In answer to your other questions, I can confirm that we do hold the information you have requested. However, I am withholding it under sections 31(1)(a), (b), (d) and (g) and (2)(a) of the Act which relate to law enforcement (specifically 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 the information concerned could be useful to people attempting to evade 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 considered the public interest test in the section on 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 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, i.e. that TV Licensing's strategy regarding detection is being applied honestly and that information gathered via detection is used for an appropriate purpose
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 use of covert detecting equipment is strictly regulated. The BBC is inspected by the Office of Surveillance Commissioners - an independent body which monitors the BBC's compliance with legislation regarding detection. The BBC is therefore required to satisfy the Commissioners that there has been no unfair surveillance of individuals or unfair use of detection equipment.
2. 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.
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 Trust recently published the findings of its wide-ranging review into how the licence fee is collected in order to assess whether current collection arrangements are efficient, appropriate and proportionate. A copy of the report can be accessed at http://www.bbc.co.uk/bbctrust/research/licence_fee_collection/. The report specifically stated that TV Licensing's current policy regarding detection is in line with the grounds on which an authorisation for use of detection equipment can be granted under the Regulation of Investigatory Powers Act.
5. 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 3.6% for the financial year 07/08. 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* (see <http://www.tvlicensing.co.uk/aboutus/annualreview.jsp>). A key part of this success has been the use of detection as a significant deterrent element.

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 effective deterrents against evasion are maintained for this purpose.
2. 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.
3. An increase in the rate of licence fee evasion would lead to an increase in detection costs.
4. An increase in the costs of detecting licence fee evasion would lead to a decrease in the available funds to be put towards producing the BBC's content.

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 to produce its output.

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,

Catherine Graves

Complaints Manager

BBC TV Licensing Management Team