



Information Policy and Compliance  
[bbc.co.uk/foi](http://bbc.co.uk/foi)

2 May 2007

Dear Mr

**Freedom of information request – RFI2007000373**

Thank you for your request by e mail under the Freedom of Information Act 2000 (“the Act”) dated 11 April 2007, seeking further information about TV Licensing. I have addressed your questions below.

*In light of the fact that TVL or BBC will not divulge any information about the number of TV detection devices, their frequency of use or their specification so as not to prejudice the detection or prevention of a criminal act resulting from the evasion of the TV licence fee, please could you answer the following:*

- 1) Is evidence gathered from the use of TV detection devices that a TV is being illegally operated, ever used to apply to a magistrate for a search warrant to gain entry to a property?*

TV Licensing does not consider search warrant applications except as a last resort and only then when legal advisors agree there is good reason to believe that an offence has been committed.

In order to apply for a search warrant, TV Licensing must have reasonable cause to believe that television equipment is being used for the purpose of viewing or recording television programme services without a current licence of the appropriate type. There must be a genuine reason to believe that television is being used, though there may not be a definite confirmation of the fact. Visual or audible evidence, information from a television retailer or positive detection with detection equipment would be examples. TV Licensing may then apply to the local magistrates for a search warrant, who will consider their reasons before giving agreement or otherwise.



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Further information regarding the BBC's policy in relation to search warrants is outlined in the document *About TV Licensing*, available at [http://www.tvlicensing.co.uk/pdfs/40115\\_BBC\\_Freedom\\_of\\_Info.pdf?r\\_exit\\_link=d\\_pdf\\_download](http://www.tvlicensing.co.uk/pdfs/40115_BBC_Freedom_of_Info.pdf?r_exit_link=d_pdf_download).

- 2) *Is evidence gathered from the use of TV detection devices that a TV is being illegally used ever used to prosecute?*

I can confirm that we do hold the information you have requested. 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.

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**

It is a criminal offence to install and use television-receiving equipment to watch or record television programme services without a valid licence. TV Licensing investigates and prosecutes such unlicensed use of television receiving equipment. It uses detection equipment to assist in this activity.

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

The following factors are in favour of disclosure:

1. 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 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](http://www.nao.org.uk/publications/nao_reports/06-07/0607183.pdf).

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 from the Home Office, to 5% for the financial year 05/06. 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](http://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 Saunderson**  
**Policy Adviser**  
**BBC TV Licensing Management Team**