



Information Policy and Compliance
bbc.co.uk/foi

Mr

Via email: _____

04 October 2007

Dear Mr

Freedom of information request – RFI2007000765

Thank you for your request dated 06 September 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.

I have answered your Freedom of Information questions as follows:

1. *For the last full year figures are available for, how many people were caught without a valid TV licence.*

I assume by your question that you are referring to the number of people from whom prosecution statements have been taken. The figures for evaders who were caught across the UK and broken down by nation during 2006 are as follows:



INVESTOR IN PEOPLE

Location	Number of evaders caught
England	278152
Scotland	75086
N Ireland	19476
Wales	20461
Total	393175

2. *Of this number, how many were then given the opportunity simply to pay the licence fee that they should have had in the first place and face no further action?*

Section 363 of the Communications Act 2003 provides that it is an offence to install or use a TV receiver without a TV licence and for a person to possess or have a TV receiver under his/her control which s/he knows or has reasonable grounds to believe will be installed or used by another person without a TV licence (please see http://www.opsi.gov.uk/acts/acts2003/ukpga_20030021_en_1.htm for further information).

It is therefore incorrect to view the payment of a licence fee as an 'opportunity' which is given to people who wish to avoid facing further action. All individuals who require a licence must pay the appropriate fee.

3. *Of the people in question 1, how many ended up in court?*

It is important to highlight that the BBC/TV Licensing does not prosecute except where it has sufficient evidence and it is in the public interest to do so. This is a key principle of the Crown Prosecution Guidelines which TV Licensing publicly states that it adheres to and a magistrate would not convict if there was not sufficient evidence and public interest. Independent third parties (a magistrate or, in Scotland, a sheriff) also consider whether evidence presented by TV Licensing in support of prosecutions (and applications for search warrants) has been obtained fairly and lawfully.

Although you specifically mention the Freedom of Information Act in your request, information is exempt under section 21(1) of this Act if it constitutes information which is accessible to the applicant by other means. In relation to your particular question, official statistics on prosecutions are retained by the Home Office and published in their annual report *Criminal Statistics England and Wales*. The latest versions of the report can be found on the Home Office website at <http://www.homeoffice.gov.uk/>. At various points these statistics have been made public, particularly in relation to questions asked in parliament (which are available in Hansard) and other government publications.

4. *Of the people who ended up in court, what was the average fine?*

The average fine was £129.20 for the year ending March 2007.

Please be aware that this figure is based on our own records. These are made from handwritten notes taken by TV Licensing court presenters while they are presenting in court. With the high volume of cases heard there is a high risk of human error in recording these

amounts. Also, in some jurisdictions prosecutions are carried out for us by third parties (for example, the Procurator Fiscal in Scotland); this also means that we are not aware of the fines issued. Thus, this is not a robust statistic and may not be consistent with the official court records. Note that in addition to the fine, costs are usually awarded to cover TV Licensing's costs in bringing the prosecution. The maximum fine is £1000 and this amount has been levied by the Courts.

Note also that once a fine is issued by a court, these funds are collected by the court itself and not TV Licensing. Her Majesty's Court Service is the body with official responsibility for collecting information on such fines. Official figures are thus published by the Home Office.

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