



Information Policy and Compliance
bbc.co.uk/foi

25 August 2006

Dear Mr

Freedom of Information request – RFI 2006000476

Thank you for your request under the Freedom of Information Act 2000 ("the Act") dated 4 August 2006, seeking information in relation to search warrants. I have answered your specific questions below.

Firstly, I would like to explain our policy towards those people who don't use television to receive or record broadcasts. Our agent, TV Licensing, writes to addresses where there is no record of a licence. Early letters are information seeking, but if no reply is received, they do become stronger in tone. It is the case that some people who need a licence won't buy one until the consequences have been pointed out in the clearest terms.

TV Licensing is well aware that people who have no need of a licence are entitled to special consideration, and once they know who they are, they aim to minimise contact with them. When someone replies to their letters and tells them that no licence is needed, they stop sending mailings and arrange for an officer to call and confirm this.

If an officer is able to verify that no licence is likely to be needed, he or she will authorise a stop of four years on all contact. This will be extended by another six years if the situation can be seen to remain the same. We feel that the possibility of one contact in a 10-year period is not unreasonable.

A visit does not entail a search of premises and is normally very brief. An officer will ask to take a quick look into the main viewing areas and will then arrange to suspend contact as mentioned above. Our officers are expected to act in accordance with a strict code of conduct and must be polite and professional at all times.



I would like to clarify that we don't arrange to visit people who are over 75 years of age and have no television. If they wished to use television, they would be entitled to a Free Over 75 TV Licence, and so a visit would be meaningless. Instead, we write once a year, to ask if anything has changed.

I would add that people who don't use television have nothing to fear from our procedures.

Addressing each of your questions under the terms of the Act in turn:

1 - "Could you confirm (simple yes or no is preferable) that a search warrant can only be granted if a magistrate is satisfied that reasonable evidence exists that an offence is being committed, and that a search warrant cannot be granted simply on the basis of non cooperation with BBC TVL?"

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. They may then apply to the local magistrates for a search warrant, who will consider their reasons before giving agreement or otherwise.

A search warrant would never be applied for based solely on non co-operation with TV Licensing.

2 - "As to the fear felt of doors being "kicked in" by the police because of a person being on holiday or at work, could you confirm that such would not be the case for possible TV licence evasion? (This answer may not lie in your remit)."

It is not our policy, when administering a search warrant (which we always do in the presence of police officers) to force entry to an address if the occupier is not at home. The officers would simply return at another time.

3 - "Assuming that there is no evidence of an offence being committed, would the BBC continue to harass and cause distress culpably by letters and visits? (A simple Yes or No)"

Should a person write to us and confirm they don't use television to receive or record broadcasts, we would stop all contact to their address and arrange for an officer to call, in accordance with our policy as described above.

You have mentioned that visits may cause people to feel physically intimidated. Visiting Officers have a strict Code of Conduct to which they must work at all times. They should always prove their identity by means of a photo-identity card and, on request, provide a telephone number so that this can be confirmed. They must be polite and courteous at all times, conduct enquiries firmly and fairly and in the least intrusive way possible. The Code also requires them to never threaten or intimidate.

Additionally, Visiting Officers are required to stop the enquiry when asked to leave, only enter a property when given permission, and in cases where a statement is taken to act in accordance with the law, ask the interviewee to sign the statement and explain its consequences.

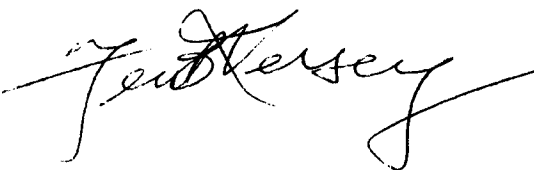
4 – *“Again if a person harassed by your visits, writes to you and confirms that they have no need of a TV licence, explaining their circumstances, (such a letter satisfies your duty of information as regards the TV licence) and forbids your visiting officers access to his/her property and effectively withdraws any rights of access to his/her property – would this be honoured by BBC TVL? (Again assuming there is no evidence of an offence being committed) (A simple Yes or No).”*

If a person writes to us and withdraws the implied right of access to their property, then of course we will adhere to their instructions.

I appreciate that you are concerned for those people who don't use television. Clearly, it is not in anyone's interests to use resources in contacting people who have no need of a licence, and TV Licensing certainly doesn't aim to cause distress or to make people feel harassed. As soon as they are made aware that no licence is needed at an address, then their records should be amended accordingly, and correspondence stopped for a reasonable time.

If you are not satisfied with this response you have the right to an internal review by a BBC senior manager. 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 www.informationcommissioner.gov.uk

Yours sincerely,



PP

Policy Advisor
BBC TV Licensing Management Team