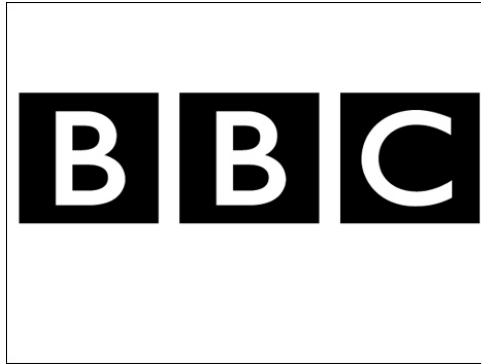




BBC TELEVISION LICENSING

NO LICENCE NEEDED POLICY

Note: Appendices I-IV of this document have been redacted as the information is exempt under sections 31(1)(a), (b), (d) and (g) and (2)(a) of the Freedom of Information Act 2000 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 they contain information which could be useful to people attempting to evade the licence fee.

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1. Purpose

- 1.1 To state the BBC's policy with respect to those places, occupied as residential accommodation and non-residential premises, whose occupier has declared that there is no television receiving equipment being used at the address (known as making a No Licence Needed claim).
- 1.2 Note that 'television receiving equipment' refers to any apparatus used or installed for licensable activity (see para 3.0).

2. Scope

- 2.1 This policy sets out the procedure for:
 - processing and maintaining No Licence Needed claims
 - contacting addresses which have made a No Licence Needed claim and
 - visiting addresses which have made a No Licence Needed claim
- 2.2 This policy applies to premises being used for the purposes of both residential accommodation and non-residential arrangements.

3. Definitions

- 3.0 **Licensable activity** – under the Communications Act 2003 and Communications (Television Licensing) Regulations 2004 (as amended) licensable activity broadly means using or installing any device to:
 - a) watch or record any television programme service;
 - b) watch or record any television programme at the same time (or virtually at the same time) as it is being shown on any television programme service; or
 - c) (as of 1st September 2016) watch or download any BBC programme on demand on BBC iPlayer, even if it is accessed through another provider, such as Sky, Virgin Media, Freeview or BT.

Licensable activity does not include:

- a) watching programmes by means of pre-recorded media such as DVD and Blu-ray;
- b) downloading or watching S4C TV on demand on BBC iPlayer or listening to radio programmes on BBC iPlayer.
- c) downloading or watching on demand programmes from other providers, such as:
 - ITV Hub, All 4 or Demand 5
 - BT Vision, Virgin Media or Sky Go
 - Netflix or Now TV

- Apple, Roku or Amazon

- 3.1 **NLC** – a residential address is categorised as No Licence Needed Claim (NLC) when TV Licensing receives an oral or written (including email) declaration that television receiving equipment at the address is not being used for licensable activity.
- 3.2 **NLCC** – a residential address is categorised as No Licence Needed Claim Confirmed (NLCC) following a visit where the visiting officer has verified that television receiving equipment at the address is not used for licensable activity.
- 3.3 **NLSG** – a residential address is categorised as No Licence Needed Claim Short Guard (NLSG) when TV Licensing receives a No Licence Needed claim and is informed that the individual or occupier intends not to use television receiving equipment for licensable activity at the address for a period of time less than one year¹.
- 3.4 **BNLC** – a non-residential address is categorised as Business No Licence Needed Claim (BNLC) when TV Licensing receives an oral or written (including email) declaration that television receiving equipment at the address is not being used for licensable activity.
- 3.5 **BNLCC** – a non-residential address is categorised as Business No Licence Needed Claim Confirmed (BNLCC) following a visit where the visiting officer has verified that television receiving equipment at the address is not used for licensable activity.
- 3.6 **NLE** – an address (residential or non-residential) is categorised as No Licence Needed Expired when a No Licence Needed Claim (or No Licence Needed Claim Confirmed) has expired. This is an internal classification designed only to provide a full history of the address for the TV Licensing Field Operations team.
- 3.7 **Place** – refers to a licensable place, as defined by the BBC's Licensable Places Policy.
- 3.8 **Occupier** – incorporates both domestic residents and non-residential premises representatives (e.g. the manager of a business).

4 General Principles

- 4.1 Addresses which claim No Licence Needed shall be dealt with in accordance with the principles set out in this policy. The BBC has an obligation under the Communications Act 2003 to enforce the TV Licensing system. Consequently, the rationale behind TV Licensing's monitoring of residential No Licence Needed Claims is based on the fact that figures from the Broadcasters' Audience Research Board (BARB) show that the percentage of households in the UK with a television is around 96%².
- 4.2 In line with the obligations outlined above, TV Licensing reserves the right to visit addresses which have claimed No Licence Needed. This is because, although the majority of No Licence Needed claims received by TV Licensing are genuine, latest figures³ show that almost one in six such addresses are found to need a licence when TV Licensing makes contact with them.

¹ Note that this circumstance only applies to residential addresses and not to non-residential addresses. In practice, it is most likely to apply to student accommodation.

² More information on BARB can be found on their website at <http://www.barb.co.uk/>

³ As at March 2016

- 4.3 This policy will be reviewed regularly and may be adapted on receipt of suitable evidence for change.

5. Processing declarations

- 5.1 TV Licensing's policy process for dealing with No Licence Needed claims is outlined at **Appendix I**.
- 5.2 After an individual has made a No Licence Needed claim to TV Licensing, written acknowledgement and an explanation of the NLC process will be sent to the individual. The address will be given NLC status, mailings to the address will cease for a specified period of time and the premises will become available for visiting in order to confirm that a licence is not needed.

6. Visiting addresses

- 6.1 TV Licensing will visit a sample of NLC addresses to confirm that a licence is not needed. A methodology will be used to determine which addresses will make up the sample for visiting. This methodology is outlined in **Appendix II**⁴.
- 6.2 However, in some circumstances NLC addresses will be specifically excluded from the sample for visiting, in the interests of fairness. These circumstances are set out in **Appendix III**⁵. In these circumstances, any confirmation on expiry of the NLC guard that the relevant circumstances remain unchanged will result simply in the maintenance of its NLC guard and the address will remain within the exceptions from visiting.
- 6.3 A No Licence Needed visit may have a variety of outcomes. A list of these outcomes is set out in **Appendix IV**⁶.

7. Guards

- 7.1 The relevant residential guard lengths are as follows:
- NLC Approximately⁷ two years from the date the claim was recorded.
 - NLCC Approximately⁸ two years from the date the visit took place.
 - NLSG Any length up to approximately⁹ one year from the date the claim was recorded
- 7.2 When a NLCC guard expires, confirmation that the circumstances remain unchanged will lead to the address returning to NLC status and becoming available for a further visit. When any guard expires, TV Licensing will maintain a "No Licence Needed Expired" category on its database in order to provide a full history for the TV Licensing Field Operations team.

⁴ This methodology is confidential. It is not for release into the public domain, since any disclosure would in itself undermine the deterrent effect of TV Licensing's enforcement strategy.

⁵ As per footnote 3 above

⁶ As per footnote 3 above

⁷ We say 'approximately' because we write to check the licensing status at an address a little earlier, to allow time for the customer to respond.

⁸ As per footnote 7 above.

⁹ As per footnote 7 above.

7.3 It is the BBC's view that two years is a reasonable length of time for residential guards, given that residential circumstances frequently change. For example, occupiers may move house or change their viewing habits such that a licence is required. As noted above, latest figures¹⁰ show that one in six such addresses are found to need a licence when TV Licensing makes contact with them, hence it is important to ensure TV Licensing's data is accurate in order to assist in the efficient use of the licence fee.

7.4 The relevant non-residential guard lengths are as follows:

- BNLC Approximately¹¹ three years from the date the claim was recorded.
- BNLCC Approximately¹² three years from the date the visit took place.

7.5 It is the BBC's view that non-residential addresses should have longer guards because they are likely to change their status regarding receiving television programmes less often than residential addresses. TV Licensing is also more likely to receive regular external data for non-residential addresses which informs them of a change of status¹³. Hence where this has not occurred, an assumption can more easily be made that there has been no change of status regarding receiving television programmes.

7.6 The relevant short guard lengths are as follows:

- Student addresses Nine months
- Non-student addresses Dependent on information volunteered by Occupant, up to one year.

7.7 It is anticipated that the majority of short guards shall relate to student addresses. They shall only be applied to non-student addresses where the occupant has informed TV Licensing that they intend to occupy the property for less than one year.

8. *Changes in No Licence Needed Claims Status (including transfer of No Licence Needed Claim to a new address)*

8.1 The status of a NSC address may change or be re-checked with customers in the following circumstances:

¹⁰ As at March 2016.

¹¹ As per footnote 7 above.

¹² As per footnote 7 above.

¹³ For example, when a business changes name and the Postal Address File linked to it changes correspondingly; TV Licensing will be informed of this circumstance.

Trigger	Change
Visit	See Appendix IV .
Purchase of TV Licence	Address loses NLC/NLCC status and returns to standard mailing cycles. ¹⁴
Notification received of new occupant at address which has previously been given NLC/NLCC status ¹⁵	Address either: (a) loses NLC/NLCC status and returns to standard mailing cycles (or to start of NLC cycle if new occupant claims NLC). OR (b) Receives a request to reconfirm NLN status from the existing occupant or new NLN claim from the new occupant.
Customer change of address	NLN status (guard length) is reaffirmed which re-starts the NLN process (see 8.3).
BBC or third party data received, indicating to TV Licensing a change of licensing requirements	Address receives a request (from TVL) to re-affirm the NLN status (if the occupant is the same) or confirm their licensing requirements if a new occupant.
Customer notification of change of licensing requirements (now requires licence)	NLN removed – note this will only happen if the customer has the same name.
Change to what constitutes licensable activity.	Address receives contact from TV Licensing before the end of the usual guard period.

- 8.2 In such cases, TV Licensing will maintain a “No Licence Needed Expired” category on its database in order to provide a full history for the TV Licensing Field Operations team.
- 8.3 In the event that the occupant(s) of premises notifies TV Licensing that they have moved, an existing No Licence Needed Claim will be transferred to the new address. This is equally true for both residential and business premises. For practical reasons, the guard will be reset, thereby guarding the new address from further mailings for a full period of either two or three years, as applicable (depending upon whether the premises concerned is residential or business).
- 8.4 In the case of those premises listed as NLCC or BNLC on the TV Licensing database (i.e. where a visit has confirmed the veracity of the No Licence Needed Claim), that status will be retained at the new address, and the occupant(s) will therefore continue to be protected from the possibility of a further visit as well as from mailings until their status reverts to NLC or BNLC at the end of the guard period (i.e. in two or three years respectively from the move to the new address).

9. **Detection and Search Warrant Procedures**

- 9.1 Detection and search warrants will be used as a means of last resort.

¹⁴ As at Sept 2016. There may be exceptions to this depending on circumstances.

¹⁵ Examples of such notifications will include (but not be limited to): contact with a new occupant, receipt of a “returned post undeliverable” or confirmation from another third party source such as the edited electoral roll.

- 9.2 Detection will be carried out in accordance with the BBC Policy on the Authorisation and Operation of Detection Equipment under the Regulation of Investigatory Powers Act 2000. Search warrants will be executed in accordance with the Capita search warrant policy.

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