

BBC Licensing Authority

About TV Licensing



www.tvlicensing.co.uk

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The information contained in this document was correct as of December 2004. Please note that individual situations may vary and this document cannot be a substitute for formal legal advice.

"TV Licensing" is a trading name used by agents contracted by the Licensing Authority (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, with the administration of cash easy payment schemes contracted to Revenue Management Services Ltd, and marketing and public relations activities contracted to the AMV Consortium.

The purpose of this document is to provide a summary of our procedures and policies and to outline the level of service you can expect when contacting TV Licensing.

Chapter 1

Service Standards

1. As part of our commitments to you, our customers, we will:

- Be courteous at all times
- Answer all communications quickly and politely, aiming to “get it right first time”
- Uphold the principles of the Data Protection Act 1998
- Act fairly, equitably and consistently towards all customers within the terms of the Communications Act 2003 and the Communications (Television Licensing) Regulations 2004
- Process complaints quickly and fairly and undertake thorough and fair investigations
- Where practicable to communicate in the language and format of a customer’s choice
- Inform customers of their most appropriate method of payment
- Constantly seek to improve and maintain the quality of our activities

2. If one of our Visiting Officers calls at your home they will:

- Always prove their identity by showing an identity card and, on request, provide a telephone number so that this can be confirmed
- Always state why they are visiting
- Be polite and courteous at all times
- Conduct enquiries firmly and fairly, and in the least intrusive way possible
- Never threaten or intimidate
- Stop the enquiry if asked to leave
- Only enter a property when given permission
- When necessary, take a statement, in accordance with the law, and ask the interviewee to sign it as an accurate account of the interview; and
- Make sure the interviewee knows the consequences of a statement being taken

We also may visit to confirm that:

- People who have claimed not to have a television receiver do not have one; and
- Black and white licence holders do not have a colour set.

Unfortunately, our experience has shown that around 50% of people who claimed not to have a television were found to be using one, and required a licence, when we checked the premises and that over 30% of people who hold a black and white licence have been found to be inappropriately licensed when we’ve checked the premises.

For consistency TV Licensing does not act selectively in which addresses are to be visited and therefore aims to visit all addresses where a no set claim has been made and all black and white television licence holders. By adopting a consistent approach, we are able to ensure that everyone is correctly licensed and to remove non-television users from standard mailing cycles for a minimum of three years. The alternative would be for us to do nothing, which would not be in the best interests of the licence-paying public nor would this meet our legal obligations to collect the licence fee.

For added reassurance, you can take advantage of our password system which can be arranged on request. The password system is available to offer additional confirmation of identity for those who may be worried by the visit. To give you additional peace of mind, the password will only be known by you and the Visiting Officer. This can be arranged by contacting TV Licensing on **08705 763 763**.

If you admit you are using a television receiver to receive television programme services without the appropriate licence or if we suspect you are, our staff may interview you under caution in line with the applicable criminal law requirements within each jurisdiction.

In any prosecution process we will adhere to the Code for Crown Prosecutors.

Note that if we are refused access, we may use our detector vans or apply to court to obtain a search warrant.

3. Data Protection

In compliance with the Data Protection Act 1998, if you contact us by telephone, we will ask appropriate questions to verify that we are dealing with the licence holder. This will ensure that we only disclose information about your licence to you or your appointed representative.

Personal information that you provide will only be used by the TV Licensing Authority (BBC and its service providers) to help administer the TV licence system, including licence applications, fee collection and enforcement. Your personal information will not be provided to anyone else unless we are permitted or obliged by law (including the Data Protection Act 1998 and the Human Rights Act 1998) to do so. If you wish to see our Privacy Policy it can be viewed via the Privacy Policy section of our website at www.tvlicensing.co.uk

4. Data Subject Access Requests

Under the Data Protection Act 1998 a person has a right to request any information we hold relating to them. If you seek details of information relating to you, you should put your request in writing to the Data Protection Enquiries Manager, TV Licensing, Bristol, BS98 1TL. An application form will be sent to you, which must be completed and returned with a fee of £10. We will then provide you, within 40 days, with copies of all relevant computer-based and paper-based information we hold relating to you, that you are entitled to under the Data Protection Act 1998.

5. Freedom of Information Act

The Freedom of Information Act 2000 (FOIA) applies to UK public authorities. It provides for a right of access to information held by the authority, subject to the exemptions set out in FOIA. It is enforced by an independent Information Commissioner.

From 1 January 2005 public authorities, including the BBC, will have to deal with FOIA requests from the public within 20 working days. This applies to all TV Licensing information held by our contracted agents where it is held on behalf of the BBC.

FOI requests must be in writing (including email), clearly state the requestor's name and an address for correspondence, and must describe what information is required.

Contact details for queries and requests are:
BBC FOI
PO Box 48339
London W12 7XH
foi@tvlicensing.info

For further details on making an FOI request, please refer to www.tvlicensing.co.uk/aboutus or www.bbc.co.uk/foi

6. The Disability Discrimination Act

TV Licensing has reviewed its customer service facilities against the requirements of Part 3 of the Disability Discrimination Act 1995.

We recognise that many of our customers, whether disabled or otherwise, have individual needs when seeking to make use of our services. However, we also recognise the fact that for some customers, the nature of their disabilities may mean that they experience specific difficulties when accessing our services.

We offer a number of facilities that allow disabled people access to the TV Licensing service. Information is available in alternative formats on request. We also have a Minicom facility for the deaf and hard of hearing. The number for this is **0870 575 8604**.

7. Race Equality Scheme

The Licensing Authority aims to put race equality at the centre of its work.

We, the Licensing Authority, will make sure that everyone within the Licensing Authority whose work affects our customers (payers, evaders or those that don't require a television licence), know about their responsibilities under the Race Equality Scheme. We will ensure that we meet our duties as an employer and, together with senior managers, we will ensure that our people have the training they need to make the scheme work.

In all respects, the Licensing Authority will not unlawfully discriminate against its customers.

Our race equality scheme is available from www.tvlicensing.co.uk

8. Equal Opportunities

We are fully committed to equal opportunities for all, irrespective of race, colour, creed, ethnic or national origins, gender, marital status, sexuality, disability or age.

Chapter 2

Our Customer Service Targets

We aim to achieve the following:

- To answer 99.9% of all letters within 10 working days of receipt
- To answer 99.9% of all complaints within 8 working days of receipt
- To answer 99.9% of all email enquiries within 3 working days of receiving them
- To post licences or forms requested by customers within 5 working days of the date of the request
- To answer 85% of all telephone calls within 15 seconds

How are we doing?

You may be interested to see how we are doing against the targets outlined above.

1. Customer satisfaction

We conduct monthly surveys to establish our customers' opinions of our service. Customers surveyed during 2003 indicated satisfaction levels of over 92%.

2. Telephone calls received

During 2003, we handled over 7 million telephone calls from customers. We achieved our service target (of 85% of calls answered within 15 seconds) for every month last year.

3. Correspondence received

We received over 900,000 items of correspondence during 2003 with all items requiring a response receiving a reply within our target of 10 working days.

4. Written, email, and faxed complaints

We received 9,000 written complaints during 2003 with all items receiving a reply within our target of 8 working days.

5. Telephone complaints

We received just over 9,000 telephone complaints during 2003, which equates to 0.13% of all calls received. Complaints are logged in categories to establish trends and appropriate corrective action is taken where required.

6. TV Licences in force

At the end of 2003, there were just under 24 million TV licences in force. Of these, 54% of customers paid by Direct Debit and 4% took advantage of the easy payment cash schemes designed to assist those in receipt of income-related state benefits.

More than 3 million customers aged 75 or over benefited from free licences and over 30,000 customers received a 50% blind concession on their licence fee.

Chapter 3

General Information

How to contact us

General Enquiries

If you wish to buy or renew your licence or have a general question or complaint about TV Licensing call us on **0870 240 3294**. You can also buy a licence online at: **www.tvlicensing.co.uk**

If you have a query with a Direct Debit application call us on **0870 240 3294**.

If you would like to apply for, or have a query relating to, our weekly payment scheme (called Cash Easy Entry) call us on **0845 601 5526**.

If you would like to apply for, or have a query relating to, the Over 75 licence, the short-term licence or the Blind Concession, call us on **0870 240 3294**.

Change of Address

Remember, to be correctly licensed you must transfer your television licence to your new address when you move home. To tell us you have moved phone:

0870 240 3294 or visit our website at:
www.tvlicensing.co.uk/moving

Minicom

We have a facility for the deaf or the hard of hearing. The phone number is **0870 575 8604**.

Fax

If you would like to send us a fax, you can on **0870 240 1187**.

Email

Our email address for all general enquiries is:
tvlicsc@capita.co.uk

Website

Our website address is: **www.tvlicensing.co.uk**

Written Enquiries

Please write to:
The Customer Service Manager
TV Licensing
Bristol
BS98 1TL

Chapter 4

What to do if you have a complaint

- 1. We hope that you will never have a reason to complain about our service, but if you do, please write to:**

Head of Customer Relations
Customer Relations Department
TV Licensing
Bristol
BS98 1TL

- 2. If you do not feel that your complaint was handled correctly and you wish to escalate your complaint, please write to:**

The Customer Services Director
TV Licensing
Bristol
BS98 1TL

- 3. If you still are dissatisfied, you can escalate your complaint to:**

The Customer Relations Manager
BBC TV Licensing Management Team
PO Box 48309
London
W12 6YA

Please be aware that the Licensing Authority will not investigate a complaint against TV Licensing until it has been through TV Licensing's escalation process.

Chapter 5

Ways to Pay

We offer a range of easy ways to pay for your television licence. All you have to do is choose the one that suits you best. These include:

1. By Direct Debit

You can pay by Direct Debit from your bank or building society account.

Under the Direct Debit Guarantee, we will ensure that:

- (i) If the amounts to be paid or the payment dates change, we will notify you at least 10 working days in advance of your account being debited or as otherwise agreed
- (ii) If an error is made by us or your bank or building society, you are guaranteed a full and immediate refund, from your branch, of the amount paid
- (iii) You can cancel a Direct Debit at any time by writing to your bank or building society. Please also send a copy of your letter to us

You can pay for your licence by Direct Debit in the following ways:

Annually

We simply collect the full fee from your bank account on the date it is due every year.

Quarterly (for colour television licences only)

You can spread the cost by making a payment every 3 months (although payments may vary for the first licence bought in this way). Because the licence is paid for partially in arrears, your payments include a small premium of £1.25 each quarter. Please note that quarterly Direct Debit is not available for customers living in the Channel Islands.

Monthly (for colour television licences only)

With this, our most popular plan, you can spread your licence fee over 12 monthly payments. You would pay for your first licence within the first 6 months after it's issued. Once those payments are complete, you can then start to pay for your next and all following

licences in 12 much smaller payments (of around £11 per month), 6 payments in advance and 6 in arrears. Your total payments will always add up precisely to the normal licence fee and there is no additional charge for spreading your payments using Monthly Direct Debit.

For more details on how to pay by Direct Debit, or to apply simply call **0870 240 3294** or visit **www.tvlicensing.co.uk/dd**

If you want to join a Direct Debit scheme over the phone without filling in a form and have your bank details ready.

2. By Debit/Credit Card

To make a one-off payment by Debit or Credit Card such as Switch/Maestro, Delta, Visa or Mastercard call **0870 240 3294** with your card to hand or go online to **www.tvlicensing.co.uk**

3. Cash Payment Scheme for people on income-related State benefits

If you receive income related state benefits you can join our Cash Easy Entry scheme. Cash Easy Entry allows you to spread the cost of your licence into weekly or fortnightly payments.

On this scheme, you pay for your first licence over 6 months in 26 weekly payments. Once you've paid for this licence, you'll be able to pay for the next one, and all future ones, with fortnightly payments. You need to keep up the regular payments to be able to carry on paying in this way.

To join the scheme, or to get more information, call 0845 601 5526. When you join you'll be sent a Payment Card and a schedule detailing when payments are due. Cash payments can be made at any PayPoint outlet or Post Office® branch.

Please note that the Cash Easy Entry scheme is not available for customers living on the Channel Islands or the Isle of Man.

4. At any Post Office® branch

You can pay for your licence at any Post Office® branch, using debit card, cash, cheques, Savings

Stamps or any combination of these. You can also use Savings Stamps as a way of saving towards your licence. These are available at any Post Office® branch.

5. At any PayPoint outlet

You can also renew your licence at any one of 8,500 PayPoint outlets around the UK. You'll find them conveniently located in newsagents, convenience stores, supermarkets, petrol forecourts and off-licences. Many are open for extended hours. Simply take your renewal form to a PayPoint outlet, along with your payment – in cash only – for the full licence fee. You'll be given a receipt for the full amount, which you simply need to attach to your licence to validate it.

6. By Post

Write your name, address and postcode on the back of a cheque for the appropriate current licence fee made payable to 'TV Licensing'. Please do not send cash. Send your payment to:

Customer Services,
TV Licensing,
Bristol
BS98 1TL.

7. How to Apply for the Free Over 75 TV Licence

Anyone aged 75 or over is now entitled to a free TV licence for their principal residence, i.e. the place where they live most of the time. It is important to remember, however, that you still need a licence. Your free licence will not be issued automatically – you do need to apply for it.

If you are over 75 and have not applied for your free TV licence, please phone **0870 240 3294**. To enable us to process your application as soon as possible, please provide details of your name, address, date of birth and National Insurance number.

If you need to renew your licence and you are currently 74, you need to buy a short-term licence to cover you until the month that you turn 75. The cost of this licence will depend upon how many months it will be needed for. Call **0870 240 3294** or visit your local Post Office® branch to find out how much you will have to pay.

Please note that some exemptions or alternative concessions may apply on the Channel Islands and the Isle of Man. For further information please contact **0870 240 3294**.

8. How to Apply for the Blind Concession

If you are registered blind you only pay 50% of the licence fee. In order to qualify, you or someone who lives with you must be registered blind, irrespective of age. However, if the person who is registered blind is not the person named on the licence, then to qualify you will need to ensure that the licence is transferred into the name of the registered blind person. TV Licensing or your local Post Office® branch can help you do this.

To register for the blind concession, you will need to produce the current original blind registration from your local authority or a certificate from an ophthalmologist to prove eligibility. This can be done at any Post Office® branch (or at your DHSS for Isle of Man residents). You can send the blind registration document to:

TV Licensing
Bristol
BS98 1TL

We recommend you send it by Special Delivery due to its importance to you. Proof of eligibility for the blind concession, once verified, is valid for 5 years.

9. Channel Islands and the Isle of Man

Please note that some exemptions or alternative concessions may apply on the Channel Islands and the Isle of Man. For further information please contact **0870 240 3294**.

Chapter 6

The TV Licence

1. TV Licensing and the Law

On 1 April 2004, most of the television licensing provisions in the Wireless Telegraphy Act 1949 (as amended), the Broadcasting Act 1990 and the Wireless Telegraphy (Television Licence Fees) Regulations were repealed and replaced by similar provisions in **Part 4 of the Communications Act 2003** and the **Communications (Television Licensing) Regulations 2004**.

Part 4 of the Communications Act 2003 makes it an offence to install or use a television receiver for the purposes of receiving any television programme service without a valid TV licence. The Act empowers the BBC to make and amend the terms and conditions of a licence. It also allows the government to make regulations to exempt or reduce the licence fee for certain persons in certain circumstances.

This Act also makes it an offence for anyone to have any television receiver in their possession or under their control who either intends to install or use it in contravention of the main offence (above), or knows or has reasonable grounds for believing, that another person intends to install or use a television receiver in contravention of the main offence.

The **Wireless Telegraphy Act 1967** requires television dealers to notify TV Licensing of all their sales or rentals of television sets (which includes analogue or digital TV, VCRs, recordable DVDs, set-top boxes, and PC's with TV cards).

The **Communications (Television Licensing) Regulations 2004** define what is a 'television receiver', 'television set' and who is a 'television dealer'. The regulations also set out the various types of licence, the criteria for obtaining them, the fees payable for those licences (including the frequency and amount of instalments) and the concessions for blind people and those over 75 years of age.

2. What is a TV Licence and do I need one?

A TV licence provides a legal permission to install or use a television receiver in order to receive television programme services. It's a criminal offence to install or use a TV receiver without a valid licence so it is important to ensure that you are appropriately licensed.

A 'television receiver' includes a television set, a VCR, a set-top box, a TV-enabled personal computer or any other equipment designed or modified to enable it to receive television programmes.

A TV licence is required if you install or use, or intend to use a television receiver as previously described above. This means that a licence is required to receive BBC, ITV, Channel 4, Channel 5, satellite, cable and/or digital television.

The use of television anywhere in the United Kingdom, Channel Islands and the Isle of Man needs to be covered by a licence of the appropriate type and this guide will help to explain more about how the TV licensing framework works.

3. Who is covered by my TV Licence?

A TV licence covers the named person and anyone living with them at the address stated on the licence document e.g. members of their family. If a person uses television at a second address, they will need to hold a separate licence for that address.

However, there are three exceptions to this rule:

- The use of television in a static caravan (i.e. one that remains 'on-site') will be covered by the licence held for the user's main address, provided there is no simultaneous use of television at both places
- The use of a television in a touring caravan (i.e. one that is used for touring from place to place) will always be covered by the user's main home licence

- The use of a television set, which is powered solely by its own internal batteries will be covered for any address by the user's main home licence. However, if the user plugs the set into the mains or connects it to any external power source such as a car battery, a separate licence would be needed.

4. What's the duration of my licence?

Under the terms set out by the Licensing Authority the duration of a TV licence will be as follows:

- A new TV licence purchased on time will run for approximately 12 months and will be dated to expire on the last day of the month preceding that of its issue
- A late renewal of a TV licence will last until it would have expired had it been purchased on time
- A TV licence can be renewed during the month of expiry whilst retaining the old expiry month on the new licence

If you are 74 and will turn 75 during your next licensed year then you can qualify for a reduced fee short term licence, which will cover you until the month that you are 75. You will only be required to pay for the months up until the month of your 75th birthday.

5. What if I do not have a television or if I have a black and white set?

We have a statutory responsibility to ensure that every address where a TV licence is required is correctly licensed. We do this by writing to people to ask about their use or otherwise of television.

If people reply to our letters to the effect that no television is used at their address, we place a stop on further enquiry letters and arrange for a Visiting Officer to call upon them to verify the situation. Visiting Officers should act professionally and courteously at all times and their visit should take only a matter of minutes (see also Chapter one on service standards).

The Visiting Officer will seek permission to enter a person's property simply to take a brief view of the main living areas. If the Officer verifies that no television is used, we will then cease all forms of enquiry to the named person at their address for a minimum period of 3 years.

The occupier is under no legal obligation to allow entry but it does enable us to place a long-term stop on further enquiries.

TV Licensing's policy is to visit all addresses where people inform us that no television is in use at the property. The purpose of our visit is to identify genuine non-users of television so that we can minimise future contact with them. Unfortunately, our experience has shown that around 50% of people who claimed not to have a television were found to be using one, and required a licence when we checked the premises. Once the visit is done, enquiries will stop for a number of years.

TV Licensing's policy is to visit all addresses where people inform us that a black and white television is in use at the property. The purpose of the visit is to ensure that black and white set holders are correctly licensed. Unfortunately, over 30% of people who hold a black and white licence have been found to be inappropriately licensed when we've checked the premises.

For consistency TV Licensing does not act selectively in which addresses are to be visited and therefore aims to visit all no set claims and black and white licensed premises.

By adopting a consistent approach, we are able to:

- positively identify non-television users and remove them from standard mailing cycles for a minimum period of three years; and
- ensure that black and white licence holders are correctly licensed.

The alternative would be for us to do nothing, which would not be in the best interests of the licence-paying public nor would this meet our legal obligations to collect the licence fee.

Chapter 7

Revoking and Cancelling Licences

We have a policy for determining the circumstances when we will revoke or cancel a licence.

A television licence lasts for as long as specified in the licence unless it has previously been cancelled or revoked by or on behalf of the Licensing Authority, the BBC, in accordance with s364(4) of the Communications Act.

We will only revoke or cancel a licence in the following circumstances:

Breach of licence terms:

If there has been a breach of the terms and conditions of the licence, including a failure to pay any money due, with respect to the licence, under the Communications Act and the Communications (Television Licensing) Regulations 2004 within the regulatory time scales, and provided the licence holder has been given a reasonable opportunity to pay and is reasonably aware of the consequences of non-payment.

Error/fraud:

If an Over 75 TV Licence turns out to have been issued to a person who was not 75 or over and/or for a place which is not the licensee's sole or main residence.

Change of circumstances:

If the licence holder informs TV Licensing that the licence is not required (whether by way of a justified refund claim or otherwise) or will not be required as from a future date and TV Licensing is satisfied that the claim is justified.

N.B. an Over 75 Licence for someone's sole or main residence is not cancelled when TV Licensing are informed that the licence is no longer required, e.g. because the licensee has died.

Administrative:

If the licence holder requests to be switched to a different payment scheme (for so long as current systems do not allow licences to be transferred between payment schemes).

Refunds:

Licences will only be revoked or cancelled by notice in writing (a letter will be sent out) and in accordance with the requirements of the Communications Act 2003, s364(5)(8) & (9), clearly stating the date of revocation or cancellation. We will send a letter of impending revocation which will be followed by a letter of revocation unless the matter has been resolved.

We will only revoke a licence from a date which takes account of any money which has been paid in respect of the licence, rounding up to the nearest month of expiry if necessary (and in the case of a licence for which a blind concessionary fee has been paid, rounding up pro rata).

Chapter 8

Refunds

Section 365(3) of the Communications Act 2003 gives the BBC a discretionary power to refund payments made in respect of a licence under the Communications (Television Licensing) Regulations 2004. The power does not extend to payments received before the BBC took over as licensing authority on 1 April 1991.

TV Licensing will only make a refund in respect of a concessionary licence (currently ARC, Hotel, Mobile Units, Hospitality Area) if the licence was purchased in error (see paragraph 3).

When deciding whether or not to make a refund, we will take into consideration any earlier claim by the same claimant in respect of which there is reason to suspect that the refund was obtained as a result of false information, including a signed declaration by the claimant which as a matter of fact has proved to be false.

Under what circumstances can I claim a refund?

We will only give refunds in the circumstances set out below and only when we are satisfied that the claim is justified. Refunds will only be made in respect of current television licences and only in respect of full quarter(s) i.e. three consecutive calendar months of a television licence which is/are unexpired at the "effective" date¹ (unless otherwise stated i.e. refunds as a result of buying a replacement licence or in consequence of an Over 75 Licence being granted or applied for. These non-standard scenarios may receive a refund on the months used).

It is BBC policy that refunds will be considered in the following circumstances:

1. TV equipment is no longer in use
2. Covered by another licence
3. Licences purchased in error
4. Buying a replacement licence
5. Change of law
6. Blind concessionary refunds
7. Refunds in consequence of an Over 75 TV Licence/licence application

1. TV equipment no longer in use

Refunds can be given where the licensee ceases to use television receiving equipment at their address.

The licence must not be needed again before its expiry date.

2. Covered by another licence

Refunds can be given where the licensee moves from that address to another where they will be covered by someone else's licence (e.g. parents, partner).

3. Licences purchased in error

Refunds can be given in respect of licences which are purchased as a result of an error by the claimant, usually because the use of television equipment does not require that type of licence, e.g. bought colour licence when only required black and white. In this category, refunds can be given in respect of quarters of expired television licences, provided they were issued on or after 1 April 1991 and the applicant can provide these licences.

4. Buying a replacement licence

Refunds can be given where the licence holder no longer requires a licence because it has been replaced by a different type of television licence, either because of a change in the type of television receiving equipment being used, or for other reasons, for example, the licence holder moves to an address which is covered by a concessionary licence for persons who meet the relevant criteria (see the 'Residential Care' section in Chapter 9 'TV Licences for Special Circumstances').

A claim can be made if a licence holder:

- i) "trades in" a black and white licence for a colour one;
- ii) "trades in" a colour licence for a black and white one;
- iii) moves to an address which is covered by an "Accommodation for Residential Care" (ARC) licence (after confirmation of qualification has been provided);
- iv) applies for a Hotel, Mobile Units or Hospitality Area Licence to cover the address covered by his/her existing licence; or
- v) is included on an application for a multiple licence.

¹ The "effective" date will normally be the date of receipt of the refund application by TV Licensing less five working days (Monday to Friday, excluding Bank Holidays) or the date on the letter if later. However, if the claimant states a date from which the TV Licence was not needed which differs from the date he/she applies for a refund and which would make a difference to the refundable amount, and can provide satisfactory documentary evidence to support the earlier claim, then the stated date will be the "effective" date (but this does not apply to a claim based on a change of law). In the case of a refund payable as a result of the issue of an Over 75 TV Licence, the effective date will normally be the first of the month of the licence which is current at the time of issue or the first of the month of the 75th birthday whichever is the later; in the case of a refund payable to a person who has properly claimed the blind concession, the effective date will normally be the first of the month of the licence current at the time of the claim. In both of these cases however, refunds may be claimed on expired licences.

In this category, refunds can be given with respect to unexpired calendar months. If there is a delay in establishing eligibility for the replacement licence, refunds with respect to expired licences bought as a result of the delay may be considered, provided that the licence was issued on or after 1 April 1991.

5. Change of law

Refunds can be given when a television licence is no longer required as a direct result of a change in the law.

6. Blind concessionary refunds

A refund of up to half the licence fee (depending on whether the licence is a full fee or instalment licence) can be given if a licence holder has a blind certificate issued by a local authority or certificate from an ophthalmologist, but failed to claim the reduction for the blind when his/her (current) licence was bought (see section 'How To Apply for the Blind Concession' in Chapter 5 'Ways to Pay'). A person who has properly claimed a blind concession may also claim a refund on an expired licence, backdated to 1 April 2000 or the 1st of the month in which he or she became blind, whichever is the later.

The claimant must provide the licence and the certificate.

The usual rule that refunds must be paid to the licence holder only does not apply in this case. If the licence covers or covered the place where the blind person resides or resided throughout the relevant time, then a refund will be payable to the licence holder even if not the blind person (subject to satisfactory proof).

7. Refunds in consequence of an Over 75 TV Licence being granted or applied for

Refunds of months on a current licence will be payable automatically when an Over 75 Licence is issued (backdated to the beginning of the licence or the first of the month of the 75th birthday, whichever is the later). See section 'How To Apply for the Free Over 75 TV Licence' for further information on this licence.

However, no refund is payable on an Over 75 Licence.

If you would like a further information on our refund policy please contact:

The Refund Group
PO Box 410
TV Licensing
Bristol
BS99 5HP

8. Poor television reception

Your TV licence does not guarantee the quality of picture you receive. If you have any problems in relation to the reception of BBC programmes you should call **0870 0100 123** or write to BBC Information, PO Box 1922, Glasgow G2 3WT.

For all reception difficulties not directly related to BBC programmes, you can call OFCOM on 0845 456 3000 or visit www.ofcom.org.uk

If you prefer to write, the address is:

OFCOM
Riverside House 2A
Southwark Bridge Road
London SE1 9HA

Chapter 9

TV Licences for Special Circumstances

1. Students

Students living away from home on a full-time course of education are subject to normal licensing rules. If you are a student using television in your room or flat in Halls of Residence, or private accommodation, you will need to be covered by a TV licence.

If you share a house with other students and hold a joint tenancy agreement with them, one licence may be able to cover you all if you send a copy of the agreement to TV Licensing, Bristol BS98 1TL.

If you use a television set powered solely by its own internal batteries (see also Chapter 6, Section 3), you can be covered by a licence held for your parents' home address. For more information visit the students section of our website www.tvlicensing.co.uk/students

2. Businesses

If your business is based on more than one site, you will need a separate TV Licence for each site using television receiving equipment to receive or record television programmes.

Additionally, if you have a separate social club (which leases its premises) using television, a separate licence will be required.

If you sublet any part of your premises to another business, that business will be responsible for their own licensing requirements.

3. Hotels and holiday sites

Hotels, inns, guesthouses, caravan sites and campsites can apply for the Hotel Licence. To qualify, they must offer accommodation consisting wholly or mainly of units of overnight accommodation for guests staying no longer than 28 nights in any consecutive period. This licence covers the hotel owner's use of TV in their private accommodation within a hotel/site, sets in communal lounges and any TV sets provided by the owner in units of accommodation available to short-term guests.

The cost of a Hotel Licence is calculated on the basis of the number of rooms available for overnight accommodation. One standard licence fee is required for up to 15 rooms, then a further fee for each additional 5 rooms (or part thereof).

The Hotel Licence does not cover the use of TV equipment not provided by the owner of the hotel. Long-term and permanent residents are also not covered by a Hotel Licence and would need to obtain their own licence.

4. Landlords and tenants

If a landlord installs television in property for use by their tenants, they have a legal responsibility to ensure that there is a licence. If the landlord does not wish to obtain the licence, they must place the onus to do so upon their tenant, possibly by making it a term of the rental agreement that a licence must be obtained.

A tenant is ultimately responsible for ensuring that their use of television is appropriately licensed. Tenants sharing a house with others and holding a joint tenancy/lease agreement may be able to be covered by one licence, if so they should provide TV Licensing with a copy of the agreement. Tenants with individual tenancy agreements need to be separately licensed for the use of television in their private room/flat.

5. Residential care

The Accommodation for Residential Care (ARC) licence is available to those who live in certain types of accommodation and are disabled or retired persons. The ARC licence costs each resident £5 per year. To find out if you are covered by an ARC licence you should contact your warden or administrator, or call us on **0870 240 1291**.

Chapter 10

Enforcement and Prosecution Processes

Below is our a policy on investigating offences related to television licensing and prosecuting where appropriate.

All offences are covered by this policy:

- s363 of the Communications Act 2003 (licence evasion offences)
- s5 of the Wireless Telegraphy Act 1967 (television dealer offences)
- related common law offences (e.g. incitement); and
- applications for and exercise of search warrants, including intentionally obstructing the exercise of a search warrant (s366 of the Communications Act 2003).

The Licensing Authority (the BBC) has a legal duty to enforce the television licensing framework.

TV Licensing will make a decision whether or not to prosecute or to put a case forward for prosecution (as appropriate in each jurisdiction) on a case by case basis. In England, Wales, Northern Ireland and the Isle of Man, TV Licensing carries out these prosecutions. However, in Scotland, prosecutions are carried out by the Procurator Fiscal and in the Channel Islands, TV Licensing refers the cases to the police.

Licence Evasion Offences (s363(2) and (3) of the Communications Act 2003)

We will seek to sell a licence rather than prosecute however prosecution, or pursuing prosecution, remains the final sanction.

Once the sales process has been exhausted without a licence sale and there is no reason to believe that a licence is not required, after considering the facts in each case, we will prosecute or pursue prosecution.

In relation to the prosecution process (whether prosecuting or reporting investigations to entities who may decide to prosecute as in Scotland and the Channel Islands) we will:

- begin the prosecution process (by seeking evidence of an offence) promptly and consistently.
- ensure that the prosecution process in any particular case is not delayed for any reason, for

example because of out-of-date artificial restrictions (e.g. guards) on the TV Licensing database.

- ensure that the prosecution process recommences promptly if a licence is not purchased following conviction.
- to pursue the appropriate offender. Evidence of license evasion offences should be actively sought in cases where at any stage in the sales or prosecution process it becomes clear that it would be more appropriate to pursue someone other than the person living at the unlicensed address or the person interviewed.
- ensure that interviews are conducted in accordance with the Codes of Practice issued under the Police and Criminal Evidence Act 1984 in England, Wales and the appropriate criminal laws in Northern Ireland, Scotland, the Channel Islands and the Isle of Man.

The decision whether or not to prosecute or to pursue prosecution in any particular case (or in Scotland, the decision whether or not to refer the case to the Procurator Fiscal) will be made on the basis of a policy which:

- conforms to the Code for Crown Prosecutors (which includes a public interest test).
- ensures that the person prosecuted is the person who should reasonably be held responsible for buying the licence.
- ensures that the charge is for the appropriate offence.
- take a strict approach to subsequent suspected offenders (eg; where it has been necessary to apply for a search warrant, where there has been a deliberate act to avoid the purchase of a licence such as the purchase of a black and white licence when in possession of a colour set or the declaration that there is no set at an address when there is one).

Television Dealers (Wireless Telegraphy Act 1967)

Television dealers have an obligation to record information relating to the sale or hire of all television receiving equipment and to then notify the BBC of

these. It is our policy to do all that is necessary to exercise the right to information provided by the Wireless Telegraphy Act 1967. We will:

- seek to identify all “television dealers”.
- ensure they understand the requirements and provide an opportunity for them to comply with the law.
- monitor compliance.
- seek evidence of any suspected non-compliance.
- prosecute the appropriate person in any case of a television dealer who fails to comply.

Other related offences

- It is our policy to enforce other related offences and to ensure the option of prosecution if there is a suspicion of any offence which might lead to the law being undermined (such as incitement or forgery), by actively seeking sufficient evidence of the offence.

Search Warrants

We will:

- ensure sufficient evidence of an offence to justify an application for a search warrant to be sought (as a last resort in cases where access is refused).
- apply for a search warrant where sufficient evidence is obtained.
- implement the policy on whether or not to apply for a search warrant.
- ensure that search warrants are exercised with respect for people and property and in accordance with any directions of the court.

Follow up queries

We hope this document has answered any concerns or queries you might have. If not, don't hesitate to contact us on **0870 240 3294** or via **www.tvlicensing.co.uk** and we will be happy to offer further assistance.