

TV Licensing and The Over 75s

Briefing Paper June 2020



Introduction

In 2015, the government announced it would no longer subsidise the cost of the licence fee and the BBC would have to find the funding itself. After the government shifted the cost of the licence fee for over 75s to the BBC the corporation was left to choose between scrapping the concession for the elderly or cutting broadcasting services. The cost of funding the TV licence for people aged over 75 is expected to be £745 million in 2021/22.

After a BBC consultation in 2019, it was decided that only those in receipt of Pension Credit would retain the free over 75s TV licence, approximately 900,000 people over 75. The scrapping of the free licence means up to 3.7 million pensioners will have to start paying for the universal benefit and will result in significant numbers being forced to choose between buying a licence, cutting back on essentials like heating and eating, or continuing watching the TV without a licence, thereby breaking the law. At least a further 50,000 older people will be pushed into poverty because they will lose their free licence.

In February 2020 a government consultation was opened about decriminalising TV licence evasion, the results of which have yet to be concluded and published. In March, the BBC, with the Government's agreement, decided to delay the changes to over 75s licence fees until 31 July 2020 due to the Coronavirus. This means that if you are aged 75 or over and hold a free BBC TV licence which expires on 31 May 2020, your licence will last a further two months until 31 July 2020. This will happen automatically. This notice formally extends your free TV licence and you do not need to contact TV Licensing about this or take any further action.

If you are currently aged 74 and turn 75 between 1 June and 31 July 2020, you can apply for a free TV licence which will expire on 31 July 2020. Please remember that you don't automatically get an over 75 TV Licence on your 75th birthday. You have to apply for one.

Non-Payment of the TV Licence

From 1 August 2020, non-payment will once again be an offence for over 75s who are not eligible for a free TV Licence. According to TV Licensing:

You are deemed to be breaking the law if you:

- watch or record programmes as they're being shown on TV or live on an online TV service, or
- download or watch BBC programmes on iPlayer – live, catch up or on demand.

This applies to any device or provider you use, including a TV, desktop computer, laptop, mobile phone, tablet, games console, digital box or DVD/Blu-Ray/VHS recorder. You could be prosecuted if you are found to have been watching, recording or downloading programmes illegally. The maximum penalty is a £1,000* (*£2000 in Guernsey) fine plus any legal costs and/or compensation you may be ordered to pay.

Enforcement & Visits

TV Licensing will write to a household multiple times explaining that their household is not showing on their database as a licensed address. They have a database of approximately 31 million licensed and unlicensed addresses. This tells them if your address has a TV Licence. All visiting officers have access to the database. This means they can check if you have a licence or not. If you tell them that you do not need a TV Licence, their officers may still visit you to confirm this. TV Licensing also have a fleet of detector vans that can detect the use of TV receiving equipment at specifically targeted addresses within minutes.

How do I know if an enquiry officer is genuinely employed by TV Licensing?

When TV Licensing officers visit a property, they will prove their identity by showing their two-part TV Licensing ID cards.

The first part of their ID card will display the TV Licensing logo, a passport sized photograph along with the enquiry officer's first name. The ID card will also show the expiry date along with their unique six-digit card number.

The second part of their ID is a separate card which contains the officer's photograph and name to indicate that this person is authorised to engage in TV Licensing investigations. If you request it, the officer will provide you with the telephone number: 0300 790 6071. You can then call this number and have TV Licensing verify the enquiry officer's details by providing the officer's unique six-digit card number. The Customer Service advisor will guide you through the rest of the verification process.

What happens when an enquiry officer visits a home?

Enquiry officers will explain why they are visiting, they should be polite, courteous and fair, and abide by TV Licensing rules of conduct. If you allow an officer to enter your home, the visit is normally very quick. The officer simply takes a brief view of the main living areas to verify whether or not television receiving equipment is installed or in use. When necessary, they will complete a record of interview and ask for a signature to confirm that the notes taken are an accurate account of that interview. They will also make sure the person being interviewed knows what the consequences may be of watching or recording live TV programmes on any channel or device, or downloading or watching BBC programmes on iPlayer, without being covered by a TV Licence.

In what circumstances can TV Licensing access my property without my permission?

TV Licensing enquiry officers can only enter your home without your permission if authorised to do so under a search warrant granted by a magistrate (or sheriff in Scotland). They will only do this when they have reason to believe an offence is being committed. TV Licensing will be accompanied by the police when executing a search warrant.

Single Justice Procedure Notice

For continued non-payment in suspected cases of a breach of the law, cases in England and Wales will go through the Single Justice Procedure (SJP), which means you may be able to have your case decided by a magistrate without going to court.

The SJP Notice sets out what you have been charged with and the facts of the case (known as the evidence). You will need to respond to the notice by pleading guilty or not guilty within the deadline given on your letter. The easiest and quickest way to do this is

to make a plea online. You can choose to appear before the court in person if you want to – make sure you tick the relevant box on the notice. You'll then be sent a letter with the date and time of your hearing.

In jurisdictions where TV Licensing do not have the right to prosecute, they report cases to the local law enforcement agencies who then decide whether or not to prosecute.

- In Scotland they report cases to the Office of the Procurator Fiscal who have a range of options available to them. They may issue a conditional offer of a fiscal fine; or you may be cited to attend court.
- In Jersey and Guernsey reports are passed to the police who may conduct further investigations themselves and if you are prosecuted you may be summonsed to attend court. In Jersey you may first be invited to the Parish Hall to discuss the case with the Centenier.

After your case has been decided

If you are found guilty, you'll be sent a 'notice of fine' telling you how much you need to pay.

This may include:

- A maximum fine of up to £1,000 (up to £2,000 if you live in Guernsey)
- England and Wales a victim surcharge of 10% of the fine or £30, whichever is greater.
- In Northern Ireland an offender levy of £15.
- In the jurisdictions in which TV Licensing conduct the prosecution, prosecution costs of around £120 (if you plead not guilty this cost could be much higher)
- Compensation for a period of unlicensed use if it is requested.
- You will also still have to buy a TV Licence, if you need one.

You **CANNOT** be sent to prison for a TV Licensing conviction, but you **CAN** be sent to prison for deliberately refusing to pay court fines. This is the last resort measure, however, and other methods of recovering the fine such as using bailiffs and taking **deductions from wages or benefits will be attempted first.**

Enforcement Statistics

Over the past four years, almost 3.5million British citizens have decided not to pay a penny more to the BBC – the world's oldest broadcasting organisation. Research shows that the current enforcement scheme discriminates against women. The Perry report (2015) used figures from 2012, which showed that with 67% of all TV Licensing Records of Interview taken, are from women and 70% of all those prosecuted are also women, indicating that women are significantly and disproportionately at risk of investigation and prosecution than men.

By 2017 this had further increased to nearly three quarters (72%) of people being prosecuted for TV licence evasion (137,913 in total) were women, with the crime accounting for 30% of all female prosecutions (compared to 4% of male prosecutions) – making it the most common offence for which women were prosecuted, according to government figures. Furthermore, a greater proportion of women (94%) than men (92%) were convicted. In 2015 the government made £50million from TV Licence evasion fines, when the cost of enforcement was just £5million.

In 2013, 32 people were sent to prison for failing to pay fines imposed for licence fee evasion. The average period of committal was approximately three weeks. The cost to

HM Prison Service was approximately £2,200 per person. That figure had risen to 90 people in 2017. Processing these cases is time consuming and potentially stressful for the older, more vulnerable person – particularly if it were to happen to those over 75. The safeguarding element of the current scheme is of paramount importance to each individual, but in particular to those vulnerable people over 75.

Conclusion

The free TV licence for over 75s is a universal entitlement given by the government to supplement a pittance of a pension instead of doing the honourable thing and increasing base pension rates. The responsibility for universal entitlements (welfare) is the government's and not that of the BBC.

Whatever the reasons the BBC agreed to take the deal, the government should be ashamed that it even thought to offload it in the first place. Abdication of their social responsibility to an unelected corporation is unforgivable.

The NPC would urge all people, not just the over 75s, to check that they are getting the benefits that they are entitled to get. An estimated 1.5 million eligible households don't claim Pension Credit – often because they don't know they can.

Website: <https://www.gov.uk/pension-credit>

Telephone: 0800 99 1234

Further information

1. BBC TV Licence - <https://www.bbc.com/aboutthebbc/reports/consultation/age-related-tv-licence-policy/general-notice>
2. TV Licensing - <https://www.tvlicensing.co.uk/check-if-you-need-one/topics/detection-and-penalties-top5>
3. GOV - Pension Credit - <https://www.gov.uk/pension-credit>
4. BBC Annual Report
<https://downloads.bbc.co.uk/aboutthebbc/reports/annualreport/2018-19.pdf>
5. TV Licence fee statistics
<https://researchbriefings.parliament.uk/ResearchBriefing/Summary/CBP-8101>
6. Gender Disparity Report –TV licensing - 2017 -
<https://www.tvlicensing.co.uk/about/gender-disparity-AB23>
7. Statistics on Women and the Criminal Justice System – Ministry of Justice 2017
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/759770/women-criminal-justice-system-2017..pdf

National Pensioners Convention
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