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
The shores of the Baltic, for instance, were not securely covered by Germany and her allies. The Russian fleet was too strong for them. So also in the Mediterranean. Germany could not, on account of the British fleet, dominate the Mediterranean, and she could hardly do so by land, for the French field army was too strong, and the British fleet too strong in the Ionian Sea to allow any German fleet to work its way through to the Russian fleet in the Black Sea.

The people of the United States are not, as a rule, so frivolous as to make foreign entanglements for the purpose of illustrating or enhancing their meridian of civilization. They are not so foolish as to think that they would be better off if they were left alone.

The great and powerful English nation, with the united support of the United States, saw, in 1828, that the British fleet was too strong for the French and the Russian fleets, and that the French and the Russian fleets were too strong for the British fleet. This was the first of the great naval battles of the world, and it was fought in the Black Sea.

The people of the United States are not, as a rule, so frivolous as to make foreign entanglements for the purpose of illustrating or enhancing their meridian of civilization. They are not so foolish as to think that they would be better off if they were left alone.
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.

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. 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.

7. Guards

7.1 The relevant residential guard lengths are as follows:

- NLC
  - Approximately two years from the date the claim was recorded.

- NLCC
  - Approximately two years from the date the visit took place.

- NLSG
  - Any length up to approximately 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.

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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 figures\(^{10}\) 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  Approximately 11 three years from the date the claim was recorded.
- BNLCC Approximately 12 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 status\(^ {13}\). 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:

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\(^{10}\) 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.
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 BNLCC 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.

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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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