

BBC TELEVISION LICENSING LICENSABLE PLACES POLICY

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Other parts of this document have been redacted under section 22(1)(a) of the Act which relates to future publication, specifically that the information is held with a view to its publication by the BBC at a future date. These parts are shown as **■■■■**.

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1. Purpose

- 1.1 To define places which constitute a 'licensable place' for the purposes of implementing the Communications Act 2003 and the Communications (Television Licensing) Regulations 2004.
- 1.2 A 'licensable place' is the place where a television (TV) licence authorises the installation and use of TV receivers or, if no TV licence has been issued, the place which will require one should a TV receiver be installed or used.

2. Scope

- 2.1 This policy applies to premises being used for the following purposes:
 - business;
 - residency;
 - hospitals; and
 - education.
- 2.2 This policy applies to premises in which television (TV) receiving equipment is installed or used on both a temporary and permanent basis.
- 2.3 This policy is to be used to determine the place where a TV licence permits the installation and use of TV receivers and, in turn, the place where a TV licence may be required. However, while this policy sets out the rules which will apply generally, there are likely to be a number of unusual scenarios which cannot be determined by reference to these rules and in respect of which exceptional decisions will need to be made. The BBC therefore retains discretion in determining places which constitute a licensable place.

3. Legal Context

- 3.1 The Communications Act 2003 provides that the installation or use of a TV receiver must be authorised by a TV licence. The Communications Act 2003 also permits the BBC to issue a TV licence 'subject to such restrictions and conditions as the BBC thinks fit'. A restriction or condition may include 'the places where the installation and use of the television receiver is authorised by the licence' (section 364(2)(c)).
- 3.2 The policy applies only to 'general form/multiple form' TV licences, that is TV licences which are issued in respect of the single place (or multiple places) specified on the licence and which permit use in other places such as vehicles and caravans, subject to the terms and conditions stated.
- 3.3 The policy does not apply to Accommodation for Residential Care (ARC) licences nor to Hotels, Hospitality and Mobile Units licences. This is because the Communications (Television Licensing) Regulations 2004 specifically states the places where these types of licences authorise the installation and use of TV receivers; the BBC does not have discretion to determine the places to which such licences apply. For ARC licences, the places authorised by a TV licence are

residential care dwellings (in the case of a group of dwellings, e.g. sheltered housing) and living rooms or bedrooms provided for the occupation of residents (in other types of residential care accommodation). For Hotels, Hospitality and Mobile Units licences, the relevant licensable places are hospitality units, the hotel or mobile units.

4. Definitions

4.1 For the purposes of this policy, the definitions listed in **Appendix I** shall apply to the following terms:

- “Barrier”
- “Business”
- “Common boundary”
- “Hospital”
- “Refuge”
- “Institutional housing”
- “Lodger”
- “Physical boundary”
- “Residential premises”
- “Site”

5. General Principles

5.1 Methods for determining whether a place is licensable shall vary depending on whether the place is being used for the purposes of:

- Residency;
- Business;
- Hospitals; or
- Education.

5.2 Where there is confusion concerning whether a place is separately licensable, the escalation procedure outlined in **Appendix II** shall be commenced.

5.3 The status of a licensable place may change when there are changes in circumstance at that particular place (e.g. changes to the physical nature of the place or the purpose for which it is being used).

6. Methodology

6.1 The rationale for applying variable methods of determination is outlined in the table in **Appendix III**.

Residential premises

6.2 Typically, residential premises shall constitute one licensable place and shall require one licence.

6.3 However, residential premises will constitute more than one licensable place if that premise contains separate places within it. A place may be considered to be separate if it:

- has separate legal arrangements
- is physically separate/self-contained and/or
- has separate administrative arrangements

from the remainder of the premises (a combination of these elements shall normally be required).

6.4 Where a residential premises constitutes more than one licensable place, a licence shall be required for the residential premises itself and for each separate place within (assuming a TV receiver is installed and used in the residential premises and in each of the separate places).

Calculating how many licensable places exist within residential premises and how many licences shall be required

6.5 To calculate how many licensable places exist within residential premises and how many licences shall be required; the following steps shall be followed:

- (i) Identify whether there are any places which might be considered as separate from the remainder of the residential premises.
- (ii) For each potentially separate place, apply **Flowchart A** (attached at **Appendix IV**) to determine whether there is a separate licensable place.
- (iii) Calculate the total overall number of licences required for the residential premises by using the following formula:

$$\mathbf{A + B = C}$$

where **A** = **the number of places** which are determined by use of **Flowchart A** to be separately licensable

B = **1** (being the remainder of the premises) **or 0** (if the premises is occupied via a separately tenanted house share arrangement where at least one resident is already in possession of a

licence to cover their room and the remainder of the premises consists solely of communal areas)

C = **the total number of licences** required for the residential premise

Business premises

6.6 Businesses occupying single premises: Typically, a business premises shall constitute one licensable place and shall require one licence.

6.7 However, a business premise will constitute more than one licensable place if it contains separate places within it. A place may be considered to be separate if it:

- has separate legal arrangements
- is physically separate/self-contained and/or
- is used for a clearly distinct purpose

from the remainder of the premises (a combination of these elements shall normally be required).

6.8 Where a business premises constitutes more than one licensable place, a licence shall be required for the business premises itself and for each separate place within (assuming a TV receiver is installed and used in the business premises and in each of the separate places).

6.9 Businesses sites: Where a business entirely occupies a business site, the business site may constitute one licensable place and may require one licence. However where this is the case, its licence shall not cover areas occupied by third party businesses or used for a non-business purpose (e.g. residential accommodation).¹

Calculating how many licensable places exist within a business premises and how many licences shall be required

6.10 Businesses occupying a single premise: To calculate how many licensable places exist within business premises and how many licences shall be required, the following steps shall be followed:

- (i) Identify whether there are any places which might be considered as separate from the remainder of the business premises.
- (ii) For each potentially separate place, apply **Flowchart B1** (attached at **Appendix V**) to determine whether there is a separate licensable place.
- (iii) Calculate the total overall number of licences required for the business premises by using the following formula:

$$\mathbf{A + B = C}$$

¹ To determine the licensable status of these areas, see paragraphs 6.5 and 6.10.

where

A	=	the number of places which are determined by use of Flowchart B to be separately licensable
B	=	1 (being the remainder of the premises)
C	=	the total number of licences required for the business premise

6.11 Business sites: To establish whether the business can be considered to occupy a business site and thus whether it constitutes one licensable place, apply **Flowchart B2** (attached at **Appendix VI**).

Hospital sites

6.12 A hospital shall be one licensable place. However, its licence shall not cover staff accommodation or areas occupied by third party businesses.²

Refuges

6.13 A Refuge shall be one licensable place. This includes communal areas as well as any other area occupied by individuals who use the refuge. It excludes staff accommodation.

[REDACTED]

[REDACTED]

[REDACTED]

² To determine the licensable status of these businesses, see paragraphs 6.6 – 6.11.

Appendix I: Glossary

In all cases, a plain English interpretation is to be preferred and words should be used in their normal sense. It is expected that precedents will be established as decisions are made, which may need to be reflected in these definitions.

Barrier

Something that divides or prevents access to unauthorised people, e.g. a fence or locked door.

Business

Establishments which carry on a business or profession for profit or otherwise (including sole traders). This has a plain English meaning³.

Common boundary

A common boundary should have a common sense interpretation and should not be construed to result in decisions that could be seen to be unusual or illogical. The following factors can be used to assist making determinations:

- Whether the boundary is logical and intuitive;
- Thoroughfares (which must divide the site);
- Whether the property has one or more addresses (multiple addresses is indicative of there being multiple places); and
- Land registry plans or other plans of the property.

Hospital

An institution for the reception and treatment of persons suffering from illness including the reception and treatment of persons during short or long term convalescence or persons requiring medical rehabilitation. The term includes clinics, dispensaries and out-patient departments maintained in connection with any such home or institution and excludes a place where people live on a permanent basis.⁴

Institutional housing

Establishments or institutions which accommodate a number of people in a defined area or building (multiple occupancy) for a specific purpose and which are governed or overseen by a larger umbrella organisation.

Lodger

An individual who rents a room or designated area in a residential premises from a landlord who also resides in the residential premises but does not include a member of the landlord's family such as the landlord's grandparents, children, sibling (including half-siblings) or foster children. (The definition of family in Schedule 4 of the Communications (Television Licensing) Regulations 2004 applies.)

Physical boundary

That which indicates or fixes some limit. In this context, this could include a road, river, public right of way, fence, hedge or other perimeter. It may also include dividing walls, depending on the nature of the case.

³ This definition captures charities, trusts and all other businesses regardless of how they are structured and whether they are incorporated.

⁴ From section 275 of the National Health Service Act 2006.

Refuges

A site for the shelter and protection from harm of persons who are being temporarily rehoused due to domestic abuse, and who are resident for short or medium term periods.

Residential premises

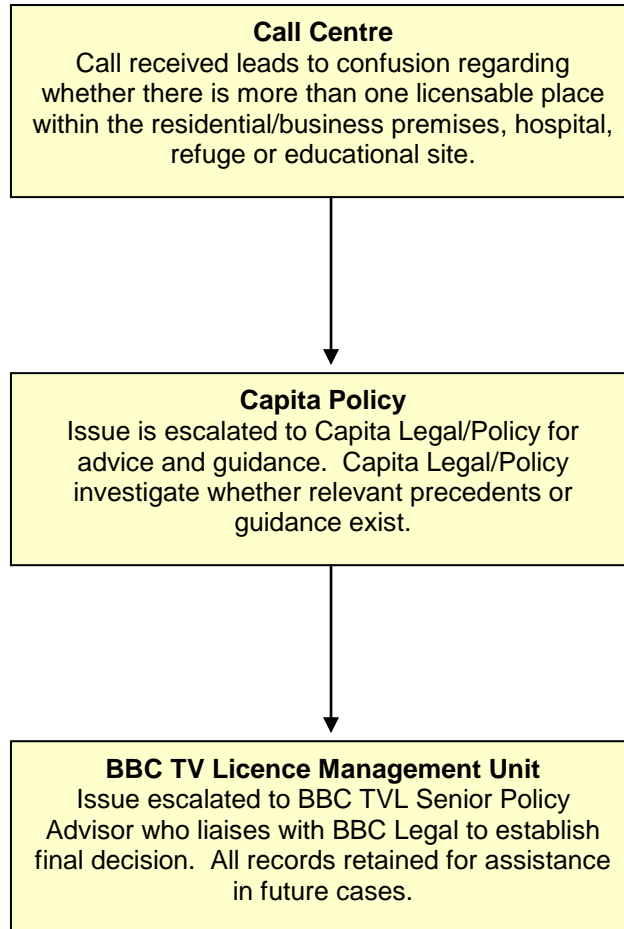
For the purposes of this policy, 'residential premises' shall cover any premises which are used for residential purposes including domestic premises and institutional housing but excluding Hospital sites, Refuges and Educational places (which are provided for separately).

Site

A site applies to non-domestic premises only. See explanatory note (BBC010A) for further explanation of sites.

Appendix II: Escalation procedure

Where there is confusion concerning whether a place is separately licensable, the following escalation procedure shall be commenced.

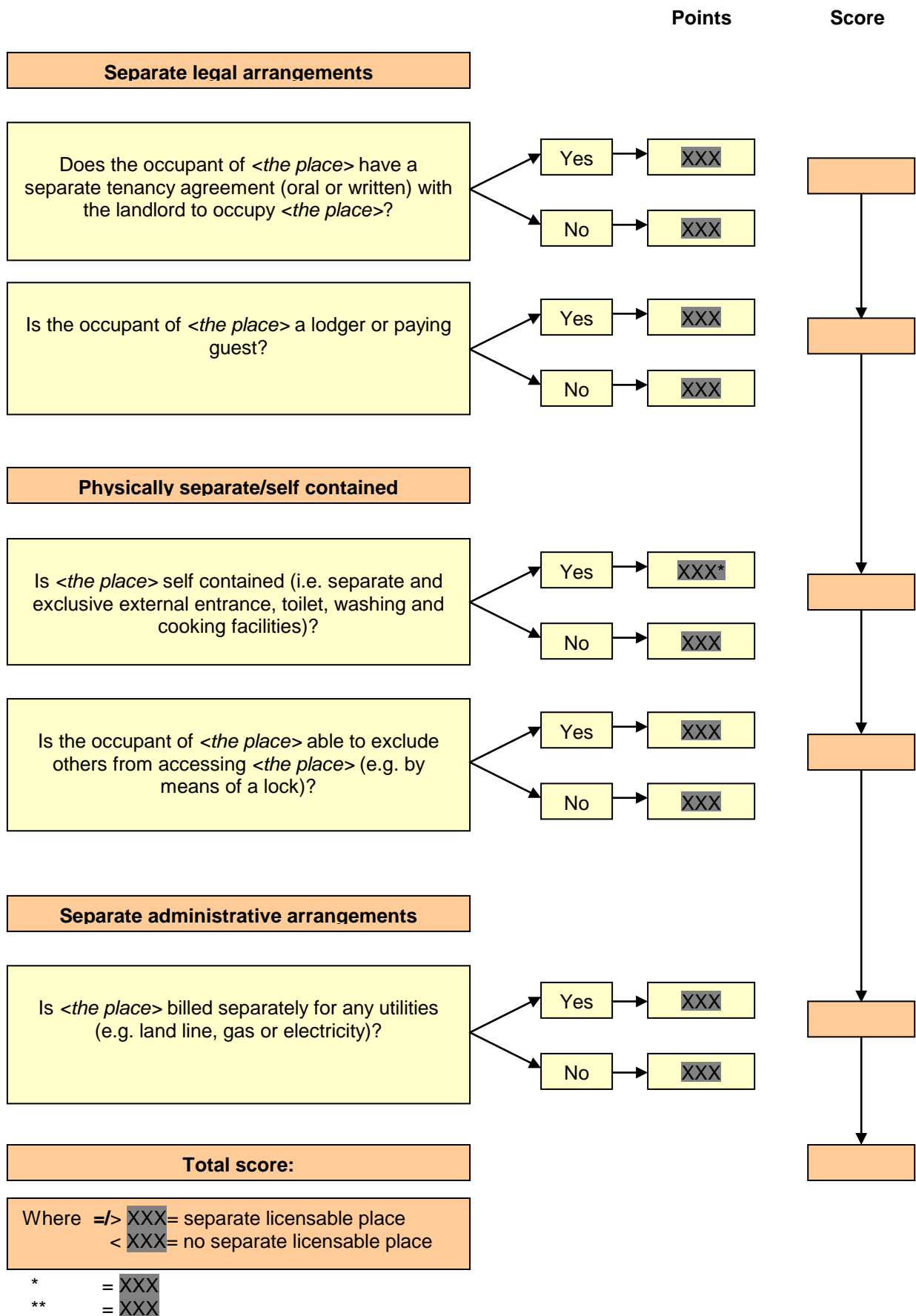


Appendix III: Rationale

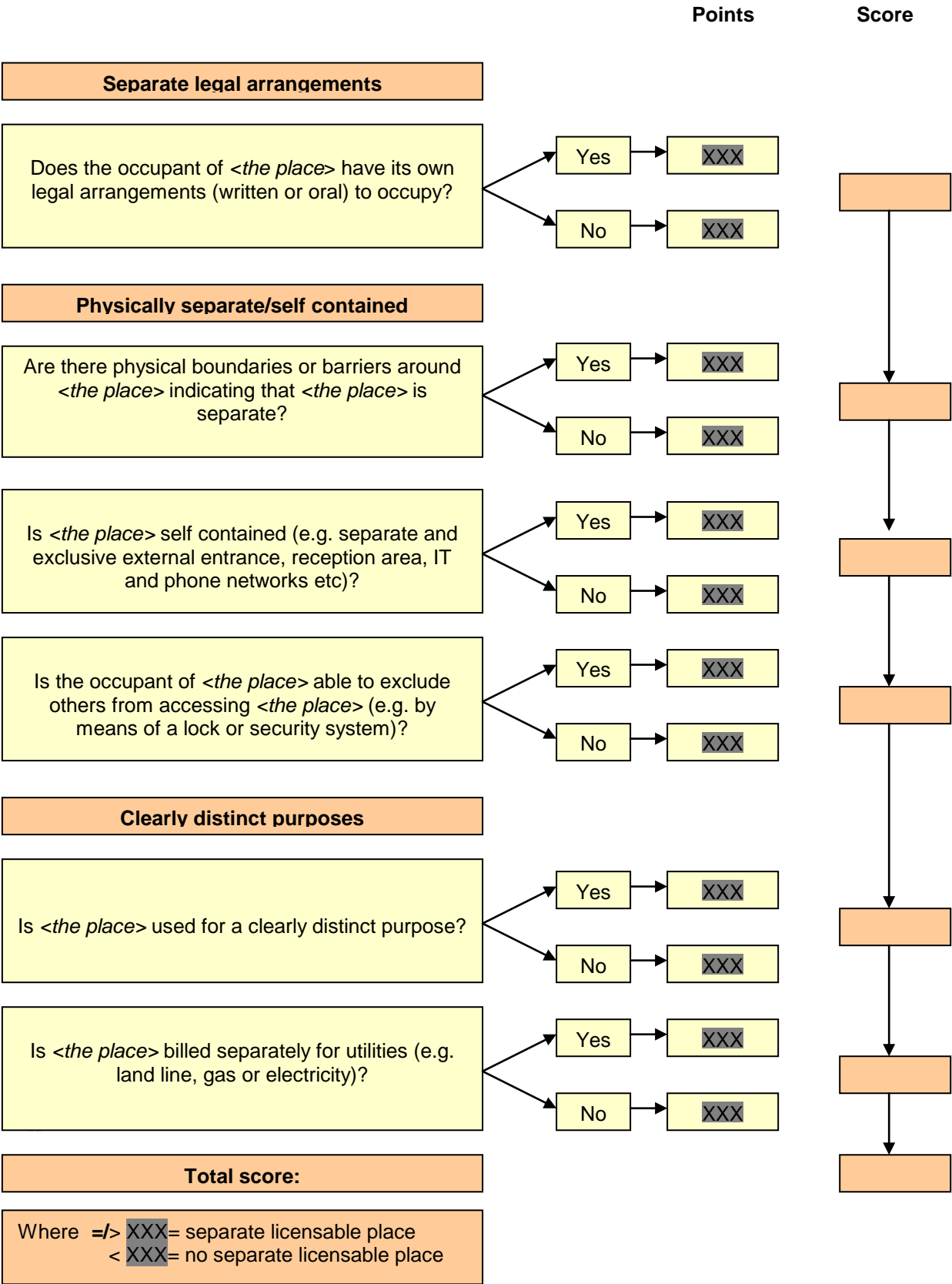
The rationale for applying different methodologies to determine whether a place is licensable and, if so, whether there is more than one licensable place within, is outlined in the table below.

Type of premises	Rationale for different policy rules applying
Residential	Individuals occupy places for the purposes of residency in a wide variety of living arrangements. This can affect whether the place is to be classed as licensable and, if so, how many licensable places are contained within.
Business	<p>The basis on which a premise is occupied for the purposes of running a business is inherently different from the basis on which a premise is occupied for residential or other purposes (since it is occupied for business purposes). The physical nature of a business premise is also often very different from that of a residential or other premise.</p> <p><u>Business sites:</u> In some cases it would be excessive, unfair and against a common sense understanding of the place in question to require separate licences to be required where a business occupies a business site.</p>
Hospitals	Hospitals are frequently occupied by patients for purposes other than residency or business. They also often contain on site one or more third party businesses to improve the running of the hospital and the experience of patients and visitors.
<div style="background-color: black; width: 100%; height: 100%;"></div>	<div style="background-color: black; width: 100%; height: 100%;"></div>
Refuges (for victims of domestic abuse)	Refuges are similar to hospitals which are treated as one licensable place. As with a hospital, individuals are typically resident for short or medium term periods and would otherwise be at risk of harm, but not living at the premises permanently.

Appendix IV: Flowchart A – Residential Premises



Appendix V: Flowchart B1 – Business Premises (Single Premises)



* = XXX

Appendix VI: Flowchart B2 – Business Premises (Site)

