



Department for
Digital, Culture,
Media & Sport

Government response to the consultation on decriminalising TV licence evasion

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Summary

1. Currently, a person who installs or uses a television receiver or watches content on BBC iPlayer without a TV licence is guilty of a criminal offence.
2. On 5 February 2020, the Department for Digital, Culture, Media and Sport published an eight-week consultation seeking views on whether the government should decriminalise TV licence evasion and replace the current criminal sanction with an alternative civil enforcement scheme.
3. The consultation closed on 1 April 2020 after receiving 154,478 responses. There were 42,697 responses which were identified as being from individuals and an additional 111,700 responses which were identified as attached to a campaign from one of three sources: 38 Degrees, the TaxPayers' Alliance and We Own It. Finally, there were 81 responses which were identified as being from organisations or stakeholders (referred to as 'stakeholders' throughout this document).
4. Taken together, the majority of all of the consultation responses which gave an opinion were opposed to decriminalisation. Individual responses which gave an opinion were split - with 17,652 for decriminalisation and 19,199 against. Responses from campaigns were split with 18,869 for and 92,831 against. Finally, among stakeholder responses, 21 were for decriminalisation and 45 against, while 15 offered no overall view. This document summarises the response to the consultation in more detail.
5. Many responses to the consultation also offered views on the BBC in general or on reform of the TV licence model. The consultation clearly set out that the government would not be considering wider changes to the TV licence and therefore information given in these areas may be disregarded; this information has therefore not been taken into account in relation to the government's decision-making. However, the government has set out that it has a clear roadmap for reform of the BBC which will include looking at the way the BBC is funded and the TV licence model. The government has committed to maintain the licence fee funding model for the duration of the current Charter period, until 2027; however, the government has also been clear that it will review the wider TV licence model ahead of the next Charter.
6. After carefully considering the consultation responses provided, the government remains concerned that a criminal sanction for TV licence evasion is increasingly disproportionate and unfair in a modern public service broadcasting system. The consultation responses showed that a significant number of people oppose the criminal sanction, with some highlighting the considerable stress and anxiety it can cause for individuals, including the most vulnerable in society, such as older people.
7. However, as noted in consultation responses, the government also recognises that changing the sanction for TV licence evasion would have wide-ranging impacts for

licence fee payers which need to be carefully considered. The government would want any alternative civil sanction to ensure that the penalty for TV licence evasion is sufficiently robust to underpin the legal requirement to hold a TV licence and such prevent non-payment of the licence fee. This would likely mean higher financial penalties for some. At the same time, the consultation also highlighted potentially significant impacts in terms of both the nature, cost and difficulty of implementing an alternative civil sanction - especially as the current Single Justice Procedure is efficient¹ - and the challenges posed to the ongoing collection of the licence fee. For example, there were concerns around the higher fines under a civil enforcement regime would lead to greater use of bailiffs for vulnerable clients.

8. The government therefore intends to continue assessing the potential impact of an alternative sanction on licence fee payers, particularly the most vulnerable. **On this basis, while no final decision has been taken at this time, the government will keep the issue of decriminalisation under active consideration as part of the wider roadmap of reform of the BBC.**
9. As part of this ongoing consideration of decriminalisation, the government may in future undertake a further, technical consultation on the possible alternative civil sanctions to set out in more detail how alternative schemes could work in practice, including appropriate sanctions and enforcement measures for those who evade the licence requirement.
10. In addition, under the wider roadmap for reform of the BBC, the government has now started negotiations on the cost of the TV licence. The government considers that a future decision on decriminalising TV licence evasion would benefit from a clearer picture on the wider drivers of BBC income in the face of market and other trends. The government will therefore take forward its consideration of decriminalisation also in the broader context of the next Licence Fee Settlement, which will set the level of the Licence Fee for a period of at least five years from 2022.

¹ It is estimated that the majority of Single Justice Procedure cases are listed and completed at the Magistrates' Court on the same day.

The consultation on decriminalisation of TV licence evasion

11. Under the Communications Act 2003, a TV licence is required to install or use a television receiver. Everyone in the UK, the Channel Islands and the Isle of Man, who watches or records television from any provider as it is broadcast, and/or who watches content on BBC iPlayer, whether it is on television sets, computers or other devices, is required to be appropriately licenced.
12. Currently, a person who installs, uses a television receiver or watches content on BBC iPlayer without a TV licence is guilty of a criminal offence. This is known as TV licence evasion. TV licence evasion in and of itself is not an imprisonable offence and will not lead to a criminal record. However, non-payment of the fine imposed for TV licence evasion, following a criminal conviction, could lead to a risk of imprisonment.
13. The current collection and enforcement model was examined in the 2015 '*TV Licence Fee Enforcement Review*', led by David Perry QC ('the Perry Review'). The Perry Review, which was required under section 77 of the Deregulation Act 2015, looked at whether TV licence evasion should be decriminalised and replaced with a non-criminal alternative enforcement scheme. Based on the findings of this review, the current criminal collection and enforcement model was subsequently confirmed in the government's White Paper '*A BBC for the future: a broadcaster of distinction*' (the White Paper) in 2016.²
14. However, the broadcast landscape has changed dramatically since then, including changes to what activities a TV licence is needed for and the people who are required to pay for one, now including people aged over 75 who do not claim Pension Credit, following the BBC's decision in June 2019. The government also remained concerned with the way in which the TV licence was collected, and the threat of a criminal prosecution, and whether it was disproportionate or heavy-handed.
15. Therefore, the government believed that it was right to look again at whether the criminal sanction remains appropriate for TV licence fee evasion.
16. The government launched a [consultation](#) on 5 February 2020 that examined the current collection and enforcement model and the concerns that it raised. It then turned to the potential options for decriminalisation of TV licence evasion and set out high-level proposals for models based on a civil monetary penalty or treating the unpaid licence fee as a civil debt.
17. In the consultation, the government was clear that changing the nature of the offence from criminal to civil would have a wide range of consequences. The consultation set out that a civil offence may be perceived as more proportionate for TV licence evasion and could be a fairer way of holding evaders to account. The consultation also noted that changing the enforcement model may have an impact on TV licence

² [A BBC for the future: a broadcaster of distinction](#), May 2016

evasion rates and on the BBC's overall income; changes would also mean individuals who evade the requirement to hold a TV licence would face a different enforcement approach from TV Licensing and could face higher costs than under the current system.

18. The consultation asked respondents the following questions:
- Should TV licence evasion (the use or installation of a television receiver without a TV licence) no longer be a criminal offence? Why do you consider that TV licence evasion should no longer be a criminal offence?
 - If, alternatively, you consider that TV licence evasion should remain a criminal offence, why is this the case?
 - If you have a view, what alternative enforcement scheme models do you consider to be most appropriate? Why?
 - What steps could the government take to mitigate any impacts that may result from decriminalisation of TV licence evasion?
 - Please provide any evidence you consider appropriate in answering these questions and any other information that you believe the government should consider, especially where there is an impact on those with protected characteristics or the most vulnerable.
19. The consultation also set out the criteria the government would use to determine whether to decriminalise TV licence evasion which included:
- whether an alternative, non-criminal enforcement scheme is fairer and more proportionate;
 - the cost and difficulty to implement any alternative scheme;
 - the potential impact on licence fee payers, particularly the most vulnerable and those with protected characteristics; and
 - the overall impact on licence fee collection.
20. The consultation asked respondents for further evidence on any areas they felt that the government should consider. In particular, the government wanted to understand how any changes might impact upon those with protected characteristics and how such impacts might be mitigated. The consultation also noted that further work would be required to understand how any changes could be applied across the different legal jurisdictions in the UK and the Crown Dependencies.
21. Throughout, the government was clear that the consultation was not considering any other changes to the TV licence model. The government has committed to maintaining the current TV licence model for the rest of the current Royal Charter ('the Charter') period, which will end on 31 December 2027. However, the consultation did note that the government was considering whether the Simple Payment Plan could be extended further to increase flexibility and convenience for all licence-fee payers.

Consultation responses

22. This section looks at the responses received from the consultation on decriminalisation of TV licence evasion between 5 February and 1 April 2020. It sets out the number of responses received and those that have been discounted before exploring the responses in question order.

The number of responses we received and how we handled them

23. Overall, the consultation received 154,478 responses to the consultation which were categorised based on whether they were identified as part of a campaign and whether they were from an organisation:
- There were 42,697 responses which were identified as being from individuals.
 - There were 111,700 responses which were identified as attached to a campaign from one of three sources: 38 degrees, the TaxPayers' Alliance and We Own It.
 - There were 81 responses which were identified as being from organisations or stakeholders³ (referred to as 'stakeholders' throughout this document). A list of stakeholder responses is set out in Annex A.
24. Responses were received through the online survey, by email and by post. Each response has been analysed and sorted according to which questions they answered,⁴ although not every response to the consultation answered every question.
25. For ease of understanding, we have considered all of the responses and summarised them in line with the questions set out in the consultation. It should be noted that where 'individual' responses are referred to below, this captures the online survey, email and post responses that were not from an organisation or identified as part of a campaign.

What the responses said

Should TV licence evasion (the use or installation of a television receiver without a TV licence) no longer be a criminal offence?

26. The first question in the consultation asked respondents whether they thought that TV licence evasion should no longer be a criminal offence. Respondents using the online survey were invited to use checkboxes to respond; we have judged other

³ Several other responses indicated they were submitted on behalf of organisations but we were not able to verify whether these were genuine organisational views or the views of an individual employed by the organisation. However, all responses, regardless of type, have been recorded, considered and analysed.

⁴ To analyse the information, each response was coded using thematic analysis techniques. This enables large volumes of qualitative data to be summarised. The methodology and application was quality assured.

forms of response (email and post) based on their content and viewpoints given.

27. Of the 42,697 individual responses to this question, 5,846 were either neutral or did not answer the question. Of the 36,851 which gave an opinion on whether to decriminalise licence fee evasion, 17,652 were in favour of decriminalisation, whilst 19,199 were opposed.
28. Overall we received 111,700 responses which we identified as attached to a campaign. 92,831 campaign responses were opposed to decriminalisation of the licence fee.
29. Of the 81 stakeholder responses we identified, the majority were opposed to decriminalisation including the BBC and other broadcasters, trade unions, those involved in TV production and other bodies. However, a smaller number were in favour of decriminalisation, including some charities and some organisations representing the views of legal and judicial officials. Finally, some organisations did not state a clear preference.

Why do you consider that TV licence evasion should no longer be a criminal offence?

30. The consultation asked those who think that TV licence evasion should no longer be a criminal offence to explain why they felt this way.⁵
31. The most common answer provided in response to this question by individuals was that the BBC should be switched to a subscription-based model. Of these answers, a minority felt the current TV licence model was outdated while a small proportion thought an alternative funding model would be more effective. Some stakeholders, including religious groups, and campaign responses also made this point and argued for changes to the TV licence model. The government sets out its response to discussion about the TV licence model below.
32. Some stakeholders and campaign responses, including charities and bodies involved in other areas of civil enforcement, also said that the criminal offence was too severe or disproportionate. This was the next most popular reason given in supporting decriminalisation among individuals. Of the individual responses who said this, a significant minority believed this was due to concerns about receiving a criminal record and/or the resulting impacts on jobs prospects and travel.⁶ A smaller minority believed that the potential result of imprisonment itself was too severe, and a similar number believed that the measure caused fear or impacted mental health. A very small number of respondents indicated this was due to a financial impact from

⁵ In the online survey, this question was only answered by respondents who said they were in favour of decriminalisation in the first checkbox question. This meant there were 15,523 individual respondents answering the question via the online survey, and 1,404 non-campaign email responses.

⁶ It is worth being clear that TV licence evasion is not an imprisonable offence and it will not lead to a criminal record; as such, the government has treated these responses which suggested otherwise with appropriate caution when analysing the responses and reaching its decision.

criminal punishment or fines.

33. A minority of individual respondents indicated that the licence fee was out of line with other debt payments which seem similar, such as money owed on utility bills or parking fines.
34. Although a later question focuses on licence fee payers specifically, some responses noted here that the criminal offence has a negative impact on particular and/or vulnerable individuals. For example, a small number of individual responses pointed to older people in this context. Among charities and advocacy groups, women, those with disabilities and those suffering domestic abuse were also identified as groups perceived as being disproportionately affected.
35. Finally, a small minority of individual respondents, and a very small number of stakeholders, indicated that imposing the criminal sanction has a negative impact on courts or the justice system. Fewer respondents said that little to no harm is caused by evasion or that there is no victim. A very small minority of respondents believed that licence fee evasion was not on level with the severity of other criminal offences. A similar number of respondents thought that criminal punishment was an ineffective solution to the problem (for example, having low deterrence).
36. Although its response was opposed to decriminalisation, the BBC response included a nationally representative survey it commissioned from Populus which indicated that when adults in the UK first consider decriminalisation 41% feel that a criminal sanction for TV licence evasion should end as it is unfair and out of proportion with not paying for a TV licence. When people were then asked to consider the potential impact on evasion, 27% said they favoured ending the criminal sanction in principle even if it means an increase in evasion.⁷

If, alternatively, you consider that TV licence evasion should remain a criminal offence, why is this the case?

37. The consultation asked those who think that TV licence evasion should remain a criminal offence to explain why they felt this way.⁸
38. A very common theme among responses, including from a wide range of stakeholders including broadcasters, some trade unions and production bodies, campaigns and the majority of individual responses, was the potential negative financial impact on the BBC. Not all responses specified whether the negative impact would be through increased evasion or direct costs to the BBC in enforcement and collection. The BBC's response indicated that the estimated increase in evasion plus

⁷ [BBC response to the Government's consultation on decriminalising TV licence evasion](#), 31 March 2020, paragraphs 37 and 38.

⁸ In the online survey, this question was only answered by respondents who said they were opposed to decriminalisation in the first checkbox question. This means we received 17,323 individual respondents answering the question via the online survey and 1,404 non-campaign email responses.

the costs of a new system would be significant, with an initial cost of around £300 million.

39. Of the individual responses to raise this theme, a slight majority identified a potential negative impact on the BBC's public service broadcasting functions. A minority of these respondents said that there could be a negative impact on British culture, whilst a smaller minority believed there would be a negative impact on high-quality content. Fewer respondents identified negative consequences of the BBC having to commercialise or privatise, whilst a very small minority identified an impact on the UK production sector. Some stakeholders also raised the impact of changes on other broadcasters, such as S4C, and the wider creative economy.
40. Some responses also focused on attitudes towards criminal sanctions and behaviours. For example, some individual responses said that the deterrent of criminal punishment prevents non-payment of the licence fee, whilst some others indicated that licence fee evasion is worthy of criminal punishment in and of itself. A small minority of individual respondents thought that non-criminal enforcement, such as civil enforcement, was not appropriate. A very small minority of respondents indicated that they were opposed to decriminalisation because they consider the offence of TV licence evasion is similar to other criminal offences, such as stealing. Fewer respondents argued that there was either a low impact on courts and the justice system currently, or that alternatives would be worse. These themes were also explored in the BBC's response, which mentioned that behavioural research indicated that 56% of people say the criminal system is the most likely system to make other people pay.
41. Some stakeholders also raised that decriminalisation was likely to have a disproportionate impact on certain vulnerable groups, including older people or those who are less well-off. A small number of individual respondents said that currently there is either little impact on particular and/or vulnerable groups, or that the impact would be worse under alternatives. Of these respondents, some thought that it would impact the less well-off in particular. Fewer respondents indicated this was due to an impact on the older population, women or those with disabilities. The BBC said that a civil system could be worse for the most vulnerable due to the potential for reduced court discretion, higher fines and more intrusive enforcement practices including the use of bailiffs and impact on credit ratings.
42. Finally, the BBC's response set out that it believes that the current system is fair, proportionate and effective for licence fee payers. It believes that a civil monetary penalty model is likely to be less fair, more expensive and have a significant impact on the BBC's revenues, while a civil debt model is not a viable alternative. It also noted that moving to a civil system may have an impact on the taxpayer, saying that the Perry Review estimated this at a net cost of £28m.

If you have a view, what alternative enforcement scheme models do you consider to be most appropriate? Why?

43. The consultation document set out two examples for an alternative civil enforcement scheme: a civil monetary penalty or treatment of the unpaid licence fee as a civil debt. We then asked respondents to say what alternative enforcement scheme they could consider to be most appropriate, if they had a view.⁹
44. Overall, only a small proportion of all responses set out a view on what alternative civil enforcement schemes they considered to be most appropriate. Among individuals, a small proportion showed a preference for a general civil alternative without specifying any further detail. A smaller proportion of individuals (and some campaign responses) showed a preference for a civil debt and/or using examples such as council tax as a model. Even fewer respondents showed a preference for a civil monetary penalty or the examples such as parking infractions as a model.
45. Among stakeholders who expressed a preference for a specific civil enforcement alternative, there was a fairly balanced split between support for civil monetary penalty and the civil debt models. Other stakeholders indicated a general preference for a civil system, but without specifying any further detail.
46. The second part of the question asked respondents to explain the reason for their preference. Of the individual respondents who indicated a preference for civil enforcement methods, a small minority said that it would enable better enforcement, whilst a similar amount indicated that the alternatives would be fairer and/or more proportionate. Fewer indicated that the alternatives would enable more licence fee revenue to be raised. Similar themes were raised by stakeholders including bodies involved in other areas of civil enforcement, who noted that civil enforcement can produce better compliance and improve collection over the existing model.
47. However, a larger proportion of individual responses, and some campaign responses, indicated a preference for alternatives other than civil methods. For example, a minority suggested that a subscription or paywall system would be preferable. Fewer respondents indicated that no punishment at all would be a better alternative. A very small minority of respondents said that an alternative enforcement scheme should be more cost-effective or raise more money. Fewer of these respondents indicated that an alternative should have better means of enforcement, or that it should be means-tested and/or proportionate.

What steps could the government take to mitigate any impacts that may result from decriminalisation of TV licence evasion?

48. The consultation recognised that any change to the enforcement model would have impacts on all licence fee payers, the BBC and the level of evasion within the

⁹ 24,888 individual respondents answered this question via the online survey and we received 1,404 non-campaign email responses.

collection model. We asked respondents to set out any actions they considered could have a mitigating effect as part of any change.¹⁰

49. The main themes raised in this question focused on mitigating the impact on the BBC, rather than on the licence fee payer, those with particular protected characteristics or the court system. For example, many responses, including those from campaign responses and a small number of stakeholders, said further government support could mitigate the cost impact on the BBC. The most common individual responses were suggestions that the government could increase or maintain licence fee funding through government support or tax. Of the respondents who indicated this, some suggested the government could pay for over 75 licences, whilst fewer suggested paying for other groups, such as those on lower incomes and/or some forms of means testing. Very few individual responses explicitly indicated that an impact on other groups needed to be mitigated such as the over 75s or vulnerable groups, the courts or justice system and the government, but this was a more common theme among stakeholders.
50. Likewise, other respondents indicated several means of increasing or maintaining licence fee revenue. One recurring theme among individual responses was improvements to collection and enforcement: for example, a small minority of respondents thought this could be done through fines, such as through a civil enforcement system, and slightly fewer respondents thought this could be achieved through technological means to prevent evasion. A small proportion of respondents indicated a preference for commercialisation, indicating funding could be sought through subscriptions, adverts or pay-per-view. A smaller minority of respondents thought that the BBC should reduce their costs or budget (either wages, general efficiency or programming and production costs).
51. The BBC's response set out that it could not see how the impact of a civil enforcement scheme - including the potential impact on credit ratings - could be mitigated while delivering an effective sanction scheme at the same time.
52. The government set out in the consultation that it would consider extending the Simple Payment Plan further to increase flexibility and convenience for all licence-fee payers following its introduction on an ongoing basis for eligible groups.¹¹ Only a small number of stakeholders mentioned TV licence payment methods including the Simple Payment Plan as a way of mitigating impacts on individual licence fee payers.

Please provide any evidence you consider appropriate in answering these questions and any other information that you believe the government should consider, especially where there is an impact on those with protected characteristics or the most vulnerable.

¹⁰ 28,197 individual respondents answered the question via the online survey and we received 1,404 non-campaign email responses.

¹¹ The BBC delayed the introduction of the Simple Payment Plan until 13 July 2020 due to the coronavirus situation.

53. Finally, we gave those responding within the question format the opportunity to provide evidence outside of the questions raised above.¹²
54. Many of the responses to this question raised similar themes to those explored above without adding any additional evidence. However, some responses to this question referenced the impact on the BBC specifically.
55. In line with the views set out in other questions, and in common with a range of stakeholder responses, a significant minority of responses made reference to the impact of decriminalisation on particular or vulnerable individuals and groups. Of the respondents who indicated this, a considerable proportion made reference to the impact on the older population. Some respondents made reference to the impact on the economically disadvantaged. A small minority of respondents indicated an impact on those with disabilities in this section, whilst very few made reference to other protected characteristics such as gender, gender reassignment, race, religion/belief and sexual orientation.
56. A small minority of respondents referenced an impact on other stakeholders, including the government, the courts/justice system and wider society. Very few respondents referenced the impact of alternative enforcement mechanisms, such as the civil enforcement alternatives, though we received a small number of stakeholder responses from legal and judicial bodies which discussed the need to take account of different legal jurisdictions.
57. In its response, the BBC set out areas where it considered there is potential for reform within the current system. These ideas included better targeting of evasion activity; a future extension of the Simple Payment Plan (which is discussed above); and, considering a change to the way in which the TV licence is collected.
58. A very small minority of respondents provided sources of evidence in this section. When looking at these evidence sources, general website links and the 2015 Perry Review were the most referenced. In very few circumstances, there were also social media, newspaper, academic research and government sources of information.

Other factors that respondents mentioned

59. The consultation set out that the government would not be considering wider changes to the TV licence and therefore information given in these areas may be disregarded.
60. Despite this, we received a significant number of responses from individuals and stakeholders which covered areas outside of the scope of the consultation. This

¹² We received 17,570 individual respondents answering the question via the online survey and 1,404 non-campaign email responses.

included responses which offered views on: the value and worth of the BBC in general; views on the funding of the BBC; the BBC's perceived bias; and the wider licence fee model. These responses have not been taken into consideration as part of this government response.

61. Some responses received through campaigns also included additional information on other topics, including the value of the BBC, alternative funding models and the government's intentions towards the BBC and the licence fee. In addition, some campaign responses included answers to other questions not included in the consultation. These elements of the responses have not been taken into consideration as part of this government response.

Campaign responses

62. A large proportion of the responses received were submitted in conjunction with one of three campaigns offered by 38Degrees, the TaxPayers' Alliance and WeOwnIt. These campaigns offered respondents a range of questions and options which we have summarised below.

38 Degrees

63. The 38Degrees campaign generated 106,284 responses. Respondents were first given information on the cost of decriminalisation to the BBC and the cost of the licence fee and then asked for their view on whether evasion should be decriminalised. Respondents were asked which of the following two statements best represented their views:
- *I don't support the decriminalisation of the licence fee as it would leave the BBC worse off by £200m a year.*
 - *I support decriminalising the licence fee, even if it means the BBC ends up having to cut services and programmes because of lack of funding.*
64. Based on these options, 89,054 people did not support decriminalisation, whilst 17,230 supported decriminalisation.

The TaxPayers' Alliance

65. The TaxPayers' Alliance campaign generated 1,639 responses. In responding to this campaign, individuals were asked which issues relating to the decriminalisation they cared about. These choices populated a response with a set answer for each of the questions set out in the government consultation:
- *1,598 responses used the set answer for why non-payment of the licence fee should no longer be a criminal offence;*
 - *862 responses used the set answer for what alternative enforcement scheme would be preferable and why;*
 - *1,365 responses used the set answer for suggestions on what the government could do to mitigate any impact of decriminalisation; and*

- *1,128 responses used the set answer for any other information that the government should consider.*

66. The full set of answers was also made available as a complete response by the TaxPayers' Alliance.

WeOwnIt

67. The WeOwnIt campaign 'Don't destroy our BBC' generated 3,777 responses. The campaign set out its views on the legitimacy of the consultation and the importance of the BBC. Respondents were then offered a pre-populated response opposing decriminalisation to which they could add their personal details and any other details they considered important.

The government response and next steps

68. This section details the government's response to the consultation on decriminalisation of TV licence evasion and sets out the next steps.
69. In deciding whether to decriminalise TV licence evasion and considering how this could happen, the consultation document stated that the Government's objectives and determining factors will include:
- whether an alternative, non-criminal enforcement scheme is fairer and more proportionate;
 - the cost and difficulty to implement any alternative scheme;
 - the potential impact on licence fee payers, particularly the most vulnerable and those with protected characteristics; and
 - the overall impact on licence fee collection.
70. After considering the consultation responses, the government remains concerned that criminal prosecution is, as a matter of principle, an unfair and disproportionate approach to enforcement of TV licence evasion in a modern public service broadcasting system.
71. Some responses to the consultation also raised concerns that the criminal sanction is seen as particularly disproportionate for some social groups. This is more strongly noted for those with particular protected characteristics and the most vulnerable, recognising the additional stress and anxiety it can cause. For example, people aged 75 and over now eligible to pay for a TV licence - following the BBC's decision of 10 June 2019 to limit eligibility for free licences - may now face worry and stress about the threat of a criminal prosecution.
72. However, in line with the consultation responses, the government also recognises that changing the sanction for TV licence evasion could have wide-ranging impacts for licence fee payers, both positive and negative, and significant impacts on the BBC in terms of both implementing a new enforcement scheme and the ongoing collection of the licence fee.
73. The government believes strongly that any alternative civil sanction should ensure that the penalty for TV licence evasion is sufficiently robust to underpin the legal requirement to hold a TV licence and prevent non-payment of the licence fee. Before reaching a final decision on the way forward, further assessment is required on the detail of effective civil enforcement schemes that balance that requirement with the potential impacts on licence fee payers: for example, on the appropriate level of a civil fine, which would be likely to be higher than at present, and on the processes involved with enforcing any civil debt or penalty.
74. Appropriate enforcement measures must be available to handle those who evade this requirement so that licence fee payers are not disadvantaged and the system

does not have a disproportionate impact on the law-abiding majority. However, as demonstrated in the consultation responses, any sanction and enforcement measures must be appropriately balanced against the needs of the most vulnerable, who could be unfairly disadvantaged under an alternative sanction. In particular, the government notes concerns about the possible impact of higher financial penalties on vulnerable clients, including as a result of potential greater use of privately-employed bailiffs who charge fees to those they enforce against, which would need to be considered carefully.

75. The government also recognises the potential overall effect of moving to an alternative civil scheme might have on licence fee collection and the impact this could have on BBC income and its services for all licence fee payers if evasion increased, as highlighted by a number of consultation responses.
76. Against this background, the government therefore intends to continue assessing these potential impacts of an alternative sanction on licence fee payers. **On this basis, while no final decision has been taken at this time, the government will keep the issue of decriminalisation under active consideration as part of the roadmap of reform of the BBC discussed below.**
77. To help reach a final decision on whether to decriminalise TV licence evasion, the government will therefore continue to explore options on how an effective replacement civil sanction for TV licence evasion could be implemented. This includes evaluating the likely costs that setting up and administering a new civil scheme would have for the government and the court system.
78. The government may undertake a further technical consultation on the possible alternative civil sanctions. This consultation, for example, could set out in more detail how alternative schemes could work in practice, including appropriate sanctions and enforcement measures for those who evade the licence requirement.
79. The government has a wider roadmap for reform of the BBC which will continue to inform the considerations on decriminalisation. This began earlier this year with the beginning of negotiations to agree the cost of the TV licence from 2022 onwards in line with the requirements of the Royal Charter.¹³
80. In particular, a future decision on decriminalising TV licence evasion would benefit from the clearer picture on the wider drivers of BBC income in the future - including market, demographic and consumer trends. The government will therefore take forward its consideration of decriminalisation and other possible reforms to the licence fee system in the broader context of this next Licence Fee Settlement.
81. Another step of the roadmap is to consider the wider licence fee model itself. Although the government has committed to maintain the licence fee funding model

¹³ [Negotiations on the future cost of the TV licence kick off](#), gov.uk, 10 November 2020.

for the duration of the current Charter period until 2027, the government has been clear that it will review the wider TV licence model ahead of the next Charter. This is because the government is committed to ensuring that the BBC and the public service broadcasting system adapts to a fast changing market, and remains at the heart of our world class TV sector.

Annex A: list of stakeholders who responses to the consultation

Many responses to the consultation indicated they were submitted on behalf of organisations. In some cases, we were not able to verify whether these were genuine organisational views or the views of an individual employed by the organisation. However, all responses, regardless of type, have been recorded, considered and analysed.

There were therefore 81 responses which were identified as being from organisations or stakeholders and are presented below.

Advisory Committee for Scotland to Ofcom	Ivors Academy of Music Creators	Scottish Labour
AgeUK	The Judith Trust	Solihull Ratepayers Association
All3Media	Justices' Clerks' Society	St John's Church, Waterloo
APPEAL	King's College London (Prof Jeanette Steemers)	Stone Constituency Labour Party
Arts Council England	Later Life Ambition	Teledwyr Annibynnol Cymru
AudioUK	Law Society of Scotland	The Office of Sharon Hodgson (MP for Washington and Sunderland West and Shadow Minister for Health)
BBC	Licencefree.co.uk	The Othona Community, West Dorset
Bectu	Magistrates Association	The Writers Guild of Great Britain
Bible Theology Ministries	Marston Holdings	Thrive Women's Aid
Blackburn and District Trade Unions Council	Media Reform Coalition	Together Women
British Film Institute	Mersey Film	Traffic Penalty Tribunal
Cardiff University School of Journalism, Media and Culture	MG Alba	Transform Justice
Children's Media Foundation	Money Advice Trust	TUC Yorkshire & the Humber Executive and
Christian People's Alliance	National Pensioners Convention	Tunbridge Wells Bicycle Users' Group
Christians Against Poverty	National Union of Journalists	Unite the Union
Civil Enforcement Association	Nine Lives Media	Emeritus Professor Paul Luna (University of Reading)
Coventry Independent Advice Service	Pact	Professor Jonathan Bradshaw (University of York)

Department for Digital, Culture, Media and Sport

Creative and Leisure Industries Committee	Portobello Radio	Visioning Lab Ltd
Creative Scotland	Prison Reform Trust	Voice of the Listener and Viewer
Curry Jacks	Professor Steven Barnett, (Professor of Communications, University of Westminster)	Wavelength
Directors UK	Public Media Alliance	We Own It
Endemol Shine Ltd	Richard Collins (Former professor, University of London)	Welsh Government
Ending Loneliness CIC	RNIB	Welsh Language Commissioner
Equity	S4C	West London Bench
Family and Community Network	Sandford St Martin Trust	Wire Free Productions Ltd
Ffilm Cymru Wales	Scottish Courts and Tribunal Services	Women In Prison
Incorporated Society of Musicians	Scottish Government	Woodside Academy