

- **Should TV licence evasion (the use or installation of a television receiver without a TV licence) no longer be a criminal offence?**
- **If, alternatively, you consider that TV licence evasion should remain a criminal offence, why is this the case?**

About The Ivors Academy

The Ivors Academy is a trade body whose thousands of members write music of all genres. Its membership draws from some of the country's foremost writers and composers and many more: from every possible stage of career. We exist to support, protect and celebrate professional music creators in the UK. The Ivors Academy is the trading name of the British Academy of Songwriters, Composers and Authors.

Recent findings have shown that music creators alone contribute £2.5 billion in GVA to the UK economy - almost half of the industry's total £5.2 billion contribution.¹

Summary

The Ivors Academy submits that TV licence evasion should remain a criminal offence, as (1) this is overall preferable to alternative enforcement models, and (2) the switch to a different model would be detrimental to the musical community.

1. Case for maintaining the existing model

The Perry Review,² which we endorse, concluded that the current system is the most appropriate, both in fairness and efficiency. As it stands, very few people get a criminal record from repeated refusal to pay the licence fee, and fewer still go to prison for it. Unlike other broadcasters who can disconnect non-payers, the BBC cannot *turn off* access to disincentivise evasion. It is therefore clear that the threat of a criminal record serves chiefly as a deterrent. Further, as explained in the background information provided herein, the current enforcement regime provides safeguards to mitigate the impact of fines and prosecution on the most vulnerable, which may not be available under a civil enforcement regime.

The minimal danger of a criminal record is preferable to the severe long-term consequences which the evader would be subject to under a civil system, where civil fines would be applied more often and would affect the credit ratings of offenders. The switch also comes at a cost for the taxpayer, which is estimated at around £25 million in lost revenue, on top of the likely substantial administrative costs of instituting new court systems and processes. Importantly, at this time, Government efforts should focus on sustaining the country through the impact of the Covid-19 pandemic, the effects of which will likely be protracted. At present, many music creators are grappling with trying to access Government support, and many others have unfortunately slipped through the cracks of the offering. And in the long term, after the immediate crisis has passed, public resources should be directed towards economic recovery. Undergoing the burdensome

¹ UK Music, "Music by Numbers", 2019

https://www.ukmusic.org/assets/general/Music_By_Numbers_2019_Report.pdf

² David Perry QC, "TV License Fee Enforcement Review", July 2015

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/445212/166926_Perry_Review_Text-L-PB.pdf

process of switching to a civil enforcement regime for the TV licence fee is not what the country needs nor will need, and much less its music creators.

2. The BBC and music

Not only does a change not appear advisable from the individual standpoint of the licence fee payer or from the perspective of the administrative burden it would entail, but the BBC itself stands to lose £200m a year in funding from said move. This would have a detrimental impact on the ability of the BBC to carry out its services, including offering the top-quality content that 91% of the population enjoy every week.

From the perspective of music creators, the existence of a public service provider is important for a number of reasons. The BBC has always commissioned, produced, performed, broadcast, and developed the most diverse and innovative music. The reputation of the UK music industry would be much diminished if the BBC had not existed with the opportunities it has always provided to emerging and established composers and songwriters. The BBC is the number one commissioner of music, and for many it provides their first steps on the world stage. 75% of music played on the BBC is not played on commercial channels, making the BBC essential in catering for the tastes and education not served by the commercial sector.

The Ivors Academy urges Government to consider the immense cultural and economic value of the BBC as a public broadcaster, and to abandon the decriminalisation of the TV licence fee. Only with the BBC being held to standards of public interest and well-funded, can much of the UK's cultural capital continue to flourish and permeate the economy as a whole.