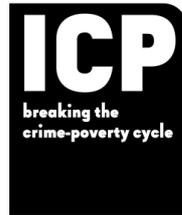




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Public Law Project

29 March 2022

Secretary of State for Digital, Culture, Media and Sport, Nadine Dorries MP
By email only: nadine.dorries.mp@parliament.uk

Dear Secretary of State,

Suspension of TV Licensing prosecutions

Your department recently warned the BBC that it must refrain from pursuing enforcement action against people who are over 75 for the non-payment of the licence fee. We, an alliance of lawyers, academics and campaigners, are writing to you following those discussions.

Rightly, your ministers are sensitive to the fact that it is wrong to put older adults, some of whom may be vulnerable, through the stress and anxiety of criminal prosecution for a low-level offence such as this, particularly at a time when the country is facing an unprecedented rise in household costs. Indeed, research by Age UK shows that nearly a third of over 75s are living in poverty or just above the poverty line¹.

We agree with this position and urge you to apply the same level of concern to the many thousands of other low-income or otherwise vulnerable people currently being prosecuted for the non-payment of the fee. It is inconsistent to continue to allow the prosecution of people who are as vulnerable as older adults.

We therefore recommend you suspend all enforcement action by TV Licencing pending the outcome of the BBC's Gender Disparity Review which is set to be finalised this year.

As you are aware, there is a stark gender disparity in the way that this offence is prosecuted. In 2020, 75% of prosecutions by TV Licencing were against women, despite only accounting for around 50% of licence fee holders.² Astonishingly, it is also the most common offence for which women are convicted, accounting for 30% of all convictions against women in 2019.³

Law practice and charity APPEAL has represented *pro bono* a number of women being prosecuted for this offence. One such woman, Ana, recently told a Times journalist what it felt like: "I was so scared. I felt completely helpless. I was a single mum, in the pandemic, living by myself with a baby.

¹ <https://www.ageuk.org.uk/lincolnsouthlincolnshire/get-involved/switched-off-campaign/>

² Ministry of Justice, *Crime outcomes in England and Wales 2020 to 2021*, <https://www.gov.uk/government/statistics/crime-outcomes-in-england-and-wales-2020-to-2021>. For the proportion of licence fee holders, see the BBC's 2017 Gender Disparity Report, <https://www.tvlicensing.co.uk/about/gender-disparity-AB23>

³ Ministry of Justice, *Statistics on Women and the Criminal Justice System 2019*, https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/938360/statistics-on-women-and-the-criminal-justice-system-2019.pdf

I made tiny mistakes but I tried to correct them and I co-operated from the beginning.⁴ Following the threat of judicial review by Ana, the BBC committed to undertaking a fresh investigation into the causes of the gender disparity this year.

It is telling that in all the cases they worked on, APPEAL has successfully demonstrated to TV Licensing that it is not in the public interest to proceed with the prosecution. Some of these women were lone parents, some were on benefits and others had severe mental and physical health issues which affected their ability to engage with the prosecution process. Yet, in spite of its own policy on vulnerable customers, the body continues to pursue unworthy cases against vulnerable women.

Furthermore, these cases are clogging up the courts. The latest statistics show the current backlog in the magistrates' courts at 350,000. Approximately one in 12 of those cases are prosecutions for the non-payment of the fee⁵. By suspending prosecutions, the backlog would therefore ease-off considerably.

Penalising the most vulnerable in society - pensioners, those on the poverty line, working class families and lone mothers should never be on the government's agenda. The only fair way to stop this from happening is to suspend prosecutions until more is known about why the vulnerable are disproportionately impacted.

Although we believe the offence should be de-criminalised altogether, it is particularly important to suspend enforcement actions while the discriminatory nature of the prosecutions remains unresolved. That is why we urge you to extend your concern for older adults to all adults and suspend prosecutions until the BBC has finalised its review.

We look forward to your response.

Your sincerely,

Naima Sakande, Deputy Director, APPEAL
Deborah Coles, Executive Director, INQUEST
Dennis Reed, Director, Silver Voices
Dr Karen Nokes, UCL Faculty of Laws, University College London
Dr Michelle Addinson, University of Durham
Dr. Rona Epstein, Founding Member, Is It A Crime To Be Poor?
Harriet Wistrich, Director, Centre for Women's Justice
Jo Hickman, Director, Public Law Project
Kate Paradine, Chief Executive, Women in Prison
Martine Lignon, Chair, Prisoners' Advice Service
Natasha Finlayson OBE, Chief Executive, Working Chance
Paramjit Ahluwalia, Barrister, Lamb Building Chambers
Patrick Saunders, Visiting Professor of Public Health, University of Staffordshire
Paula Stringer, CEO, Christians Against Poverty
Penelope Gibbs, Director, Transform Justice
Siddhartha Bandyopadhy, Director, Centre for Crime, Justice and Policing, University of Birmingham

CC:

Julia Lopez MP, Minister of State for Media, Data, and Digital Infrastructure; Dominic Raab MP, Secretary of State for Justice; Lucy Powell MP, Shadow Secretary of State for Digital, Culture, Media and Sport
Steve Reed MP, Shadow Secretary of State for Justice

⁴The Times, 9 February 2021, <https://www.thetimes.co.uk/article/bbc-to-review-why-women-make-up-76-of-licence-fee-convictions-70tkv3pmn>

⁵ Oral answers to questions in the House of Commons, 14 January 2020