

Local TV decision: change request submitted by That's TV Broadcasting Limited

The Request

That's TV Broadcasting Limited ("That's TV") is the ultimate holding company for the Local TV licence that covers the area of Cambridge. The service provided by this licence holder must meet specific content obligations set out in the licences known as programming commitments.

On 24 June 2019, That's TV made a request to Ofcom for a variation to the programming commitments for the licences it holds. The details are set out here (changes in **red font**):

Programming Commitments for That's TV - Proposed			
Programming output	<p>Programming will include significant local content with a strong emphasis on news and current affairs pertaining to community and locally relevant topics, combined with locally produced features.</p> <p>The service will collaborate with local groups, the student population, local businesses and television/media professionals.</p> <p>The service will, inter alia:</p> <ul style="list-style-type: none"> reflect the interests and concerns of people living or working in and around the Licensed Area; have a strong emphasis on news (inc. sub-genres such as information, business news, current affairs, weather and features); reflect the diversity of the community including youth / students; cover locally relevant topics and encourage members of the community to be involved in or feature in content; and support the local voluntary and arts sectors by covering local events and / or activities. 		
Hours of local programming per day/week	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3 onwards</u>
First run:	11hr 45min per week (Monday to Friday)	7 hours per week	7 hours per week
Repeats:	4hr 45min per week (Monday to Friday)	9.5 hours per week	9.5-5 hours per week

Hours of local programming per day/week in peak-time (18.00-22.30)	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3 onwards</u>
First run:	3hr 30min per week (Monday to Friday)	3.5 hours per week	3.5 hours per week
Repeats:	1 hour per week (Monday to Friday)	Nil	Nil
Hours and scheduling of local news and current affairs programming	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3 onwards</u>
First run:	2 x 12 minute news bulletins per day. (Monday to Friday) 1 x 14 minute news bulletin per day. (Monday to Friday) 1 x 10 minute news bulletin per day. (Monday to Friday) Total of above: 4h/week Peak time: 1 x 30 minute evening per day. (Monday to Friday) 2.5h/week Peak time: 1 x 30 minute current affairs programme per week. 0.5h/week Overall Total: 7 hrs/week	7 hours per week of which 3 hours per week in peak	7 hours per week of which 3 hours per week in peak
Repeats:	Peak time: Repeat of 30 minute current affairs programme twice a week. 1h/week Peak time: Repeat of 30 minute current affairs programme twice per weekend. 1h/week Total of above: 2h/week	2 hours per week of which 1 hour per week at weekends	2 hours per week of which 1 hour per week at weekends

Statutory framework

Under the Broadcasting Act 1996 (“1996 Act”) licences for local digital television programme services (“L-DTPS”) must include such conditions as appear to Ofcom to be appropriate for securing, amongst other things, that the character of the licensed service, as proposed by the licence holder when making the application, is maintained for the duration of the licence.¹ This requirement is reflected in Condition 5(1) of the Licence and the programming commitments set out in the Licence. Ofcom has power to vary the conditions of a licence by notice.²

The statutory framework provides that conditions included in an L-DTPS licence may authorise Ofcom to consent to a departure from the character of the service if four statutory grounds are met, and sets out a procedural requirement for a public consultation before Ofcom can decide to consent to a departure from the character of the service.³ These requirements only apply where the change requested is a departure from the character of the service.

Ofcom decision

The Ofcom Board has delegated the discharge of some of its broadcasting service functions to a number of senior Ofcom executives in the Content and Media Policy Group and Legal Group. Those individuals, on their own or together, have responsibility for deciding on the award of, and proposals for variations to, L-DTPS licences.

On 28 June 2019, Ofcom’s Principal, Broadcasting Licensing and Programme Operations (the “Decision-maker”) considered the variation request.

The Decision-maker noted that the requested variations to the quantitative programming commitments in the Annex of the licence for the service are specific to repeats of local programming output. The reduction is relatively small in nature (ie. 4.5 hours a week). Further, the Decision-maker noted that, while repeated content allows viewers to ‘catch up’ on the local content provided by the services, and therefore has a role in defining the character of the service, this is likely to be less important and have less of an impact than securing an acceptable amount of first-run local programming, both in peak-time and across the service.

Finally, the Decision-maker noted that the additional changes to the programming output section of the commitments is a change in wording rather than a change or alteration in the character of the service and, as a result, the impact to viewers will be relatively small.

After careful deliberation, the Decision-maker considered that, the character of the service overall would still be maintained following the requested variation. Accordingly, on 28 June 2019, the Decision-maker decided that the requested variation would not constitute a departure from the character of the service, and that it should be allowed.

¹ Section 19(3A)(c) of the 1996 Act as modified by the Local Television Programme Services Order 2012

² Section 4(4) of the 1996 Act

³ Section 19 of the 1996 Act as modified by the Local Television Programme Services Order 2012