

# Local TV decisions: amendments to the Programming Commitments for the Birmingham, Bristol and Teesside local TV licences held by Local TV Limited

## The Request

Local TV Limited (“the Licensee”) is the ultimate holding company for eight Local TV licences that cover the areas of Birmingham, Bristol, Cardiff, Leeds, Liverpool, Teesside, Mold and Newcastle. The services provided by this licence holder must meet specific content obligations set out in the licences known as Programming Commitments.

On 1 September 2021, Local TV Limited submitted a proposal to Ofcom to reduce the number of studios it is required to maintain, thereby affecting the location of studios/main productions bases for three of the licences it holds (Birmingham, Bristol and Teesside). The Licensee gave further clarifications on these proposals in a letter dated 12 November 2021. [Ofcom provided consent](#) to the proposals on 17 January 2022. The proposal included the insertion of the following words in the Programming Commitments of the three licences listed above held by Local TV Limited:

***“Local TV will ensure it is filming, editing and submitting programming from within the Licensed Area. It will maintain a local presence, employing staff who live and work in the Licensed Area.”***

## Statutory framework

Under the Broadcasting Act 1996 (the “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.<sup>1</sup> This requirement is reflected in Condition 5(1) of L-DTPS licences and the programming commitments set out in the licences. Ofcom has power to vary the conditions of a licence by notice.<sup>2</sup>

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.<sup>3</sup> 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 Broadcasting and Online Content 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.

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

<sup>2</sup> Section 3(4) of the 1996 Act.

<sup>3</sup> Sections 19(3B)-19(3F) of the 1996 Act as modified by the Local Television Programme Services Order 2012.

On 17 January 2022, Ofcom provided consent to the proposal submitted by Local TV Limited, under the condition that the Licensee would ensure a local presence would be maintained in the Licensed Area of each affected service. Local TV Limited explained in its proposal that this would be achieved by the use of its journalists, who will be recruited from and will reside within the Licensed Area of the local TV service they are collecting stories for. Local TV Limited confirmed that its central support teams will be split evenly across the eight areas for which Local TV Limited holds a licence, which has the impact of strengthening its local output, with more staff working in each Licensed Area. Additionally, Local TV Limited's commitment to ensure that it will have at least one local video journalist based within the Licensed Area (in many cases, the volume of staff working within a Licensed Area will be much higher than this) and the confirmation that the revised operation will result in the Licensee's local video journalists spending more time in the heart of the communities they intend to serve, provided further demonstration that localness will continue to be maintained.

Local TV Limited also proposed to include a regulatory commitment into its Programming Commitments for the three affected local TV licences, as noted above.

An Ofcom colleague with the job title Principal, Broadcasting Licensing and Programme Operations (the "Decision-maker") considered this proposal at the time of providing consent for Local TV Limited to implement its proposals. The Decision-maker considered that the overall character of each of the services would be maintained following the inclusion of the regulatory commitment. Accordingly, the Decision-maker decided that the proposed regulatory commitment would in each case not constitute a departure from the character of the service, and that it should be included in the Programming Commitments for the licences for Birmingham, Bristol and Teesside held by Local TV Limited.

The Licensee has confirmed to Ofcom that it implemented its proposal on 1 November 2022. The additional regulatory commitment has therefore now been added to the Programming Commitments for the Birmingham, Bristol and Teesside licences held by Local TV Limited with effect from 1 November 2022. The revised Programming Commitments for each licence can be found, below, with the additional wording highlighted in red text.

## Birmingham local TV

### Programming Commitments for Made in Birmingham - Proposed

<b>Programming output</b>	<p>The service will focus on core news and current affairs output in the initial period of operation.</p> <p>The service will be as inclusive as possible, forming partnerships with communities to deliver hyper local news coverage.</p> <p>Producers from the community will be trained to deliver content about their areas on an ongoing basis. Resource and airtime will be provided to hear the voices of these communities.</p> <p>The majority of news bulletins will be live (debate shows will be pre-recorded) with as many links to events around the Licensed Area as possible.</p> <p>The proportion of evening feature led and factual/entertainment programming will be high and repeats will be stable once the core news and current affairs schedule is established.</p> <p>The service's programme schedule will include:</p> <ul style="list-style-type: none"> <li>daily sports news, business round ups within news programmes and a weekly dedicated business news programme</li> <li>a minimum 60 minutes early evening news on weekdays</li> <li>a minimum 30-minutes mid evening news on weekdays</li> <li>a minimum 60 minutes news on weekend days augmented by current affairs and debate shows</li> <li>The news quota to include short news bulletins, at least 10 times per day</li> </ul> <p style="color: red;">Local TV will ensure it is filming, editing and submitting programming from within the Licensed Area. It will maintain a local presence, employing staff who live and work in the Licensed Area.</p>		
<b>Hours of local programming per day/week</b>	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3 onwards</u>
<b>First run:</b>	41 hours per week	41.5 hours per week	35 hours per week
<b>Repeats:</b>	40 hours per week	40 hours per week	21 hours per week
<b>Hours of local programming per day/week in peak-time (18.00-22.30)</b>	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3 onwards</u>
<b>First run:</b>	20 hours per week	23 hours per week	14 hours per week
<b>Repeats:</b>	4.5 hours per week	4.5 hours per week	0 hours per week

Hours and scheduling of local news and current affairs programming	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3 onwards</u>
<p><b>First run:</b></p>	<p>27 hours of news and current affairs per week. This includes 5 x 2 minute bulletins per day.</p>	<p>27 hours of news and current affairs per week.</p> <p>The news quota to include regular news headlines or short news bulletins at those points of the schedule where there is a discernible period of time before the next full one hour or half hour news bulletin</p>	<p>20 hours of news and current affairs per week, with a minimum of 60 minutes per day</p> <p>The news quota to include news headlines or short news bulletins at least 10 times per day</p> <p>TOTAL PER WEEK: 20 hours</p>
<p><b>Repeats:</b></p>	<p>3 hrs</p>	<p>3 hrs</p>	<p>3 hrs</p>

## Bristol local TV

### Programming Commitments for Made in Bristol - Proposed

<b>Programming output</b>	<p>The service's programming schedule will be locally focused.</p> <p>The service will include a blend of exclusively local content with a mix of "home-produced" general interest programming and acquired content that is in keeping with the lifestyle and information style of the service.</p> <p>At a local level news, current affairs, local entertainment and sports will feature heavily in the service.</p> <p>The service will cater for the local audience by including regular local news bulletins, with an average of 25 x 90 second local news and what's on bulletins per day and a regular feed of local fillers including event guides and vox-pops.</p> <p>Local event guides and vox-pops will be filmed periodically and broadcast during the day.</p> <p>The service's output will support local business by providing an affordable platform for advertising.</p> <p>Exclusively local content will make up approximately 40% of the schedule, with programming shared with other L-DTPS licensees contributing approximately 20% and the remaining airtime being a blend of acquisitions and commercial content.</p> <p>First-run programming will make up 2 hours of the evening schedule with a further 7hrs (repeats) of local content throughout the day.</p> <p>The programme output will feature the following topics: celebrity, motoring, health, home improvement, history, crime, cinema, food, recruitment, tourism, council, nightlife, local opinion, property, entertainment, local personalities, sport, current affairs, traffic, weather, events and news.</p> <p style="color: red;">Local TV will ensure it is filming, editing and submitting programming from within the Licensed Area. It will maintain a local presence, employing staff who live and work in the Licensed Area.</p>		
<b>Hours of local programming per day/week</b>	<u><b>Year 1</b></u>	<u><b>Year 2</b></u>	<u><b>Year 3 onwards</b></u>
<b>First run:</b>	37 hours per week	37 hours per week	37 hours per week
<b>Repeats:</b>	34 hours per week	21 hours per week	21 hours per week
	<u><b>Year 1</b></u>	<u><b>Year 2</b></u>	<u><b>Year 3 onwards</b></u>

<b>Hours of local programming per day/week in peak-time (18.00-22.30)</b>			
	14 hours per week	14 hours per week	14 hours per week
	<b>First run:</b>		
<b>Repeats:</b>	7 hours per week	7 hours per week	0 hours per week
<b>Hours and scheduling of local news and current affairs programming</b>	<b><u>Year 1</u></b>	<b><u>Year 2</u></b>	<b><u>Year 3 onwards</u></b>
	<p><b>First run:</b></p> <p>Mon-Fri: 2 x 30 minute news programme per day.</p> <p>Sat-Sun: 1 hour news programme per day.</p> <p>Mon-Sun: 90 second top of the hour and every half-hour news and information bulletins – average of 25 broadcasts per day.</p> <p>1 hour current affairs programming per week.</p> <p>During local, national and European elections: current affairs specials.</p>	<p>Mon-Fri: 2 x 30 minute news programme per day.</p> <p>Sat-Sun: 1 hour news programme per day.</p> <p>Mon-Sun: 90 second top of the hour and every half-hour news and information bulletins – average of 25 broadcasts per day.</p> <p>2 hours current affairs programming per week.</p> <p>During local, national and European elections: current affairs specials.</p>	<p>Mon-Fri: At least 1hr of news programming per day.</p> <p>Sat-Sun: At least 1hr of news programming per day.</p> <p>Mon-Sun: Average of 25 x 90 second news and information updates per day.</p> <p>1 hour current affairs programming per week.</p> <p>During local, national and European elections: current affairs specials.</p>
<b>Repeats:</b>	5 hours of repeated current affairs programming.	4 hours of repeated current affairs programming.	At least 1 hour of repeated current affairs programming.

## Middlesbrough (Teesside) local TV

### Programming Commitments for Made in Teesside - Proposed

<b>Programming output</b>	<p>The service will broadcast a blend of exclusively local content with a mix of general interest programming and acquired content that is in keeping with the lifestyle and information style of the channel.</p> <p>At a local level, news, current affairs, local entertainment and sports will feature heavily, supplemented by content shared with other L-DTPS channels and acquired programming.</p> <p>The service will cater for the local audience by including regular local news bulletins, with an average of 25 x 90 second local news and what's on bulletins per day and a regular feed of local fillers including event guides and vox-pops.</p> <p>Local businesses will be afforded the chance to advertise on a medium previously out of their reach, consistently reminding the viewer that this is a channel produced locally, by a local production team for a local audience that supports local business.</p> <p>The content mix will contain local programming, shared content with other local licensees, acquired lifestyle and factual entertainment and commercial content that includes a small amount of teleshopping.</p> <p>First-run programming will make up at least 2 hours of the daily prime-time schedule</p> <p>The morning breakfast show will run each morning providing up to the minute local news, traffic and weather content. This is further complemented with an average of 25 x 90 second local news and what's on bulletins per day.</p> <p>Local event guides and on-the-street vox-pops will be filmed throughout the week and broadcast across the day.</p> <p style="color: red;">Local TV will ensure it is filming, editing and submitting programming from within the Licensed Area. It will maintain a local presence, employing staff who live and work in the Licensed Area.</p>		
<b>Hours of local programming per day/week</b>	<u><b>Year 1</b></u>	<u><b>Year 2</b></u>	<u><b>Year 3 onwards</b></u>
<b>First run:</b>	37 hours per week	37 hours per week	37 hours per week
<b>Repeats:</b>	34 hours per week	21 hours per week	21 hours per week
<b>Hours of local programming per day/week in peak-time (18.00-22.30)</b>	<u><b>Year 1</b></u>	<u><b>Year 2</b></u>	<u><b>Year 3 onwards</b></u>
<b>First run:</b>	14 hours per week	14 hours per week	14 hours per week

<b>Repeats:</b>	7 hours per week	7 hours per week	0 hours per week
<b>Hours and scheduling of local news and current affairs programming</b>	<b><u>Year 1</u></b>	<b><u>Year 2</u></b>	<b><u>Year 3 onwards</u></b>
	<p><b>Mon-Fri:</b></p> <p>2 x 30 minute news programme per day.</p> <p><b>Sat-Sun:</b></p> <p>1 hour news programme per day.</p> <p><b>Mon-Sun:</b></p> <p>90 second top of the hour and every half-hour news and information bulletins – average of 25 broadcasts per day.</p> <p>1 hour current affairs programming per week.</p> <p>During local, national and European elections: current affairs specials.</p>	<p><b>Mon-Fri:</b></p> <p>2 x 30 minute news programme per day.</p> <p><b>Sat-Sun:</b></p> <p>1 hour news programme per day.</p> <p><b>Mon-Sun:</b></p> <p>90 second top of the hour and every half-hour news and information bulletins – average of 25 broadcasts per day.</p> <p>2 hours current affairs programming per week.</p> <p>During local, national and European elections: current affairs specials.</p>	<p><b>Mon-Fri:</b></p> <p>12hrs per week first-run</p> <p>60 mins of news programming per day Mon-Sun. In addition to this, an average of 25 x 90 second news and information updates per day.</p> <p>At least 1 hour first-run current affairs programming every week</p>
	<b>Repeats:</b>	5 hours of repeated current affairs programming.	4 hours of repeated current affairs programming.