

Notice of Variation

Notice of Variation to the Operating Licence for the BBC's UK public services issued on 13 October 2017 (the "Licence")

Notice number 4 dated 25 March 2021

RECITALS

1. On 15 December 2016, the Government published the Royal Charter for the continuance of the BBC ("the Charter") and the agreement between the Secretary of State for Culture, Media and Sport, and the BBC (the "Agreement") which required Ofcom to set a licence for the BBC's UK Public Services. On 13 October 2017, Ofcom issued the Licence.
2. On 26 July 2019, the BBC wrote to Ofcom requesting several minor variations to conditions in the Licence. These conditions are set out in paragraphs a) to c) and e) to f) below.
3. On 14 August 2020, Ofcom responded to the BBC's request. Ofcom proposed a further variation to a condition in the Licence. This condition is set out in paragraph d) below.
4. On 11 December 2020, the BBC wrote to Ofcom requesting that the Licence be varied in order to provide an exemption from the requirements of conditions 2.10.1, 2.14 and 2.15 on Public Holidays. These conditions are set out in paragraphs g) to i) below.
5. In paragraphs A1.15 - A1.16 of Ofcom's third Annual Report on the BBC, Ofcom noted that it was considering varying the Licence to take account of changes the BBC makes to the schedules of Nations radio services around Public Holidays and seasonal events. This variation is set out in paragraph j) below.
6. In accordance with Clauses 80 and 13(5) of the Agreement, Ofcom's "Procedures for setting and amending the operating licence" published on 13 October 2017 (the "Procedures") and its consultation principles, the BBC has been consulted and given a reasonable opportunity to make representations on the proposed variations. Having regard to the nature and significance of the proposals, Ofcom did not consider it appropriate to consult publicly.
7. For the reasons set out in the accompanying letters dated 14 August 2020, 18 December 2020 and 2 March 2021, Ofcom has decided that it is appropriate to amend the Licence and is now varying it in order to do so. For ease of reference, Ofcom has also decided to make available a consolidated Licence together with a record listing variations.

NOW THEREFORE the Licence shall be varied in the following manner:

- a) In condition 2.28.3, delete "(excluding repeats)" from the existing text;
- b) In condition 2.30, delete "in each week, on average across each Financial Year, at least 10 hours" from the existing text and replace with "in each Financial Year, at least 520 hours";

c) In condition 2.50.2, delete “Board members and non-executives” from the existing text and insert “(including those employed at Board level)” after “senior managers” in the existing text;

d) Replace the existing text of condition 2.50.3 with the following:

“2.50.3 the job type of such staff by the following categories: broadcast management; organisational - technical/engineering/data analytics; sales/marketing; creative and content production; journalism; on-screen talent; business management and administrative; and other;

e) In condition 2.64, delete “one third” from the existing text and replace with “30%”;

f) In condition 2.66, delete “40%” from the existing text and replace with “28%”, and delete “For the purpose of this requirement “relevant expenditure” means expenditure on programme production (not including expenditure on centrally funded costs) and Radio 3’s allocation of the central orchestras’ subsidy.” from the existing text;

g) Replace the existing text of condition 2.10.1 with the following:

“2.10.1 at least 17 hours are allocated to news and current affairs programming each week, of which at least 3 hours must be in Peak Listening Time, with the exception of weeks containing a Public Holiday, in which case the numbers of hours may be reduced proportionately; and”

h) Replace the existing text of condition 2.14 with the following:

“2.14 In respect of **BBC 6 Music**, the BBC must ensure that in each week at least 6 hours are allocated to news, with the exception of weeks containing a Public Holiday, in which case the number of hours may be reduced proportionately.”

i) Replace the existing text of condition 2.15 with the following:

“2.15 In respect of **BBC Asian Network**, the BBC must ensure that in each week at least 24 hours are allocated to news and current affairs programming, with the exception of weeks containing a Public Holiday, in which case the number of hours may be reduced proportionately.”

j) After condition 2.96 insert a new condition numbered 2.97 as follows:

“2.97 The BBC may request in writing that the requirements in condition 2.82.1, 2.88.1, 2.89.1, 2.95.1 or 2.95.2 be suspended for a specified period. Ofcom will consider any such request and may agree to the request where it is satisfied that in the particular circumstances of the case it is appropriate to do so. Such circumstances may include, but are not limited to, proposed changes to schedules to cover a live event such as a music festival.”

This variation to the Licence shall come into force on 25 March 2021.

SIGNED FOR OFCOM ON 25 MARCH

A handwritten signature in black ink, appearing to read 'SW', with a small horizontal line extending to the right.

Siobhan Walsh, Director of Content Policy