

Ofcom
Riverside House,
2a Southwark Bridge Rd,
London SE1 9HA (Sent via email)

4th June 2021

Dear Sirs

Request for Change of Licence Conditions Relating to the Provision of News Output on Channel 5 (Clause 13; Annex Part 1, paragraph 4)

I am writing as ViacomCBS Networks UK, on behalf of Channel 5 Broadcasting Limited the holder of the Ofcom Broadcast Licence for Channel 5. We would like to formally request an alteration to the conditions set out in our Broadcast Licence relating to the provision of news on Channel 5.

This letter articulates the changes to the licence proposed with a view to ensuring our obligations under S279 of the Communications Act 2003 are maintained and enhanced, explaining how, in our view, these proposed changes will both benefit audiences and better meet our obligations as a Public Service Broadcaster ("PSB"). The annexes, to this letter, include relevant viewing data that we have prepared, though should you wish to receive additional data this can be supplied as per any request.

CURRENT LICENCE CONDITION

As a PSB there are a series of obligations imposed on us through both primary legislation (notably the Communications Act 2003) and via regulation overseen by Ofcom. These are stipulated in our Broadcast Licence.

In respect of Channel 5's provision of News programming as a condition of its Licence, the regulatory framework is outlined in section 279 of the Communications Act 2003 and referenced in Clause 13 of the Channel 5 Licence. This empowers Ofcom to set conditions that are 'appropriate' for each PSB with regards to news provision on their respective channels. Ofcom must consider the appropriate amount of time allocated to news for a channel, the split between broadcast in non-peak and peak viewing times, and what constitutes peak viewing for a regulated channel.

In this context Paragraph 4 of Annex Part 1 of the Channel 5 Broadcast Licence currently stipulates that:

"Not less than 280 hours in each calendar year of the Licensing Period of news programmes shall be included in the Channel 5 Service between 6 am and midnight and 120 hours in each calendar year in Peak Time Viewing Times. Such news programmes shall be of high quality and deal with both national and international matters. News programmes shall be provided in weekdays at intervals during the day – at least one programme at lunchtimes, one in the early evening, one in the midevening and headlines at other times. One programme shall be provided in the early evening on Saturdays and Sundays."

To meet this licence obligation Channel 5 currently broadcasts a 30 minute news bulletin at 1700, a 30 minute news bulletin at 1830 and short evening news updates at 1955 and 2055.

PROPOSED CHANGE TO LICENCE CONDITIONS

We are proposing to offer our audiences an hour long news programme, focusing on national, international and regional matters impacting the UK between 1700 and 1800 on weekdays, as an alternative to the current offering of a 1700 half hour bulletin followed by a very similar half hour bulletin at 1830.

We believe such an offering would enable us to offer a higher quality news programme on Channel 5 as well as having the benefit of there then being a full 3 hours of evening news programming across the PSBs starting at 1700 on Channel 5 and running until 2000 when Channel 4's Evening News programme ends.

Accordingly, it is our request that Channel 5 has its obligation for a news programme "in the midevening" removed and its 'Peak Time' obligation reduce from 120 hours to 20 hours accordingly. It is our intention to continue to broadcast the headlines in Peak Time (currently 1955 and 2055) to fulfil our revised Peak Time obligation. Our commitment to a minimum of 280 hours should remain as Channel 5 does not wish to alter the overall amount of news broadcast on its service.

We would be grateful to Ofcom for suggesting alternative language but in order to illustrate our proposal we have set out an amended licence condition as set out below:

"Not less than 280 hours in each calendar year of the Licensing Period of news programmes shall be included in the Channel 5 Service between 6 am and midnight and 20 hours in each calendar year in Peak Time Viewing Times. Such news programmes shall be of high quality and deal with both national and international matters. News programmes shall be provided in weekdays at intervals during the day – at least one programme at lunchtimes, one in the early evening, ~~one in the midevening~~ and with headlines during Peak Time and other Viewing Times. One programme shall be provided in the early evening on Saturdays and Sundays."

This would allow Channel 5 to alter its evening schedule by broadcasting a full hour of news at 1700, rather than requiring this hour to be split into two separate half hour programmes, as is currently the case. As we set out below, we believe this is in the interests of viewers and the broader PSB ecology.

JUSTIFICATION FOR PROPOSED CHANGE

The purchase of Channel 5 by ViacomCBS represented a step-change in our ambitions for our UK business: to invest in more local original programming, to create synergies between our pay and free channels, and to export more programmes and formats globally. Since 2014 Channel 5 has undergone a creative transformation, successfully carving a position in the market as a predominantly factual channel alongside increased investment in drama, kids, news and current affairs, to provide UK audiences with a rounded schedule with a major focus on the domestic UK social agenda.

Channel 5 won the Channel of the Year accolade at the 2020 Royal Television Society Awards, Channel of the Year 2020 at the Broadcast Television awards, and a 2018 Channel of the Year win at the Edinburgh TV Awards. It has also received accolades for its programming including a BAFTA for Cruising With Jane McDonald, two awards for Raped: My Story and two for The Abused. It also won a Grierson Award for Suicidal: In Our Own Words.

Our research indicates that 5 News' coverage, particularly the 1700 bulletin, regularly attracts audiences from across the UK, with a loyal viewer base of women living in the north of England and the Midlands,

while also performing well in Scotland and Northern Ireland. It seems to appeal to audiences that are generally harder to reach with other programming and services.

5 News has been watched by more than 38% of the TV viewing population so far this year. 5 News is watched by an average of just under a million viewers each day in some months.

We also continue to lead the way on representation both on and off screen. In a recent monitoring exercise conducted by Women in Journalism, the 1700 programme had the second highest number of female experts when compared to all other broadcast bulletins. Last year, the newsroom also produced a dedicated half hour special, *Everyday Racism*, about the challenges faced by Black and Asian people during the pandemic and beyond.

5 News' standards are rigorous and audiences recognise that commitment, as was demonstrated by Ofcom's recent research findings in which audiences said 5 News' impartiality has improved year-on-year.

As Channel 5 continues to attract larger audiences, its news output is an ever more crucial part of the offering we create for viewers. Presently, however, the licence conditions placed on Channel 5 are so prescriptive we do not believe we are able to deliver the maximum benefit to audiences – hence the amendments we are proposing.

Our reasoning is as follows:

1830 bulletin is not additive to PSB news at that time

- The 1830 Channel 5 News bulletin works as a narrative repeat of the 1700 bulletin catering for an audience that will most likely not have watched the 1700 bulletin. Whilst a small proportion of the programme will be different the 1830 bulletin is broadly the same as the 1700 programme and will, for the most part, cover the same issues.
- An additional challenge for the 1830 bulletin is that it is broadcast at the same time as the two most popular news programmes in the country: the ITV evening news (audiences of 3-3.5m) and the BBC regional news (5.54m in London). Thus, the programme has a very limited potential audience.
- The current Channel 5 1830 bulletin has approximately a 0.72% share as compared to 30% for the BBC and 21% for ITV at that time.

An expanded 1700 bulletin would add breadth and depth to coverage

- An hour long 1700 bulletin would provide room for the programme to add depth to stories and create space for more investigative, regional and social affairs news reporting.
- It is worth noting that moving to a one hour programme as described would necessitate increased investment in production costs for Channel 5. As the rest of the channel has been transformed by increased UK investment, we feel it is important that our news offering reflects the expectations of viewers we have attracted to the channel over the past few years.

The proposed change would benefit overall PSB news delivery

- As set out above, the introduction of a one hour 1700 bulletin on Channel 5 would mean that there was no gap in PSB news provision during the early and mid-evening from 1700 when Channel 5 News starts to 2000 when Channel 4 news ends.

We also believe the changes to working patterns necessitated by the Covid-19 pandemic mean that an expanded news provision at 1700 has the potential to deliver a greater impact for viewers. Flexibility in working patterns means that a significant proportion of the audience who might previously have been commuting at this time, will already be at home.

We would be grateful if you could consider this proposal with a view to facilitating these changes as soon as is practicable. We would be happy to provide additional analysis or answer any questions that you may have. In this regard, please contact Mitchell Simmons on mitchell.simmons@viacom.com.

Your sincerely,

A handwritten signature in cursive script, appearing to read 'K Richardson'.

Kathryn Richardson
VP Business and Legal Affairs
ViacomCBS Networks UK
17-29 Hawley Crescent
London, NW1 8TT