

Local TV decision: Made Television Ltd change request

Made Television Ltd (“Made in Teesside”) is the holder of the local digital television programme service licence (“the Licence”) for Middlesbrough. The service provided by this licence holder must meet specific content obligations set out in the Licence known as programming commitments.

On 29 March 2017, Made Television Ltd made a request to Ofcom for a variation to the programming commitments in the Licence. The details are set out here (changes in red font).

Programming Commitments for Made in Teesside - Proposed

Programming output

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.

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.

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.

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.

~~Exclusively local content will make up 50% of the schedule, with shared programming contributing 15% and the remaining airtime being a blend of acquisitions and commercial content.~~

~~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.~~

~~First-run programming will make up at least 2 hours of the daily prime-time schedule with a further 6.5hrs of local repeated content throughout the day.~~

~~The morning automated breakfast show will run for 3.5hrs 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.~~

Local event guides and on-the-street vox-pops will be filmed throughout the week and broadcast across the day.

| Hours of local programming per day/week | <u>Year 1</u> | <u>Year 2</u> | <u>Year 3 onwards</u> |
|--|--|--|--|
| First run: | 38.5 37 hours per week | 42 37 hours per week | 45.5 37 hours per week |
| Repeats: | 43.5 21 hours per week | 40 21 hours per week | 36.5 21 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: | 14 hours per week | 17.5 14 hours per week | 21 14 hours per week |
| Repeats: | 8 7 hours per week | 6 7 hours per week | 4 7 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> |
| First run: | Total: 12 hours per week first-run 2 x 30min first-run news programme Mon-Fri 1hr programme Sat-Sun 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. At least 1 hour first-run current affairs programming every week. | Total: 13 12 hours per week first-run 2 x 30min first-run news programme Mon-Fri 1hr programme Sat-Sun 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. At least 2 1 hours first-run current affairs programming every week. | Total: 14 12 hours per week first-run 2 x 30min first-run news programme Mon-Fri 1hr programme Sat-Sun 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. At least 3 1 hours first-run current affairs programming every week. |
| Repeats: | Current affairs programming repeated at least 4 times per once a week Total: 4 2 hours per week | Current affairs programming repeated at least 3 times per once a week Total: 3 2 hours per week | Current affairs programming repeated at least 2 times per once a week Total: 2 hours per week |

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 of 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 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 19 May 2017, Ofcom’s Director of Broadcast Licensing considered the variation request (the “Decision-maker”). The Decision-maker considered that the proposed changes to the programming output were of a minor nature and would have no real impact on the nature of the service. In terms of the quantitative commitments in the licence, the proposed variation would reduce the overall volume of local programming which Made in Teesside is required to provide, but the Decision-maker considered that the service would nevertheless still be providing a substantial volume of local programming, across each week.

The Decision-maker was of the same view in respect of the proposed change to the peak-time commitments - despite the overall reductions, two-thirds of Made in Teesside’s peak-time output will still consist of local programming, and an average of two hours each day will be first-run content. In respect of the proposed change to local news and current affairs output, the Decision-maker considered that there would only be a reduction in the volume of such programming in Years 2 and 3, and that this reduction would be of a small amount.

After careful deliberation, the Decision-maker decided that the character of the service overall would still be maintained following the requested variation, and thus the requested variation would not constitute a departure from the character of the service. The Decision-maker decided 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