

Local TV decision: STV Glasgow change request

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

On 20 January 2015 STV Glasgow made a request to Ofcom for a variation to the programming commitments in the Licence. The variation relates to the requirement to show a specified number of hours of repeats of local programming per week during peaktime hours. The details are set out here (changes in **bold**):

Programming Commitments for STV Glasgow			
Programming output	<ul style="list-style-type: none"> The service will be based around news, current affairs and community programming. Programming will be in a live format, changing daily to reflect life in and around the Licensed Area. This will be a positive representation of the Licensed Area showcasing its community activities. The service will include breaking news, weather, sport, arts & culture, business updates, community information, current affairs and audience interactivity. The service will reflect Glasgow's multi-cultural profile including one hour per week in a language other than English with English subtitles. The service will facilitate local community groups creating their own content for broadcast including through partnership with Glasgow Caledonian University. The service will encourage origination by third-parties and will broadcast content created by other educational, arts & community organisations. 		
Hours of local programming per day/week	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3 onwards</u>
First run:	28 hours per week	28 hours per week	28 hours per week
Repeats:	7 hours per week	7 hours per week	7 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:	21 hours per week	21 hours per week	21 hours per week
Repeats:	7 hours per week Nil	7 hours per week Nil	7 hours per week 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:	12 hours per week Mon-Fri:	12 hours per week Mon-Fri:	12 hours per week Mon-Fri:

Repeats:	4 x 15 minute bulletins per day; 1 x 60 minute news programme per day. Sat-Sun: 3 x 5 minute bulletins per day. Mon-Sun: Twice weekly 2 x 45 minutes current affairs programming.	4 x 15 minute bulletins per day; 1 x 60 minute news programme per day. Sat-Sun: 3 x 5 minute bulletins per day. Mon-Sun: Twice weekly 2 x 45 minutes current affairs programming.	4 x 15 minute bulletins per day; 1 x 60 minute news programme per day. Sat-Sun: 3 x 5 minute bulletins per day. Mon-Sun: Twice weekly 2 x 45 minutes current affairs programming.
	1hr 30mins per week	1hr 30mins per week	1hr 30mins 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 notice².

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 service³. 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 certain of its functions in relation to television and radio broadcast licensing to a committee known as the Broadcast Licensing Committee (“BLC”), chaired by a member of the Ofcom Board. The BLC has responsibility for deciding on the award of, and proposals for significant variations to, L-DTPS licences.

The BLC met on 3 March 2015 to consider the variation request. It noted that the requested change would not affect the description of the programming output set out in the programming commitments, and that the requirements relating to the total amount of first-run and the total amount of repeated local programming, as well as the requirements relating to news and current affairs programming would be unchanged. It noted that STV Glasgow in its request proposed to delete the commitment to repeats of local programming in peak time.

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.

After careful deliberation, the BLC considered that the character of the service overall would still be maintained following the requested variation, and in particular that the amount of local programming hours required under the licence would remain the same, and the other licence obligations would still be delivered. Accordingly, on 3 March 2015 the BLC decided that the requested variation would not constitute a departure from the character of the service, and that it should be allowed.

The amended programming commitments are available here:

<http://licensing.ofcom.org.uk/tv-broadcast-licences/current-licensees/local-tv/glasgow/>