

Local TV decision: Your TV Manchester Limited change request

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

On 30 August 20106, Your TV Manchester 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 That’s Manchester			
Programming output	<ul style="list-style-type: none"> The service will deliver news, current affairs, information and views. It will be about Greater Manchester through the eyes of its people in all its richness and diversity. <p>The service will:</p> <ul style="list-style-type: none"> Engage involve people in making television as well as watching it; deliver entertainment; hold decision makers to account; offer opportunities to job seekers, those wanting new skills, school children youth or those looking under the surface of a great cultural and energetic City; be created for and by with people from different walks of life; have a fluid format which will react to what people want and reflect their views and opinions; be diverse and challenging speaking to a technology-literate audience; be largely substantially live and energetic, interactive, engaging, informative, accessible and community-focused. 		
Hours of local programming per day/week	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3 onwards</u>
First run:	52.5 hours per week	52.5 49 hours per week	52.5 49 hours per week
Repeats:	52.5 hours per week	52.5 35.25 hours per week	52.5 35.25 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:	17.5 hours per week	17.5 hours per week	17.5 hours per week
Repeats:	Nil	Nil	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:	31 hours per week (inc. 2 hours at weekends) of which 6 hours in evenings	31 22.5 hours per week (inc. 2 hours at weekends) of which 6 hours in evenings	31 22.5 hours per week (inc. 2 hours at weekends) of which 6 hours in evenings
Repeats:	5.75 hours per week	5.75 14.25 hours per week	5.75 14.25 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 from 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 service 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 4 October 2016, Ofcom’s Director of Content Standards, Licensing and Enforcement considered the variation request (the “Decision-maker”). It was noted that the proposed variation would slightly reduce the significant volume of hours of first-run local programming which Your TV Manchester is currently required to provide, and that there would also be a reduction in the total volume of repeat local programming. It was also noted that there would be a reduction in the volume of first run local news and current affairs programming, but that the commitment to provide such programming at week-ends remained unchanged and that the provision of repeat hours of local news and current affairs programming would be increased. The Decision-maker also considered the descriptive changes to the programming output, which it concluded were of a minor nature.

After careful deliberation, the Decision-maker considered that the character of the service overall would still be maintained following the requested variation, even when taking into account previous variations to the Licence. In particular, the overall volume of first-run local programming that would continue to be provided by Your TV Manchester would remain high, as would the overall volume of repeated local programming hours.

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

Accordingly, on 4 October 2016, the Decision-maker decided that the requested variation would not constitute a departure from the character of the service, and that it should be allowed.