

Local TV decision: NVTV change request

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

On 4 September 2015 NVTV made a request to Ofcom for a variation to the programming commitments in the Licence. The details are set out here (changes in **bold**):

Programming Commitments for NvTv

Programming output

The service will:

- Include **headline** local news bulletins **in daily local community news programme six times per day**, Monday – Saturday. ~~The local news bulletins will be refreshed/repackaged throughout the day (Monday – Saturday). On Sunday, there will be a local news roundup. This local news provision will increase in years 2 to 3. Local news provision will include Irish language news provision at least once per month;~~
- Include a weekday peak-time community news and stories programme, 30-40 minutes in duration. This will be filmed on location and in the studio;
- **The local news will be repeated twice throughout the day (Monday-Saturday). On Sunday, there will be a local community news roundup. This local news provision will increase in Years 2-3. Local news provision will include Irish language news provision at least once per month.**
- Include a monthly business **news** programme series, **including business news**, 30 minutes in duration (aiming for a series of six programmes x 3 per annum in year 2);
- Include a monthly current affairs programme series, 30 minutes in duration (aiming for a series of six programmes x 3 per annum in year 2);
- Include themed programming which will contain news/current affairs elements together with films and documentaries. This programming will be made locally and by partners of the service via a programme bank (archives);
- Include studio based series and documentaries containing elements of current affairs as well as human-interest stories and lifestyle;
- Include non-news programming. This programming will be a mix of arts, culture, music, studio discussion, popular entertainment and citizen generated content;
- Both original and programme bank material will be repeated;
- The Licensee will aim broadcast from midday to midnight in years 1 and 2, and from 8.00am until midnight in year 3. There will be a community notice board and events board from midnight to midday each day.

Hours of local programming per day/week First run: Repeats:	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3 onwards</u>
	10 hours per week	11 hours per week	13 hours per week
	5 hours per week	5 hours per week	5 hours per week
Hours of local programming per day/week in peak-time (18.00-22.30) First run: Repeats:	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3 onwards</u>
	8 hours per week	8 hours per week	9 hours per week
	3 hours per week	3 hours per week	3 hours per week
Hours and scheduling of local news and current affairs programming First run: Repeats:	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3 onwards</u>
	5 hours per week	5.5 hours per week	6 hours per week
	3 hours per week	3 hours per week	3 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 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 22 September 2015 to consider the variation request. It considered that the part of the request relating to the provision of local news represented only a minor scheduling change, noting that NVTV would still be required to provide the same amount of local news and current affairs programming across each week if the request was approved.

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

The BLC also noted that NVTV's Irish language programming and business programming commitments would be maintained.

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 character of local news and current affairs obligations would be maintained, including at weekends, and the other licence obligations would still be delivered. Accordingly, on 22 September 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/belfast/>