

**Q3 Do you agree with UTV's proposal [that its] non-news obligations should be reduced to 90 minutes a week? If not, what alternative would you propose and why?**

We do not agree with the proposal to reduce UTV's non-news obligations to 90 minutes. We have listened carefully to UTV's arguments for parity with other parts of the United Kingdom. However we do not believe that a one-size-fits-all model is necessarily appropriate. In this we concur with a view expressed in the Ofcom consultation paper on Channel 3 licence areas<sup>1</sup> that "there was unlikely to be a one-size-fits-all solution to the needs of each nation." We favour retention of the current obligation.

In coming to our view we note the strength of UTV as a company, its resilience through the depths of the current economic downturn, and the success of its local programming. UTV outperforms both the Channel 3 network and its counterparts in the devolved nations, STV and ITV Wales.<sup>2</sup> It also has a greater channel share than BBC1 Northern Ireland. Therefore, it seems to us somewhat contradictory to commend the contribution its non-news programmes make to the success of the station<sup>3</sup>, as the company justifiably has done, and at the same time seek a reduction in its obligations to produce such programmes.

In its presentation the company argued that the reduction it seeks would have only a marginal effect on what viewers see on air and would allow it to put extra resources into its most popular programmes. At the same time it offered to continue to over-deliver on its programme hours in the next licence period. While such an offer is non-binding, this does suggest - as noted in the consultation paper<sup>4</sup> - that the current obligations are not unduly onerous. UTV reported to us that in 2012 it over-delivered by 20.4 hours. This is approaching 80% of the reduction in hours it is seeking, indicating that even within the current obligations the company has scope to divert resources elsewhere if it so wishes. Alternatively, as noted by Ofcom in relation to STV,<sup>5</sup> this over-delivery would enable it to trim such provision in the event of adverse commercial circumstances. We note from Ofcom figures that in the last five years the number of non-news hours broadcast by UTV has already fallen from 181 to 62.

In examining this issue we have also considered the broader context and the interpretation of the 2003 Act that PSB services should include programmes which serve the needs and interests of many different audiences.<sup>6</sup> We believe that the non-news hours obligation helps to reflect a wider perspective of Northern Ireland than is possible through news coverage, illustrating the changes in this society as it moves out of conflict. Additionally, life in Northern Ireland is less likely to be reflected in Channel 3 network programmes than that in England, Scotland and Wales. While this is mainly because of the size of this region, in our view it increases the importance of local output to the Channel 3 viewing experience in Northern Ireland. Finally, we believe that permitting a reduction of UTV's non-news output would limit diversity by making the viewer still more reliant on the BBC for local programmes. In 2011 the non-news/non-current affairs figures were: BBC 171 hours; UTV 62 hours.<sup>7</sup>

**Q12 What views do you have on the proposal by STV and UTV to extend peak time to 11pm, which would extend the window in which they could schedule regional content that must be shown in peak time?**

We do not fully understand UTV's motivation for proposing this change, nor the potential ramifications. Currently UTV meets its peaktime news obligation of 2.5 hours per week through its 6pm programme UTV Live. It would appear that if peak time were to be extended to 11pm it could more than meet its peak time non-news obligation of 45 minutes per week through the current

---

<sup>1</sup> Renewal of C3 licences consultation doc para 3.3

<sup>2</sup> Communications Market Report 2012 fig 2.6

<sup>3</sup> UTV presentation to ACNI pages 12 & 13

<sup>4</sup> C3 and C5 proposed programming obligations doc para 3.3

<sup>5</sup> Proposed programming obligations doc para 3.38

<sup>6</sup> Proposed programming obligations doc para 1.5

<sup>7</sup> CMR 2012 fig 2.15

## ACNI draft response to consultation on proposed programming obligations for Channel 3

affairs element of its 10.30pm news and current affairs programme UTV Live Tonight. In the Ofcom consultation paper UTV is reported as saying it was becoming increasingly difficult to find peak-time slots to opt out of the network schedule in order to broadcast its regional programming.<sup>8</sup> This suggests that having met its peaktime obligation as indicated above, other non-news content might be moved to post-11pm, with a consequent reduction in viewing numbers. If so, this would be undesirable. Taken together the consequence of UTV's two proposals (Q3 & Q12) would appear to be damaging to non-news provision.

---

<sup>8</sup> Proposed programming obligations doc para 5.6