

## Local TV decision: That's Solent change request

That's Solent Limited (That's Solent) is the holder of the local digital television programme service licence ("the Licence") for Southampton. The service provided by this licence holder must meet specific content obligations set out in the Licence known as programming commitments.

On 20 July 2015 That's Solent 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 That's Solent			
<b>Programming output</b>	The service will include: <ul style="list-style-type: none"> <li>dedicated local news provision for each of Southampton, Portsmouth and the Isle of Wight;</li> <li>two weekly current affairs programmes;</li> <li>strong elements of consumer affairs <b>reportage</b> with at least one programme per week covering consumer issues;</li> <li><b>at least forty minutes coverage per week substantial weekly coverage</b> of the local voluntary sector;</li> <li>programming featuring local sport in the Licensed Area, working in partnership with relevant local organisations;</li> <li>a showcase for local student programming;</li> <li>a programme series on local people / places;</li> <li>What's On programming and general coverage of the arts; and</li> <li>documentary specials and series on lifestyle.</li> </ul>		
<b>Hours of local programming per day/week</b>	<u><b>Year 1</b></u>	<u><b>Year 2</b></u>	<u><b>Year 3 onwards</b></u>
<b>First run:</b>	51 hours per week	51 hours per week	51 hours per week
<b>Repeats:</b>	57 hours maximum per week	57 hours maximum per week	57 hours maximum per week
<b>Hours of local programming per day/week in peak-time (18.00-22.30)</b>	<u><b>Year 1</b></u>	<u><b>Year 2</b></u>	<u><b>Year 3 onwards</b></u>
<b>First run:</b>	<del>24</del> <b>18</b> hours per week	<del>24</del> <b>18</b> hours per week	<del>24</del> <b>18</b> hours per week
<b>Repeats:</b>	10.5 hours maximum per week	10.5 hours maximum per week	10.5 hours maximum per week
<b>Hours and scheduling of local news and current affairs programming</b>	<u><b>Year 1</b></u>	<u><b>Year 2</b></u>	<u><b>Year 3 onwards</b></u>
<b>First run:</b>	<del>20</del> <b>20</b> hours per week (inc. 2 hours at weekends) of which at least 5 hours in peak <del>Mon-Fri:</del> <b>Mon-Fri:</b> <del>News—3 hours per day</del> <b>News—3 hours per day</b>  <del>Sat-Sun:</del> <b>Sat-Sun:</b> <del>News—1 hour per day</del> <b>News—1 hour per day</b>  <del>Mon-Sun:</del> <b>Mon-Sun:</b> <del>Current affairs—3 hours per week</del> <b>Current affairs—3 hours per week</b>	<del>20</del> <b>20</b> hours per week (inc. 2 hours at weekends) of which at least 5 hours in peak <del>Mon-Fri:</del> <b>Mon-Fri:</b> <del>News—3 hours per day</del> <b>News—3 hours per day</b>  <del>Sat-Sun:</del> <b>Sat-Sun:</b> <del>News—1 hour per day</del> <b>News—1 hour per day</b>  <del>Mon-Sun:</del> <b>Mon-Sun:</b> <del>Current affairs—3 hours per week</del> <b>Current affairs—3 hours per week</b>	<del>20</del> <b>20</b> hours per week (inc. 2 hours at weekends) of which at least 5 hours in peak <del>Mon-Fri:</del> <b>Mon-Fri:</b> <del>News—3 hours per day</del> <b>News—3 hours per day</b>  <del>Sat-Sun:</del> <b>Sat-Sun:</b> <del>News—1 hour per day</del> <b>News—1 hour per day</b>  <del>Mon-Sun:</del> <b>Mon-Sun:</b> <del>Current affairs—3 hours per week</del> <b>Current affairs—3 hours per week</b>

<b>Repeats:</b>	6 hours per week Sat-Sun: Newsweek catch-up 3 hours	6 hours per week Sat-Sun: Newsweek catch-up 3 hours	6 hours per week Sat-Sun: Newsweek catch-up 3 hours
	Mon-Sun: Current Affairs—3 hours per week	Mon-Sun: Current Affairs—3 hours per week	Mon-Sun: Current Affairs—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.<sup>1</sup> 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.<sup>2</sup>

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.<sup>3</sup> 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 noted that the requested change would not substantially affect the description of the programming output set out in the programming commitment bullet points and that the overall amount of first-run local programming per week would remain unchanged, despite a small reduction in the amount shown in peak-time. The BLC also noted that local news would continue to be broadcast across the schedule, including at weekends.

After careful deliberation, the BLC considered that the character of the service overall would be maintained following the requested variations, and in particular that the local programming hours required under the licence and the requirement to broadcast local news during the week and at weekends would be maintained. The BLC noted in this context that the commitment to local news was a key part of the licence application, which described the service as being “centred around a strong local news spine”. Taking all of the above factors

<sup>1</sup> Section 19(3A)(c) of the 1996 Act as modified by the Local Television Programme Services Order 2012

<sup>2</sup> Section 4(4) of the 1996 Act

<sup>3</sup> Section 19 of the 1996 Act as modified by the Local Television Programme Services Order 2012

into account the BLC decided that the requested variations would not amount to a departure from the character of the service as originally proposed and to consent to the variation request.

The amended programming commitments are available here:

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