

Local TV decisions: change requests submitted by That’s TV Broadcasting Limited

The Request

That’s TV Broadcasting Limited (“That’s TV” or “the Licensee”) is the ultimate holding company for the Local TV licences that cover, among others, the areas of Aberdeen, Ayr, Cambridge, Dundee, Edinburgh, Glasgow, Manchester, Oxford and Southampton. The services provided by this licence holder must meet specific content obligations set out in the licences known as programming commitments.

On 15 June 2020, That’s TV made requests to Ofcom for variations to the programming commitments for those Licensed Services listed above. These requests were subsequently amended by That’s TV on 29 June 2020. The details, which include the combined requests, are set out here (changes in **red font**):

Aberdeen local TV licence variation request

Programming Commitments for That’s TV – proposed			
Programming output	<p>The service will be a general entertainment service which will, inter alia:</p> <ul style="list-style-type: none"> • reflect the tastes, interests and concerns of people living or working in and around the Licensed Area; • include a core local news service relevant to the Licensed Area (inc. sub-genres such as weather, current affairs, sport, features and information); • sometimes reflect matters of general interest such as music, arts, culture and entertainment; • offer opportunities for members of the community to become involved in and / or feature in content or raise issues; • reflect diversity in the community; and • cover the voluntary / charity and arts sectors and their events and / or activities. <p>The service will provide a news-based local TV service for the area of Aberdeen and the locality under the Ofcom indicative coverage map. • It will reflect and promote the interests, concerns and aspirations of the people living and working in the Licensed Area. • It will be entertaining, informative, interactive and relevant. • It will deliver a minimum of seven (7) hours per week (slot times) of locally produced news and current affairs output. • The news and current affairs output, created in the Licensed Area, will include a range of stories and sub-genres such as sport and weather. • It will provide a platform for local debate and discussion and will showcase the business and cultural life of Aberdeen and its locality.</p>		
Hours of local programming per day/week	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3 onwards</u>
First run:	7	7	7 hours per week
	Nil	Nil	Nil

Repeats:			
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:	7	7	Nil
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:	7	7	7 hours per week
Repeats:	Nil	Nil	Nil

Ayr local TV licence variation request

Programming Commitments for That's TV – proposed

Programming output	<p style="color: red;">The service will be a general entertainment service which will, inter alia:</p> <ul style="list-style-type: none"> reflect the tastes, interests and concerns of people living or working in and around the Licensed Area; include a core local news service relevant to the Licensed Area (inc. sub-genres such as weather, current affairs, sport, features and information); sometimes reflect matters of general interest such as music, arts, culture and entertainment; offer opportunities for members of the community to become involved in and / or feature in content or raise issues; reflect diversity in the community; and cover the voluntary / charity and arts sectors and their events and / or activities. <p style="color: red;">The service will provide a news-based local TV service for the area of Ayr and the locality under the Ofcom indicative coverage map:- • It will reflect and promote the interests, concerns and aspirations of the people living and working in the Licensed Area. • It will be entertaining, informative, interactive and relevant. • It will deliver a minimum of seven (7) hours per week (slot times) of locally produced news and current affairs output. • The news and current affairs output created in the Licensed Area, will include a range of stories and sub-genres such as cultural activities, sport and weather. • It will provide a platform for local debate and discussion and will showcase the business and cultural life of Ayr and its locality.</p>		
Hours of local programming per day/week	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3 onwards</u>
First run:	7	7	7 hours per week
Repeats:	Nil	Nil	Nil
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:	7	7	Nil
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:	7	7	7 hours per week
Repeats:	Nil	Nil	Nil

Cambridge local TV licence variation request

Programming Commitments for That's TV – proposed			
Programming output	<p style="color: red;">The A general entertainment service which will, inter alia:</p> <ul style="list-style-type: none"> reflect the interests and concerns of people living or working in and around the Licensed Area; have a strong emphasis on news (inc. sub-genres such as information, business-news, current affairs, weather and features); reflect the diversity of the community including youth / students; <li style="color: red;">include a mix of content which will sometimes reflect matters of general interest such as arts, music, culture and entertainment; cover locally relevant topics and encourage members of the community to be involved in or feature in content; and support the local voluntary / charity and arts sectors by covering local events and / or activities. <p style="color: red;">The service will normally schedule news at least 5 evenings per week and a news review at weekends.</p>		
Hours of local programming per week	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3 onwards</u>
First run:	11hr 45min per week (Monday to Friday)	7 hours per week	7 hours per week
Repeats:	4hr 45min per week (Monday to Friday)	9.5 hours per week	5 hours per week Nil
Hours of local programming per week in peak-time (18.00-22.30)	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3 onwards</u>
First run:	3hr 30min per week (Monday to Friday)	3.5 hours per week	3.5 hours per week
Repeats:	1 hour per week (Monday to Friday)	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:	2 x 12 minute news bulletins per day. (Monday to Friday)	7 hours per week of which 3 hours per week in peak	7 hours per week of which 3 hours per week in peak
	1 x 14 minute news bulletin per day. (Monday to Friday)		
	1 x 10 minute news bulletin per day. (Monday to Friday)		
	Total of above:		

Repeats:	<p>4h/week</p> <p>Peak time: 1 x 30 minute evening per day. (Monday to Friday) 2.5h/week</p> <p>Peak time: 1 x 30 minute current affairs programme per week.</p> <p>0.5h/week</p> <p>Overall Total: 7 hrs/week</p>		
	<p>Peak time: Repeat of 30 minute current affairs programme twice a week. 1h/week</p> <p>Peak time: Repeat of 30 minute current affairs programme twice per weekend. 1h/week</p> <p>Total of above: 2h/week</p>	2 hours per week of which 1 hour per week at weekends	2 hours per week of which 1 hour per week at weekends Nil

Dundee local TV licence variation request

Programming Commitments for That's TV – proposed

Programming output	<p style="color: red;">The service will be a general entertainment service which will, inter alia:</p> <ul style="list-style-type: none"> reflect the tastes, interests and concerns of people living or working in and around the Licensed Area; include a core local news service relevant to the Licensed Area (inc. sub-genres such as weather, current affairs, sport, features and information); sometimes reflect matters of general interest such as music, arts, culture and entertainment; offer opportunities for members of the community to become involved in and / or feature in content or raise issues; reflect diversity in the community; and cover the voluntary / charity and arts sectors and their events and / or activities. <p style="color: red;">The service will provide a news-based local TV service for the area of Dundee and the locality under the Ofcom indicative coverage map. • It will reflect and promote the interests, concerns and aspirations of the people living and working in the Licensed Area. • It will be entertaining, informative, interactive and relevant. • It will deliver a minimum of seven (7) hours per week (slot times) of locally produced news and current affairs output. • The news and current affairs output, created in the Licensed Area, will include a range of stories and sub-genres such as cultural activity, sport and weather. • It will provide a platform for local debate and discussion and will showcase the business and cultural life of Dundee and the locality under the Ofcom indicative coverage map.</p>		
Hours of local programming per day/week	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3 onwards</u>
	7	7	7 hours per week
	Nil	Nil	Nil
First run:			
Repeats:			
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>
	7	7	Nil
	Nil	Nil	Nil
First run:			
Repeats:			
Hours and scheduling of local news and current affairs programming	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3 onwards</u>
	7	7	7 hours per week
	Nil	Nil	Nil
First run:			
Repeats:			

Edinburgh local TV licence variation request

Programming Commitments for That's TV – proposed			
Programming output	<p>The service will be a general entertainment service which will, inter alia:</p> <ul style="list-style-type: none"> • reflect the interests and concerns of people who live or work in and around the Licensed Area; • include a core news service for the Licensed Area (inc. sub-genres such as weather, current affairs, business, sport, community stories, features and information) that covers breaking and developing stories, current affairs, business and financial life, culture and the arts, sport and community stories; • include a mix of content of general interest such as lifestyle, entertainment, arts & culture and factual-community features; • reflect the diversity of the community; • include material produced in association with or featuring community groups / educational institutions / the voluntary and charity sector / people from different walks of life; and • normally include news bulletins at least five evenings per week and a news review at weekends. 		
Hours of local programming per week	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3 onwards</u>
First run:	16 hours per week	16 hours per week	8.75 hours per week
Repeats:	12 hours per week	12 hours per week	Nil
Hours of local programming per week in peak-time (18.00-22.30)	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3 onwards</u>
First run:	16 hours per week	9 hours per week	5.25 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:	10 hours per week Mon-Fri: 3 x 30 minute bulletins, 1 x 5 minute bulletin per day; 3 x 30 minutes per week of current affairs programming.	10 hours per week	7 hours per week
Repeats:	Sat-Sun: 4 x 5 minute bulletins per day. 4 hours per week	4 hours per week	Nil

Glasgow local TV licence variation request

Programming Commitments for That's TV – proposed

Programming output	<p style="color: red;">The service will be a general entertainment service which will, inter alia:</p> <ul style="list-style-type: none"> The service will include news, (inc. sub-genres such as current affairs, sport, arts and culture, business, weather, features and information)-; Programming will reflect the interests and concerns of people living or working in and around the Licensed Area. This will often be a positive representation of the Licensed Area showcasing its community activities-; The service will reflect the Glasgow's multi-cultural profile and diversity of the community-; The service will facilitate local community groups contributing to or featuring in content for broadcast-; The service will also broadcast content created in association with and / or featuring educational, arts, charitable and / or community organisations / people from different walks of life-; include content which will sometimes reflect matters of general interest such as arts, culture, music and/or entertainment; and The service will normally include news bulletins at least five evenings per week and a news review at weekends. 		
Hours of local programming per week	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3 onwards</u>
First run:	28 hours per week	28 hours per week	14 hours per week
Repeats:	7 hours per week	7 hours per week	Nil
Hours of local programming per 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	14 hours per week	7 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:	<p style="text-align: center;">12 hours per week</p> <p>Mon-Fri:</p> <p>4 x 15 minute bulletins per day;</p> <p>1 x 60 minute news programme per day.</p> <p>Sat-Sun:</p> <p>3 x 5 minute bulletins per day.</p> <p>Mon-Sun:</p>	12 hours per week	7 hours per week

Repeats:	Twice weekly 2 x 45 minutes current affairs programming.		
	1hr 30mins per week	1hr 30mins per week	Nil

Manchester local TV licence variation request

Programming Commitments for That's TV – proposed

Programming output	<ul style="list-style-type: none"> The service will be a general entertainment service which will deliver news (inc. sub-genres such as sport, weather features, 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, <i>inter alia</i>:</p> <ul style="list-style-type: none"> reflect the interests and concerns of persons living or working in and around the Licensed Area; be about Greater Manchester through the eyes of its people; deliver a mix of content which will sometimes reflect matters of general interest such as entertainment / arts / music / features; hold decision makers to account; offer opportunities to those exploring a great cultural location to express themselves; feature people from different walks of life; reflect the diversity of people in the area (including ethnicity and different age groups); and frequently be informative and community-focused. <p>The service will normally schedule news at least 5 evenings per week and a news review at weekends.</p>		
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	49 hours per week	24.5 hours per week
Repeats:	52.5 hours per week	35.25 hours per week	Nil
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	12.25 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	22.5 hours per week (inc. 2 hours at weekends) of which 6 hours in evenings	11.25 hours per week
Repeats:	5.75 hours per week	14.25 hours per week	Nil

Oxford local TV licence variation request

Programming Commitments for That's TV – proposed

Programming output	<p>The service will be a general entertainment service which will, inter alia:</p> <ul style="list-style-type: none"> reflect the interests and concerns of persons living / working in and around the Licensed Area with a strong emphasis on local news (to include sub-genres such as features, current affairs, sport, business, weather and information); provide a platform for people to raise issues and concerns; offer opportunities for members of the community to become involved in and / or feature in content; support cover the charity / voluntary sector and business sectors of the community by covering and their events and / or activities; include a mix of content which will sometimes reflect matters of general interest such as arts, culture, music and/or entertainment; and reflect the diversity of the community including youth / students. <p>The service will normally schedule news at least 5 evenings per week.</p>		
Hours of local programming per week	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3 onwards</u>
First run:	35 hours per week	35 hours per week	17.5 hours per week
Repeats:	16 hours per week	2.5 hours per week	Nil
Hours of local programming per week in peak-time (18.00-22.30)	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3 onwards</u>
First run:	14 hours per week	14 hours per week	8.75 hours per week
Repeats:	2 hours per week	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:	17.5 hours per week (inc. 2 hours at weekends) of which 5 hours per week in peak	17.5 hours per week (inc. 2 hours at weekends) of which 5 hours per week in peak	8.75 hours per week
Repeats:	2.5 hours per week	2.5 hours per week	Nil

Southampton local TV licence variation request

Programming Commitments for That's TV – proposed			
Programming output	<p>The service will be a general entertainment service which will include:</p> <ul style="list-style-type: none"> • dedicated local news provision for persons living or working in and around the Licensed Area (inc. sub-genres such as sport, weather, information, current affairs and features); • content that reflects the diversity of the community (including youth / students); • strong elements of consumer affairs; • substantial coverage of the local voluntary / charity sector; • programming featuring local sport in the Licensed Area; • programming featuring local people / places and reflecting local interests and concerns; • What's On content and general coverage of the arts / music / culture / entertainment; and • a mix of content which will sometimes include-reflect matters of general interest such as lifestyle / advice / consumer affairs / factual content. <p>The service will normally schedule news at least 5 evenings per week.</p>		
Hours of local programming per week	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3 onwards</u>
First run:	51 hours per week	35 hours per week	17.5 hours per week
Repeats:	57 hours maximum per week	Nil	Nil
Hours of local programming per week in peak-time (18.00-22.30)	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3 onwards</u>
First run:	18 hours per week	14 hours per week	8.75 hours per week
Repeats:	10.5 hours maximum per week	Nil	Nil
Hours of local news and current affairs programming	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3 onwards</u>
First run:	20 hours per week (inc. 2 hours at weekends) of which at least 5 hours in peak	20 hours per week (inc. 2 hours at weekends) of which at least 5 hours per week in peak	10 hours per week
Repeats:	6 hours per week	Nil	Nil

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 26 June 2020, two Ofcom colleagues with the job title Principal, Broadcasting Licensing and Programme Operations (the “Decision-makers”) considered the variation requests.

The Decision-makers noted that there were no proposed changes to the quantitative programming commitments in the Annexes of the licences with the exception of the licence for Cambridge, for which the removal of the requirement for repeated local programming and repeated news and current affairs output was requested. In relation to this, the Decision-makers considered that, while repeated content allows viewers to ‘catch up’ on the local content provided by a service and therefore has a role in defining the character of that service, this is likely to be less important and have less of an impact than the provision of an acceptable amount of first-run local programming, both in peak-time and across the service as a whole.

Each request sought changes to the ‘programming output’ section of the commitments, with a view to bringing some consistency to the narratives displayed in this section across the licences owned by That’s TV Broadcasting Limited. However, the Decision-makers considered each request, in relation to each of the licences, on its individual merits.

They noted that, in the licences for each of Aberdeen, Ayr and Dundee, specific requirements to provide locally-produced (i.e. created in the Licensed Area) news and current affairs output were proposed to be removed. However, the Decision-makers considered that the proposed new requirements in each licence to provide a service which will “reflect the tastes, interests and concerns of people living or working in and around the Licensed Area” and will “include a core local

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

news service relevant to the Licensed Area” would together ensure that each of the services in question continues to be under an obligation to provide content about the local area it serves. Further, the Decision-makers considered that the proposed changes were consistent with Ofcom’s previous decision to allow the Licensee to set up [regions for their relevant services](#). This permits That’s TV to produce content for all of its services within a specific region from one studio (for example, all content for the Aberdeen, Dundee and Edinburgh services are produced from the Edinburgh studio). As such, viewers should notice little or no change in the content that is provided by each of these three Licensed Services.

The proposed changes to the licences for each of Cambridge, Edinburgh, Glasgow, Manchester, Oxford and Southampton were considered to be relatively minor in nature, and should not have any noticeable impact on the character of each of these services.

After careful deliberation, the Decision-makers considered that the overall character of each of the services would still be maintained following the requested variations. Accordingly, on 30 June 2020, the Decision-makers decided that the requested variations to the licences would in each case not constitute a departure from the character of the service, and that each request should be granted.