

Local TV decision: That's Manchester change request

Your TV Limited (That's 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 10 October 2015 That's 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**):

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 people in making television as well as watching it; deliver factual entertainment; hold decision makers to account; offer opportunities to job seekers, those wanting new skills, school children and families or those looking under the surface of a great cultural and energetic City; be created for and by people from all-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 live and always 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:	88 66.5 hours per week	88 66.5 hours per week	88 66.5 hours per week
Repeats:	79 52.5 hours per week	79 52.5 hours per week	79 52.5 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:	20.5 hours per week	20.5 hours per week	20.5 hours per week
Repeats:	-10 hours per week Nil	-10 hours per week Nil	-10 hours per week 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:	Mon-Sun: Local news: Breakfast – 8 hours per week; Lunch – 2 hours per week; Evening – 6 hours per week. 15 hours per week of current affairs.	Mon-Sun: Local news: Breakfast – 8 hours per week; Lunch – 2 hours per week; Evening – 6 hours per week. 15 hours per week of current affairs.	Mon-Sun: Local news: Breakfast – 8 hours per week; Lunch – 2 hours per week; Evening – 6 hours per week. 15 hours per week of current affairs.

Repeats:	31 hours per week (inc. 2 hours at weekends) of which 6 hours in evenings	31 hours per week (inc. 2 hours at weekends) of which 6 hours in evenings	31 hours per week (inc. 2 hours at weekends) of which 6 hours in evenings
	5.75 hours per week	5.75 hours per week	5.75 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 notice².

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 service³. 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 considered that while there would be a reduction in the required levels of local programming per week (both first-run and repeats), this would be proportionally small compared to the existing very high levels. In addition, it noted that whilst there would be some simplification of the scheduling detail set out in the Programming Commitments in respect of the service’s local news and current affairs obligations, overall the number of hours of local news programming would remain at existing levels. The BLC also considered that the requested descriptive changes to the first part of the Programming Commitments would not alter the character of service.

After careful deliberation, the BLC considered that the character of service would be maintained following the requested variations, particularly in view of the fact that the changes to the number of first run and repeat local programming hours would be proportionally small compared to the existing very high levels, and first run local news and current affairs hours would continue to be delivered at the existing levels. Accordingly, the

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.

BLC decided on 3 November 2015 that the requested variations would not amount to a departure from the character of the service and consented to the variation request.

The amended Programming Commitments are available here:

<http://licensing.acmpub.intra.ofcom.local/tv-broadcast-licences/current-licensees/local-tv/manchester/>