

## Local TV decision: STV Glasgow change request

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

On 24 November 2015, STV Glasgow made a request to Ofcom for a variation to the programming commitments in the Licence (which was subsequently amended by STV Glasgow on 11 December 2016). The final details are set out here (changes in **red font**):

<b>Programming Commitments for STV Glasgow</b>			
<b>Programming output</b>	<ul style="list-style-type: none"> <li>The service will be based around news, current affairs and community programming.</li> <li>Programming will be in a live format, changing daily to reflect life in and around the Licensed Area. This will be a positive representation of the Licensed Area showcasing its community activities.</li> <li>The service will include breaking news, weather, sport, arts &amp; culture, business updates, community information, current affairs and audience interactivity.</li> <li>The service will reflect Glasgow's multi-cultural profile including one hour per week in a language other than English with English subtitles.</li> <li>The service will facilitate local community groups creating their own content for broadcast including through partnership with Glasgow Caledonian University.</li> <li>The service will encourage origination by third-parties and will broadcast content created by other educational, arts &amp; community organisations.</li> <li><b>The service will include news bulletins seven days a week.</b></li> </ul>		
<b>Hours of local programming per day/week</b>	<b><u>Year 1</u></b>	<b><u>Year 2</u></b>	<b><u>Year 3 onwards</u></b>
<b>First run:</b>	28 hours per week	28 hours per week	28 hours per week
<b>Repeats:</b>	7 hours per week	7 hours per week	7 hours per week
<b>Hours of local programming per day/week in peak-time (18.00-22.30)</b>	<b><u>Year 1</u></b>	<b><u>Year 2</u></b>	<b><u>Year 3 onwards</u></b>
<b>First run:</b>	21 hours per week	<b>14<del>21</del></b> hours per week	<b>14<del>21</del></b> hours per week
<b>Repeats:</b>	Nil	Nil	Nil
<b>Hours and scheduling of local news and current affairs programming</b>	<b><u>Year 1</u></b>	<b><u>Year 2</u></b>	<b><u>Year 3 onwards</u></b>

<b>First run:</b>	12 hours per week Mon-Fri: 4 x 15 minute bulletins per day; 1 x 60 minute news programme per day.  Sat-Sun: 3 x 5 minute bulletins per day.  Mon-Sun: Twice weekly 2 x 45 minutes current affairs programming.	12 hours per week <del>Mon-Fri: 4 x 15 minute bulletins per day; 1 x 60 minute news programme per day.</del>  <del>Sat-Sun: 3 x 5 minute bulletins per day.</del>  <del>Mon-Sun: Twice weekly 2 x 45 minutes current affairs programming.</del>	12 hours per week <del>Mon-Fri: 4 x 15 minute bulletins per day; 1 x 60 minute news programme per day.</del>  <del>Sat-Sun: 3 x 5 minute bulletins per day.</del>  <del>Mon-Sun: Twice weekly 2 x 45 minutes current affairs programming.</del>
	<b>Repeats:</b>	1hr 30mins per week	1hr 30mins 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 one or more senior executives from Ofcom’s Content Group (namely, Ofcom’s Director of Content Standards, Licensing and Enforcement, Ofcom’s Head of Radio and Local TV Policy and Ofcom’s Head of Complaints, Licensing and Enforcement). Each of those individuals, on their own or together, have responsibility for deciding on the award of, and proposals for variations to, L-DTPS licences. A non-executive member of Ofcom’s Content Board may also be invited to join the decision-making panel.

<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

On 29 April 2016, Ofcom's Director of Content Standards, Licensing and Enforcement, Ofcom's Head of Radio and Local TV Policy and Ofcom's Content Board Member for Scotland met to consider the variation request (the "Decision-makers"). They noted that, whilst there would be a reduction in the volume of first-run local programming in peak-time, and a removal of scheduling detail for first run local news and current affairs programming, the total volume of local programming, including local news programming, would remain unchanged. They also noted that, if the requested variation were allowed, the service would continue to provide news bulletins on every day of the week.

After careful deliberation, the Decision-makers considered that the character of the service overall would still be maintained following the requested variation. In particular, they noted that there would still be local programming provided in peak-time and that news bulletins would continue to be provided by STV Glasgow on a daily basis. Accordingly, on 29 April 2016, the Decision-makers decided that the requested variation would not constitute a departure from the character of the service, and that it should be allowed.