

Local TV decision: STV Edinburgh change request

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

On 20 January 2015 STV Edinburgh made a request to Ofcom for a variation to the programming commitments in the Licence. The variation relates to the requirement to show a specified number of hours of repeats of local programming per week during peaktime hours. The details are set out here (changes in **bold**):

Programming Commitments for STV Edinburgh			
Programming output	The service will: <ul style="list-style-type: none"> • be live, reflecting every aspect of life in the city and providing local choice; • be broadcast for at least 28 hours per week during peak time with at least 16 hours per week of local programming produced in the area; • include a core news service for the Licensed Area that covers breaking and developing stories, business and financial life, culture and the arts, sport and community stories; • include a variety of non-news programming including current affairs, lifestyle, arts & culture and community; • include material produced by community groups such as our partner Edinburgh Napier University. 		
Hours of local programming per day/week	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3 onwards</u>
First run:	16 hours per week	16 hours per week	16 hours per week
Repeats:	12 hours per week	12 hours per week	12 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:	16 hours per week	16 hours per week	16 hours per week
Repeats:	12 hours per week Nil	12 hours per week Nil	12 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:	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. Sat-Sun:	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. Sat-Sun:	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. Sat-Sun:

Repeats:	4 x 5 minute bulletins per day.	4 x 5 minute bulletins per day.	4 x 5 minute bulletins per day.
	4 hours per week	4 hours per week	4 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 met on 3 March 2015 to consider the variation request. It noted that the requested change would not affect the description of the programming output set out in the programming commitments, and that the requirements relating to the total amount of first-run and the total amount of repeated local programming, as well as the requirements relating to news and current affairs programming would be unchanged. It noted that STV Edinburgh in its request proposed to delete the commitment to repeats of local programming in peak time.

After careful deliberation, the BLC considered that the character of the service overall would still be maintained following the requested variation, and in particular that the amount of local programming hours required under the licence would remain the same, and the other licence obligations would still be delivered. Accordingly, on 3 March 2015 the BLC decided that the requested variation would not constitute a departure from the character of the service, and that it should be allowed.

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.

The amended programming commitments are available here:

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