

Local TV decision: Made Television Ltd change request

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

On 30 July 2015 Made in Tyne and Wear 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 Made in Tyne & Wear

Programming output	<ul style="list-style-type: none"> The service’s programming schedule will be locally focused. The service will include a blend of exclusively local content with a mix of general interest programming and acquired content that is in keeping with the lifestyle and information style of the service. At a local level news, current affairs, local entertainment and sports will feature heavily in the service. The service will consistently cater for the local audience by including top of the hour 90 second local news bulletins, ‘what’s on’ updates on the half-hour and a regular feed of local fillers including event guides and vox-pops. Local event guides and on-the-street vox-pops will be filmed throughout the week and broadcast across the day. The service’s output will support local business by providing an affordable platform for advertising. Exclusively local content will make up approximately 40% of the schedule, with programming shared with other L-DTPS licensees contributing over 10% and the remaining airtime being a blend of acquisitions and commercial content. First-run programming will make up 2 hours of the evening schedule with a further 7.5 hours (repeats) of local content throughout the day. The programme output will feature the following topics: celebrity, motoring, health, home improvement, history, crime, cinema, food, recruitment, tourism, council, nightlife, local opinion, property, entertainment, local personalities, sport, current affairs, traffic, weather, events and news. 		
Hours of local programming per day/week	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3 onwards</u>
First run:	38 hours per week	45 hours per week <u>37 Hours Per Week</u>	52 hours per week <u>37 Hours Per Week</u>
Repeats:	33.5 hours per week	26.5 hours per week	19.5 hours per week

		21 Hours Per Week	21 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:	15 hours per week	22 hours per week 14 Hours Per Week	22 hours per week 14 Hours Per Week
Repeats:	7.5 hours per week	4 hours per week 7 hours per week	4 hours per week 7 hours per week
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>Mon-Fri: 2 x 30 minute news programme per day</p> <p>Sat-Sun: 1 hour news programme per day</p> <p>Mon-Sun: 90 second top of the hour and every half-hour news and information bulletins – Average of 25 broadcasts per day</p> <p>1 hour current affairs programming per week.</p> <p>During local, national and European elections: current affairs specials</p>	<p>Mon-Fri: 2 x 30 minute news programme per day</p> <p>Sat-Sun: 1 hour news programme per day</p> <p>Mon-Sun: 90 second top of the hour and every half-hour news and information bulletins – Average of 25 broadcasts per day</p> <p>2 hours current affairs programming per week.</p> <p>1 hour current affairs programming per week.</p> <p>During local, national and European elections: current affairs specials</p>	<p>Mon-Fri: 2 x 30 minute news programme per day</p> <p>Sat-Sun: 1 hour news programme per day</p> <p>Mon-Sun: 90 second top of the hour and every half-hour news and information bulletins – Average of 25 broadcasts per day</p> <p>3 hours current affairs programming per week.</p> <p>1 hour current affairs programming per week.</p> <p>During local, national and European elections: current affairs specials</p>
Repeats:	5 hours of repeated current affairs programming per week	4 hours of repeated current affairs programming per week	3 hours of repeated current affairs programming per week

		<u>At least 1hr of Current Affairs repeats per week</u>	At least 1hr of Current Affairs repeats per week
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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 22 September 2015 to consider the variation request. It noted that the requested changes would not affect the description of the programming output set out in the programming commitments. Whilst there would be some reduction to the quota for local programming repeats and a reduction to the existing year 1 commitment levels for the hours per week of first run local programming and the hours per week of first run local programming in peak time, the BLC noted that, overall, these first-run reductions would be proportionally small compared to the existing high levels. The BLC also noted that there would be a reduction to the quota for current affairs repeats, but that the hours per week of first run current affairs programming would remain at the existing year 1 commitment level.

After careful deliberation, the BLC considered that the character of the service overall would be maintained following the requested variations, particularly in view of the following factors: that the number of hours of first run local programming and the number of hours of first run local programming in peak-time would continue to be delivered at a level that is only slightly lower than existing year 1 commitment levels and that, overall, the changes to first run hours would be proportionally small compared to the existing high levels. Taking these factors into account the BLC decided that the requested variations would not amount to a

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.

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.acmpub.intra.ofcom.local/tv-broadcast-licences/current-licensees/local-tv/newcastle/>