

Local TV decision: STV Edinburgh change request

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

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; • include news bulletins seven days a week. 		
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	916 hours per week	916 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. Sat-Sun: 4 x 5 minute bulletins per day.	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: 4 x 5 minute bulletins per day.	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: 4 x 5 minute bulletins per day.
Repeats:	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 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 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.

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 significant reduction in the volume of first-run local programming in peak-time as well as 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 Edinburgh 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.

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 Decision-makers also decided that, for convenience and in order to ensure that the 'programming output' described in the Licence is consistent with the quantitative programming commitments (as varied), the second bullet in the programming output should be removed.

Following this decision, the amended programming commitments are (changes in **red font**):

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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 9 hours per week	16 9 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. Sat-Sun: 4 x 5 minute bulletins per day.	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: 4 x 5 minute bulletins per day.	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: 4 x 5 minute bulletins per day.
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