

Local TV decision: That's Manchester change request

YourTV Manchester 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 27 November 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 font**):

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 entertainment; hold decision makers to account; offer opportunities to job seekers, those wanting new skills, school children or those looking under the surface of a great cultural and energetic City; be created for and by people from 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 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:	66.5 52.5 hours per week	66.5 52.5 hours per week	66.5 52.5 hours per week
Repeats:	52.5 hours per week	52.5 hours per week	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 17.5 hours per week	20.5 17.5 hours per week	20.5 17.5 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:	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
Repeats:	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 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.

On 4 April 2016, Ofcom's Director of Content Standards, Licensing and Enforcement and Ofcom's Head of Radio and Local TV Policy met to consider the variation request (the "Decision-makers"). They considered that the proposed amendments to the amounts of first-run local programming overall, and in peak time specifically, were proportionate given the continued commitment to a high number of local programming hours. They considered this to be the case notwithstanding the magnitude of the reduction in first-run local programming as against the original programming commitments. The Decision-makers also noted that the description of programming output remains unchanged and that the volume of local news and current affairs programming, which they considered to be particularly important, would remain unaltered if the requested variation were allowed.

After careful deliberation, the Decision-makers considered that the character of the service overall would still be maintained following the requested variation. In particular, that a high volume of local programming would continue to be provided by That's Manchester, including during peak times. Accordingly, on 4 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