

Local TV decision: Big Centre TV change request

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

On 19 January 2016, Big Centre TV 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 Big Centre TV Birmingham	
Programming output	<ul style="list-style-type: none">• The service will focus on core news and current affairs output in the initial period of operation.• The service will be as inclusive as possible, forming partnerships with communities to deliver hyper local news coverage.• Producers from the community will be trained to deliver content about their areas on an ongoing basis. Resource and airtime will be provided to hear the voices of these communities.• The majority of news bulletins will be live (debate shows may be pre-recorded) with as many live-links to events around the Licensed Area as possible.• The proportion of daytime and evening feature led and factual/entertainment programming will increase be high and repeats will be reduced-stable once the core news and current affairs schedule is established. <p>The service’s programme schedule will include:</p> <ul style="list-style-type: none">• a 90-minute breakfast show a minimum 90-minutes morning news on weekdays;• news at 12.00 a minimum 30-minutes news at lunchtime on weekdays;• a business round up, news and analysis at 12.30 daily sports news, business round ups within news programmes and a weekly dedicated business news programme• a half-hour programme of news at 18.00 and 22.00 a minimum 60-minutes early evening news on weekdays• a minimum 30-minutes mid evening news on weekdays• a minimum 60-minutes news on weekend days augmented by current affairs and debate shows• 5 x 2-minute round ups of news headlines across the day The news quota to include regular short news bulletins within programme junctions.

Hours of local programming per day/week	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3 onwards</u>
First run:	41 hours per week	55 41.5 hours per week	68 41.5 hours per week
Repeats:	40 hours per week	30 40 hours per week	23 40 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:	23 hours per week	23 hours per week	23 hours per week
Repeats:	4.5 hours per week	4.5 hours per week	4.5 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:	Mon-Sun: 27 hours of news and current affairs per week. This includes 5 x 2 minute bulletins per day.	Mon-Sun: 35 27 hours of news and current affairs per week. This includes 5 x 2 minute bulletins per day. The news quota to include regular news headlines or short news bulletins at those points of the schedule where there is a discernible period of time before the next full one hour or half hour news bulletin.	Mon-Sun: 38 27 hours of news and current affairs per week. This includes 5 x 2 minute bulletins per day. The news quota to include regular news headlines or short news bulletins at those points of the schedule where there is a discernible period of time before the next full one hour or half hour news bulletin.
Repeats:	Mon-Sun: 3 hours	Mon-Sun: 2 3 hours	Mon-Sun: 1 3 hours

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

¹ Section 19(3A)(c) of the 1996 Act as modified by the Local Television Programme Services Order 2012

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 noted that, whilst there would be a reduction in the volume of first-run local programming, including first-run local news and current affairs programming, the total volume of local programming, including local news programming, would remain high. They also noted that, if the requested variation were allowed, the volume of first-run local programming including local news and current affairs programming would not go below that required under the Year 1 programming commitments.

The Decision-makers also considered that the minor descriptive changes to the programming output requested by Big Centre TV would not alter the character of the service, particularly as the majority of news bulletins would continue to be live (rather than pre-recorded) and Big Centre TV would continue to provide local news and current affairs programming on a daily basis.

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, including local news and current affairs programming, would continue to be provided by Big Centre TV on a daily basis. 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.

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