

Local TV decision: That's Lancashire change request

Your TV Limited (That's Lancashire) is the holder of the local digital television programme service licence ("the Licence") for Preston. The service provided by this licence holder must meet specific content obligations set out in the Licence known as 'Programming Commitments'.

On 10 October 2015 That's Lancashire made a request to Ofcom for a variation to the Programming Commitments in the Licence. The details are set out here (changes in **red**):

Programming Commitments for That's Lancashire			
Programming output	The service will: <ul style="list-style-type: none"> • deliver news, current affairs, information and views; • give insights into the Licensed Area how it works and what it has to offer; • engage local people in making television as well as watching it; • include factual entertainment; • hold decision makers to account; • offer opportunities to job seekers, those wanting new skills, and school children and families; • be created by and for people from all-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, engaging with a technology-literate audience, providing opportunities for the audience to interact with the service. Through a multiplatform approach this audience will be heard and seen on the service; • be 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:	35.5 hours per week	35.5 hours per week	35.5 hours per week
Repeats:	132.5 79.5 hours per week	132.5 79.5 hours per week	132.5 79.5 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:	7 hours per week	7 hours per week	7 hours per week
Repeats:	24.5 10 hours per week	24.5 10 hours per week	24.5 10 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: Breakfast – 7 hours per week; Lunch – 3.5 hours per week; Evening – 7 hours per week. 4.5 hours per week current affairs 22 hours per week (inc. 2 hours at weekends) of which 7 hours in evenings	Mon-Sun: Breakfast – 7 hours per week; Lunch – 3.5 hours per week; Evening – 7 hours per week. 4.5 hours per week current affairs 22 hours per week (inc. 2 hours at weekends) of which 7 hours in evenings	Mon-Sun: Breakfast – 7 hours per week; Lunch – 3.5 hours per week; Evening – 7 hours per week. 4.5 hours per week current affairs 22 hours per week (inc. 2 hours at weekends) of which 7 hours in evenings

Repeats:	1.5 hours per week current-affairs	1.5 hours per week current-affairs	1.5 hours per week current-affairs
-----------------	---	---	---

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 noted that the requested changes would not affect the number of hours of first-run local programming or the number of hours of first-run local programming in peak-time. Whilst there would be some simplification of the scheduling detail set out in the Programming Commitments in respect of the service’s local news and current affairs obligations, overall the number of hours of local news programming would remain at existing levels. The BLC also considered that the requested descriptive changes to the first part of the Programming Commitments would not alter the character of service.

After careful deliberation, the BLC considered that the character of service would be maintained following the requested variations, particularly in view of the fact that the number of first run local programming hours and first run local news hours would continue to be delivered at the existing levels. Accordingly, the BLC decided on 3 November 2015 that the requested variations would not amount to a departure from the character of the service and consented to the variation request.

The amended Programming Commitments are available here:

<http://licensing.acmpub.intra.ofcom.local/tv-broadcast-licences/current-licensees/local-tv/preston/>

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.