

Local TV decision: ESTV change request

ESTV Limited (“ESTV”) is the holder of the local digital television programme service licence (“the Licence”) for London. The service provided by ESTV, London Live, must meet specific content obligations set out in the Licence known as programming commitments.

On 20 March 2014 ESTV made a request to Ofcom for variations to the programming commitments in the Licence. The variations relate to the requirements to show a specified number of hours of repeats of local programming per day, including during peaktime hours. The details are set out here (changes in **bold**):

Programming Commitments for London Live			
Programming output	<p>The service will:</p> <ul style="list-style-type: none"> • be an interactive news and entertainment service created in, for and by those who live and work in the Licensed Area; • include rolling news, what’s on, business, sport, travel and weather programming available on linear and non-linear platforms and will break into the DTT schedule as necessary; • include current affairs investigations, campaigns and debates will enable local people to influence the agenda through interactive functionality and live contributions; • be a launchpad for local people from every local community with a showcase for videos by aspiring London bands, comedians, filmmakers and other entertainers and community groups; • include live and pre-recorded content about London’s events through partnerships with London’s cultural organisations; • include archived factual, entertainment and lifestyle programming from London’s past; • include hyper-local programming delivered through 33 digital platforms in the Boroughs and City of the Licensed Area, edited by the service’s team; and • include a considerable amount of content made in and focused on the Licensed Area, with a small number of programmes selected from elsewhere to add context to exhibitions, events or community celebrations. 		
Hours of local programming per day	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3 onwards</u>
First run:	8 hours per day	9 hours per day	10 hours per day
Repeats:	10 hours per day	9 hours per day	8 hours per day
Hours of local programming per day in peak-time (18.00-22.30)	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3 onwards</u>
First run:	3 hours per day	3.5 hours per day	3.5 hours per day
Repeats:	1.5 hours per day	1 hour per day	1 hour per day
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: 4.5 hours rolling news per day across breakfast, lunch, early and late	Mon-Sun: 4.5 hours rolling news per day across breakfast, lunch, early and late	Mon-Sun: 4.5 hours rolling news across breakfast, lunch, early and late evening;

Repeats:	evening; Current affairs 2 x 30mins per day. Mon-Fri: Bulletins of at least 1 minute duration hourly and half-hourly Sat-Sun: Bulletins of at least 1 minute hourly	evening; Current affairs 2 x 30mins per day. Mon-Fri: Bulletins of at least 1 minute duration hourly and half-hourly Sat-Sun: Bulletins of at least 1 minute hourly	Current affairs 2 x 30mins per day. Mon-Fri: Bulletins of at least 1 minute duration hourly and half-hourly Sat-Sun: Bulletins of at least 1 minute hourly
	Monday – Sun: Current affairs x 30 minutes.	Monday – Sun: Current affairs x 30 minutes.	Monday – Sun: Current affairs x 30 minutes.

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 Executive considered the variation request on 25 March 2014. It noted that the request concerned the removal of ESTV’s commitment to hourly/half hourly news bulletins.

After careful deliberation, the executive considered that the character of the service overall would still be maintained following the requested variation, and that the variation would not constitute a material change to the Licence. It also noted that the change to news bulletins would not alter the stations’ commitment to provide 5.5 hours of news and current affairs coverage or affect other programming commitments.

The amended programming commitments are available here:

<http://licensing.ofcom.org.uk/tv-broadcast-licences/current-licensees/local-tv/london/>

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.