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## **Sheffield Live!: Variation Request**

Proposed change to its programming commitments

Statutory consultation under section 19(3C) of the Broadcasting Act 1996

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### **CONSULTATION**

Publication Date: 9 July 2019

Closing Date for Responses: 7 August 2019

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# 1. Overview

All local TV licences contain programming commitments which describe the licensed service the licensee is required to provide. The commitments have a specific focus on the amount and type of local content that will be broadcast on the service so as to reflect the needs and interests of the local area. The commitments set out in local TV licences reflect proposals submitted by the licensee when applying for licences, which are awarded by Ofcom having regard to specified statutory criteria (although some commitments may have been amended subsequently with Ofcom's consent).

Sheffield Local Television Limited ("Sheffield LTV") is the holder of a L-DTPS licence<sup>1</sup> to broadcast the local television service for the area of **Sheffield**. The service is called '*Sheffield Live!*'. Sheffield LTV has requested that Ofcom change some of the programming commitments included in its licence.

## What we are proposing – in brief

Ofcom has decided that the amendments requested by Sheffield LTV would amount to a departure from the character of the licensed service. Under the statutory scheme, Ofcom is unable to consent to the proposed changes unless it is satisfied that the departure would meet the criteria set out in legislation. This criterion includes, for example, that the departure should not substantially alter the character of the service or unacceptably reduce the number and range of programmes made about the local area.

Ofcom is therefore publishing this consultation to seek the views of persons who might be affected by the requested amendments, particularly in respect of whether the changes requested by Sheffield Live would satisfy the statutory criteria.

Our preliminary view is that we are minded to approve the proposed changes to the commitments. This is because we are provisionally satisfied in relation to the statutory criteria. However, we are seeking views on the request before we make a final decision. The consultation closes at **5pm on Wednesday 7 August 2019**.

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<sup>1</sup> [https://www.ofcom.org.uk/data/assets/pdf\\_file/0009/41031/Sheffield-L-DTPS-Licence-Granted-7-August-2014-PDF.pdf](https://www.ofcom.org.uk/data/assets/pdf_file/0009/41031/Sheffield-L-DTPS-Licence-Granted-7-August-2014-PDF.pdf)

## 2. Details and background information

- 2.1 Ofcom is the body responsible for licensing local digital television services (“local television services”) in the United Kingdom. Currently, local television services operate in **34** locations across the country. Our powers and duties in exercising this function are contained in the Communications Act 2003 and the Broadcasting Act 1996, as modified by the Local Digital Television Programme Services Order 2012<sup>2</sup>.
- 2.2 The licence for each local TV service contains a set of programming commitments which describe the type and volume of locally-relevant programming which the licensees are required to provide. The commitments are annexed in each Local Digital Television Programme Service (“L-DTPS”) licence.
- 2.3 Licensees can make requests to Ofcom to change their programming commitments in line with their licence conditions. In turn, Ofcom will consider such requests in accordance with the statutory criteria, as described below.
- 2.4 In this section, we set out:
  - a) the legal framework applicable to Ofcom’s consideration of changes to programming commitments in L-DTPS licences; and
  - b) an overview of the changes requested by Sheffield LTV (“the Variation Request”).

### Legal Framework

- 2.5 Section 19(3A)(c) of the Broadcasting Act 1996 (“the Act”)<sup>3</sup> requires Ofcom to include in L-DTPS licences such conditions as appear to it to be appropriate for securing that the character of the licenced service, as proposed by the licence holder then making the application for that licence, is maintained for the duration of the licence.
- 2.6 Ofcom has therefore included in condition 5(1) of every L-DTPS licence a requirement that, for the duration of the licence, the licensee must maintain the character of the licensed service in accordance with the programming commitments set out in the annex of the licences.
- 2.7 The circumstances in which Ofcom may consent to a departure from the character of the licensed service are limited by section 19(3B) of the Act. As a result, condition 5(2) of all L-DTPS licences provides that Ofcom may, following the procedure set out in the Act, only consent to a departure from the character of the licensed service if it is satisfied that:
  - a) The departure would not substantially alter the character of the licensed service;
  - b) The departure would not unacceptably reduce the number and range of programmes about the area or locality for which the service is licensed;

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<sup>2</sup> S.I. 2012/292

<sup>3</sup> As modified by the Local Digital Television Services Order 2012.

- c) The departure would not unacceptably reduce the number of programmes made in the area of locality for which the service is licensed; and
  - d) The service would continue to meet the needs of the area or locality for which the service is licensed.
- 2.8 Before deciding whether to consent to a departure from the character of a licensed service on the grounds set out above, Ofcom is required by section 19(3C) of the Act to publish a notice specifying:
- a) The proposed departure; and
  - b) The period in which representations may be made to Ofcom about the proposal. This period must end later than 28 days after the publication of this notice.

## The Variation Request

- 2.9 Sheffield LTV is the L-DTPS licence holder for the Sheffield area and provides the licensed service “Sheffield Live”.
- 2.10 Sheffield LTV has submitted a request to vary the programming commitments in its licence, reflecting the character of the licensed service (‘the Variation Request’). Those amendments relate particularly to first-run local programming (including local news and current affairs programming) during peak-time.
- 2.11 Ofcom considers that the amendments requested in the Variation Request would amount to a departure from the character of the licensed service. The effect of the request is to reduce the amount of first-run local programming, which may result in more non-local content being broadcast on the service and thus change the character of the service included in this request. Ofcom is therefore issuing a public consultation seeking views on the Variation Request.
- 2.12 Ofcom will consider all responses to this consultation before deciding whether or not to consent to the requested changes before reaching a final decision. Once a decision has been reached, a statement will be published on the Ofcom website explaining the reasoning behind our decision.
- 2.13 The changes requested by Sheffield Live can be summarised as follows:
- a) A change in the specific delivery of output within first-run local programming (changing from daily delivery commitments to weekly);
  - b) A reduction in the amount of first-run local programming that is broadcast within peak hours and more generally across the service;
  - c) A reduction in repeat programming generally, but increasing commitment to repeat programming within peak hours;
  - d) A change in the specific delivery output of local news and current affairs programming (changing from daily delivery commitments to weekly); and

- e) Amending some of the wording in the programming output section of the programming commitments.
- 2.14 A non-confidential version of the Variation Request is set out at Annex 5 of this consultation. Annex 5 also sets out the programming commitments currently enforced with the proposed changes marked in red tracking changes.
- 2.15 The issues on which we are seeking views in this consultation are outlined in section three of this document. The closing date for responses to this consultation is **7 August 2019**.

## 3. Consideration of the Variation request

- 3.1 As set out in section 2 of this consultation, Ofcom may consent to a departure from the character of the licensed service if it is satisfied that the criteria set out in section 19(3B) of the Act is met. This section sets out:
- a) a summary of Sheffield LTV's reasons for making the Variation Request;
  - b) Ofcom's approach to considering such a request; and,
  - c) our preliminary view on the Variation Request, having regard to the statutory criteria.

### Sheffield LTV's reasons for the Variation Request

- 3.2 In making its Variation Request, Sheffield LTV has referred to Ofcom's previous decision, published in our Broadcast and On Demand Bulletin<sup>4</sup>, that Sheffield LTV has been in breach of its current commitment to achieve "100% 'first run' programming at peak-time." Sheffield LTV states that its "proposal seeks to remedy that situation by making changes to the Sheffield Live local TV programming commitments"
- 3.3 Sheffield LTV has stated that it is "exceeding [its] overall commitments to first-run programming and to news and current affairs" but that it is seeking to amend "the more onerous of [its] current commitments". Sheffield LTV also states that it is "seek[ing] flexibility to carry a limited amount of non-local programming in peak time amounting to no more than one-third of total peak-time viewing". In Sheffield LTV's view, this change "would allow for some shared content from other local TV channels and for other non-local content of interest to [its] audience".
- 3.4 Sheffield LTV maintains that the changes proposed for the scheduling of news and current affairs programming are unchanged in aggregate and that, overall, it "maintain[s] a core commitment to local TV as a platform for local programming and local production including news and current affairs." The Licensee submits that the changes are designed to offer greater flexibility in the scheduling of programming, allowing it to carry non-local content and to share some content, as set out above.
- 3.5 Sheffield LTV has also proposed to amend the programming output specified at the start of the programming commitments. Sheffield Live argue that these are merely "technical adjustments to the narrative section of the programming commitments... includ[ing] removing quantitative statements of output that are better covered in the matrix of hours per week programming commitments that are contained in the proposed amendment".
- 3.6 We set out below, further details of Sheffield Live's submissions in the context of each of the statutory criteria which Ofcom must consider. As mentioned in Section 2, full details as to Sheffield's reasons for making the Variation Request are set out in annex A5 of this consultation.

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<sup>4</sup> See page 16 of issue [368 of Ofcom's Broadcast and On Demand Bulletin](#)

## Ofcom's approach

- 3.7 In considering whether to consent to a request to depart from the character of a licensed service, Ofcom must be satisfied in relation to the criteria set out at paragraph 2.7. In making our provisional assessment, we have had regard to the cumulative effect of the changes on each of the licensed services together with the original commitments proposed by the relevant licensee when the licence was awarded. It is therefore important to note that this is the first variation request made by Sheffield Live with regards to its programming commitments.
- 3.8 We have also had regard to our statement published on 10 May 2012 (our "2012 statement"), which sets out how we intend to exercise our powers and duties to licence new local television services<sup>5</sup>. It outlines our minimum expectation for broadcast local news coverage, namely that "we would be unlikely to consider less than seven hours in total of broadcast news per week to be too burdensome for even the smallest L-TDPS licensee..." (page 5, section 1.47)
- 3.9 Within our statement, we also set out our expectation that local TV licensees take steps to ensure that a substantial proportion of first-run local programming is broadcast within peak hours. Peak time is defined in each of these licences as "18:30 - 22:30". Ofcom's interpretation of a 'substantial proportion' of first-run local programming in peak times is that it should generally mean at least 50%.

## Our preliminary view

### **Criterion (a): that the departure would not substantially alter the character of the service**

- 3.10 In its proposal, Sheffield LTV states that:
- a) The principal purpose of the Variation Request is to align its regulatory obligations with the service it wishes to broadcast. It also states that viewers will benefit more and see less "discernible difference by having a continued variety of quality first-run and repeat programming"; and
  - b) That the proposed changes are consistent with maintaining the overall character of the service and that they best serve the local interest.
- 3.11 After careful consideration, Ofcom is of the view that there would still remain a strong commitment on Sheffield LTV to deliver the core characteristics of the licensed service. While Sheffield LTV has requested a reduction in a number of its local programming commitments, it is important to recognise that the service currently broadcasts a significant amount of local content. In Ofcom's view, securing an acceptable amount of first-run local programming, both in peak and across the service, plays a significant factor in determining the character of the service. Ofcom suggest that Sheffield LTV's proposals

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<sup>5</sup> [https://www.ofcom.org.uk/\\_data/assets/pdf\\_file/0020/54236/local-tv-statement.pdf](https://www.ofcom.org.uk/_data/assets/pdf_file/0020/54236/local-tv-statement.pdf)

would enable it to continue broadcasting an acceptable amount of content, and the way in which Sheffield Live will schedule its local programming means that while the proposed reductions would amount to a departure from the character of the service, such a departure would not be substantial.

- 3.12 While a reduction in first-run local programming of 50% across a week is a departure from the character of the licensed service, Ofcom understands that Sheffield LTV would continue to offer a large proportion of first-run local content when compared to other local TV services. Moreover, Sheffield LTV has sought to offset the proposed reductions in their first-run local programming by focusing on completing much of its local programming commitments within peak-time, which will ensure that the character of the service is not substantially altered.
- 3.13 In Ofcom's 2012 statement, we state that we consider news to be the most important type of local television content<sup>6</sup>. Therefore, although Sheffield Live proposes to reduce the amount of first-run local programming in peak-time from 4.5 to 1.5 hours a day, it is significant that the Variation Request retains Sheffield LTV's commitment to broadcast seven hours per week of first-run news and current affairs, of which 3.5 will be broadcast within peak hours (as is currently the case). The fact that Sheffield LTV continue to commit to the same amount of news and current affairs programming on its service supports our provisional view that the departure would not substantially alter the character of the service.
- 3.14 Under Sheffield LTV's proposals, news and current affairs programming is complimented by an hour of first-run local programming within peak-time (which generally consists of contributions from the local community, supplemented by programming from the local community radio station). Together, this means that Sheffield Live will continue to broadcast a substantial proportion of its first-run local programming within peak hours (i.e. 10.5 hours of the total 21 hours of first-run content), reflecting our 2012 statement, in which we set out that a 'substantial proportion' of services' first-run local programming must be broadcast within peak-time.
- 3.15 As the current provision of first-run local programming fills up the entirety of peak-time, there is no option for Sheffield LTV to broadcast repeated content between 18:00-22:30. Given the Variation Request seeks to reduce the commitment to first-run local programming in peak-time, Sheffield LTV proposes to repeat the first-run content within peak hours, which would equate to 3 hours of local content being broadcast within peak-time every evening. Ofcom believes that this demonstrates an ongoing commitment to producing a large volume of local programming within peak hours. While this proposal would result in a reduction in first-run local programming and first-run local programming in peak-time, Ofcom believes that these reductions would not substantially alter the character of the service, when considered in the context of the proportion of local content featuring during peak-time.

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<sup>6</sup> See section 1.46 of [Ofcom's local tv statement](#) from 2012

- 3.16 While the Variation Request does propose to increase the proportion of repeated programming within peak-time, Ofcom notes that Sheffield LTV proposes to reduce the commitment to broadcast repeats of local content across the service by approximately 50%. Although we acknowledge that repeated content allows viewers to 'catch up' on the local content provided by the licensed service, and therefore has a role in defining the character of the service, this is likely to be less important and have less of an impact than securing an acceptable amount of first-run local programming. Ofcom therefore considers that a reduction in repeat programming by 50% would not be a substantial departure from the character of the licensed service, in circumstances where Sheffield LTV has committed to broadcast more of their repeats of first-run local programming within peak-time to supplement first-run programming and ensure that the character of the service within peak-time is maintained.
- 3.17 On that basis, it appears to Ofcom that if we were to consent to the departure from the character of the service, Sheffield Live, the changes included in the Variation Request would not substantially alter the character of the service.

**Criterion (b): that the departure would not unacceptably reduce the number and range of the programmes about the area or locality for which the service is licensed**

- 3.18 While Sheffield LTV proposes to amend its current programming output commitments, Ofcom understands that this is designed to provide greater flexibility to the scheduling of the content, rather than to reduce it<sup>7</sup>.
- 3.19 In addition, Sheffield LTV has committed to maintaining 21 hours of first-run programming across a week and will not be reducing their news and current affairs output. Therefore, while the number of programmes as a whole is likely to decrease as a result of the Variation Request, our preliminary view is that such a reduction in the number and range of programmes about the area or locality for which Sheffield LTV is licensed would not be unacceptable.
- 3.20 Further, as noted above, even though the Licensee is proposing to reduce the amount of repeated local content which is currently broadcast, Ofcom's preliminary view is that this would not unacceptably reduce the number and range of programmes about the area or locality for which the service is licensed, as our preliminary view is that Sheffield LTV will still be able to secure an acceptable amount of first-run local programming, both in peak-time and across the service.
- 3.21 Ofcom's preliminary view, therefore, is that if we were to consent to the departure from the character of the licensed service for Sheffield Live, it would not unacceptably reduce the number and range of programming made about the area or locality for which the service is licensed.

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<sup>7</sup> See sections A5.8 and A5.9 in Sheffield LTV's submission in Annex 5

**Criterion (c): that the departure would not unacceptably reduce the number of programmes made in the area or locality for which the service is licensed**

3.22 For the reasons set out in the above section, Ofcom recognises that the number of programmes is likely to decrease as a result of the Variation Request. However, given that the remaining programmes made for the purpose of broadcasting on the Sheffield Live service are created within the approved licensed area of the service, our preliminary view is that this proposal would not unacceptably reduce the number of programmes made within the area.

**Criterion (d): that the service would continue to meet the needs of the area of locality for which the service is licensed**

3.23 Sheffield LTV submits that the service will continue to meet the needs of the area for which it serves and that the basis for the Variation Request is to ensure that future programming meets the requirements of the programming commitments, without impacting viewers.

3.24 While the proposal does request a reduction in some of the programming commitments, Ofcom is satisfied that Sheffield LTV is committed to producing first-run local programming, specifically within peak hours, to ensure that the character of the service is not substantially altered, and the programming broadcast during this period meets the needs of viewers in the area it serves. Importantly, the commitment to maintain the same level of news and current affairs programming indicates to Ofcom that the needs of the Sheffield area would continue to be served.

3.25 Ofcom recognises that the proposed reductions seek to achieve greater flexibility in the scheduling of content rather than reduce the total amount of local programming available to viewers. Ofcom's preliminary view, therefore, is that the service would continue to meet the needs to the area of locality for which it is licensed under the proposals in the Variation Request.

**Ofcom's preliminary decision on whether to consent to the departure from the licensed services**

3.26 For the reasons listed above, Ofcom's preliminary view is that it is minded to consent to the proposals submitted by Sheffield LTV. We are seeking respondents' comments on this preliminary view, and all responses will be considered carefully before we reach our final decision.

# A1. Responding to this consultation

## How to respond

A1.1 Ofcom would like to receive views and comments on the issues raised in this document, by 5pm on 7 August 2019.

A1.2 You can download a response form from <https://www.ofcom.org.uk/consultations-and-statements/category-3/sheffield-live>. You can return this by email or post to the address provided in the response form.

A1.3 If your response is a large file, or has supporting charts, tables or other data, please email it to [SheffieldLivePCchanges@ofcom.org.uk](mailto:SheffieldLivePCchanges@ofcom.org.uk), as an attachment in Microsoft Word format, together with the cover sheet (<https://www.ofcom.org.uk/consultations-and-statements/consultation-response-coversheet>). This email address is for this consultation only, and will not be valid after 7 August 2019.

Responses may alternatively be posted to the address below, marked with the title of the consultation:

Sheffield Live!: Variation Request  
F.A.O. Tom Connolly  
Principal, Broadcast Licensing & Programme Operations  
Ofcom  
Riverside House  
2A Southwark Bridge Road  
London SE1 9HA

A1.4 We welcome responses in formats other than print, for example an audio recording or a British Sign Language video. To respond in BSL:

- Send us a recording of you signing your response. This should be no longer than 5 minutes. Suitable file formats are DVDs, wmv or QuickTime files. Or
- Upload a video of you signing your response directly to YouTube (or another hosting site) and send us the link.

A1.5 We will publish a transcript of any audio or video responses we receive (unless your response is confidential)

A1.6 We do not need a paper copy of your response as well as an electronic version. We will acknowledge receipt if your response is submitted via the online web form, but not otherwise.

A1.7 You do not have to answer all the questions in the consultation if you do not have a view; a short response on just one point is fine. We also welcome joint responses.

A1.8 It would be helpful if your response could include direct answers to the questions asked in the consultation document. The questions are listed at Annex 4. It would also help if you

could explain why you hold your views, and what you think the effect of Ofcom's proposals would be.

- A1.9 If you want to discuss the issues and questions raised in this consultation, please contact Tom Connolly on 0207 981 3425 or by email to [tom.connolly@ofcom.org.uk](mailto:tom.connolly@ofcom.org.uk).

## Confidentiality

- A1.10 Consultations are more effective if we publish the responses before the consultation period closes. In particular, this can help people and organisations with limited resources or familiarity with the issues to respond in a more informed way. So, in the interests of transparency and good regulatory practice, and because we believe it is important that everyone who is interested in an issue can see other respondents' views, we usually publish all responses on our website, [www.ofcom.org.uk](http://www.ofcom.org.uk), as soon as we receive them.
- A1.11 If you think your response should be kept confidential, please specify which part(s) this applies to, and explain why. Please send any confidential sections as a separate annex. If you want your name, address, other contact details or job title to remain confidential, please provide them only in the cover sheet, so that we don't have to edit your response.
- A1.12 If someone asks us to keep part or all of a response confidential, we will treat this request seriously and try to respect it. But sometimes we will need to publish all responses, including those that are marked as confidential, in order to meet legal obligations.
- A1.13 Please also note that copyright and all other intellectual property in responses will be assumed to be licensed to Ofcom to use. Ofcom's intellectual property rights are explained further at <https://www.ofcom.org.uk/about-ofcom/website/terms-of-use>.

## Next steps

- A1.14 Following this consultation period, Ofcom plans to publish a statement in July 2019.
- A1.15 If you wish, you can register to receive mail updates alerting you to new Ofcom publications; for more details please see <https://www.ofcom.org.uk/about-ofcom/latest/email-updates>

## Ofcom's consultation processes

- A1.16 Ofcom aims to make responding to a consultation as easy as possible. For more information, please see our consultation principles in Annex x.
- A1.17 If you have any comments or suggestions on how we manage our consultations, please email us at [consult@ofcom.org.uk](mailto:consult@ofcom.org.uk). We particularly welcome ideas on how Ofcom could more effectively seek the views of groups or individuals, such as small businesses and residential consumers, who are less likely to give their opinions through a formal consultation.
- A1.18 If you would like to discuss these issues, or Ofcom's consultation processes more generally, please contact the corporation secretary:

Corporation Secretary  
Ofcom  
Riverside House  
2a Southwark Bridge Road  
London SE1 9HA  
Email: [corporationsecretary@ofcom.org.uk](mailto:corporationsecretary@ofcom.org.uk)

## A2. Ofcom's consultation principles

### Ofcom has seven principles that it follows for every public written consultation:

#### Before the consultation

- A2.1 Wherever possible, we will hold informal talks with people and organisations before announcing a big consultation, to find out whether we are thinking along the right lines. If we do not have enough time to do this, we will hold an open meeting to explain our proposals, shortly after announcing the consultation.

#### During the consultation

- A2.2 We will be clear about whom we are consulting, why, on what questions and for how long.
- A2.3 We will make the consultation document as short and simple as possible, with a summary of no more than two pages. We will try to make it as easy as possible for people to give us a written response. If the consultation is complicated, we may provide a short Plain English / Cymraeg Clir guide, to help smaller organisations or individuals who would not otherwise be able to spare the time to share their views.
- A2.4 We will consult for up to ten weeks, depending on the potential impact of our proposals.
- A2.5 A person within Ofcom will be in charge of making sure we follow our own guidelines and aim to reach the largest possible number of people and organisations who may be interested in the outcome of our decisions. Ofcom's Consultation Champion is the main person to contact if you have views on the way we run our consultations.
- A2.6 If we are not able to follow any of these seven principles, we will explain why.

#### After the consultation

- A2.7 We think it is important that everyone who is interested in an issue can see other people's views, so we usually publish all the responses on our website as soon as we receive them. After the consultation we will make our decisions and publish a statement explaining what we are going to do, and why, showing how respondents' views helped to shape these decisions.

# A3. Consultation coversheet

## BASIC DETAILS

Consultation title:

To (Ofcom contact):

Name of respondent:

Representing (self or organisation/s):

Address (if not received by email):

## CONFIDENTIALITY

Please tick below what part of your response you consider is confidential, giving your reasons why

Nothing

Name/contact details/job title

Whole response

Organisation

Part of the response

If there is no separate annex, which parts? \_\_\_\_\_

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If you want part of your response, your name or your organisation not to be published, can Ofcom still publish a reference to the contents of your response (including, for any confidential parts, a general summary that does not disclose the specific information or enable you to be identified)?

## DECLARATION

I confirm that the correspondence supplied with this cover sheet is a formal consultation response that Ofcom can publish. However, in supplying this response, I understand that Ofcom may need to publish all responses, including those which are marked as confidential, in order to meet legal obligations. If I have sent my response by email, Ofcom can disregard any standard e-mail text about not disclosing email contents and attachments.

Ofcom seeks to publish responses on receipt. If your response is non-confidential (in whole or in part), and you would prefer us to publish your response only once the consultation has ended, please tick here.

Name

Signed (if hard copy)

## A4. Consultation questions

- A4.1 Ofcom is seeking views on all the amendments to the programming commitments listed in Annex 5. Ofcom may only consent to a departure from the character of the licensed services if Ofcom is satisfied that all of the criteria in section 19(3B) of the Broadcast Act 1996 would be met. These criteria are set out in section 2.15 of this document.
- A4.2 In light of the considerations set out in section three of this document, Ofcom are minded to provide consent to a departure from each of the characters of service for the licences included in this request.

### Question 1:

Respondents are invited to comment on whether they agree with Ofcom's preliminary view and are asked to frame their views and responses with reference to, or in the context of, the statutory criteria in section 19(3B) of the Broadcast Act 1996.

# A5. Proposed programming commitments for Sheffield Live!

## Introduction

A5.1 Sheffield Live is the local TV service for Sheffield. The service is grounded in the community that it serves and relies heavily on volunteer production. The service is exceeding overall commitments to first-run programming and to news and current affairs but has commitments to 100% 'first run' programming at peak-time which it has not been fully achieving. This has been disclosed to Ofcom and Sheffield Live accepts that it has been in breach of its peak-time programming commitments. This proposal seeks to remedy that situation by making changes to the Sheffield Live local TV programming commitments. We believe the changes proposed are consistent with maintaining overall character of the service and best serve the local interest.

## Context

- A5.2 This is the first change which Sheffield Live has sought to its licence since launching nearly five years ago. In that time we have increased understanding of the economic realities of operating a local TV channel with a small DPSA (130k households) and we have a better measure of viable models of local production. In the time since launch in 2014 Sheffield Live has amassed a significant quantity of quality local programming, including from local production companies and in-house production. This has included resource intensive production made for first-run on Sheffield Live! including original drama, situation comedy, documentary and performance. It would be normal for a digital TV service to give this programming repeat airings over a period of time including offering repeated peak-time viewing opportunities.
- A5.3 We have also maintained investment in over 7 hours per week of news and current affairs programming which will reach greater numbers of local viewers if it is repeated during peak-time hours. This can enable us to better meet the interests of local viewer segments with different viewing habits (e.g. early, mid and late evening) and, by adding additional news segments at peak-time can provide scope for coverage of breaking news or special events without disrupting the overall programme schedule.
- A5.4 Without changing the overall character of service we also seek flexibility to carry a limited amount of non-local programming in peak-time amounting to not more than one-third of total peak-time viewing. This would allow for some shared content from other local TV channels and for other non-local content of interest to our audience.
- A5.5 Overall, in this request, we maintain a core commitment to local TV as a platform for local programming and local production including news and current affairs.

## Changes proposed

- A5.6 The requested changes are set out in red in the Annex to this submission.
- A5.7 Under this proposal-the service would have more flexibility in scheduling, including the mix of first run and repeat programming at peak-time. At least two-thirds of peak time output would still consist of local programming. News and current affairs commitments would be maintained including at peak-time.
- A5.8 For total hours of local programming we have reduced the first run commitments by 50% to a revised target of 21 hours per week and have put this target on a weekly rather than a daily basis. We have similarly reduced total repeat programming commitments to 21 hours per week. These adjustments are intended to give greater flexibility to carry some non-local content, including shared content with other local TV channels, which is likely to appeal to local tastes and interests.
- A5.9 For hours of local programming per week in peak-time we have reduced the previous commitment by one third to a revised target of 21 hours per week. We propose to deliver this through a combination of first run programming and repeat broadcast at peak-time of high quality local production including news and current affairs.
- A5.10 For hours and scheduling of news and current affairs programming we have maintained the weekly commitment of 7 hours of news and current affairs content of which at least 3.5 hours per week to be carried at peak-time. We have also increased the commitment to repeat news and current affairs content to 3.5 hours per week.

## Conclusion

- A5.11 A principal purpose of this request is to align Sheffield Live output with its regulatory obligations. This could be alternatively achieved in the interim by providing more hours at peak time of our tele-display plus radio content or by increasing the use of the video feed from our radio studio. Sheffield Live believes, however, that viewers will benefit more and see less discernible difference by having a continued variety of quality first run and repeat programming, especially in the evening viewing period

Sheffield Local Television Limited

The table listed below are the programming commitments for Sheffield Live! Commitments in red text highlight where each licensee has requested changes to their commitments.

### Sheffield local TV licence variation request

Programming Commitments for Sheffield Live! TV – proposed			
Programming output	<ul style="list-style-type: none"> <li>• The service will <del>be demand led, catering for</del> reflect the <del>tastes and interests</del> and <del>concerns</del> of the people <del>living or working in and around of</del> the Licensed Area.</li> <li>• Local news and information will be a core provision.</li> <li>• The service will feature <del>reports on and coverage of</del> local music, local talent, <del>and</del> local festivals and <del>other local events and activities.</del></li> <li>• <del>Programming will target</del>Content will include coverage of diverse communities and minority interests. <del>that are not well catered for by existing services</del></li> <li>• Local programming will include: <del>will be based on three pillars of local content, locally produced:</del> <ul style="list-style-type: none"> <li>(a) news production;</li> <li>(b) original local production of general and specialist interest including live production; and</li> <li>(c) archive material, drawn mainly from sources in the region.</li> </ul> </li> <li>• <del>At peak viewing times (from 1800-2230 programming schedule will focus on delivering 100 per cent local production and local programming.</del></li> <li>• Outside the hours of 1800-2230 programming will be of general or specialist interest. <del>At other times</del></li> <li>• The service <del>will may</del> carry text-based news and information, photographic material <del>and other images, together with plus</del> music, <del>speech and other</del> audio from the service’s community radio partner.</li> <li>• <del>Overall, the service will include 80 per cent local content between 0900 and 2400.</del></li> <li>• <del>The service will provide at least 4 hours per day of original local production (including at least one hour per day of news content), from year one, rising to 5 hours per day of original local production by year 3</del></li> <li>• <del>Original non-news production will normally be repeated once within the week of first broadcast.</del></li> </ul>		
Hours of local programming per week	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3 onwards</u>
First run:	5 hours per day	6 hours per day	<del>6 hours per day</del>

