

## Local TV decision: That's Oxford Limited change request

That's Oxford Limited ("That's Oxford") is the holder of the local digital television programme service licence ("the Licence") for Oxford. The service provided by this licence holder must meet specific content obligations set out in the Licence known as programming commitments.

On 12 May 2016, That's Oxford 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**):

<b>Programming Commitments for That's Oxfordshire</b>			
<b>Programming output</b>	The service will: <ul style="list-style-type: none"> <li>reflect life in the Licensed Area with a strong emphasis on local news, sport and information;</li> <li>provide a platform for current affairs including local debate / discussion and champion local causes;</li> <li>offer opportunities for members of the community to become involved in the making of programming and engage with the local community through a network of trained citizen broadcasters developed in association with strategic partners;</li> <li>include broadcasts from key local events and support the charity and business sectors of the community by <b>promoting covering</b> their activities;</li> <li>include substantial locally-produced and locally-relevant news;</li> <li>frequently include non-news and student-targeted programming.</li> </ul>		
<b>Hours of local programming per week</b>	<u><b>Year 1</b></u>	<u><b>Year 2</b></u>	<u><b>Year 3 onwards</b></u>
First run:	35 hours per week	35 hours per week	35 hours per week
Repeats:	16 hours per week	<b>46 2.5</b> hours per week	<b>46 2.5</b> hours per week
<b>Hours of local programming per week in peak-time (18.00-22.30)</b>	<u><b>Year 1</b></u>	<u><b>Year 2</b></u>	<u><b>Year 3 onwards</b></u>
First run:	14 hours per week	14 hours per week	14 hours per week
Repeats:	2 hours per week	<b>2 hours per week- Nil</b>	<b>2 hours per week- Nil</b>
<b>Hours and scheduling of local news and current affairs programming</b>	<u><b>Year 1</b></u>	<u><b>Year 2</b></u>	<u><b>Year 3 onwards</b></u>
First run:	17.5 hours per week (inc. 2 hours at weekends) of which 5 hours per week in peak	17.5 hours per week (inc. 2 hours at weekends) of which 5 hours per week in peak	17.5 hours per week (inc. 2 hours at weekends) of which 5 hours per week in peak
Repeats:	2.5 hours per week	2.5 hours per week	2.5 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.<sup>1</sup> 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.<sup>2</sup>

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.<sup>3</sup> 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 some of its broadcasting service functions to a number of senior Ofcom executives in the Content and Media Policy Group and Legal Group. Those individuals, on their own or together, have responsibility for deciding on the award of, and proposals for variations to, L-DTPS licences.

On 13 July 2016, Ofcom’s Director of Content Standards, Licensing and Enforcement and Ofcom’s Director, Broadcast Licensing met to consider the variation request (the “Decision-makers”). They noted that the proposed variation would not affect the significant volume of hours of first-run local programming which That’s Oxford is required to provide, but that there would be a reduction in the total volume of repeat programming. They acknowledged that the requested variation would provide That’s Oxford with greater flexibility. The Decision-makers also considered the descriptive change to the programming output, which they concluded was of a minor nature.

After careful deliberation, the Decision-makers considered that the character of the service overall would still be maintained following the requested variation. In particular, the same overall volume of first-run local programming, including local news and current affairs programming, would continue to be provided by That’s Oxford. Accordingly, on 13 July 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.

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

<sup>2</sup> Section 4(4) of the 1996 Act

<sup>3</sup> Section 19 of the 1996 Act as modified by the Local Television Programme Services Order 2012