

Local TV decision: Cambridge Presents Limited change request

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

On 01 December 2016, Cambridge Presents Limited 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 That’s Cambridge			
Programming output	<p>Programming will comprise of in-house bespoke productions include significant local content with a strong emphasis on, primarily news and current affairs pertaining to community and locally relevant topics, combined with locally produced acquisitions and commissions features.</p> <p>The service will support and collaborate with local groups, the student population, local businesses and TV/Media television/media professionals to deliver any third party or co-produced programming for all acquired or commissioned content.</p>		
Hours of local programming per week	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3 onwards</u>
First run:	11hr 45min per week (Monday to Friday)	11hr 45min 7 hours per week (Monday to Friday)	12hr 45min 7 hours per week (Monday to Friday)
Repeats:	4hr 45min per week (Monday to Friday)	4hr 45min 9.5 hours per week (Monday to Friday)	5hr 9.5 hours per week (Monday to Friday)
Hours of local programming per week in peak-time (18.00-22.30)	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3 onwards</u>
First run:	3hr 30min per week (Monday to Friday)	3hr 30min 3.5 hours per week (Monday to Friday)	4 3.5 hours per week (Monday to Friday)
Repeats:	1 hour per week (Monday to Friday)	1 hour per week Nil (Monday to Friday)	1.5 hours per week Nil (Monday to Friday)

Hours and scheduling of local news and current affairs programming	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3 onwards</u>
<p>First run:</p> <p>2 x 12 minute news bulletins per day. (Monday to Friday)</p> <p>1 x 14 minute news bulletin per day. (Monday to Friday)</p> <p>1 x 10 minute news bulletin per day. (Monday to Friday)</p> <p>Total of above: 4h/week</p> <p>Peak time: 1 x 30 minute evening per day. (Monday to Friday) 2.5h/week</p> <p>Peak time: 1 x 30 minute current affairs programme per week. 0.5h/week</p> <p>Overall Total: 7 hrs/week</p>	<p>2 x 12 minute news bulletins per day. (Monday to Friday)</p> <p>1 x 14 minute news bulletin per day. (Monday to Friday)</p> <p>1 x 10 minute news bulletin per day. (Monday to Friday)</p> <p>Total of above: 4h/week</p> <p>Peak time: 1 x 30 minute evening per day. (Monday to Friday) 2.5h/week</p> <p>Peak time: 1 x 30 minute current affairs programme per week. 0.5h/week</p> <p>Overall Total: 7 hrs/week</p> <p>7 hours per week of which 3 hours per week in peak</p>	<p>2 x 12 minute news bulletins per day. (Monday to Friday)</p> <p>1 x 14 minute news bulletin per day. (Monday to Friday)</p> <p>1 x 10 minute news bulletin per day. (Monday to Friday)</p> <p>Total of above: 4h/week</p> <p>Peak time: 1 x 30 minute evening per day. (Monday to Friday) 2.5h/week</p> <p>Peak time: 1 x 30 minute current affairs programme per week. 0.5h/week</p> <p>Overall Total: 7 hrs/week</p> <p>7 hours per week of which 3 hours per week in peak</p>	<p>2 x 12 minute news bulletins per day. (Monday to Friday)</p> <p>1 x 14 minute news bulletin per day. (Monday to Friday)</p> <p>1 x 10 minute news bulletin per day. (Monday to Friday)</p> <p>Total of above: 4h/week</p> <p>Peak time: 1 x 30 minute evening per day. (Monday to Friday) 2.5h/week</p> <p>Peak time: 1 x 30 minute current affairs programme per week. 0.5h/week</p> <p>Overall Total: 7 hrs/week</p> <p>7 hours per week of which 3 hours per week in peak</p>
<p>Repeats:</p> <p>Peak time: Repeat of 30 minute current affairs programme twice a week. 1h/week</p> <p>Peak time: Repeat of 30 minute current affairs programme twice per weekend. 1h/week</p> <p>Total of above: 2h/week</p>	<p>Peak time: Repeat of 30 minute current affairs programme twice a week. 1h/week</p> <p>Peak time: Repeat of 30 minute current affairs programme twice per weekend. 1h/week</p> <p>Total of above: 2h/week</p> <p>2 hours per week of which 1 hour per week at weekends</p>	<p>Peak time: Repeat of 30 minute current affairs programme twice a week. 1h/week</p> <p>Peak time: Repeat of 30 minute current affairs programme twice per weekend. 1h/week</p> <p>Total of above: 2h/week</p> <p>2 hours per week of which 1 hour per week at weekends</p>	<p>Peak time: Repeat of 30 minute current affairs programme twice a week. 1h/week</p> <p>Peak time: Repeat of 30 minute current affairs programme twice per weekend. 1h/week</p> <p>Total of above: 2h/week</p> <p>2 hours per week of which 1 hour per week at weekends</p>

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 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 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 6 February 2017, Ofcom’s Director of Content Standards, Licensing and Enforcement and Ofcom’s Director of Broadcast Licensing considered the variation request (the “Decision-makers”). They noted that the proposed variation would reduce the volume of first-run local programming which That’s Cambridge is required to provide, but that this reduction would be accompanied by a corresponding increase in repeats of local programming and therefore the overall volume of locally relevant programming would remain the same in Year 2. They also noted that the service would (following the requested change) no longer be required to increase its total amount of first-run and repeated local programming year-on-year between Year 2 and Year 3 of the Licence, but agreed that this year-on-year increase is not material.

It was also noted that although scheduling detail for both first-run and repeats of local news and current affairs programming would be removed from the Licence (thereby providing That’s Cambridge with greater flexibility when scheduling this programming), the quantity of both first-run and repeat local news and current affairs programming would not be changed by this variation.

The Decision-makers also considered the descriptive changes to the programming output, which they concluded were of a minor nature. They also noted a renewed strong emphasis

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

on local news and current affairs programming and that the intention to collaborate with local groups, the student population and local business would be retained. They also agreed that the amount of local programming hours required under the Licence would still be sufficiently high to be consistent with the delivery of this programming output.

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 overall volume of local programming would remain constant in Year 2 (and would not be materially altered in Year 3), and the commitment to local news and current affairs programming would be maintained.

Accordingly, on 6 February 2017, 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. However, they noted that this is a finely balanced decision and that they would be concerned if, in future, the service were to make further requests for significant changes to its programming commitments which give effect to the character of the That's Cambridge service. In particular, they emphasised Ofcom's view (as set out in its Invitation to Apply for the Cambridge licence⁴) that, with regard to local news, Ofcom is unlikely to consider less than seven hours in total per week of broadcast news to be too burdensome for even the smallest L-DTPS licensee.

⁴ See https://www.ofcom.org.uk/data/assets/pdf_file/0021/93225/Phase_2_Invitation_to_Apply_for_an_L-DTPS_Licence_June_2013.pdf