

Prominence and Accessibility on Connected TV Platforms

Consultation on Ofcom's draft Code of Practice and draft Guidance on the Agreement

Consultation Response from Local TV, Latest TV (Brighton) and KMTV

About Us

Local TV holds nine local TV services licences covering major cities across the UK, including London. Latest TV (Brighton) covers Brighton and the surrounding region in East Sussex. KMTV provides content for Kent and Medway. We hold 'public service channel' status. This affords each service guaranteed carriage on digital terrestrial television (DTT or Freeview) and prominence on the electronic programme guides (channel 7 or channel 8, dependent on location). All licences have now been renewed until 2034 following an Ofcom assessment process completed in 2025.

Summary

The draft code of prominence is not future proof and will therefore not safeguard the ability of viewers to continue to access local public service content.

While we have no objection to the Proposals recommended in the Consultation and specifically with regard to Listed Channel proposals and App menus, Ofcom needs to clarify the local service providers position with regard to Listed Channels and App menus and ensure inclusion and consistency of the designation and offer to UK audiences.

Detail

1. We welcome the proposals in Table 1 of the Consultation, but only on the basis that these provisions will also apply to local TV services at an appropriate time.
2. Local TV services have public service content obligations but are classified as public service content providers rather than Public Service Broadcasters (PSBs). A summary of the current status is at Annex A.
3. It is more important than ever to have trusted UK locally focused content which is consistently and widely distributed across all platforms and can be accessed by all UK viewers. We believe that easy access to the Local TV Sector Public Sector Programming is essential for the UK audience in delivering local news and stories.
4. The move from Traditional Distribution to IP Delivery and the move from Linear viewing to VOD means that all offerings and platforms and routes to market must be taken into account.

5. The unreliability of social media news needs to be countered by legitimate and responsible coverage by local TV channels that have established an impeccable record over the last decade of fairness and impartiality in service to their communities.

6. For the foreseeable future Local TV will continue to serve the digitally excluded

7. We believe the EPG Rules and Code of Practice Guidance must include the consistent prominence of both the linear channels and their related apps to continue and develop to enhance the diversity of local voices broadcast, support high quality local journalism and help strengthen democratic engagement and local participation.

8. The Code and Guidelines must be amended to cover the four main anomalies the UK Local TV Broadcasting Sector faces:

1. Consistency for Access and Regulation Across Platforms.
2. PSB designated Channel Status for Local Linear Channels and Related Applications.
3. Prominence for Local Linear Channels and Related Applications.
4. License Clarification regarding IP broadcasting.

9. Relevant considerations for these amendments are at Annex B

The Facts are changing

10. We recognise that Ofcom is conducting this consultation in accordance with a requirement to set out steps for implementing the Media Act 2024. The Local TV network (LTVN) asked Ofcom in a previous consultation to set out how local TV services would be able to retain the prominence they have under the Communications Act 2003. Ofcom declined to address the point, stating that

‘As local TV is not in scope of the new regime it is not within Ofcom’s powers to ensure carriage and prominence of IP-delivered local TV as part of our work to implement the Act. Your concerns in this regard would be best directed to the Department for Culture, Media and Sport.’

The LTVN accordingly sought a statement of policy from DCMS. A Parliamentary Answer by the then responsible Minister in DCMS (28 March 2025) stated that:

‘..... we are aware of the local TV sector’s concerns that they will not receive prominence for their internet programme services (apps) as part of the new online prominence regime established in the Media Act 2024. At the moment we are not aware of the existence of any local TV on-demand apps. However, we would strongly welcome an app being brought to market that improves the availability of local content. This would enable the Government to consider whether the app should receive prominence under the online prominence re-

gime in the same way local TV services have enjoyed prominence on DTT, satellite and cable platforms since they began broadcasting in 2013.’

11. We are responding to this challenge. We will be using an app to provide linear broadcasting on Freely from April. We want, as a second phase, to develop a more sophisticated app with more functionality and one that can be carried by connected TV platforms. But it is difficult to persuade investors to support this development without confidence that the app can be found. And it will be difficult to persuade government to change the statutory framework, that would provide this confidence, without an app.

12. Further, Ofcom agreed recently to renew the licences for 33 local TV services until 2034. In doing so, it was well aware that terrestrial viewing transmission costs are imposing an increasing (and potentially ruinous) burden that will affect delivery of local content. It was aware then that the absence of reference to local TV in the Media Act risked making the decisions otiose, given the move towards IP delivery. It will also be aware that even the limited right that local TV has to IP prominence – carriage on Freely – is conditional on continuing to operate on DTT.

13. It seems that Ofcom is adopting a very narrow interpretation of its responsibilities to viewers. It is continuing with a process that it should know will mean that local TV will become invisible on connected TV platforms. Under the Communications Act 2003, Ofcom has a duty to further the interests of citizens. If it believes that exclusion of local TV from connected platforms is the right competitive outcome for UK citizens, it should say so. If not, it surely has a duty to inform government of the risks and advise on possible remedies.

14. There is a more serious issue. Since this consultation was published, there have been two important policy developments germane to local content. Imposition of the code as drafted will amount to regulatory action that risks subverting government policy.

a. Consultation on the Review of the BBC Royal Charter. The green paper has proposed new partnership arrangements to enable the BBC to support the local media sector. In its own response, the BBC has highlighted that public service news and commercial news are mutually reinforcing and that local news is highly valued. It has itself made proposals that would build on existing local partnership work.

b. The Local Media Action Plan, launched earlier this month, contains strong commitments to support local media in a digital environment.

15. We recognise that both initiatives have some way to go. But it would be irresponsible for a regulator to make decisions now that could undermine government objectives relating to the accessibility of local content

Conclusion

16. It is vital that local viewers can secure access to high quality local content, providing a platform for local voices, in the ongoing evolution of TV and more importantly as the UK migrates from DTT to IP delivery of Linear channels and VOD applications. A comprehensive positioning on all platforms for Ofcom-licensed local public service channels, would optimise local content delivery and access for the UK local audience..

We believe that the inclusion of the four principles in Code of Practice and draft Guidance on the Agreement would secure real and meaningful access to local content for local communities and viewers.

25 March 2026

Annex A

Current Status

Linear Channels & Public Service Obligations

- * L-DTPS licences have been awarded for distribution only on DTT with Public Service obligations, but channels are not yet designated as PSB channels.
- * TLCS licences have been awarded for distribution on Virgin and Sky.
- * Channels must be simulcasts of the L-DTPS services to keep regulatory rights (prominence and Designated Channel status).

Linear Must-Carry Obligations

- * Freeview: Legally required to reserve capacity specifically for L-DTPS licences.
- * Sky & Virgin: Currently, there is no statutory must-carry obligation for local TV on satellite or cable. Carriage and fees are subject to commercial negotiation (albeit Sky is an open platform) and both platforms have been very accommodating providing EPG positions that take into account the nature of the local channels and Public Service obligations.

Linear Regulated EPG Prominence Obligations

- * Freeview: Local TV has a statutory right to a prominent slot (usually Channel 7 or 8)
- * Sky & Virgin: These platforms do not have any obligation to carry local TV channels, but if they do carry local services, they are legally obligated to give channels appropriate prominence

Costs:

We do not pay EPG fees for Freeview, Sky and Virgin. These platforms are required to offer EPG services to “Designated Channels” (PSBs and Local TV) on FRND (Fair, Reasonable, and Non-Discriminatory) terms

IP Platforms

- * No Must-Carry: There is no legal mechanism to ensure IP platforms carry local linear streams. Carriage is subject to commercial negotiation
- * No Statutory Prominence: Because IP platforms are not yet regulated EPGs, they have no legal obligation to give local TV channels a prominent position
- * Apps: IP platforms do not have to carry a local TV app and they do not have to give any app prominence. Carriage is subject to commercial negotiation
- * Licences: Current licences do not cover IP distribution.

Freely:

Freely has replicated local TV current DTT EPG prominence and granted local TV prominence, but this is not legislated and therefore is not guaranteed long term. EPG fees are charged. Carriage is subject to commercial negotiation.

Distribution Costs on all Platforms

Commercial rates apply for all platforms. Platforms are not required to offer services to “Designated Channels” (PSBs and Local TV) on FRND (Fair, Reasonable, and Non-Discriminatory) terms. This results in significantly higher costs subject to commercial negotiation. (with the exception of DTT for prominence, DTT and Sky on Must Carry)

Annex B

What needs to change

Public Service Channels:

- * have a strong record of providing a platform to people living in towns and cities to tell their own stories.
- * provide coverage for local sport, arts, and the voluntary sector, in addition to harder news stories
- * provide local content that is not brought to the screen by the press, other television services or international media giants.
- * have a distinctive UK ethos, by definition. And unlike social media, blogs or opinion channels, it draws on local journalism's heritage of being non-partisan.

We believe that this consultation is an opportunity to rectify the mis-match of regulation that the local channels face and introduce EPG prominence rules across the various platforms. This lack of consistency and parity with other PSBs is confusing for both the platforms and the channels and we would urge Ofcom to provide advice to government on standardising this position.

We further believe by including Local Applications in the EPG Rules and Guidelines that this is an opportunity to future proof the Legitimate Local offering to the UK audience, as VOD viewing is a significant and growing part of their daily consumption of local news. There needs to be:

1. Consistency Across IP Platforms. There is a 'must carry' obligation for terrestrial TV delivery; this must be continued through to connected TV platforms
2. Designated Channel Status for Local Linear Channels and Related Applications
3. Prominence for Local Linear and Related Applications
4. IP License Clarification. When local TV was established in 2012, the Government recognised that the Freeview DTT platform should be licensed separately. It therefore provided a new category of local license that covered DTT only. Without regulatory certainty, perhaps through the introduction of a new framework for IP delivered local services, local TV services will continue to live hand to mouth, at continued risk of being ignored by a media environment dominated by metropolitan interests.