

Local TV decision: Made Television Ltd change request

Made in Liverpool 2016 Ltd ("Made in Liverpool") is the holder of the local digital television programme service licence ("the Licence") for Liverpool. The service provided by this licence holder must meet specific content obligations set out in the Licence known as programming commitments.

On 06 April 2017, Made in Liverpool 2016 Ltd 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 Made in Liverpool - Proposed	
Programming output	The main emphasis of the service will be on <u>local</u> news and entertainment content. The service will include at least two and a half hours a day of news. From Year 1: The service will include four and a half hours per week of locally-produced features on topics ranging from current affairs and politics to gardening and cycling. One new local feature programme will be added to the schedule each weekday. These local feature programmes will be repeated across the afternoons with no programme being repeated more than five times in the week in a variety of dayparts. On Friday the service will extend its hours adding an hour each of sport, a chat show and topical debate. On Saturdays between 9am and 5pm the service may include repeats of its features. On Sundays a religious feature and an hour of worship programming will be interspersed between repeats of other features. Religious groups will be featured regularly across news and entertainment programming. From Year 2: The broadcast hours of the service will be extended and the number of new local features will be doubled. The service will also include a daily 30 minute talk programme Mondays to Thursdays. At weekends At a variety of time slots cross the week, the service will additionally feature performances by local bands. By Year 3: The broadcast hours of local programming will be extended further.

	The service will include additional time for a three hour morning news and current affairs programme, and will add entertainment talent to the bands morning news and entertainment programme.		
Hours of local programming per day/week	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3 onwards</u>
First run:	17 hours per week	23 hours per week	40.5 35 hours per week
Repeats:	33 hours per week	48 hours per week	68 21 hours per week
Hours of local programming per day/week 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 week	3 hours per week	12 14 hours per week
Repeats:	Nil	Nil	35 7 hours per week
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-Fri: 3 x 30 minute news and current affairs programme per day (morning, lunchtime and early evening). 1 x 60 minutes sports news coverage per week (on Friday). Sat-Sun:	Mon-Fri: 4 x 30 minute news and current affairs programme per day (morning, lunchtime, early and mid evening). 1 x 60 minutes sports news coverage per week (on Friday).	Mon-Fri: 1 x 60 minute morning news and current affairs programme per day. 4 x 30 minute news and current affairs programmes per day (lunchtime, early, mid and late evening).

	2 x 3 minutes news bulletins per day.	Sat-Sun: 2 x 3 minutes of news bulletins per day.	At least 8 hours of local news programming between Monday and Friday, with at least 60 minutes of news on each day 1 x 60 minutes sports news coverage per week (on Friday). Sat-Sun: 2 x 3 minutes of news bulletins per day At least 60 minutes of local news programming on both Saturday and Sunday TOTAL PER WEEK: 10 hours
Repeats	Two repeats per day of current affairs programme.	Two repeats per day of current affairs programme.	Two 30 minutes repeats per day of news/current affairs programming. TOTAL PER WEEK: 7 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.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

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

Ofcom can decide to consent to a departure of 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 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 7 April 2017, Ofcom's Director of Content Standards, Licensing and Enforcement and Ofcom's Director, Broadcast Licensing considered the variation request (the "Decision-makers"). They considered that the proposed descriptive changes to the programming output requirements were of a minor nature and would have no real impact on the nature of the service. In terms of the quantitative commitments in the licence, the proposed variation would reduce the overall volume of local programming which Made in Liverpool is required to provide, but the Decision-makers considered that the service would nevertheless still be providing a substantial volume of local programming across each week, and a greater number of hours of first-run local content than has been the case during the first two years the service has been on-air.

They were of the same view in respect of the proposed changes to the peak-time commitments – despite the overall reductions in the year 3 requirements⁴, two-thirds of Made in Liverpool's peak-time output will still consist of local programming, and an average of two hours each day will be first-run content. As with the commitment to local programming, the service will feature a far greater volume of local programming in peak-time than has been the case for the past two years.

In respect of local news and current affairs output, the Decision-makers considered that while there would be an overall reduction in the volume of such programming, the service will still be required to provide 10 hours of first-run local news and current affairs output each week, with an enhanced commitment at weekends.

After careful deliberation, the Decision-makers decided that the character of the service overall would still be maintained following the requested variation, and thus the requested variation would not constitute a departure from the character of the service and that it should be allowed.

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

⁴ The Decision-makers noted that there was an error in the licence in relation to peak-time commitments, as the previous Year 3 commitments amounted to a total of 47 hours per week when there are only 31.5 peak-time hours in a week.