

Local TV Award: Guildford

Ofcom's Broadcast Licensing Committee ('BLC')¹ awarded a local digital television programme service (L-DTPS) licence on 3 June 2014.

Applicant awarded a licence

The licence was awarded as follows:

Applicant: That's Surrey Limited

Contact: Daniel Cass

Public address: That's Media, 1 Vauxhall Grove, London SW8 1TD

Email address: daniel.cass@thatstv.com

Phone number: 0207 820 9090

Website: www.thatstv.com

Licence award process

Further to the publication of an Invitation to Apply for an L-DTPS licence², Ofcom received one application for a licence for Guildford.

The application and supporting evidence was considered by the BLC. The BLC considered the application in light of the statutory criteria for the award of a licence and Ofcom's relevant duties.

The BLC has decided to award the L-DTPS licence for the Guildford area to That's Surrey Limited ('That's Surrey') for the reasons set out below.

Reasoning for the award decision

Local Digital Television Programme Service ('L-DTPS')

In deciding whether or not to award the licence, Ofcom must consider whether the proposed service falls within the description of a local digital television programme service as set out in Article 3 of The Local Digital Television Programme Services Order 2012 (the 'Order').

After discussion, the BLC concluded that the service proposed by the applicant met the description of a local digital television programme service in Article 3 of the Order and could therefore be considered for the award of the licence in the Guildford area.

Statutory Criteria

The BLC went on to consider the application, having regard to the statutory criteria set out in Section 18 of the Broadcasting Act 1996 (as substituted and modified by the Order).

Those criteria require Ofcom to have regard to (i) the extent to which a proposed service would meet the needs of the local area (ii) the extent to which a proposed service would be likely to broaden the range of television programmes available for viewing by persons in the local area (iii) the extent to which a proposed service would increase the number and range

¹ <http://www.ofcom.org.uk/about/how-ofcom-is-run/committees/broadcast-licensing-committee/>

² <http://licensing.ofcom.org.uk/tv-broadcast-licences/local/apply/>

of programmes made in or about the local area and (iv) the ability of the applicant to maintain the service for the licence period.

In carrying out its functions, Ofcom is required to secure the maintenance of a sufficient plurality of providers of different television and radio services. The BLC was of the view that it was unlikely that the award of the Guildford licence to the applicant would adversely affect the sufficiency of plurality of providers of services.

The BLC considered that the proposed service would broaden the range of programmes available in the area as well as increase the number and range of programmes made in or about the area. The BLC further noted the strong local partnerships made by That's Surrey with a local commercial radio service, local educational establishments and local newspaper providers. These would help to strengthen the output and gave the BLC increased confidence that the proposed service would meet the needs of the local area.

The BLC noted the potential risks represented within the business plan provided arising from the relatively small coverage area and it considered the advertising revenue forecasts to be quite ambitious when compared to the known performance of relevant existing media services. However the BLC was satisfied that the applicant would be able to deliver its Programming Commitments in the event that its forecasts were not obtained, because of shared management functions and programming with other That's Media stations. On that basis, the BLC concluded that the applicant would be likely to be able to maintain the proposed service for the duration of the licence based on the business plan provided.

Taking into account the above factors, the BLC awarded the licence to That's Surrey.

Next steps

An L-DTPS licence will be granted to this applicant before the service begins broadcasting. The L-DTPS service will be carried on the local television multiplex, for which a separate licence has been awarded.

The Programming Commitments proposed by the applicant will be written into its licence and become binding requirements, and Ofcom will not allow these to materially change, as these commitments were part of the reason for licence award.

All L-DTPSs must begin broadcasting within two years of licence award otherwise Ofcom may re-advertise the licence.