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8 July 2019

Sent by email to daniel.cass@thatstv.com

Dear Mr Cass,

L-DTPS Licences: Consent pursuant to Licence Condition 3(2) to certain changes in the location of main production bases and/or studios

I refer to your letters, dated 30 January 2019 and 24 May 2019, in which you requested Ofcom's consent to implement your proposal regarding the location of studios/main production bases for all the local TV licences held by That's TV Broadcasting Limited ("That's TV").

Licence Condition 3 in each licence states:

- (1) The Licensee shall provide the Licensed Service in the Licensed Area.
- (2) The Licensee shall ensure that the main production base of the Licensed Service and/or studio from which the Licensed Service is broadcast shall be located within the Licensed Area for the duration of the Licence unless prior written consent has been received from Ofcom to locate elsewhere.

In this letter I explain our decision to give consent under Licence Condition 3(2) to the locations specified in the table below.

The request

Pursuant to Licence Condition 3(2), your proposal requests Ofcom's written consent in relation to the location of the studios/main production bases for a number of licences held by That's TV. The proposal involves the studio/main production base for each of a number of licensed services being located outside of the Licensed Area; instead studios/main production bases will be aggregated. You have referred to this as creating 'regions' across the UK. Each region will have one studio/main production base which will serve all licensed services within the region.

You have explained that the proposal is designed to support the efficient operation of That's TV's local news services, including by maintaining at least one physical premises in each region. Each studio/main production base is located within the licensed area of one of the services within the region.

The following table (a version of which was provided by That's TV in its submission of this proposal) provides specific details of the requested consent under this licence condition, highlighting which services will fall into which region:

Region	Licensed Services	Location of Studio/Main production base
Scotland – East	Aberdeen - That's TV Scotland (North) Dundee – That's TV Scotland (East) Edinburgh – That's TV Scotland (Capital)	Edinburgh (Main production base)
Scotland – West	Ayr – That's TV Scotland (West) Glasgow – That's TV Scotland (Central)	Glasgow (Studio)
North West England	Carlisle – That's TV (Cumbria) Manchester – That's TV (Manchester) Preston – That's TV (Lancashire)	Manchester (Studio)
Yorkshire & Humber	Grimsby – That's TV (Humber) Scarborough – That's TV (North Yorkshire) York – That's TV (York)	York (Studio)
East of England	Cambridge – That's TV (West Anglia) Norwich – That's TV (Norfolk)	Cambridge (Studio)
South of England	Basingstoke – That's TV (Hampshire) Guildford – That's TV (Surrey) Oxford – That's TV (South Midlands) Reading – That's TV (Thames Valley) Salisbury – That's TV (Salisbury) Southampton – That's TV (Solent)	Salisbury (Studio)
Wales	Swansea – That's TV (Swansea Bay)	Swansea (Studio)

Ofcom's assessment and decision

In our 2012 Statement [Licensing Local Television](#), we explained our proposal (on which we had consulted) to include a localness requirement, in addition to the requirements of the statutory framework:

“5.3. ...in usual circumstances the studio from which the service will be broadcast, and/or the main production base of the service, should be located within the licensed area. Although the statutory framework requires that the L-DTPS service carries local content, we considered it necessary to have this production requirement in addition, in order to ensure that a local service is sufficiently targeted at the particular needs of the location it seeks to service.”

5.4. We proposed that we would be open to representations making the case otherwise, and would enter in written agreements to exempt local services from this requirement, if a good case were made.”

After noting the arguments received from respondents to our consultation, both for and against this aspect of our proposals, we confirmed the requirement in the following terms:

“5.8 We anticipate that applications for L-DTPS licences will put forward a range of models for how a local television service might be run. The localness requirement is intended to ensure locally-produced programming without constraining commercial viability, or limiting the range of business models, more than necessary. The emphasis of the s.244 Order and the Government's policy is on the output of each local service. We are content that this localness requirement is necessary, and not unduly constraining.”

Licence Condition 3(2) implements this aspect of our policy for local TV.

We have considered your request in light of this localness objective, and our recognition at the time that there may be alternative business models for local TV and that the requirement is intended to ensure locally-produced programming without constraining commercial viability.


Having carefully considered the proposal, Ofcom is satisfied that the proposal will allow That's TV to continue to deliver its commitments to its viewers, specifically with regard to maintaining a local presence in the area of each licensed serviced. This is particularly important to Ofcom; while the request will reduce the overall number of studios/main production bases used by That's TV, the studios/main production bases will remain in the Licensed Area of one of the services within each region, and the commitment for journalists and reporters to continue to collect, develop and record interviews on location within the licensed area of each service means that the local presence for each service included in this request will continue to be maintained.

Moreover, Ofcom does not consider that agreeing to this proposal will result in a difference in local content received by viewers. That's TV has confirmed that viewers of the services will not notice any difference in the content broadcast, with news items and interviews still recorded within the licensed area of each service and news links recorded in the studio. This is consistent with the current approach adopted by That's TV.

That's TV now owns 20 local TV services. Such an arrangement was not specifically anticipated at the time of the 2012 statement, although it was recognised that the commercial viability of alternative business models should not be unduly restricted. In this regard, your request notes that the cost and resources required to maintain separate physical premises may be better invested in the production of local content for viewers and that the proposal is designed to support the efficient operation of That's TV's local news services. Ofcom has also therefore had regard to the sustainability of these services given the financial challenges that the sector faces¹.

Ofcom can therefore confirm that it provides consent for That's TV's proposal, effective from the date of this letter. Should there be any changes to this model in the future, That's TV must notify Ofcom and receive written consent before implementing the changes.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Tom Connolly', with a stylized flourish at the end.

Tom Connolly

¹ See pages 61-65 in [Ofcom's 2018 Media Nations report](#)