

[not relevant]

Minimum Requirements and Expectations

4. This section compares the requirements of S16(2) of the Broadcasting Act with the undertakings provided in the application. The relevant part of S16(2) is in each case set out in full. There is then an assessment of the relevant elements in the application, based on the standard checklist produced within Programme Division for assessing all applications, leading to a conclusion as to whether or not the application satisfies the specified requirement(s).

5. S16(2)(a)

that a sufficient amount of time is given in the programmes included in the service to news programmes and current affairs programmes which (in each case) are of high quality and deal with both national and international matters, and that such news programmes are broadcast at intervals throughout the period for which the service is provided and, in particular, at peak viewing times

CPV-TV confirms that it will transmit the full range of the network output of the nominated news provider and meet its share of the cost. It would press for News at Ten to be moved to 9.00 pm. In current affairs, it suggests replacing the present two half-hour programmes with a peak-time hour, to be called 'The Correspondents' which CPV-TV will commission from [s.44] and [s.44]. The proposal offers a programme of sufficiently high quality, and exceeds the minimum requirement for length.

We conclude that CPV-TV's application satisfies this requirement.

6. S16(2)(b)

that a sufficient amount of time is given in the programmes included in the service to programmes (other than news and current affairs programmes) which are of high quality

CPV-TV offers ideas for programmes of high quality in a number of programme areas. However, compared with other applicants for this licence, plans for the development of programmes do not appear to have progressed very far. As noted in paragraph 2 above, copies of contracts with programme suppliers have been given to the ITC, but these are mostly written in very general terms and usually amount to little more than preliminary agreements to co-operate, in principle, in the

production of programmes.

7. Information provided about the content of some of the programmes is also of a very preliminary nature. The amount of programmes offered to the network is significantly lower than the 1989 provision (see Table 3 attached to ITC Paper 159(91)). At the same time, section A.15 of the application fails to address the question of how non-regional programmes, other than those commissioned by CPV-TV, will be supplied. We cannot therefore be sure how CPV-TV intends to meet its obligations to provide a sufficient amount of high quality non-regional programming.

8. We also have concerns about the proposed level of staffing. A total of 162, excluding sales and 7 freelance staff, seems a very lean operation, even taking account of the additional staff which TV-am will employ to produce CPV-TV's regional magazine programme. While requirements may vary from case to case, we do not feel that CPV-TV will be able to exercise proper supervision over commissioned programmes in order to maintain high quality. The named team of key post-holders, led by [S40] is satisfactory, apart from the absence of a head of regional programming, but these cannot function properly if there are insufficient staff below them.

9. A clear commitment is not made to meet the 65 per cent requirement for original programming. The figures for original productions/commissions for each programme strand and for the output as a whole, requested in question A.1(iii) in the Invitation to Apply, are not provided. Their absence implies too high a proportion of acquired material and diminished scope for original high quality material. In its letter of 19 June CPV-TV argues that sufficient information about original programmes is contained in the description of programmes in sections A.1 and in the outline schedules in A.8 and A.20 of the application. This explanation is unsatisfactory. It is not possible to derive precise figures from the application. The effect of this omission is to cast doubt on the range and variety of programmes and the scope for original high quality material.

We do not conclude that CPV-TV's application satisfies this requirement.

10. S16(2)(c)

that a sufficient amount of time is given in the programmes so included:-

- (i) to a suitable range of regional programmes, that is to say, programmes (including news programmes) which are of particular interest to persons living within the area for which the service is provided, and
- (ii) (not applicable to this licence)

and that any news programmes so included in accordance with sub-paragraph (i) or (ii) are of high quality

After the closing date for applications CPV-TV informed the ITC that because of a printer's error the line for drama had

been omitted from the summary table for regional programmes. More significantly, the table was based on an incorrect interpretation of the definition of "regional programmes". The Invitation to Apply, reflecting the wording of the Act, makes it clear that regional programmes must be "of particular interest to persons living within the region" as well as be broadcast exclusively for them (paragraph 92). CPV-TV explained that it had counted as regional "all programmes which might not be supplied by the network including a night-time service acquired and presented by CPV-TV purely for the region". We calculate that the amount of regional programming, as defined by the Invitation to Apply, is 13 hours 15 minutes, not 36 hours 45 minutes as shown in the application. For the purposes of this assessment we have used CPV-TV's alternative figures (referred to in paragraph 3 above), since it is impossible otherwise to make a sensible comparison with the current ITV service and with the proposals of other applicants.

11. The description of the proposed content of regional programmes is vague, though with the help of CPV-TV's letter of clarification we are able to deduce that programme plans do exist to provide at least the minimum requirement of 6 hours a week. The regional service depends heavily on 'The Capital Hour' a one-hour magazine, to be broadcast at 6.00 pm on weekdays and repeated overnight. 'Capital Hour' will embrace not only regional news but also much of the rest of the company's regional output, including sport, current affairs, social action, consumer programming, entertainment listings, reviews and previews, and travel information. We estimate that, of the 13 hours 15 minutes allocated to regional programmes, 4 hours will consist of repeats of 'Capital Hour'.

12. The likely appeal of a programme such as 'Capital Hour' is difficult to judge. CPV-TV does not put forward a convincing case for the programme in its own research, which has been used more as a tool to criticise the incumbent rather than to tailor its own proposed programming.

13. Capital Hour will be provided for CPV-TV by TV-am at its Camden Lock studios. However, CPV-TV has not lined up an alternative supplier to guard against the possibility that TV-am might cease operating. In its letter of 19 June, CPV-TV states that, if this were the case, it is satisfied that it could itself provide a news and magazine programme to an equivalent quality within the budget estimate. However no evidence is put forward to support this. The budget estimate is based on the costs that TV-am would incur in providing the programme alongside the breakfast-time service. The costs would almost certainly be higher if the programme could not be provided in this way. Production staffing for the programme, as given in section A.6, is 43. This is very low, even by TV-am's current standards, for a major programme covering so many different strands.

14. We are also concerned that, if the programme is supplied by a separate organisation such as TV-am, CPV-TV, as the licensee, may not have a sufficiently direct involvement in what will be its major regional programme. In its letter of 19 June, CPV-TV compares its proposal with the arrangement which Channel

4 has with ITN. However, Capital Hour's wide ranging content will place different demands on programme staff. The nature of the programme as described makes it much more than a news programme. We do not believe that the need for close editorial involvement has been fully recognised, bearing in mind that the programme will account for almost two-thirds of the applicant's regional output.

We do not conclude that CPV-TV's application satisfies these requirements.

[not relevant]