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SCANNED :

I am writing formally to request a variation to the Format of LBC News 1152. Our request is that the service be allowed to simulcast LBC 97.3 during the hours of 1900-0700, Monday to Friday, and from 1800 Sat - 0700 Sun, and 1700 Sun - 0700 Mon. The revised Format would therefore read:

From 0700-1900 each weekday (0700-1800 Saturday, 0700-1700 Sunday), a rolling (i.e. twenty or thirty-minute) news and information service for Londoners (with any music for illustrative purposes only). At other times, the service will be a simulcast of LBC 97.3.

As you will appreciate, rolling news is one of the most expensive radio formats to maintain, yet it intrinsically provides a poor opportunity for revenue generation. It is inherently a low-hours format, with listeners generally choosing to dip in and out from time to time, rather than staying with the station for any continuous period. This makes it a relatively unattractive format for advertisers. The station's appeal is further diminished by its presence on AM, a platform which is likely to see further ongoing decline as audiences move increasingly to digital platforms. It is during the overnight hours, when we wish to simulcast, that the AM signal is at its weakest and most vulnerable to incoming interference.

We believe that rolling news does have a place in the London radio landscape and that, during the day, LBC News 1152 is clearly valued by the 200,000 or so listeners that tune in every week. However, the high cost of the service combined with its low revenue potential means that it is no longer possible to sustain rolling news as a 24-hour format.

LBC 97.3 is, itself, heavily news and information-rich and utterly focused on London and Londoners. News bulletins, with weather and travel information, are broadcast every half hour around the clock. Simulcasting the FM service on AM would therefore ensure a continued dedication to news and information, along with discussion and debate, that would fit well alongside the daytime rolling news output.

In addition, could the Format carry clarification that in exceptional circumstances such as football commentaries, the 20/30 minute rolling bulletin obligation be suspended, and bulletins run as soon as appropriate?



Richard Park
Chief Executive

LBC News 1152

Name of Person Proposing Format Change : Richard Park

Outline Format Change(s) Proposals : To permit the service to carry a simulcast of LBC 97.3 from the hours of 1900-0700 weekdays, 1800Sat-0700Sun and 1700Sun-0700 Mon.

Operators of analogue local radio licences may apply to Of com to have the station's Format amended. Any application should be made using the layout shown on this form, and should be in accordance with Of com's published procedures for Format changes (available on our website).

Under section 106(1A) of the Broadcasting Act 1990 (as amended*), Of com may consent to the change only if it is satisfied that *at least* one of the following four criteria is satisfied:

- (b) *that the departure would not narrow the range of programmes available by way of relevant independent radio services to persons living the area or locality for which the service is licensed to be provided;*
- (c) *that the departure would be conducive to the maintenance or promotion of fair and effective competition; or*
- (d) *that there is evidence that, amongst persons living in that area or locality, there is a significant demand for, or significant support for, the change that would result from the departure.*

Only one of these four criteria need be satisfied in order for Of com to consent to the proposed change. However, even if Of com is of the opinion that the proposed change satisfies one or more of the statutory criteria, there may be reasons (depending on the particularly circumstances of the case) why Of com may not consent to the proposed change.

In addition, applicants should note that, under section 106ZA of the same Act (as amended*), a proposed change that *does not* satisfy the first of these criteria (i.e. a change that Of com considers *would* or *could* substantially alter the character of the service) must, if it is to be considered further under any of the other three criteria, be consulted upon. #.

In the event that Of com receives a request for Format change and considers that criterion (a) is *not* satisfied, it will seek confirmation from the applicant as to whether it wishes to proceed with the request (and, if so, whether it wishes to amend or replace its submission in light of the necessity to make it public).

SECTION 106 (a) RELEVANCE : For most listeners to the station, this proposal will not represent any change to the range of services available to them. Listening to LBC News 1152 between the hours of 0700 and 1900 accounts for 54% of the station's total hours, and 75% of the station's total audience listens between those times. LBC 97.3 is a news-rich service, with extensive provision of London information throughout the day and night. Simulcasting does not, therefore, represent an abandonment of the provision of local news and information on 1152, merely a different way of presenting it.

SECTION 106 (b), (c) AND (d) RELEVANCE : Our proposal maintains the presence of a rolling news service in London, albeit with reduced hours. At other times, LBC 97.3's speech service will remain news and information-intensive, as it already does on FM. As such the service, although broadcast during the evenings and overnight on two frequencies, will remain unique in the London marketplace as the only all-news and speech local commercial station for the capital.

Any additional information : see attached letter

* As amended by sections 312 and 313 of the Communications Act 2003

Of com may approve a change under any of criteria (b) to (d) without consultation, or after a consultation of less than 28 days, if Of com considers that to hold a consultation at all, or for 28 days or more, would result in a delay that would be likely to prejudice the interests of the licensee. Of com may also remove for the purposes of consultation any confidential information submitted by the licensee.

OFCOM NOTES ON REQUEST

Ofcom, as with the legacy regulator (the Radio Authority), has put on record its understanding that stations on a.m. frequencies face particular problems not faced by stations operating on f.m.. Consequently it would wish to respond accordingly – where appropriate – when faced with requests for change,

This request is unusual in that the two stations involved (LBC News 1152 and LBC 97.3) have distinctly different Formats, yet Formats which are both within the news and speech family.

The request is to simulcast overnight programming (from 1900 weekdays, 1800 Saturdays and 1700 Sundays) using 97.3 as the sustaining station.

Ofcom will not sanction a ‘watering down’ of the rolling news Format *per se*, but does recognize the circumstances as outlined in the accompanying letter, and does appreciate that during the overnight hours, much information will be duplicated.

The business, travel and sport bulletins currently broadcast on LBC News 1152 are similar static through the night. These elements would be carried in the live half hourly news bulletins on 97.3 albeit in shorter form. LBC News 1152 currently broadcasts quarter-hour news headline updates, but there will still be a regular news cycle on air. Should a major story break, LBC operates a 'major story protocol' which includes the introduction of regular news updates on LBC 97.3. With the retention of a 24 hour LBC newsroom there is every reason to believe that the licensee should react efficiently to a breaking major story if necessary.

As a consequence we think that the changes as requested should not notably disenfranchise the overnight a.m. listener, who, by the nature of a rolling news service, will tend to ‘dip’ listen rather than listen for a length of time.

The request is granted, although Ofcom is keen to emphasise the reasons given above as justification for the change and to give no impression that overnight listening is of less value in context, or that simulcasting will be generally acceptable. The issues here are not generally duplicated at other stations.

The broadcast of football commentary does not raise substantial regulatory issues. Such commentary is clearly relevant to the target audience and, therefore, the station should not be deprived of the opportunity to broadcast it. It is now made clear in the Format that under such circumstances the station might temporarily suspend its 20 or 30 minute rolling bulletins for the duration, broadcasting them when appropriate.

23-07-08