
Love Sport (North London)

Request to change Format

STATEMENT:

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1. Overview

A commercial radio station's Format sets out the type of broadcast output it is required to deliver, and forms a part of its licence. Formats may include requirements relating to a station's music output, news provision, other types of speech content, its target audience, the volume and origin of locally-made programmes, and any programme sharing arrangements. Taken together, these elements encapsulate the nature and overall character of a licensed service.

In May 2020, A Spokesman Said Limited ('ASSL') submitted a request to Ofcom to make changes to the Format of its AM local radio licence for North London, which broadcasts as 'Love Sport', with a view to relaunching the station as 'Asian FX'.

What we have decided – in brief

The proposal was to change the 'Character of Service' of the licence from:

"A 24-hour speech service for Londoners focussing on sports plus some topical content and local information."

to:

"A contemporary Asian/urban music-led station for young British Asians aged 15-44 featuring the music of British Asian artists and the latest/classic Bollywood tracks and world music."

In Ofcom's view, the proposed change would constitute a significant departure from the 'Character of Service', and so was subject to a public consultation.

Following that consultation, Ofcom has decided to approve the change to the 'Character of Service' proposed by ASSL, for the reasons set out in this Statement.

2. Statutory and policy criteria

- 2.1 Ofcom may consent to a departure from the character of a licensed local commercial radio service (a “Format change”) in accordance with section 106(1A) of the Broadcasting Act 1990 (the “1990 Act”) only if it is satisfied in relation to at least one of the following criteria:
- a) that the departure would not substantially alter the character of the service;
 - 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, in the case of a local licence, the departure would be conducive to the maintenance or promotion of fair and effective competition;
 - d) that, in the case of a local licence, 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; or
 - e) that, in the case of a local licence (i) the departure would result from programmes included in the licensed service ceasing to be made at premises in the area or locality for which the service is provided, but (ii) those programmes would continue to be made wholly or partly at premises within the approved area (as defined in section 314 of the Communications Act 2003 (local content and character of services)).
- 2.2 Under section 106ZA of the 1990 Act, a change that is not considered by Ofcom to satisfy the first or last of these criteria (i.e. a change that Ofcom considers would or could substantially alter the character of the service, or does not relate solely to the origin of locally-made programmes) must, if it is to be considered further under any of the other three criteria, be consulted upon.
- 2.3 Even if Ofcom is satisfied that the proposed change would meet one of the statutory criteria, we still have discretion as to whether or not to agree to the change. Ofcom has [published guidance](#) about how it generally expects to exercise this discretion. This guidance refers in particular to the following criteria:
- the extent of the impact of the change on the Character of Service;
 - the time elapsed since the licence was awarded;
 - considerations taken into account in making the original award;
 - the views of listeners and stakeholders; the avoidance of ‘format creep’;
 - whether the station broadcasts on AM or FM; and
 - Ofcom’s statutory localness and other obligations.

3. Ofcom's analysis and decisions

- 3.1 ASL's Format change request would significantly alter the nature of the station's programming and target audience. The change would replace an all-speech service focused mainly on sport with a music-based service for young British Asians. On that basis, we did not consider that criterion (a) in section 106(1A) was met, and criterion (e) in section 106(1A) was not relevant to this request as the change did not relate solely to the premises from which locally-made programmes originate.
- 3.2 Ofcom therefore consulted on this request in accordance with section 106ZA.

Ofcom's preliminary view

- 3.3 In the [consultation](#) we said the Format change request was made by ASL primarily on the basis that criterion (b) of section 106(1A) of the Act was met: that the proposed change would not narrow the range of programmes available by way of relevant independent radio services to persons living in the relevant licence area.
- 3.4 Based on our analysis of the Format and Key Commitment requirements of the other analogue local and community radio services broadcasting in North London, we agreed and said it appeared to us the changes sought by ASL would not narrow the range of programmes available to listeners in the North London licence area, and therefore we were satisfied on a preliminary basis in relation to statutory criterion (b). We also said we could not see any policy reason to refuse the request.

Summary of consultation responses

- 3.5 We received two responses to this consultation, both from individuals who wished to remain anonymous.
- 3.6 The first respondent was in favour of the change, observing that Love Sport is available nationally on DAB as well as on AM in North London, which in their view means that the change will not reduce choice for consumers.
- 3.7 The second respondent was opposed to the change, observing that in their view it "would reduce choice." They added: "Love Sport gives an alternative to BBC Radio 5 Live and TalkSport for sports fans and by getting rid of Love Sport this would reduce choice. There are already a number of Asian stations available as well as stations that cater to various BAME audiences. Looking at the list of stations available in the area specified there are already Asian stations available such as Lyca Dil Se, Lyca Radio and Sunrise Radio but there is no mention of sports stations on the list."

Ofcom's assessment and conclusions

- 3.8 We noted the first respondent's point regarding Love Sport also being available to listeners in North London via national DAB transmission. However, in assessing the request under

statutory criterion (b) (that the proposed change would not narrow the range of programmes available by way of relevant independent radio services to persons living in the relevant licence area) the Format change legislation only permits us to take into account the Formats and Key Commitments of analogue local commercial and community radio stations available in the North London area. As a result, we were unable to consider services which are broadcast nationally or on non-analogue platforms such as DAB when undertaking our assessment.

- 3.9 We also considered the second respondent's point that choice for listeners in North London would be reduced because they would be losing a distinctive sports service, and that there are other local analogue services already available in North London which cater for the Asian community. We agree with the second respondent's point that a distinctive sports service in the market is being removed. Indeed, we additionally note that neither the TalkSport nor BBC Radio 5 Live mentioned by the respondent are "relevant independent radio services" so, like DAB services do not form part of our assessment. Therefore, the change removes the only relevant service focused principally on sport. As noted in our consultation, however, the two LBC services provide some sports coverage as part of a wider programming mix. Additionally, we do not agree with the second respondent that the audience covered by the proposed changed Format is catered for by existing stations focused on Asian communities in the North London area. As noted in our consultation, two of the specific services mentioned by the respondent (Lyca Radio and Lyca Dil Se) target an older demographic to Asian FX over a wide geographic area. Whilst Sunrise Radio does target a similar age group to Asian FX, Asian FX would be the only service with a Format which would require the inclusion of world music and urban music genres, and includes a specific requirement to feature the music of British Asian artists.
- 3.10 Having carefully considered these consultation responses, we remain of the view that we are satisfied in relation to criterion (b) of Section 106(1A), as we do not consider that there will be a narrowing of the range of programming (in relation to local analogue radio services) available to listeners in North London given the loss in relation to the range of sports programmes on relevant independent radio services in North London is balanced by a comparable increase in the range of services for younger Asian listeners in the same area.
- 3.11 The Format change legislation leaves to Ofcom's judgement the decision as to whether to permit a change, even if one of the statutory criteria is satisfied. In considering this request in relation to our policy criteria, we note that the change would substantially alter the character of service. However, we also note that the Format change request includes some evidence of support from listeners and stakeholders, and that a considerable period has elapsed since the original award of the licence (and indeed the format has evolved considerably in that time). We further note, in particular, that Love Sport is broadcast as an AM station and we are aware that AM stations are at a disadvantage relative to FM stations due to the poorer technical quality delivered on medium wave. As set out in our policy criteria, we are more willing to agree to Format change requests from AM than FM stations.

3.12 We are therefore approving the Format change request because we are satisfied in relation to one of the statutory criteria and for the policy reasons outlined above.