
Love Sport

Request to change Format

CONSULTATION:

Publication Date: 04 May 2018

Closing Date for Responses: 01 June 2018

About this document

Ofcom is consulting on whether to approve a Format Change Request from A Spokesman Said Limited ('A Spokesman Said'), which holds an AM commercial radio licence for Greater London, broadcasting as Love Sport.

The station's Format describes the type of programme service which it is required to provide, and forms part of the station's licence.

Love Sport wishes to change the 'Character of Service' of the station's published Format from a speech service focussing on "business and finance, sport, entertainment, current affairs and essential information" to a speech service focussing on "sports plus some topical content and local information".

We are seeking views on the request. The consultation closes at 5pm on 01 June 2018.

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1. Details and background information

- 1.1 Ofcom has received a Format Change Request from A Spokesman Said, which holds a local AM commercial radio licence for Greater London, about its service ‘Love Sport’.
- 1.2 The Greater London licence was launched in June 1990, as Spectrum Radio. In March 2018 the licence was transferred from Spectrum Radio Limited to A Spokesman Said and the service renamed as Love Sport. The licence has a Measured Coverage Area of 10,433,014 adults (aged 15+).
- 1.3 In October 2017, Ofcom approved a request from Spectrum Radio Limited to change the ‘Character of Service’ in the Format of Spectrum Radio from: *“A special speech, news and music station aimed at a minimum of six different, varied ethnic minority communities in London, whose family origins lie outside Britain”* to: *“A broad-based 24-hour speech service for Londoners of all backgrounds and origins, focussing on business and finance, sport, entertainment, current affairs and essential information”*.
- 1.4 Love Sport now wishes to change the above ‘Character of Service’ to: *“A 24-hour speech service for Londoners focussing on sports plus some topical content and local information”*. Love Sport is not seeking changes to any other aspects of its Format.
- 1.5 Under section 106(1A) of the Broadcasting Act 1990 (as amended), Ofcom may consent to a change of a Format only if it is satisfied that at least one of the following five statutory criteria is satisfied:
 - 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 in 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*
 - 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; or*
 - e) *that (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)).*
- 1.6 Even if Ofcom is of the opinion that the proposed change satisfies one or more of the statutory criteria above, there may be reasons (depending on the particular circumstances of the case) why Ofcom may not consent to the proposed change. The additional criteria to

which Ofcom will have regard when exercising this discretion can be found on Ofcom's website.¹

- 1.7 Love Sport is planning to change its service from one that requires a variety of different types of speech output to be broadcast (for example, business news) to a service that is primarily focused on sport.
- 1.8 These changes significantly affect the nature of the station's programming, such that it requires a rewording of its published Character of Service. Consequently, we do not consider that the request meets criterion (a) – that the departure would not substantially alter the character of service. In addition, criterion (e), which relates to co-location requests, is not relevant to this request. In accordance with section 106ZA of the Broadcasting Act 1990, we are therefore consulting on the request.
- 1.9 When considering whether criterion (b) is satisfied (the change would not narrow the range of programmes available in the area by way of relevant independent radio services), neither local DAB services nor BBC services count as relevant independent radio services. The relevant independent radio services are those local analogue commercial and community stations which operate across or within Greater London, which are listed in Annex 7.
- 1.10 Annex 5 contains the Format Change Request submitted by Love Sport, in which arguments are made that the proposed change would not substantially alter the character of service, and that the departure would not narrow the range of programmes available by way of relevant independent radio services to persons living in the area of locality for which the service is licensed to be provided, and therefore that criterion (b) is satisfied.
- 1.11 We are seeking views on the request, having particular regard to the Format change criteria set out in Section 106(1A) (b) to (d) of the Broadcasting Act 1990 (as amended), as set out above.

¹ At https://www.ofcom.org.uk/_data/assets/pdf_file/0024/87405/The-regulation-of-Format-changes.pdf

A1. Responding to this consultation

How to respond

A1.1 Ofcom would like to receive views and comments on the issues raised in this document, by 5pm on 01 June 2018.

A1.2 You can download a response form from <https://www.ofcom.org.uk/consultations-and-statements/category-3/love-sport-request-to-change-format>. You can return this by email or post to the address provided in the response form.

A1.3 If your response is a large file, or has supporting charts, tables or other data, please email it to rowena.burke@ofcom.org.uk, as an attachment in Microsoft Word format, together with the cover sheet (<https://www.ofcom.org.uk/consultations-and-statements/consultation-response-coversheet>).

Responses may alternatively be posted to the address below, marked with the title of the consultation:

Love Sport consultation

F.A.O. Rowena Burke

Ofcom

Riverside House

2A Southwark Bridge Road

London SE1 9HA

A1.4 We welcome responses in formats other than print, for example an audio recording or a British Sign Language video. To respond in BSL:

- Send us a recording of you signing your response. This should be no longer than 5 minutes. Suitable file formats are DVDs, wmv or QuickTime files. Or
- Upload a video of you signing your response directly to YouTube (or another hosting site) and send us the link.

A1.5 We will publish a transcript of any audio or video responses we receive (unless your response is confidential).

A1.6 We do not need a paper copy of your response as well as an electronic version. We will acknowledge receipt if your response is submitted via the online web form, but not otherwise.

A1.7 You do not have to answer all the questions in the consultation if you do not have a view; a short response on just one point is fine. We also welcome joint responses.

A1.8 It would be helpful if your response could include direct answers to the question asked in the consultation document. The question is listed at Annex 4. It would also help if you could explain why you hold your views, and what you think the effect of Ofcom's proposals would be.

A1.9 If you want to discuss the issues and questions raised in this consultation, please contact Rowena Burke directly on 020 7783 4425, or by email to rowena.burke@ofcom.org.uk.

Confidentiality

- A1.10 Consultations are more effective if we publish the responses before the consultation period closes. In particular, this can help people and organisations with limited resources or familiarity with the issues to respond in a more informed way. So, in the interests of transparency and good regulatory practice, and because we believe it is important that everyone who is interested in an issue can see other respondents' views, we usually publish all responses on our website, www.ofcom.org.uk, as soon as we receive them.
- A1.11 If you think your response should be kept confidential, please specify which part(s) this applies to, and explain why. Please send any confidential sections as a separate annex. If you want your name, address, other contact details or job title to remain confidential, please provide them only in the cover sheet, so that we don't have to edit your response.
- A1.12 If someone asks us to keep part or all of a response confidential, we will treat this request seriously and try to respect it. But sometimes we will need to publish all responses, including those that are marked as confidential, in order to meet legal obligations.
- A1.13 Please also note that copyright and all other intellectual property in responses will be assumed to be licensed to Ofcom to use. Ofcom's intellectual property rights are explained further at <https://www.ofcom.org.uk/about-ofcom/website/terms-of-use>.

Next steps

- A1.14 Following this consultation period, Ofcom plans to publish a statement.
- A1.15 If you wish, you can register to receive mail updates alerting you to new Ofcom publications; for more details please see <https://www.ofcom.org.uk/about-ofcom/latest/email-updates>

Ofcom's consultation processes

- A1.16 Ofcom aims to make responding to a consultation as easy as possible. For more information, please see our consultation principles in Annex 2.
- A1.17 If you have any comments or suggestions on how we manage our consultations, please email us at consult@ofcom.org.uk. We particularly welcome ideas on how Ofcom could more effectively seek the views of groups or individuals, such as small businesses and residential consumers, who are less likely to give their opinions through a formal consultation.
- A1.18 If you would like to discuss these issues, or Ofcom's consultation processes more generally, please contact Steve Gettings, Ofcom's consultation champion:

Request to change Format – Love Sport

Steve Gettings
Ofcom
Riverside House
2a Southwark Bridge Road
London SE1 9HA
Email: corporationsecretary@ofcom.org.uk

A2. Ofcom's consultation principles

Ofcom has seven principles that it follows for every public written consultation:

Before the consultation

- A2.1 Wherever possible, we will hold informal talks with people and organisations before announcing a big consultation, to find out whether we are thinking along the right lines. If we do not have enough time to do this, we will hold an open meeting to explain our proposals, shortly after announcing the consultation.

During the consultation

- A2.2 We will be clear about whom we are consulting, why, on what questions and for how long.
- A2.3 We will make the consultation document as short and simple as possible, with a summary of no more than two pages. We will try to make it as easy as possible for people to give us a written response. If the consultation is complicated, we may provide a short Plain English / Cymraeg Clir guide, to help smaller organisations or individuals who would not otherwise be able to spare the time to share their views.
- A2.4 We will consult for up to ten weeks, depending on the potential impact of our proposals.
- A2.5 A person within Ofcom will be in charge of making sure we follow our own guidelines and aim to reach the largest possible number of people and organisations who may be interested in the outcome of our decisions. Ofcom's Consultation Champion is the main person to contact if you have views on the way we run our consultations.
- A2.6 If we are not able to follow any of these seven principles, we will explain why.

After the consultation

- A2.7 We think it is important that everyone who is interested in an issue can see other people's views, so we usually publish all the responses on our website as soon as we receive them. After the consultation we will make our decisions and publish a statement explaining what we are going to do, and why, showing how respondents' views helped to shape these decisions.

A3. Consultation coversheet

BASIC DETAILS

Consultation title: Love Sport consultation

To (Ofcom contact): Rowena Burke

Name of respondent:

Representing (self or organisation/s):

Address (if not received by email):

CONFIDENTIALITY

Please tick below what part of your response you consider is confidential, giving your reasons why

Nothing

Name/contact details/job title

Whole response

Organisation

Part of the response

If there is no separate annex, which parts? _____

If you want part of your response, your name or your organisation not to be published, can Ofcom still publish a reference to the contents of your response (including, for any confidential parts, a general summary that does not disclose the specific information or enable you to be identified)?

DECLARATION

I confirm that the correspondence supplied with this cover sheet is a formal consultation response that Ofcom can publish. However, in supplying this response, I understand that Ofcom may need to publish all responses, including those which are marked as confidential, in order to meet legal obligations. If I have sent my response by email, Ofcom can disregard any standard e-mail text about not disclosing email contents and attachments.

Ofcom seeks to publish responses on receipt. If your response is non-confidential (in whole or in part), and you would prefer us to publish your response only once the consultation has ended, please tick here.

Name

Signed (if hard copy)

A4. Consultation question

- A4.1 Ofcom is seeking views on this Format Change Request. In this case any decision by Ofcom can only be taken having particular regard to three statutory criteria (Section 106 (1A) (b) (c) and/or (d) of the Broadcast Act 1990 (as amended)).
- A4.2 These criteria are set on page one of this consultation document. Ofcom may consent to a change of Format only if it is satisfied in relation to at least one of the statutory criteria.
- A4.3 Respondents are requested to frame their views and responses with reference to, or in the context of, these three statutory criteria.

Question 1:

Should A Spokesman Said Limited be permitted to make its proposed change to the Format of Love Sport?

A5. Format change request from Love Sport

Date of request:	10 April 2018
Station Name:	Love Sport
Licensed area and licence number:	Greater London – AL000050
Licensee:	A Spokesman Said Ltd
Contact name:	Keith Sadler, CFO

Details of requested change(s) to Format

Character of Service <i>Complete this section if you are requesting a change to this part of your Format</i>	Existing Character of Service: A BROAD-BASED 24-HOUR SPEECH SERVICE FOR LONDONERS OF ALL BACKGROUNDS AND ORIGINS, FOCUSING ON BUSINESS AND FINANCE, SPORT, ENTERTAINMENT, CURRENT AFFAIRS AND ESSENTIAL INFORMATION.
	Proposed new Character of Service: A 24-HOUR SPEECH SERVICE FOR LONDONERS FOCUSING ON SPORTS PLUS SOME TOPICAL CONTENT AND LOCAL INFORMATION
Programme sharing and/or co-location arrangements <i>Complete this section if you are requesting a change to this part of your Format</i>	Current arrangements:
	Proposed new arrangements:
Locally-made hours and/or local news bulletins	Current obligations:

<i>Complete this section if you are requesting a change to this part of your Format</i>	Proposed new obligations:
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The holder of an analogue local commercial radio licence may apply to Ofcom 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 Ofcom's published procedures for Format changes (available on our website at https://www.ofcom.org.uk/data/assets/pdf_file/0024/87405/The-regulation-of-Format-changes.pdf)

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

- (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 the departure would be conducive to the maintenance or promotion of fair and effective competition*
- (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; or*
- (e) *that (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)).*

Only one of these five criteria need be satisfied in order for Ofcom to consent to the proposed change. However, even if Ofcom is of the opinion that the proposed change satisfies one or more of the statutory criteria, there may be reasons (depending on the particular circumstances of the case) why Ofcom may not consent to the proposed change. The additional criteria to which Ofcom will have regard when exercising this discretion can be found at:

https://www.ofcom.org.uk/data/assets/pdf_file/0024/87405/The-regulation-of-Format-changes.pdf

Applicants should note that, under section 106ZA of the same Act (as amended), a proposed change that *does not* 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 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. #

In the event that Ofcom receives a request for Format change and considers that criterion (a) or (e) 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).

Please set out the statutory criterion, or criteria, set out in section 106(1A) of the Broadcasting Act 1990 that you believe is/are satisfied in relation to this Format change request, and the reasons for this:

(a) that the departure would not substantially alter the character of the service;

The format change request will not substantially alter the character of the service. It is intended to include elements of the current Character of Service in the broadcast content spread over a 24-hour/weekly period instead of specific shows for each or number of elements.

The current daytime schedule from 6am to 10pm includes sports-related programmes for ten of the sixteen hours including the heavy listener-periods of Breakfast (6am to 10am), Drive (4pm to 7pm) and Evenings (7pm to 10pm). Mid-Mornings (10am to 1pm) and Afternoons (1pm to 4pm) will encompass existing elements. During the relatively much-lighter listener periods during night time, Late Night (10pm to 1am) will also encompass existing elements and Overnights (1am to 6am) will remain as the best of the days/weeks output.

The local news commitment as in the current Character of Service will remain the same.

(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;

There are currently some twenty analogue local commercial radio stations and thirteen analogue community radio stations (including four yet to launch) broadcasting in Greater London – See Annex 1.

There is overlap between the current Character of Service and the Formats of the two existing all-speech LBC services. Changing the format to a service focussing more on sports will increase the range of programmes available as there is no other sports-focussed analogue local commercial or community service broadcasting in the Greater London area.

Please provide any additional information and/or evidence in support of the proposed change(s) below. In particular, the applicant may wish to outline how they see that the proposed change fits within Ofcom’s published Format change request policy

(https://www.ofcom.org.uk/data/assets/pdf_file/0024/87405/The-regulation-of-Format-changes.pdf and also Ofcom’s Localness guidance, which includes our co-location and programme sharing policy (<http://stakeholders.ofcom.org.uk/broadcasting/radio/localness/>)).

Ofcom's Policy Criteria

- the extent of the impact of the change on the Character of Service – as previously stated, the format change request will not substantially alter the character of the service.
- the time elapsed since the licence was awarded – The original licence was awarded to Spectrum Radio with the service launching some 27 years ago when the market environment and level of competition was very different to that it is today.
- considerations taken into account in making the original award - Ofcom has recognised that the Licensee should have flexibility to respond to changes in the market and that the considerations taken into account in making that original award should not be a factor in future decisions.
- the views of listeners and stakeholders – whilst no formal audience research has been undertaken, the company believes that there is demand for a sports-focussed radio service in Greater London due to the continuing appetite for sports content across a range of sports and delivery platforms including TV, print and on-line. As there is no other sports-focussed local commercial or community analogue radio station broadcasting in the Greater London area, Love Sport would be complementary to the other platforms.
- the avoidance of 'format creep' – the previous change of format request submitted by Spectrum Radio was agreed by Ofcom after public consultation. Love Sport has been broadcasting under this Character of Service since launch.
- whether the station broadcasts on AM or FM – Love Sport broadcasts on 558kHz. Ofcom has previously stated that changes, including substantial changes, to AM station Formats will be more willingly agreed than would be the case for FM stations.
- Ofcom's statutory localness and other obligations – Love Sport will continue to broadcast under its existing Character of Service obligations with respect to Locally-made programming and Local news.

Notes

Ofcom may approve a change under any of criteria (b) to (d) without consultation, or after a consultation of less than 28 days, if Ofcom 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. Ofcom may also remove for the purposes of consultation any confidential information submitted by the licensee.

A6. Existing Format of Love Sport

LOVE SPORT

Licence number	AL000050
Licensed area	Greater London
MCA population	10,433,014
Frequency	558 kHz

Character of Service

A BROAD-BASED 24-HOUR SPEECH SERVICE FOR LONDONERS OF ALL BACKGROUNDS AND ORIGINS, FOCUSING ON BUSINESS AND FINANCE, SPORT, ENTERTAINMENT, CURRENT AFFAIRS AND ESSENTIAL INFORMATION.

Service duration	24 hours
Locally-made programming	Studio location: Locally-made programming must be produced within the licensed area.
	Locally-made hours: At least 4 hours per day during daytime. (In all, at least 10 hours of weekday daytime programming should be broadcast from within the station's nation).
	Programme sharing: No arrangements.
Local news	As appropriate.

Definitions

Speech	Excludes advertising, programme/promotional trails & sponsor credits
Peak-time	Weekday breakfast and drive-time, and weekend late breakfast
Daytime	06.00 to 19.00 weekdays and weekends

A7. Other commercial and community radio stations in the Greater London licence area

Analogue commercial radio stations

Absolute Radio (Greater London FM)

<http://static.ofcom.org.uk/static/radiolicensing/html/radio-stations/analogue/al000173ba2absoluteradio.htm>

Capital FM (Greater London FM)

<http://static.ofcom.org.uk/static/radiolicensing/html/radio-stations/analogue/al000067ba2capitalfm.htm>

Capital Xtra (Brixton FM)

<http://static.ofcom.org.uk/static/radiolicensing/html/radio-stations/analogue/al000041ba4capitalxtra.htm>

Capital Xtra (North London FM)

<http://static.ofcom.org.uk/static/radiolicensing/html/radio-stations/analogue/al000255ba4capitalxtra.htm>

Gold (Greater London AM)

<http://static.ofcom.org.uk/static/radiolicensing/html/radio-stations/analogue/al000066ba2gold.htm>

Heart (Greater London FM)

<http://static.ofcom.org.uk/static/radiolicensing/html/radio-stations/analogue/al000174ba2heart.htm>

Kiss (Greater London FM)

<http://static.ofcom.org.uk/static/radiolicensing/html/radio-stations/analogue/al000053ba2kiss.htm>

LBC (Greater London FM)

<http://static.ofcom.org.uk/static/radiolicensing/html/radio-stations/analogue/al000008ba2lbc973.htm>

LBC London News (Greater London AM)

<http://static.ofcom.org.uk/static/radiolicensing/html/radio-stations/analogue/al000007ba3lbc londonnews.htm>

London Greek Radio (North London FM)

<http://static.ofcom.org.uk/static/radiolicensing/html/radio-stations/analogue/al100200ba1londongreekradio.htm>

Lyca Dil Se (Greater London AM)

<http://static.ofcom.org.uk/static/radiolicensing/html/radio-stations/analogue/al000160ba5lycadilse1035.htm>

Lyca Radio (Greater London AM)

<http://static.ofcom.org.uk/static/radiolicensing/html/radio-stations/analogue/al000156ba6lycaradio1458.htm>

Magic (Greater London FM)

<http://static.ofcom.org.uk/static/radiolicensing/html/radio-stations/analogue/al000051ba1magic1054.htm>

Panjab Radio (North London AM)

<http://static.ofcom.org.uk/static/radiolicensing/html/radio-stations/analogue/al000172ba6panjabradio.htm>

Premier Christian Radio (Greater London AM)

<http://static.ofcom.org.uk/static/radiolicensing/html/radio-stations/analogue/al000176ba1premierchristianradio.htm>

Radio Jackie (Kingston-upon-Thames FM)

<http://static.ofcom.org.uk/static/radiolicensing/html/radio-stations/analogue/al100669ba1radiojackie.htm>

Radio X (Greater London)

<http://static.ofcom.org.uk/static/radiolicensing/html/radio-stations/analogue/al000196ba5radiox.htm>

Smooth Radio (Greater London FM)

<http://static.ofcom.org.uk/static/radiolicensing/html/radio-stations/analogue/al000039ba4smoothradio.htm>

Sunrise Radio (Greater London AM)

<http://static.ofcom.org.uk/static/radiolicensing/html/radio-stations/analogue/al100581ba1sunriseradio.htm>

Time 107.5 (Havering FM)

<http://static.ofcom.org.uk/static/radiolicensing/html/radio-stations/analogue/al100803ba1time1075.htm>

Analogue community radio stations

Betar Bangla Radio (Stratford AM)

<http://static.ofcom.org.uk/static/radiolicensing/html/radio-stations/community/cr000222ba2betarbanglaradio.htm>

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Desi Radio (Southall AM)

<http://static.ofcom.org.uk/static/radiolicensing/html/radio-stations/community/cr000061ba2desiradio.htm>

Hayes FM (Hayes FM)

<http://static.ofcom.org.uk/static/radiolicensing/html/radio-stations/community/cr000073ba2hayesfm.htm>

NuSound Radio (Newham FM)

<http://static.ofcom.org.uk/static/radiolicensing/html/radio-stations/community/cr000069ba2nusoundradio.htm>

Reprezent FM (South London FM)

<http://static.ofcom.org.uk/static/radiolicensing/html/radio-stations/community/cr000224ba2reprezent1073fm.htm>

Resonance FM (Central London FM)

<http://static.ofcom.org.uk/static/radiolicensing/html/radio-stations/community/cr000060ba3resonancefm.htm>

Rinse FM (Inner London FM)

<http://static.ofcom.org.uk/static/radiolicensing/html/radio-stations/community/cr000225ba2rinsefm.htm>

The Beat London (Stonebridge & Harlesden FM)

<http://static.ofcom.org.uk/static/radiolicensing/html/radio-stations/community/cr000068ba3thebeatlondon1036fm.htm>

Westside 89.6 FM (Southall)

<http://static.ofcom.org.uk/static/radiolicensing/html/radio-stations/community/cr000072ba2westside896fm.htm>

The following community radio licences in London were awarded in May 2017, but are not yet on air:

Flex FM (Merton, Wandsworth, Sutton, Croydon & Kingston FM)

Maritime Radio (Greenwich FM)

Nomad Radio (Hammersmith & Fulham FM)

Radio Minhaj (Newham AM)

Further details of these services can be found at:

<https://www.ofcom.org.uk/about-ofcom/latest/media/media-releases/2017/ofcom-awards-four-new-community-radio-licences>