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**VIA EMAIL**

[Local.tv@ofcom.org.uk](mailto:Local.tv@ofcom.org.uk)

**August 22, 2014**

Dear Sirs:

**Re: Notice of Proposed change to L-DTPS licence obligations of ESTV Limited (the local TV licensee for London)**

Box Television Limited ("Box TV") welcomes the opportunity to comment on the proposals from ESTV Limited ("Licensee" or "ESTV") to change their licence obligations for the local TV service "London Live".

Box TV supports the principle of Local TV. However, we believe that if Ofcom allows the changes proposed by ESTV, the nature of the service will be substantially altered from that originally granted to ESTV by OFCOM on 23<sup>rd</sup> January 2014.

ESTV applied for, and was granted, a local TV licence. That licence included a favourable EPG position (#8), as well as funding. Should ESTV be allowed to change their programming to the significant degree that they are requesting (with up to 78% of prime time, and 62% of the 6 a.m. – 3 a.m. daily schedule being non-local content), they will no longer be a local TV channel. Rather the character of ESTV will be a predominantly general entertainment channel with a premium EPG slot, and a commercial advantage over other broadcasters.

In support of our assertion that granting the amended licence would transform London Live to a general entertainment channel, we reference the Licensee's proposed obligation changes, specifically, the request to insert the words 'Will endeavour', which would change the description of the programming output to '*Will endeavour to be an interactive news and entertainment services created in, for and by those who live and work in the Licensed Area*'. Box TV believes that allowing this change to the Programming Commitments would allow the Licensee to negate any requirements to provide content created within the licensed area, again providing them with the opportunity to become a general entertainment channel, losing the Local TV requirements.



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them with the opportunity to become a general entertainment channel, losing the Local TV requirements.

Further, if the request is granted, it would mean London Live would be able to compete for similar entertainment and lifestyle programmes as other entertainment channels, programmes with no London bias. This is in direct contradiction of the Licence application section 4C which states '*...There is currently no dedicated TV service for London, one of the world's great cities. **London Live** will provide space and opportunity for the number of London-focussed TV programmes to increase exponentially, for the benefit of all Londoners.*'<sup>1</sup>

London Live launched on 31<sup>st</sup> March 2014, meaning a mere four (4) months elapsed before ESTV applied to change their licence obligations, which was in part granted on the high output and significant range of its locally-targeted programming as compared to the other license bidders. We therefore feel ESTV should adhere to their vision set forth in their licence application, and should concentrate on adjusting their local programming before giving up on a large piece of their local proposition for their prime time audience. Therefore in response to the consultation, Box TV is against OFCOM varying the license obligations of ESTV. We feel it would not be in the best interests of London TV viewers, the nature of the Local TV project, and other broadcasters to accede to the changes proposed by ESTV.

Sincerely,

**BOX TELEVISION LIMITED**

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<sup>1</sup> [http://licensing.ofcom.org.uk/binaries/tv/local-tv/applicants/London\\_ESTV\\_L\\_DTPS.pdf](http://licensing.ofcom.org.uk/binaries/tv/local-tv/applicants/London_ESTV_L_DTPS.pdf)