

*"Working for quality
and diversity in
British broadcasting"*

Founded in 1983 by Jocelyn Hay CBE



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**RESPONSE BY THE VOICE OF THE LISTENER AND VIEWER
TO THE CHANGES PROPOSED BY ESTV
TO PROGRAMMING COMMITMENTS SET OUT IN ITS LICENCE
FOR ITS LOCAL TELEVISION SERVICE LONDON LIVE.**

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Voice of the Listener & Viewer a charitable company limited by guarantee registered in England No. 4407712
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Honorary Officers: Colin Browne Chairman Toni Charlton Treasurer

BACKGROUND TO VLV

1. The Voice of the Listener & Viewer (VLV) is an independent, non-profit-making membership association, free from political, commercial and sectarian affiliations, working for quality and diversity in British broadcasting. VLV represents the interests of listeners and viewer as citizens and consumers across the full range of broadcasting issues. VLV is concerned with the structures, regulation, funding and institutions that underpin the British Broadcasting system. VLV is a charitable company limited by guarantee.
2. For 30 years VLV has played a unique role in keeping a citizen's eye on major legislative proposals and action taken by regulators and broadcasters, enabling the voice of consumers to be heard, independently from the interests of political parties, industry players and other pressure groups.

Background to Local TV

3. VLV believes that any benefits from local television services as set out in the Local Television Programme Services Order 2012 derive from local and hyper-local content being universally available and free of cost at the point of use.
4. The potential for local TV services to inform and engage the public with events which are relevant to them because they directly impact on their lives and the area in which they live is huge. The potential to specifically engage the public as active citizens in the democratic process is an important aspect of local television and therefore VLV broadly welcomes the concept of local television where it is commercially sustainable and adds public value to whatever local content is already available.
5. However, in the past VLV has expressed concerns about the financial viability of local television, largely because of the failure of local TV services in the past.
6. Also we do not believe there is value in duplicating services already in existence. As we stated in our submission to the Department of Culture and Sport Enquiry into Local TV in March 2012, *We are concerned that most Licenses are to be granted to run TV stations in large urban areas, many of which are already served by BBC local radio and or local newspapers which are suffering a reduction in advertising revenue. The proposed TV stations will be in competition for a share of this reduced advertising cake. It is a situation in which one or both are likely to fail. We can see little evidence in the choice of locations that local TV is planned for, or considered viable in, rural areas.*¹
7. Additionally, our members opposed the use of Licence Fee funding to support the establishment of local television services, *our members, at meetings throughout the country, have expressed anger that the development of local commercial television is being funded by £40 million taken from the BBC licence fee*².

¹ VOICE OF THE LISTENER & VIEWER RESPONSE TO THE DCMS CONSULTATION ON THE ROLE OF INDEPENDENT PRODUCERS AND INDEPENDENT PRODUCTION QUOTAS IN LOCAL TV, March 2012

² VOICE OF THE LISTENER & VIEWER RESPONSE TO THE DCMS CONSULTATION ON THE ROLE OF INDEPENDENT PRODUCERS AND INDEPENDENT PRODUCTION QUOTAS IN LOCAL TV, March 2012

Comments on Proposal of Changes by ESTV

8. VLV agrees with the conclusion of Ofcom, as set out in the *Notice of proposed change to L-DTPS licence obligations of ESTV Limited*, that these proposals will result in a departure from the character of the service as originally proposed.
9. As stated by Ofcom in the *Notice of proposed change to L-DTPS licence obligations of ESTV Limited* it may consent to a departure from the character of a service if it is satisfied:
 - that the departure would not substantially alter the character of the service,
 - that the departure would not unacceptably reduce the number and range of the programmes about the area or locality for which the service is licensed,
 - that the departure would not unacceptably reduce the number of programmes made in the area or locality for which the service is licensed, and
 - that the service would continue to meet the needs of the area or locality for which the service is licensed.
10. VLV believes that the proposed changes by ESTV would lead to a reduction in the number and range of programmes available for the audience locally and would therefore undermine the delivery of the service to meet the needs of the area.
11. The licence for London Live was awarded through a competitive tendering process. VLV assumes that the reason ESTV's bid was successful was because the company put forward the most sensible business plan and proposed the best range of local programming appropriate for the London audience.
12. It is not VLV's role to comment in this submission on the nature of London Live's output, but we note there has been much media coverage about the lower than expected viewing figures and financial losses ESTV suffered in its first 13 months. We also note that London Live plans to cancel its originally commissioned and acquired entertainment programming in favour of news and current affairs.
13. Despite the obvious financial challenges ESTV faces in delivering the commitments as laid out in its Licence, VLV does not believe the commitments as laid out in Licence should be reduced. If, as is the case with Birmingham's City TV which recently called in administrators, ESTV cannot sustain delivery of its commitments, then perhaps the licence should be put out to tender again.
14. Therefore, VLV opposes the changes as set out by ESTV in this Notice for the reasons detailed below.

Comments on specific proposed changes

15. To insert the words '*endeavour to*' in the first bullet point of the Programming Output section reduces the obligation on ESTV considerably. This would allow ESTV to effectively disregard or de-prioritise this content.
16. Similarly, to insert the words '*where available*' in bullet point seven, would allow ESTV to argue that hyper-local programming is not possible because it is not available. It is ESTV's responsibility to deliver hyper- local content because this is a key aspect of local media

content if the public are to be engaged in what is happening in their area. London is a large city and therefore hyper-local is all the more important in order for it to be relevant to audiences who have very different needs and interests depending on the area in which they live.

17. Hours of Local Programming – VLV believes that there is value in repeating local programming throughout the schedule so that it can be viewed live by those who do not have the capacity to time-shift their viewing. We therefore oppose the proposed reduction in repeats. However we do question whether, considering current circumstances, it is commercially viable for ESTV to deliver increased hours per day in year 2 and beyond and suggest that this licence commitment could be kept under review.
18. Hours of Local Programming in Peak – VLV opposes the reduction from 3 hours to 1 hour in peak in Year 1 and from 3.5 hours to 1 hour in Year 2 onwards of original local programming. This content is essential in peak viewing hours if London Live is to be genuinely a local station available at the time when people most want to watch television.
19. Hours of Current Affairs and News programming – VLV opposes the proposal to cancel repeats of current affairs daily. We believe that appropriately scheduled repeats of current affairs content can add value because they potentially provide more viewers the opportunity to see such content which is an important aspect of local content.