

I have two matters which I wish you to register and if you deem appropriate, you are welcome to respond

Firstly, your concern for market and competition issues is noted. As you state:

"we consider that now is the appropriate time to take stock of the market position of BBC Sounds and assess whether there are any competition issues that need to be addressed, via regulatory action or other means."

What a great pity therefore that you did not, seemingly, take the opportunity to consult on the market and competition issues before awarding a licence to Times Radio. I cannot understand why you did not. Please explain.

I make no comment on the award itself but am concerned, at this juncture, with what seems to be an evident failure of Ofcom to follow due process.

Secondly, you will remember, I hope, that under the Communications Act (2003), you have a primary duty to secure the citizen interest. Your consultation call merely refers, as a kind of afterthought, to other "interested or affected parties" which is hardly in keeping with the letter or spirit of the Act which established Ofcom.

Indeed it is evident from your wording that the primary interest being asked to respond is the competitors of the BBC and I do hope that this does not presage the conclusions which you will reach.

In conclusion, I have no wish or need for any of my words to remain confidential and indeed I look forward to seeing it published, in full, in the list of evidence and submissions.

I remain

Yours faithfully

Professor Robert Beveridge