

From: [REDACTED]
Sent on: Thursday, December 7, 2023 3:02:53 PM
To: PublicInterestTest2023 <PublicInterestTest2023@ofcom.org.uk>
Subject: EXTERNAL:Re: Telegraph consultation response

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Dear Sir/ Madam

Please take this as a response in a purely personal capacity to the invitation to comment recently published by Ofcom in relation to the proposed change of ownership of the Daily Telegraph. I have no objection to it being published on the Ofcom website.

In the last century, I had considerable experience in making applications to what was then the DTI in relation to newspaper transfers. I was a foot soldier in one of the very few applications that was turned down as a result of an MMC enquiry (Century Newspapers) where I was one of a team acting for Thomson Regional Newspapers who were the owners of the Belfast Telegraph.

I have retained an interest in media mergers and newspaper mergers ever since and participated in the Sky consultation exercise. I also wrote about the Reach transaction for Open Democracy urging that it be thoroughly investigated by the CMA. (This did not happen).

I have no axe to grind whatsoever in this matter but I would urge Ofcom to advise the Secretary of State to refer the public interest issues identified in the intervention notice to the CMA.

The guidelines on the relevant statutory provisions rightly state that past cases are in no way binding. However one case - that of the acquisition of the Observer back in 1981 - is at least pertinent and indicative of the need for a full enquiry in which journalists at the Telegraph and elsewhere and others are given an opportunity to express their views.

The pertinent issue at stake in Lonhro's acquisition of the Observer was whether the ultimate owner would interfere in the editorial freedom of the newspaper in order to protect his worldwide business interests. The MMC considered this to be a relevant concern and independent directors were appointed and the articles of association changed to forestall undesirable interference.

However this was not enough: the remedies were not enforceable by the government, and Tiny Rowlands was able to threaten to withdraw advertising unless a certain editorial line was pursued. This behaviour (and Government impotence) was much criticised in the House of Commons.

In the Reach merger, Ofcom was able to agree to a raft of corporate mechanisms to ensure that there was no way in which institutional shareholders could alter the very distinctive editorial positions of the Mirror and Express. This seems to have worked in practice but is not a precedent or road map for avoiding a CMA enquiry in this case.

Here a powerful sovereign state will be behind the new owners. This state has extensive world wide interests and investments which it will naturally want to protect . To take just one example, can it be thought likely that under new ownership the Daily Telegraph will continue to oppose the European Football Super league if its owner is associated with football clubs that have an interest in participating in such a competition?

Other much more important examples could be given of the kind of scope for geopolitical potential conflicts of interest of the kind ventilated by Colin Legum in the Observer investigation..

I express no view on these issues and how they might be safeguarded against(if possible)should it be thought necessary to do so as a result of a full enquiry.My point is simply that the issues are of such potential magnitude that a full enquiry is necessary and the Reach approach (which avoided a full enquiry) should not be followed here.

Stephen Hornsby

Sent via BT Email App

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[REDACTED]

From: [REDACTED]

Sent: 06 December 2023 13:22

To: PublicInterestTest2023 <PublicInterestTest2023@ofcom.org.uk>

Subject: EXTERNAL:scope of Telegraph consultation

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Hi

I am considering responding to the above but note that there is no specific mention of plurality issues in the Notice.

Am I right in assuming that footnote 3 of the Ofcom Notice in referring to Section 58 2 (A) (b) brings plurality issues within the scope of the consultation ?

I look forward to hearing from you

Kind regards

Stephen Hornsby

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