

# Groceries Code Adjudicator

Record of the Groceries Code Adjudicator (GCA) Quarterly Meetings with Code Compliance Officers (CCO)	
Location	Purpose of meeting
GCA, Victoria House, Southampton Row, London	Quarterly progress meetings
Attendees	
<p style="text-align: center;"><b>GCA</b></p> <p>Helen Gordon-Lee Angela Latta James Courtenay Jenny Hendricks</p>	<p><b><u>3<sup>rd</sup> March 2014</u></b></p> <ul style="list-style-type: none"> <li>• Aldi Stores Limited – Jonathan Ward</li> <li>• Morrisons Plc – Steven Butts and Denise Harris</li> </ul> <p><b><u>5<sup>th</sup> March 2014</u></b></p> <ul style="list-style-type: none"> <li>• Waitrose Limited – David Roberts</li> <li>• Asda Stores Limited – Alex Simpson and Mark McCombe</li> <li>• Iceland Foods Limited – Jayne Burrell</li> </ul> <p><b><u>10<sup>th</sup> March 2014</u></b></p> <ul style="list-style-type: none"> <li>• Marks and Spencer plc – Max Gillibrand and Rob Steadman</li> </ul> <p><b><u>12<sup>th</sup> March 2014</u></b></p> <ul style="list-style-type: none"> <li>• Tesco plc – David Ward and Kay Majid</li> <li>• J Sainsbury plc – Susannah Hall and Dafydd Pugh</li> <li>• Lidl UK GmbH – Patrik Bures</li> </ul> <p><b><u>9<sup>th</sup> April 2014</u></b></p> <ul style="list-style-type: none"> <li>• Co-operative Group Limited – Phil Willsmer</li> </ul>
Key Points Raised	
<p><b>GCA Update on Progress</b></p> <p><i>Introduction to new GCA Team Member:</i></p> <p>All CCOs were introduced to James Courtenay the newly recruited GCA Investigations and Policy Team Leader. James has considerable investigative experience having worked with the Insolvency Service, The Adjudicator's Office and the Metropolitan Police Service. James has already started working on the GCA investigation process outline and is considering resources that will need to be in place for any investigations.</p> <p><i>GCA Conference on 23<sup>rd</sup> June 2014:</i></p> <p>The GCA will host its Inaugural Annual Conference on the 23<sup>rd</sup> June 2014, at the QE II Conference Centre, London. There has been a great deal of interest in the work of the GCA both in the UK and overseas, and the conference will provide an opportunity to reach a wide audience at a single event and provide information on the GCA's approach and how it has been working in its first year.</p> <p>A full day of speeches and workshop sessions are planned, providing delegates with an up-to-date perspective on the role of the GCA. Expressions of interest have been sought from Trade Associations and Code Compliance Officers, to talk about their work and the Groceries Supply Code of Practice (the Code), from the retailer and supplier perspectives. The GCA Annual Report will be launched at the event, and the survey sector results will be</p>	

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presented. Workshops in the afternoon will provide more interactive sessions on aspects of particular interest. The following day will offer an opportunity for retailers to host visits to depots, stores or HQs (for those interested in how it all works at ground level) and surgeries with the GCA team.

*NB: At the time that these meetings were held the GCA had discussed hosting a dinner at the end of the conference. However, the decision has since been made that a short drinks reception will be held instead.*

### *Current Issues:*

*Sector Research Study* - A draft questionnaire on the groceries sector research study was circulated to attendees prior to the January Group Code Compliance Office (CCO) meeting, and comments invited. Any comments received after the meeting were duly noted and acknowledged. An invitation to tender had been issued in January inviting companies to undertake this study, however, there had been insufficient response and the tender could not be awarded. This is now under retender, with the survey being undertaken in April and the survey results announced at the June GCA conference.

*Publication Policy* – Notes of CCO meeting minutes have been reviewed and comments from CCOs noted accordingly. It was confirmed that the GCA will publish a record of the quarterly meetings detailing points raised by the GCA and relevant points made by CCOs. There will be an interpretive note contained within the minutes which states that the issues raised are generic and should not be attributed to any particular retailer(s) unless otherwise specified. This record will be published on the GCA website after it has been circulated and agreed by CCOs.

### *Guidance and Policy Update:*

*Arbitration Policy* – The policy will be published at the end of March 2014, and will have a more procedural feel to it than was first envisaged. Although the Office of Fair Trading (OFT, now Competition and Markets Authority - CMA) did not have a large volume of arbitration requests, early indications suggest that the GCA may have a greater number of requests. Full consideration will be given as to how the GCA office will resource arbitrations. It is still felt that small cases can be handled in-house; however for larger cases, resourcing may need further thought. As the Arbitration Act 1996 does not apply to Scotland, detail is not yet clear on the policy as it will apply there, or how plans for a super-regulator in Scotland will align with other regulators. It is likely that some special provision will be needed for Scotland and the GCA will liaise with the Scottish Government should we receive an arbitration request.

*Further Guidance* – An internal piece of work, on how to frame best practice conversations around the Code, which do not breach competition rules is planned. This will inform the GCA's approach to encourage discussions between retailers and with trade bodies.

### *Levy Payments:*

Invoices for 2014-15 levy payments are expected to be issued in April 2014 and will follow the retailer requests for either a single or two payments. Reflection on the work of the GCA over the next 12 months will inform any re-consideration of the methodology for future years.

### **Code Compliance Officer issues and feedback**

Feedback to date on the main issues raised by the Adjudicator in the January Group CCO meeting were reviewed and discussed. Clarification was given on the expected date of receipt of written feedback on these issues to the GCA.

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### **Discussion and next steps**

#### *January Group meeting retailer feedback:*

There was a positive response to the first group meeting of the CCOs. The frequency of these meetings was discussed; either annually or 6-monthly. Initially it was thought that it would be useful to have these meetings annually but if the Adjudicator has issues to discuss then meetings will be held every six months.

#### *Annual Compliance Report Feedback :*

The format and content of the report received positive comments from the CCOs. The consensus being that it is clear, concise and helpful, and that it would be used for the submission of the next annual compliance report as soon as it is finalised by the GCA.

### **Any other business**

- It was agreed that recently reviewed and amended retailer Terms and Conditions would be copied to the GCA.
- CCOs agreed to inform the GCA of any new supplier focused campaigns that are planned. This would ensure that the GCA is kept up to date with any new developments with suppliers, which could potentially touch upon the Code.
- The offer of further retailer visits were made to the GCA, who will liaise with the relevant CCOs to arrange a suitable date and time.

### **Specific Retailer issues**

Annual compliance reports are being compiled by retailers following the end of financial years. These will be submitted to the GCA and CMA within 4 months of the end of their reporting years.

Several retailers are reviewing their terms and conditions which will be submitted to the GCA once completed.