

COMPETITION AND MARKETS AUTHORITY
Minutes of the Board
19 November 2014

Present:

David Currie (Chairman)
Alex Chisholm (CEO)
Sonya Branch
Sarah Cardell
Andrea Coscelli
Carolyn Fairbairn
Alan Giles
Roland Green
Bill Kovacic
Philip Lowe
Jill May
Annetje Ottow
Mike Walker
Erik Wilson
Roger Witcomb

CMA staff:

Paul Latham

Executive Office:

Sean Cornall
Tim Jarvis
Rebecca Lyon (Minutes)

Introduction

1 Introduction

The Chairman introduced the meeting, welcoming Sarah Cardell back from maternity leave and thanking Roland Green for his attendance at and input to Board meetings in her absence. A pre-Board seminar on the criminal portfolio had been held which had been useful in briefing the Board on current cases.

Declaration of conflicts / Recusals

It was noted that Alan Giles was conflicted on a matter under discussion under agenda item 6. Rebecca Lyon was recused on private healthcare, agenda item 11, which Sean Cornall would minute.

2 Review and approval of draft public and private minutes of the October Board meeting and draft minutes of the October pre-Board strategy session

The Board approved each set of minutes, subject to minor drafting amendments to the private minutes.

3 Chief Executive's update

The Chief Executive updated the Board on key developments and highlights since the last meeting, as well as a forward look for the next month.

Core update

4 Mergers update

(Sheldon Mills, Nelson Jung)

The team updated the Board on the work of the Mergers Group over the CMA's first six months. It noted that approximately 50 decisions had been taken to date and the new statutory timetables had been met in each case. The team highlighted a number of ways that it had improved the efficiencies of the Mergers Group and the regime.

5 Residential Property Management Services market study

(Andrea Coscelli, Douglas Cooper, Darren Eade, Rachel Merelie, Liz Smart)

The team introduced the paper, seeking the Board's views on the proposed remedies approach and remedies package in the Residential Property Management Services market study. It noted that following the Board's consideration of its analysis and proposed approach to remedies, in July, it had published an update paper in August, seeking views on the possible remedies. Responses received to the consultation largely endorsed the team's findings and commented on the remedy options.

The Board agreed that the proposed remedies were appropriate for the time. It agreed that the final market study report should be published and that the CMA should remain involved as the remedies were implemented, for a period of one year, to advocate support.

6 Markets pipeline

(Andrea Coscelli, Helen Fleming, Daniel Gordon, John Kirkpatrick, George Lusty, Rachel Merelie, Jon Riley)

The Board considered plans for the markets portfolio.

Organisational management and Thematic reviews

7 International update

(Tim Jarvis, Leonia Chesterfield, Tony Penny, Andrew Pickering)

The team introduced the paper, providing an update on the work of the International team and its priorities for the next six months. It noted that this work was just one part of the CMA's international engagement, providing a gateway for activity and advice/contacts to teams, as well as leading on specific workstrands, notably the CMA's bilateral work with overseas competition and consumer authorities on non-case specific issues and its engagement with international organisations and networks.

The Board welcomed the update and the good progress made, and was supportive of the team's priorities. It considered its role in the CMA's international work. More broadly, the Board considered a number of international issues on the horizon that could require active CMA engagement. Linked to this, the Board suggested that the CMA should consider undertaking joint projects on issues of mutual interest with other competition and consumer authorities, as appropriate.

8 Strategic Assessment and Annual Plan 2015/16

(John Kirkpatrick, Paul Latham, Nicky Brown, Rachel Christopher, Mark Dungworth, Andrew Lincoln)

The team introduced the papers, noting that the Strategic Assessment and draft Annual Plan 2015/16 had been developed together given the need to ensure that the two documents were complementary. The team had reflected on the Board's previous considerations and input in drafting the documents.

Strategic Assessment

The Board welcomed the Strategic Assessment and was content with the priorities and areas of focus to be included in the public document.

Annual Plan

The Board welcomed the draft Annual Plan. In order to set the Annual Plan in context, the Board suggested that the external challenges, threats and risks faced by the CMA, which were often outside of its control and could impact its timeframes and outputs, should be highlighted up-front.

9 Board expenses (Q2) and Panel Member expenses (Q1 and Q2)

(Sean Cornall)

The Board approved the Board and Panel Member expenses for publication, subject to the number of journeys being indicated where travel fares were grouped together.

10 Minutes of Committees

The Board noted the minutes of the Audit and Risk Assurance Committee, Executive Committee and Case and Policy Committee meetings held in October.

11 Private healthcare litigation update¹

(Sarah Cardell)

The General Counsel updated the Board on the Private Healthcare market investigation appeal.

12 AOB

Future meetings

It was noted that both David Currie and Philip Lowe (the Board-appointed Senior Independent Member) would be absent from the December Board meeting and Carolyn Fairbairn would chair the meeting in their absence.

Gifts and hospitality

The Board was reminded that Cabinet Office transparency rules required all Board members to notify the CMA of any offers of gifts or hospitality, relevant to their role as CMA Board members, whether accepted or not. Board members were asked to

¹ Rebecca Lyon recused herself from this item; Sean Cornall took the minutes in her absence. Roland Green did not take part in the discussion of this item.

notify Sean Cornall or Becca Lyon of any such offers. The Executive Office would proactively liaise with Board members when it was aware of hospitality offers.

Secure managed devices and distribution of papers

The Board was informed that the CMA had chosen the software solution for the electronic distribution of Board papers. This would be in use from December and iPads would be rolled out to staff and NEDs requiring a CMA device shortly. A brief training session on the use of the software solution was likely to be held at the December Board meeting.

Emergency Board procedure

The Board was informed that an emergency Board procedure was being prepared by the Executive Office and a practice drill would take place in December.

Information training

The Board was advised that all Board members were required to complete information and security training on Civil Service Live. The Executive Office would email NEDs the details of this online training and assessment, which was to be completed ahead of the December Board meeting.

For information papers

The Board noted the papers provided to it for information.