

COMPETITION AND MARKETS AUTHORITY
Minutes of the Board
21 January 2015

Present:

David Currie (Chair)
Alex Chisholm (CEO)
Sonya Branch
Sarah Cardell
Andrea Coscelli
Carolyn Fairbairn
Alan Giles
Bill Kovacic
Philip Lowe (from item 8)
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 Chair welcomed members to the meeting.

Declaration of conflicts and recusals

It was noted that Carolyn Fairbairn was conflicted on Payday Lending and would leave the meeting for that agenda item. Alan Giles was recused on the matter under discussion at agenda item 9 and would leave the meeting for that agenda item.

Gifts and hospitality

There were no declarations of gifts or hospitality offered or accepted in relation to Board member's roles with the CMA.

2 Review and approval of draft private and public minutes of the December Board meeting and draft note of the November pre-Board seminar

The Board approved each set of 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.

4 Mergers portfolio update

(Andrea Coscelli)

The Board was updated on the status of the Mergers portfolio. It discussed the resourcing of this work, noting that recruitment to the Markets and Mergers directorate was progressing well.

5 Audit and Risk Assurance Committee update

(Alan Giles)

The Chair of the Audit and Risk Assurance Committee gave an update on the meeting held on 20 January.

6 Remuneration Committee update

(Carolyn Fairbairn)

The Chair of the Remuneration Committee gave an update on the meeting held on 19 November 2014.

Core update

7 Strategic review of remedies monitoring and enforcement project

(Andrea Coscelli, James Hampson, Adam Land, Bob MacDowall, Rachel Merelie, Lara Stoimenova)

The team introduced the paper, noting that the creation of the CMA enabled a more integrated approach to the review of remedies than had been possible under the legacy regime. The strategic review of remedies project had been initiated to consider how to make the monitoring and enforcement of merger and market remedies more effective and a greater priority in the CMA. A number of proposals were recommended following the project.

The Board considered the recommended proposals. It agreed that it was an important feature of a regulator to be able to deregulate and eliminate unnecessary burdens as appropriate.

8 Pre-publication briefing on Payday Lending market investigation¹

(Andrea Coscelli, Peter Barron, Daniel Gordon, Adam Land, Rachel Merelie, Alistair Thompson)

To set the briefing in context, the team noted that the Board would be provided with regular updates on progress in Phase 2 markets investigations, so that it was aware of developments ahead of publication, consistent with paragraph 49(2)(b) of Schedule 4 to ERA 2013.

The Board was updated on the Payday Lending market investigation, which was due to be published in mid-February. The focus of the briefing was on the progress of the investigation to date and the proposed remedies. The Board noted the information provided.

¹ Carolyn Fairbairn recused herself from this item.

9 Potential enforcement action²

(Andrea Coscelli, Claudia Berg, Daniel Gordon, George Lusty, Sophie Mitchell, Lesley Moore, Ann Pope)

The Board was updated on a potential piece of enforcement work.

10 Consumer enforcement case

(Sonya Branch, Nisha Arora, Pauline Goodship, Roland Green, Dan Moore, David Perry, James Rutt, Jen West)

The Board was updated on an ongoing consumer enforcement case.

11 Devolution update

(Paul Latham, Roland Green)

The Board was updated on the latest position in relation to the devolution of markets powers and Tribunals to Scotland, following the publication of the Smith Commission report in late-November.

12 Q3 2014/15 performance report

(Erik Wilson, Steve Clark, Sean Cornall, Jennie Halliday, Tim Jarvis, Nick Milford)

The team introduced the paper, providing an assessment of the CMA's performance against its quantitative commitments. The Board considered the report, focussing on the issues of risk, resource allocation, staffing and advocacy.

13 CMA's approach to litigation

(Sarah Cardell, Simon Jones, Ingrid Nitsche)

The team introduced the paper, setting out the draft proposals of the senior Working Group set up to consider the CMA's litigation capability.

The Board welcomed the draft proposals, noting that litigation was a core activity of the CMA and it was important to develop its litigation capability further.

Organisational management and Thematic reviews

14 Minutes of Committees

The Board noted the minutes of the Remuneration Committee meeting held in November, and the Executive Committee and Case and Policy Committee meetings held in December.

AOB

For information papers

The Board noted the papers provided to it for information.

² Alan Giles recused himself from this item.

Matters arising

There were no matters arising.

A Non-Executive Director only session, chaired by the Senior Independent Member and without the Chair, was held following this meeting, to review the working of the Board.