

COMPETITION AND MARKETS AUTHORITY
Minutes of the Board
22 July 2015

Present:

David Currie (Chair)
Alex Chisholm (CEO)
Sarah Cardell
Andrea Coscelli
Alan Giles
Michael Grenfell
Bill Kovacic (by telephone, items 6-16)
Philip Lowe
Jill May
Mike Walker
Erik Wilson
Roger Witcomb

CMA staff:

Steve Clark
Paul Latham

Executive Office:

Freya Guinness
Marina Jones (items 5-13)
Rebecca Lyon (Minutes)
Victoria Stott

Apologies:

Carolyn Fairbairn
Annetje Ottow

Introduction

1 Introduction

The Chair welcomed members to the meeting, noting that it was Michael Grenfell's first meeting in his capacity as Executive Director, Enforcement and Steve Clark's first full meeting in his capacity as Acting Finance Director. The Chair noted that it was Rebecca Lyon's last Board meeting before going on maternity leave and thanked her for her contribution to the Executive Office and the Board to date. Marina Jones, maternity cover for Rebecca Lyon, would join the meeting after agenda item 4 as an observer.

The Chair noted that Carolyn Fairbairn had recused herself from all CMA Board activity following her appointment as Director General, CBI. Succession planning for Carolyn's post was underway and would be part of the discussion at the Non-Executive Directors' session to be held after the meeting.

Declaration of conflicts and recusals

There were no declarations of conflicts or recusals in relation to the meeting agenda.

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 June Board meeting

The Board approved each set of minutes, subject to drafting changes.

3 Chief Executive's update

The Chief Executive updated the Board on key developments and highlights since the last meeting and provided a forward look for the next month, as well as an organisational health check and overview of the Board agenda.

Core updates

4 Cartels and Criminal update

(Stephen Blake)

The Senior Director, Cartels and Criminal updated the Board on the recent outcome of the galvanised steel tanks cartel prosecution. The Cartels and Criminal group is due to provide the Board with a fuller update on the Cartels and Criminal portfolio and pipeline, alongside the update on the antitrust portfolio and pipeline, in September. The Board welcomed the update.

5 Digital Engagement

(Gordon Ashworth, Roger Hislop, David Perry, Louise Strong, Richard Taylor)

The Board was updated on work to enhance the CMA's digital capability as part of the wider Consumer Engagement project. The team explained that there were two core aspects to this work: i) greater use of digital channels, such as blogs, forums and social media, as a means of engagement; and ii) trials of social media monitoring software as a means of gathering intelligence. A video, prepared by the team, was shown to explain the uses and benefits of digital channels and social media monitoring, before a short demonstration of social media monitoring software was provided.

The Board agreed that social media monitoring software would be a valuable tool for the CMA but care would be needed on the use of the results generated. The team emphasised that the information obtained via social media monitoring should be considered as complementary to, rather than a replacement for, that gathered via more traditional intelligence gathering methods, which also had their own limitations.

Organisational Management and Thematic Reviews

6 Q1 2015/16 performance report

(Erik Wilson, Steve Clark, Rebecca Cubberley, Freya Guinness, Nick Milford)

The team introduced the paper, providing an assessment of the CMA's performance against its quantitative commitments over Q1 2015/16. It noted that the measures included in the report had been updated for the new financial year and it would seek to provide comparative data from the previous year in future reports. The Board considered the report, focussing on resource allocation and work with the concurrent regulators.

7 Investors in people report

(Erik Wilson, Carmel Flatley)

The Board was updated on the Investors in People accreditation, noting that the CMA had achieved the Bronze standard. This was considered a real achievement, reflecting the hard work and dedication put into the CMA by staff in its first year. Many of the issues identified for improvement were similar to those arising in the Staff Survey, and as such would be addressed via the Staff Survey Corporate Action Plan Group. The CMA would next be assessed in 2018. The Board congratulated the CMA on this achievement and discussed the report findings.

8 Value for Money

(Erik Wilson, Steve Clark, Gulzar Gill, Freya Guinness)

The team introduced the paper, setting out an assessment of how the CMA had demonstrated Value for Money since its creation, as well as identifying a number of focus areas for further improvement in the coming year.

The Board welcomed the assessment, which it agreed would be useful as a benchmark against which to measure progress in future years. The Board made a number of suggestions to enhance the report.

9 Board self-assessment: process/approach

(Erik Wilson, Freya Guinness, Victoria Stott)

The team introduced the paper, setting out the proposed approach for internally evaluating the Board, including its activities, governance and decision-making, strategic contributions and administration. It was proposed that the review would be carried out over the summer, including a self-assessment by Board members and engagement with selected project teams to gather feedback. The Audit and Risk Assurance Committee and the Remuneration Committee would be included in the review. The findings would be presented to the September Board, with an implementation plan of any recommendations for development and improvement presented to the October Board. The team highlighted that it would carry out a review of the Board Rules of Procedure alongside the Board evaluation. It was also noted that a review of the Panel would be initiated in Q4 2015/16. The Board was content with the proposed approach.

10 Minutes of Committees

The Board noted the minutes of the Executive Committee and Case and Policy Committee meetings held since its last meeting.

AOB

11 For information papers

The Board noted the papers provided to it for information.

12 Matters arising / Future programme

There were no matters arising.

Core updates

13 Briefing on the Energy market investigation

(Roger Witcomb, Daniel Gordon, Erika Lewis, Nenad Njegovan, Chris Prevett, Simeon Thornton)

In fitting with the agreed protocol for the Board to be provided with updates on progress in Phase 2 markets investigations, so that it was aware of developments at key points, consistent with paragraph 49(2)(b) of Schedule 4 to ERRA 2013, the Board was updated on the Energy market investigation, following the recent publication of the provisional findings. The focus of the briefing was on the content of and early feedback on the provisional findings, the potential remedies, the progress of the investigation to date and next steps. The Board noted the information provided.

Organisational Management and Thematic Reviews

14 Board discussion/reflection on bilateral meetings held in Belfast, 22/23 June

The Board reflected on the success of the stakeholder bilateral meetings in Belfast, and considered options for further engagement outside of London.

15 Non-Executive Directors' session

A Non-Executive Directors' session was held to discuss information flows to and from the Board, which were judged to be satisfactory, and longer term strategic questions. The Chair and CEO joined the latter part of this session.