

COMPETITION AND MARKETS AUTHORITY
Minutes of the Board
London, 22 September 2016

Present:

David Currie (Chair)
Andrea Coscelli (CEO)
Sarah Cardell
Alan Giles
Michael Grenfell
Bill Kovacic (for items 1-12)
Annetje Ottow (by phone for items 1-6)
Mike Walker
Erik Wilson
Roger Witcomb

CMA staff:
Paul Latham
Rebecca Lawrence

Executive Office:
Erika Lewis
Kate Hall
Natalie Allen (minutes)

Board Associate:
Angela MacDonald

Which?:

Alex Neill
Pete Moorey

Citizens Advice:

James Plunkett
Sir David Varney
Lizzie Greenhalgh

Apologies:

Jill May

1. Introduction

Declaration of conflicts / recusals

The Chair welcomed the Board members to the meeting.

Alan Giles reminded members of his previously declared position as a Non-executive Director of Somerfield Plc at the time of the conduct for which they were fined. The Board agreed there was no need to absent himself from discussion on this occasion either. There were no further declarations of conflicts or recusals in relation to the meeting agenda.

Gifts and hospitality

Alan Giles reminded the Board that he had accepted an invitation to the British Retail Consortium's dinner as a guest of the Director General, Helen Dickinson.

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

2. Review of Board minutes and recent XCo/CPC minutes

The Board reviewed each set of minutes.

3. Chief Executive's update

The Chief Executive updated the Board on major news items and provided an overview of existing work.

4. Which?

Alex Neill, Director of Policy and Campaigns and Pete Moorey, Head of Campaigns, joined the Board for a high-level discussion of their priorities and to provide feedback on how the CMA has developed and the organisation's work to date particularly in relation to its application of the markets regime.

5. Citizens Advice

James Plunkett, Director of Policy and Advocacy, Sir David Varney, Chair of Trustees, and Lizzie Greenhalgh, Senior Policy Researcher, joined the Board for a high-level discussion of their priorities and current initiatives, how the CMA has developed and the organisation's work to date particularly in relation to its application of the markets regime.

6. Digital Comparison Tools and Markets pipeline

The team introduced two papers, the first seeking a decision on whether to launch a project on digital comparison tools, and the second providing an update on the shape of the Markets pipeline and possible future projects to launch.

The Board confirmed that they were content for the team to launch a market study into digital comparison tools and to continue progressing work for the other potential candidates for a further study to launch before the end of the calendar year.

7. Industrial strategy

The team provided an update to the Board on possible themes for the Government's new industrial strategy.

The Board commended the team on the draft Select Committee response and supported their ongoing engagement with Government contacts on the Government's new approach to Industrial Strategy.

8. Brexit

The team updated the Board on their engagement with BEIS and early findings on the implications of Brexit for the CMA's work.

The Board agreed that the team should remain in contact with the relevant departments until there was greater clarity from the Government on the direction of Brexit.

9. Q1 report

The Board reviewed the Q1 report, noting the top delivery highlights for the start of the year.

The Board agreed that the report was useful and informative.

10. Review of market investigations

The Board were updated on the proposed approach to the upcoming internal review of market investigations following the conclusion of the work on energy and banking.

11. Hospital mergers

The team provided some background to the clinical and financial difficulties and trend of greater consolidation in the NHS, and discussed the CMA's role in reviewing NHS mergers.

The Board agreed that the team should engage with the Department of Health on hospital mergers and the future of the regime.

12. Banking Market Investigation

In fitting with the agreed protocol for the Board to be provided with updates on progress on Phase II market investigations so that members are aware of

developments at key points, consistent with paragraph 49(2)(b) of Schedule 4 to ERRRA 2013, the Board was updated on the Banking market investigation following publication of the final report.

The Board noted the information provided.

13. Tobacco

The Board received an update on the Tobacco litigation following the ruling by the Court of Appeal, noting the information provided.

14. Matters arising

There were no matters arising.

The Board noted the following papers which had been provided for information:

-BTL1. Management Information slides

-BTL2. Independence of Groups

15. Review of the meeting / looking ahead

The Board reviewed the meeting and the future agenda.