

# MINUTES OF THE CMA BOARD

Meeting date: 11 November 2020  
Venue: By video conference

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## Members present

Jonathan Scott (Chair)  
Kirstin Baker  
Martin Coleman  
Andrea Coscelli (CEO)  
Cynthia Dubin  
Amelia Fletcher  
Andrea Gomes da Silva  
Michael Grenfell  
Bill Kovacic  
Erik Wilson (COO)

## CMA staff present

Kate Bridge, Director of Executive Office  
Stuart Hudson, Senior Director, Strategy,  
Communications and Advocacy  
Sukhinder Lalli, Legal Director, Governance,  
Compliance and Risk  
Board Secretary (minutes)

## Teams

The meeting was attended by staff from the Markets, Enforcement, DaTA, Strategy, Legal and Policy teams. A team from the Positive Action Steering Group also attended.

## Advisors present

Sarah Cardell, General Counsel  
Mike Walker, Chief Economic Adviser

## Apologies

There were no apologies.

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## 1. Introduction

The Chair welcomed the Board members to the meeting. There were no new conflicts declared or declarations of gifts or hospitality.

## 2. Minutes

The Board approved the minutes of the CMA Board meeting held on 14 October 2020 and noted the recent minutes of the Executive Committee and the Case and Policy Committee.

## 3. Chief Executive's update including Corporate Risk Register Reoccupation Update and Spending Review 2020 Update<sup>1</sup>

The CEO updated the Board on recent cases and other developments at the CMA. The Board discussed the CMA's approach to complaints arising from the current Covid-19 lockdown, noting that the CMA would continue to take a tough approach to companies breaking the law. The COO updated the Board on the status of the CMA's estate during the current lockdown, its approach to staff continuing to work at

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<sup>1</sup> Cynthia Dubin recused herself from the last ten minutes of the CEO Update due to a previously declared conflict.

home, and the upcoming Spending Review. The Board reviewed the latest version of the Corporate Risk Register.

At 11am, the CMA Board observed two minutes' silence for Armistice Day.

#### **4. EU Exit update**

The Board discussed the current UK/EU trade negotiations, and the UK Internal Market Bill. It noted that the CMA is proceeding well with its preparations to take on new functions in relation both to mergers and competition enforcement at the end of the transition period. The Board noted that the CMA continues to support its staff proactively who are not UK nationals during this time.

#### **5. Electric vehicle charging market study**

The Board was updated on the CMA's plans to launch a market study into electric vehicle charging infrastructure. It highlighted the alignment of this work with a number of the CMA's strategic priorities, particularly that of climate change. The Board recognised that this study would look at a nascent market and endorsed the opportunity to inform its development in a way that can support a competitive sector in the future. It noted that the CMA has also recently opened an investigation into descriptions and labels used to promote products and services claiming to be 'eco-friendly'.

The Board formally approved the launch of the study, delegating finalisation of the formal documents to the CEO. It thanked the team for the clear paper and passed on its thanks to the wider team.

#### **6. Update on the DaTA unit's strategy**

The Board discussed the work of the Data, Technology and Analytics (DaTA) team, considering its work to develop and deliver an effective data and digital insight strategy to allow the CMA to better understand the impact that data, machine learning and other algorithms have on markets and people. It noted the ongoing contribution made by the team to CMA cases, and the efficiency improvements resulting from some of its interventions. It recognised that this team works closely with the Technology and Business Services team.

The Board agreed the team's priorities, including on online choice architecture and behavioural economics; and acknowledged the importance of balancing its support for CMA casework with these broader priorities. The Board supported the team's approach to engagement with international competition authorities. The Board thanked the team and asked to be kept up to date on its priorities.

#### **7. Annual Plan 2021-2022**

The Board considered the CMA's draft Annual Plan for next year, noting that the team had addressed its comments from the previous Board discussion and suggested some further drafting changes. It acknowledged that the chapter on Resources remains outstanding until the CMA has received the outcome of the current Spending Review. The Board also recognised that in the context of the ongoing pandemic and the likely increase in cases at the end of the EU Exit Transition Period, the CMA may have more limited flexibility to undertake discretionary activity in the coming year.

The Board then discussed the plans for stakeholder engagement during the consultation, and the Board members offered to participate in meetings where possible.

The Board approved the consultation document, subject to final drafting changes, and delegated the decision to the Executive when to lay the draft Plan in Parliament and thus open the consultation.

#### **8. Update on the CMA's Race Action Plan**

The Board was updated on the developing Race Action Plan, noting that a Positive Action Steering Group has been established and that an Equality, Diversity & Inclusion dashboard has been made available to staff.

The Board discussed plans for an Advisory Committee, comprised of staff drawn from under-represented groups, but with a particular emphasis towards BAME colleagues, and suggested that it should work closely with the Chair of the Board or Senior Independent Director. It also noted that the Committee could involve itself in the upcoming stakeholder engagement plans currently being developed by the Consumer Group, with a view to such engagement helping the Committee to inform the CMA's decision-making.

The Board discussed how the CMA can best use diversity targets and on which data sets comparisons should be based. It thought that this work was very useful, noting that the CMA should challenge itself if the data relating to the CMA is unaligned with that in the UK population, at all levels of the organisation.

The Board was fully supportive of the proposed initiatives and particularly passed its thanks and support to all the staff directly involved in this work.

#### **9. Case decision groups**

The Board was updated on the operation of Case Decision Groups in Competition Act 1998 cases.

#### **10. Proposal for a CMA Nominations Committee**

The Board approved the establishment of a CMA Nominations Committee.

#### **11. CMA Corporate Management Information**

The Board noted that the Executive Office carried out a review of the management information presented to the Board, and that the Board should provide any feedback to the Executive Office if it wants to see any data added or removed.

#### **12. AOB**

The Chair thanked the Board and the teams involved in the meeting.