

## MINUTES OF THE CMA BOARD

Meeting date: 19 May 2021  
Venue: By video conference

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### Members present<sup>1</sup>

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  
Anthony Wright, Director of Communications  
Sukhinder Lalli, Legal Director, Governance,  
Compliance and Risk  
Board Secretary (minutes)

### Teams

The meeting was attended by staff from across the CMA including Directors from the delivery teams, and teams from the Strategy, Policy, Markets and Remedies groups. Staff from the People, Capability and Culture and Finance teams 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. The Chair highlighted that this was Andrea Gomes da Silva's last Board meeting before she leaves the CMA, thanking her for her outstanding contribution to the organisation and wishing her well in the future.

## 2. Minutes

The Board approved the minutes and actions from the CMA Board meeting held on 21 April 2021 with no changes.

The Board acknowledged the committee minutes received.

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<sup>1</sup> MW left the meeting for a short period during items 5 and 6, and left the meeting during item 11.

### **3. Chief Executive's update including Corporate Risk Register and External guidance tracker**

The CEO updated the Board on recent cases and other developments at the CMA, including the recruitment campaigns for the Chair and the Executive Director for Markets and Mergers. The Board discussed recent litigation outcomes at the CAT and the Court of Appeal. It noted that the CMA will today publish a joint statement with ICO, setting out our shared views on the relationship between competition and data protection in the digital economy.

The Board then considered the Risk Register, and the new External guidance tracker, noting that any substantial changes to the CMA's guidance will be considered by the Board before consultation. The Board then discussed when it might be possible to hold a meeting in person, noting that it may be possible to do so in July, subject to the lifting of requirements on social distancing.

### **4. Review of retained VBER – CMA's draft recommendation**

The Board discussed this review, noting that a similar review is ongoing in Europe. It considered the proposed approach to any changes, and discussed the detail of the draft recommendations for consultation. It suggested that the team considers the timing of its next review, and noted that the final recommendation will be subject to the agreement of a senior-level Steering Group.

### **5. Proposed new market study**

The Board discussed the proposed new market study on mobile ecosystems, noting the strong alignment of this study with both the CMA's Annual Plan priorities and our Digital Markets Strategy. The Board supported the study, highlighting the proactive contribution that this will make to the work of the Digital Markets Unit, which has been established, on a non-statutory basis to operationalise the new regulatory regime.

The Board formally agreed the launch of this market study and its accompanying documents, noting that the team hopes to launch this in June.

### **6. Reform programme stocktake; CA98 decision-making**

The Board was updated on progress around the reform of the competition, consumer, markets and merger regimes, and ongoing work with the Department for Business, Energy and Industrial Strategy. It also received a paper on decision-making arrangements in Competition Act 1998 cases.

### **7. Board and Senior Director Engagement in the Nations 21/22**

The Board discussed proposals to engage further with the regions and nations of the UK, following up on some recent regional roundtables on the CMA's Annual Plan priorities. It suggested that outreach could also include business and consumer groups, and agreed the plans, including a Board meeting in Edinburgh in November 2021.

### **8. Race Action Plan: update on the creation of the CMA's new Advisory Committee; Equality, Diversity and Inclusion Annual Report**

The Board received two aligned papers focussed on the promotion of equality and diversity at the CMA. The Board first focussed on the detailed proposals to establish a new Advisory Committee, noting that the team expects to launch the new Committee in September, and will initially focus on where it can have most impact, such as the

pipeline of new cases, talent management and key strategic and operational matters. The team also proposed that the committee will be made up of staff from under-represented groups within CMA, from all groups from AO to Grade 6. The Board discussed the details of the proposals, and the appointment of a Chair for this Committee.

The Board reviewed the draft Equality, Diversity, and Inclusion Annual Report, and was updated on the progress to meet the priorities set out in the accompanying action plan. It noted the recent organic change in the culture of the CMA to become more diverse and inclusionary. It agreed that the focus of the Positive Action Steering Group will remain on race and will now also start work on disability. The Board gave a full endorsement and a clear commitment to the importance of this work, and thanked all the teams that have been working on these workstreams.

#### **9. Future operating model**

The Board was updated on the project to bring the staff of the CMA back to the offices in a hybrid working model. It noted that the team has made a significant effort to engage staff in this project and will use their feedback to inform the developments of the principles that will underpin the framework for hybrid working. The Board noted that an announcement will be made in the summer on the final proposals as to how the CMA will work in future.

#### **10. Update on the CMA's Regulatory Appeals functions**

The Board were updated on the CMA's work on regulatory appeals, noting the significant challenges such as appeals can raise both in resource and in timing.

#### **11. Annual Report**

The Board considered a first draft of the CMA's 20/21 Annual Report, suggesting some changes to the overall tone, approving the direction of travel and agreeing to give drafting comments offline. It noted that it will sign off the final draft of the Annual Report at its June meeting.

#### **12. AOB**

The Board received a paper updating them on the outcomes of the Board Review 2020, and noted the summary of the consultation responses to the Algorithm's programme.

The Chair thanked all the teams involved.