

MINUTES OF THE CMA BOARD

Meeting date: 23 June 2022
Venue: In the Cabot, London and by videoconference

Members present

Jonathan Scott (Chair)
Kirstin Baker¹
Martin Coleman
Andrea Coscelli (CEO)
Cynthia Dubin²
Amelia Fletcher²
Michael Grenfell
Murdoch MacLennan
David Stewart
Erik Wilson (COO)

Advisors present

Sarah Cardell, General Counsel
Stuart Hudson, Senior Director
Strategy, Communications and
Advocacy
Mike Walker, Chief Economic
Adviser

Observer

Marcus Bokkerink, CMA Chair-
Elect

CMA staff present

Kate Bridge, Director of Executive Office, Security and
Performance
Assistant Directors, Governance, Compliance and Risk
Board Secretary (minutes)

Teams

The meeting was attended by staff from the Markets,
Advocacy, Enforcement and Litigation teams.

1. Introduction

The Chair welcomed the Board members to the meeting, including a particular welcome to Marcus Bokkerink, the Chair-Elect of the CMA, who observed the meeting. The Chair also congratulated Sarah Cardell on her appointment as interim CEO.

There were no new conflicts declared or declarations of gifts or hospitality.

2. Minutes

The Board approved the minutes from the meetings of the Board meetings of 13 and 25 May 22 with no changes. The Board acknowledged the committee minutes received.

¹ KB joined the meeting from item 6.

² CD and AF were recused from item 8 due to a previously declared conflict.

3. Audit and Risk Assurance Committee update

The Chair of ARAC updated the Board on recent ARAC meeting of 20 June 22.

4. Chief Executive's update including Corporate risk register, External guidance tracker and Future operating model

The CEO updated the Board on the recent work of the CMA, including current cases, litigation and other developments in the CMA. The Board reviewed the Corporate risk register and the External guidance tracker.

5. Office attendance

The Board was updated on the work to monitor office attendance at an individual level to help to ensure compliance with the office attendance expectation. The Board noted that the team continues to refine its approach to monitoring so that over time it can do so more efficiently.

6. Cost of living including fuel pricing and PSG update

The Board was updated on the CMA's "urgent review" of the UK fuel market review, commissioned by BEIS. The Board noted the significant demands this placed on the cross-office team to analyse the market and produce the report to such a short timetable (19 working days), at very short notice. It discussed the findings and considered the associated proposal for a more in depth market study, which will be the subject of an extraordinary Board meeting on 30 June.

The Board also discussed the options for other markets work to address the current cost of living crisis, noting that it will receive a paper on proposals for associated markets work at its July meeting.

7. Civil Service 2025

The Board considered the joint commission from the Cabinet Office and Treasury to deliver headcount savings to reduce the Civil Service workforce to 2016 levels over the next three years. It received an update on the work within the CMA to respond to the commission. The team agreed to keep the Board updated on its work and will return to the Board in the Autumn, once the outcome of this commission becomes clear.

8. Music streaming market study

The Board discussed the initial findings of the music streaming market study, agreeing that the CMA should consult on not launching a market investigation, launching this consultation at the end of July, and accompanying the consultation with a short update paper. The Board thanked the teams for its work to date.

9. Implication of the Phenytoin costs appeal

The Board discussed the Supreme Court's recent judgment on the Phenytoin Costs appeal and considered the impact for future CMA litigation and the practical consequences.

10. Rewards for information about cartels

The Board was updated on the use of financial rewards for information about cartel activity.

11. AOB

The Board formally approved:

- The CMA's Annual Report and Accounts 21/22 and delegated the sign off the publication process and any non-substantive amendments to the Senior Director of Strategy, Communications and Strategy and the COO.
- The CMA Annual Impact Assessment 21/22, noting that this will be published alongside the Annual Report and Accounts.

The Board also approved the publication of the OIM transparency statement along with a summary of the consultation responses.

The Board noted that the CMA has received a letter from BEIS on membership of Stonewall and that as a consequence, the CMA's membership of this organisation will not now be renewed.

The Chair thanked Cynthia Dubin, Chair of ARAC and Amelia Fletcher, Chair of RemCo and the Wellbeing, Inclusion, Diversity and Equality Steering Group for their work conducted on behalf of the Board.

The Chair concluded by thanking the Board for the meeting.