

MINUTES OF THE CMA BOARD

Meeting date: 16 November 2022
Venue: In the Cabot, London and by videoconference

Members present

Marcus Bokkerink (Chair)
Kirstin Baker¹
Sarah Cardell (Interim CEO)
Martin Coleman
Cynthia Dubin²
Amelia Fletcher³
Michael Grenfell⁴
Murdoch MacLennan⁵
David Stewart
Erik Wilson (COO)

Advisors present

Stuart Hudson, Senior Director Strategy, Communications and Advocacy
Lucy Robbins, Senior Director, People, Capability and Culture
Chris Prevett, Interim General Counsel
Mike Walker, Chief Economic Adviser

CMA staff present

Kate Bridge, Director of Executive Office, Security and Performance
Sukhinder Lalli, Legal Director, Governance, Compliance and Risk
Chief of Staff, Executive Office
Committee Secretary (minutes)

Teams

The meeting was attended by teams from across the CMA, including the Project Management Office, Markets & Mergers, Remedies, and Strategy.

1. Introduction

The Chair welcomed the Board members to the meeting, noting that there were no apologies.

Minutes

The Board approved the minutes from the meetings of 19 and 20 October 22 with no changes. The Board acknowledged the committee minutes received.

¹ KB left the meeting during item 12.

² CD was recused from items 11 and 12 due to a previously declared conflict; she therefore left the meeting after item 10.

³ AF was recused from item 12 due to a previously declared conflict; she therefore left the meeting at the end of item 11.

⁴ MG left the meeting during item 10.

⁵ MM left the meeting after item 6.

Subsidy Advice Unit governance

The Board approved the changes to the CMA's governance framework proposed in order to establish the new Board committee, known as the Subsidy Advice Unit (SAU), as required by the Subsidy Control Act 2022 and delegated subsidy control functions to the SAU. The Chair and Board agreed amendments to the Authorisations to give effect to that provision.

Major developments in the external environment in which we operate

2. CEO and Chair comments

The CEO and Chair updated the Board on their recent engagement with Government.

Strategy, Policy, Portfolio and Risk Management

3. Audit and Risk Assurance Committee update

The Chair of ARAC updated the Board on its recent meeting.

4. CEO comments

The Interim CEO updated the Board on recent developments in the CMA. The Board reviewed the corporate risk register and the external guidance tracker.

5. Portfolio and pipeline review

The Interim CEO updated the Board on the November Pipeline Steering Group meeting, including the revised strategic approach to pipeline development.

6. Draft 2023/24 Annual Plan

The Board reviewed the CMA's draft Annual Plan 2023/24, approving the format and suggesting some changes to the drafting. It agreed that the CMA should consult on the draft Plan in mid-December.

7. Remedies delivery portfolio – Board update

The Board was updated the Board on the CMA's recent work in remedies implementation, monitoring, enforcement and reviews of remedies.

8. Regulatory appeals update

The Board considered the CMA's work in regulatory appeals, approving the plans to enhance internal management, governance and resourcing of these appeals.

Cases

9. CEO comments

The Interim CEO updated the Board on recent developments in the CMA's casework.

10. Supply of road fuel in the UK market study

The Board discussed the analysis emerging from this market study and reviewed the initial update report. It agreed that the CMA will not make an MIR at this stage, and that the team should publish a Notice to this effect and reflect this decision in its initial update report.

11. Mobile browser and cloud gaming market investigation reference

The Board considered the outcomes of the consultation on the launch of a market investigation in this sector, and agreed to make a reference in relation to the supply of mobile browsers and browser engines and cloud gaming services in the UK. It also approved for publication the associated documents including the terms of reference and Board advisory steer.

12. Music streaming market study

The Board was updated on the work of the music streaming market study as it nears conclusion, including the CMA's approach to communicating the study's final findings.⁶

13. AOB

The Chair thanked the Board and the teams for the meeting.

⁶ The Board subsequently agreed on 18th November 2022 that it is not appropriate to make a reference at the end of the CMA's music streaming market study, noting that the team hopes to publish the final report by late November/early December.