

**COMPETITION AND MARKETS AUTHORITY**  
**Minutes of the Board**  
**17 September 2014**

**Present:**

David Currie (Chairman)  
Alex Chisholm (CEO)  
Sonya Branch  
Andrea Coscelli  
Carolyn Fairbairn  
Alan Giles  
Roland Green (items 3-4, 6-13)  
Bill Kovacic (joined the meeting part way through item 3)  
Philip Lowe (items 1-13)  
Jill May  
Annetje Ottow  
Mike Walker  
Erik Wilson  
Roger Witcomb

**CMA staff:**

Paul Latham (items 1-9 and 12-17)

**Executive Office:**

Sean Cornall  
Tim Jarvis  
Rebecca Lyon (Minutes)

**Introduction**

**1 Introduction**

The Chairman welcomed members to the meeting.

**Declaration of conflicts / Recusals**

It was noted that Sonya Branch was recused on Tobacco and would leave the meeting for that agenda item.

**2 Review and approval of draft public and private minutes of the June Board meeting**

The Board approved both sets of minutes.

**3 Chief Executive's update**

The Chief Executive updated the Board on key developments and highlights in individual directorates from the past month.

## **Core updates**

### **4 Tobacco<sup>1</sup>**

(Roland Green)

The Board was updated on developments in the Tobacco litigation.

## **Organisational management and Thematic reviews**

### **5 Performance reporting and KPIs: Q1 2014/15 Board KPI report**

(Tim Jarvis, Sean Cornall)

The team introduced the paper, providing a revised version of the Q1 Board KPI report, following feedback from the Board at its July meeting.

The Board agreed that the presentation of the material in the report was vastly improved, enabling trends to be tracked. It made a number of detailed points to be considered in future iterations of the report.

The Board considered whether it was receiving the information it needed to fulfil its statutory duties and suggested that a review of Board functioning and performance should be undertaken. The Board considered the timing of future reports, asking that they be provided as soon as practical after the quarter end.

### **6 Professionalism and Parity**

(Carmel Flatley, Rosalind Bergemann)

The Board was updated on the implementation of the Professionalism and Parity programme.

### **7 Strategic Assessment**

(John Kirkpatrick, Nicky Brown, Andrew Lincoln, Mark Dungworth)

The team introduced the paper, noting that what was presented was the first stage of the strategy process – providing a synthesis of consultees' views on economic, social, political and environmental trends and developments that should be considered by the CMA, alongside an initial analysis of what the CMA might do as a result.

The Board welcomed the paper, noting that it reflected the brainstorming sessions held at the July Board meeting. It suggested a few additional ideas to be considered in the Strategic Assessment, as well as other issues to be drawn out in the final report.

### **8 Annual Plan 2015/16**

(Paul Latham, Rachel Christopher, Mark Dungworth, John Kirkpatrick, Nicky Brown, Andrew Lincoln)

The team introduced the paper, noting that plans were in place to take forward the drafting of the 2015/16 Annual Plan in coordination with the various other internal strategic activities (e.g. Strategic Assessment and mid-year health check), as well as key external partners. It noted the intention to publish the draft Annual Plan for consultation, alongside the Strategic Assessment, in November, ahead of full publication in March 2015.

The Board was content with the proposed structure and content of the Annual Plan, suggesting a few additional issues to be considered.

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<sup>1</sup> Sonya Branch recused herself from this item

## **9 CMA powers under the Regulation of Investigatory Powers Act 2000 and access to communications data**

(Stephen Blake, Marc Braithwaite, Juliette Enser)

The Board considered the CMA's powers under the Regulation of Investigatory Powers Act 2000 and access to communications data.

## **10 Use of compulsory interview powers**

(Roland Green, Louise Banér, Claudia Berg, Juliette Enser, Andrew Groves, Ian Taylor)

The Board discussed the CMA's use of its new compulsory interview powers, provided under CA98.

## **11 Remedy Review Groups**

(Roland Green, Tom Smith)

The Board was updated on plans to establish Remedy Review Groups (RRGs), appointed by the Remedies, Undertakings and Commitments Committee (RUCC) and comprised solely of Panel Members, to take decisions to release, vary or supersede final orders and undertakings made in merger, monopoly and market investigations where the original Group that decided the case had 'ceased to exist'.

## **12 UK Competition Network: Strategy workshop, 5 September – insights and outcomes**

(Andrea Coscelli, Michael Grenfell)

The Board was updated on the UK Competition Network (UKCN) strategy workshop, held on 5 September to discuss prospects for promoting competition in each of the regulated sectors and economy-wide.

## **13 Devolution debate in Scotland**

(Paul Latham, Sheila Scobie)

The Board discussed the devolution debate in Scotland and possible implications for competition and consumers.

## **14 Security briefing**

(Rebecca Lawrence)

The Departmental Security Officer (DSO) introduced the papers, providing briefing for the Board as to why security was important and a progress update on security issues.

The Board agreed that the briefing was useful and good progress was being made to address security concerns. It highlighted the importance of senior staff leading the way in the CMA's consideration and awareness of security.

## **15 Board expenses Q1 2014/15**

(Tim Jarvis, Sean Cornall)

The Assistant Director for the Executive Office introduced the paper, noting that the Cabinet Office required departments to publish details of business costs incurred at Board level on a quarterly basis. It noted the intention to include only expenses paid (rather than claimed) in a quarter in the return for that period.

The Board was content with the proposed approach and for the expenses from Q1 to be published. It suggested that nil returns should be included for transparency purposes.

## **16 Minutes of Committees**

The Board noted the minutes of the Executive Committee and Case and Policy Committee meetings held in July and August.

## **17 AOB**

### **Future meetings**

The October meeting would be held in Cardiff. It was noted that Andrea Coscelli would be absent from that meeting.

It was noted that both David Currie and Philip Lowe (the Board-appointed Senior Independent Member) would be absent from the December Board meeting and Carolyn Fairbairn would chair the meeting in their absence.

### **Reading room papers**

The Board noted the Reading room papers provided for the meeting.