

## **Council of the Competition Commission**

### **Minutes of the 75<sup>th</sup> meeting held in the North Pod Monday 12 January 2009 at 2pm**

Present:

Council members

Peter Freeman (Chair)  
Christopher Clarke  
Peter Davis  
Tony Foster  
Patricia Hodgson  
Martin Stanley

In attendance

Rebecca Lawrence  
Clare Potter  
Anthony Pygram  
Gail Scott (minute taker)

Apologies: Diana Guy

#### **1. Minutes from meeting on 8 December 2008 (Item 1)**

- 1.1. The minutes from the last minute were approved, subject to some additional wording to section 7, policy on Members' external interests.

#### **2. Chairman's Report (Item 2)**

The Chairman gave a report about recent events.

- 2.1. Since the last meeting, an appeal against the waiver of competition rules which could allow Lloyds TSB and HBOS to merge had been rejected by the Competition Appeal Tribunal (CAT).
- 2.2. A letter had been circulated internally from Philip Collins, regarding progress on the MIR Regime Final Report and a follow up to the recent correspondence on mergers. The next joint CC Council and OFT Board meeting would take on 12 February. Peter Freeman and Philip Collins had also agreed to meet on a monthly basis to ensure momentum on this work. It was noted that Anthony Pygram would be taking the lead on the development of the merger discussion.
- 2.3. The successor to Martin Stanley as Chief Executive had not yet been announced, but it was hoped that it would be shortly.
- 2.4. The CC was waiting for the confirmation of the appointment of the new members, although the Minister should confirm the names shortly.

### **3. Chief Executive's Report (Item 3)**

- 3.1. The Chief Executive presented his written report and Council discussed the December finance figures, the recent flooding on the second floor and other property issues.
- 3.2. The internal auditors had recently completed an audit on the CC's risk management processes and had recommended that the Council should have its own strategic risk register. This would be discussed and created at the next Council meeting.

### **4. Review of OFT discussions (Markets and Mergers)**

- 4.1. The OFT had had the Ideas Day in December, attendance had been good and several markets had been identified as potentially suitable for a market study.
- 4.2. It had been agreed by the OFT and the CC that further discussion would be needed about the functioning of the merger regime, including the types and number of mergers being referred and the way the referral process was operating.

### **5. Publication Scheme**

- 5.1. The Information Commissioner's Office (ICO) had recently published new guidance to improve the Publications Schemes of public bodies. The CC was in compliance with most of the guidance; however there were some sections which still needed Council's consideration. Council was presented with information regarding compliance with the publication of the CC's finances, staff and board members' expenses and minutes of senior meetings. Council reviewed the drafts and suggested the following recommendations.
- 5.2. The financial summary should include a paragraph to put the CC's financial framework into context, i.e. that the CC had no control over its workload and expenditure was discussed with BERR, the CC's sponsor department, on a quarterly basis to ensure that spending was reflective of the CC's workload.
- 5.3. Regarding the publication of board members' allowances and expenses, Council requested that they be able to see an example of the Council member expenses to be published.
- 5.4. It was agreed that more examples should be provided of possible minutes which would be suitable to for publication on the website, which would comply with the ICO's publication scheme's guidelines.

**Action: Gail Scott**

### **6. Reputation Inc.**

- 6.1. It was agreed that the new Chief Executive should decide how to respond to Reputation Inc.'s offer of providing a future programme of work on the Communication Strategy.

## **7. Draft Corporate Plan**

- 7.1. Council was presented with a first draft of the Corporate Plan. The structure had remained very much the same as the year before. It was then suggested that the structure could be altered to give greater importance to the CC's core work and the increasingly resource intensive post final report remedies work and the appeals in progress.
- 7.2. Council agreed to the suggested restructure, and would be provided with a redraft for comment.
- 7.3. Council also agreed that the next stakeholder survey should begin in 2009.

## **8. Budget Forecasts**

- 8.1. Council was presented with a more detailed breakdown of CC costs.
- 8.2. Some further work would be needed to analyze the CC's cost base more fully. It was agreed that Elizabeth Dymond and Rebecca Lawrence should carry out a project to analyse the figures, in consultation with the Inquiry Directors, and report back to Council.

**Action: Elizabeth Dymond and  
Rebecca Lawrence**

## **9. Any other business**

- 9.1. Council thanked Martin Stanley for all his hard work as Chief Executive.

Gail Scott  
January 2009