

Minutes of the Office of Fair Trading Board Meeting

Thursday 1 October 2009

Present:

Philip Collins (Chairman)
John Fingleton (CEO)
Lord Blackwell
Vivienne Dews
Alan Giles
Frédéric Jenny
James Hart
Tony Lea
Philip Marsden
Jonathan May

OFT Staff:

Frances Barr
Claire Craig
Barney Wyld
Cavendish Elithorn, Claire Hart, Haris Irshad, David Stallibrass, (item 1)
Geoff Steadman, Simon Williams, Bethan Watts (item 2)
Alastair Mordaunt, Nick Scola, Ian Windle (item 3)
Heather Clayton, Peter Lukacs, Mary Starks (item 4)
Cavendish Elithorn, David Stallibrass (topical items)

Executive Office:

Rachel Christopher
Jennifer Halliday
Erik Wilson (except item 2)

Item 1: Market Study

The Board considered an update on a study and discussed the issues raised by the team and the approach being taken.

Item 2: CAMRA

The Board discussed the super-complaint from the Campaign for Real Ale (CAMRA) on beer ties, barriers to entry for small brewers, the use of restrictive covenants and the methods of, and transparency in, calculating rent. The team recommended that the issues raised in the super-complaint do not merit further investigation in the form of a CA98 action, a market study or reference to the Competition Commission. The Board agreed with the team's recommendations.

Item 3¹: Co-op/Somerfield merger

The Board received a presentation on the work of the Mergers team on the recent Co-op/Somerfield merger.

Item 4: Potential new market study

The Board considered and welcomed an interesting and topical proposal for a new market study. The team agreed to return to the Board with a below the line paper containing a more detailed proposal. .

Item 5: ExCo oral and written report to the Board

CEO

The CEO updated the Board on his recent and future speaking engagements.

Executive Director, Corporate Services

Finance

The Board were updated on the OFT's mid-year financial forecast.

Director Communications

Government in Markets

The CEO launched this paper with a well-received speech at the Regulatory Policy Institute. The paper has received wide media coverage and will be followed up with work across Whitehall.

Construction

The decision has been published. The Construction Recruitment Forum decision was also published yesterday.

Media activity

Publications:

- Consultation on revised guidance on the exceptions to OFT's duty to refer merger cases to the CC is being published today.
- A policy document on the role of self-regulation in the OFT's protection work was published on 28 September.

Item 6 Topical items

Possible Market Study

The team introduced this as a possible market study ahead of a full submission to the November Board meeting.

¹ Alan Giles was a director of Somerfield until 2004.

Item 7: Minutes of the Board meeting (3rd September), future agenda items and AOB

The Board approved the private and public minutes of the last meeting subject to minor amendments.

AOB

The Chairman updated the Board on forthcoming events.

Rachel Christopher
Committee Secretary
8 October 2009