

OFT (10) 8th minutes

Minutes of the Office of Fair Trading Board Meeting

Thursday 2 September 2010

Present:

Philip Collins (Chairman)
John Fingleton (CEO)
Vivienne Dews
Alan Giles
James Hart
Frédéric Jenny
Robert Laslett
Tony Lea
Philip Marsden
Clive Maxwell
Bill Moyes

OFT Staff:

Frances Barr
Barney Wyld
Claudia Berg, Sue Oxley, Ann Pope, Simon Williams (Item 3)
Ann Pope, Hannah Priest, Geoff Steadman, Simon Williams (Item 4)
Andrew Groves, Ann Pope, Nerilee Telford, Simon Williams Dan Moore (Item 5)
George Brenton, David Osmon, David Stallibrass (Item 6)
Kate Ivers, Michael Lacaille, Joanne Marsden (Item 7)

Executive Office:

Jennifer Halliday
Erik Wilson
Rachel Christopher

Apologies:

Alan Cook

Item 1: Introduction to meeting

The Chairman introduced the meeting, summarised changes to the order of the agenda and, with the Chief Executive, commented on several tabled papers.

Item 2: Update on Audit Committee

The Chairman of the Audit Committee updated the Board on the recent Audit Committee meeting which focused on the OFT Back Office Environment (OBOE) and the recent IT outage, and reported that the Committee now considers that while not fully resolved, the issues are being addressed and that satisfactory progress is being made.

Item 3 New market study proposal¹

The team proposed a soft-launch of a new market study. The Board approved the launch of the study.

¹ Bill Moyes noted that he was the Director General of the British Retail Consortium from 2000–03.

Item 4 : CAMRA super-complaint – Board update²

The Board received an update on the team's recent work on the super-complaint and discussed the proposed response.

The Board agreed the team's recommended approach and thanked the team for its work.

Item 5: Investigation into certain retailers and suppliers

The team updated the Board on this case and discussed the possible outcomes. It was agreed that the team will do further work and an update would be given in October.

Item 6 : New project proposal

The Board considered a new project proposal. Possible outcomes of a review were discussed which could be as early as spring, but may take up to a further six months.

Remedies were discussed and the Board supported this work, recognising that potential remedies may not be clear cut.

Item 7: Spending Review (SR10)

The team updated the Board on the timetable on the SR10 process. The business plan must be submitted by 17 September, and the OFT will receive final notice of the settlement on 20 October.

The team highlighted the coalition Government's commitment to accountability and transparency and emphasised the mandatory information that must now be published. The Board discussed whether the OFT should provide a narrative to accompany these figures and the team indicated that this is possible.

The Board thanked the team for its work and it was agreed that a further update would be provided at the next meeting.

Item 8: ExCo oral and written monthly and quarterly report to the Board

Written report

Format of report

The Board acknowledged that a new format of the report will be presented at the November Board, although this timing may be compromised by the SR10 programme. It was noted that the report is produced to a very tight timetable and does not always provide the information required (although it can be difficult to work out what is needed).

Board members were asked to consider in more detail off-line and feedback any comments or suggestions they have, especially given their experience of Board reporting in different organisations.

CEO

Ofgem

The Government has recently announced a review of this regulator; the OFT will respond.

General Counsel

² Erik Wilson was recused from this item.

Construction and Construction Recruitment Forum appeals

All appeals from these two cases at the CAT have now finished and judgments are expected by the end of the year.

Item 9: Minutes of the Board meetings (9 and 15 July), below the line items and AoB

The Board agreed the July minutes (public, private and extraordinary) with one change to the public and private minutes. A further change to the June public and private minutes was also agreed.

Below the line items

A number of items were received and noted.

AOB

Board review

The Chairman of the Board Review updated the Board on developments since the last Board meeting.

Item 10 Review of Board meeting; future agenda items; carry forward

October pre-Board seminar

- This slot has currently been left free for an SR10 discussion.

Items carried forward from the July meeting were reviewed:

The Board agreed to carry forward one item:

- Governance and decision making, likely as part of the ExCo Corporate Projects (a paper is to be presented to the October Board).

Rachel Christopher

1 October 2010