

**Minutes of the Office of Fair Trading Board Meeting**

**Thursday 7 February 2008**

**Present:**

Philip Collins (Chairman)  
John Fingleton (CEO)  
Jonathan May  
Sean Williams  
Allan Asher  
Lord Blackwell  
Bronwyn Curtis  
Alan Giles  
Frederic Jenny  
Richard Whish

**OFT Staff:**

Anna Benedicic  
Sonya Branch  
Tony Donaldson  
Cavendish Elithorn  
Richard Emmott  
Amelia Fletcher  
Andrew Groves  
Gover James  
Brian McHenry  
Ali Nikpay  
Ann Pope  
Carissa Roberts  
Christine Wade  
Alan Williams  
Nina Woods  
Barney Wyld

**Executive Office:**

Erik Wilson  
Francesca Seymour (Secretary)  
Jennifer Halliday

**In attendance:**

Sarah Kaye

**Item 1: Minutes of the last meeting (10 January) OFT(08)1<sup>st</sup> minutes**

The minutes of the last meeting were approved subject to a revision of Item 4.

**Item 2: Personal current accounts - update**

The Board was updated on the test case and the market study, including the key messages emerging from the market study and the remedies that are being considered for consultation with the industry and other stakeholders.

The Board will be provided with a copy of the executive summary of the report for comment before publication.

**Item 3: New case**

The Board was appraised of the outline of, and plans for, this case.

**Item 4: Supermarkets**

The CC had informed us of the broad direction of its provisional remedies in the Groceries Inquiry market reference, now due to be published in mid-February. These included a role of the OFT in relation to individual planning applications by supermarkets and a strengthened Suppliers Code of Practice operated by an industry-funded body but monitored by OFT.

**Item 5: Settlements**

This issue was deferred to the next meeting. Board members were asked to forward any comments or questions to the Board Secretary who will liaise with the team. The Chairman will consider if a substantive discussion is required at the next, or a subsequent, Board meeting.

**Item 6: Private actions**

The Board was updated on the progress made following the publication of the OFT's paper in November, which had received positive reactions. Extensive discussions have taken place with BERR (the lead department), HMT and the Ministry of Justice, and BERR is currently in the process of drafting the consultation document for the 4<sup>th</sup> session bill.

**Item 7: Governance – preliminary findings**

The proposals for a revised committee structure were presented to the Board. This will be discussed by the Executive later on in February, and come back to the Board as a 'below the line' item in March. The Board noted that the key points of the revised structure were less emphasis decisions taken by committees (committees will be used more as a forum for discussion) and more emphasis on team-building.

The Board welcomed what it considered to be a sensible structure. It suggested that it should be clearer that delegation of decision taking did not involve abdication of responsibility.

The Board agreed that it was content with the proposal which will return fully worked up in March.

**Item 8: ExCo report to the Board**

**Executive Director, Policy and Strategy**

Hampton implementation review

The review team has adopted most of the comments made by the OFT, and the Chairman is due to meet with the Chair of the review team shortly.

**Director, Communications**

Scams awareness month

February is scams awareness month, and so far the OFT has received good media coverage, especially in the tabloid press.

**Interim Executive Director, Corporate Services**

IT expenditure

The Board was asked to approve funding of £295k for work CapGemini had undertaken on the IT project throughout Summer 2007. An assessment of this work will take place at the end of February. The Board confirmed that it was content to approve this funding retrospectively in this instance.

## **CEO**

### Alcohol retailing

Discussions were continuing with the Government about ways of limiting the sales of cut-price alcohol. Officials had recently met with Nigel Griffiths, MP to explain the constraints on the OFT and what could be achieved under both UK and European legislation.

### VAT on Consumer Direct (CD) contracts

A point raised from the Audit Committee was VAT on CD contracts. This has been referred to HMRC.

### Budgets

Planning for 2008/09 budgets are underway, and will factor in the required 5 per cent efficiency savings.

### **Item 9: Points from below the line items**

#### Funding for Trading Standards Regional Intelligence and Co-ordination Networks

Noted and approved.

#### Planning for the board away day

The Board was asked to pass any comments on the proposed programme for this event to the Board Secretary.

### **Item 9: Any other business**

#### Meeting with the Competition Commission council

The Board discussed the follow-up to the meeting with the Competition Commission.

#### Decision-making process in criminal cases

The Board agreed that decisions in criminal cases would be an individual decision taken at Board member level, usually the CEO, guided by ED MandP and ED PandS. In exceptional circumstances, the Chairman will take on the role of decision-maker.

**Francesca Seymour**  
**Board Secretary**  
**8 February 2008**