

Minutes of the Disputes Committee Meeting Four

24th February 2021 | 10:30 – 13:30 | Via MS Teams

Status of Minutes: FINAL

MEMBERS PRESENT

Member	Abbreviation	Role
Elsa Wye	EW	Chair
Neil Pendle	NP	Committee Member (Retailer)
Peter Strain	PS	Committee Member (Retailer)
Wendy Monk	WM	Committee Member (Retailer)
Paul Stelfox	PS	Committee Member (Wholesaler)
Matthew Rix	MR	Committee Member (Wholesaler)
Julian Trantor	JT	Committee Member (Wholesaler)
Markus Lloyd	ML	MOSL
Ivy Mandinyenya	IM	MOSL (Presenter)
Joe Smith	JS	MOSL (Presenter)
Ethan Fleming	EF	MOSL (Secretariat)

1. Welcome

- 1.1. Apologies had been received from Martin Mavin and Dylan Freeman.
- 1.2. The Chair reminded members of their duty to act impartiality and that items discussed in the closed session should remain confidential and any external communications made via the Chair.

2. Minutes of the Previous Meeting

- 2.1. There had been no comments received on the minutes of the previous meeting.
- 2.2. The minutes of the meeting were approved as an accurate record.

3. Review of Outstanding Actions

- 3.1. All actions had previously been closed and there were no new actions from the previous meeting.

4. Disputes Committee Working Procedures

- 4.1. JS presented the Committee Working Procedures document following the implementation of the Unified Disputes Procedure. This now contained a pre-disputes section, pre-Kissflow steps and a process map for initiating Trading Parties.
- 4.2. A member noted that the definition of a dispute on page two was not up to date and required amendment.

ACTION:04_01

- 4.3. MOSL would undertake a fuller quality control on the document and recirculate it for comments out of committee.

ACTION:04_02

5. DC Terms of Reference

- 5.1. IM presented the amended terms of reference (ToR's) to address previous committee comments including an insertion in relation to urgent meetings.
- 5.2. A member commented that the ordering of some sections within the overall ToR's did not appear correct and would circulate a proposed reordering via email.
- 5.3. A member asked if urgency was appropriately reflected on Kissflow. MOSL confirmed this would be amended and disputes marked as urgent on the website when appropriate.

ACTION:04_03

- 5.4. A member identified a number of inconsistencies between the proposed ToR's, the MAC and the MOSL website. MOSL would ensure the inconsistencies were addressed which largely related to website changes required after CPW092. The amended ToR's would be recirculated via email with a deadline for response.

ACTION:04_04

- 5.5. It was confirmed that if Ofwat or CCW wished to attend they would be affiliate members and not voting members.

6. Change Proposal Following the Implementation of CPW092 and CPM029

- 6.1. IM presented the amended change proposal that sought to add clarity to the process and included feedback from the proposer.
- 6.2. A member noted that the change would prevent either party acting as a block to disputes reaching the committee for consideration and place a timescale for response.
- 6.3. The change was proposed to be presented for recommendation at the March Panel. Allowing two months for Ofwat approval implementation was estimated for June.
- 6.4. The committee approved the change and the timescale detailed.

7. New Disputes

- 7.1. JS reported that no new disputes had been raised since the last meeting and there had been no change in relation to the historic disputes.

8. Any Other Business

- 8.1. The Chair confirmed that the Satori Board Review report on Panel governance would be published in full.
- 8.2. A member asked if there was a framework or training document for disputes to assist Trading Parties. MOSL confirmed there were training videos that required small updates before being proactively circulated to Trading Parties.

ACTION:04_05

- 8.3. ML reported that the dispute to be considered in the closed session would have an opening session before each party would enter the room. The raiser of the dispute would present for 15 minutes with and would be followed by the defendant with the same amount of time. Committee members were invited to send questions to JS during the presentations to be asked after both presentations had been made.
- 8.4. MOSL confirmed that they believed the dispute had been validly raised and escalated.

- 8.5. Following an opportunity for questions the disputing parties would be asked to leave the meeting before committee discussion and deciding if a code breach had occurred, if it had not occurred or if it should be deferred for further information.