

## Minutes of Disputes Committee Meeting 19

18 May 2022

Via MS Teams

Status of the Minutes: Draft

### MEMBERS PRESENT

Rick Hill	RH	Chair	Neil Pendle	NP	Committee Member (Retailer)
Peter Strain	PS	Committee Member (Retailer)	Patrick McCart (for part)	PM	Committee Member (Retailer)
Wendy Monk	WM	Committee Member (Retailer)	Paul Stelfox	PST	Committee Member (Wholesaler)
Matthew Rix	MR	Committee Member (Wholesaler)			

### OTHER ATTENDEES

Scott Dagg	SD	ConservAqua	Michelle Marshall	MM	Waterplus
Mark Whittall	MW	Waterplus	David Morris	DM	Waterplus
Shabana Malik	SM	Severn Trent	Mike Rathbone	MRa	Severn Trent
Markus Lloyd	ML	MOSL (Head of Market Improvement)	Charles Unvala	CU	MOSL (Market Development)
Jacqueline Doherty	JD	MOSL (Legal Team)	Andrew Johnson	AJ	MOSL (Legal Team)
Lisa-Ann Lott	LAL	MOSL (Secretariat)			

### APOLOGIES

Dylan Freeman	DF	Committee Member (Wholesaler)	Julian Tranter	JT	Committee Member (Wholesaler)
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## 1. Welcome and Introductions

### **Purpose: For Information**

- 1.1. The Chair welcomed all attendees to the Disputes Committee (DC) meeting 19.
- 1.2. Apologies for absence were received and accepted from Dylan Freeman and Julian Tranter
- 1.3. The Chair read through the Compliance Statement and it was displayed for the benefit of all members.

## 2. Declarations of Interest

### **Purpose: For Information**

- 2.1. The Chair reminded committee members of the requirement to declare any potential conflicts of interest in relation to the agenda. None were declared. The committee noted, however, that declarations had been declared in advance of the urgency hearing in respect of these disputes as a number of Trading parties are involved in the vacancy incentive scheme, but this was not considered to give rise to any material conflict for the purposes of this hearing.

## 3. Minutes and Actions of the Previous Meeting

### **Purpose: For Information**

- 3.1. No comments had been received regarding the minutes of Disputes Committee Meeting 15, held on 19 January 2022. The minutes had been approved ex-committee and had been published on the MOSL website in line with the Terms of Reference.
- 3.2. DC members agreed to close A13\_02 and A13\_03.
- 3.3. DC members agreed to leave open and ongoing A15\_01, A15\_02, A15\_03 with target completion September 2022. Additionally, A15\_04 to remain open with target completion of June 2022.
- 3.4. A member reflected on the urgency discussion and whether timescales should be considered alongside urgency criteria as part of the scope. JD confirmed a number of learnings already taken and Phase 2 will include a wide scope regarding urgent disputes.

## 4. Dispute log update

### Purpose: For Information

- 4.1. No comments were received.
- 4.2. DC members noted the content of the log.

## 5. CLOSED SESSION: Urgent disputes hearing DIS0038 & DIS0039

### Purpose: For Decision

- 5.1. The Disputing parties joined the meeting :- Scott Dagg (ConservAqua), Michelle Marshall (Waterplus), Mark Whittall (Waterplus), David Morris (Waterplus), Shabana Malik (Severn Trent), Mike Rathbone (Severn Trent).
- 5.2. The Chair ran through the whole process for the hearing and confirmed which sections of the code ConservAqua had raised the disputes against.
- 5.3. A closed session was then held, with the DC members each putting questions to ConservAqua, Severn Trent and finally Waterplus.  
  
PM lost connection during the meeting, and was unable to re-join, however the meeting remained quorate.

## 6. CLOSED SESSION: Post Hearing Review

### Purpose: For Decision/Information

- 6.1. With the disputing parties having now left the meeting, the DC members discussed the two disputes in a further closed session.
- 6.2. MR noted that some Disputes Committee Secretariat emails had been quarantined by his corporate systems and that he had not been able to access the links provided. However, he confirmed to the Chair that he was comfortable that, having participated in the question-and-answer session, and from the information he had received, he felt comfortable in continuing in the decision process.

## 7. Any Other Business (AOB)

### Purpose: For Information/Decision

7.1. NP highlighted that he was considering his ongoing involvement in the Disputes Committee due to other commitments and recognising his length of service on the committee. He would liaise with the Secretariat regarding the timing of his retirement from the Disputes Committee.

**ACTION A19\_01**

7.2. The Chair noted all members giving their time and thanked them for this.

7.3. The Chair thanked the Secretariat for the swift provision of the evidence given the decision of the committee to progress the disputes as urgent matters.

7.4. There being no further business the Chair closed the meeting.

The next Disputes Committee meeting is scheduled for: 15 June 2022 via MS Teams