



Panel Meeting 48 – Headline Report

27 October 2020
Videoconferencing

This Headline Report provides a record of the decisions made by the Panel.

1 Committee Reports

The Panel noted the Committee Reports, which covered an update on the Market Performance Committee and Credit Committee meetings, held on 1 October and on 15 October, respectively. The Panel also considered the verbal updates provided by the Trading Disputes Committee and GDPR Issues Committee Chairs.

In relation to the GDPR Issues Committee, the Panel:

- **AGREED** that, subject to the Panel making a recommendation to Ofwat on CPM033 ([Improved process for managing Data Subject Rights Requests](#)), from the 24 November 2020 Panel meeting, the GDPR Issues Committee would go into a “suspended” state given that it had no further business to discuss at this stage; and
- **AGREED** that following this suspension, upon an Ofwat decision (approve or reject) on CPM033 the GDPR Issues Committee would be dissolved. Conversely, in the event that Ofwat determined further work was required and returned CPM033 to the Panel for further assessment, the GDPR Issues Committee would reverse its state of ‘suspension’ in order to deal with these residual matters.

2 Draft Recommendation Report: CPW104 - Housekeeping changes to facilitate April 20 Performance Regime

The Panel considered Change Proposal ‘[CPW104: Housekeeping changes to facilitate April 20 Performance Regime](#)’. This change sought to enable housekeeping changes to four Code Subsidiary Documents (namely, CSD 0302, CSD 0202, CSD 0102 and CSD 0002) to deliver the intent of CPW078/CPM020 ‘Priority Performance Regime Changes for April 2020’ and to address consequential effects on invoicing timeframes, time parameters and the window for the Meter Read Submission process.

The Panel:

- **AGREED** (unanimous) to recommend the implementation of CPW104 to Ofwat for approval (12 in favour)¹;
- **AGREED** to recommend an implementation date of;
 - 14 December 2020, if Ofwat approval is received by 9 December 2020.

¹ While the Panel Chair has a vote, the new Panel Chair has indicated that, for the time being, they would abstain during voting. Given this approach, the Chair’s abstention has not been recorded ‘for’ or ‘against’ each decision in this report.



3 Draft Recommendation Report: CPW108 - Agreement to Unplanned Settlement Runs

The Panel considered Change Proposal '[CPW108 - Agreement to Unplanned Settlement Runs](#)'. The Panel noted that the agreement of both a contracting Wholesaler and contracting Retailer was needed before an Unplanned Settlement Run could take place following the correction of a Data Item or Items. This Change Proposal sought to clarify that such agreement must not be unreasonably delayed or withheld.

This Change Proposal was submitted by a Trading Party as an urgent change proposal.

The Panel:

- **AGREED** that the change was urgent (10 in favour, 1 abstain, 1 against);
- **AGREED** (unanimous) to seek further assessment on this Change Proposal via a consultation. A revised Change Proposal would be brought back to the Panel for decision, at the latest, by the December 2020 meeting, or sooner if possible.

4 Draft Recommendation Report: CPM034 – Retailer Panel Member Changes

The Panel considered change proposal '[CPM034 – Retailer Panel Member Changes](#)'. This Change Proposal sought to allow any Retailer to occupy any unfilled Associated or Unassociated Retailer Panel Member seat and adjust the Panel quorum accordingly. This solution would help to ensure full Retailer engagement with the Panel and reduce the risk of a Panel meeting having to be cancelled, due to being inquorate.

The Panel:

- **AGREED** (unanimous) to recommend the implementation of CPM034 to Ofwat for approval (12 in favour);
- **AGREED** to recommend an implementation date of;
 - 15 February 2021, if Ofwat approval is received by 21 January 2021; or
 - 5 March 2021, if Ofwat approval received by 17 February 2021.

5 Draft Recommendation Report: CPM035 – Panel Election Streamlining

The Panel considered change proposal '[CPM035 – Panel Election Streamlining](#)'. This Change Proposal sought to make improvements to the nomination and election of Panel Members by Trading Parties. This included provisions to remove unnecessary Panel Nomination Meetings, facilitate the use of technology to reduce time and cost of Panel Nomination Meetings, and remove the potential for a minority to overrule the wish of the majority in Panel Nomination Meetings.

The Panel:

- **AGREED** (unanimous) to recommend the implementation of CPM035 to Ofwat for approval (12 in favour);
- **AGREED** to recommend an implementation date of;



- 15 February 2021, if Ofwat approval is received by 29 December 2020.

6 New Disputes Committee Terms of Reference Approval

It was noted that implementation of the consolidated Dispute resolution process ([CPW092/CPM029; Unified Disputes Process and Committee](#)) required that the Trading Disputes Committee (TDC) be replaced with a Disputes Committee (DC). The Panel considered the proposed Terms of Reference for the Disputes Committee.

The Panel:

- **AGREED** (unanimous) the DC Terms of Reference (12 in favour), subject to the inclusion of a provision relating to the DC members' terms of office, as outlined in section 7 below.

Closed Session

7 Disputes Committee Membership Appointment

The Panel was invited to appoint the existing TDC members as DC members.

The Panel:

- **APPOINTED** (unanimous) the existing TDC members as DC members (10 in favour; 1 abstained)².

² One Panel Member was not present during this agenda item and, therefore, did not take part in the vote.