

## Minutes of Panel Meeting 50

15 December 2020 | 10:30 – 16:30

Videoconference

Status of the Minutes: **FINAL**

### MEMBERS PRESENT

Trisha McAuley OBE	TM	Chair	Helyn Mensah	HM	Panel Member (Independent)
Richard Barton	RB	Panel Member (Associated Retailer)	Elsa Wye	EW	Panel Member (Independent)
Trevor Nelson	TN	Panel Member (Unassociated Retailer)	John Vinson	JV	Alternate - Panel Member (Independent)
David Siddall	DS	Alternate – Panel Member (Unassociated Retailer)	Pamela Taylor	PT	Panel Member (Independent)
Claire Yeates	CY	Panel Member (Unassociated Retailer)	Christina Blackwell	CB	Alternate - Panel Member (Customer Representative)
Mark Holloway	MH	Panel Member (Wholesaler)	Sarah McMath	SM	Affiliated Panel Member (MOSL)
Martin Mavin	MM	Panel Member (Wholesaler)	Shaun Kent	SK	Alternate - Affiliated Panel Member (Ofwat)
Michael Rathbone	MR	Panel Member (Wholesaler)	Adam Richardson	AR	Panel Secretary

### OTHER ATTENDEES

Carol Sgamaro	CS	MOSL Secretariat	Martin Hall	MH	MOSL Presenter item 9
Annabel Parsons	AP	Satori Presenter item 13	Charles Unvala	CU	MOSL Presenter items 10 & 11
Giles Naylor	GN	Satori Presenter item 13	Ethan Fleming	EF	MOSL Secretariat
Steve Arthur	SA	MOSL Presenter item 5	Christopher Wright	CW	Castle Water Observer
Stuart Boyle	SB	MOSL Presenter item 8	Antoine Schmidt	AS	Thames Water Observer
Evan Joannette	EJ	MOSL Presenter item 8	Samantha Webb	SW	MOSL Presenter item 5
John Davies	JD	MOSL Presenter item 9	Steve Formoy	SF	MOSL Presenter item 14

### APOLOGIES

Mike Keil	MK	Panel Member (Customer Representative)	Nicola Smith	NS	Panel Member (Unassociated Retailer)
Michelle Burns	MB	Panel Member (Associated Retailer)			

## 1. Welcome and Introductions

- 1.1 The Chair welcomed Panel Members and all other attendees to Panel Meeting 50.
- 1.2 It was noted that MK, MB and NS had sent their apologies for the meeting. CB was attending the meeting as the alternate for MK, and DS for NS. JV acted as EW's alternate for agenda items 1-9 and item 13.
- 1.3 It was further noted that notice of the meeting had been given, that the meeting had been properly convened and that a quorum was present<sup>1</sup>. The Chair declared the meeting open.

## 2. Minutes and Outstanding Actions

- 2.1 After due consideration, the Panel Members approved the minutes for the Panel meeting 49 and Panel meeting 49a, held on 24 November and on 2 December, respectively.
- 2.2 In addition, the Panel approved the highlights document from the Panel Workshop held on 23 November.
- 2.3 The Panel agreed that the following actions could be closed as they had been completed:
  - 2.2.1 A47\_01; A49\_01; A49\_02; A49\_03; A49\_04, A49\_06, A49\_07.
- 2.4 The Panel further agreed that the following actions would remain open:
  - 2.2.2 A26b\_04; A39\_05; A45\_10; A47\_03; A47\_06; A48\_02; A49\_05; A49a\_01.

## 3. Ofwat Update

- 3.1 SK provided an update, confirming that Ofwat had published a consultation on the Customer Protection Code of Practice (CPCoP) and the consultation window had closed on 9 December. This consultation had highlighted a concern that the changes to the CPCoP should be to focus on ensuring that Retailers engaged with their customers more effectively, for example, before commencing any form of debt recovery action such as disconnection. Ofwat would be publishing their decision on this soon.
- 3.2 Ofwat published a call for input on customer bad debt on 30 November, this would close on 22 January 2021. In addition, Ofwat was hosting a webinar on the same topic on 11 January 2021.
- 3.3 On 11 December, Ofwat published an invitation to tender on the topic of B-MEX. It was noted that B-MEX was a "a financial incentive, to reflect the quality of Wholesale services from an end customer perspective." Ofwat would be looking to obtain consultant input to help Ofwat to develop their thinking around how B-MEX may operate for example in the field of incentives.
- 3.4 In terms of Code changes, SK confirmed that, since the last Panel meeting, Ofwat had published four decisions on code change proposals, three of which were rejected by Ofwat and one was

---

<sup>1</sup> Please note that revised quorum rules were in place following implementation of [CPM022 – Reducing Panel Quorum](#). This change became effective on 7 October 2020.

returned to the Panel to revise and re-submit its final report. Further information on these change proposals were provided in section 8 (Change report) below.

## 4. MOSL Business Update

- 4.1 The MOSL Business Update was taken as read and noted by Panel members.
- 4.2 One Panel member thanked MOSL for the Brexit update within the paper, commenting that they took comfort that MOSL had looked at this and it was confident that there was no specific Market Operator impact.
- 4.3 Another Panel member asked whether the data within CMOS was stored in the UK or whether it was stored in the cloud and whether this had been taken into account. MOSL confirmed that, this had been fully assessed by MOSL and it had been one of the main focus of MOSL's Brexit review; MOSL was confident there were no challenges in relation to this from a Brexit perspective. MOSL further confirmed that, at the moment, data was not stored within the cloud, but MOSL would be taking a proposal forward in the near future to re-host CMOS through the cloud to allow for a more agile response to change to take place.
- 4.4 It was noted that the Strategic User Forum had flagged there was a lack of a clear market map of the existing groups within the market (and what their roles were). Within this context, one Panel member stated that it would be beneficial for the Panel to consider this engagement map in the context of the Market Governance Review. The other Panel members agreed that this would be useful.
- 4.5 MOSL would share the draft market map with the Panel, noting that the map was a work in progress.

**ACTION: A50\_01**

## 5. MOSL Market Update

- 5.1 The Panel noted the MOSL Market update paper which had been circulated in advance of today's meeting.
- 5.2 SW provided a brief overview of the highlights from R-Mex survey results, noting that 14 completed responses had been received (equating to 54% response rate); the respondents accounted for circa 96% of all SPIDs in the market (equating to 93% of market consumption). It was noted that not all retailers responded in respect of all wholesalers; lowering the coverage/response rate.
- 5.3 Some of the areas surveyed included overall service, quality of data and level of communication. The market average market score was 7 out of 10 for each section surveyed.
- 5.4 In terms of "lessons learned", SW explained that Wholesalers were sent their individual results on Monday 7 December and that MOSL would be working with Wholesalers to understand what their plans were in terms of implementing the areas for improvement.
- 5.5 MOSL took on board the feedback received around how the survey was distributed this year (via Netigate), noting there was a call for an Excel based survey to be used instead. In addition,

MOSL was looking at the best times of year to rollout these types of surveys to get the most coverage and responses.

- 5.6 It was noted that MOSL was planning on pulling out key messages from the survey results to be issued to Retailers and Wholesalers in due course.
- 5.7 SK asked whether there was any insight as to why not all retailers had responded in respect of all wholesaler areas within which they operate.
- 5.8 One Panel member asked how improvement areas would be tracked to check how Wholesalers were responding to the observations made by Retailers during this exercise. SA confirmed that some Wholesalers were being very proactive in responding to the feedback received and had already started to develop improvement plans (with regular performance meetings being scheduled) to address the relevant areas.

## 6 Committee Reports

### Disputes Committee (DC)

- 6.1 It was noted that the DC Committee met on 9 December.
- 6.2 The DC Chair noted that the Committee was in the process of migrating over seven historical disputes from the remit of the former Trading Disputes Committee into the DC; it was expected that this would be finalised this week. The reason for the delay was largely due to the Committee having provided two of the parties with the chance to resolve the dispute bilaterally in the first instance.
- 6.3 It was noted that there were ten further new disputes which were escalated to the MO and parties were being given the option to try and resolve the disputes bilaterally. Depending on the outcome, these disputes may appear at the January 2021 meeting.

### General Data Protection Regulation (GDPR) Issues Committee

- 6.4 There was no update from the GDPR Issues Committee, as the Committee is now in suspended state, pending decision from Ofwat on CPM033 – Improved process for managing Data Subject Rights Requests (DSRR).

### Credit Committee (CC)

- 6.5 The Chair of the Credit Committee noted that the Credit Committee had concluded its current work and agreed its findings in relation to Issue 1. The Credit Committee Findings Report on Issue 1 and the Committee's Closure report were discussed under agenda items 10 and 11 below.

### Market Performance Committee (MPC)

The Panel noted the MPC update within the Committee Reports which had been by provided by John Gilbert, the MPC Interim Chair in advance of today's meeting.

## 7 Change Report

- 7.1 In terms of new changes, SB confirmed that [CPW110 \(Sharing non-household emergency contact details\)](#) was raised on 30 November 2020. This change aimed for Wholesalers and Retailers to agree on a common format for the sharing of non-household emergency contact details to bring consistency into the market.
- 7.2 SB explained that, as the change had been received after the deadline for new changes for the December meeting, a plan for its progression would not be presented until the January Panel. However, as input from Wholesalers and Retailers would need to be obtained, and given the timeframe between now and the next Panel meeting (6 weeks), the Panel was asked to decide whether a Panel Sub-group should be created to avoid delay.
- 7.3 It was noted that the Proposer had provided a spreadsheet format for the sharing of this information which had already been reviewed by the RWG Planned and Unplanned Events Sub-group.
- 7.4 One Panel Member noted that the specific topic of sharing of emergency contact details had been discussed by the GDPR Issues Committee in 2017 and flagged that it would be important to revert to the points noted at that particular meeting and to take account of these in any further assessment.
- 7.5 The Panel:
- 7.5.1 **AGREED** (unanimous) that, rather than creating a Panel sub-group, an RWG sub-group would be best placed to support the assessment of [CPW110 \(Sharing non-household emergency contact details\)](#), and develop an agreed format for the sharing of non-household emergency contact details. (11 in favour)<sup>2</sup>.
- 7.6 SB provided an update regarding CPW106 (Deregistration of long-term vacant premises), noting that the consultation window for this change proposal had closed on 9 December with several respondents expressing an opposing view to the proposed solution or offering alternatives. Therefore, these views would need to be considered in further detail.
- 7.7 SB was, therefore, proposing that the Panel approve an amended plan for CPW106, so that the Draft Recommendation Report for this change proposal would be tabled at the 30 March Panel meeting, rather than the February meeting.
- 7.8 The Panel felt that it was important to ensure that this change proposal had undergone a proper assessment.
- 7.9 The Panel:
- **APPROVED** (unanimous) the amended plan for CPW106 (Deregistration of long-term vacant premises) to be presented to the March Panel meeting. (11 in favour).
- 7.10 SB confirmed that CPW085 (Premise Vacant transaction link to DPID) had been sent back by Ofwat the previous week seeking clarification on the service level for terminating Discharge

---

<sup>2</sup> 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.

Point IDs and charging. MOSL was discussing with the Proposer how to take this change forward. A plan would be tabled at the January Panel meeting.

- 7.11 In addition, the Panel noted that the following changes had been rejected by Ofwat:
- 7.12 CPW061 (Unsecured Credit Allowance reflecting payment history) - Ofwat published their decision to reject both the proposed and alternative solutions for this change on 27 November 2020.
- 7.13 CPW086 (Unsecured Credit Allowance – Rebalancing) and CPW088 (Enable Wholesaler and Retailer to update Meter location data and GIS X/Y) – It was noted that the Panel had recommended these two changes for rejection and Ofwat published their decisions to reject these changes on 27 November and 4 December, respectively.
- 7.14 It was noted that a “lessons learned” exercise would be undertaken in relation to CPW061 to identify and assess areas for improvement.
- 7.15 The Panel further noted the update provided in relation to the development of the Bilaterals Programme, in particular the key milestones for delivering code changes and the Programme's extensive governance structure which included extensive industry engagement via advisory groups.
- 7.16 Some Panel members asked for reassurance that Trading Party awareness in relation to the proposed code changes and their implications would be at the forefront of the programme, in particular to ensure there was enough engagement with small Trading Parties.
- 7.17 EJ explained that engagement with all Trading Parties was a key part of the programme and reassured the Panel that the relevant Draft Recommendation Reports for each of the Code Changes that would be presented to Panel would include evidence that the various Advisory Groups (which were made up of Trading Party representatives) had carefully scrutinised the change proposals. He added that Trading Parties which were not members of those Advisory Groups would have the opportunity to review the relevant documents, which would be made publicly available to all for inspection at the earliest opportunity.

## 8 Metering Quarterly workstream update, incl. reflections on prioritisation feedback

- 8.1 JD and MH confirmed the Panel's feedback which had been received on the initial priority areas for the Strategic Metering Review, following the exercise undertaken at the November Panel Workshop. It was noted that the programme's priorities were adjusted to reflect the comments received from Panel members and also comments received from the Panel huddle members. The priorities were also reflective of the Metering RFI survey which was recently undertaken.
- 8.2 As a result of the collective feedback received, a number of the projects included within the medium term priority were moved into the short term priority area; for example the initial stages for both the Metering standards (installation, sizing, technology, etc.) and the review of the 'one-size fits all' approach.
- 8.3 In addition, some general observations were made regarding the short-term activities, such as recommending the review of MPF incentives be implemented as part of Market Performance Framework review. Six “quick start” activities were proposed. This included, for example, the

access and sharing of existing consumption data in the market and an improved process for customer reads.

- 8.4 The Panel discussed which governance structure would be most appropriate to continue to take the metering issues forward. This could be achieved by one of three options; converting the existing huddle into a metering sub-group (with the huddle members automatically becoming members of that sub-group); creating a metering sub-group or creating a metering committee both of which would involve seeking nominations to determine membership.
- 8.5 The Panel felt that creating a Panel committee or a sub-group and seeking nominations to fill vacancies would be a more appropriate direction of travel. The Panel Chair, the Panel Secretary and JD would revert to the Panel with a formal recommendation on the next steps in early 2021 taking into account the feedback received from the Panel today.

**ACTION: A50\_02**

## 9 Credit Committee Report on Issue 1

- 9.1 The Panel took the Credit Committee (the “Committee”) report on Issue 1 as read.
- 9.2 The Panel acknowledged the great degree of work and detail from all involved in drafting this report and were comfortable with its conclusions.
- 9.3 The Panel:
- **NOTED** the Committee’s findings.

## 10 Credit Committee Closure Report

- 10.1 The Panel reviewed the Credit Committee closure report, which outlined the work the Committee had carried out to fulfil its remit and how any future work may be undertaken.
- 10.2 The Panel discussed which governance structure would be most appropriate to take any areas for future work forward (for example whether it should be via a Panel sub-group or a sub-committee).
- 10.3 The Panel:
- **APPROVED** (unanimous) the Committee closure report, confirming that the Committee was, with effect from today, dissolved (11 in favour);
  - **AGREED** (unanimous) to determine the appropriate route for further work (i.e. whether it would be via a Panel sub-committee or subgroup(s)) when such time came to review/undertake the work currently identified in the closure report and/or any new credit matters raised (11 in favour).

## 11 Any Other Business

- 11.1 There being no further business, the Chair closed the meeting.



## Closed Session

### 12 Overview of Key Themes

- 12.1 Satori Board Review, represented by AP and GN, presented an overview of the key themes from the Market Governance Review encountered so far.
- 12.2 Satori confirmed that, as part of the review process, all Panel members had been surveyed and interviewed and the analysis of desktop governance materials had also been undertaken by Satori. In addition, Satori confirmed that they had conducted their analysis on the responses from the stakeholder survey which had been undertaken in November.
- 12.3 It was noted that Satori’s final report, including its final conclusions and recommendations on the Market Governance Review, would be presented to the Panel at its meeting in January 2021.

### 13 Panel Response to the MOSL Business Plan

- 13.1 The Panel reviewed and discussed the draft formal response to the MOSL Business Plan. It was noted that the draft response to the Business Plan was developed by a sub-group of the Panel, which was composed of three Panel members.
- 13.2 The Panel:
  - **APPROVED** (unanimous) its response to the MOSL Business Plan (11 in favour)

### 14 Code Advisory Group (“CAG”) Nominations

- 14.1 An update was provided on the CAG Nominations process. It was noted that three nominations were received; one Retailer and two Wholesalers.
- 14.2 The Panel:
  - **APPOINTED** Ben Storrie to the vacant Retailer position on the CAG (10 in favour; 1 abstained).
  - **APPOINTED** David Seymour to the vacant Wholesaler position on the CAG (10 in favour; 1 abstained).

### 15 Reflections on Meeting 50

- 15.1 The Panel reviewed the effectiveness of today’s meeting, reflecting on what went well and on any areas for improvement with the aim to continue to ensure the ‘smooth’ running of Panel meetings.

### 16 Actions

Action Number	Action
---------------	--------



A50_01	MOSL to share the draft engagement map, which has been shared with the Strategic User Forum, with the Panel. This map contained an overview of the existing groups within the market and what their roles were.
A50_02	Regarding the Metering Review, the Panel felt that creating a Panel committee or a sub-group and to seek nominations would be a more appropriate direction of travel. The Panel Chair, the Panel Secretary and JD would revert to the Panel with a formal recommendation on the next steps in early 2021.