**Water Adoption Panel**

**Meeting on 27 July 2021 at 11.00am via MS Teams (postponed from 8 July due to lack of quorum)**

**In attendance:**

**Victor Olowe – Chair**

**Kate Raybould – Secretary**

**Ben Brownbill – Infrastructure Gateway**

**Dan Borst – Severn Trent Water**

**Nigel Martin – Wessex Water**

**Graham Morley – United Utilities**

**Patrick Daly – P N Daly**

**Robert Perrins – Shropshire Homes**

**James Ball – Anglian Water**

**David Topping – Triconnex**

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|  | **Item** | **Action** |
| 1 | **Introduction and Apologies**  The Chair welcomed members to the meeting, and thanked Panel members for their flexibility in attending the re-arranged meeting. It was noted that the meeting was quorate, with the required number of representatives from both water companies, developers and self-lay providers (SLPs) in attendance. Apologies had been received from Damian Hill and Mark Whitehouse (observer). Ryan Lownds was unable to attend the meeting.  As some Panel members were only available for part of the scheduled meeting time, it was agreed that the agenda would be limited to considering items 1,2,3 and 5. The remaining agenda items would be held over until the next Panel meeting. |  |
| 2 | **Declaration of Interests**  There were no interests to declare from any member. |  |
| 3 | **Waiver of notice and publication period**  The meeting had been convened urgently in order for the Panel to consider four change proposals that had been submitted to the Panel. In light of the urgent nature of the meeting, all members gave their consent to the waiver of the notice period for the meeting and the publication period in relation to the change proposals in accordance with the Panel’s Terms of Reference. |  |
| 5 | **Change proposals**   1. **Southern Water**   The Panel considered the change proposal submitted by Southern Water regarding the change of Level of Service (‘LOS’) Metric S2/2B from a stop/start “chess clock” metric to a re-start metric. It was noted that the current approach is in line with other measures under the Developer Services Measure of Experience (‘D-Mex’), which are intended to reduce delays for developers and SLPs. However, it can cause difficulties if an applicant is unable to submit a compliant submission, particularly the associated constraints of consideration of redesigns and some water companies have introduced a resubmission fee to try to address this issue.  The Panel noted that there are also wider issues of the clarification and enforcement of companies’ design codes; while the metric itself may be suitable, it was noted that there was variation in how it was applied. In addition, there may be other ways to resolve the issue than the current proposal including better engagement with the relevant SLPs to solve this issue.  After discussion, it was agreed that the Panel required more information on the scale of the issue raised in the proposal before it could make a decision on a recommendation to Ofwat. The Secretary will ask Southern Water to provide more evidence in support of the proposal.   1. **Fair Water Connections**   The Panel considered the change proposal submitted by Fair Water Connections (‘FWC’) regarding making section 9 of the adoption agreement in relation to the highway authority notification compliant and removing street work opening barriers to connection competition.  The Panel agreed that the two issues raised in the proposal should be considered separately even though they might be related.  In respect of the adoption agreement, it was noted that there was an apparent inconsistency between the adoption agreement and the highways legislation, and while the proposed amendment would address this, the Panel needed to be mindful that the amendment did not inadvertently create other issues within the adoption agreement particularly if this is not a widespread issue. In light of this, it was agreed that the proposal should be referred to the Water UK Lawyers’ Network to seek their views on the legal issues and, subject to the outcome of this, the Panel would consider whether to take external legal advice on the proposal.  In respect of the competition issue, it was noted that to some extent this was a commercial issue and there are some opportunities for water companies to explore this with SLPs to establish mutually beneficial arrangements possibly underpinned by agreed criteria to use the undertaker’s licence.  The Panel was unclear whether the issue would fall under the Panel’s remit as it concerns potential legal issues around competition. It was therefore agreed that this question would also be referred to the Water UK Lawyers’ Network.   1. **Fair Water Connections**   The Panel considered the change proposal submitted by FWC in respect of clarifying responsibility for incoming water quality in LOS SLPM – S4/1 (Source of Water Delivery Date). It was noted that the proposal had been submitted less than 15 days before the meeting but had nevertheless been accepted and published on the Panel’s website.  It was noted that the onus was on the water company to test the main and that there was scope for this to be clarified in the Code documentation. However the Panel suggested a cautious approach as the aspects of the proposal relating to the redress are covered separately within the Code documentation. After discussion, it was agreed that the Panel would consult with the Water UK New Connections Committee on the water quality aspects and the Lawyers’ Network on the potential legal implications of the proposed change on the sector guidance and adoption agreement.   1. **Affinity Water**   The Panel considered the change proposal submitted by Affinity Water in respect of LOS SLPM – S5/1a – ‘within 14 calendar days from receipt of all valid test results and paperwork complete the Final Connection’.  It was noted that in effect test results were only valid for 14 days and there was an inconsistency between the adoption agreement and the validity period of the tests. The proposed change would mitigate the legal risks of companies working with tests outside of the validity period.  After discussion, it was agreed that the change should be recommended but that the form of words proposed could be improved to clarify that companies could not be held to deliver the connection outside of the validity period and that the 14 day period is the maximum period permitted. The Panel would suggest proposed wording to the Secretary. | Speak to Southern (KR)  Speak to WUK (KR)  Speak to WUK (KR)  Speak to WUK (KR)  Suggest wording (all) |