



Ofwat board

Meeting held on Thursday 17 September 2009

Members in attendance

Chairman:

Philip Fletcher

Chief Executive:

Regina Finn

Non-Executive Directors:

Jane May

Peter Bucks

Penny Boys

Gill Owen

Mike Brooker

Executive Directors:

Keith Mason

Cathryn Ross

Apologies:

None

In attendance:

Huw Brooker	(Director of Legal Services and Board Secretary)
Ian Stephens	(Minutes)
Andrew Dunn	(Director of Consumer Protection) items 3, 7, & 8
Mike Jarema	(Acting Head of Customer Charges) item 3
Sue Cox	(Head of Service & Performance) item 3
George Day	(Director of Network Regulation) items 3, 7, 8 & 12
Rob Ashley	(Director of External Affairs) items 3, 7, 8, 11 & 12
Mandy Taylor	(Senior Legal Advisor) items 4 & 5
Roger Dunshea	(Director of Operations) items 5, 7 & 8
Paula Bennett	(Freedom of Information Rights Practitioner) item 5
Mark Snow	(Enforcement Policy Analyst) item 6
Louise Bickley	(Head of Publications & Digital Media) item 7
Dylan Spedding	(Contents Editor) item 7
Ingrid Olsen	(Head of Enforcement Policy) items 7, 8 & 12
Simon Less	(Director of Competition Reform Programme) item 9
Elaine Baker	(Senior Manager New Appointments) item 10
Dan Mason	(Case Manager) item 10
Mark Hann	(PR09 Policy Co-ordinator) item 11

1. Declarations of interest

1.1 None.

2. Minutes and actions arising

2.1 The Board approved minutes of the meeting of 16 July 2009. The minutes would be published on the Ofwat website.

3. Sign-off of Ofwat's response to Walker Review

3.1 The Board discussed and agreed Ofwat's response to the Independent Review of Charging for Household Water and Sewerage Services interim report. The Board delegated the final sign-off of the document to Regina Finn.

4. Sign-off Terms of Reference for New Appointments committee

4.1 The Board approved terms of reference for its New Appointments committee and a minor consequential amendment to the Board's rules of procedure.

4.2 The Board also confirmed the membership of its three committees (Audit, Remuneration and New Appointments) along with the length of the relevant appointments.

4.3 The information would be published on the Ofwat website.

5. The 'qualified person' for the purposes of s36 of the Freedom of Information Act 2000

5.1 The Board noted that Ofwat's Chief Executive was the "qualified person" for the purposes of s36 of the Freedom of Information Act 2000.

6. CA98 Prioritisation Principles

6.1 The Board discussed, and agreed for consultation, prioritisation principles for use in relation to the Competition Act 1998 (CA98).

6.2 The Board agreed that revised CA98 guidance be published on the Ofwat website.

6.3 The principles and the guidance would be published alongside a document setting out Ofwat's response to responses received to a December 2007 consultation on CA98 guidance issued jointly with OFT.

7. Refreshed Ofwat strategy

- 7.1 The Board discussed and provided comments on a draft refreshed Ofwat strategy, which would be published in spring 2010.

8. Future Regulation

- 8.1 The Executive gave the Board a presentation on proposed work programmes to review how regulation may develop in the future. The Board discussed the programme, noted the timetable and implications and that this would be included in the Strategic Business Plan.

9. Pre-legislative market reform measures

- 9.1 The Board discussed and agreed with the proposed approach and timetable for introducing market reform effects.

10. Principles for revised statement of policy on new appointments and variations

- 10.1 The Board discussed and approved for consultation Ofwat's policy statement on new appointments. The Board delegated the final sign-off of the document to Regina Finn and Philip Fletcher.

11. Update on PR09 issues – moving from DD to FD

- 11.1 The Executive updated the Board on initial reactions to Ofwat's draft determinations and the process and timetable leading up to final determinations.

12. United Utilities – Penketh undertaking

- 12.1 The Executive updated the Board on United Utilities' section 19 Water Industry Act 1991 undertaking in relation to sewer flooding in the Penketh area in advance of taking further proposals to the October Board meeting.

13. Chief Executive's report

- 13.1 The Board received an update on key issues. These included:
- The Thames Tideway project.
 - The timetable for the Party Conferences.

14. Any other business

- 14.1 The Board welcomed the opportunity to meet with Ofwat staff who had received an outstanding performance award.
- 14.2 The Board discussed and agreed its involvement in ensuring that company representations on draft determinations are addressed.

Ian Stephens

17 September 2009