THE OFFICE OF RAIL AND ROAD
189TH BOARD MEETING
Tuesday 22 February 2022, 09:30 – 13:00
At 23 Stephenson Street, Birmingham, B2 4BH
and by MS Teams

Non-executive members: Declan Collier (Chair), Stephen Glaister, Madeleine Hallward, Bob Holland, Justin McCracken, Anne Heal, Catherine Waller, Daniel Ruiz, Xavier Brice

Executive members: John Larkinson (Chief Executive) Ian Prosser (Director, Railway Safety) *(both by Teams)*

In attendance: Feras Alshaker (Interim Director of Planning and Performance), Dan Brown (Director, Economics, Markets and Strategy), Russell Grossman (Director of Communications), Vinita Hill (Director, Corporate Operations) Tess Sanford (Board Secretary) Elizabeth Thornhill (General Counsel), Stephanie Tobyn (Director Scotland and White Paper Mobilisation)

Other ORR staff who attended on line are shown in the minutes.

Item 1   WELCOME AND APOLOGIES FOR ABSENCE

1.   The Chair welcomed everyone to the meeting of the ORR Board and to the Birmingham office of the ORR.

Item 2   DECLARATIONS OF INTEREST

2.   No new interests were declared as relevant.

Item 3   APPROVAL OF PREVIOUS MINUTES AND MATTERS ARISING

3.   The board approved the minutes of its meeting in January 2022 subject to two corrections.

4.   The board noted the actions outstanding and the reasons they had not yet been completed.

Item 4   CHIEF INSPECTOR'S MONTHLY REPORT

5.   Ian Prosser briefed the board on incidents under investigation and potential prosecutions. He reported good progress in most regions towards eliminating unassisted lookout working and on targeted inspections to check progress in the rest.

6.   Ian described progress on: pre-operation testing at Crossrail where the Board welcomed the focus on accessibility, the report on Class 800 cracking, and ORR's consultation on [unmanned/unstaffed] train operations (UTO).

7.   Following a great deal of work by the CTSA with the applicant, the IGC had now given consent to Eurotunnel for the full commercial operation of Eleclink.

8.   The board asked who had done the historic risk assessment for an over-track gas pipeline, and why the data showed there had been a time lag on NR reporting fatalities under RIDDOR.   Ian undertook to respond to both these questions before the next meeting. [Action 02/01]

9.   The board also noted the differing approaches to civic space and tram operations in cities and queried whether there was enough sharing of good practice between operators and their authorities.

10.   The board asked about train driver welfare, particularly scheduled breaks and toilet facilities.

11.   The board asked about the implications of the proposed Network Change and its potential impact on rail passengers and freight if it lengthened possessions. Ian explained that ORR did not approve these changes and that NR would be consulting on them to secure industry consensus.

Item 5 CHIEF EXECUTIVE'S REPORT

12.   John Larkinson updated the board on senior staffing plans, recent storms and rail reform and took questions on the written report.

This report (paras 13-23) is redacted from the published version as time-sensitive and covering confidential issues.

Item 6   HIGHWAYS MONITOR

24.   This paragraph is redacted from the published version as time-sensitive and covering confidential issues.

25.   The board discussed the 10 minute response time target for patrol officers on smart motorways and the importance of this to the public perception of safety. It would be hard to deliver in some areas because of congestion and resource availability. The board asked whether the analytics used in temporary roadworks was compatible with that used on ALR motorways. [Action 02/03 – Feras Alshaker]

26.   He also reported on discussions with DfT on: the TSC recommendations, the commissioning of a year 2 progress report on assurance of statistics, and a reminder of ORR's offer of expertise on road pricing policy development.

27.   The board discussed the slow rate of spend in RIS2 and the reasons for the delay, some of which was around government delays to DCOs. They discussed the impact on the supply chain and potential drift into RIS3. It would be important for these risks to be recognised by organisations such as the MPA and NIC and ORR should consider discussing these matters with them [Action 02/04 – Feras Alshaker].

28.   The board noted that NH was forecasting missing its KPI on biodiversity and that the air quality KPI had been revised by DfT and discussed DfT's revision of the air quality KPI. A paper on biodiversity would be brought to the next Highways Committee.

Item 7   PR23 UPDATE

Siobhán Carty and Carl Hetherington joined remotely for this item.

29.   Dan Brown set out the programme for PR23 highlighting pinch points and planned board discussions and decisions. Siobhán Carty set out the challenge for ORR of giving advice to ministers based on ORR's deep expertise and understanding of the long term needs of the network and users. There would be a very tight fiscal environment so all proposed spend would need to be carefully scrutinised and justifiable. Short term measures, such as deferral on renewals, might have disproportionate financial costs over the longer term.

30.   The board discussed the scope of the funding settlement and the extent to which it would fund environmental objectives. The board noted it would not include decarbonisation delivered through electrification funding (which was counted as enhancement) but would need to address weather resilience.

31.   The board discussed the different pressures and priorities set by Transport Scotland.

32.   The board noted the update.

Item 8   PR23 – CHARGES AND INCENTIVES

Will Holman, Katherine Brownstein, Giulia Gamberale, Carl Hetherington, Ruth Luxford, Laura Majithia and Joe Quill joined remotely for this item

33.   Will Holman introduced the item commenting that the Schedule 8 and Schedule 4 regimes resulted in significant sums of money changing hands, often over £100m per year. Different parties in the industry had strong views about possible options.

34.   The board discussed the paper, noting the ongoing importance of Schedule 8 in protecting open access and freight operators.

35.   The board felt strongly that the industry needed to understand what caused each delay and which party to attribute it to if it was to be able to manage and deliver better future performance. The data would also support ORR and governments to hold GBR/NR to account. Some system of delay attribution was required by the regulations so it could not be easily scrapped as some had suggested. It was noted however that there might be a different, less costly way of recording delay.

36.   The board agreed the policy direction set out in the paper.

Item 9   NETWORK RAIL – MANAGEMENT OF EARTHWORKS

Anna O'Connor joined remotely for this item.

37.   Ian Prosser described progress to date by Network Rail stressing that there was still more to do to deliver intelligent management of earthworks so that the individual risks could be better managed – either by remote monitoring or by agile traffic management in response to local conditions. Closing the network during severe weather was one response, but it disrupted passengers and was not always proportionate.

38.   Anna O'Connor described the operational issues for NR in balancing risk and passenger impact. The board challenged whether a properly robust approach was being taken by ORR to drive NR to address improvements urgently. The board discussed the challenge of consistency across a devolved organisation, cost pressures, available data and options for enforcement. They noted that the Track Worker Safety programme had clear leadership and corporate focus and seemed to be delivering good outcomes. This nationwide problem was more varied across the regions and the response did not have the same cohesion. The board was reassured that Network Rail's board were receiving quarterly reports on progress against the Mair and Slingo recommendations.

39.   Ian Prosser said he would revert to NR suggesting a long term programme approach with clear priorities and credible milestones for progress. The issue would also remain on the agenda for high level meetings at CEO level. [Action 02/05 Ian Prosser], While some progress was acknowledged by the board, there was a sense that more could be done. It was agreed that their concern should be evidenced by a site visit to better understand the operational challenges. [Action 02/06 - Secretariat]. The board asked whether other countries had anything to teach the UK but UK is working with structures of significant age and often unknown construction.

Item 10 COMMUNICATIONS STRATEGY

Kirsty McCaskill-Baxter, Adele Potter, Riccardo Robertson and Jennifer Webber, joined remotely for this item.

40.   Russell Grossman described the updated strategy which built on existing successes and he described the importance of striking the right tone and agility in a changing environment. He outlined plans for continuing engagement with Parliament.

41.   The board welcomed the report and update and noted that a higher profile would be appropriate after the consultation on rail reform had been published. The non-executive members asked for guidance on social media use and a workshop would be arranged. [Action 02/07 – Russell Grossman] The board noted the useful briefing on mythbusting and daily news updates.

Item 11 RAIL REFORM

Rob Cook, Martin Jones joined remotely for this item.

42.   Dan Brown reported on current work in hand, particularly to support DfT in drafting the legal framework for the licence for GBR. This would be subject to consultation in due course.

Item 12 REFLECTIONS ON VISITS AND DINNER

43.   Board members had found the visits the day before very informative and sent their thanks to their hosts.

44.   The dinner had also been successful with a good range of senior guests. Members shared feedback on areas of interest.

45.   The board asked for the idea of a London stakeholder dinner to be pursued and noted that further regional visits were planned for May and October. [Action]

Item 13 ANY OTHER BUSINESS

46.   Declan Collier reported on his recent external meetings.

47.   The board noted the Items below the line.

ends