

## **THE OFFICE OF RAIL AND ROAD**

### **238<sup>th</sup> BOARD MEETING**

**Tuesday 24 February 2026, 09:00 – 14:50**

**At Stanton House Hotel, The Avenue, Stanton Fitzwarren, Swindon SN6 7SD**

**Non-executive members:** Declan Collier (Chair), Xavier Brice, Lindsey Fussell, Madeleine Hallward, Anne Heal, Ann Metherall, Daniel Ruiz, Catherine Waller.

**Executive members:** John Larkinson (Chief Executive), Richard Hines (Director of Railway Safety).

**In attendance:** Feras Alshaker (Director of Planning and Performance), Fiona Bywaters (Board Secretary), Will Godfrey (Director of Economics, Finance and Markets), Russell Grossman (Director of Communications), Liz Herridge (Chief Operating Officer), Graham Richards (Director, TfL Analysis), Liz Thornhill (General Counsel), Stephanie Tobyn (Director, Strategy, Policy and Reform).

*Other ORR staff who attended are shown in the minutes.*

#### **Item 1 WELCOME AND APOLOGIES FOR ABSENCE**

1. The Chair welcomed everyone to the meeting.
2. Apologies for absence were received on behalf of Ian Dobbs (Non-Executive Director).

#### **Item 2 DECLARATIONS OF INTEREST**

3. It was noted that Ann Metherall (AM) had previously registered a current interest in relation to her role as a trustee of Clifton Suspension Bridge, relevant to item 5. In accordance with Annex B of the Board Rules of Procedure, she would not participate in the discussion and had not received the relevant sections of the paper. AM would also recuse herself from any discussion pertaining to Avanti (item 4) due to previous access to confidential information.
4. Brief reference was made to other previously declared interests, including: AM and the secondment of a family member (item 10); Madeleine Hallward (MH) and consultation for DP World (highways functions); and Catherine Waller (CW) where Systra was a member of ITSO (item 11). As there was no suggestion of bias, the Board agreed to their participation as appropriate.

#### **Item 3 APPROVAL OF PREVIOUS MINUTES AND MATTERS ARISING**

5. The minutes of the meeting held on 27 January 2026 were approved.
6. A brief update was provided on actions arising and completed from previous meetings.

**Item 4 CHIEF INSPECTOR'S MONTHLY REPORT**

7. Richard Hines (RH) introduced the report, highlighting that the new trainee Inspector cohort had now started and many Board Members had opportunity to meet them at the recent staff conference.
8. Further detail was provided in respect of:
  - An update on speeding, where a recent letter to dutyholders on the management of catastrophic train accident risk on the mainline network had been annexed to the report;
  - Progress on an intervention concerning Network Rail structures examination and assessment non-compliance, with an independent reporter commission (instructed by Planning and Performance colleagues) anticipated to complete in the summer;
  - Network Rail's compliance with an Improvement Notice on welding fumes, and acceptance of an Improvement Notice on Hand Arm Vibration Syndrome risk;

*The following bullet point is redacted from the published version as it relates to proposed or ongoing enforcement action:*

  - [...];
  - A ruling from the Coroner confirming that ORR's prior role would be examined as part of the Margam Inquest;
  - The Eurotunnel prosecution, from which the original Judge had been recused, and where the case would be in court for sentencing the next week;
  - A recent fatality at Tyseley depot, on which further detail was expected and would be included in the next report; and
  - A letter received from the Minister for Rail, regarding working together on the reduction of age for train driver licencing.
9. Following questions from the Board, further discussion focussed on:
  - Management of structures, with the Board expressing concern at whether the previously-imposed deadline would be met by the dutyholder (whilst recognising interconnections with the supply chain and availability of relevant expertise) and suggesting that the Chief Executive make DfT aware as appropriate;

*The following bullet point is redacted from the published version as it contains information thought to be sensitive:*

  - [...];
  - Trauma workshops for colleagues who may be required to respond to operational railway incidents, which were welcomed by the Board; and
  - Issues highlighted in the report with First Rail Limited's application for a Safety Certificate and Safety Authorisation as to its timeliness and completion.

## **Item 5 CHIEF EXECUTIVE'S REPORT**

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

10. [...]

## **Item 5B RAIL REFORM [ORAL UPDATE]**

14. Stephanie Tobyn (ST) provided a brief update on rail reform, referring to the recent report of the Transport Select Committee and anticipated legislative timelines.

## **Item 6 NATIONAL HIGHWAYS PERFORMANCE**

15. Feras Alshaker (FA) introduced the report, referring to the recent resignation of National Highways' Chief Executive and DfT's final stages of preparing the third road investment strategy (RIS3). Further detail was also provided regarding National Highways' publication of 17 post-opening project evaluation (POPE) reports that provided an evaluation of how enhancement schemes are performing against their objectives.

*The following paragraph is redacted from the published version as it contains information thought to be sensitive:*

16. [...]

17. **The Board noted the contents of the performance update.**

*The Board adjourned for a short break.*

## **Item 7 ANNUAL ASSESSMENT OF SAFETY PERFORMANCE ON THE STRATEGIC ROAD NETWORK**

*Rachel Gittens (Deputy Director, Strategic Road Network) and Iain Ritchie (Head of Highways Safety and Performance) joined the meeting for item 7 (via MS Teams).*

18. Feras Alshaker (FA) introduced the report and thanked the Highways Committee for its previous comments and contributions. The Board was invited to comment on the Executive Summary of the Annual Assessment of Safety Performance on the Strategic Road Network at Appendix A. Each key message was introduced and discussed in turn, with the key areas of focus covering:
- National Highways' performance against the RIS2 safety key performance indicator;
  - The effectiveness of safety systems on smart motorways; and
  - The effectiveness of the smart motorway action plan in reducing the frequency and duration of live lane stops.
19. The Board asked questions of clarification and provided feedback on the phrasing and framing of the draft key messages. Subsequent discussion

focussed on the rollout of technology and the associated supply chain under key message 2, as well as the data associated with key message 3.

20. The feedback was noted and would be incorporated as appropriate prior to publication.

#### **Item 8            MONITORING AND ENFORCEMENT POLICY – HOLDING NATIONAL HIGHWAYS TO ACCOUNT**

*Rachel Gittens (Deputy Director, Strategic Road Network) and Gary Taylor (Highways Regulatory Policy Adviser) joined the meeting for item 8 (via MS Teams).*

21. Feras Alshaker (FA) introduced the report and noted feedback provided in advance of the meeting, including comment by correspondence from the Highways Committee, which would be taken into account as appropriate.
22. An additional area of discussion pertained to the matter of debris and litter on the strategic road network, including potential safety implications. Reference to this consideration could be incorporated into an upcoming paper to the Highways committee, due at its March meeting.
23. **The Board resolved that:**
  - a. **The revised policy for holding the strategic highways company to account be approved; and**
  - b. **Authority be delegated to the Director of Planning and Performance for final sign-off of the revised Holding to Account Policy, for non-substantive changes needed to finalise the square bracketed items.**

#### **Item 9            ORR LICENCE INVESTIGATION INTO NORTHERN TRAINS LIMITED**

*Jacqui Russell (Head of Consumer), Samantha McClelland-Hodgson (Policy and Enforcement Manager) and Siân Jefferies (Senior Legal Adviser, via MS Teams) joined the meeting for item 9.*

24. ST introduced the report and briefly provided a contextual background of the licence investigation into Northern Trains Limited ('Northern'), relating to compliance with its Accessible Travel Policy (ATP) commitments on staff disability awareness training.
25. Jacqui Russell (JR) introduced the three recommendations to the Board for their decision and invited questions of clarification. Initial discussion related to understanding the harm to passengers, how non-compliance was detected, and performance over time in respect of passenger assistance.
26. The Board first discussed whether Northern had contravened Condition 5 (Accessible Travel Policy) of both its Station Licence and GB Statement of National Regulatory Provisions: Passenger, and whether it continued to do so. Particular consideration was given to the question of whether the breach was considered ongoing. Whilst it was acknowledged that Northern had an action plan to deliver compliance with Condition 5, the Board nonetheless noted that

full implementation was outstanding at present, with final actions anticipated for completion in July 2026 to deliver the nine outcome areas put forward by ORR.

27. The Board noted the investigation findings, Northern's submission of 17 December setting out its improvement plan and offer of reparations, representations, and Northern's response of 4 February to the Case to Answer letter. Having considered all relevant circumstances including all the evidence, representations, the economic enforcement policy and penalties statement and section 4 duties:

**The Board resolved that Northern Trains Limited ('Northern') be found to have contravened, and be contravening, Condition 5 (Accessible Travel Policy) of both its Station Licence and GB Statement of National Regulatory Provisions: Passenger.**

28. As a current breach had been identified, it was outlined that the Railways Act 1993 obliged the imposition of a final order specifying provisions considered requisite for the purpose of securing compliance, unless an exception was deemed to apply. Such an exception would apply if the Board were satisfied that Northern 'has agreed to take, and is taking, all such steps as it appears to the appropriate authority for the time being to be appropriate for the relevant operator to take for the purpose of securing or facilitating compliance with the condition or requirement in question'.

*The following paragraph [text in square brackets] is partially redacted from the published version due to legal privilege:*

29. The Board enquired as to what would happen were Northern not to deliver upon the commitment it had made via its action plan, and if there were no order in place. [...]
30. The Board considered the deliverability of Northern's action plan (particularly given challenges relating to rostering to attend training) and the proportionality of making an order given the timeline of outstanding actions.
31. The Board noted the plan that Northern had put forward with the stated objective of delivering compliance with Condition 5 (ATP) of its licences, and its progress to date in its delivery. Having considered the exceptions under the Act:

**The Board resolved that ORR not make an order under section 55 of the Act as:**

- a. **Northern had agreed to take, and is taking, all such steps as appear appropriate to ORR for the purpose of securing or facilitating compliance with its ATP commitments relating to disability awareness training; and**
  - b. **ORR is satisfied that an enforcement order would not, at this stage, deliver a better result than would be achieved by delivery of Northern's improvement plan.**
32. The Board requested that the reasoning behind the decision not to make an order be made clear in its communication, and that this would not prevent any future investigation were the action plan not fully implemented.

33. The Board turned to the final recommendation and considered its discretionary power to impose a reasonable financial penalty for a current breach, if it were considered appropriate. It was explained that further to consideration of the Macrory principles, the case for imposing a financial penalty was perceived as relatively weak.
34. Reference was made to the package of reparations proposed by Northern, and the Board discussed the deliverability of its diverse content, such as a weekend of free travel for disabled railcard holders – which would need to be carefully planned and where there was a delivery date of end July.
35. Questions of clarification were also raised regarding the financial penalties available to the Board, noting the differences to a scenario where an order were in place.
36. Having considered the economic enforcement policy and penalties statement, including the Macrory principles, and Section 4 duties:  
**The Board resolved that a penalty was not appropriate, taking into account the steps that Northern is already taking to secure future compliance, the dependency on public funds, and the package of reparations offered.**
37. The Board noted the communication and handling considerations outlined at paragraph 8.

#### **Item 10      MONITORING TRANSPORT FOR LONDON**

38. Graham Richards (GR) introduced the report and briefly provided a contextual background of work to date in respect of Transport for London (TfL), as well as the proposed role monitoring TfL's latest funding settlement (01 April 2026 to 31 March 2030).
39. It was noted that ORR had been advising the Secretary of State under section 51 of the Railways Act 2005 to date, but that the preference remained for a legislative amendment to be made in order to expressly allow for advice on any mode of transport, rather than just rail (which would be reiterated to DfT).
40. JL confirmed in his capacity as Accounting Officer that he was content to continue work in this area on the basis of the letter of comfort from the Permanent Secretary (DfT) and the Board considered the prospect of enabling legislation to be reasonable at present.
41. **The Board resolved that ORR taking on a new role monitoring Transport for London's (TfL's) latest funding settlement (01 April 2026 to 31 March 2030), the proposed approach, reporting arrangements and next steps, be approved.**

*The Board adjourned for lunch.*

## Item 11      **ORR FINDINGS ON REVENUE ABSTRACTION**

*Martin Jones (Deputy Director, Access & International), Gareth Clancy (Head of Access & Licensing) and Ariful Khan (Regulatory Policy Manager) joined the meeting for item 11 via MS Teams.*

42. JL introduced the report and confirmed that since circulation of the agenda, an update on DfT's response to the recommended course of action on revenue abstraction remained outstanding. Given the importance of making an appropriately informed decision, the report recommendations were withdrawn and it was proposed that a letter seeking clarification be sent to DfT, before returning to the Board. Such a letter would report on ORR's findings on revenue abstraction, and confirm ORR's position that the current policy would remain in place unless DfT requested otherwise (and subject to the relevant consultation and decision-making processes).
43. The Board discussed the origin of the work on revenue abstraction, which had been undertaken in order to fulfil a request from DfT to strengthen clarity around ORR's understanding of cumulative scale and impacts of revenue abstraction when assessing open access applications. The Board also recognised that any proposal to amend access policy would require consultation and noted Appendix 2 of the report (outlining current open access applications submitted to ORR).
44. It was confirmed that the current policy and established case-by-case approach on open access decisions would remain in place, unless formally determined otherwise, and that DfT could continue to make representations on individual applications, and, that it remained open to the Secretary of State to issue new guidance.
45. **The Board resolved that a letter be sent to DfT seeking an update further to their request to strengthen clarity around ORR's understanding of cumulative scale and impacts of revenue abstraction when assessing open access applications.**

## Item 14      **REPORTS FROM COMMITTEES**

46. Item 14 was taken in advance, and RH reported on the meeting of the Railway Industry Health and Safety Advisory Committee held on 5 February (given the apologies of its chair, Ian Dobbs). Matters discussed had included the Chief Inspector report (touching on issues raised under item 4), a risk profiling update (amending material presented at the December meeting of the Health and Safety Regulation Committee), and handling of SPADs overseas, as well as a rail reform update.
47. The Chair provided a recap of the Board Strategy day held the day prior, and reiterated the Board's support to the Executive in recognition of the need for transformation, in light of rail and other reforms. Such a programme would focus on current and future capability, capacity, configuration and culture, to which a clear internal and external communications strategy would be key. A member of the executive would be confirmed as leading the transformation programme.

48. It was proposed to formally establish a Board Committee focussed on Transformation and schedule its first meeting **[Action 02/01]**. Members of the committee would comprise Lindsey Fussell (Committee Chair), Declan Collier and Anne Heal. It was also requested that a further strategy session of the Board be scheduled to continue discussions **[Action 02/02]**.

## **Item 12      EXTERNAL BOARD EFFECTIVENESS REVIEW – FINAL REPORT**

*Jo Clift and Janice Prentice (RedQuadrant) joined the meeting for item 12 via MS Teams.*

49. Declan Collier (DC) introduced the item as Chair of the Board and invited RedQuadrant to present the findings of their independent board effectiveness review to the Board. This had concluded that the ORR Board was “a high performing board” with “highly competent, skilled and resilient” board members and that it was “well prepared and well-placed in terms of dealing with future change, and the Government’s regulatory reform agenda.”
50. The Board welcomed the presentation and thanked RedQuadrant for their insight and recommendations to further improve effectiveness. Further discussion focussed on board culture and dynamics, how to best measure and understand progress against strategic objectives, size and composition of the Board, and committee structure. RedQuadrant was invited to follow-up with any advice on externally-facilitated relationship-building sessions and any examples of best practice in terms of mechanisms for median level KPIs.
51. The reviewers offered highly positive feedback regarding the Board Secretariat’s work, with which the Board agreed.
52. The Board Secretary outlined next steps which included publication of the report and sharing it with DfT, in line with the Cabinet Office guidance ‘Board effectiveness reviews: principles and resources for arm’s-length bodies and sponsoring departments’. The Board Secretariat would prepare an action plan for agreement with the Chair and to be shared with the Board.
53. **The Board noted and endorsed the findings and recommendations of the external board effectiveness review 2025/26.**

## **Item 13      CANDIDATE MARKETS FOR MARKET REVIEW OR STUDY**

*Jennifer Genevieve (Deputy Director, Periodic Reviews & Competition), Steve Armitage (Head of competition economics, via MS Teams) and Russell Niven (Principal Manager Competition, via MS Teams) joined the meeting for item 13.*

54. Will Godfrey (WG) introduced the report and outlined the recommendations, with Jennifer Genevieve (JG) providing further contextual information on the candidate markets and relevant timelines.

*The remainder of the item is redacted from the published version as information thought to be sensitive.*

55. [...]

**Item 15      ANY OTHER BUSINESS**

- 60. Catherine Waller (CW) informed the Board of her attendance at a recent Railway 200 event.
- 61. The Board noted the dates of the next meetings and items below the line, namely: the Board forward programme and committee minutes approved since the last meeting.

**Item 16      REFLECTION ON THE MEETING**

- 62. Following the departure of the Executive in attendance, the Non-Executive Board Members then evaluated the effectiveness of the meeting and the preceding strategy day.
- 63. **[Restricted Minute]**

Meeting end: 2.45pm  
Approved: 24 March 2026