

THE OFFICE OF RAIL AND ROAD

223rd BOARD MEETING

Tuesday 26th November 2024, 08:10 – 11:30

Leonardo Royal Hotel Southampton Grand Harbour, West Quay Road,
Southampton, SO15 1AG

Non-executive members: Declan Collier (Chair), Justin McCracken (Deputy Chair), Xavier Brice, Madeleine Hallward (via MSTeams), Anne Heal, Bob Holland, Daniel Ruiz.

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

In attendance: Fiona Bywaters (Board Secretary), Feras Alshaker (Director of Planning and Performance), Will Godfrey (Director of Economics, Finance and Markets), Russell Grossman (Director of Communications) Vinita Hill (Director, Corporate Operations), Graham Richards (Director, TfL Analysis), Elizabeth 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. Apologies for absence were received on behalf of Catherine Waller.

Item 2 DECLARATIONS OF INTEREST

2. There were no declarations of interest.

Item 3 APPROVAL OF PREVIOUS MINUTES AND MATTERS ARISING

3. The minutes of the meetings held on 16 and 22 October 2024 were agreed, subject to a minor amendment to paragraph 53 on the latter to clarify that “Anne Heal would become Deputy Chair *at the end of Justin McCracken’s Term.*”
4. A brief update was provided on actions arising and completed from previous meetings. Actions 09/04 and 10/01 had been completed since the circulation of the agenda.

Item 4 CHIEF INSPECTOR’S REPORT (MONTHLY)

5. Richard Hines (RH) introduced the report, including the headline summaries referring to: the train collision incident that occurred at Talerddig; management of cracked crossings; and the proposed reciprocal membership Memorandum of Understanding between ORR and IOSH.
6. With regard to the incident at Talerddig, RH provided an overview of emerging findings from the investigation which had principally indicated issues relating to adhesion and sanders, as well further lines of enquiry regarding emergency

communication with the signaller, ECTS, and driving style. A further update would be provided at the next meeting of the Health and Safety Regulation Committee (HSRC) in December, under discussion of the Prior Role Review.

7. With regard to the management of cracked crossings, RH referred to changes that had been made within Network Rail's North West & Central Region without a suitable and sufficient risk assessment. The approach had since ceased, but led to some concerns about tone and culture in handling the incident, which had consequently been raised by ORR in an open discussion at Network Rail's Safety, Health and Environmental Compliance Committee. The Board referred to a previous incident at Colton Junction, however RH confirmed that there were distinct issues from those now reported.
8. Further update and discussion of the report related to:
 - The joint Health and Safety / Consumer team led stranded trains workshop event, to be held with Transport Focus in Birmingham on 15 January 2025, which Anne Heal offered to attend as a Non-Executive Director representative.
 - Changes made by Transport for London to rail control arrangements by moving strategic communication and coordination for all rail modes to one location. This was confirmed to include the London Underground.
 - The shut-down of the ElecLink interconnector on 25 September 2024 following a cable fault outside the French tunnel portal, and support in the tunnel. The Board noted the disappointment that neither the IGC or Channel Tunnel Safety Authority (CTSA) were informed of the issue until mid-October 2024.
 - The welfare concerns raised by the ASLEF 'Dignity for Drivers' report, which had been circulated to the Board alongside a response letter from the Director of Railway Safety.
 - An Improvement Notice served on the Crich Tramway for failure to manage overhead line equipment.
 - The Improvement Notice served on Avanti West Coast in July 2024, which was under appeal and listed for a Preliminary Hearing in April 2025. Assurance was provided of ongoing work with the dutyholder in the interim.
9. The Chair also drew the Board's attention to the report section on safety assurance of the Rail Transformation Programme and associated risks, particularly in the context of timelines and legal framework.
10. **The Board agreed the new reciprocal membership Memorandum of Understanding between ORR and IOSH.**

Item 5 CHIEF EXECUTIVE'S REPORT

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

[...]

Item 6 NATIONAL HIGHWAYS PERFORMANCE

14. Feras Alshaker (FA) introduced the report, referring to its key themes which included funding of ORR's Highways Team and development of the third Road Investment Strategy (RIS3) as well as the interim roads settlement.
15. The Board further considered progress of the National Emergency Area Retrofit (NEAR) programme, perceptions of Smart Motorways, and the suggestion of a Road Incident Investigation Branch by the Secretary of State. Discussions also focussed on delivery of National Highways' renewals programmes, particularly those of a strategic nature.
16. The Board noted the updates within the report.

Item 7 MEMORANDUM OF UNDERSTANDING: ONR

17. The report, sponsored by the Director of Railway Safety, was taken as read.
18. **The Board agreed that:**
 - a. **the new MoU with the Office of Nuclear Regulation at Annex 1 of the report, which replaces the current 2015 MoU, be approved; and**
 - b. **authority to approve any non-material changes which may arise during the final approval of the agreement within ONR be delegated to the Director of Railway Safety.**

Item 8 CP7 PASSENGER TRAIN PERFORMANCE RESET – CONCLUSIONS ON MEASURES FOR 2026-2029

Steve Helfet (Deputy Director – Railway Operations) joined the meeting for Item 8.

19. Will Godfrey (WG) and Feras Alshaker (FA) introduced the report and clarified that any changes would take effect from 1 April 2026. Context was provided for the recommendations, including the impact of increased trespass incidents.
20. The Board was assured that the changes were forward-looking and that all measures had been considered in, for example, holding to account under the recent Wales and Western investigation. The Board encouraged crystallisation of the rationale for change, noting best practice internationally for assessing punctuality and delays.
21. The Board further reflected on cancellation measures and the recommendation to retain the current whole system measure, with the potential to change to the new DfT measure in future. The suggestion of the DfT measure had emerged after the initial consultation process.
22. Assurance was provided of the adequacy of current measures, with the exception of noted issues around P-Coding. Consideration had been given to operating both measures side-by-side as success measures, but had not been recommended due to the risk of confusion between similar measures with different methodologies, especially given the newer measure was not yet

fully established nor in operational use. The Board underlined the need for clarity in the rationale explaining the decision taken but preferred to include the new measure as a supporting measure, as well as the existing as a success measure, to more clearly indicate positive intent.

23. Finally, the Board considered the next steps outlined within the report and assurance was provided that key stakeholders were content with the proposal. An update would be provided in the New Year.
24. **The Board agreed that the following changes to the measures, to be published in the December conclusions document, be approved, namely:**
 - a. **promoting Network Rail delay minutes per 1,000 miles train travel from a supporting measure to a success measure;**
 - b. **Time to 3 replacing On Time as the punctuality success measure for England & Wales, with Time to 3 also being added as a supporting measure for Scotland;**
 - c. **On Time moving to a supporting measure; and**
 - d. **retaining the current whole system Cancellations measure, but adding the new DfT Cancellations (all stations) measure as a supporting measure.**

Item 9 REVIEW OF TRAIN COMPANY REVENUE PRACTICES

25. Stephanie Tobyn (ST) introduced the report, providing an update to the overview given at the previous meeting.
26. The Board discussed the Expert Panel and representation of the consumer voice; the opportunity of a call for evidence; and the importance of effective project management to the review success. Further consideration was given to the relationship between project management, the Programme Board and the Expert Panel, as well as project risks. Provision of external legal advice was encouraged, where appropriate, both as a means of risk mitigation and review credibility.
27. **The Board resolved that:**
 - a. **The commissioning of a review by the Secretary of State into the way trains companies tackle suspected fare evasion, including the letter attached at Annex A of the report, be noted;**
 - b. **The terms of reference attached at Appendix B of the report, be noted; and**
 - c. **An Independent Expert Panel be established for the purposes of the review, with terms of reference to be agreed by the Director of Strategy, Policy and Reform.**

Item 10 RAIL REFORM UPDATE

28. As updates had been provided under previous items, the Chief Executive provided a brief update on the anticipated reform consultation document and associated stakeholder engagement.

Item 11 FEBRUARY 2025 STRATEGY DAY

29. Stephanie Tobyn (ST), introduced the oral item and made reference to the timelines of rail reform and their connection to strategic considerations. The strategy day would need to adapt to progress on rail reform but would likely involve discussions on future strategic focus, culture, capability, and skills. John Larkinson (JL) made reference to risks and opportunities, as well as the need to move with pace and in response to developments.

Item 12 REPORTS FROM COMMITTEE

30. Anne Heal (AH) reported on the meeting of the People Committee held on 22 October. The Committee had considered, among other items:
- The organisation chart for the Planning and Performance, and Highways, Directorates in response to action P06/01;
 - The Quarter 2 people pack and employee relations dashboard, with particular reference to apprenticeships, active bystander training, workplace attendance, staffing pressures, and recruitment challenges;
 - Consultation under the EDI spend control; and
 - Updates on the People Survey and culture audit.
31. AH and Daniel Ruiz reported on a visit to the National Highways Regional Operations Centre in Warrington on 22 November. Reflections were provided on the NEAR programme and signage on Smart Motorway entrances. The openness and candour of the site visit hosts was welcomed.
32. The Chair invited reflections on the stakeholder dinner held the night prior, following a visit to Southampton Port as hosted by Associated British Ports and others. It was suggested that an appropriate invitation be extended to a future board meeting, relevant to the theme of freight and intermodal transport, to continue discussions [**Action 11/02**].

Item 13 ANY OTHER BUSINESS

33. The Chair confirmed the appointment of a Non-Executive Director to the ORR Board by the Secretary of State from 2 December 2024. The NED would be appointed to the Audit and Risk Committee, as well as the Health and Safety Regulation Committee. It was further confirmed that the Secretary of State had also approved the reappointment of Madeleine Hallward to serve a second term. Further NED recruitment would be initiated shortly by DfT.
34. It was also acknowledged that the meeting was to be the last attended by Bob Holland in person, with the Chair thanking him for his ten years of service.

Further thanks was given to Vinita Hill, Director of Corporate Operations, who would be leaving the ORR in December.

35. 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.

Meeting end: 11.24am

Approved: 21 January 2025