
ACCESS DISPUTES COMMITTEE

MINUTES of MEETING No. 2 held in London on 15 June 2005

Present:

Tony Holland, Chairman
Tony Deighan (Eurostar (U.K.))
Julia Glenn (Network Rail)
Nigel Oatway (English Welsh & Scottish Railway)
John Thompson (South Eastern Trains)
Alan Wilson (Wessex Trains)

In attendance:

Chris Blackman (Secretary)
Martin Shrubsole (Member of the Secretariat)

Apologies:

Bill Davidson (Network Rail)
Lindsay Durham (Freightliner)
Mike Price (First ScotRail)

2/1 Approval of Minutes of meeting no.1

The Draft minutes of meeting no.1 were approved subject to minor modification. The Chairman signed a copy of the minutes as a true record of the proceedings.

2/2 Matters arising from the minutes of the previous meeting

1/3: Terms of Contracts held by the Committee

The Secretary reported that the Committee's legal advisers had confirmed that, for each contract held by an Officer of the Committee with the Committee, a simple document signed by that person and a representative of the Committee would suffice to acknowledge that their contracts previously held with the Access Dispute Resolution Committee had been rolled forward to continue, with but minor amendment, as a contract with the Access Disputes Committee.

This had now been done for each of the contracts held with the Chairman, Vice-Chairman and Members of the Secretariat, signed in each case by the individual concerned and by Nigel Oatway acting on behalf of the Committee.

2/3 Appointments

The Committee noted that it had confirmed the appointment of a Chairman, Vice-Chairman, Secretariat and legal advisers. Members gave consideration as to whether the Committee should make any further appointments including that of a legally qualified Vice-Chairman.

2/4 Approval of the Accounts for 2004/2005

The Secretary reported that the accounts had been prepared, and income and expenditure had been correctly balanced. It was noted that an audit had been carried out on 6 June 2005, that the auditors had indicated that the accounts were satisfactory, and confirmation in a formal report is awaited. Members approved in principle the accounts for 2004/05, and the Chairman signed the Income & Expenditure sheet.

2/5 Matters of administration

Members noted the paper from the Secretariat concerning matters of administration.

Members endorsed in principle the guide to preparation of submissions, which is to complement the template previously prepared. Subject to some minor modification this should be introduced as soon as possible.

Members noted the initial guidance that had been given to the Secretariat about the procedures for selecting Members for a Dispute Panel, but in further discussion were not agreed on some of the finer points of the prospective selection process, in particular the method of application of Rule E1.42(b). The Secretariat was instructed to prepare a paper for full discussion at the next meeting.

Members discussed at some length whether a register should continue to be kept of relevant interests declared by each Member of the Committee and of each Pool, but concluded that such records in this format were no longer necessary, but Members of a Disputes Panel would formally declare their interests on each occasion on a case-by-case basis. Although such declarations would not be recorded in the minutes, they would be recorded in the Record of Hearing.

Members agreed that it would not be necessary for an agenda to be prepared for a meeting of a Disputes Panel, nor would minutes be produced, apart from the Record of Hearing. A list of cases pending for hearing by a Disputes Panel would be briefly reviewed by the Committee at each meeting as part of its role of overall stewardship of the dispute resolution process in accordance with Rule E1.2. There would be no such review by an individual Panel.

Action: Secretary

2/6 Annual Report

The Clerk advised Members that he hoped to table a draft of the Annual Report in time for the next meeting. In the review of the year he will include sections setting out the position on contract management vigilance and significant themes that had emerged in recent years including the management of engineering work, and submission of references at a late stage of the timetabling planning process which had put the former Timetabling Committee into a position where it had been difficult to put processes into reverse. There would be

reference to changes of policy or practice necessitated by the introduction of the new Access Disputes Resolution Rules. Finally there will be a section cover the recent appeals to the Office of Rail Regulation in the case of references NV33, NV58, AD40, and TTC275 all of which had raised issues of interest.

2/7 Agenda for next Meeting

Members agreed that they would reconvene during week commencing 27 June to receive a paper from the Secretariat on procedure for selecting a disputes panel, and to comment on the draft Annual Report for 2004/05.

2/8 Dates for future meetings

Members agreed a programme of dates for the remainder of 2005. Furthermore it was agreed that, from February 2006, Thursday would be set aside and earmarked for ADC meetings.

2/9 Any Other Business

There was no other business.

2/10 Date of next Meeting

Monday 27 June at 15.00.

