
ACCESS DISPUTES COMMITTEE

MINUTES of MEETING No. 3 held in London on 27 June 2005

Present:

Tony Holland, Chairman
Bill Davidson (Network Rail)
Tony Deighan (Eurostar (U.K.))
Lindsay Durham (Freightliner)
Julia Glenn (Network Rail)
Nigel Oatway (English Welsh & Scottish Railway)
John Thompson (South Eastern Trains)

In attendance:

Chris Blackman (Secretary)
Martin Shrubsole (Clerk)

Apologies:

Mike Price (First ScotRail)
Alan Wilson (Wessex Trains)

3/1 Approval of Minutes of meeting no.2

The Draft minutes of meeting no.2 were approved subject to minor modification. The Chairman signed a copy of the minutes, as modified, as a true record of the proceedings.

3/2 Matters arising from the minutes of the previous meeting

2/5 Matters of administration

Members asked when the guide to preparation of submissions would be available. The Secretariat confirmed that this would be issued as soon as all the minor modifications suggested by members had been incorporated into the text.

2/8 Dates for future meetings

Members agreed that, from February 2006, Wednesday would be set aside and earmarked for ADC meetings and not Thursday as shown in minute 2/8.

3/3 Procedure for selection of Members of a Panel

Members noted the paper prepared by the Secretary, and after a lengthy discussion concluded that the following advice be given to the Secretary.

The Secretary shall facilitate the appointment of a Panel in accordance with Rule E1.42, taking due cognisance of the ranking of paragraphs (a) to (d). In respect of Rule E1.41(c) members considered that there was no bar to members from the same Band being appointed to a Panel, provided they were not from the same company.

In respect of Rule E1.42 members considered that paragraph (b) should take reasonable precedence over paragraph (c).

Members also confirmed that Rule E1.42 does not automatically bar from selection as a member of the Panel a person from the same company as a disputant.

It was agreed that the Secretary would prepare and circulate a questionnaire to enable each Panel member to respond and notify his particular areas of expertise. This should provide the Secretary with sufficient information to enable him to comply with Rule E1.42(b).

3/4 Annual Report

Members noted the draft version of the review that had been circulated by the Clerk to the Committee. The Chairman indicated that he wished to make one or two minor adjustments to the foreword. Members agreed that they would advise to the Clerk by 1 July any other suggested adjustment to the text.

Members also noted the analysis done by the Secretariat on the representation at Committee hearings by the various Classes and Bands, and commented that, during the period of the former Rules from 1994 to 2004, the overall frequency of attendance of Franchised Passenger Class representatives at Timetabling Committee hearings had been markedly less than that of other Classes.

Members noted that the construction of Panel membership is done in accordance with different criteria, nevertheless the Chairman indicated that, if there were failures to produce for a Panel the two members representing the Passenger Classes, he would write in appropriate vein to the Managing Directors of all members of the Classes concerned.

3/5 Disputes pending

Members noted that an Access Dispute Panel would be convened on 6 July to hear reference ADP7, and a Timetabling Panel would hear reference TTP6 on 7 July.

The Chairman advised that he would be issuing some directions to the parties to reference ADP8, and some further directions to the parties to reference ADP9.

3/6 Dates for future meetings

Members agreed to substitute July 25 for July 18 in the list of 'earmarked' dates for July.

3/7 Any Other Business

Tony Deighan reported that the Department of Transport had that day published a consultation document on how many days should be allowed to issue and file a capacity allocation dispute. It had previously been said that there should be but 10 days from the date a dispute is filed with the infrastructure manager until the Committee's decision is delivered. The Committee has previously held to the view that it would, within 10 days of a hearing, publish a determination. As there are other interpretations held, it is important that a pragmatic solution is achieved, and that members ensure that their companies file an appropriate response to the consultation document, within the 6-week consultation period.

3/8 Date of next Meeting

Next 'earmarked' date for a Committee meeting is on the afternoon of Monday 25 July.

