
ACCESS DISPUTES COMMITTEE

MINUTES of MEETING No. 7

held in London on 7 June 2006

Present:

Tony Holland, Chairman
Tony Crabtree (Greater Western Trains)
Bill Davidson (Network Rail)
Tony Deighan (Eurostar (U.K.))
Nigel Oatway (English Welsh & Scottish Railway)
John Thompson (South Eastern Railway)

In attendance:

Chris Blackman (Secretary)
Martin Shrubsole (Clerk)

Apologies:

Lindsay Durham (Freightliner)
Julia Glenn (Network Rail)
Mike Price (First ScotRail)

7/1 Approval of Minutes of meeting no.6

The Draft minutes of meeting no.6, held on 8 March 2006, were approved subject to minor modification. The Chairman signed a copy of the minutes as a true record of the proceedings.

7/2 Matters arising from the minutes of the previous meeting

6/9 Update on references

Members noted that all the outstanding references on the subject of Local Output Commitments for 2005/06 had now been withdrawn.

7/3 New premises at Central House

The Chairman and the Secretary outlined the problems that had arisen regarding the signing of the formal lease document for the premises at Central House. A way forward had now been identified, and, subject to some contingencies being in place, formal signing of the lease is expected to take place shortly.

The Committee agreed that an examination was required of ways to avoid a recurrence of such difficulties in future.

Action: Secretary

7/4 Accounts for 2005/06

Members noted the paper prepared by the Secretariat and were pleased to observe that total costs were within overall budget, and that there was no unexplained overrun under any discrete budgetary heading. The audit, carried out during the previous week, had revealed no unsatisfactory features, but a written report was awaited.

The Committee formally approved the accounts for 2005/06.

7/5 Proposed amendment to the budget for 2006/07

Members noted the paper prepared by the Secretariat, and the reasons for increasing the monies held in a Rent Deposit Deed. The Committee approved a revised budget for 2006/07 at £364,000.

7/6 Update on references

Members reviewed briefly the list of references in hand but not yet heard or withdrawn. They had no comments to make on individual items, but they agreed that the structure and format of the document, and the level of detail, were now exactly what is required.

7/7 Documenting disputes

(a) Structure of the Handbook/ Directory

Martin Shrubsole explained that in response to the decision minutes at the previous meeting he proposed that the Handbook should be revised and thinned down. All the descriptive material about the workings and administration of the ADRR was now available elsewhere on the website and did not need to be duplicated.

The other function of the Handbook, to guide parties through previous determinations, would be covered by a Directory. In this, all conclusions and comments made by Panels (and predecessor Committees) would be identified against the relevant ADR Rule, Network Code provision, or Access Condition. The directory would be posted on the website, and would be updated at the conclusion of each determination, or revision of the Rule/Code Conditions.

Martin Shrubsole alluded to the reference in the previous minute to the possibility that the information in the directory might, within the framework of the website, offer a search facility. He posed the question as to whether, if the directory were arranged in the order of the contractual documents, and the past determinations were also available on the website, there were any other possible categories of sort that might need to be catered for. This point was noted, but it was agreed to discuss the matter with the website maintainer to establish what would be the implications of setting up a keyword search facility.

As regards the general approach, and the submitted outline format, the Committee, after clarification on certain points of detail, endorsed the proposal and wished to see it developed further.

(b) Format and content of the Business Review

Members accepted the proposal in a paper from the Secretariat concerning the future of the Business Review, and endorsed the content of a letter to be signed by the Chairman and sent to the Managing Directors of Train Operating Companies.

In order to ensure full penetration of the Industry, and in particular those in the Industry dealing with Access and Timetabling matters, Members asked the Secretariat to ensure that the letter was also sent to the Track Access Managers in all the companies and to all those people registered to receive the Network Code.

Action: Secretariat

7/8 Review: Lessons from ADP09

Members thanked the Secretariat for papers prepared on the subject in connection with the letter from David Franks of National Express Group. Although the dispute that had triggered the letter had been settled without the need for a hearing, there were, in his view, questions of principle in the relation to the way that the ADR rules operated in dealing with very large and complex disputes that merited discussion.

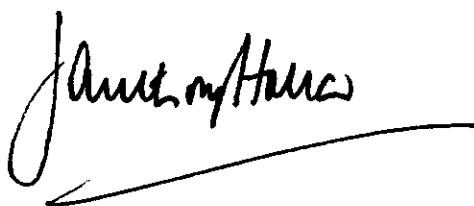
David Franks had been invited to present his views at the meeting, but had been unable to attend. Members therefore considered that further debate at this time was not appropriate, but agreed that, if David Franks wished to attend or send a representative to the next meeting of the Committee, the matter would be included in the agenda.

7/9 Any Other Business

Members noted a short paper from the Secretary and agreed that, as the system of licence fees payable to the ORR had changed, a commensurate change to ADR Rule E1.44 was necessary. The Committee asked the Secretary to liaise with the Secretary of the Class Representative Committee at Network Rail and arrange preparation, with appropriate sponsorship, of a formal Proposal for Change to the ADR Rules.

7/10 Date of next Meeting

The next Quarterly meeting is on Wednesday 13 September commencing at 10.00.

A handwritten signature in black ink, appearing to read 'James Hume', with a long horizontal line extending from the end of the signature.