
ACCESS DISPUTES COMMITTEE

MINUTES of MEETING No. 10 held in London on 13 December 2006

Present:

Tony Holland, Chairman
Bill Davidson (Network Rail)
Tony Deighan (Eurostar (U.K.))
Susie Homan (c2c Rail)
Nigel Oatway (English Welsh & Scottish Railway)
Mike Price (First ScotRail)
John Czyrko (Central Trains)

In attendance:

Chris Blackman (Secretary)
Martin Shrubsole (Clerk)

Apologies:

Lindsay Durham (Freightliner)
Gabrielle Ormandy (Network Rail)

10/0 Introduction

The Chairman welcomed Susie Homan and John Czyrko to their first meeting of the Committee.

10/1 Approval of Minutes of meeting no.9

The Draft minutes of meeting no.9 were approved, subject to minor modification. The Chairman signed a copy of the minutes, as modified, as a true record of the proceedings.

10/2 Matters arising from the minutes of the previous meeting

9/3 Procedural Issues arising out of Reference ADP09

Members noted a memorandum from Network Rail advising that the issue of handling large disputes had been raised at the Industry Steering Group (ISG). That group had agreed that it is appropriate to consider what, if any, changes the Industry may require to the ADR Rules. It agreed that any potential weaknesses in the system should be addressed before any parties in a dispute are affected. ISG had asked for a paper to be produced for consideration at a future meeting, this paper to address issues of what guidance/criteria should be given to the Disputes Chairman and Secretariat as to when a legal assessor should be appointed; and whether or not it is appropriate for the ADR Rules to be revised to allow referral of disputes to another forum whilst preserving ORR's position as an appeal body.

10/3 Budget outturn for 2006/07 and Preliminary budget for 2007/08

Members noted the paper from the Secretariat and indicated that they were content with the figures in the preliminary budget, but they wished additional budgetary provision to be made for the training of a new Secretary prior to the current Secretary's retirement in summer 2007. Panel hearings had in recent years become more legalistic causing an increase in workload for the Clerk in preparation and drafting, so Members took the view that additional provision should be made to cover this aspect. An appropriate increase in budget is suggested for further consideration at the March quarterly meeting.

Members furthermore resolved to hold an extraordinary meeting in advance of the next Quarterly meeting in March, to address the process of appointment of a new Secretary.

10/4 Update on references

Members noted the current position on the references in hand.

10/5 Dates of meetings in 2007

Members agreed the dates for the quarterly Committee meetings in 2007, and that an additional meeting would be held in February to discuss the process of appointment of a new Secretary [see minute 10/3 above].

Members agreed the list of dates proposed to be earmarked for hearings by an Access Disputes Panel in 2007. This is published as an appendix to these minutes.

10/6 Any Other Business

(a) Lease of the premises at Upper Woburn Place

Tony Deighan reminded members of the problems that had been encountered in signing the lease for the premises at Upper Woburn Place. This had been resolved, necessarily in a hurry, by putting 1½ years' rent in a deposit deed. However, a better solution is needed in the medium and longer term, and he pressed for this to be placed on the agenda of the special meeting in February. Members accepted this proposition and agreed that the Committee should look at alternatives such as setting up a shell company (limited by guarantee) to formally lease the accommodation on behalf of the dispute committees.

The Secretary was asked to raise the matter with the Secretary, RIDR, and to obtain legal advice on the options. Members wish to receive a paper before the special meeting.

(b) Note of thanks

Tony Deighan wished, on behalf of the Committee, to thank the Chairman and Secretariat for their support to the Committee throughout the year.

10/7 Date of next Meeting

A date in February for an extraordinary meeting to be advised by the Disputes Secretary.

The next quarterly meeting will take place on Thursday 15 March commencing at 15.00.



Dates for meetings in 2007

Meetings will take place in 2007 as follows.

1. Quarterly meetings of the Committee commencing at 10.00 unless otherwise shown:
Thursday 15 March (NB: commencing at 15.00)
Thursday 21 June
Thursday 20 September
Wednesday 19 December (commencing at 15.00)
2. An additional meeting of the Committee to be arranged in February 2007.
3. Dates 'ear-marked' for hearings by an Access Disputes Panel in 2007 are as follows, commencing at 10.00:

Wednesday 7 February	Tuesday 13 February
Thursday 1 March	Tuesday 20 March
Thursday 5 April	Wednesday 11 April
Wednesday 25 April	Thursday 26 April
Wednesday 9 May	Thursday 17 May
Wednesday 23 May	Wednesday 13 June
Thursday 14 June	Wednesday 27 June
Monday 23 July	Wednesday 1 August
Wednesday 8 August	
Wednesday 15 August (and)	Thursday 16 August
Wednesday 22 August	Wednesday 29 August
Wednesday 12 September	Thursday 27 September
Wednesday 10 October (and)	Thursday 11 October
Thursday 18 October	Thursday 8 November
Thursday 22 November	Thursday 29 November
Thursday 20 December	