
ACCESS DISPUTES COMMITTEE

MINUTES of MEETING No. 18 held in London on 17 September 2008

Present:

Sir Anthony Holland, Chairman
John Beer (First Capital Connect)
Bill Davidson (Network Rail)
Tony Deighan (Eurostar (U.K.))
Nigel Oatway (English Welsh & Scottish Railway)
Gabrielle Ormandy (Network Rail)

In attendance:

Martin Shrubsole (Secretariat)
Tony Skilton (Secretary)

Apologies:

Lindsay Durham (Freightliner)
Mike Price (First ScotRail)
Wallace Weatherill (Southeastern)

18/1 Approval of Minutes of Meeting no.17

The Minutes of Meeting no.17, held on 26 March 2008, were approved. The Chairman signed a copy of the Minutes as a true record of the proceedings.

18/2 Matters arising from the Minutes of the previous Meeting

17/2 The Access Disputes process

The remit as endorsed by Industry Steering Group for the Working Group to review the Access Dispute Resolution ("ADR") Rules and associated arrangements had been provided to Committee Members. The Secretary reported that the Working Group had now established a programme for frequent meetings aimed at having proposals consulted with the industry and the detailed drafting ready for submission to the Class Representative Committee by the end of March 2009; if then adopted, implementation was now envisaged as taking place around August 2009.

18/3 Quorum for meetings of the Committee

As requested by the previous meeting, the Secretary had explored what measures might be introduced to enable the Committee to transact business by such means as telephone conference, video conference or written resolution. Recommendations for suitable insertions

in ADR Rule E1 were endorsed and G Ormandy indicated that Network Rail would be prepared to sponsor the proposition to the Class Representative Committee.

18/4 Cashflow management

As requested by the previous meeting, the Secretary had reviewed the practicability of changing the Committee's budget/accounting year to address the cashflow risk which routinely arose in late Summer because of the timescale involved in securing up to date safety levy data from ORR and then invoicing and receiving the Committee levy. It was recognised that there was unlikely to be sympathy or support within the industry or at ORR for moving away from the generally accepted year end date of 31 March so the Committee concluded that as soon as the budget for any year has been determined (which would normally occur at the March meeting), the levy invoices should be issued based upon the railway safety levy data provided by ORR in the previous year: this arrangement would remain compliant with ADR Rule E1.44 and generate the funding level required.

18/5 Update on references

The Committee noted the current position regarding the references on hand.

Reference ADP12 had been on hand since late in 2005 whilst the parties were understood to be undertaking an extended practical joint assessment of relevant operational issues. The Committee asked the Secretary to press to establish whether the reference was now capable of being withdrawn or to arrange for it to be heard.

It was noted that requirement had arisen for a number of Timetabling Panel hearings to be arranged across the Autumn months. The Secretary reported that these hearings were spread over several weeks due to resourcing issues, including holiday commitments of Panel Chairmen and within the Secretariat. The Committee recognised that there was a need to consider whether the number of Panel Chairmen should be reinforced, a measure which would also serve to provide continuity in addressing future succession requirements. Additionally, the Committee noted that the evolving situation was for timetabling references to require more background reading and consideration of issues of principle than had previously been the case and over time this was perceived as likely to shift the emphasis in knowledge and competency being sought in relation to Panel Chairmen and Secretariat support. It was further appreciated that the future "person specifications" for the various roles would be informed by the outcome of the current review of the ADR Rules and the Committee therefore decided that the subject should be tabled for discussion over the course of the next two meetings.

18/6 Update on the website

It was reported that the directory area of the website was now up to date in reflecting the outcomes of Panel hearings and appeals except in relation to Station Access, regarding which some small amount of attention was still required (and was actively in hand). The other areas of the website were up to date as at close of business on 1 September.

Experience gained in dealing with recent Panel hearings had lead the Secretariat to conclude that the template for the drafting of joint reference documents might usefully be expanded to include a "tick box" checklist to prompt parties to supply all information and evidence relating

to their case. The Committee agreed that the Secretariat could implement the change as outlined without the requirement for formal ratification of the text by a future meeting.

Anthony Hines
9th December 2008