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## **ACCESS DISPUTES COMMITTEE**

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### **MINUTES of MEETING No. 21** held in London on 17 June 2009

#### **Present:**

Sir Anthony Holland, Chairman  
John Beer (First Capital Connect)  
Bill Davidson (Network Rail)  
Nigel Oatway (DB Schenker Rail (UK))  
Gabrielle Ormandy (Network Rail)  
Wallace Weatherill (Southeastern)

#### **In attendance:**

Tony Skilton (Secretary)

#### **Apologies:**

Tony Deighan (Eurostar (U.K.))  
Lindsay Durham (Freightliner)  
Mike Price (First ScotRail)

#### **21/1 Approval of Minutes of Meeting no.20**

The Minutes of Meeting no.20, held on 18 March 2009, were approved. The Chairman signed a copy of the Minutes as a true record of the proceedings. There were no matters arising.

#### **21/2 Matters determined in correspondence**

The Committee confirmed that consent had been given in correspondence as provided for in Rule E1.7(b) for the Secretary to proceed with negotiations to lease 2,400 square feet on the 8<sup>th</sup> floor of 1 Eversholt Street, London NW1 for a period of 10 years with termination available after 5 and 7 years.

The Committee noted that this item was the first to be dealt with under the newly introduced Rule E1.7(b) and endorsed for future application the manner in which the Secretary had captured the matter for the records.

#### **21/3 Financial matters**

The auditors had indicated satisfaction with the accounts for 2008/09 and the Committee accordingly gave approval to the Chairman formally signing the Income & Expenditure Statement.

The Committee noted a report summarising the current financial position and setting out anticipated cashflow movements over the course of coming quarter, which included the move of premises. The Secretary was confident that finances were sufficiently in order to deal with expenditures which might arise during the upheaval and also to meet anticipated commitments over the remainder of 2009/10 and into 2010/11, provided no significant increase in costs was occasioned by introduction of revised Access Dispute Resolution Rules.

#### **21/4 Update on references**

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

#### **21/5 Update on the website**

The website was reported as being up to date in all aspects except for directory incorporation of ORR's "first determination" for reference TTP244, the outcome of ORR's further deliberations being awaited.

#### **21/6 Review of the Access Disputes process**

The Committee noted the final proposals of the Access Dispute Resolution Rules Reform Working Group, which had been approved on 2 June by Industry Steering Group for progression of drafting into final form although some further cost/benefit analysis had been requested to fully confirm the appropriateness of the proposed new arrangements.

The Chairman observed that the Working Group had produced a good set of proposals which were, in his view, fit for purpose.

The Committee was informed that the Working Group was now proceeding with drafting of the detailed new Rules and their visibility for industry scrutiny would be through the Class Representative Committee process.

It was noted that under the proposals, the Committee was likely to be called upon to appoint a number of legally qualified Chairs and Industry Experts later in the current financial year. Whilst there was expectation that sufficient legally qualified individuals would be found available to undertake the Chair roles, the Committee appreciated that it might prove challenging to find suitable individuals to act as Industry Experts. Further, the Committee noted that the potential extent of fees associated with appointing new Chairs and a number of Industry Experts might not necessarily be covered within the funding raised through the 2009/10 levy.

#### **21/7 Resources matters**

The Committee decided that consideration of the renewal of contracts with the Chairmen and the Clerk to the Panels (which would all terminate in the latter part of the 2009/10 financial year) should be carried forward to the next meeting, by when any changed resource requirements likely to emerge through the ADR Rules Review might be confirmed.

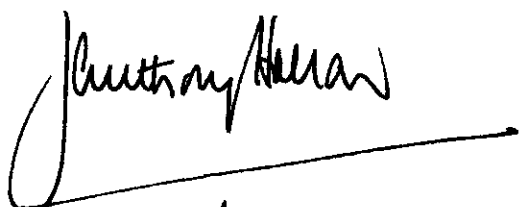
**21/8 Accommodation**

The Committee noted the potential exposure to dilapidations costs upon vacating the Central House premises.

To reduce future space requirement, the Committee decided to donate the leather topped desk and four chairs originating from Kings Cross station to Sir William McAlpine for incorporation into the preserved railway collection at Fawley Hill, Buckinghamshire.

The Committee noted the Heads of Terms which had been agreed regarding the new premises at 1 Eversholt Street and endorsed entry into the associated contractual arrangements by the Secretary acting as agent on behalf of the Committee.

The Secretary explained the emerging timescales for fitting out of the new premises and the removal, a key issue being the availability of communications, both telephone and IT. The Committee recognised that the Secretariat would not be in a position to provide normal service for some weeks from 17 July through into August but that contingency arrangements were being developed to enable industry members to make contact.

  
30th September 2009