
ACCESS DISPUTES COMMITTEE

MINUTES of MEETING No. 38 held in London on 20 March 2014

Present:

John Beer (First Capital Connect) (Committee Chair)
John Czyrko (First Greater Western)
Richard Dean (London & South Eastern Railway)
Robin Nelson (Freightliner Heavy Haul)
Nigel Oatway (DB Schenker Rail (UK))
Andy Wylie (Hull Trains)
Bill Davidson (Network Rail)
Paul Thomas (Network Rail)

In attendance:

Tony Skilton (Secretary)
Kathy Couldridge (Assistant Secretary)

38/1 Approval of Minutes of Meeting no.37

The Minutes of Meeting no.37, held on 12 December 2013, were approved. The Chair signed a copy of the Minutes as a true record of the proceedings.

38/2 Matters arising from the Minutes of the previous Meeting

All matters arising from the Minutes were listed as agenda items except:-

37/3 (previous 36/2, 35/2, 34/3, 33/2 and 32/9) Management of funds

The Secretary reported regarding research for a suitable interest-bearing account to supplement the arrangements with NatWest Bank. The availability of products was fluid and accounts currently paying worthwhile rates of interest to unincorporated bodies were those operating on a single signatory basis, their protection against embezzlement being that withdrawals would only be paid back into the organisation's current account from which the funds originated.

On the basis of current product availability, the Committee resolved that 60 Day and 95 Day Notice Business Savings Accounts be opened with Cambridge & Counties Bank, with the value of the initial deposits to be decided by the Secretary according to anticipated cashflow needs and both accounts to be operated for the time being as authorised single signatories by John Beer (Committee Chair), Nigel Oatway and John Czyrko (Committee Members) and Tony Skilton (Secretary).

As a management control over withdrawal of funds, the Committee directed that withdrawals from the accounts must not be made by the Secretary, disregard of this direction being a matter of contractual misconduct.

37/3 (previous 36/10) Proposed abolition of the Rail Industry Dispute Resolution Committee ("RIDRC")

There was no progress to report regarding this matter.

37/10 Reasons for determinations in Timetabling Disputes

The Committee was advised that material was with the Hearing Chairs for obtaining their views as to what a "just reasoned enough" Timetabling Dispute determination should look like, with responses requested by Easter. Review of the responses would hopefully lead to an agreed approach which can be discussed for acceptability with ORR as the appellate body.

37/11 Annual Report for 2013

The Annual Report had been published on 16 January 2014.

37/12 Timetabling Pool membership

It was reported that a by-election had filled the casual vacancy which would be arising on 1 April 2014.

38/3 Matters determined in correspondence

It was noted that since Meeting No. 37 the Committee Members had agreed in correspondence to appoint Nigel Oatway as a director of Access Disputes Resolution (GB) Ltd. The Committee was advised that the company had progressed the appointment with Companies House.

38/4 Position on references

The Committee noted a report from the Secretary setting out the current position regarding dispute references.

Despite discussions with Network Rail representatives during 2013 and practical issues relating to the timetable development process having been accepted by Network Rail as warranting attention within the organisation, the Committee was very disappointed to see that there had been no reduction in the trend of Timetabling Disputes being formally referred by operators. It was known that Network Rail had introduced a tracking process following registration of disputes and was also now tracking actions taken away from "DPPP" and "CPPP" meetings with operators. It was recognised that many disputes are raised in order to protect an operator's interests whilst planning issues are worked through and might therefore be regarded within Network Rail as "frivolous": nevertheless, it was agreed as appropriate that the Chair should enquire of Network Rail regarding any developments and whether any proposals might be emerging for amendment of Part D of the Network Code and upon which the Committee's views might be of use.

Regarding previous Minutes concerning Timetabling Dispute TTP371 and subsequent related dispute references, the Committee was advised that a Directions Hearing had been arranged for 24 April for the purpose of case management; this Directions Hearing had been set to follow industry meetings concerning associated matters and it was hoped that foundation would have been laid for brings disputes TTP371 etc to conclusion.

Dispute ADP48, concerning the interpretation of "repair" and "maintenance" in relation to Retail Telecomms at Franchised Stations, the Committee was advised that discussions were still alive between the Dispute Parties with a view to achieving settlement without need for a hearing.

38/5 Update on the website

The Secretary reported that the website (including the Directory) was up to date.

38/6 Internal check arrangements

John Beer had tabled a report regarding internal check activity which he had carried out since the 12 December meeting and this was noted.

It was agreed that Paul Thomas would undertake internal check until the next meeting.

38/7 Outturn for 2013/14 and budget and levy for 2014/15


The Committee noted a report setting out the final outturn projections against the current year budget and the final budget proposal for 2014/15, which was approved. In view of the levy surplus expected to be available out of 2013/14 income and despite increases in rent, rates and service charge and a likely requirement to replace aged photocopying equipment imminently, the Committee was pleased to be able to hold the overall 2014/15 levy demand upon Resolution Service Parties slightly below the overall 2013/14 requirement (which had itself delivered a reduction of some 8% against the overall 2012/13 demand).

One Resolution Service Party had yet to pay its 2013/14 levy.

The levy charges for 2014/15 were discussed in the context of the arrangements set out in the ADR Rules and, together with other funding aspects, determined.

38/8 Committee membership

It was noted that Richard Dean was about to leave the Committee and he was thanked for his contribution to its business over a period of 3 years.



24.7.14