

---

## **ACCESS DISPUTES COMMITTEE**

---

### **MINUTES of MEETING No. 41** held in London on 26 March 2015

#### **Present:**

John Beer (Govia Thameslink Railway) (Committee Chair) - by conference telephone  
Dean Warner (Abellio Greater Anglia)  
Nigel Oatway (DB Schenker Rail (UK))  
Robin Nelson (Freightliner Heavy Haul)  
Paul Thomas (Network Rail)

#### **In attendance:**

Tony Skilton (Secretary)  
Kathy Couldridge (Assistant Secretary)

#### **Apologies for absence:**

John Czyrko (First Greater Western)  
Andy Wylie (Hull Trains)  
Peter Craig (Network Rail)

It was noted that the meeting was quorate.

#### **41/1 Approval of Minutes of Meeting no.40**

The Minutes of Meeting no.40, held on 11 December 2014, were approved for signature by the Chair as a true record of the proceedings.

#### **41/2 Matters arising from the Minutes of the previous Meeting**

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

##### 40/2 (previous 39/3, 38/2, 37/3, 36/2, 35/2, 34/3, 33/2 and 32/9) Management of funds

Opportunity was still awaited for the intended opening of a 60 Day Notice Business Savings Account with Cambridge & Counties Bank.

##### 40/2 (previous 39/3, 38/2 and 37/10) Reasons for determinations in Timetabling Disputes

Circumstances had delayed the compilation of a guidance note by way of illustration regarding a reasoned determination.

##### 40/4 Timetabling Disputes

Paul Thomas, supported by Robin Nelson, reported that a remit had been developed with the Committee members for undertaking a case study on behalf of the Committee to help

gain insight into the reasons for the high number of engineering access planning disputes arising; interviews had been arranged with various access practitioners around the network and it was hoped to present an interim report to the July meeting of the Committee. Paul reported that the initiative had been well received by people contacted to contribute observations.

#### 40/8 Seminar for Hearing Chairs

The Secretary reported that he was endeavouring to find a date convenient for all anticipated participants in the intended seminar for explaining forthcoming changes to the Network Code and the ADR Rules, together with discussion of case management and procedural points arising from recent hearings.

The downloadable templates for submission documents had been reviewed and amended following feedback from Hearing Chairs to the December meeting.

#### 40/10 Proposed abolition of the Rail Industry Dispute Resolution Committee and Rail Industry Dispute Resolution Council ("RIDRC")

Nigel Oatway reported that, on behalf of the Committee, DB Schenker Rail (UK) had submitted a proposal to the Class Representative Committee for amendments necessary to the ADR Rules in conjunction with the intended abolition of RIDRC. The Class Representative Committee had accepted the proposal, which would be implemented when the RIDRC formally ceases to operate - this would follow finalisation of further adjustments to the Claims Allocation & Handling Agreement which had been identified as necessary.

The Secretary reported that Lesley Stephenson, Registrar within CAHA Registrar Ltd, had been invited to meet the Committee at its July meeting.

#### **41/3 Matters determined in correspondence**

No matters had been determined in correspondence since Meeting no. 40.

#### **41/4 Position on references**

The Committee noted a report from the Secretary setting out the current position regarding dispute references. The trend of a high number of Timetabling Disputes continues.

It was noted that the determination of Timetabling Disputes TTP371/513/514/570/571, which had been issued on 8 December 2014, had been appealed to ORR by Network Rail; the appeal decision was awaited.

#### **41/5 Update on the website**

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

#### **41/6 Internal check arrangements**

Robin Nelson had tabled a report regarding internal check activity which he had carried out since the 11 December meeting and this was noted.

Of interest was computation of cancellation fees totalling £25,467 paid to Hearing Chairs and Industry Advisors in respect of cancelled hearings in the financial year to date. The Committee recognised that while it is disappointing to be paying out so much in respect of late settlement of disputes, the overall cost to the industry would have been much greater if the claimants had not found themselves able to withdraw their dispute references and the hearings had been progressed. Even so, it would be better if the money did not need to be spent.

It was agreed that John Beer would undertake internal check until the next meeting.

#### **41/7 Outturn for 2014/15 and budget and levy for 2015/16**

The Committee noted a report from the Secretary setting out the final outturn projections against the current year budget, together with the final budget proposal for 2015/16. It was anticipated that 2014/15 income would comfortably exceed expenditure.

All Resolution Service Parties were up to date with levy contributions.

In discussion, the Secretary expressed confidence that the forthcoming abolition of the RIDRC and future oversight of the CAHA Registrar by the Access Disputes Committee would not lead to any material increase in this Committee's costs for 2015/16 and that the budget proposal was sufficiently robust to encompass the enhanced role.

The budget proposal for 2015/16 was approved, with the Committee pleased to be able to apply accumulated surplus to enable setting the overall levy demand upon Resolution Service Parties slightly below the 2014/15 requirement.

The levy charges for 2015/16 were discussed in the context of the arrangements set out in the ADR Rules and, together with other funding aspects, determined.

#### **41/8 Committee and Timetabling Pool membership**

The Committee noted the results of recent elections; there would be no change to membership of the Committee on 1 April 2015 but three changes would take effect in the Timetabling Pool.

The Secretary was asked to send a note of appreciation to Steve Carter of Eurostar International, who, concurrent with retiring from the industry, would be leaving the Timetabling Pool on 31 March after many years of membership, also having been a member of the former Network & Vehicle Change Sub-Committee.

#### **41/9 Appointment of Committee Secretary**

The Committee agreed that Tony Skilton be invited to enter into a renewed contract to perform the role of Committee Secretary, the duration to be for 2 years commencing on 22 June 2015 and the terms to be negotiated by the Committee Chair within the parameters of the budget.

 Chair 22/7/15