
ACCESS DISPUTES COMMITTEE

MINUTES of MEETING No. 12
held in London on 15 March 2007

Present:

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

In attendance:

Chris Blackman (Secretary)
Martin Shrubsole (Clerk)

Apologies:

Lindsay Durham (Freightliner)
Tony Deighan (Eurostar (U.K.))

12/1 Approval of Minutes of meeting no.11

The Minutes of meeting no.11 were approved without modification. The Chairman signed a copy of the minutes as a true record of the proceedings.

12/2 Matters arising from the minutes of the previous meeting

11/3A Lease issues

Gabrielle Ormandy explained that Network Rail considered that an agreement between the Committee and Network Rail, for the latter to act as agent for procuring a lease, would present problems. This is because Network Rail in turn would want a formal lease arrangement with the Committee. It would still be potentially difficult if the ADC were not a Company.

Members considered this option had been worth exploring, but accepted that a Company Limited by Guarantee was now the only realistic way forward; this was agreed by a majority of votes.

Action: the Secretary will first check that the ORR had no objection in principle to the proposal; and then prepare a paper for consideration by Industry Steering Group.

Members also agreed that it would be necessary that accountants, when appointed, should consider the issue of employment; and furthermore that a check should be made with the Inland Revenue as to whether contracts that the Committee holds with Officers would be considered technically to be contracts of employment.

11/3B Process of appointing a new Secretary

Members noted that the Secretary had arranged for adverts to appear in the April editions of Modern Railways and Rail Professional inviting applications for the forthcoming vacancy.

11/6 FM Rail

It was noted that FM Rail is now under the control of Victa Westlink Rail. Members asked the Secretary to seek to retrieve the debt outstanding.

12/3 Budget for 2006/07: final outturn

Members noted the paper from the Secretary and were pleased to note that the outturn showed anticipated expenditure well within budget.

12/4 Proposed Budget for 2007/08 - for approval

Members noted the paper from the Secretary, and in particular the significant reduction in recent years in the cost of stationary and postage through the greater use of email transmission and commissioning of the website. Some members questioned whether the costs of a franking machine were still justifiable as it now represented a significant proportion of costs under the "postage" heading. However, it was recognised that the alternative of using post office facilities was inconvenient and would potentially cost more.

After reviewing all the elements the Committee approved the budget for 2007/08 at £327,500.

12/5 The Directory and complementary revisions to website

Members noted the paper from the Clerk, and endorsed the way in which the revised directory was being constructed with a view to prominent placement on the website. Members commented that they found the guide to the process of making effective use of the Directory to be helpful, and they encouraged the Clerk to produce the remaining sections as soon as possible. It was noted that arrangements were being made for installation of the directory on the website.

12/6 Update on references

Members noted the current position on the references on hand.

12/7 Any Other Business

12/7A The ORR's decision - Appeal against Determination TTP102

Members noted the decision without further comment.

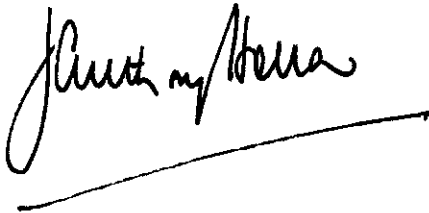
12/7B ORR's consultation on Access Option Holders

Members supported the text of Clause 4.25 of the ORR's consultation document on Access Option Holders. It noted also that on two occasions in the past references from a Bidder (who was not an Access Option Holder) had been heard by the former Timetabling Committee. Members considered that there is thus merit in ensuring that Bidders who bring

disputes to be heard by a Panel should not escape incurring charges if they do not pay the normal levy in accordance with Rule E1.44. The Committee agreed to respond to the ORR recommending that the Chairman should be able to allocate reasonable costs at the end of a hearing; such costs should be determined by reference to the length of time and complexity of the case.

12/8 Date of next Meeting

The next quarterly meeting will take place on Thursday 21 June 2007 commencing at 10.00.

A handwritten signature in black ink, appearing to read "Judith M. Hanna", is written above a long, slightly curved horizontal line that extends to the right.