
ACCESS DISPUTES COMMITTEE

MINUTES of MEETING No. 13 held in London on 21 June 2007

Present:

Tony Holland, Chairman
John Beer (First Capital Connect)
John Czyrko (Central Trains)
Bill Davidson (Network Rail)
Tony Deighan (Eurostar (U.K.))
Lindsay Durham (Freightliner)
Gabrielle Ormandy (Network Rail)
Nigel Oatway (English Welsh & Scottish Railway)

In attendance:

Chris Blackman (Secretary)
Tony Skilton (Secretary designate)

Apologies:

Mike Price (First ScotRail)
Martin Shrubsole (Secretariat)

13/0 Introduction

The Chairman welcomed John Beer, as the Member representing Franchised Passenger Class, Band 2, to his first meeting of the Committee.

Tony Skilton, Secretary designate, was also welcomed to the meeting.

13/1 Approval of Minutes of meeting no.12

The Minutes of meeting no.12, held on 15 March 2007, were approved without modification. The Chairman signed a copy of the minutes as a true record of the proceedings.

13/2 Matters arising from the minutes of the previous meeting

12/2 [11/3B] Process of appointing a new Secretary

Members noted that Tony Skilton had been appointed and, after a training period, would take over full duties with effect from 30 July 2007.

The Committee resolved that, with effect from a date in July, all powers and authorities previously vested in Chris Blackman as the Secretary should pass to Tony Skilton. This would include the assignment by the current signatory of the lease to the new Secretary. Bank mandates etc. will also need to be changed.

12/2 [11/6] FM Rail

The Secretary reported that ORR had advised him that Vicat Westlink Rail was not yet a Train Operator with a regulated contract. Accordingly the Committee gave authority for the debt due from FM Rail to be written off.

13/3 Accounts for 2006/07

The auditors were satisfied with the Accounts, but had asked for minor modification of the way in which the figures were presented. Members noted the formal written report received from the Auditors.

The Chairman formally signed the Income & Expenditure statement. This and supporting documentation will be circulated to Industry parties when the levy for 2007-08 is imposed.

13/4 Proposed modifications to the Budget for 2007/08

Members agreed the minor changes to the Budget proposed by the Secretary, and approved the revised budget for 2007/08 at £332,300.

13/5 Major revisions to the website: Incorporation of the Directory

Members were asked for their comment on the layout, style and content of the revamped website, incorporating the directory, which they had had 2 weeks opportunity to visit.

There was strong support for the revised layout style and content of the website. Members considered it was a most useful facility to have the Directory of case law readily available in a handy form on the website. Although the inclusion and development of simple links from the case law direct to the relevant Determination would be welcomed, the difficulties in achieving this within the limitations of the structure of the site were recognised; the alternative of omnipresent tabs at the bottom of the screen leading to past Committee and Panel determinations was considered to be an acceptable alternative.

Members fully endorsed the implementation of the new site from mid July, and acknowledged that further improvements and inclusion of additional information would be provided thereafter. Members recommended that consideration should be given to providing indications on the site to distinguish between the absence of information where there is as yet no case law and absence where the information has yet to be loaded.

The Chairman asked that a circular be sent to all access parties advising about the switching on of the revised website.

13/6 Future CLG status of the Committee

Tony Deighan introduced discussion on this, referring to the recent meeting of the Industry Steering Group at which he and two other members of the Committee had been present. A paper to ISG had included a briefing about the legal status of the Committee. Network Rail had claimed it was not in a position to have an oversight of the ADC's tenancy, and proposed that status of a Company Limited by Guarantee should be adopted as the way forward. The ISG was supportive of this and had suggested that ADC should now decide, and make recommendations, as to how the arrangements should work, and should define

the relationship between the Committee and the company, and describe how the new "structure" should be implemented. The Committee was asked to prepare a detailed paper for consideration by the ISG that would enable that Group to give a steer for the whole industry as to the way forward.

The Chairman, supported by other members of the Committee, thought this was a pragmatic way forward, and added that it was important that the ADC should be seen to have independence. He foresaw that the members of the new company might be the access parties, and that the Directors might only be one or two people, possibly just the Chairman and the Secretary.

Action: The Secretary will prepare a paper for full discussion at the next meeting.

13/7 Update on references

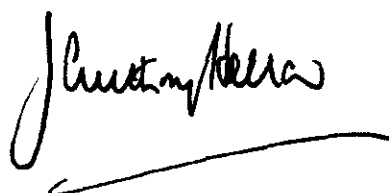
Members noted the current position on the references on hand.

13/8 Any Other Business

There was no other business.

13/9 Date of next Meeting

The next quarterly meeting will take place on Thursday 20 September 2007 commencing at 10.00.

A handwritten signature in black ink, appearing to read "Jonathan Helliwell", with a long horizontal flourish underneath.