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## **ACCESS DISPUTES COMMITTEE**

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**MINUTES of MEETING No. 58**  
held via Zoom videoconference on 10 December 2020

**Present:**

Nigel Oatway (Committee Chair)  
James Carter  
Andrew Danson  
Ian Kapur  
Richard Parsons  
Raj Patel  
Richard Wall  
Andy Wylie

**In attendance:**

Tamzin Cloke (Secretary)  
Richard Butler (Allocation Chair)

**Apologies for absence:**

None

It was noted that the meeting was quorate.

**58/1 Approval of the Minutes of the 57th Meeting of the Committee held on 30 July 2020**

These were approved and are available on the Committee's website.

**58/2 Matters arising from the Minutes of the 57th meeting**

The Secretary had circulated a list of the current Industry Advisors, following Meeting #57. This was noted and no further action was required.

**58/3 Matters determined in correspondence**

The Secretary provided a brief summary of three items: a revised Internet solution for the new office; approval of the training package proposal (and associated costs) for the new Hearing Chairs; approval of a pricing structure for hot desking in the new office following an industry query.

**58/4 Position on references**

The Committee noted a report from the Secretary setting out the current position regarding dispute references. The high number of disputes was again noted and some discussion about the impact of the pandemic, and subsequent removal of franchise agreements, on dispute references took place. The recent determination of HAL/TTP002 was also noted, with regard to Hearing Chairs and Panels only being able to make Determinations based on the legal entitlements of the Parties, regardless of whether the Parties had departed from Part D processes in arriving at a timetabling outcome.

Following discussion at Meeting #57 about an increase in invalid notices of dispute being served, the Committee approved a draft letter for the Secretary to issue to Resolution Service Parties, on the

Committee's behalf, reminding them about the appropriate templated format and requesting that all parties 'take a fresh look' at the disputes templates.

#### **58/5 Update on website**

The Secretary provided a verbal report, including about improvements to links between old and new sections of the site, which was noted.

#### **58/6 Financial matters**

##### **a) Heathrow Airports Ltd. levy**

The Committee approved a paper from the Secretary, and remitted the Secretary and Chairman to liaise with HAL's representatives accordingly.

##### **b) Review of levy charging and Resolution Service Parties**

The Committee noted a report from the Secretary on this topic, and approved the levy charging structure for 2021/22. The Committee remitted the Secretary and Office Assistant to engage with new Resolution Service Parties in the run-up to the 2021/22 financial year.

##### **c) Outturn for 2020/21 and preliminary budget for 2021/22**

The Committee noted a report from the Secretary providing an outturn projection against the current year budget, together with the draft budget proposal for 2021/22. It was anticipated that 2020/21 income would balance with expenditure once a small contribution had been used from the Committee's reserves, as intended.

Two levy contributions for 2020/21 had yet to be received. The Secretary advised that these were both expected by the end of the week.

The preliminary expenditure budget proposal for 2021/22 was approved. It was agreed that the 2021/22 finances could be constructed to produce the same overall levy requirement as for 2020/21, drawing on reserves as required.

##### **d) Approve renewal of Industry Advisor contract**

The Committee approved a paper proposing an extension to one of the Industry Advisor's contracts.

#### **58/7 Allocation Chair Report 2020 – ADR Rule J3(h)**

ADR Rule J3(h) requires the Committee to satisfy itself that the Principles (as set out in Rules A5 to A10) are being observed in the way in which disputes are being managed and determined.

The Allocation Chair, Prof Butler, provided a report based on personal observation during the past year together with feedback canvassed from the Hearing Chairs and advised the Committee that he was content from a professional perspective that the Principles were being observed in the management and determination of disputes. The Committee noted this advice.

Topics suggested for the next meeting of the Hearing Chairs were: impact of the ongoing lack of T-12 compliance with some industry parties on Determinations; an update for Chairs on any changes to the industry environment now that the franchise model no longer exists; discussion on D5.3.1.

### **58/8 Recommendations arising from determinations - update**

The Committee noted the updates to the spreadsheet and agreed that, with the current lack of industry appetite for changing Part D5.3.1, the issue should be referred back to the Hearing Chairs at their annual meeting to see if the Chairs could suggest a workable alternative.

### **58/9 Draft Annual Report for 2020**

The Committee considered the preliminary draft for the 2020 Annual Report and noted that small adjustments would be necessary to reflect factual changes arising in the remainder of the month. Additional comments were requested by 31.12.2020 to enable the report to be issued in the New Year

### **58/10 Membership of the Committee and the Timetabling Pool**

The Committee noted the results of recent elections which would take effect from 1 April 2021. There would be three changes in the Timetabling Pool.

### **58/11 Meetings in 2021**

The Committee agreed dates for routine meetings in 2021. It was noted that the Secretary should seek to arrange a date in 2021 for a gathering of the Chairs and that she would ask the CAHA Registrar to attend the March 2021 meeting.

A handwritten signature in black ink, appearing to read 'Not', with a horizontal line underneath it.

Approved at Committee Meeting #59, signed via email