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## **ACCESS DISPUTES COMMITTEE**

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### **MINUTES of MEETING No. 60** held via videoconference on 29 July 2021

#### **Present:**

Nigel Oatway (Committee Chair)  
Andy Wylie  
Peter Craig  
Richard Parsons  
Jonathan James  
Andrew Danson  
Raj Patel

#### **Apologies:**

Ian Kapur

#### **In attendance:**

Tamzin Cloke (Secretary)

It was noted that the meeting was quorate.

#### **60/1 Approval of the minutes of meetings 59 and 59A**

These were approved and signed copies will shortly be available on the Committee's website.

#### **60/2 Matters determined in correspondence**

It was noted that the Committee's sick pay policy had been determined in correspondence.

#### **60/3 Matters arising from meetings 59 and 59A**

It was noted that Rail for London had contracted with the Committee to operate dispute resolution services on its behalf, but there were some minor difficulties in arranging payment. Matter to be escalated via Jonathan James if required.

#### **60/4 Position on references**

The Committee noted a report from the Secretary setting out the current position regarding dispute references. The Committee noted that the recent trend towards references being escalated to a hearing, due to short notice timescales, and then cancelled at late notice when the Parties were able to settle, continues.

Some discussion was had regarding the various Abellio Scotrail disputes, which have led to a recommendation under item 60/5.

#### **60/5 Recommendations arising from Determinations - update**

A separate spreadsheet refers. Only two items remained outstanding. One is due to be discussed at the Chairs' meeting in September 2021. The other item - redrafting the ADRR to avoid circularity in

the appeals process - was closed. Nigel Oatway agreed to take the proposed drafting forward via the Part C process.

Three new items had arisen. One was outside the Committee's remit and was closed. The remaining two (ability to withdraw / reinstate Notices of Dispute without procedural penalty; constitution of a Timetabling Panel) led to some discussion, followed by requests for change proposals to be brought to the next Committee meeting for further discussion.

An extensive discussion took place regarding the composition of Timetabling Panels. It was agreed that Adam Hodgson's (NR) paper regarding potential options should be submitted to the December meeting for further discussion. There was general acceptance that the principles of separation between panel members and hearing participants should be considered.

It was suggested that a wider industry briefing is undertaken related to the Part D process and the dispute process. One opportunity would be at the annual timetable conference. Jonathan James agreed to approach the Access Managers' Planning and Operations Interface Group (AMPOIG) to see if they would be interested in a briefing at a future meeting.

## **60/6 Financial matters**

### **a) Accounts 2020/21**

The Committee noted a paper from the Secretary and approved the accounts.

### **b) Current financial position**

The Committee noted a report from the Secretary on this topic, and requested further cost details (for purchase and rental) regarding a proposal to install video conferencing equipment in the office, where currently none exists.

### **c) CAHA Registrar's accounts for 2020/21, and related matters**

The Committee noted the CAHA Registrar's accounts for 2020/21 and remitted the Secretary to liaise with the Registrar, in conjunction with the Committee Chair, prior to responding to the recent query from RSTL. Pending completion of this action, the Committee will not confirm the status of the CAHA Registrar to RSTL and the matter will remain outstanding.

### **d) Update on changes to the Committee's bank accounts**

The Committee noted an update from the Secretary and no objections were raised to opening an account with Insignis.

### **e) Financial check**

Richard Parsons volunteered to conduct the next financial check, in advance of December's meeting.

*Post-meeting note: Scheduled for 06.10.21*

## **60/7 Update on website**

The Secretary provided an update on the website, which is up to date. The project to overhaul the Directory of Precedents continues, but has been delayed due to volume of dispute work since March.

## **60/8 Updated on employment contracts**

**a) Summary update**

The Committee noted an update from the Secretary and approved further investigative work by Magma Accountants, with the aim of holding an extraordinary meeting to report on the findings between now and December. The Committee agreed to be proactive in terms of any HMRC liability. The Committee delegated signing the contracts of employment to Nigel Oatway.

**b) Approval of employment-related workplace policies**

These were approved, noting that they can be amended by the Committee in the future, as needed.

**c) Proposal to amend the ADRR to reflect employment changes**

The proposal was taken away by Nigel Oatway, for progression via the Part C process.

**d) Employer's liability insurance**

The Committee noted that the policy (included automatically with the office insurance) is in the name of the Limited Company, whereas the Committee is the employer. The Committee remitted the Secretary to secure separate liability insurance in the Committee's name if needed.

**60/9 Hearing Chairs meeting topics**

The Committee noted the draft agenda. Any further matters for inclusion should be submitted to the Secretary before 31 August. The Committee asked the Secretary to invite Katherine McManus, of Network Rail, to attend the meeting and provide an update on Network Rail's Part D reform workstream.

**60/10 DfT White Paper and implications for ADC**

The Committee had a brief discussion regarding the White Paper and noted that there are, as yet, no firm proposals to engage with.

**60/11 Election of Chair**

Nigel Oatway announced his intention to stand down as Chair. The Committee thanked him for his service and Andy Wylie was elected as Chair for the forthcoming year.

**60/12 Future meetings and Christmas meal**

It was confirmed that the Chairs' meeting would be held in person and, subject to any future restrictions, so would the December meeting. It was agreed not to book the Christmas meal until the last minute, due to COVID uncertainty.

**60/13 AOB**

It was noted that the Secretary had - during the course of arranging TTP1880 - been subject to some extremely unprofessional, threatening behaviour by a Dispute Party's representative, about matters which should - as was explained at the time - properly have been courteously addressed to the Hearing Chair if needed. The Committee agreed that this behaviour was completely unacceptable and in breach of the ADRR Principles governing Parties' conduct. The Committee expects that this will not happen again.

Minutes approved at Meeting #61, signed via email.

A handwritten signature in brown ink, appearing to be 'A. J. ...', is written over a horizontal line that extends across the page.