
ACCESS DISPUTES COMMITTEE

MINUTES of MEETING No. 64 held in London on 08 December 2022

Present:

Andy Wylie (Committee Chair)
Richard Parsons
Jonathan James
Chris Matthews
Raj Patel
Ian Kapur

Apologies:

Chris Meadows; John Czyrko

In attendance:

Tamzin Cloke (Secretary)
Richard Butler (Allocation Chair)

It was noted that the meeting was quorate.

64/1 Approval of the minutes of Meeting 63

These were approved and a signed copy will be made available on the Committee's website.

64/2 Matters arising from Meeting 63

All actions recorded at Meeting 63 had been closed. All other matters arising were to be dealt with under other agenda items.

64/3 Matters determined in correspondence

No matters had been determined in correspondence.

64/4 Position on references

The Committee noted a report from the Secretary setting out the current position regarding dispute references. The Committee welcomed the lower-than-usual number of references and discussed the continued pattern of late-notice hearing cancellations, which the Secretary was reviewing with Network Rail ("NR"). It was agreed, given the volume of access disputes, that the Secretary would approach NR regarding reviving the CPPP Code of Practice, which had lapsed several years ago (**Action 64-01**). The Committee also discussed a recent attempt to have dozens of TPR issues heard on one day, noting the Hearing Chair directed that they be broken into more manageable chunks, and how this could have affected the ADRR Principles. It was suggested that this issue be added to the Chairs' meeting agenda (**Action 64-02**). Ian Kapur took an action to review open GBRf T-12 disputes (**Action 64-03**).

64/5 Update on website

The Secretary provided an update on the website, which was up to date.

64/6 Financial matters

a) Current financial position

The Committee noted a report from the Secretary on this topic.

b) Review of levy charging and Resolution Service Parties

The Committee noted a report from the Secretary on this topic, and approved a proposal to use the Committee's financial reserves - accumulated due to lower spend against budget, particularly for hearings - to fund the Committee's activities for the 2023/24 financial year, rather than make a call on further industry funding, particularly in light of current economic and inflationary pressures within the industry. This arrangement would only be for 2023/24 and the usual review of levy charging was agreed to take place in December 2023.

c) Outturn for 2022/23 and preliminary budget for 2023/24

The Committee noted a report from the Secretary providing an outturn projection against the current year budget, together with the draft budget proposal for 2023/24. It was anticipated that 2022/23 income would result in using a small amount of financial reserves - as planned - by Year End.

The preliminary expenditure budget proposal for 2023/24 was approved. It was agreed that the 2023/24 finances could be constructed to produce a nil levy requirement for 2023/24, drawing on reserves (see above item).

d) Financial check

A financial check took place on 09 November 2022, undertaken by Raj Patel who provided a report. No financial or numerical discrepancies were uncovered.

Volunteers for next financial check - Jonathan James and Chris Matthews (**Action 64-04**).

64/7 Employment matters

The Secretary provided an update on employment matters. Everything was up to date. The voluntary disclosure process was ongoing; the accountants were still waiting for a response from HMRC.

64/8 Allocation Chair Report 2022 - 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.

It was agreed that the Committee would schedule the next Chairs' meeting in Spring 2023 (**Action 64-05**).

Topics suggested for the next meeting of the Hearing Chairs were: the issue of disputes held in abeyance for lengthy periods post the Notice of Dispute; rate of settlement of disputes listed for

hearing (100% this year) and the timing of settlement (often immediately before the hearing); annual review of cases received and issues arising; future of rail industry and dispute resolution processes; practical management in the run up to a hearing; how and when - in the ADRR process - to resolve challenges from defendants about whether the claimant's Notice of Dispute is valid.

64/9 Industry reform and ADC

The Committee heard a brief update from the Chair regarding meetings with NR and discussed how the next phase of BTPF proposals would affect the Committee's work. Secretary to send latest BTPF consultation to Committee Members (**Action 64-06**).

64/10 Draft Annual Report for 2022

The Committee considered the preliminary draft for the 2022 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 31.12.2022 to enable the report to be issued in the New Year, including to operator MDs (**Action 64-07**).

64/11 Membership of the Committee and the Timetabling Pool

The Committee noted the results of recent elections which would take effect from 1 April 2023. Richard Parsons noted that, due to his recent role change at NR, there was no longer a Committee Member representing NR Capacity Planning. Whilst he was happy to continue to represent NR in the interim, the Committee unanimously agreed that it was desirable for NR to continue to have a Capacity Planning representative on the Committee, given the bulk of disputes relate to the timetabling process (all stages).

Post-meeting note: Matt Allen replaced Richard Parsons as a NR ADC representative on 30.12.2022

64/12 Meetings in 2023

The Committee agreed dates for routine meetings in 2023.



Minutes approved at Meeting #65 on 16.03.23