
ACCESS DISPUTES COMMITTEE

MINUTES of MEETING No. 67 held in London on 07 December 2023

Present:

Andy Wylie (Committee Chair)
Matt Allen
Jonathan James
Ian Kapur
Chris Matthews
Chris Meadows
Kate Oldroyd
Raj Patel

Apologies:

None

In attendance:

Tamzin Cloke (Secretary)
Richard Butler (Allocation Chair)

It was noted that the meeting was quorate.

67/1 Approval of the minutes of the 66th Meeting, held on 27 July 2023

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

67/2 Matters arising from the minutes of the 66th meeting

Four items remained open. One was an action for the ADC Chair to attend OPSG, which NR had just organised. The three remaining related to items arising from dispute determinations, which the Secretary had not had time to close out due to a high workload since the last meeting. The Committee asked the Secretary to consider the question of emergency cover for the Secretary, should she not be available to work, or have an excessively high workload (**Action 67-01**).

67/3 Matters determined in correspondence

The only matter determined in correspondence was the Committee agreeing to waive ENE fees, as part of an industry trial, for an upcoming dispute.

67/4 Position on references

The Committee noted a report from the Secretary setting out the current position regarding dispute references. The number of live TTPs remained below 100 (72), with a continued flurry of TTP hearing activity. It was noted that the majority of TTP references related to engineering access (not timing) matters, albeit timing matters made up a larger proportion of hearing requests.

67/5 Update on website

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

67/6 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 2024/25 financial year, rather than make a call on further industry funding, particularly in light of current economic and inflationary pressures within the industry. This would be the final year for this arrangement, and the usual review of levy charging was agreed to take place in December 2024.

c) Outturn for 2023/24 and preliminary budget for 2024/25

The Committee noted a report from the Secretary providing an outturn projection against the current year budget, together with the draft budget proposal for 2024/25. It was anticipated that 2023/24 income would result in using a smaller amount of financial reserves than planned by Year End, primarily due to a rent-free period relating to the office lease.

The preliminary expenditure budget proposal for 2024/25 was approved. It was agreed that the 2024/25 finances could be constructed to produce a nil levy requirement for 2024/25, drawing on reserves (see above item).

The Committee agreed to forgive a small amount of outstanding 2022/23 levies relating to Resolution Service Parties with Connection Agreements, as the next opportunity to send bill reminders (several having been sent already in 2022/23) would be in the 2025/26 financial year.

As a result of a discussion about Hearing Chair fees, which were projected to be over budget due to a higher-than-forecast number of hearing requests, the Committee asked the Secretary and Allocation Chair to consider whether determination summaries, or a page limit on determinations, would be both feasible to implement and of assistance to the industry (**Action 67-02**).

d) Financial check

A financial check took place on 21 November 2023, undertaken by Jonathan James who provided a report. No financial or numerical discrepancies were uncovered.

Volunteer for next financial check - Kate Oldroyd (**Action 67-03**).

67/7 Employment matters

The Secretary provided an update on employment matters. Everything was up to date. The voluntary disclosure process was ongoing; the accountants were waiting for a further response from HMRC. The Committee remitted the Secretary to extend one of the Advisor's contracts for a further year, to align with the expiry date of other Advisor contracts.

67/8 Allocation Chair Report 2023 - 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.

There were several topics in his paper that the Committee asked the Secretary to put on the agenda for the 2024 Hearing Chairs' meeting, including a discussion about the Chairs' case management powers (**Action 67-04**).

The Committee asked the Secretary to remind Parties about the requirement for Parties to comply with the Equality Act when making dispute submissions, namely that submissions should be in an accessible format and significant volumes of paperwork should not be submitted on the hearing day. (**Action 67-05**)

The Committee Chair asked all Committee Members to consider whether any additional, recently retired, railway staff could be invited to apply to become Industry Advisors. (**Action 67-06**)

67/9 Industry reform and ADC

A brief update was provided on GBRTT consultations and engagement to date. The Committee noted GBRTT had recommended that some form of independent dispute resolution process should be incorporated into the new industry structure.

67/10 Draft Annual Report for 2023

The Committee considered the preliminary draft for the 2023 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 05.01.2024 to enable the report to be issued in the New Year, including to operator MDs (**Action 67-07**).

67/11 Membership of the Committee and the Timetabling Pool

The Committee noted the results of recent elections which would take effect from 1 April 2024.

67/12 Meetings in 2024

The Committee agreed dates for routine meetings in 2024.



Andy Wylie (Committee Chairman)

Date: 21 March 2024