
ACCESS DISPUTES COMMITTEE

MINUTES of MEETING No. 68 held in London on 21 March 2024

Present:

Andy Wylie (Committee Chair)
Jonathan James
Ian Kapur
Chris Meadows
Raj Patel

Apologies:

Matt Allen
Chris Matthews
Kate Oldroyd

In attendance:

Tamzin Cloke (Secretary)

It was noted that the meeting was quorate.

68/1 Approval of the minutes of the 67th Meeting, held on 07 December 2023

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

68/2 Matters arising from the minutes of the 67th meeting

(**Action 68-01**) ADC Chair requested up-to-date figures for TTP disputes broken into types of dispute for his forthcoming attendance at OPSG to discuss the CPPP Code of Practice. The Committee discussed the Secretary's work so far on finding emergency cover for her post. The Committee remitted the Secretary to speak to the suggested individual to see if they were willing to provide emergency, peak workload and holiday cover, to NatWest about banking arrangements and to continue liaising with ORR about secondment opportunities (**Action 68-02**). All other matters arising were discussed under other agenda items.

68/3 Matters determined in correspondence

No matters had been determined in correspondence since the last meeting.

68/4 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 just below 100, with a continued flurry of TTP hearing activity. The high number of CPPP disputes was noted, as was the large number of disputes relating to late notice items on Wales Route (approx. 26.5% of total live TTP references). The Secretary was asked to chase the operators and NR for updates on the Welsh items (**Action 68-03**). There was some discussion about the correct sequential order for valid disputes, i.e. whether it was possible to ask for a hearing relating to EAS items if the same items had not been disputed at CPPP stage. It

was noted that this issue had arisen for an upcoming TTP hearing and that the Hearing Chair might need to opine.

68/5 Update on website

The Secretary provided an update on the website, which was up to date save for a hearing day that had just been agreed on the morning of 21 March.

68/6 Financial matters

a) Update on the Committee's financial reserves

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

b) Final outturn for 2023/24 and budget proposal for 2024/25

The Committee noted a report from the Secretary setting out the final outturn projections against the current year budget, together with the final budget proposal for 2024/25.

The budget proposal for 2024/25 was approved. In approving the budget, as outlined in December's meeting, the Committee was satisfied that its position as an ongoing concern will remain protected.

c) Approval of 2024/25 budget proposal for CAHA Registrar Ltd.

The Committee approved the CAHA budget proposal, being substantially similar to previous years. The Committee remitted the Secretary to request a workload update from the Registrar, similar to that provided in previous years, for the July 2024 meeting (**Action 68-04**).

d) Financial check

A financial check took place on 27 February 2024, undertaken by Kate Oldroyd who provided a report. No financial or numerical discrepancies were uncovered.

e) Proposal to change the Committee's payroll and audit companies

This item was discussed after item 68/7. The Committee agreed to remain with the current accountants until the HMRC process had concluded, then revisit this item.

68/7 Employment matters

a) HMRC update

The Secretary had received an update from the accountants on the voluntary disclosure process earlier in the week. Although the process was, hopefully, nearly concluded, the significant delays at HMRC's end had led to the Committee incurring additional cost. The accountants felt that there was a good chance of claiming most of this back, however the process was likely to take another 12 months. The Committee agreed to proceed with a claim. The Committee asked the Secretary to raise a query with the accountants about how the disclosure process would be finalised (**Action 68-05**)

b) Appointment of industry advisors

The Committee considered a paper from the Secretary containing two expressions of interest in Industry Advisor positions. The Committee approved the appointment of Nigel Oatway as an Industry Advisor on the proposed terms. The Committee remitted the Secretary and Hearing Chair to appoint

the other individual in due course (currently awaiting an end date for their present role), provided that the fee proposal is within the realm of usual fees. (**Action 68-06**). Two further names were suggested by the Committee and the Secretary was asked to approach those individuals to see if they would be interested. (**Action 68-07**)

68/8 Recommendations arising from determinations

Only one item - to encourage more use of the Early Neutral Evaluation process - remained open. The Secretary was awaiting feedback from the Dispute Parties following ENE01. This was expected by the end of March 2024.

68/9 Industry reform and ADC

A brief update was provided on the government's green paper. There were no significant items to note. The Committee was available to contribute if required. The Committee Chair and Secretary were asked to approach the ORR about a possible tripartite update meeting with GBRTT (**Action 68-08**).

68/10 AOB

Chris Meadows reminded everyone that PfC125 had just been approved by ORR. He noted that, given it would not come into effect until 05 August 2024, there would be a period of time where two versions of Network Code Part D would be on NR's website. NR was in the process of working out how best to provide clear information on this point. It was suggested that NR also host the PfC125 briefing document and diagrams as part of a separate link next to the two versions of Part D. It was noted that there was still a disconnect between different Infrastructure Managers' Network Code Part Ds and NR's. It was not clear whether these would ultimately align with NR's changes.



Andy Wylie (Committee Chairman)

Date: 25 July 2024