
ACCESS DISPUTES COMMITTEE

MINUTES of MEETING No. 70 held in London on 05 December 2024

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.

70/1 Approval of the minutes of the 69th Meeting, held on 25 July 2024

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

70/2 Matters arising from the minutes of the 69th meeting

All matters arising were to be covered under other agenda items.

70/3 Matters determined in correspondence

The only matter discussed in correspondence (Industry Advisors) was due to be covered under other agenda items.

70/4 Position on references

The Committee noted a report from the Secretary setting out the current position regarding dispute references. The number of live TTPs is now at an historical low (56) but, due to a continued churn, overall registration levels have not significantly dropped. The Secretary provided an update on recent disputes data analysis, which can also be found in the quarterly report hosted on the Committee's main website page.

70/5 Recommendations following dispute hearings

Two actions were waiting for Network Rail to propose PFCs to close them out (minor changes to the ADR Rules and Part D). One action is awaiting an owner within Network Rail, and the others are being progressed. Two actions had been closed, by the Secretary and Network Rail respectively. An

updated list can be obtained from the Secretary. (**Action 70-01** - Secretary to email C Meadows with the Network Rail actions to chase.)

70/6 Update on website

The Secretary provided an update on the website, which is up to date. A new search function has recently been added.

70/7 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 the levy charging structure for 2024/25. The Office Administrator is in the process of contacting companies to obtain up-to-date information for invoicing purposes.

c) Outturn for 2024/25 and preliminary budget for 2025/26

The Committee noted a report from the Secretary providing an outturn projection against the current year budget, together with the draft budget proposal for 2025/26. It was anticipated that 2024/25 income would result in using a smaller amount of financial reserves than planned by Year End, primarily due to staffing and Hearing Chair costs being lower than forecast.

The preliminary expenditure budget proposal for 2025/26 was approved. It was agreed that the 2024/25 finances required levy charging to be reinstated, as predicted, albeit still using a small amount of the Committee's reserves to reduce the charging requirement (see above item). Some minor changes had been made since the paper was circulated, and the Secretary agreed to recirculate the budget spreadsheet (**Action 70-02**).

d) Financial check

A financial check took place on 29 November 2024, undertaken by Jonathan James who provided a report. No financial or numerical discrepancies were uncovered.

Volunteer for next financial check - Ian Kapur (**Action 70-03**). *Post-meeting note - arranged for 04 March 2025.*

e) Banking arrangements

Following discussion with NatWest, it was necessary to amend the Committee's banking signatories and bank mandates.

Accordingly, the Committee resolved as follows:-

- (a) That Andy Wylie should become an Authorised Signatory with immediate effect and also an Authorised User of NatWest Digital banking and Direct banking;
- (b) If the Committee adds or removes Authorised Signatories in the "Add or Remove Authorised Signatories" section on the "About your request" page of the relevant form, the Bank will update the Committee's mandate accordingly for the accounts the Committee specifies in the form's "About your business" section;

- (c) If the Committee changes the Signing Rules in the “Change the Signing Rules on the Mandate” section on the “About your request” page of the form, the Bank will update the Committee’s mandate accordingly for the accounts the Committee specifies in the form's “About your business” section; and,
- (d) The current mandate will continue as amended.

Once the mandate has been updated, it was agreed the Secretary will apply for a debit card and online banking access for Andy Wylie, in line with the Committee’s new cover procedures for the Secretariat. Security arrangements for the new debit card were discussed and agreed by the Committee.

70/8 Employment matters

a) HMRC update

There had been no further update from HMRC, despite the accountants chasing every two days.

Post-meeting note - the accountant advised w/c 09 December that he has now been told that the case officer resigned several weeks ago. A new case officer has been allocated.

b) Hearing Chairs, Register of Experts update

Since the last meeting, Hearing Chair Peter Hinchliffe had resigned, due to his increasing non-ADC work commitments. The Committee expressed their appreciation for the time he has spent on ADC matters. Additionally, the Register of Experts - following the latest update - now has only one person on the list. Given that the future industry contractual framework is still unclear and there hasn’t been an Expert Determination since 2010, it was agreed that more Experts do not need to be appointed, and the Allocation Chair confirmed that the Committee remained Rules-compliant.

c) Industry Advisors update

The Committee noted that, since the last meeting, Chris Geldard had retired from his position as an ADC Industry Advisor. The Committee expressed its thanks for the time he has spent on ADC cases over the last 14 years.

The Committee approved a recruitment policy to bring Industry Advisors in line with its approaches taken to other ADC positions. The set of interview questions was also agreed, subject to minor amendments by the Secretary and a final review by J James (**Action 70-04**).

d) Proposed changes to the ADRR

The Secretary provided a brief update on some necessary minor changes to the ADRR. K Oldroyd agreed to sponsor these through the Network Code Part C process (**Action 70-05**).

70/9 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.

One topic - emergency cover for Hearing Chairs in the event of last-minute absence during the hearing process - had been suggested for the 2025 Hearing Chairs' gathering, and the Secretary was asked to put it on the agenda (**Action 70-06**).

70/10 Industry reform and ADC

A brief update was provided on industry consultations and engagement to date. The contractual structure was still unclear, however meetings were ongoing with freight operators and a high-level consultation paper is expected in the New Year. The Committee noted that disputes activity arising from a combination of freight, open access and concessionary / devolved operators accounts for c.40% of the Secretary's workload.

70/11 Draft Annual Report for 2024

The Committee considered the preliminary draft for the 2024 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 10 January 2025 to enable the report to be issued in the New Year, including to operator MDs (**Action 70-07**).

70/12 Membership of the Committee and the Timetabling Pool

The Committee noted the results of recent elections which would take effect from 1 April 2025.

70/13 Meetings in 2025

The Committee agreed dates for routine meetings in 2025.



Andy Wylie (Committee Chairman) Date: 20 March 2024