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***ACCESS DISPUTE RESOLUTION COMMITTEE***

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**MINUTES OF MEETING No. 8  
HELD ON 18.10.95**

**Present:**

Bob Urie (Regional Railways North East) *{Deputy Chairman}*  
Philip O'Donnell (Railtrack)  
Geraint James (Railfreight Distribution)  
Lloyd Rodgers (Gatwick Express)  
Michael Woods (European Passenger Services)  
Keith Hasted (Railtrack)

**In attendance:**

Chris Blackman  
Martin Shrubsole

**Apologies**

Ian Braybrook (Loadhaul)  
Glen Kennedy (Central Trains)

**8/1 Minutes of Meeting No. 7**

Members affirmed that the minutes were an accurate record of the meeting held on 24th August 1995; the Chairman signed a copy as being a true record for retention on file.

**8/2 Status of Dispute Resolution Committees**

Martin Shrubsole referring to minute 7/4.2 confirmed that the RIDR Rules were now deemed to be complete, and are expected to be signed within a week. Future changes will be progressed through the RIDR's own mechanism for change.

Chris Blackman reported to Committee members that, in accordance with the undertaking in minute 7/4.1, and now that the RIDR Rules have been finalised and agreed, the necessary changes to the Access Dispute Rules will be progressed in order to provide the necessary liability protection for the Chairman, Secretary and other persons in connection with any Committee proceedings.

Committee members noted that it was possible that they might receive a dispute reference direct from the RIDR Committee; this would be in the circumstances where a reference was of a hybrid nature and therefore directed to RIDR Committee which after perusal agreed that either the content was overwhelmingly of an Access nature as to make it appropriate for the Access Dispute Resolution Committee to hear and resolve the matter or that the Access content of the reference needed to be resolved first and a determination made, before being referred back with the determination to RIDR to resolve the remaining aspects and to finalise the overall decision.

### **8/3 Appointment of new Chairman and other personnel**

The secretariat reported that they had held initial discussions with Korn Ferry Carré Orban, a firm of consultant headhunters who have experience in the transport field, regarding proposals for handling the process for appointment of the Chairman of RIDR and also ADRC.

The secretariat had also had an informal discussion with the Department of Transport as to whether the Department might be the party to act as the client in handling the process of appointments. It had been put to the Department that they (the DoT) would be a central appointing body: at the same time the current "key players" would be keen to be consulted on possible nominations to the short list. This had been acknowledged by the Department.

The Consultant's task would be to seek suitable candidates and this process would include the placing of an national newspaper advert. It would be the task of the Committees (ADRC and RIDR) to consider the process for reducing the list of candidates by some mechanism to a short list. It was noted that ADRC has a tie breaker process which involves the Regulator. It was further noted that the process could yield candidates who would be common to the short list for both Committees, and although it is possible that there may be an emerging candidate who would be the selection for both Committees this was not considered to be very likely as the specification for the two posts is different. The ADRC seeks someone with strong practical Railway knowledge and experience, and RIDR by contrast wishes to seek a Chairman who has excellent knowledge of commercial law and practice.

The consultants have also advised that if the Committee wishes to restrict the Chairman from the taking of other employment within the Industry, they will have to consider paying a retaining fee which would compensate for such restriction but the fee could also be constructed to cover a defined initial element or workload.

The Committee agreed that it would adopt the procedure of using a headhunting consultancy. It is accepted that relying on appropriate soundings within the Industry does not meet the criteria of an open process, and furthermore to rely merely on Newspaper adverts is insufficiently proactive.

The Committee agreed that the Department of Transport should if possible be the client in dealing with the consultants to bring a list of candidates forward to be considered by the two committees who would have the responsibility of sifting a shortlist and subsequently making the appointments.

Furthermore it was agreed that it would be sensible to manage the processes for selection of Chairman of the two committees, including the adverts and interviewing processes, closely in parallel.

The Committee charged the secretariat to progress with the Deputy Chairman and update members in writing if the need so requires.

The Committee agreed that the process needs to be formally "designed" and consideration needs to be given to incorporation of the following elements:

1. A filter in the form of a briefing of potential candidates on the list by one or two committee members, the secretary and Chairman/Deputy Chairman.
2. The objective is to yield a short list of 3 or 4 candidates for full interviews with the Committee.
3. A determination of who (members only, or members/alternates) will form the interviewing panel.
4. Nominate possible date of a meeting to hold the interviews; practicalities suggest this may need to be a Saturday. The process will need to be meshed with RIDR
5. Note there is a confidentiality process for handling the CVs.

When the process "design" is done the Secretary will circulate copy to members in correspondence seeking a response by a defined date together with comments and suggestions of particular issues and factors to be raised in the briefing stage.

**Action:** Secretary

It was agreed that the appointment of an independent Vice Chairman can wait until after the Chairman is appointed and a need to appoint a Vice Chairman has been established.

The appointment of a Dispute Secretary is an issue which will be placed on the agenda of the December meeting of the Committee.

The committee endorsed Lloyd Rodgers' suggestion and commissioned the secretariat to consider various package options containing firstly a retainer fee of £x to cover a minimum of 'y' days work with payment thereafter at the rate £z per day and secondly provisions for early termination of the contract, noting that the Chairman would be self employed.

The Committee's view is that a person who is in receipt of a pension from one of the parties of the Railway Industry should not be precluded from being considered as a candidate for the post of Chairman, but the secretariat was instructed to seek legal advice.

**Action:** Secretary

#### **8/4 Committee Budget: Levy on Industry Players**

The Secretary reported that he had notified to each individual Industry party the levy which was shortly to be raised, and that advice about the process for making payment would be sent shortly.

The opening of a bank account had been delayed while consideration was given to determining who would be the guarantor. The Secretariat was currently exploring the option of the Department of Transport acting as guarantor as it had been considered to be inappropriate for one of the industry parties to undertake this role. As soon as the issue was resolved an account would be opened and all industry parties requested to make speedy payment.

The Committee wish to see a proposal tabled at the next meeting as to how they should handle the costs of the Secretariat. Possible options for consideration are direct secondment, or paying allocated proportion of salary plus VAT.

#### **8/5 Class Membership**

The Secretariat advised the committee that Freightliner Limited is now a class member following its formal separation from Railfreight Distribution. It is expected that within a short period of time a further two companies will have reached the status of class member. The Committee noted and wished to be advised as and when new class members came into being.

#### **8/6 Minutes of meetings**

The Committee wishes to see the minutes of meetings of all Sub-Committees. It was noted that minutes of the June Timetabling Committee meeting had not been approved as there had been no meeting of the Sub-Committee since that date. However the Access Conditions provide for a meeting of the Timetabling Committee to be held in the period following the end of a Decision Period in the timetable development cycle. Such a period ends on October 20th.

#### **8/7 Dates of future meetings**

Wednesday 13th December 1995

Wednesday 21st February 1996

Wednesday 24th April 1996

Wednesday 19th June 1996