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## ***ACCESS DISPUTE RESOLUTION COMMITTEE***

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### **MINUTES of MEETING No. 21 Held on 11th February 1997**

#### **Present:**

Bryan Driver (Chairman)  
Tim Clarke (Anglia Railways)  
Richard Fearn (Connex South Eastern)  
Nigel Fulford (Great Western Trains)  
Keith Hasted (Railtrack)  
Geoff Knight (Railtrack)  
Ian Osborne (Freightliner)  
Michael Woods (Eurostar (U.K.))

#### **In attendance:**

Chris Blackman (Secretary)  
Martin Shrubsole (Alternate Secretary)

#### **Apologies:**

Ian Braybrook (English Welsh & Scottish Railway)

#### **21/0 Introduction**

The Chairman welcomed members to the first meeting of the Committee at its new premises in the East Side Offices at Kings Cross.

#### **21/1 Minutes of meeting No.18**

Members approved the minutes of the 18th meeting held on 11th December 1996. The Chairman signed a copy of the minutes as a true record of the proceedings.

#### **21/2 Matters arising**

##### Minute 18/7: Changes to the Access Conditions

The Committee noted that the approved changes to Access Dispute Resolution Rule C1 had taken effect from January 31st 1997. Approved changes to Part D of the Access Conditions concerning Summer and Winter revisions to the Rules of the Route/Plan had come into effect from 1st January 1997.

##### Minute 18/13: Declarations of Interest

The Secretary advised members that the amendments discussed had been incorporated into the declaration document, and he had sought legal advice on the wording and on compliance with the Data Protection Act.

### **21/3 Accommodation and office equipment**

The Secretary confirmed that a three year lease from Railtrack Property Board was being negotiated in the name of ADRC for Rooms 226-230 at Kings Cross East Side Offices. There was provision in the lease for the Committee to sub-let rooms 228/229 to RIDR by means of a licence and to share the use of room 230.

Two work stations, a Xerox copier and a fax machine had been installed, and there are four telephone lines plus one fax line. Arrangements are in hand for the procurement of quality furniture for the Meeting Room.

Approval had been received from Camden Council and English Heritage for the installation of floor-to-ceiling partitions in rooms 226, 228 and 229; a meeting would be held with Railtrack Property to discuss preparation of plans and commissioning of the work.

Members, noting that portable air conditioning units are needed and that outright purchase is financially advantageous to leasing, authorised the Secretary to progress the acquisition and installation of suitable equipment.

**Action:** Secretary

### **21/4 Seeking legal advisors**

The Secretariat reported that there had been discussion with three firms of solicitors. One firm had been of insufficient size to provide the level of support which the Committee was seeking. However, there had been very detailed meetings with the other two firms. The Committee, after a long discussion in which it noted that both the remaining firms had a high reputation for competence and professionalism, agreed that, on the basis of its preferred 'house style', it would appoint Wragge & Co. of Birmingham as its Legal Advisors.

The Secretary was empowered by the Committee to proceed as appropriate, to negotiate contractual terms initially for a 12 month period, and to pass all relevant documents to the new Legal Advisors.

**Action:** Secretary

### **21/5 Financial matters**

The Committee agreed, pursuant to Access Dispute Resolution Rule A3.8.2 that it would reimburse expenses necessarily incurred by the Secretary or the alternate Secretary on Committee business. This would include standard class rail travel, tube or bus fares and, in exceptional circumstances, taxi fares; also reasonable subsistence expenses where Committee business involves a lengthy period away from the office.

Reimbursement would be on the authority of two designated signatories other than the Secretary.

**21/6 List of Committee members and alternates**

It was announced that Keith Hasted, who was shortly leaving Railtrack, would be succeeded as a member of the Committee by Brian Burdsall from 14th February 1997. Members joined the Chairman in thanking Keith for the valuable contribution he had made to the work of the Committee during his period as a member.

The Secretary reported that those members of the Committee and the Sub-Committees elected in December 1996 following the by-elections had, with one exception, now appointed their alternates. A full list of the names of members/alternates, together with the identity of their respective companies and telephone numbers, was tabled at the meeting. Members asked that this should be circulated within the Industry.

**Action:** Secretary

**21/7 Hearing of Reference AD12**

The Committee heard reference AD12, a joint submission from CrossCountry Trains and Railtrack. The Determination No.12 is attached.

**21/8 Regulator's consultation**

The Chairman reminded members that the Regulator, as part of his consultation with Industry Parties on the working of the Access Conditions, in particular part D, wished to meet with members of the Committee. Members agreed that such a meeting should be arranged, and commented that the second annual report of the Committee, now in preparation, would form a useful basis for such discussion.

**Action:** Secretary

**21/9 Date of next meeting**

Tuesday 18th March 1997 commencing at 10.00 in Room 230, East Side Offices at Kings Cross.