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

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### **MINUTES of MEETING No. 32** held at Kings Cross on 8th September 1998

#### **Present:**

Bryan Driver, Chairman  
Tim Clarke (Anglia Railways)  
Tony Deighan (Eurostar (U.K.))  
Nigel Fulford (Great Western Trains)  
Robin Gisby (Railtrack)  
Graham Laycock (English Welsh & Scottish Railway)  
Bob Urie (Northern Spirit)

#### **Apologies:**

Brian Burdsall (Railtrack)  
Ian Osborne (Freightliner)

#### **In attendance:**

Chris Blackman (Secretary)  
Martin Shrubsole (clerk)

#### **32/1 Introduction of new alternates**

The Chairman welcomed Robin Gisby to his first meeting of the Committee since his appointment as alternate to Geoff Knight.

#### **32/2 Minutes of meeting No.31**

The minutes of meeting no.31 held on 10th June 1998 were approved. The Chairman signed a copy of the minutes as a true record of the proceedings.

#### **32/3 Matters arising from the minutes of the previous meeting**

##### Minute 31/3 {30/6}: Contract with the clerk

Bob Urie reported that the contract had now been signed.

##### Minute 30/7: Payment of the levy for the year 1997/98

Members noted that all payments in respect of 1997/98 had now been received.

##### Minute 31/7: Options for imaging the archives

The Secretary reported that he was pursuing the option of holding the archives on a CD-ROM; a further meeting with the BRB had been arranged.

##### Minute 31/8: Handling of disputes at St. Pancras station

Members noted that all parties concerned had been advised about the position.

**32/4 Accounts for 1997/98** (see also minute 31/6)

The Committee noted the paper from the Secretary and agreed the alterations. Members agreed that a copy of these accounts and the accompanying clarificatory text should be sent to all parties to accompany the request for settlement of the levy for the current year.

**32/5 Annual Report for 1997**

The Committee approved, subject to some minor modifications, the Annual Report covering the period January 1997 to March 1998. This will be circulated to all Industry Parties and other bodies.

**32/6 Jurisdiction: Station Information VDU Systems**

The Clerk explained the difficulty that the Secretariat was experiencing in identifying the forum for jurisdiction on a pending dispute.

The subject is the information system linking data from signalbox Train Describers to information screens used by Train Operators' staff at stations. The issue in dispute is how far in this network of links the costs should be paid for by Railtrack or be chargeable to others users such as Train Operators. The issue has been precipitated, following protracted failure by the parties to resolve the matter, by RACAL who are claiming that the payments involved are long overdue.

A screen on a station is a business responsibility covered by a station lease or Access Agreement. Although public information displays on platforms or station concourses are not an issue there is a grey area in the Telecoms links providing information to Train Operators' staff situated in offices off the "main line" linkage. Such links appear not to be covered explicitly in any documentation yet revealed.

RACAL is providing these links but not getting paid. Many such items were originally included in Access Agreements. Part G of the Access Conditions was not considered appropriate for systems and consequently the replacement Systems Code was developed in 1996. The kernel of the discussion is "what is the Dispute Resolution procedure if the systems are not specified?". Further clarification is required and the Secretariat is intending to arrange further dialogue with the parties and to inspect some of the documentation. The debate is essentially about whether jurisdiction should be at ADRC or the RIDR, or whatever resolution procedure is provided for in the Systems Code to cover such circumstances. The aim is to take a pragmatic decision between these three options. Whilst the parties had agreed that the matter is not covered by the Systems Code, the Secretariat will take care to verify whether this option can be eliminated.

Before further discussion Graham Laycock and Tony Deighan both declared an interest in the matter as their companies are potentially involved in the dispute.

Members of the Committee endorsed the suggested way forward in which the Secretariat would establish the jurisdiction for hearing the case. They also stressed that they would not hear the case under any degree of timescale pressure; that is an aspect that needs to be sorted out by the parties with the supplier RACAL.

The Secretariat was instructed to prepare a note to the parties indicating the Committee's willingness to assist in sorting out jurisdiction and, if appropriate, in due course to hear any dispute. The note would emphasise that the Committee would do this as quickly as is reasonably practical but not subject to any duress of timescale pressure.

**Action:** Secretariat

### **32/7 Retirement of the Deputy Chairman**

The Chairman, Members of the Committee and Secretariat thanked Bob Urie for the significant part he had played in the work of the Committee since its inception and particularly as its Deputy Chairman. All present wished him a long and happy retirement.

Members resolved to elect a new Deputy Chairman at the next Committee meeting.

### **32/8 Nomination of persons to authorize expenditure**

Members agreed that Tim Clarke should replace Bob Urie as one of the four signatories able to authorize expenditure on the Committee's account. The other three signatories are the Chairman, Nigel Fulford, and the Secretary. Two signatures are required to authorize any item of expenditure.

**Action:** Secretary

### **32/9 Date of next meeting**

In the absence of any reference to the Committee, the next meeting will be the quarterly meeting on Wednesday 9th December 1998 at a venue to be advised.