
ACCESS DISPUTE RESOLUTION COMMITTEE

MINUTES of MEETING No. 36 held at Kings Cross on 24th June 1999

Present:

Bryan Driver, Chairman
Grahame Cooper (Railtrack)
Tony Deighan (Eurostar (U.K.))
Graham Eccles (South West Trains)
Geoff Knight (Railtrack)
Nigel Oatway (English Welsh & Scottish Railway)
Bob Goundry (Freightliner)
Mike Price (ScotRail Railways)

Apologies:

Tim Clarke (Anglia Railways)

In attendance:

Chris Blackman (Secretary)
Martin Shrubsole (Clerk)

36/1 Introduction

The Chairman welcomed Bob Goundry to his first meeting of the Committee.

36/2 Minutes of meeting No.35

The minutes of meeting no.35 held on 9th June 1999 were approved without modification. The Chairman signed a copy of the minutes as a true record of the proceedings.

36/3 Matters arising from the minutes of the previous meeting

Minute 35/4 [34/5]: Budget: Committee Insurance

The Secretary reported that he had received advice from Edge Tancred, the Insurance Brokers recommended by Wragge & Co. A suitable policy, including adequate public liability cover, would cost approximately £350, but this figure was primarily dependent on the replacement cost of the Committees' assets including furniture, equipment and air-conditioning units. The Secretary was assessing this in collaboration with the Secretary of RIDR.

Minute 35/5: Accounts for 1998/99

The Secretary confirmed that the auditor's certificate had now been received.

Minute 35/5: Non-payment of Levy for 1998/99

The Secretary reported that Balfour Beatty Rail Maintenance had now paid the outstanding levy fee for 1998/99.

Minute 35/7: Technical Sub-Committees

The Secretariat confirmed that a paper had been presented to the Class Representative Committee, who had raised no objection in principle to the proposal to stand down this sub-Committee. Freightliner had agreed to sponsor a formal Proposal for Change.

Minute 35/8: Proposals for Change to the Access Conditions

The Committee noted that the Regulator had approved the minor changes to Part D of the Access Conditions; the changes would be published and take effect from 8th July.

36/4 Update on References

Members agreed to hear Reference AD17 on Wednesday 14th July.

36/5 Annual Review

Members noted the final draft of the Committee's Annual Review which will be published on 1st July.

36/6 Hearing of joint Reference AD18

The Committee formally heard Reference AD18, a joint reference from North Western Trains and Railtrack. The Determination of the Committee is attached.

36/7 Membership fee for the Centre for Dispute Resolution

An invoice had been received from the Centre for Dispute Resolution (CEDR) for the annual membership fee, which on inspection proved to be a 60% increase over the previous year's fee. The accompanying text offered no explanation and, when he had sought clarification, the Secretary had been advised on the telephone that this was the first increase for some years. However, a brief perusal of the file confirmed that the previous year's fee had itself been a 20% increase on the preceding year.

The Secretary had accordingly written in very firm tones to CEDR about their lack of openness on this subject and about their initial response which had been inaccurate and misleading. A fairly apologetic letter had since been received from CEDR although it failed to explain clearly the reason for such a substantial increase in the fee in two consecutive years.

Members expressed considerable disquiet about the lack of professionalism on the part of CEDR, but agreed that payment of the account should be made.

36/8 Date of next meeting

Wednesday 14 July 1999 commencing at 10.00 in Room 230, East Side Offices at Kings Cross.