
ACCESS DISPUTE RESOLUTION COMMITTEE

MINUTES of MEETING No. 40

held in London on 8th March 2000

Present:

Bryan Driver, Chairman
Mark Causebrook (Thameslink Rail)
Tony Deighan (Eurostar (U.K.))
Geoff Knight (Railtrack)
Nigel Oatway (English Welsh & Scottish Railway)
Ian Osborne (Freightliner)

Apologies:

Graham Eccles (South West Trains)
Mike Price (ScotRail Railways)

In attendance:

Chris Blackman (Secretary)

40/1 Minutes of meeting No.39

The minutes of meeting no.39 held on 14th February 2000 were approved without modification. The Chairman signed a copy of the minutes as a true record of the proceedings.

40/2 Matters arising from the minutes of the previous meeting

39/3 Renewal of the Committee's contract with the Chairman

The Secretary reported that Wragge & Co. had now prepared some revisions to the drafting in line with the Committee's wishes. A further amendment was agreed between the Chairman and the Committee; this will be incorporated into the revised contract.

Action: Secretary

39/4 Renewal of the Committee's contract with the Clerk

The Secretary reported that proposals for amendment to the contract had been drafted and would be discussed with the Clerk.

Action: Secretary

40/3 Update on References

AD17

Northern Spirit and Railtrack had indicated that a joint re-submission was being finalised. Members agreed to hear the reference in early April.

AD19 (Ramsgate water supply)

The Committee noted that no formal reference papers had been received although nine months had elapsed since the initial notification of a reference.

Members agreed that the parties should be advised that, in the event of there being no formal papers lodged within two weeks, then, unless any extenuating circumstances had been declared by the parties and accepted by the Secretary, the reference would be de-registered.

Furthermore it was agreed to incorporate into the Committee's procedures a formal note that if, after the expiry of six months from the date of initial reference, there are no detailed papers submitted ready for a Committee consideration at a hearing, and no extenuating circumstances have been demonstrated to the Secretary, then the reference will be deemed to have lapsed.

Action: Secretary

AD20

Resolved by the parties concerned.

AD21

A reference from South Western Trains arising from the Station Access Conditions has been received. A meeting will be called in early April to hear the issues.

40/4 Review of expenditure to date for 1999/2000

Committee considered the paper from the Secretary, and noted that the outturn was well within the budget forecast.

40/5 Budget for 2000/01

Members noted the detailed budget figures prepared by the Secretary and, although the legal fees budget is at variance with the current out-turn, agreed that provision should be made for a substantial amount of legal support, particularly in the view of the anticipated workload. The Committee recalled that it always had the option to impose a supplemental levy on parties, but elected to make reasonable provision in the budget under this heading; this provision is reduced by 10% compared with previous years.

Members agreed minor adjustments to other elements before finally declaring a budget for the year 2000/01 of £220,000. This is a reduction of £10,000 on previous years.

The Committee also considered a brief paper from the Secretary which analysed Committee costs for the year 1999/2000. It was agreed that, for purposes of comparison, figures should be produced for previous years on a 'cost per hearing' and 'cost per reference' basis for review at the next quarterly meeting. The

Secretary will also establish, by reference to the CEDR, what other statistics are expressed or recorded by other similar bodies.

40/6 Regulatory Review of Model Clauses in Access Agreements

Members noted the papers and expressed surprise that the Committee had apparently been expected to participate in the Regulatory review of proposals for model clauses in Access Agreements. The Committee sees itself as a servant of the contract and it is therefore inappropriate to have input into the development of contracts.

The members endorsed the approach that had been taken by the Chairman and Secretary in the formulation of a response to the Rail Regulator and welcomed the proposal of a meeting between the Regulator and the Chairman and Secretary in due course. Members felt strongly that the Regulator should substantiate the comments that he had made to the Secretary. Members also expressed a wish that Michael Whitehouse of Wragge and Co. should accompany the Chairman and Secretary at the meeting with the Rail Regulator.

It was noted that the Regulator had asked for comments from Industry Parties about the role and work of the committee. Members agreed that this would best be done by discussion with the Representatives in their individual Bands.

40/7 Date of next Meeting

The next meeting will be on Monday 19th June 2000 in Room 230, East Side Offices at Kings Cross commencing at 10.00.

This is a change of date from Wednesday 14th June.