
ACCESS DISPUTE RESOLUTION COMMITTEE

MINUTES of MEETING No. 53 held in London on 12 December 2001

Present:

Bryan Driver, Chairman
Karen Bonner (Freightliner)
Tim Clarke (Anglia Railways)
Bill Davidson (Railtrack)
Tony Deighan (Eurostar (U.K.))
David Franks (South Central)
Julia Glenn (Railtrack)
Bil McGregor (ScotRail Railways)
Nigel Oatway (English Welsh & Scottish Railway)

In attendance:

Chris Blackman (Secretary)

53/1 Introduction

The Chairman welcomed Bill Davidson to his first meeting since he succeeded Geoff Knight as a Member representing Railtrack.

53/2 Minutes of meeting No.52

The minutes of meeting no.52 held on 12 September 2001 were approved. The Chairman signed a copy of the minutes as a true record of the proceedings.

53/3 Matters arising from the minutes of the previous meeting

52/4: The clerk's contract

The Chairman announced that with the Committee's agreement he intended to reappoint the clerk when the present contract expires in February 2002. Members fully supported the Chairman's proposal and agreed that the re-appointment should be on the same general terms as the current contract with a break clause at the end of 12 months to enable the incoming Chairman to review the arrangement.

53/4 Changes in Membership

The Secretary reported on the results of elections that had taken place earlier in the day at the Annual Class Meetings. Members noted that the changes would be published in due course.

53/5 Budget outturn for 2001/02 and Preliminary budget for 2002/03

Members noted the Committee's expenditure for the current year was satisfactorily within budget, and that the outturn for 2001/02 indicated a surplus of income against expenditure. Members also endorsed the preliminary budget for 2002/03 subject to adjustment of the figures under certain headings in anticipation of increased workload and staff changes, and a specific contingency line to provide for unforeseen elements. The preliminary budget, as adjusted, would be subject to formal review at the next quarterly meeting, when further emerging data would also be taken into account.

53/6 Process for appointment of Chairman from April 2002

Members reviewed a progress report from the search firm Korn/Ferry International and agreed that the sub-Committee should interview a short list of candidates in the New Year.

Action: Secretary and sub-Committee.

53/7 Update on References

The Secretary advised members that the position on outstanding references was:

AD25 Noted that this remains stayed pending resolution of reference nv5;

AD26 Silverlink Train Services has confirmed that it has withdrawn its reference following agreement with Railtrack on the outstanding issues.

AD27 Hearing arranged for Wednesday 19 December 2001. Receipt of the papers was expected within 24 hours.

53/8 Recent and prospective Proposals for Change to the Access Conditions

It was noted that Proposals for Change to Part D of the Track Access Conditions had recently been the subject of consultation with Industry Parties, and representations would be reviewed at the forthcoming Class Representative Committee meeting on 18 December 2001.

The Secretary reported that the Committee's Proposals for Change to the Access Dispute Resolution Rules would be scrutinised by lawyers and be the subject of a consultation document early in 2002

53/9 Dates for hearings in 2002

The Committee agreed a programme of dates to be ear-marked for hearings in 2002 as follows:

Wednesday 23 January 2002	Wednesday 20 February 2002
Wednesday 20 March 2002	Wednesday 24 April 2002
Wednesday 22 May 2002	Wednesday 19 June 2002
Wednesday 17 July 2002	Wednesday 21 August 2002
Wednesday 18 September 2002	Wednesday 16 October 2002
Wednesday 20 November 2002	Wednesday 18 December 2002

Members requested that they be advised three weeks in advance of each date whether that date was required or not for a hearing.

Action: Secretary.

53/10 Any Other Business

The Chairman drew the Committee's attention to the use of the phrase 'interested party' which was not a defined term, but had led to some concerns in recent months. The Committee noted that the phrase 'interested parties' had been used to refer to parties who were involved in or might be (adversely) affected by a decision of the Committee. The Chairman traced the history of the particular cause for concern which related to references NV33 and NV34, where some Train Operators had sought to attend the dispute hearing as an 'interested party', but were clearly not a Party to the Dispute. Members agreed that the way forward was to cease to use the phrase 'interested party' and observe strictly the defined phrase, 'Party to a Dispute'.

53/11 Date of next meeting

19 December 2001 to hear reference AD27