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

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### **MINUTES of MEETING No. 65** held in London on 11 March 2004

#### **Present:**

Tony Holland, Chairman  
Bill Davidson (Network Rail)  
Tim Clarke (Anglia Railways)  
Tony Deighan (Eurostar (U.K.))  
Julia Glenn (Network Rail)  
Nigel Oatway (English Welsh & Scottish Railway)  
Ian Osborne (Freightliner)

#### **In attendance:**

Chris Blackman (Secretary)  
Martin Shrubsole (Clerk)

#### **Apologies:**

Mike Price (ScotRail Railways)  
Niel Wilson (North Western Trains)

#### **65/1 Minutes of meeting no.64**

The minutes of meeting no.64 held on 10 December 2003 were approved without modification. The Chairman signed a copy of the minutes as a true record of the proceedings.

#### **65/2 Matters arising from the minutes of the previous meeting**

##### *64/6 Outstanding Appeals referred to the Rail Regulator*

Members noted that a letter had been received from the Regulator in response to the Chairman's letter asking for clarification of his position on the long-awaited reasons for his decision on the appeal against the Network and Vehicle Change Committee's determination NV33. Notwithstanding the settlement that the parties themselves had reached in the meantime, the Regulator has indicated that he intends to publish the reasons for his decision.

##### *64/7 Proposals for Change to the Access Dispute Resolution Rules*

Members noted that the Regulator has still not yet approved the changes to the Access Dispute Resolution Rules sent to him in February 2003.

*64/10 Renewal of contracts*

Contracts with the Vice-Chairman and Clerk for a further two-year period have now been signed. It was expected that a contract with the Chairman for a further two-year period would be signed within 7 days.

The Regulator has indicated his approval that Chris Blackman should be reappointed as Disputes Secretary.

**65/3 Review of the outturn for 2003/04 and approval of the Budget for 2004/05**

Members noted the Committee's expenditure for the current year was satisfactorily within budget, and that the outturn for 2003/04 indicated a surplus of income against expenditure, mainly due to the number of hearings during the year being less than budgeted.

Members agreed that some adjustment should be made to the level of certain individual elements of the budget. The Committee then approved the overall budget for 2004/05 at £270,000, a figure unchanged from that for 2003/04.

**65/4 Preparation of the 9<sup>th</sup> Annual Report**

Members declared that they wished that the 9<sup>th</sup> Annual Report be prepared in the same format as the 8<sup>th</sup> report published in 2003. A draft should be circulated in late April for review at the next meeting, prior to publication in June 2004.

It was agreed that the Report should contain commentary on particular items handled during the year, including the reference (nv44) about the recovery of legal costs, the proposal to appoint a technical assessor, and setting out the Committee's relationships with the newly established Delay Attribution Board (DAB).

The Committee also agreed that it would be helpful to the Industry if the Chairmen of the ADRC, RIDR and DAB were to issue a joint statement about the roles of the respective Committees and their inter-relationships.

**Action:** Secretariat

**65/5 The proposed network code**

The Secretary reported that a set of Proposals for Change to the Railtrack Track Access Conditions had been issued and was currently in the formal consultation process. As well as containing proposals that the Track Access Conditions should be renamed as the Network Code, and that references to Railtrack should be amended to Network Rail, opportunity is being taken to tidy up other parts of the text and to remove some redundant passages concerning actions required by the British Railways Board. It is anticipated that the approved changes will come into effect in the early summer of 2004. The Regulator is about to publish a more comprehensive consultation document concerning the structure of the network code. Members noted the position without comment.

**65/6 The proposed stations code**

The Clerk notified the members that he had recently attended a seminar at the Regulator's office on the subject of the proposed stations code. It is expected that the process of transition from the National Station Access Conditions and the Independent Station Access Conditions to a stations code will be subject to some further reworking and development.

Members noted that the proposed new stations code prescribes arbitration as the default position for dispute resolution.

**65/7 Update on References**

AD31 Further discussions have taken place, and the parties, Great Eastern Railway, Anglia Railways and Network Rail, are seeking guidance from the Delay Attribution Board;

AD33 from West Coast Trains, relating to the maintenance of facilities at Euston station: this reference has now been withdrawn following a productive high-level discussion between the parties;

AD34 from West Coast Trains, relating to watering facilities at Carlisle station: the parties have held a further meeting on 10 March, and have subsequently asked that a hearing of this dispute, previously arranged for 17 March, be deferred until April to enable further discussions to take place; this had been agreed by the Committee Secretary.

**65/8 Deputy Chairman**

Tim Clarke, the Deputy Chairman, announced that this would be his last meeting as he would shortly be stepping down from the Committee following his appointment as Managing Director of the new London Eastern Company. This company would be in a different Band, and a by-election would thus become necessary to find his successor as a Member of the Committee representing Band III of the Franchised Passenger Class.

The Chairman, on behalf of all the Members, thanked him for his contribution to the work of the Committee over a period of many years, and wished him well in his new role.

**65/9 Date of next meeting**

Wednesday 21 April.