
NETWORK and VEHICLE CHANGE COMMITTEE

Minutes of Meeting No.15
held at Kings Cross on 29 July 2002

Present: Tony Holland (Chairman)
Bryan Driver (Vice-Chairman)
Chris Brooks
Bob Goundry
Alex Grimes
Peter Heubeck
Graham Laycock
Stephen Rattue
Mike Scott

Apologies: Tony Deighan

In attendance: Chris Blackman
Martin Shrubsole

15/1 Introductions

Members welcomed the Chairman to his first meeting of the Sub-Committee, and in turn the Chairman welcomed Alex Grimes and Chris Brooks to their first meeting as alternates to Geoff Sandberg and Nick Hortin respectively.

15/2 Minutes of meeting no.14

The minutes of meeting no.12, held at Kings Cross on 14, 15, 23 & 28 November, and 4, 14 & 20 December 2001, were approved without modification. The Chairman signed a copy of the minutes as a true record of the proceedings. A copy of the approved minutes will be circulated to all Industry Parties.

15/3 Record of Hearing of Reference no. NV22

The Record of Hearing of Reference NV22 on 17 January 2002 was approved subject to some minor modifications. The Chairman signed a copy of the Record, as modified, as a true record of the proceedings. In accordance with procedures a copy of the Record will be circulated to members of the Committee and to the parties to the dispute.

15/4 Record of Hearing of Reference no. NV33

The Record of Hearing of Reference NV33 on 14, 15, 23 & 28 November and 4, 14 & 20 December 2001, was tabled for approval. The Chairman directed that he wished the Record to be formally approved in writing by all the members who had sat on the Committee for the hearing. The Secretary was therefore directed to obtain the approval through correspondence.

15/5 Record of Hearing of Reference no. NV35

The Record of Hearing of Reference NV35 on 13 December 2001 was approved subject to some minor modifications. The Chairman signed a copy of the Record, as modified, as a true record of the proceedings. In accordance with procedures a copy of the Record will be circulated to members of the Committee and to the parties to the dispute.

15/6 Matters arising from the previous meeting

There were no matters arising.

15/7 Hearing of Reference no. NV44

The Committee commenced a hearing of joint reference NV44 from Great North Eastern Railway and Railtrack on the subject of the Leeds First project.

The Committee was unhappy with the disparate views represented by the parties as to the issues of difference between them and had noted that the Secretary upon receipt of the various written submissions had issued a letter of guidance 'Handling of Reference Concerning Compensation in Respect of Network Change'. Members were not pleased to be asked by one of the parties to accept papers at the commencement of the hearing and considered that if the parties had conducted proper dialogue at an early stage there would have been no need for one or other party to wish to circulate written papers at such a late stage.

After hearing opening statements from both parties and posing a number of questions to both parties the Committee decided that it would not proceed further towards the issue of its determination, but would ask the parties to resume negotiations and discussions in accordance to a formal note of guidance issued to the parties. This 'Note of Guidance' issued to the parties NV44 is attached to these minutes

15/8 Procedure for Hearing of Reference no. NV45

The Committee formally considered the position of joint reference NV45 from Great North Eastern Railway and Railtrack.

Members noted, with some disappointment, that the papers contained a great deal of dialogue between the respective lawyers for the parties, but little evidence of direct dialogue between the managers of the respective companies.

Nevertheless, the Committee gave encouragement to the parties to draw up draft directions whilst the Committee conducted a hearing of reference NV44. With minor modifications the Committee then issued the document as formal directions as to how the parties should proceed.

15/9 Update on references

The Secretary reported that the position on outstanding references received was as follows:

nv23 The parties (EWS and Railtrack) have not yet produced a joint submission; they are being pressed to do so;

nv36 Railtrack has withdrawn the reference following useful further discussions, which led to an agreed settlement with Chiltern Railways.

nv37-43 (inclusive) A joint hearing of these references on the subject of Railtrack's Major Project Notice for West Coast Route Modernisation 2003 is expected to take place in September. Parties have been asked to submit joint references by the end of August.

15/10 Date of next meeting

No specific date was fixed for the next meeting, but it was noted that meetings will be arranged in mid-late September to hear references NV37-43; in late September to reconvene to hear reference NV44; and in late October to hear reference NV45.