



The Bar Council

Meeting of the Bar Council

Saturday 16 November 2024 at 11:00

3PB Barristers, 2 Victoria St, Bath St, Redcliffe, Bristol, BS1 6BN

Present:

Samuel Townend KC	Chair of the Bar	STKC
Barbara Mills KC	Vice-Chair of the Bar	BMKC
Lorinda Long	Treasurer	LL
Jo Martin KC	Western Circuit Leader	JM
Philip Stott	Co-Chair Legal Services Committee	PS
Tony Singla	Co-Chair Bar Representation Committee	TS
Michael Ivers KC	Chair of the Bar Human Rights Committee (BHRC) Executive Committee	MI

Members in attendance (in alphabetical order):

Adam Baradon KC (ABKC), Alice Hands (AH), Amanda Jepson (AJ), Amrit Dhanoa (AD), Andrew Howe (AHo), Annabel Graham Paul (AGP), Anton van Dellen (AvD), Aoife Kennedy (AK), Asad Maqsood (AM), Barbara Connolly KC (BCKC), Caroline Rees KC (CRKC), Cathrine Grubb (CG), Celina Colquhoun (CC), Charlie Woodhouse KC (CWKC), Daniel Sheridan (DS), David Bunting (DB), David Christopher Taylor (DCT), Desphal Panesar KC (DPKC), Elaine Banton (EB), Eleena Misra KC (EMKC), Ellen Wright (EW), Emma Hughes (EH), Emma Southern (ES), Faisal Sadiq (FS), Fenner Moeran KC (FMKC), Gaynor Wood (GW0), Georgios Petrochilos KC (GPKC), Guy Williamson (GW), Hannah Smith (HS), Heidi Stonecliffe KC (HSKC), Henry King KC (HKKC), Ivor Collett (IV), Jacob Hallam KC (JHKC), Jaime Hamilton JC (JHaKC), James Paterson (JP), James Roberts KC (JRKC), Jasmine Chan (JC), Kate Lumsdon (KL), Kirsty Brimelow KC (KBKC), Leanne Targett-Parker (LT-P), Leon Kazakos KC (LKKC), Linda Turnbull (LT), Lucinda Orr (LO), Luke Wygas (LW), Maddy Charlesworth (MC), Madeleine Deasy (MD), Martyn McLeish (MML), Matthew Keliris-Thomas (MK-T), Melissa Coutino (MC), Minka Braun (MB), Michael Harwood (MH), Michelle Heeley KC (MHKC), Mike Jones KC (MJKC), Mirza Ahmad (MA), Nicholas Johnson KC (NJKC), Paul Adams (PA), Paul Powlesland (PP), Peter Grieves-Smith (PG-S), Philip Moser KC (PMKC), Reagan Persaud (RP), Rebecca Dix (RD), Richard Honey KC (RHKC), Rory Brown (RB), Ruth Kirby KC (RKKC), Saira Kabir Sheikh

THE BAR COUNCIL

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KC (SKSKC), Sara Ibrahim (SI), Sarah Fearon (SF), Sarah Gerrard (SG), Sean Summerfield (SS), Shazia Akhtar (SA), Shobana Iyer (SIy), Shoshana Mitchell (SM), Simon Atkinson (SA), Simon Regis (SR), Stephen Kenny KC (SKKC), Sunny Virk (SV), Susan Jones (SJ), William Dean (WD), Yasmin Omotosho (YO).

In attendance:

Anna Pinch	Director of Services	AP
Bill Bay	President of the American Bar Association	BB
Justina Naik	Governance (minutes)	JN
Malcolm Cree	Chief Executive Officer	MC
Mark Neale	Director General, BSB	MN
Phil Robertson	Director of Policy	PR
Piran Dhillon-Starkings	Adviser to the Chair	PD-S
Richard Cullen	Director, Finance	RC
Sally Burnell	Director of Communications	SB
Susanna McGibbon	Treasury Solicitor and Permanent Secretary of the Government Legal Department	SM
Wilf White	Director, Communications and Public Engagement BSB	WW

Apologies were received from:

Alex Matthews, Brittany Buckell, Christina Michalos KC, Emma Walker, Fallon Alexis, Hugh Mercer KC, Jason Pitter KC, Kathryn Stone, OBE; Mary Prior KC, Tahmina Rahman, Yaa Dankwa Ampadu-Sackey.

1. Conflicts of interest and announcements

None noted.

2. Minutes of the last meetings and matters arising

The following amendment was noted:

- Item 8: The better regulation principles are: proportionality, accountability, consistency, targeting and timeliness.

The minutes from the meeting held on 7 September 2024 were APPROVED as an accurate record with these amendments.

3. Statement by the Chair of the Bar Council

The Chair highlighted the following points from his report:

Subscriber Elections

The Chair announced and welcomed elected Bar Council members from the subscriber elections 2025:

Self-Employed Junior Counsel under 7 years

- Yaa Dankwa Ampadu-Sackey
- Emma Hughes
- Matthew Keliris-Thomas
- Harry Stratton

The Chair further announced election results from Casual Vacancies as follows:

Employed Junior Counsel over 7 years

- James Robinson

Self-Employed King's Counsel

- Kama Melly KC
- Lucy Reed KC

Self-Employed Junior Counsel under 7 years

- Bella Dennis
- James Kane

Bar Council Public Affairs

- A response had been submitted to the government's multi-year spending review, setting out 5 priority areas for the Treasury to consider.
- Introductory meetings had been held with justice ministers including the Lord Chancellor, Minister for Courts and Legal Services (Heidi Alexander MP), Minister for Victims and VAWG (Alex Davies-Jones MP) and the Lords Justice Minister (Lord

Ponsonby). A meeting had also been held with the Justice Committee Chair (Andy Slaughter MP), and several new legal MPs.

Bullying and Harassment Review

The Chair updated members in relation to the Bullying and Harassment Review. A communication had been sent to the Bar from Rt Hon Harriet Harman KC and there would be further work with the review team on future communications.

BSB Consultation

The Bar Council had issued a statement in response to the publication of the BSB consultation on changes to the equality rules and a statement in response to the BSB's plans on the regulation of barristers in chambers.

Race at the Bar Report

The Chair advised of the planned launch of the new race report (three years on), scheduled within the following weeks.

General Management Committee Meeting Discussions

The Chair provided a summary of the discussions held at the GMC meetings that took place over the previous quarter.

International Activities

The Chair's international activities, meetings and attendances, were outlined including Sierra Leone High Commission & General Legal Counsel of Sierra Leone, IBA Annual Conference – New Mexico, Bar Council trade visit to India, and the Abu Dhabi and Dubai trade mission.

4. Bar Standards Board Report

Mark Neale, Director General – BSB, presented the Bar Standards Board report taken as read. The following was highlighted:

BSB Consultation on revising equality rules

- A number of roundtables and meetings with stakeholders would be held before the consultation would close on 29 November 2024.
- All consultation responses would be considered carefully, and a Frequently Asked Questions document was available to explain the proposals in further detail.

BSB Consultation on the regulation of barristers in chambers

- A dedicated section of the website would be used to clarify the regulatory requirements of barristers' practice management.

Annual decision-making reports

- There had been significant increases to productivity, timeliness and responsiveness.
- An end-to-end review had been undertaken by Fieldfisher LLP, of which recommendations were being implemented to further improve performance.

Members were asked to note in response to questions that a redesign of the enforcement process, including improved IT systems, would increase efficiencies. Improving the timeliness of decision-making remained a top priority.

5. Statement by the Chief Executive

Malcom Cree, CEO of the Bar Council highlighted the following points:

- Anna Pinch had replaced Carolyn Entwistle as the new Director of Services and had commenced meeting with the Chairs of the Bar Representation Committee and Chamber's Management Panel.
- The consultation on the Practising Certificate Fee (PCF) was due to be launched, with a proposed increase to the fee of 8.5%.

6. Western Circuit Leader Report

Jo Martin KC, Western Circuit Leader provided a verbal report and highlighted the following points:

- Members were welcomed to the Western Circuit and Barristers on Circuit and the Bar Council were thanked for their continued efforts.
- Areas of activity and support had included Crown Court sitting days, the code of conduct consultation and practising fees.
- A scheduled visit to Bristol by the Attorney General would take place the following week.
- Baroness Harman was scheduled to visit Exeter on the 29 November 2024 to talk about Barrister experiences and views on Bullying and Harassment.

7. Treasurer's Report

Lorinda Long, Treasurer, shared an overview of the September 2024 Management Accounts.

- There was an increase in income due to additional PCF collection and Treasury Deposit interest.
- There was an increase in staff costs due to the BSB organisation restructure and the non-recurring cost of the Task Force to reduce backlog.
- Non-staff cost savings had mitigated some effect of additional staff costs.
- The year-end position was at break-even.
- A final stage had been reached in agreement of the buy-in of the Defined Benefit Pension Scheme. The buy-out stage was expected to take 12-18 months.
- Members were encouraged to participate in the consultation on the level of PCF.
- Members were asked to note that this was Lorinda's last meeting as Treasurer and the CEO and Director of Finance were thanked for all their support.

8. Treasury Solicitor and Permanent Secretary of the Government Legal Department

Susanna McGibbon, Treasury Solicitor and Permanent Secretary of the Government Legal Department (GLD) addressed the Bar Council to share the work of the GLD as follows:

- The Chair was thanked for his leadership of the Bar Council.
- Improvement work was continuing, on the use of Counsel on the Attorney's panels in relation to diversity and inclusion.
- Advisory support areas included instructing parliamentary counsel and support to ministers.
- The Government Legal Department's mission-based approach to supporting delivery of the government's agenda was summarised.

9. President of the American Bar Association

Bill Bay, President of the American Bar Association addressed the Bar Council to share his thoughts on the US legal system and the Rule of Law:

The profession

The English system was admired where cases were picked up under a short time period and trialled, which was a different way to the US system which would consider a case for a number of months before a position was taken.

Justice

Solicitors make justice real for people, representing the voiceless and helping people at their point of need.

Tradition

Celebrations have included the 800th anniversary of the Magna Carta in 2015, and an approach of the 250th anniversary of the United States Declaration of Independence. It was important to celebrate traditions but also to celebrate changes to the profession, such as the sense of fairness and diversity.

A look ahead

There was more work to do, noting that people look to the profession to achieve fairness, and inclusion, and to provide access and guidance to all.

The Rule of Law

It was recognised that the rule of law becomes a primary discussion topic in the approach to elections, when real concerns become expressed. There was some hope and optimism in the difference that arose during the last US election cycle, which was the dominant theme of democracy. The American Bar had conducted a 2024 study with some sobering responses on democracy, that US residents deemed the American system of democracy as weaker than it was five years prior. Respondents blamed the spread of misinformation for this. Free and fair elections were said to be the most important part of a democratic government, with the balance of power of independent press following this, and lastly an independent judiciary. In total 69% of Americans were dissatisfied with how democracy was working within the country. This was a challenge to democracy and the rule of law, with a need to restore the public's trust in democracy and the judicial systems. There was work to do to, working with lawyers from around the world, and this was the reason for the aim of increasing communications with the Bar Council and the Law Society, to review shared problems and consider solutions as a global profession in the US and throughout the world. It was time for the profession to lead, showing communities and countries why the profession existed. The profession should stand today for what it stood for yesterday, the rule of law, the importance of the judicial system and justice for all.

10. Legal Services Committee

Philip Stott, Co-Chair of the Legal Services Committee presented a report to the Bar Council, and highlighted the following points:

- Susan Grocott KC as Co-Chair, Vice Chairs, panel chairs and committee members were thanked for the advocacy and support to the work of the committee.

- On 2 October 2024, Daniel Flury, HMCTS Director of Operations was invited to address the Committee on the current and future work of HMCTS.

11. International Committee

Members received and noted the International Committee's report to the Bar Council.

12. Bar Representation Committee

Tony Singla KC, Co-Chair of the Bar Representation Committee presented a report to the Bar Council, and highlighted the following points:

- Carolyn Entwistle was thanked for her running of services during her role as Director of Services and was wished all the best in her future. Anna Pinch was welcomed as the new Director of Services.
- There was a 1.5% decrease of practising barristers subscribing to the Bar Representation Fee (BRF). Work was underway to improve this position, including improved benefits to subscribers such as Doctorline™.
- The 2025 Bar Conference would be held on Circuit in Birmingham.

Members were asked to note in response to questions, that in relation to the BRF, all on the Bar Council should utilise their representative capacities to encourage their groups to subscribe to this. Members were also asked to note that the reason for the decline in the Business Partnership Portfolio was not clear but would be further reviewed.

13. Bar Human Rights Committee

Michael Ivers KC, Chair of the Bar Human Rights Committee (BHRC) Executive Committee, presented a report to the Bar Council, and highlighted the following points:

- The American Bar Association was mentioned for their rule of law initiative which had funded the Committee's project to produce a report on judicial independence in Hong Kong.
- A Guantanamo Bay trial observation report had been launched in September 2024, authored by Zimran Samuel MBE, BHRC Executive Committee member. The recording of the launch event was made available on YouTube and LinkedIn.
- Ongoing work to support and protect practising lawyers, judges and human rights defenders who were threatened or oppressed for their work was summarised.

Members were asked to note that the work of the BHRC is funded by the Bar Council but is governed entirely separately to enable the necessary freedom to address and advocate for the wide range of human rights issues.

14. Any Other Business

Social Media Guidance

Mary Prior KC raised a matter concerning social media guidance for the judiciary, which would apply to fee paid judges, and was deemed to restrict the expression of views on government policy. The concern was the effect on those who may also hold a dual leadership role at The Bar Council.

Members were asked to note that further clarification would be sought on the interpretation of the guidance.

A Thank you to the Chair and Treasurer

The CEO presented and formally thanked the Chair, Sam Townend and Treasurer Lorinda Long for their tenure and highly valued contributions to the Bar Council this past year. This meeting was noted as their last formal Bar Council meeting of the year.

15. Date of next meeting:

Wednesday, 4 December 2024, 17:30