

Minutes of the Bar Council meeting held on Saturday 20 September 2014 at the Bar Council offices

Present:

Nicholas Lavender QC - Chairman

Stephen Collier - Treasurer

68 further members of Bar Council attended.

1. Apologies

Apologies for absence were received from Rt Hon Jeremy Wright QC MP, Mr Robert Buckland QC MP, Alison Saunders CB, Alistair MacDonald QC, Safira Afzal, Mirza Ahmad, Robin Allen QC, Lesley Bates, Lord Carlile of Berriew QC, Simon Clements, Ivor Collett, Tony Cross QC, Gemma de Cordova, Tim Devlin, Guy Fetherstonhaugh QC, Suzanne Goddard QC, Edward Henry, James K Juggapah, Kaly Kaul QC, Alexander Learmonth, Taryn Lee QC, Natalia Levine, Paul Mendelle QC, Neil Mercer, Christina Michalos (Karen Squibb-Williams attended as alternate), Gregory Mitchell QC, Sarah Morgan, Benjamin Myers QC, David Nicholls, Lucinda Orr, Roger Quickfall, Robert Rhodes QC, Nigel Sangster QC, Zoe Saunders, Paul Stafford, Jason Sugarman, Andrew Walker QC, Toby Watkin (Andrew Dymond attended as alternate).

The following did not attend and did not send apologies: Philip Blatchly (Richard Baldwin in attendance as alternate), Michael Bowsher QC, Alex Carington, Mark Engelman, Sarah Forshaw QC, James Hines, Sundeep Singh Virk and Nicholas Worsley.

The following attended as guests: Vanessa Davies (items 1-6), Baroness Ruth Deech QC (Hon) (items 1-6).

2. Approval of the minutes and matters arising

The Chairman welcomed everyone present to the meeting.

The minutes of the last meeting were approved. There were no matters arising.

3. Statement by the Chairman

The Chairman had intended to open the meeting with reference to the Battle of Chalons on 20 September 451 which ended in the defeat of Attila the Hun and the halting of the forces of barbarianism.

However, cheerier news had intervened. Yorkshire Cricket Club had won its thirty-first County Championship. Then there was further good news yesterday. There has been a new appointment to the High Court Bench in the form of Maura McGowan QC. The Chairman noted the Council's delight at this appointment, which is only right and proper. Everyone knows how much Maura McGowan did last year. For many, the most important victory in the campaign against legal aid reductions happened before the consultation papers were published. There had been fears that the Bar may have faced competitive tendering. It was thanks to Maura McGowan that this did not happen.

The Chairman also congratulated Robin Knowles QC on his elevation to the High Court Bench. Robin is a former member of the Bar Council and a stalwart member of COMBAR, as well as being heavily involved in pro bono work. It is thanks to Robin and Mr Justice Blair that there is still a Silk system. When the former Lord Chancellor, Lord Irvine, put the appointment of Queen's Counsel on hold for three years, Robin worked hard during that time to see it reintroduced and succeeded by formulating the appointment system that we have today.

Today also marked the retirement of Mr Justice Robert Owen QC, who was Chairman of the Bar in 1997, and Mr Justice Royce had also retired since the Council's last meeting.

The Chairman referred to but did not repeat his written statement, but wished to reiterate how much Mark Wall QC will be missed as Leader of the Midland Circuit, although he had no doubt that his successor, Richard Atkins QC, will continue his good work in the same quiet, understated manner.

There were no questions.

4. Chief Executive's report

At the Bar Council meeting held on 26 July, James Wakefield (Director of COIC) and the Chief Executive had explained the background to necessary changes to the Bar Council Constitution which had arisen as a result of the very welcome incorporation of COIC. A draft version of the amendments to the Constitution was put forward and comments were invited at that meeting. The further version put before the Council by way of an Extraordinary Resolution for this meeting takes on all those comments. There have also been discussions with the BSB to ensure that any

proposed changes are consistent with the proper relationship between COIC and the BSB as well as the Bar Council's duties as Approved Regulator. The BSB has expressed its agreement to the changes.

The Chief Executive asked if there were any further comments; there were not. The Chief Executive asked if the Bar Council approved the changes; the changes were approved unanimously.

The Chief Executive outlined plans for he and the Chairman, plus key members of the Bar Council executive, to visit the Circuits this autumn. Eight dates are already planned. The visits are designed to serve a number of purposes. In a moment, the Treasurer will speak about the forthcoming budget consultation and the Circuit visits will be an opportunity to engage better with the profession on that particular issue, as well as many others. The Bar Council must explain to a wider group than just those present what it does, and collect feedback and views on what it currently does and what it should be doing.

The intention is to encourage a continuing dialogue and to visit the Circuits regularly in order to engage properly. If anyone has any particular ideas on the best way to engage or what would be welcome on any particular Circuit or area, then they are welcome to get in touch.

There were no questions.

5. Treasurer's report

The Treasurer indicated a wish to provide advance notice of a slight change to the process of setting the budget for 2015-16, ahead of the meeting in November. The process has started earlier this year and there is far more proactivity planned in terms of consulting the profession on the plans.

The intention is to raise exactly the same amount from the practising certificate fee (PCF) this year as last and to approve an overall budget "envelope" in November; there is no intention to put up the PCF in terms of the aggregate to be raised. The granular detail of the allocation of the overall budget will be worked on into early 2015.

The improved consultation process will involve greater engagement with the profession through Circuit visits. New technology will mean that views can be collected and considered effectively. The Bar Council wants to do a better job of informing the profession of how much is spent on what and whether that activity is supported and needed. All Bar Council members are urged to encourage their constituents to engage with the consultation process when it is launched following

the November Bar Council meeting.

The second main issue is that the 2015-16 Authorisation to Practise process will see the move from the call-based PCF to the income-based PCF. Although this change was approved over a year ago and a consultation was held, more will be done to raise awareness. The Chief Executive and the incoming Treasurer, Lorinda Long, will be engaged in that work.

For the benefit of those who were not members of Bar Council when this change was approved, the decision was made to move from five bands of PCF based on year of call to six bands, all related to income. The intention is to re-weight the contribution made and support publicly-funded practitioners, but not so re-weighted that there is a massive step up in what each individual pays.

The process will work well if members of Bar Council have clarity about the changes and can therefore be advocates for it.

There were no questions.

6. BSB report

Baroness Deech QC (Hon) (RDQC) presented this item with reference to the BSB's report.

The BSB has appointed three new Board members, whose terms would start in 2015. They are: Nicola Sawford, Adam Solomon and Andrew Mitchell QC. A new Special Advisor, Keith Baldwin, has also been appointed.

The BSB has considered the responses to its recent entity regulation consultation; there are some complications to iron out but the BSB would very much like to hear from any practitioner or group of practitioners who are thinking of setting up a BSB-regulated entity. The BSB are happy to provide briefings and visit anyone who would like to discuss their plans.

The BSB is currently doing more work on diversity and undertaking CPD spot checks. The Professional Conduct department recently received a clean bill of health from the independent observer.

There were no questions. RDQC and Vanessa Davies left the meeting.

7. Bar Council legal aid reform programme

The Chairman presented the item with reference to the annex setting out the Bar

Council's programme of work relating to legal aid and criminal justice reform. Dedicated members of the executive have been allocated to manage all strands of work in order to act as a point of contact for the Bar and Bar Leaders and to keep abreast of all developments.

The summer has been a quiet period in terms of lobbying and engagement with MoJ. It is almost party conference season and the Bar Council has produced a booklet for those attending the party conferences which includes concerns about legal aid reform.

Professor Martin Chalkley, the independent consultant engaged by the Bar Council, has finally been given access to MoJ data and has started work analysing it. Alexandra Healy QC is keeping on top of AGFS and VHCC matters.

The Chairman stressed the importance of the survey put out by the Criminal Justice Reform Group (CJRG) led by HH Geoffrey Rivlin QC and encouraged responses. The deadline for completion has been extended to 28 September. The Chairman thanked the CBA for advertising it.

8. Member Services Board and Bar Conference Organising Board

Richard Atkins QC (RPAQC) presented these items as Chair of both the Member Services Board and the Bar Conference Organising Board.

RPAQC reported that the Member Services Board is in good heart. The income raised through the Bar Council's commercial activities helps to fund other activities which would otherwise be funded by the PCF. Additionally, by paying the Bar Representation Fee, practitioners gain access to many discounts via Xexec and, in some instances, the Bar Council also receives money back and that too protects the PCF. Over a third of the Bar has signed up to receive these benefits and all are encouraged to do the same.

The Bar Nursery is doing very well and there was an increase in members of the Bar using it over the summer. Plans to open a nursery in the north of England are being considered.

The Bar Conference takes place on 8 November. It is the showcase event for the Bar and the earlybird discount period has been extended until 26 September. There are further discounts for Circuiteers, not all of which have been taken up. The Circuit Leaders have been promoting the conference and they and other Circuiteers are encouraged to continue to promote this offer. Take-up has been slow overall. Sponsorship for the event is going well, but the important issue is to have a good turnout. There are excellent speakers and seminars.

An important question for next year should be whether there is an appetite to hold a Bar Conference.

There were no questions.

9. Any other business

The Chairman said that he believed that a record may have been set for the shortest substantive Bar Council meeting, but explained that as the AGM had been advertised for 11.00, members were encouraged to spend the intervening time perusing the Bar Council and BSB annual reports and the financial statements to allow other subscribers to arrive.

Date of next meeting

The next meeting of the Bar Council will be held on 1 November 2014 at 10.00 at the Bar Council offices.