



Minutes of the Bar Council's Annual General Meeting held on Saturday 19 September 2015 at the Bar Council offices

Present:	Alistair MacDonald QC	Chairman
	Lorinda Long	Treasurer
	Mr Robert Buckland QC MP	Solicitor General

Fewer than 60 subscribers¹ attended in total. In line with the Constitution, after 15 minutes the meeting was recognised as being inquorate and attendees were advised that a further AGM would be arranged to take place shortly. Those in attendance agreed that the business of the meeting would be transacted in the absence of quorum, given that no resolutions had been proposed. Any resolutions raised for discussion would have to be adjourned to the re-arranged meeting.

1. Chairman's address

The Chairman welcomed those subscribers who, in addition to Bar Council members, were in attendance.

The Chairman said that while the year had been dominated by issues of criminal legal aid, he was very anxious to ensure that the Bar Council also represents barristers in other areas of practice. He, Mark Hatcher and Susan Jacklin QC, the Chair of the Family Law Bar Association, met Shailesh Vara MP and Caroline Dinenage MP, Parliamentary Under-Secretaries of State for Justice, last week to discuss standards of advocacy in the Family Court. LASPO has wreaked havoc. It is important to do as much as possible to support those practitioners who are affected, and to recognise that these are also critical matters of justice generally, and to vulnerable people in particular.

The Chairman added that it is also important to support those who, on the face of it, have healthy practices. He has led business development missions to Brazil and Kazakhstan this year; trying to sell yourself as a barrister does not get you far. You need to demonstrate the high quality of work performed by the Bar, and holding events on arbitration and mediation, for example, is a good way to do that and to raise the profile of the Bar of England and Wales.

¹ 'Subscriber' is defined in Part I of the Bar Council Constitution: "For the purpose of attendance and entitlement to vote at the Annual General Meeting, 'subscriber' shall mean also any unregistered barrister whose voluntary subscription to the Bar Council is paid up to date"

Despite this, the Chairman is conscious that it may appear that the Bar Council only spends time working on criminal legal aid issues, which is not the case. He emphasised that a wide range of subject areas are covered by the Bar Council policy teams and representative committees. The output of these committees is very well-regarded. The Law Commission, for example, speaks very highly of the quality and value of the well-argued papers received from Bar Council committees. The standing of the English and Welsh Bar is very high in Brussels, in part owing to its thorough and considered contributions. Recent consultation responses, including that on LPP, have been intellectually stunning.

The Chairman gave his thanks to all those who sit on, and contribute to, the valuable work undertaken by the representative committees.

He also thanked the unsung heroes, by which he meant the Bar Council staff. Over the preceding 18 months, there had been enormous changes throughout the organisation, including the loss of office space and various restructures. He acknowledged that extensive change could be very stressful, but recognised that staff had borne it with professionalism and truly worked tirelessly for the profession. The Chairman paid tribute to Stephen Crowne, Paul Mosson and Charlotte Hudson for introducing productive changes to the Representation, Policy and Services functions, with a seamless transition. He extended his thanks to Mark Hatcher, Special Advisor to the Chairman, for his wise counsel, advice and invaluable help; there is no parliamentary candidate, MP or Peer that he does not know.

The Chairman commended to those present the recently published annual report for 2014-15. It set out what the organisation has been doing and contains some useful statistics. For example, for the cost of a cup of coffee each week, the Bar Representation Fee funds the representational work of the Bar, as outlined in the report, which he considered to be good value.

The Chairman offered his thanks to the Vice Chairman, Chantal-Aimée Doerries QC, who has been enormously helpful to him, and also to the Vice Chairman Elect, Andrew Langdon QC, who has done sterling work, particularly in his work with the Ministry of Justice on protecting the quality of advocacy.

The Chairman concluded that he is confident that the Bar Council is highly relevant and highly efficient. He is confident that its publications are well received and valued. He is confident that the measured, quiet but persistent manner in which the Council expresses its views is effective.

The Chairman invited questions; there were none.

2. Treasurer's report

The Treasurer, Lorinda Long (LL) welcomed David Botha, Director of Finance, and Michael Jeans, Chair of the Audit Committee, to the meeting.

The Treasurer's statement to the AGM is for the purpose of presenting the accounts from the previous year, which were circulated ahead of the meeting, and highlighting some key points.

The organisation continues to improve its financial results and have better insights to shape its future. The operating surplus improved (to £59k) and the organisation was able to continue building its reserves. Priority areas going forward have been identified, including diversity of funding, managing pensions and the management of reserves. The accounts are now presented in a different way in order to provide greater transparency and encourage accountability.

BRF subscriptions were lower than anticipated. Cost reductions arose from the 2013-14 property investment and cross-subsidy shows financial support from Services towards the Policy functions. The drop in income from the Inns' subvention was expected and the BSB's income fell overall by 4%. A certain amount of spend reflected transitional investment e.g. the ethics helpline and staffing.

In terms of non-operating costs (the LSB levy and pension fund), there are recognised actuarial changes in the pension fund liabilities and assets. This presents an ongoing challenge but is not an immediate cost risk.

Looking to the future, liabilities include the inevitable property move and the ongoing pension issue. These will be funded by cost / spend reductions, increased income and the reserves. It will be necessary to deliver efficiencies through inward investment.

The Treasurer invited questions.

Duncan McCombe (DM) asked for clarification on the Inns' subvention, as he had not been aware that it was being reduced. Stephen Crowne (SCr) confirmed that the reduction had been agreed for the last few years, and represents the Inns taking on responsibility (and costs) for the Bar Tribunal Service. If they did not pay for it, then the BSB would have to, so it represents a quid pro quo.

The Treasurer was asked to clarify how the LSB levy is calculated compared to the solicitors' profession. It was confirmed that the overall amount is simply divided per capita and is therefore identical.

There were no further questions.

3. Chief Executive's report

The Chief Executive, Stephen Crowne (SCr) wanted to take this opportunity to thank – on everyone's behalf – the Bar Council Officers, Committee Chairs and committee members. He wished to repeat and underscore the Chairman's comments about the barristers and others who contribute to the activities of the Bar Council; the time and quality of their input is invaluable.

The Chief Executive offered his personal thanks to the Chairman in what has been an active year, adding that he is fantastically approachable, and always says what he thinks; not someone he would like to be on the 'other side' of.

The Chief Executive thanked the Treasurer, who stepped in to the role very effectively. Alongside the Director of Finance, David Botha, the organisation has a strong financial backbone. He also extended his thanks to Michael Jeans, Chairman of the Audit Committee.

The Chief Executive also commended the annual report, which provides more detail on how the Bar Council is progressing as an organisation. There has been a focus on restructure and positioning the right people in the right places in order to improve the service provided, to improve prioritisation, decision-making and flexibility. This includes investing in systems and having the necessary access to data in order to be more efficient. The Chief Executive paid tribute to the staff for dealing with that challenges inherent in change and really knuckling down.

The Bar Council recently conducted a staff survey, which showed highly engaged, committed staff. There are some areas where the organisation could improve, but a key headline was that the staff really do believe in what they do.

There are challenges in the future and it is important to have a powerful policy machine to meet them. There will also be financial challenges. Above all, the organisation has to be better at explaining what it does to the profession, and to express that more clearly and in more simple terms.

The Chief Executive thanked everyone for their commitment. There is a lot to be proud of, but he offered assurances that he was not complacent.

4. Any other business

Unusually for an AGM, the Chairman opened the floor for any other business.

Tim Devlin (TD) wished to raise a point about minimum standards of facilities for barristers working at court. While HMCTS may have to provide for their own staff, the standards for barristers grows ever worse: fewer catering facilities, poor temperature control, no appropriate space to work. He felt that the Bar Council ought to be taking steps to impress upon HMCTS that these facilities are needed.

Derek Sweeting QC (DSQC) expressed sympathy for this view, and said that this matter would be touched upon in the Legal Services Committee's response to the HMCTS consultation on court estate. However, pressing for minimum standards may well be a reason for courts closing. He felt it would not be a bad idea to, in general terms, identify the standards that really should be minimum and approach HMCTS outside of the consultation process.

Adrienne Lucking QC (ALuQC) said that she had experience of a court where there had not even been drinking water. The Chairman suspected that this problem is not just limited to the criminal courts; this was confirmed by a number of practitioners present from different practice areas.

Colin Andress (CA) pointed out that this issue is symptomatic of a wider problem; it used to be that counsel was part of the wider "team" of justice; the attitude now is that "we are a flaming nuisance". Now that there is a new Secretary of State for Justice, he hopes that attitude will change.

John Elvidge (QC) raised the issue of canteen closures, which had meant defendants, victims, lawyers and even judges having to leave the building and often ending up in the same place. He felt that the Ministry of Justice should be told that canteen services are essential.

Greg Jones QC gave examples of which he was aware whereby jurors had been subject to low level intimidation by defendants outside the court as they had had to leave to eat. An example was given of a jury discharged because of such intimidation. He felt that the court costs involved in discharging juries must negate savings made by not having proper facilities. There are risks to justice from the unintended consequences of making cuts.

The Chairman said that he had met Natalie Ceeney, the Chief Executive of HMCTS and she had offered to consider any cost neutral suggestions the Bar may have to make improvements at court. While it is recognised that actual investment is required, there may be cost neutral ideas which would be a start. The Chairman encouraged those present to submit any such ideas.

The Solicitor General added that one of the duties of the Law Officers is to consider contempt referrals; he would be interested to see if there are trends in contamination owing to issues with facilities. Modern court buildings were designed to avoid this, although it is recognised that it happens in older buildings. It would be very unfortunate that as a result to cuts to catering, there is a rise in the trend.

DM raised the issue of the civil procedure rules, which cover two volumes of the White Book, plus many updates online which it is very easy to miss. There are potentially serious consequences of practitioners not knowing the rules.

Eleanor Mawrey (EM) said that the Criminal Bar Association was monitoring the impact of court fees. For example, last week there was a case where a complainant's mobile telephone was smashed at a cost of £300; the defendant was ordered to pay £150 compensation and £900 court costs, which she felt could not be right.

The Chairman asked the Solicitor General to take these comments back on behalf of the Bar. He expressed his gratitude to the Solicitor General and Attorney General for their regular attendance at Bar Council meetings, adding that it is an important forum for them to hear what is happening in practice.

The Chairman closed the meeting.

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Bar Council