



**Bar Council AGM meeting  
held on Saturday 15 September 2018 in the Large Pension Room, Gray's Inn**

|          |                               |                                    |
|----------|-------------------------------|------------------------------------|
| Present: | The Rt Hon Geoffrey Cox QC MP | Attorney General, Chair of the AGM |
|          | Andrew Walker QC              | Chair of the Bar                   |
|          | Richard Atkins QC             | Chair Elect                        |
|          | Lorinda Long                  | Treasurer                          |

The Attorney General, The Rt Hon Geoffrey Cox QC MP, who had been asked to chair the AGM, thanked the Bar Council for the opportunity for a second speech, as he had already addressed members of the Bar Council at the meeting beforehand.

He introduced the Chair of the Bar, Andrew Walker QC, joking, in reference to an earlier conversation in the Bar Council meeting, that he is not so much a 'thorn in his side', but more like a nail. To this, the Chair of the Bar quipped that he hoped not to get hammered in too far.

**1. Chair's Address**

The Chair of the Bar began by saying that the Bar Council has three main roles:

- 1) To represent the profession
- 2) To support the profession
- 3) To promote the profession, the Rule of Law and the administration of justice

The Chair of the Bar said that when he talks to others regarding what the Bar Council does, they always come away surprised. It is what is done that is unseen that really matters, but in order to do that work, the support of the profession is vital. Some 500 barristers already carry out pro bono work for the Bar Council by serving on its committees, giving advice or providing expertise.

Much of the work that is carried out depends on the staff. The Chair of the Bar noted that Natalie Zara, Head of Governance, Phil Robertson, Director of Policy and Vivien Kintu, Executive Assistant, were in attendance and said that there are many other staff members with whom Bar Council members are not so familiar. Saying that the staff do not work for the Bar Council for the money, the Chair of the Bar explained that staff members believe in what the Bar Council does because the Bar Council represents

what it does, for example, Rule of Law work and ethical and professional interests. The Bar Council is not a Trade Union, but it does defend the interests of its members and is committed to the public interest, including the Bar's clients and their access to justice.

Turning to the annual report, the Chair of the Bar said that he wished to share a few of the headlines:

1. Standing up for justice – this covers LASPO, flexible operating hours and much more. Speaking up, in public, for the Rule of Law at home and abroad is the job of the Bar Council and the Bar Council also supports the role of the profession. Much important work was carried out on AGFS this year and the Bar Council stands fully behind the Criminal Bar and wishes to achieve real progress. Much has been achieved already.
2. Strengthening the Bar – this category includes equality and diversity work, chambers management training, international business development, mentoring and advocacy and the vulnerable witness training. The Bar Council is always looking at ways to strengthen the profession.
3. Supporting the Bar – Wellbeing is a massive plan of action for the Bar Council. It is crucial and has been neglected for too long. In the last year, the position on shared parental leave has been improved and the ethical enquiries service continues to get over 6,000 calls per year. The Ethics Hub has been a real success. While the new GDPR is tiresome, the Bar Council has put a huge amount of resources into it and has mobilised the Bar to be able to comply.
4. Shaping the legal and regulatory landscape – the 'good and unbiased' Brexit papers have proved to be very important and have been used to inform government and parliamentarians of legal issues. This has raised the profile of the Bar which helps with pushing other issues. Law reform work makes a big difference to the Bar Council's reputation and clout.
5. Engagement with our regulators – the Bar Council is making real progress with the Legal Services Board (LSB) and their understanding of the Bar as a different profession. Years of engagement makes a difference and engagement with the regulators remains a crucial part of what the Bar Council does.
6. Future profession – this remains a concern to all at the Bar. The criminal and family bars need to recruit and retain, and the commercial and chancery bars have concerns over how to ensure the most junior are able to hone their skills. Those who get involved in social mobility work know how much the Bar Council is doing and has been doing for some time. The Bar Council has led the way in much of this. The Pupillage Fair, Pupillage Gateway, Mock Trials are all good examples, all supported by a large number of volunteers.

Moving away from the annual report headlines, the Chair said that there is a need for the Bar Council to do more research. Research into the junior Bar has been carried out this year but there is more to be done as there are real challenges. The Bar is shrinking but we are currently unaware of the long term trends. The Bar Council also needs to help the Bar to look ahead and must do what it can to enable this.

Going forward, the Chair said that the themes will be the same. Working life will be a real challenge. The Bar is still waiting to hear on flexible operating hours and will need to make a case that, if government wants a fully diverse Bar, judges must make sure that the way the courts are run facilitates this. Money is a real issue too: if the government wants diversity, it needs to provide more money.

Fees continue to be an ongoing challenge. The £15M for the criminal Bar is the start not the end. The Bar Council has been discussing what the next steps are and will not forget the issue.

Speaking about Court Reform, the Chair said that he does not know where it will end up. It is not a case of 'falling off the rails' but of 'finding a different gauge and going more slowly'. The final aims are likely to be somewhat narrower than the original aims.

Saying that more needs to be done to keep the momentum up regarding the profile for justice, the Chair of the Bar finished his presentation by reporting that the Bar Council is receiving more and more favourable press coverage. The aims of the Bar are now much more in the public eye.

The Attorney General thanked the Chair of the Bar for his 'inspiring and pertinent' assessment of the current climate. Introducing Lorinda Long, Treasurer, he reminded members of the Bar Council that she has served four years in post.

## **2. Treasurer's Report, including Annual Report and Accounts**

Lorinda Long reminded members of the Bar Council that she would be handing over to the new Treasurer, Grant Warnsby, in January 2019. She proceeded to go through the highlights of the financial year 2017/18.

Lorinda Long began by reporting that the overall surplus for the year was £0.88m, (£0.7m 2016/17). This combines operating results, investment gains, actuarial and accounting adjustments. The operating results (the regular activities of Bar Council and BSB), delivered a small loss of £0.1m (vs £0.3m surplus 2016/17). The Bar Council holds £3.6m of reserves (up from £3.0m), cash levels have been reduced to £0.9M due to planned capital investments and the Defined Benefit pension scheme moved £1.3m from deficit to surplus helped by the 2016 deficit recovery plan.

Despite operating results showing a loss, the underlying position for the year was strong. The results include a write-off of £133k of property costs associated with

negotiating a property lease on 15 Fetter Lane which is no longer going ahead. In addition, there is a one-off notional cost of £84k from a change in accounting policies.

The Bar Council has also:

- Written down the intercompany loan between Bar Council and BARCO recognising that it is unlikely to be repaid. This has no effect on the group's overall financial position
- Created a reserve to cover the costs of meeting legal challenges to the BSB and provide greater transparency of these costs, replacing the professional indemnity insurance policy which has been uneconomical to maintain

Lorinda Long explained that 78% of BC funding comes from PCF and most of the remainder from fee income from BSB or Bar Council services. During 2017/18, the PCF rose £1.7m (including £1m from 2016's fee increase), the BSB's Fees and Charges income rose by £0.3m, the BRF subscription remained level, income from Services fell £0.2m and the Inns contributed £0.25m.

Total expenditure increased £1.1m from one-off drivers which may be avoidable in the future. These drivers are:

- £0.5m increase in staffing (higher recruitment and temporary staffing costs. Staff turnover stabilised later in the year).
- £0.2m added due to cost orders and legal fees incurred by BSB.
- £0.3m of property project costs incurred towards new office lease.
- £0.2m of other cost increases (holiday accruals (£84k) & LSB/OLC levy (£50k)).

The Attorney General said that he wanted to reserve his comments about Lorinda Long until after she had concluded her presentation. He said that in his experience, the moment somebody asks for a Treasurer, everyone steps back. Therefore, anyone stepping forward deserves extraordinary thanks from the profession. The role of Treasurer is an enormous duty that takes up a lot of time. Expressing his gratitude to Lorinda Long, the Attorney General said that he wished to record thanks to her in the usual way and members of the Bar Council responded with a round of applause.

### **3. Chief Executive's Report**

Malcolm Cree, Chief Executive, explained that the representative side of the Bar Council is supported by 29 members of staff and also by hundreds of barristers, to whom the Bar Council is extremely grateful. However, neither the Bar Council nor the BSB could do the work it does without the Resources Group which consists of the Finance, Records, Project Management, HR and Facilities Departments. Those in the Bar Council will rarely meet the Resources Group staff but they are fundamental to the operation of the Bar Council. As to the finances, 71% of the PCF goes to the BSB. There is nothing wrong with that, but the profession should bear in mind that this

leaves only 29% to the representative side. This makes payment of the BRF all the more important.

Speaking about the notable organisational successes over the last year, Malcolm Cree listed MyBar which is a huge step forward in our digital strategy; revised corporate governance policies; the Pricing Review and the review of the Bar Council's commercial partners; the work undertaken on developing a chambers package; and, the analysis made possible by the new CRM, the Pupillage Gateway and surveys such as the Working Lives Survey which have enabled the Bar Council to analyse the data collected and to improve the Bar Council's understanding of the trends and needs of the profession.

Challenges in the last year included the office accommodation. The Bar Council will now be staying in its current premises but, nevertheless, the required building work will be expensive and disruptive and the Bar Council will need to manage any associated risks.

Malcolm Cree said that, in the next year, the Bar Council will be as proactive and efficient as possible. A 'golden thread' will run from the strategy through to the business plans. However, the Bar Council needs the support of the Bar. The Justice Campaign is the top priority for the year ahead.

Malcolm Cree finished by expressing gratitude to the Chair of the Bar, Chair-Elect of the Bar, Treasurer and the many barristers who have supported him over the last year, as well as his team.

The Attorney General thanked Malcolm Cree for his words. Thanking all members of the Bar Council and its members, the Attorney General finished by saying that the Bar is extremely fortunate to have its Chair and his leadership at this time.

The Chair of the Bar thanked the Attorney General for chairing the AGM and thanked those in attendance for attending.