



The Bar Council

Bar Council Annual General Meeting

Minutes of Bar Council AGM, Saturday 17 September 2022, 11.00am, Microsoft Teams

Present

Mark Fenhalls KC	Chair of the Bar	MFKC
Nicholas Vineall KC	Vice Chair of the Bar	NVKC
Samuel Townend KC	Vice Chair Elect of the Bar	STKC
Lorinda Long	Treasurer	LL
Malcolm Cree CBE	CEO, The Bar Council	MC

In attendance (listed alphabetically)

Paul Adams; Tana Adkin KC; Christine Agnew KC; Shazia Akhtar; Stuart Alford KC; Yaa Dankwa Ampadu-Sackey; Nicholas Bacon KC; Michael Bellis; Simone Bowman; Kate Burnell KC; Carl Brewin; David Bunting KC; Minka Braun; Abigail Bright; Maddy Charlesworth; Ben Close; Celina Colquhoun; Barbara Connelly KC; James Corbet-Burcher; Melissa Coutino; Dilpreet K. Dhanoa; Sarah Fearon; Casper Glyn KC; Birgitte Hagem; Michael Harwood; Neil Hawes KC; Max Hill KC; Isobel Hitching KC; Richard Honey KC; Sa'ad Hossain KC; Matthew Howarth; Mike Jones KC; Sean Jones; Susan Jones; Joanne Kane; James Keeley; David Kendix; Stephen Kenny KC; Kate Lumsden; Timothy Manley; Hannah Markham KC; Louise McCullough; Cait McDonagh; Christina Michalos KC; Alison Moore; Philip Moser KC; Deshpal Panesar KC; Michael Polak; Yasmin Omotosho; Lucinda Orr; Reagan Persaud; Charlotte Pope-Williams; Ryan Richter; Robert Rhodes KC; James Roberts KC; Natasha Shotunde; Jo Sidhu KC; Hannah Smith; Joe Smouha KC; Kate Spence; Gordon Stables; Heidi Stonecliffe KC; Philip Stott; Leanne Targett-Parker; David Taylor; Rhys Taylor; Steven Thompson KC; Linda Turnbull; Andrew Twigger KC; Anton Van Dellen; Sunny Virk; Charlie Woodhouse KC; Gaynor Wood; Luke Wygas.

In attendance

Sally Burnell	Director, Communications & Marketing, the Bar Council	SB
Malcolm Cree	CEO, The Bar Council	MC
Richard Cullen	Director, Finance, The Bar Council	RC

Mark Ennals	Financial Controller, The Bar Council	ME
Carolyn Entwistle	Director of Services, Bar Council	CE
Isioma Onwukwe-Anyadike	Committees Governance Officer	IOA
Phil Robertson	Director of Policy, Bar Council	PR
Natalie Zara	Head of Strategy, Planning and Governance, Bar Council	NZ

Minutes Yvonne Treacy Executive Officer, the Bar Council YT

Apologies were received from

Dr Mirza Ahmad; Simon Anderson; Elaine Banton; Kirsty Brimelow KC; Mark Chaloner; Sydney Chawatama; Richard Cole; Ivor Collett; Shobaná Iyer; Faith Julian; Martyn McLeish.

The quorum for the AGM is 60 subscribers. The meeting became quorate at 11.06am with 64 subscribers in attendance. By 11.15am, which is the point at which the meeting must be quorate for it to proceed, there were 73 members in attendance.

1. Chair's Address

Mark Fenhalls KC, Chair of the Bar, welcomed those present to the AGM and in particular non-Bar Council members.

He commenced his address by explaining that he would be chairing the AGM rather than the Attorney General or the Solicitor General who normally chair Bar Council AGM's. Following the death of Her Majesty the Queen, the period of national mourning means the AG and SG were unavailable and could not attend.

With reference to the Queen, he was touched by the letters and messages he had received from other bar associations expressing their condolences, often noting Her Majesty's extraordinary public service. There were immediate implications for the profession with the change from QC to KC and he was grateful to BC staff who have helped with the process of transition over the course of the past week.

The Chair went on to say that we began the year hoping to emerge finally from the covid pandemic, reconstitute ourselves and bounce back, and take stock of the implications of Brexit. However, it was not to be. Instead, we saw the outbreak of another Covid strain, Omicron and further lock downs; the courts adjusting to the new hybrid world; the invasion of Ukraine and the horror of war in Europe; and the decline of the economy which we will be dealing with in the coming years.

Specific consequences for the Bar and the BC include new sanctions regimes, attacks on the reputation of lawyers often by ill-informed public and politicians; a major cyber-attack in April affecting both the BC and Bar Standards Board; and the crisis in the criminal courts. Throughout this we have watched politics develop and governments change which in turn have brought pressures and uncertainty.

Looking ahead, he said that we anticipate a complicated legislative programme focusing on a number of issues including retained EU law and the Northern Ireland Protocol. There was also speculation as to what will happen now that the Bill of Rights has been shelved and the consequences of the government's immigration policy. Alongside this the BC continues its ongoing debate with its regulators as to the appropriate scope of their work.

In short, it has not been a quiet year by any means – but a privilege, nonetheless.

The Chair concluded by giving thanks to BC staff for holding things together in the face of threats and challenges and to Nick Vineall KC, his Vice Chair, and Malcolm Cree, CEO, for their ongoing support. He also took the opportunity to thank Piran Dhillon-Starkings, Adviser to the Chair and now on maternity leave, for her great source of knowledge and wisdom, particularly on public affairs. He also thanked Natalie Zara, Head of Planning, Strategy and Governance, who would be leaving the BC in three weeks' time to take up a senior position at the London Borough of Brent. He wished Natalie all the best in her new job and thanked her for overseeing the governance of BC meetings during her time at the BC, ensuring that BC meetings remained constitutionally correct at all times.

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

Lorinda Long, Treasurer, presented the Treasurer's Report including the Annual Report and Accounts which were included with the agenda papers, by giving an overview of the following highlights.

Financial Review

- Overall income reduced by £584k to £20.7m from £21.2m in 2021/22. Total costs increased £1,095k to £17.6m (2020/2021: £16.5m). Most of the decrease in income is due to Practising Certificate Fee (PCF) collected from the March 2021 collection (covering the income received in 2020). This is the period when the effects of Covid on the income of barristers was most apparent.
- A total surplus of £3,027k was achieved before taxation, down £1,679k against the prior year's surplus of £4,706k.

Bar Council

- The financial report of the BC includes all representation and approved regulator activities as well as services to the profession. The BC aims to minimise the amount of PCF needed to fund representation activities by building and maintaining a variety of income sources. 62% of the BC's income is drawn from PCF (2020/21: 62%).
- Total income decreased 2%, £154k, to £6,330k (2020/21: £6,484k). Income from services to the Profession rose by 22%, £1,878k v £1,535k.

Bar Standards Board

- Total income was down 2%, £255k to £12,094k (2020/21: £12,349k). Most of this was due to the £290k decrease in revenue from PCF. Regulatory income increased by £59k.
- Expenditure increased 10%, £985k to £11,176k (2020/21: £10,191k): staffing costs were £867k greater, £5,352k (2020/21: £4,485k) due to an accelerated recruitment drive and a provision pending a review of employment status.

The Annual Report and Accounts were approved.

3. Chief Executive's Report

Malcolm Cree, Chief Executive, commenced his report by saying that it had been another very difficult year for the BC and that he would like to report the following:

- The BC Annual Report has been completed and will be available online soon.
- The subscriber elections 2022 attracted a diverse pool of candidates, which the BC was very pleased about. For the first time the BC introduced a template for the

candidate statement and gave those standing for election the choice to record it on video. This option proved popular with candidates.

- The PCF submission and discussions were difficult mainly due to the large increase in the BSB budget. Thank you to all the barristers who responded to the consultation. For the forthcoming PCF consultation, we will again be asking for maximum responses in order to put our case to the LSB.
- The BC experienced two semi-successful cyber-attacks. Fortunately, no data was lost and we are now fully recovered from them, although there was a knock-on effect delaying Authorisation to Practice. Consultants Grant Thornton have conducted a review and we are implementing their recommendations.
- The Chair's Inaugural address was held in December at Gray's Inn. It was great to be back at the Inns of Court again rather than online. Similarly, the BC Summer Reception took place in Inner Temple Garden at which it was lovely to see so many people in person.
- MC paid tribute to the officers of the Bar, particularly last year's Chair, Derek Sweeting KC, now The Honourable Mr Justice Sweeting, and this year's Chair, Mark Fenhalls KC, for their tireless work advocating for the justice system and the profession, whether in Westminster or Whitehall, internationally, or through the media.
- The work of the BC is enabled by the hundreds of volunteers who give their time and expertise to its committees, working groups, panels and Council and through the dedication of the small team of permanent staff at High Holborn. Thank you to all.
- The BC also works closely in partnership with the Circuits, SBAs, the Inns, The Law Society and CILEX, international Bar associations, the '4 Bars' (Ireland, Northern Ireland, and the Faculty in Scotland), and others across the sector to deliver an informed and united front in the face of the many and varied challenges experienced by the Bar.
- MC said that he particularly grateful to the Inns for their continued financial support to the BC's education and outreach work
- A few stats! In 2021-22, the BC:
 - Fielded nearly 6,000 ethical enquiries
 - Delivered 118 training courses
 - Had 73 mentions in Parliament
 - Responded to 40 consultations and calls for evidence

- Provided 5,300 barristers with ID cards to enable smooth entry to court.

Finally, MC thanked his team for their hard work and also a special thank you to Natalie Zara for all her support as well as his best wishes for her new position.

The Chair thanked MC for his report and endorsed everything he said. He too would like to express his gratitude to the Inns. Their financial contribution is incredibly welcome. There is also the wider consideration of how we maintain our culture as a profession. The work of the SBAs, the Circuits and committees are critical to that. The Inns feel that keenly also and want to be at the heart of maintaining a collective cohesive structure as to how we can do this in a hybrid world.

4. Any other business

The Chair thanked those who attended the AGM who were not Bar Council members.

The meeting closed at 11.30am