

Minutes of the Bar Council meeting held on Saturday 1 November 2014 at the Bar Council offices

Present:

Nicholas Lavender QC - Chairman
Alistair MacDonald QC - Chairman Elect
Stephen Collier - Treasurer
Rt Hon Jeremy Wright QC MP - Attorney General
Mr Robert Buckland QC MP - Solicitor General

63 further members of Bar Council attended.

1. Apologies

Apologies for absence were received from Alison Saunders CB, Robin Allen QC, David Anderson, Colin Andress, Rachel Ansell QC, Phillip Blatchly, William Boyce QC, Kerry Bretherton, Ivor Collett, Elisabeth Cooper, Gemma de Cordova, Alexandra Healy QC, Adam Hiddleston, James Hines, Thomas Jaggar, Rupert Jones, James Kitching, Taryn Lee QC, Naomi Madderson, Eleanor Mawrey, Gerard McDermott QC, Neil Mercer, Benjamin Myers QC, David Nicholls, Geoff Payne, Hefin Rees QC, Muhammad Saley, Nigel Sangster QC and Helen Tung.

The following did not attend and did not send apologies: Safira Afzal, Lesley Bates, Michael Bowsher QC, Alex Carington, Lord Carlile of Berriew QC, Simon Clements, Mark Engelman, Malcolm Frost, Suzanne Goddard QC, Peter Grieves-Smith, Hannah Kinch, Ian Lawrie QC, Gregory Mitchell QC, Sarah Morgan, Zoe Saunders, John Townsend, Sundeep Singh Virk and Nick Worsley.

The following attended as guests: Vanessa Davies (items 1-7), Baroness Ruth Deech QC (Hon) (items 1-5).

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 welcomed everyone to the last meeting of the 2014 Bar Council. By his reckoning, this was the 133rd meeting of the Bar Council which he had attended.

The Chairman recognised that he has tended to open these meetings by reminding those present of good or bad events which have taken place on that particular day in history. However, today he is faced with somewhat of a quandary as to whether today's anniversary is a good or bad one.

On 1 November 1993, the Maastricht Treaty came into effect. The European Union is, therefore, 21 years old today. If you asked the current Lord Chancellor whether or not that is a good thing, his answer would no doubt be different to what his predecessor would have said.

The Chairman's written statement was circulated ahead of the meeting. He highlighted a few of the matters mentioned therein.

The Chairman will be giving a talk on regulation on 24 November 2014 at Lincoln's Inn. There is a debate gathering as to whether there should be a new Legal Services Act and, if so, what it should contain. It is important that the Bar Council, as the Approved Regulator, should get involved in that debate and try to shape the outcome. He expressed a hope that those present would be able to attend; invitations will be issued shortly.

The Chairman, the Chair of the CBA and one of the Circuit Leaders met with officials from the Ministry of Justice (MoJ) earlier this week and intend to do so a couple more times before the end of year. The Chairman thought it worth stressing the change in tone of these meetings over the course of the year. Positive discussions are now taking place. The parties are definitely working together, not banging their heads together.

In his statement, the Chairman gave details of a recent meeting between the Advocacy Training Council, the Bar Council, Inn's representatives, Circuit representatives and CBA representatives to discuss advocacy training for those involved in cases with vulnerable victims and witnesses. The word needs to get out to criminal practitioners that change is coming. If anyone has views about the training, they must get involved. The Chairman urged Bar Council members to put the word out to their constituencies that the project is underway and to encourage feedback.

The Chairman also referred to the MoJ's announcement about the funding of advice centres to assist unrepresented litigants in civil and family cases. Some may not have seen Sir James Munby's judgement in a case where Swindon Borough Council was proposing the adoption of a child whose parents both have learning difficulties, but did not qualify for legal aid by £73 a month. Just as in *Q v Q*, he has threatened to ask the Courts Service to pay for legal representation. He has called on Chris

Grayling to examine the case. He said:

"Thus far the state has simply washed its hands of the problem, leaving the solution to the problem which the state itself has created - for the state has brought the proceedings but declined all responsibility for ensuring that the parents are able to participate effectively in the proceedings it has brought - to the goodwill, the charity, of the legal profession.

This is, it might be thought, both unprincipled and unconscionable. Why should the state leave it to private individuals to ensure that the state is not in breach of [its] obligations under the convention? As Baker J said ... "It is unfair that legal representation in these vital cases is only available if the lawyers agree to work for nothing."

The Chairman expressed his gratitude to Mark Hatcher and the Bar Council Communications Team - in collaboration with Gordon Nardell QC, Judith Farbey QC and Richard Drabble QC - for their sterling work in briefing peers on the detrimental impact of the changes to Judicial Review as proposed in the Criminal Courts and Justice Bill. Their efforts led to three defeats being inflicted on the Government in the House of Lords on this important matter.

The Chairman drew attention to the Bar Council's Wellbeing at the Bar project, which is very important. The survey, designed to draw feedback on wellbeing matters, is open until 10 November and Bar Council members are asked to urge their constituents and colleagues to respond. Everyone is aware of some of the terrible situations which members of the Bar have found themselves in, and the Bar Council will do all that it can to help those who are struggling. The survey is a vital tool in understanding what the issues are and how the Bar Council can help.

The Chairman thanked all those members of Bar Council whose terms are coming to an end. He expressed his thanks for all that they have done. He also welcomed new members.

In addition to his comments in his statement, the Chairman wished to thank again Sarah Forshaw QC, who has been a real pleasure to work with this year - alongside the other Circuit Leaders - on legal aid issues. She has demonstrated real charm, tenacity and drive. An abiding memory of her is when, following a particularly difficult meeting with the MoJ, she handed him a pink iPad and encouraged him to write to the Prime Minister, which he did.

There remain two vacancies on the Bar Council (one for a self-employed QC and one for an employed Junior under 7 years' call) and expressions of interest have been invited. The closing date is 3 November. Additionally, Barnaby Hone, an elected member of the Council in the 'self-employed under 7 years' call' category has been appointed an Asset Recovery specialist for the CPS, based in Kingston, Jamaica. He

has therefore resigned his position on the Council and the Chairman wished him all the best for the future.

This leaves the Council with a one-year term vacancy in this category. At the recent election there were five candidates in the self-employed junior under 7 years' call category, and four posts. Therefore, one person - Dr Anton van Dellen of Goldsmiths Chambers - narrowly missed out and the Chairman therefore suggested that the post be offered to him on a one-year basis. Bar Council may make this decision under Part II, 7(d) of the Bar Council's constitution. This course of action was approved.

The Chairman concluded by again offering his sincere thanks, but reminding the Council that although this was his last meeting, he has another 60 days as Chairman and won't be slowing down just yet. He will be speaking at the Bar Conference, which he reminded members takes place on 8 November and all were encouraged to attend.

4. Chief Executive's report

The Chief Executive expressed his delight to be the first - but no doubt not the last - to congratulate the Chairman today on an outstanding year. He also wished to offer his personal thanks to the Treasurer, Stephen Collier.

The Chief Executive briefly outlined three of the actions the Bar Council is taking to be more responsive to the needs of the Bar.

The first is a series of Circuit visits which he, the Chairman and some of the organisation's senior staff are undertaking in the lead up to the new year. They got off to a good start in Leeds and Hull, and he thanked the North Eastern Circuit for their hospitality. These visits are an excellent opportunity to receive feedback from the profession, and the Bar Council will take account of that feedback in developing the programme of activity that underpins the strategic plan. The organisation wants to focus on the things that make the biggest difference and diversify sources of income so that it is less dependent on the Practising Certificate Fee (PCF). The Chief Executive explained that a new approach to consulting the profession on the budget and the Bar Council's activities will be launched this year, around 10 November. Members are asked to encourage their constituents to read the consultation documents, watch the webcast and complete the survey.

The Bar Council needs to work more efficiently and flexibly. Behind the scenes, work is underway to improve the operations of the Bar Council. As many will already know, significant savings have been secured by downsizing accommodation.

The representative side of the organisation - what is now known as the

Representation, Policy and Services Group - has been restructured to give a more flexible approach to supporting policy and representation, enhancing the ability to develop and deliver the services side of the business.

The Chief Executive expressed his gratitude to all the staff, Committee Chairmen and Committee members for their continuing commitment and support at this time of change.

The Chief Executive also reported continuing improvements in the standards of services provided by the Resources Group, what used to be called Central Services. There is a new Chief Information Officer, Poli Avramidis, and a new Director of HR, Catherine Shaw. Working alongside David Botha, Director of Finance, they will ensure that the momentum for improvement continues.

The organisation also welcomes Steve Rudaini, the new Head of Communications. Steve will have an important role in ensuring that the Bar Council continues to punch above its weight in the media and elsewhere, and to modernise approaches to engaging with the profession.

Finally, the Chief Executive wished to seek approval for BMIF appointments. The Bar Council is currently working with BMIF to regularise the process of endorsing candidates for director roles. It is anticipated that a process - possibly formalised in a memorandum of understanding - will be brought to the Council in due course for approval.

In the meantime, BMIF has asked Bar Council to endorse the appointments of Rebecca Sabben-Clare QC (7 KBW) and Joanna Smith QC (Wilberforce Chambers) as Directors of BMIF, replacing Rajeev Shetty and Colin Wynter QC.

Bar Council expressed its approval of these appointments.

Questions for the Chief Executive

Andrew Walker QC (AWQC) noted that the Bar Council is aiming to increase the Bar Representation Fee (BRF) rates both from those in practice and those not in practice. How will this be achieved when the figures show a downward trend in numbers signing up?

The Chief Executive said that the intention is to improve the value of the package, to be more proactive in marketing it and to target effectively those who are not paying the BRF, understanding why and tailoring communications to them.

Tim Devlin (TD) said that 2015 will be a big year politically. There will be a lot of

commentary on issues of justice upon which the Bar Council may wish to put forward views or corrections without necessarily taking a political stance. TD wondered if the Bar Council has considered its strategic position on this.

The Chief Executive replied that the Bar Council is alive to these matters, as it always is in its lobbying work, law reform work and, for example, attendance at the party conferences. Careful judgments have to be made and, where appropriate, decisions will come through the General Management Committee / Bar Council.

5. BSB report

The Chairman took items on the agenda out of order in order to allow the Treasurer's items to be taken together. He therefore invited Baroness Deech QC (Hon) (RDQC) to deliver the BSB's report.

RDQC said that this was her last Bar Council meeting before stepping down at the end of the year. She said that she has had the privilege of serving alongside some marvellous Chairmen and truly loves the Bar, even if sometimes she has not loved all the individuals within it. She has done her best to protect the Bar, whose independence is essential to maintaining the Rule of Law. She expressed the hope that her successor would continue to fight for that independence. RDQC added that she has also been privileged in this role to meet some of the finest minds, including Vanessa Davies, Director-General of the BSB, without whom she would not have been able to do anything.

RDQC referred to the BSB's written report to the Council, outlining progress in areas such as education and supervision. The BSB is also running a workshop at the Bar Conference on 8 November ("Conducting litigation: expanding opportunities for the Bar").

Questions for the BSB

AWQC said that the work of Rethink (as outlined at paragraph 20 of the BSB report) is something that the Bar Council has as much an interest in as the BSB. Rethink have produced a resource for magistrates, district judges and court staff on mental health and learning disabilities in the criminal courts and wish to create something similar for legal professionals in order to raise awareness of mental health issues and how to work with and represent clients who have a mental health illness. Is this an area in which the Bar Council and BSB can collaborate? Vanessa Davies (VLD) said that representations could be made to the BSB under the protocol for regulatory independence to that effect if the Bar Council wished to do so.

Guy Fetherstonhaugh QC (GFQC) referred to the BSB's ambitious programme

concerning education and training for the next three years, which includes topics such as pupillage and CPD. To his mind, out of all the areas mentioned the most important is making the BPTC better and cheaper, but he was unclear as to why it would take three years to effect change. Can this not be given greater priority over the other areas?

RDQC said that her heart was with GFQC's comments as she appreciates what a grave problem it is. However, changing a syllabus is a slow process. VLD confirmed that the actions contained in the programme are not all equal in terms of the effort and time required to progress them. The BPTC is a priority. The consultation will be out in the spring and decisions will be made by summer 2015. Therefore, the decisions will be taken relatively soon, but the rollout will take time.

Richard Atkins QC (RAQC) said that he found the BSB Handbook impenetrable in terms of finding overarching responsibilities relating to acting with honesty and integrity. All references seem to relate to specific cases and are not generic. Is the Handbook due to be reviewed?

VLD responded that there is a requirement to formally review the Handbook in 2015. Acting with honesty and integrity is one of the "core duties" as set out in the Handbook, but if RAQC has a specific issue, then he is encouraged to feed that back.

RDQC was asked about limiting the numbers of those taking the BPTC. An increasing number of students are taking it and many have no hope of getting pupillage at the end of it. The Chancery Bar only offers 30 pupillages a year, which is a very small number if you think of the volume of students coming through. When the Inns of Court School of Law was the only provider of the course, it meant that places were limited.

RDQC said that she was painfully aware of the problem. However, under law, it is not possible to limit the numbers. Some believe that flooding the market with semi-qualified lawyers is good for competition. The most the BSB could do was to introduce the aptitude test and even that was a four-year fight. It is shocking that people are wasting £17k taking the BPTC without a hope of getting pupillage. The BSB wishes that it could do more. RDQC said that she was inclined to agree with Lord Judge, who says that the Inns' scholarships to students goes directly to the BPTC providers and that they should instead be used for pupils or new tenants.

TD added that Lincoln's Inn is looking at scholarships. The brightest students come from Oxbridge and go into Chancery sets, some of which offer £50-70k to pupils. Criminal sets pay the minimum: £12k. His Chambers loses bright, resourceful and interesting people in their third six as they cannot survive on that sort of money and end up going to law firms instead.

Ruth Hughes (RH) said that she was aware of the competition issues, but as Chambers choose their pupils, then pupillage should be part of the training programme and there would therefore be greater control. RDQC said that this idea has been put forward a number of times.

Alison Padfield (AP) said that she is the Chair of COMBAR's E&D committee. They go to a number of law fairs every year, but deliberately do not go to Oxford or Cambridge. The Commercial Bar is not tied to bringing on only Oxbridge pupils. RDQC added that it also should not be assumed that each Oxbridge graduate comes from a privileged background. They are trying very hard to encourage students from a diverse range of backgrounds.

David Wurtzel (DW) pointed to the recent Bar Barometer, which shows that of those under 3 years' call, 43% went to Oxbridge and 41% have first class degrees. It is clear that these are the type of people that Chambers want.

DW used this opportunity to commend RDQC for her commitment to the Bar. He noted that he has interviewed her twice; once when she took up the post at the BSB and recently to capture her reflections on her time in office. The latter will be published in the December issue of Counsel. His favourite story about RDQC is when she was reminded that she had once taught Tony Blair but that she had no recollection of it. He cannot have made much of an impact.

The Chairman said that when he first joined the Bar Council in 1994, he was one of those who voted for staying with the Inns of Court School of Law as the provider of training, as it would keep numbers down. However, a limit on numbers is not now possible without a change to the Legal Services Act. The Office of Fair Trading was opposed to controlling numbers. Changing the law on that issue could be one of the prizes that could be gained from a new Legal Services Act.

The Chairman concluded by thanking RDQC again, noting that she has always had a clear sense of the importance of the Bar in the justice system. Anyone who may disagree should consult Hansard and the numerous contributions she has made to vital debates, championing the Bar. She has had to wrestle with a complex legal framework, where you cannot please all of the people all of the time. The Chairman congratulated RDQC on a job well done in difficult circumstances.

RDQC left the meeting.

6. Treasurer's report

The Treasurer reported that the rent review has been completed; a significant rent

increase had been anticipated as the area of London where the offices are ('Midtown') is a popular market. A 40% increase had been expected, but thanks to the preparation and diligence of the Bar Council team who worked on the negotiations, the increase has been set at only 15%.

The Audit Committee has started looking at longer term risks, instead of focusing solely on the 'here and now'.

BARCO activity is continuing to grow both in terms of number of those using it and the value of funds being put in. The growth is encouraging and by mid-2015, BARCO should be in a cash-positive position. The costs of operating BARCO are c. £7k a month and this figure is coming down month-on-month, albeit slowly.

There were no questions.

7. Budget 2015-16: for approval

The Treasurer said that by way of a formal handover to his successor, Lorinda Long (LL), he would present the context for the budget and LL would outline the budget itself.

The intention is for the quantum of income raised by the PCF to stay the same, albeit that it will be raised on an income-related basis, not on the previous method of using year of call as an indicator as to how much each practitioner will pay. Expenditure will be reduced by 1%.

The intention is to generate a surplus. Three or four years ago, the objective would have been to raise enough income to cover expenditure. Things have moved on significantly. The organisation needs sustainability; the question is no longer whether a surplus can be achieved, but how much is needed. A surplus is critical.

The Treasurer and LL presented a number of slides to provide context and outline the proposed budget as against the current financial position.

The headlines:

- Total Income up by 4.4% (£631k)
- No change to overall quantum of PCF raised
- Total expenditure down 1.1% (£145k)
- A solid operating surplus generated, but no more than necessary for future demands

Expected outturn for 2014-15:

Operating surplus will reduce from the £1.2m budgeted, to £0.6m now predicted. A mix of factors is the reason for this:

- PCF collections are 0.9% higher but there has been a reduction in barrister numbers - down 0.7%.
- BRF participation is lower and new VAT treatment reduces available revenue.
- Direct Income from Fees, waivers and student applicants is lower.
- The organisation has decided to invest internally in new systems.
- Cost savings from reduced overheads.

The next three years:

Over each of the next three years, the Bar Council needs to deliver a consistent surplus each year of at least £950k to meet the Bar Council's financial needs:

- To complete the funding of the closed final salary pension scheme - c£300k pa (as opposed to a levy)
- Provision for costs arising at the end of the Holborn lease term in 2019 (for fit out, dilapidations, deposits etc c. £2m) - £400k pa.
- Contingency for flexibility, investment and financial shocks in-year, min £250k pa.

In addition, the organisation needs to maintain its general reserves which provide working capital, investment potential, and the capacity to absorb unanticipated financial risks.

This will be achieved through (a) increasing the reliance on non-PCF income sources and (b) very tight cost management.

Pressures that increase the PCF:

- Reduction of Inns' subvention
- Cost pressures
- Contraction of the profession
- Fewer regulatory fee opportunities

The organisation's response to pressures:

- Grow the BRF
- Achieve full cost recovery
- Expand services for members

- Tight control and plateau of headcount

Income will be up, costs will be down and operating surplus is increased:

- PCF collections at 2013/14 level.
- Inns' Subventions reduced as agreed - income down £248k.
- Increased participation targeted for BRF, 1,000 additional barristers - income up £100k.
- Increased Direct income through optional fees and value add services - income up £959k
- Staffing and non-staffing costs managed through targeted reductions and stable structures - costs down £145k

Risks:

- Fewer practising barristers - currently projecting these down (only) 1% YOY

Growth in other income sources will compensate

- Challenges on expanding value-add services in a cost effective way

We will support delivery with better use of management information and redirecting resources

- Unpredictability of applications that drive non PCF regulatory income

Better management information and contingency options allow us to spot problems earlier and so react earlier.

Approval is sought for a proposed budget which:

- Facilitates the further build of provisions for known and imminent liabilities
- Encourages growth and diversification of income, and so reduces risk.
- Embeds the delivery of cost savings resulting from past investments.
- Maintains the PCF at agreed levels

The Treasurer was asked whether provision has been made for the number applying for practising certificates falling? The reply was that the drop has been assumed at a steady state of 1% per annum.

AWQC asked again about the BRF. Looking at the financial summary, the income derived from it is about 25% down. Is making that up not too ambitious? The Treasurer explained that half of the impact is due to the BRF now being subject to VAT. If you strip away that impact, the difference is about 14%. The shortfall is

largely because of the drop-off in the non-practising Bar signing up to the BRF. There is a smaller drop from the practising Bar.

AWQC expressed concern was that the LSB will limit what the income from the PCF can be used to fund. He was sent a survey on this and could not complete it as he did not understand what the LSB was getting at; to limit the 'permitted purposes' seems to be an aim more than a consideration. If this is the case, then there will be more pressure to raise income through the BRF. If 1,000 fewer than anticipated are paying for it and there are VAT issues, it is a huge challenge to get that income back. Perhaps the BRF should be charged at £120 instead of £100 in order to cover the VAT.

The Treasurer said that he did not disagree about the scale of the challenge, and clarified that the BRF will remain at £100, and that VAT will be taken from that, not added to it. It is not unachievable to grow the BRF. The forecast growth has been made in conjunction with the executive staff who have to raise it. It is manageable.

Lucinda Orr (LO) asked what analysis has been done as to why people stop paying the BRF and whether any - after a period of not paying it - come back. On what basis has the figure of 1,000 new subscriptions been reached? The Treasurer confirmed that the target is aspirational and the executive team has agreed on what is a reasonable stretch. There is quite a lot of knowledge about the market, but more is needed.

Ian Bugg (IB) asked about references to setting pricing in order to achieve full cost recovery. What does that mean in practise? The Treasurer confirmed that this means ensuring, wherever feasible, across delivering regulatory activities, the cost will be set at a level to cover the cost of delivery. That could mean student applications, waivers, registration of international practitioners and so on. Certain areas have always been subsidised, however, and that consideration will continue. More needs to be done to understand the full cost of service delivery to make those decisions. Where possible, instead of charging more for a service, action will be taken to manage costs so that fees do not increase.

The Chief Executive said that the BRF and the services provided are very good examples of taking a strategic view: who benefits from what, what is the charge and what are the impacts?

IB added that in addition to generating more BRF income, Representation, Policy and Services Group are projecting £405k income. Is that achievable? The Chief Executive confirmed that they believed so, although in the longer-term the types of services provided need to be more imaginative.

The Treasurer was asked to provide more information about the market. What is the appetite for more services? He replied that information relating to that could be sent to all members.

The Chairman Elect, Alistair MacDonald QC (AMQC) said that it is critical to raise BRF income and that if the Council wants that to happen then they cannot just leave it to the executive to do all the work. He encouraged all members to seek feedback and do some analysis of what the Bar wishes to see in benefits from the BRF.

Gregory Jones QC (GJQC) asked about the opportunity for the Bar Council to work more collaboratively with the Inns to deliver services, whether jointly or on a contractual basis. He also asked whether there was any progress on holding Bar Council meetings at one of the Inns.

The Chief Executive said that the Bar Council is committed to working in collaboration with the Inns, and that it should not be forgotten that although the subvention is being phased out, the Inns meet the costs associated with running the Bar Disciplinary Tribunals. LL added that a lot of work had been done to analyse the benefits of holding meetings at the Inns, but the cost is prohibitive.

TD asked if the Treasurer was content that a forecast 1% fall in barristers year-on-year is reasonable. The Treasurer said that he, the Chief Executive and the Finance Committee were content but that of course it would be kept under review.

After further discussion, the budget was approved.

VLD left the meeting.

8. Quality Assurance Scheme for Advocates (QASA)

The Chairman reported that judgment was given on 7 October that QASA is lawful. It is his understanding that an application for permission to appeal this judgment will be made.

The court did have a number of things to say about some aspects of the scheme, including the appeal rules which will now be considered by the BSB as they decide how best to implement the scheme. The BSB will be considering this in January. The Chairman expressed hope that there will be a further consultation should any further changes to the scheme be proposed.

There was a further hearing in the past week on costs. The appellants have been ordered to pay the LSB's costs. The LSB and BSB will contribute modest amounts to the appellants' disbursements.

The Chairman spoke of counsel who had acted pro bono for the appellants. He expressed pride in the Bar and what members do for it, win, lose or draw. The quality of work has been breath-taking.

There are some big issues to address. The Chairman reported that on his visits to the Circuits, some had expressed the view that QASA will hopefully help to show the quality of the Bar and thereby underline how important it is to the justice system.

9. Any other business

RAQC said that if there are any questions about the BRF, members should refer to the Bar Council website. The BRF generates income for representative activity which cannot be covered by PCF income. As an additional benefit, discounts and services are available from corporate partners. Paying the BRF also means that those signing up to the Bar Conference receive a discount on the registration fee. All members were reminded that the conference takes place on Saturday 8 November and that there are places available.

The Chairman stood to pay tribute to the Treasurer, whose term ends in December. This was his last full Bar Council meeting. It is well known that barristers and figures are best kept separate. There was a time when being Treasurer was not the huge job that it is today. When the Chairman first saw a Treasurer present a budget in the mid-1990s, the main thrust was simply that the overall Bar Council budget was less than the Law Society's deficit.

The budget has grown considerably since then, as have the challenges, not least managing the funding and independence of the regulator. Stephen Collier has made some very important changes, starting with sorting out the pensions problems and ending with the move to an income-related PCF. He has done exceptionally well and always with remarkably good humour. He exudes confidence. He has given the clearest explanation of the numbers, allowing the Council to be able to take in lots of figures and have the confidence that the finances are properly managed.

On behalf of the profession, the Chairman expressed his gratitude to Stephen Collier.

AMQC stood to thank the Chairman. This last year has been the most difficult for the publicly-funded Bar in memory, if not ever. It was therefore a very happy choice when Nicholas Lavender QC was elected to be Chairman of the Bar Council for 2014.

AMQC said that it has been a privilege to work with such an unflappable Chairman. He has seen him grappling with the Lord Chancellor and other officials on top of other duties and he has never once lost his temper. He is personable, charming and a

master of his brief. AMQC encouraged the Bar to think about the current criminal legal aid position and what it was like when Transforming Legal Aid was first published; many of the negative proposals - fee tapering, for example - have now gone, thanks to the careful negotiations when the future of the Bar was at stake.

The Chairman has given 21 years of sterling service and the Bar thanks him for it.

Sarah Forshaw QC (SFQC) spoke on behalf of the six Circuit Leaders to reiterate all that AMQC said. She added that they would miss the Chairman's cricketing-speak and his ties, but most of all his ability. With no personal experience of criminal law, he constantly surprised the Circuit Leaders with his command of the problems of the publicly funded Bar and the figures involved, often coming up with the best solution single-handedly. Brim-full of diplomacy and possessed of a razor sharp intellect, in meetings with the MoJ the Chairman demonstrated that he was capable of fending off 'body lines' bowled by the Ministry, occasionally producing a 'cartwheeling stump' of his own. He has quietly rounded up characters at the Bar, so that the Bar Council, the CBA and the Circuit Leaders have been completely joined up throughout the year. If anyone at the criminal Bar asks "what does the Bar Council do for me?" just look at what Nicholas Lavender QC has achieved with the Ministry over the last year. The Chairman said earlier that he is proud of the Bar; well, the Bar is proud of its Chairman.

The Chairman thanked AMQC and SFQC for their kind words. For him, this is not the end of a year, but the end of 25 years involvement with the Bar Council, including 21 years as a member. His former Head of Chambers, Richard Southwell QC, got him involved as a pupil and he has been involved ever since, serving not only on the Council, but also on the Young Barristers' Committee, the Legal Services Committee, the Professional Standards Committee, the Law Reform Committee, the Education Committee, the Professional Practice Committee, the General Management Committee and all sorts of working groups. And yet he still managed to pick the wrong year to be Chairman.

There are three things that stand out in the Chairman's memory from this challenging year. The first has been the unity of the profession, which has been truly impressive. The "One Bar, One Voice" event in February proved that. Perhaps his most proud moment was when all the key figures at the Bar - the CBA leadership, the Circuit Leaders and the Bar Council (but not him, because he was leading a trade mission to Brazil) - met the Lord Chancellor at the end of March. At the beginning of July, the Lord Chancellor told the Justice Select Committee that he thought that "it is very important that the criminal Bar has a good future".

The variety of work which the Chairman has encountered has been remarkable. He found himself - following the events around Operation Cotton - trying to find a

solution to those Very High Cost Cases without representation, and negotiating on fees in individual cases. At least now he knows that he could make it as a clerk.

Eagle-eyed members will have noted from his statement that on 17 October he was on a Circuit visit to Hull and the next day he was on his way to Tokyo. That says it all in terms of variety.

The Chairman thanked everyone for their support, for which he is very grateful. He particularly wished to thank the staff: Mark Hatcher, who is so impressive and knows everyone who is anyone in Westminster and Whitehall, and they know him; Charlotte Hudson, whose title of Head of Business Performance and Governance does not begin to cover all that she does and how she is the nerve centre of the Bar Council; Paul Mosson, whose job it is to realise an extra £1m in income, and if anyone is up to that job it is him; and Victoria Carpenter and Izabela Pawlak, whose job it has been to make sure he is the right place at the right time, which is no mean feat. To all the staff, the Chairman gave his thanks.

The Chairman concluded the meeting, reminding the Bar Council of a debate which took place in parliament on 7-8 May 1940. Germany had invaded Norway and the British expedition had been a flop. Leo Amery, a Conservative MP, looked across the Chamber at the Prime Minister, Neville Chamberlain, and said: "This is what Cromwell said to the Long Parliament when he thought it was no longer fit to conduct the affairs of the nation: "You have sat too long here for any good you have been doing. Depart, I say, and let us have done with you. In the name of God, go." "

The Chairman said that it be his time to go on 31 December.

Date of next meeting

The next meeting of the Bar Council will be held on 8 December 2014 at 17.30 (incoming Chairman's inaugural speech) at the Bar Council offices.