



The Bar Council

Annual General Meeting of the Bar 2023

Minutes of Bar Council AGM, Saturday 9 September 2023, 11.00 at the Bar Council offices, 289-293 High Holborn and Microsoft Teams

Present

Nick Vineall KC	Chair of the Bar	NVKC
Samuel Townend KC	Vice Chair of the Bar	STKC
Barbara Mills KC	Vice Chair Elect 2024	BMKC
Lorinda Long	Treasurer	LL
Victoria Prentis KC MP	Attorney General	VPKC
Max Hill KC	Director of Prosecutions, CPS	MHKC
Moira Smyth KC	Chair Bar of Northern Ireland	MSKC

In attendance- in person and via Teams:

Tana Adkin KC (TAKC), Stuart Alford KC (SAKC), Charles Bagot KC (CBKC), Barbara Connolly KC (BCKC), Jaime Hamilton KC (JHKC), Neil Hawes KC (NHKC), Michelle Heeley KC (MHKC), Winston Hunter KC (WHKC), Richard Honey KC (RHKC), Leon Kazakos KC (LKKC), Stephen Kenny KC (SKKC), Hannah Markham KC (HMKC), Jo Martin KC (JMKC), Eleena Misra KC (EMKC), Philip Moser KC (PMKC), Caroline Rees KC (CRKC), Mary Prior KC (MPKC), Heidi Stonecliffe KC (HSKC), Charlie Woodhouse KC (CWKC), Dr. Mirza Ahmad (MA), Shazia Akhtar (SA), Simon Atkinson (Sat), Yaa Dankwa Ampadu-Sackey (YDA-S), Poonam Bhari (PB), Elaine Banton (EB), Michael Bellis (MBe), David Bunting (DB), Minka Braun (MB), Abigail Bright (AB), Rory Brown (RB), Mark Chaloner (MC), Nick Cherryman (NC), Ivor Collett (IV), Melissa Coutino (MC), Rebecca Dix (RD), Celina Colquhoun (CC), Maddy Charlesworth (MC), Amrit Dhanoa (AD), Dilpreet Dhanoa (DD), Sarah Fearon (SF), Michael Harwood (MH), Sara Ibrahim (SI), Shobana Iyer (SIy), Mike Jones (MJ), Susan Jones (SJ), Joanne Kane (JK), James Keeley (JK), Kate Lumsdon (KL), Atif Mian (AM), Louise McCullough (LMC), Cait McDonagh (CMD), Martyn McLeish (MML), Shoshana Mitchell (SM), Lucinda Orr (LO), Yasmin Omotosho (YO), James Paterson (JP), Reagan Persaud (RP), Michal Polak (MP), Francesca Perselli (FP), Paul Powlesland (PP), Simon Regis (SR), Faisal Sadiq (FS), Natasha Shotunde (NS), Samantha Singer (SS), Anna Soubry (AS), Kate Spence (KS), Philip Stott (PS), David Taylor (DT), Leanne Targett-Parker (LT-P), Linda Turnbull (LT), Emma Walker (EW), Guy Williamson (GW), Luke Wygas (LW)

In attendance:

Sally Burnell	Director, Communications & Marketing	SB
Malcolm Cree CBE	Chief Executive, Bar Council	MC
Richard Cullen	Director of Finance	RC
Carolyn Entwistle	Director of Services	CE
Isi Onwukwe-Anyadike	Governance and Committees Manager	IOA
Phil Robertson	Director of Policy	PR
Jamie Shaw	Head of Strategy, Planning and Governance	JS
Wilf White	Director for Communications and Public Engagement, BSB	WW
John Phipps	Private Secretary to the Director of Public Prosecutions	JP
Joshua Rampton	Assistant Private Secretary	JR

Apologies

Andrew Twigger KC, Christina Michalos KC, Kim Hollis KC, Saira Kabir Sheikh KC, Alex Matthews, Hannah Smith, Gaynor Wood, Sahar Farooqi, Simon Anderson, Abi Hobson, Grey Dorey, Sean Jones, Jonathan Dingle

The Attorney General, The Rt Hon Victoria Prentis KC MP, chaired the AGM. The meeting was confirmed at quorate with over 60 subscribers present.

The AG welcomed and thanked those present at the Bar Council AGM. It was shared that our justice system is a shining example of legal expertise and professionalism. The Bar Council were thanked for the high professional standards held across the legal professions and for the truly exceptional work they do. Public trust in the legal profession is essential to upholding the rule of law. Despite the challenges of COVID and inflationary pressures caused by the war in Ukraine, there have been specific challenges to the legal sector, and it is with positivity that an agreement was reached a year ago to end the criminal bar industrial action. The sector now has a legal aid spend at around £1.2 billion a year, and we've also seen very swift action taken by the Solicitors Regulatory Authority, which was supported across our profession.

Above all, the AG expressed thanks for the work that the Council do alongside the Solicitor general as head of the bar in championing the legal profession across government, which is hugely valued. The Lord Chancellor is a great ally who is very keen to champion the work of the professions wherever possible.

The AG thanked the Officers and Max Hill KC, who has done a wonderful job at the CPS in collaborating with the Bar.

Declarations of Interest

The meeting Chair received no declarations of interest in respect of items on the agenda.

1. Chair's Address

NVKC, Chair of the Bar, presented his report as follows:

Annual Report

The Bar Council Annual Report April 2022 - March 2023 had been recently published highlighting the Bar Council's achievements over the reporting year. One change had been adopted in the Constitution in March 2023 recognising the adoption of a Misconduct Policy for Bar Council members. This policy creates an obligation on Bar Council members to self-report misconduct, provides the Bar Council power of suspension pending the outcome of an investigation by the BSB in appropriate cases, and power to investigate in cases where another body is not doing so. This was viewed as an important enhancement to the Bar Council's systems of governance and internal control to ensure safeguarding.

Regulation

As mentioned in the inaugural address, January 2023 NVKC set about with two key priorities for his tenure as Chair.

- i) For the BSB to focus on and improve timeliness and throughput in its discharge of regulatory functions. There had been some positive changes made in this respect. Though, members were reminded that timely case management and investigation by the BSB also required sufficiently prompt responses from the relevant members involved.
- ii) For the LSB to focus on its role as the oversight regulator of frontline regulators. This is a work in progress with ongoing communications.

Public strands

NVKC focused on three key strands about the referral advocacy professions.

- i) Cab rank rule.
- ii) Lawyers should not be associated with the causes of their clients, merely due to being their legal representatives. There had recently been examples of negative language used to describe lawyers in the media (especially immigration lawyers).

iii) Lawyers as gatekeepers especially in relation to contentious business. Also, the use of non-disclosure agreements and how they are used/misused.

The work of Bar Council Committees, in particular the Law Reform Committee under its Chair, Eleena Misra KC, allows the Bar Council to call upon a wealth of talent. The committee allows for the Bar Council as a whole to liaise with governments and policymakers in a consistently high quality and informed way.

Internationally

The England and Wales Bar has been warmly received globally, both prior to and since leaving the EU.

The Bar Council maintains close links with the Ministry of Justice, led by Lord Chancellor Alex Chalk KC MP who has been available to have open and constructive dialogue.

Ministry of Justice

NVVC noted the ongoing issues that require focus:

- i) Fixed recoverable costs. A new consultation will be taking place which provides an opportunity to get some of these issues right.
- ii) Persisting difficulties in extending the ID card scheme, the scheme for access to courts. The Ministry of Justice will be asked to focus on this.

NVVC expressed thanks to the Law Officers who have been entirely approachable and supportive of the profession as and when appropriate.

Equality and Diversity

NVVC will be discussing Equality and Diversity, and Contextual Recruitment at Inner Temple, Wednesday 13 September 2023, 18:00. NVVC will also be touching on education and training in relation to the timing of call to the bar. Tickets are available on the Bar Council website. A recording will be available to watch online thereafter.

Bar Council

The Bar Council as an organisation offers extraordinary provisions for training courses which are well received and valuable, supporting a lot of policy work to improve equality and diversity.

The Ethics helpline takes up to 5,000 enquiries a year, in a profession of c18,000 that is a truly impressive and real service provided. The online Ethics Hub receives c60,000 visits a year. NVVC expressed thanks to the Ethics Committee and in particular the

Chair, Stephen Kenny KC for their oversight and support.

NVVC thanked the heads of Chambers, Chief Executives and Clerks who have hosted Bar Council visits over the year. Particular thanks were extended to Circuit Leaders; Michelle Heeley KC, Jo Martin KC, Caroline Rees KC, Jason Pitter KC, Jaime Hamilton KC, and Leon Kazakos KC.

SBA's and Inns

NVVC extended thanks to the SBAs for their support and work over the year.

It was noted that Kirsty Brimelow KC had stepped down as Chair of the Criminal Bar Association and was succeeded by Chair, Tana Adkin KC, and Vice Chair Mary Prior KC.

NVVC extended thanks to the Inns and their representatives for maintaining a good line of communication throughout the year.

Social Media

NVVC encouraged members to be mindful of their interactions on social media. There have been instances of junior members of the Bar receiving undue and harsh criticism on social media by senior members of the Bar, which is unacceptable.

Legal Aid and fees

The review report of legal civil aid is still pending.

There has been issues with access to justice at the front line. There is currently no free legal advice available, it is important that this access to justice is prioritised.

Deborah Taylor has been appointed to Chair the Criminal Legal Aid Advisory Board. The priorities for CLAAB will be ensuring publicly funded criminal work on a truly sustainable footing in terms of remuneration and to introduce a better case management system.

NVVC finished by thanking Vice Chair, Samuel Townend KC and CEO, Malcolm Cree for their support and work over the year.

Paul Powlesland highlighted the differing views of barristers in relation to the cab rank rule and lawyers as gatekeepers and queried whether the Chair would be open to having a public debate on the matter. NVVC noted that Bar Council had hosted a designated debate focussed on the issue, and that Counsel Magazine invites contrary opinions to be published if wished. If there was a large swell of opinion to reopen the debate NVVC would be happy to do so. Samantha Singer noted that the Pro Bono and Social Responsibility Committee remain welcome to continue this dialogue with PP if

wanted.

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

Lorinda Long, Treasurer, presented the Treasurer's Report including the Annual Report and Accounts, by giving an overview of the following highlights.

Financial Review

This year the General Council of the Bar delivered a loss of £183k due to the charge for the actuarial loss on the pension fund of £1,165k turning the operating surplus of £982k to a deficit. Despite the deficit reported because of the volatility of actuarial assumptions, the financial position was in general terms satisfactory and sustainable.

Overall income increased by £1.6m to £22.3m (from £20.7m in 2021/22). Total costs increased £3.5m to £21.2m (2021/22: £17.6m). A total surplus after taxation and before actuarial valuations of £982k was achieved, down £1,915k against the prior year's surplus of £2,897k.

Bar Council

The financial report for Bar Council captures all representation and approved regulator activities as well as services to the profession. Bar Council aims to minimise the amount of PCF needed to fund representation activities by building and maintaining a variety of income sources. 65% of the Bar Council's income is drawn from PCF (2021/22: 62%).

Total income increased 16%, £1,001k, to £7,330k (2021/22: £6,329k). Income from services to the bar increased slightly by 0.2%, £1,882k v £1,878k; a £214k contribution from the Inns of Court was received towards wellbeing and educational activities.

Bar Standards Board

Total income was up 16%, £1,896k to £13,990k (2021/22: £12,094k). Most of this was due to the £2,080 increase in revenue from practising fee income. This has been offset by the reduction in Regulatory and other income of £184k.

Expenditure increased 22%, £2,423k to £13,599k (2021/22: £11,176k): staffing costs were £875k greater, £6,227k (2021/22: £5,352k) due to the BSB recruitment drive. Non-staff costs increased £535k due to increased external consultancy and legal representation costs. The remaining increase arose from the proportional share of Resources Group costs of £686k.

AGREED On voting, the 2022-23 Annual Report and Accounts were unanimously adopted by subscribers present.

3. Chief Executive's Report

Malcolm Cree, Chief Executive presented his report as follows.

- i) MC encouraged members to read the [Annual Report](#) located on the Bar Council website.
- i) The Ethics Team have responded to 5,000 ethical enquiries.
- ii) The Bar Council have responded to 29 consultations, some of them about very significant issues.
- iii) The Bar Council have received over 65 mentions in Parliament.
- iv) The Training and Events team has led on 153 training courses, which has received almost 900 media hits.
- v) The Bar Council's ability to gather, use and share data with other agencies, particularly the CPS and the LA, has improved significantly over the last couple of years and provides a sound evidence base for our work and for our influencing (and proved vital to the criminal legal aid review).

4. Any Other Business

Shobana Iyer shared that on the ADR front, NVKC was thanked for the work in assisting and representing the Bar Council in intervening in the Court of Appeal Case of *Churchill v Merthyr Tydfil*. The appeal provides an opportunity for the Court of Appeal to review their previous decision in *Halsey v Milton Keynes* [\[2004\] EWCA Civ 576](#), particularly the observations on the effect of Article 6 of the [Human Rights Act 1998](#) and on obliging potential litigants to engage in alternative dispute resolution (ADR).

The meeting closed at 11:45am