



The Bar Council

Bar Council Annual General Meeting

Minutes of Bar Council AGM, Saturday 18 September 202, 11.00am, Microsoft Teams dial-in and at the Bar Council offices

Present

Derek Sweeting QC	Chair of the Bar	DSQC
Mark Fenhalls QC	Vice Chair of the Bar	MFQC
Nicholas Vineall QC	Vice Chair Elect of the Bar	NVQC
Lorinda Long	Treasurer	LL
Rt Hon Suella Braverman QC MP	Attorney General	AG

In attendance (listed alphabetically) – in person and via Teams

Christine Agnew; Shazia Akhtar; Robin Allen QC; Lorna Badham; Michael Bellis; Carl Brewin; Ian Brookes-Howells; Mark Chaloner; Sydney Chawatama; Ben Close; Ivor Collett; Barbara Connelly QC; Celina Colquhoun; James Corbet Burcher; Melissa Coutino; Emily Formby QC; Caroline Goodwin; Alex Gunning QC; Amanda Hardy QC; Michael Harwood; Harriet Holmes; Sa'ad Hossain QC; Matthew Howarth; Shobana Iyer; Sean Jones QC; Susan Jones; Stephen Kenny QC; Henry King QC (alternate for David Joseph QC); James Kitching; Donal Lawler; Edite Ligere; Kate Lumsdon QC; Timothy Manley; Eleanor Mawrey; Louise McCullough; Martyn McLeish; Christina Michalos QC; Andrew Morgan; Deshpal Panesar QC; Francesca Perselli; Alison Pickup; Charlotte Pope-Williams; Zoe Saunders; Jo Sidhu QC; Natasha Shotunde; Joe Smouha QC; Kate Spence; Gordon Stables; Jessica Stephens QC; Philip Stott; Jason Sugarman QC; Ben Symons; Leanne Targett-Parker; David Taylor; Linda Turnbull; Jonathan Turner; Anton Van Dellen.

In attendance:

Malcolm Cree	CEO, The Bar Council	MC
Richard Cullen	Director of Finance, Bar Council	RC
Piran Dhillon-Starkings	Adviser to the Chair, Bar Council	PDS
Carolyn Entwistle	Director of Services, Bar Council	CE
Phil Robertson	Director of Policy, Bar Council	PR

THE BAR COUNCIL

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	Steven Rudaini	Director of Comms & Marketing, Bar Council	SR
	Natalie Zara	Head of Governance, Bar Council	NZ
	Peerce McManus	Assistant Private Secretary to the Law Officers, Attorney General's Office	PMcM
Minutes	Yvonne Treacy	Executive Officer	YT

Apologies were received from

Dr Mirza Ahmad; Simon Anderson; Nicholas Bacon QC; Elaine Banton; Minka Braun; Kirsty Brimelow QC; Alexandria Carr; Andrew Granville Stafford; Birgitte Hagem; Neil Hawes QC; Isabel Hitching QC; Joanne Kane; Ted Loveday; Athena Markides; Andrew Mitchell QC; Lucinda Orr; Heidi Stonecliffe QC; Simon Regis; Steven Thompson QC; Colin West QC

The Attorney General, The Rt Hon Suella Braverman QC, MP, chaired the AGM.

The AG welcomed those present to the Bar Council AGM informing them that this was her first meeting since returning from maternity leave. The last meeting, she physically attended was in Lincoln's Inn just after her appointment at AG in early 2020 and just before the lockdown. The subsequent 18 months have seen a number of challenging and difficult circumstances which the profession has responded to admirably, for example, moving to innovative solutions such as hybrid meetings or adapting their working practices. This innovation, adaptability and providing quality services make her proud to be a member of the profession.

The AG went on to say that she is happy to be back at work and noted that it was a very busy time during her absence with a huge amount of work carried out by the Bar in representing the interests of the profession and also ensuring the wheels of justice were kept moving. She would therefore like to take the opportunity to thank members of the profession for their crucial role in finding solutions to some of the challenges. In particular, the AG made reference to the various bills going through Parliament and the support from the Bar in providing legal expertise and thus ensuring the proper development of legislation. She also noted the huge efforts made by those involved with the criminal justice system in relation to the performance of the criminal courts. This is a priority for the government with the development of the National Economic Recovery Taskforce and the Crime and Justice Taskforce evidence of the government's commitment to addressing the backlog in the criminal courts and ensuring the delivery of justice generally.

With regards to the forthcoming Spending Review, there will be some difficult decisions to make due to the impact of Covid-19 and limited capacity. However, the public will continue to expect first class services as well as value for money and therefore, there will be a

judicious assessment of bids by the Treasury from the various Government departments including the justice sector. With regards to the CPS, the AG reported that there have been spending uplifts over the last few years including £85m for the recruitment of over 350 new CPS prosecutors in order to increase capacity and support recovery in the courts and the criminal justice system generally.

The AG went on to say that she was looking forward to continuing her work and getting involved with the tasks ahead, including a close dialogue with the Bar Council and other professional bodies so that there is greater understanding of the impact of the pandemic on the profession. She is here for the profession in her role as head of the Bar which is an honour for her to occupy. It is also an opportunity for the profession to have a voice in relation to funding decisions, the overall legislative framework and the recovery process, and the pressures upon the justice system generally. On behalf of the government, she offered her thanks to the profession.

1. Chair's Address

DSQC, Chair of the Bar, presented his report as follows.

On the previous Wednesday he was due to go to Westminster to talk about judicial diversity as part of the ongoing work the Bar Council was undertaking in tackling and addressing diversity issues in the judicial system. The meeting was to be with the Lord Chancellor but was pulled at the last minute due to the cabinet reshuffle and the appointment of a new Lord Chancellor and justice minister. It is hoped that the appointment of a new Lord Chancellor, who is also deputy prime minister, is an indication of the government's commitment to the justice system and, in particular, the need for adequate funding. Such funding not only allows individuals to vindicate their rights, but also the reduces the knock-on effect it has on other aspects of society such as the health service and social security as mentioned in his inaugural address last year. The importance of the rule of law, the role it plays in our society and the respect it generates both internally and internationally cannot be underestimated.

The Bar Council is now finalising its spending review submission in readiness for the budget next month. As part of this process, the Bar Council has been liaising with other bodies in the justice sector, for example, the Attorney General's office, the MoJ, CPS and HMCTS in order to align our messages as we are all in this together and recognise the need for adequate funding. Although it is clear that funding will be tight this year, DSQC said that we can hope to be somewhat optimistic as the government seems to recognise the need to address the shortfalls in the criminal justice system if they wish to address serious crime which will mean more pressure on the judicial and court systems. Similarly, the government's rape review, with the intention of more investigation and more prosecutions, will put additional pressures on the court system. Thus, it needs to be adequately resourced to support the government's own manifesto on law and order.

It is worth noting how busy the government is at the moment regarding law and order reform with the development of many bills and reviews which the Bar Council is in turn actively working on in terms of setting up its own working groups, writing briefings and responding to formally, for example:

- Police, Crime, Sentencing and Courts Bill
- Judicial Review and Courts Bill
- Nationality and Borders Bill
- The Professional Qualifications Bill
- The Environment Bill
- Justice and Home Affairs Committee
- Woman and Equalities Committee

In parliament, through the introduction of legislation and work being done in committees it can be seen how much attention is on justice currently and therefore it needs to be adequately funded and resourced. The spending review is pivotal.

DSQC said that he mentioned the funding of the justice system and the necessary part that plays in the rule of law in his inaugural speech last year. However, the profession has faced its own challenges recently with regards to the rule of law, for example, the imposition of sanctions and on Essex Court Chambers and the situation in Afghanistan. With regards to Afghanistan, the Bar Council spent most of the last month trying to help Afghan judges, lawyers and those working in the justice system and passed on the names of around 230 people to the FCDO. The Bar Council also worked with various organisations including BHRC, Iprobono and the International Association of Prosecutors as well as reaching out to the Bar of NI, the Faculty in Scotland and the Irish Bar, the IBA, ABA, CCBE.

Also, in his inaugural speech DSQC touched on race and whether, in the light of the Black Lives Matter movement, ought the profession be doing more to address diversity and ensure actions are followed through on. At the time he said that he would hold an event and this week the Bar Council held the first of a two-part race summit which was attended by around 80 members of the Bar. In the coming weeks Bar Council staff along with the Race Working Group and the Equality Diversity and Social Mobility Committee will be drafting a race action plan which the organisation will be committed to. This will be launched on 5 November at the second day of the race summit at which Leroy Logan, former police superintendent in the Metropolitan Police, will be speaking.

Another issue DSQC touched on last year was the use of remote technology and the challenges faced in the conduct of certain hearings. Just because the technology now allows us to have remote hearings does not mean we should. It is important to think about the impact they have on the those we represent. No doubt there are aspects of the justice system

that can and should move online but this again requires greater investment from government.

Finally, last year DSQC said that the Bar Council had had unprecedented access to ministers and government officials as a result of the pandemic. He was therefore pleased to report back that this has continued with increased contact and regular engagement with the law officers, ministers and officials, largely through videoconferencing. This has been a positive outcome as it enabled a lot more work to be done. They will continue to work closely on the issues that affect us and sees it as a step forward with tangible results. He is grateful to the law officers, ministers and the last Lord Chancellor for their engagement and looks forward to similar engagement with the new Lord Chancellor.

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:

- Overall income rose £2.4m to £21.2m. A total surplus of £4,706k was achieved, up £2,139k against the prior year's surplus of £2,567k.
- Action was taken early last year to curb expenditure through a pay freeze and cuts to senior salaries, along with the furloughing of staff at the Bar Council and Resources Group. This, together with reduced income and expenditure from cancelled events and additional regulatory income has allowed the GCB to generate a greater one-off surplus (to budget) than would have been possible in a pre-Covid year.
- The Bar Council:
 - The financial report for Bar Council includes 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. 62% of the Bar Council's income is drawn from PCF (2019/20: 64%).
 - Total income rose to £6,484k (2019/20: £6,461k). Income from services to the bar increased by 19%.
- Bar Standards Board:
 - Total income was up 13%, £1,437k to £12,349k (2019/20: £10,912k). Most of this increase came from regulatory income due to an increase in number of students

undertaking training for the Bar (£1,040k). There was a £372k increase in revenue from practising fee income.

- Expenditure increased 10%
- Allocation of PCF between the Bar Council and BSB
 - 2020 / 2021: 29% and 71%
 - 2019 / 2020: 31% and 69%
 - 2018 / 2019: 28% and 72%

Jonathan Turner asked whether the Bar Council has provided funding to the Bar Human Rights Committee and, if so, where does this expenditure appear in the accounts and what consideration has been given to whether such a payment is lawful? He went on to say that he has written to the Bar Council seeking clarity on this point but has yet to receive a substantive response.

The Chair replied that he had indeed received letters from JT about the funding of the BHRC but as the letters included threats to launch proceedings against the Bar Council he did not respond to such letters. Also, for the purposes of clarification, the Bar Council pays £35,000 towards the BHRC and provides some administrative and staff support. The legal basis for this is set out in the Legal Services Act which gives the Bar Council the authority to use part of the practising certificate fee on the protection of human rights, which the Bar Council does via the BHRC. The Bar Council also funds other external organisations such as the Free Representation Unit and Advocate.

The Annual Report and Accounts were approved.

3. Chief Executive's Report

Malcolm Cree, Chief Executive, reported as follows:

The Annual Report, which covers much of the key activity from April 20 to end March 21 is now on the Bar Council website which he commends to you.

Last year he started the Annual Report by saying: *"With the uncertainty of the immediate and longer-term future, I am determined that what we are doing now and will do over the months and years ahead is relentlessly focussed on supporting a strong and independent Bar."* He is convinced that the organisation did everything that it could to achieve this and to ensure the non-covid work of the Bar Council was taken forward too, in line with its strategic aims and objectives. Not every battle was won but it did win many and made very clear to the government the consequences of failing to act.

He went on to say that those strategic aims were: Championing the rule of law and access to justice for all; supporting barristers; promoting the Bar; representing the Bar and strengthening the Bar Council. Much was achieved against each one and the report gives some of the detail.

The Bar Council's newly updated business continuity plan was in operation throughout the year. Full use was made of the ability to work remotely, which was already in place, without, it is believed, any drop in productivity or output.

The Bar Council profile in government (even the Treasury and No10 Policy Unit) parliament, the media, with think tanks and with the profession has never been higher; the Bar Council influence has increased too.

The Research, policy, public affairs and communications and marketing teams turned facts and stats into persuasive arguments.

The organisation has worked very closely with the Circuits, specialist bar associations (SBAs), the Inns (who continued to support the Bar Council education work financially, despite their own pressures), the Four Bars, international Bars and associations and many others, ensure a consistent message backed by evidence.

The Bar Council fielded 4,500 ethical enquiries and responded to numerous consultations.

The EDI programme continued apace and grew.

The Bar Council and its constitution were modernised, and the new IGRs implemented.

Training and events and services have gone from strength to strength in terms of output and income. The major and minor online events have been a huge success.

The financial, Information Management and HR processes and policies are continually improving, and the year saw significant progress.

MC gave a huge thank you to all those who support the work of the Bar Council, through the Bar Council, committees, working groups and panels, individually and collectively.

He also wanted to thank and to praise the work of the Bar Council staff (both in Representation, Policy and Services and Resources Group). He is blessed with an excellent senior management team and a most dedicated and enthusiastic wider team, who are a pleasure to work with.

Finally, MC said a thank you to Amanda Pinto QC, who coped brilliantly with all the extra work that Covid brought and the more enjoyable aspects of being Chair that were removed.

He went on to say that Derek's year has been similarly blighted but he relishes a challenge – whether intellectual or physical. Their dedication to the profession and the wider public interest is impressive. He has really enjoyed working with them both.

4. Any other business

Jonathan Turner asked it to be noted that he did not say he would issue proceedings in his original letter and this was an unjustified remark. DSQC replied by pointing out the context in which this intervention had been made which was that he understood that Mr Turner's organisation had made complaints to the BSB alleging dishonesty on the part of BHRC because of its use of the term "committee" in its title.

Before she closed the meeting the AG thanked the Chair and the management team of the Bar Council for leading the profession through challenging times and showing huge amounts of energy and high dedication.

The meeting closed at 11.40am