

<p>BAR STANDARDS BOARD</p>

REGULATING BARRISTERS

Part 1 - Public**Minutes of the Bar Standards Board meeting**

Thursday 22 February 2018, Room 1.1, First Floor
289 – 293 High Holborn, London, WC1V 7HZ

- Present:** Naomi Ellenbogen QC (Vice Chair)
Alison Allden OBE
Justine Davidge (items 6-13)
Judith Farbey QC
Steven Haines
Zoe McLeod
Andrew Mitchell QC
Nicola Sawford
Kathryn Stone OBE
Stephen Thornton CBE
- Bar Council in attendance:** Richard Atkins QC (Vice Chair, Bar Council) – via Starleaf (items 7-13)
Malcolm Cree (Chief Executive, Bar Council)
Andrew Walker QC (Chair, Bar Council)
- BSB Executive in attendance:** Joseph Bailey (Senior Policy Officer)
Vanessa Davies (Director General)
Rebecca Forbes (Governance Manager)
Oliver Hanmer (Director of Regulatory Assurance)
Sara Jagger (Director of Professional Conduct)
Andrew Lamberti (Communications Manager)
Ewen Macleod (Director of Strategy and Policy)
John Picken (Governance Officer)
Wilf White (Director of Communications and Public Engagement)
- Press:** Neil Rose (Legal Futures)
Max Walters (Law Society Gazette)

Item 1 – Welcome

1. Naomi Ellenbogen QC welcomed members to the meeting.

Item 2 – Apologies

- Baroness Tessa Blackstone (Chair)
- Aidan Christie QC
- Lara Fielden
- Adam Solomon
- Anu Thompson
- Lorinda Long (Treasurer, Bar Council)
- James Wakefield (COIC)
- Mark Hatcher (Special Adviser to the Chair of the Bar Council)

Item 3 – Members' interests and hospitality

2. Stephen Thornton made a declaration in respect of a lunch received from Lincoln's Inn on 1 February 2018.

Item 4 – Approval of Part 1 (public) minutes (Annex A)

3. The Board approved the Part 1 (public) minutes of the meeting held on Thursday 25 January 2018.

Item 5 – Matters Arising

4. None.

Item 6a – Action points and progress (Annex B)

5. The Board noted the updates to the action list.

Item 6b – Forward Agenda (Annex C)

6. The Board noted the forward agenda list.

Item 7 – Response to policy consultation on new transparency requirements

BSB 010 (18)

7. Joseph Bailey summarised the response received to our recent consultation on price, service and redress transparency requirements. These stem from recommendations of the Competition and Markets Authority (CMA) following its market study of legal services. A revised timeline for programme implementation is suggested at Annex B of the paper.
8. The next steps include further talks with the Specialist Bar Associations (SBAs) and the Bar Council. This will focus on the practicalities of implementation. The Chair of the Bar Council welcomed this move.
9. Members commented as follows:
- just one response came from a consumer body (the Legal Services Consumer Panel). It would help to know if others were contacted;
 - some proposals in the covering report need further consideration. We need to be more flexible and less prescriptive in tone (in particular paragraphs 25, 27, 32, 37 and 52);
 - it would help to know:
 - if the CMA is now better informed about the nature of the barrister profession and how the costs for services can vary;
 - the extent to which it could impose compliance.
10. In response, the following comments were made:
- we did contact consumer groups, and have done so in the past (initially with some success). However, sustaining this engagement has proved difficult because they do not regard barrister services as a priority area;
 - the text of the document can be amended to give greater room for manoeuvre;
 - the CMA is aware of the challenges that arise from its recommendations - some of its staff attended a liaison meeting with barristers on the report;
 - the CMA could, ultimately, enforce compliance but this is unlikely providing we can demonstrate reasonable progress towards greater levels of transparency.
11. **AGREED**
- a) to endorse the way forward in implementing new price, service and redress transparency requirements as set out in the paper.
 - b) to publish the consultation report (Annex A) on the BSB website, subject to the inclusion of amendments identified at the meeting.
 - c) to note the updated timescale for the next steps (Annex B).

EM / JB

Item 8 – Quarterly report of the Planning, Resources and Performance Committee (PRP)

BSB 011 (18)

12. Steven Haines summarised the PRP Committee report and invited comments. He confirmed that the Finance Committee had approved the BSB's budget including a request for extra FBT programme funds (one-off, non-recurrent). This was subject to a commitment from the BSB to seek savings of £88k over the year to cover extra staff costs brought about by adjustments to our baseline figures.
13. In response to questions, Vanessa Davies commented that:
- the year-end forecast variance for non-PCF income is a lot less than the current figure due to budget phasing;
 - the colour coding for the final variance column is inconsistent with the earlier two. It suggests we shall be overspent by year-end but this is incorrect. In fact, we expect to have a net budget surplus.
14. Members confirmed that they were satisfied with the level of detail included in the report and that subsequent papers could follow a similar format.
15. **AGREED**
to note the report and the assurances provided by the PRP Committee.

**DBu to
note**

**OH to
note**

Item 9 – Chair's Report on Visits and Meetings: February 2018

BSB 012 (18)

16. The Board noted the report.

Item 10 – Director General's Report

BSB 013 (18)

17. Vanessa Davies highlighted the following:
- the staff turnover figures have significantly reduced;
 - the staff conference included discussion on strategic planning and output from this will be considered at the Board's April Away Day.
18. She also thanked those members who were able to attend the Race Equality event on 7 February 2018. A report from this will be produced in due course together with a video that will be added to the BSB's website.

Item 11 – Any Other Business

19. None.

Item 12 – Date of next meeting

20. Thursday 22 March 2018.

Item 13 – Private Session

21. The following motion, proposed by the Chair and duly seconded, was agreed. That the BSB will go into private session to consider the next items of business:
- (1) Approval of Part 2 (private) minutes – 25 January 2018
 - (2) Matters arising: Board Diversity
 - (3) Action points and progress – Part 2
 - (4) Governance, Risk & Audit Update
 - (5) Regulatory Operations Programme – Consultation on Modernising Regulatory decision making
 - (6) Professional Indemnity Insurance
 - (7) Any other private business
22. The meeting finished at 5.35 pm.