

THE HONOURABLE SOCIETY OF LINCOLN'S INN

**AGENDA FOR A MEETING OF THE BAR REPRESENTATION COMMITTEE
TO BE HELD ON WEDNESDAY 14 JUNE 2017
AT 33 CHANCERY LANE, ROOMS 4 & 5 at 5.30 p.m.**

Notes: We are pleased to welcome the Preacher, the Venerable Sheila Watson, to our meeting. Julie Whitby, (our new Bencher) will also be joining us for item 6.

1. **Apologies for absence and conflicts of interest**

To **NOTE** the apologies for absence received and any relevant conflicts of interest.

2. **Minutes of previous meeting**

a. To **APPROVE** the Minutes of the meeting held on 22 May 2017. [pp.2-7](#)

3. **Chair's report**

To **RECEIVE** the Chair's updating report to the Committee. [pp.8-9](#)

4. **BRC Rules**

To **CONSIDER** the latest draft Rule changes and **DECIDE** the agenda for the EGM of Hall on 11 July 2017. [pp.10-19](#)

5. **Possible separation of the Bar Council and Bar Standards Board**

To **DISCUSS** the possible separation of the Bar Council and the Bar Standards Board and whether (and if so what) stance the Inn should adopt [pp.20-25](#)

6. **Proposed BRC Budget for 2018**

To **DISCUSS** the paper from the Chair on a proposed BRC Budget for 2018. [pp.26-27](#)

7. **Other matters arising**

8. **Any Other Business**

9. **Dates of the next Committee meetings:**

11 July 2017 – at 33 Chancery Lane, Rooms 4 & 5 (also EGM)

(agenda items should be identified to Wiebke by 27 June and papers submitted by 30 June for circulation by 5 July).

Thereafter 12 October and 20 November (also AGM).

**W Morgan, Member Services Manager
9 June 2017**

THE HONOURABLE SOCIETY OF LINCOLN'S INN

**MINUTES OF A MEETING OF THE BAR REPRESENTATION COMMITTEE
HELD ON 22 MAY 2017 IN 33 CHANCERY LANE at 5.30 p.m.**

Present

Benjamin Wood *Chair*
Margia Mostafa *Vice Chair*

District Judge Afzal OBE	Laureen Husain
Thomas Barrett	Karim A. A. Khan QC
Neil Chawla	Timothy Lyons QC
Melissa Coutinho	James Manning
Aidan Crook	Mark McDonald
Emily Culverhouse	Claire Palmer
Gerard Forlin QC	George Payne
Keith Gordon	David Scorey QC
Laura Gould	Linda Turnbull
Stuart Hornett	

In attendance

Julie Whitby *Bencher-elect*
Hazel Jackson *Junior Members' Association*
Ben Hamer *Junior Members' Association*
Mary Kerr *Under Treasurer*
Murray Campbell *Assistant Under Treasurer*

Apologies received

Zoë Barton	Amelia Highnam
Georgina Blower	Sara Ibrahim
Tim Devlin	Sarfaraz Metlo
Christopher Harris	Amy Proferes

Preliminary

1. The Chair welcomed everyone to the meeting and in particular congratulated Julie Whitby on her elevation to the Bench. Julie will be attending the next Committee meeting for the discussion of her paper '*Anticipating regulatory change following the final report of the competition and markets authority legal services market study*'.
2. The Chair **NOTED** that the most recent elections to Bencher included, along with Julie Whitby, His Honour Judge Stephen Warner, Julian Ghosh QC and Michael Hayton QC.
3. The Chair encouraged the Committee to identify agenda items for discussion at future meetings.
4. The Chair tabled an email from a Hall member (Trevor Standen) regarding student dining which was **NOTED** by the Committee.

5. The Chair stated that he was in the early stages of compiling a budget for the Committee and requested that they suggest items which could be included. He had provisionally identified well-being and social events, and social mobility initiatives. The question of the payment of travelling expenses for those who attend BRC meetings from outside London arose, by analogy with those paid for tutors at residential education events. The Under Treasurer recommended that the Committee prepare a detailed proposal, covering a worst-case scenario, and present it to PADG for preliminary consideration.
6. The Chair thanked members for sending reports from Bench Committees they had attended. These were extremely helpful for preparing his and the Vice Chair's report and for acting as an early warning system for matters that might need to be discussed.
7. Apologies for absence received were **NOTED**. No relevant conflicts of interest were declared.
8. **Minutes of previous meeting**
The Minutes of the meeting held on 11 April 2017 were **APPROVED**.
9. **Chair's report**
The committee **RECEIVED** the Chair's updating report.
10. **Updates from the sub-committees**
 - 10.1. **Social Mobility Sub-Committee**
 - 10.1.1. Stuart Hornett informed the Committee that members of the SMS-C had met Paul McDonald of the Social Mobility Foundation. University mentoring was identified as an area where Hall members could assist, and a pilot scheme involving the training and appointment of around 10 members for 3 years was suggested. An email had been sent to Committee members seeking volunteers but, thus far, only two had volunteered their services. The Vice Chair drew attention to the fact that there were 13 members on the Sub-Committee, offering a source of potential volunteers. It was **AGREED** that Stuart should prepare and circulate a one-page requirement would be drawn up for members to consider themselves and to circulate to potentially interested colleagues.
 - 10.1.2. The SMS-C's initiative to seek testimonials for the website, from those who had overcome adversity to become barristers, had generated only one response. A mix of discursive stories was required, each relatively brief, encouraging those from disadvantaged backgrounds to consider a career at the Bar. It was acknowledged that some successful barristers might be reluctant to appear boastful in such a testimonial. Suggested sources for identifying good examples included Education Department staff, those who had obtained scholarships and the Denning Society. Members of the Committee were asked to email Stuart with either their own testimonials or to suggest possible candidates. District Judge Afzal volunteered to submit his biography.
 - 10.2. **Social and Wellbeing Group (SWG)**
 - 10.2.1. The Vice Chair explained that Lincoln's Inn held the first event by the SWG on Monday 8 May in the Old Hall. Rachel Spearing, Chair of 'Wellbeing at

the Bar' Working Group, gave a presentation on identifying risks to wellbeing and how to deal with the challenges of a busy practice. This was followed by a Q and A session with a panel of experts. Julie Whitby provided a demonstration of coping strategies, and a reception followed afterwards. The evening proved a great success with 150 bookings and 86 attending on the night. Wiebke Morgan, in particular, was thanked for her organisation of the event. Feedback was very good, with half of the respondents saying that they would be more likely to attend Inn events in future. Committee members who had attended echoed these positive views and spoke of well-being considerations now matching the importance of equality and diversity. It was likely that the Education Department would incorporate similar initiatives into its future training programmes, including the Practice Management course for pupils. The Vice Chair advised that photos and feedback from the event would be put on the website.

- 10.2.2. The Midsummer Drinks Party on 19th June has been cancelled due to event clash and its proximity to other Inn events. However, the Quiz Night – planned for October - was likely to prove very popular. Details would follow soon.
- 10.2.3. The Chair thanked the Vice Chair for the excellence of the initiatives from the SWG.

11. **Matters arising**

11.1. **Dining at the Inn**

- 11.1.1. The Catering Committee had considered the BRC's views – as expressed in the minutes of the BRC meeting on 22 March 2017 – at its meeting on 2 May 2017. The Committee **NOTED** the feedback from those who had attended the Catering Committee meeting. Some concern was expressed by some of those attending members that the Catering Committee had largely rejected the BRC's input.
- 11.1.2. The AUT advised that this perception was perhaps overly negative. Of the dozen or so points raised by the BRC, only 4 were rejected.
- 11.1.3. Offering discounts on the basis of PQE, rather than Year of Call, was rejected on the basis of it being unverifiable. If the BRC felt that verification was unnecessary, further representations could be made.
- 11.1.4. The ability to select wines was rejected on the basis of it being impractical, though the Catering Committee did agree that those who wished to bring their own wine may be able to do so, if agreed in advance, with the Catering Services Manager. The wine would be subject to a corkage fee.
- 11.1.5. The idea of offering discounts when the Great Hall re-opened was rejected on the basis that there was no evidence that ticket sales would be slow without such special pricing.

11.1.6. Discounted prices for non-London members were also rejected, on the basis that ticket prices are already subsidised and discounted and there is no evidence that an additional small discount will encourage those travelling from a distance.

11.1.7. However, the other eight points raised by the BRC were endorsed. In particular, the BRC is encouraged to suggest a more suitable name for “Ordinary Dining” and to propose one-off, themed or other special events that could be incorporated into the dining schedule. BRC members were encouraged to offer ideas.

11.2. **Members survey**

Following the discussion over catering arrangements, the Chair noted that a BRC member had suggested that the Inn might wish to send a survey to its members, in order better to understand their needs and requirements. The AUT advised that the Inn had the technology to make this possible and that the recent website survey had provoked a healthy response.

The Committee **AGREED** that a members’ survey was a good idea.

Gerard Forlin QC volunteered to assist in developing the survey, having done so successfully with another organisation.

11.3. **BRC Dinner**

The Committee considered the format of the BRC Dinner on 11 April. Some members expressed the view that it would be a shame to lose the opportunity to dine with Benchers other than the Officers, and it was agreed that the Chair would discuss committees’ dining arrangements with the Under Treasurer and Assistant Under Treasurer.

It was **AGREED** that the dinner for the BRC and the Inn’s Officers had been very successful and should be repeated in future. The Chair was asked to consider inviting the Chairs of all the Bench Committees to the next dinner, which he said he would consider in due course.

12. **BRC Rules**

12.1. The Chair began by thanking those members who had contributed to the draft rule amendments, and particularly Thomas Barrett and Timothy Lyons QC, who had shouldered the very substantial task of drafting a modern set of rules.

12.2. The Chair reminded the Committee that the first draft of the proposed amendments to the BRC rules had been circulated with the papers for April’s meeting and noted that the current draft reflected minor amendments following members’ comments and suggestions.

12.3. The purpose of the meeting was to determine whether the revised rules should be put before an EGM for Hall members to consider. If any of the voting or electoral changes were to be in place for the next round of elections, then the changes would need to have been approved before the long vacation.

- 12.4. Thomas Barrett drew attention to the changes, including those set out in the covering Note from the Chair and Vice Chair and noted that the amendments amounted to a substantial redraft.
 - 12.5. Timothy Lyons QC advised that the redrafting was guided by two main principles. First, the promotion of diversity amongst Committee members, with Co-option providing an opportunity to ensure effective representation. Second, transparency, with the Committee being accountable to members of Hall.
 - 12.6. The Committee's discussion focused primarily on the draft rule that would restrict the elected membership (but not co-opted membership) to those who held or had held practising certificates for England and Wales. Strongly held views were expressed in favour and against, with the majority of those who did express their views being against the restriction of elected membership.
 - 12.7. In particular, members were concerned that the Committee might become unrepresentative of those members of Hall who had been Called but who did not satisfy the proposed criterion, including particularly those in practice overseas.
 - 12.8. There was no unanimity of view, and the Committee agreed that this element of the draft Rules ought to be the subject of further discussion at the June meeting, following further reflection. Laura Gould and Claire Palmer kindly volunteered to consider the legality of the proposed criterion.
 - 12.9. There was also discussion about the proposal that any member of the Committee could be removed upon a vote of 75% of those at a meeting. The Chair indicated his view that any such vote should be conducted by a secret ballot of all members, but it was **AGREED** that this draft rule ought to be reviewed.
 - 12.10. The Committee **AGREED** that an EGM of Hall should be convened for 5.30pm on 11 July 2017 (coinciding with the planned BRC meeting), for consideration of proposed Rule changes.
 - 12.11. The Committee **AGREED** that the draft Rules should be split into separate agenda items, according to whether they were likely to be contentious.
 - 12.12. The Committee **AGREED** that all changes, other than the elected membership criterion and the member removal rule were non-contentious.
 - 12.13. **Post meeting note.** Following further discussion with members, the Chair and Vice Chair decided that the proposal to restrict elected membership should not be taken forward in its current draft. The Chair therefore emailed the Committee with alternative proposals (including the introduction of a separate category of 'Overseas member' or maintaining the status quo) and invited comments and suggestions in advance of the next meeting.
13. **Any Other Business**
- 13.1. George Payne noted his concern about a rumour that the Inn might cease to have volunteer witnesses at its pupils' advocacy training weekends.

13.2. Linda Turnbull extended a welcome from the Chapel Committee for BRC members to be added to the rota for Sunday services. Those interested should contact Gina Roberts in the Treasury Office.

14. **Dates of the next committee meetings**

- 14 June 2017 (agenda items should be identified to Wiebke as soon as possible and papers submitted by 4 June. Papers to be circulated by 9 June.)
- 11 July 2017 (immediately preceded by EGM of Hall members)

ACTION SUMMARY

	Item	Action	Lead	Deadline
1	Future agenda Items	Committee members to suggest matters for discussion or decision	All	Ongoing
2	Budget	Committee members to suggest matters for inclusion in 2018 BRC budget	All	4 June
3	University Mentoring Form	To be drawn up and circulated	Stuart Hornett	4 June
4	Testimonials for Website	Draft testimonials for Stuart Hornett or recommend colleagues	All	4 June
5	Member Survey	Decide action to be taken	Chair	4 June
6	Photos and Feedback for Website	Content to be put on Website	Vice Chair	14 June
7	Comments regarding draft BRC Rules	Committee members to submit drafting or substantive comments, suggestions or proposals to: <i>brc@lincolnsinn.org.uk</i> .	All	4 June
8	Testimonials for website	Committee members to volunteer or to suggest another member to be included to Stuart and Sara.	All	2 June

Murray Campbell, AUT, May 2017

CHAIR'S REPORT TO BRC
FOR MEETING ON 14TH JUNE 2017
Benjamin Wood and Margia Mostafa

Introduction

1. As we finalise this report, the nation is still at the polls and we don't know whether to feel the hand of history on our shoulders or to expect strong and stable leadership. We hope that you do not have such high expectations of us!
2. We are very glad to welcome not one but two benchers to this meeting. The Preacher will be attending in order to introduce herself and to find out we work. (Our) Julie Whitby (who was published as a bencher at the Education Contributors' Dinner last month) will be paying a return visit to lead the discussion on the likely separation of the Bar Council from the Bar Standards Board.
3. This note deals with the following issues:
 - a) Committee and sub-committee update;
 - b) Forward planning; and
 - c) Dates for your diary.

A. Committee and sub-committee update

4. The Chair and Vice Chair have attended the following committee meetings since the last meeting: Scholarships, Staff and F&GP. Thank you very much for everything that you are doing on behalf of Hall.
5. We realise that the trials and tribulations of practice at the Bar mean that it is not always possible to attend meetings, but please don't forget to let us know at BRC@lincolnsinn.org.uk if no-one is able to attend a meeting, so that one or other of us can try to attend and ensure that Hall is represented.
6. Similarly, please let us know if there is any particular meeting when you think that it might be worthwhile for us to attend.
7. The Committee's notice is drawn to the following.
 - i. Scholarships Committee**
8. The new means-testing of scholarships will begin with a pilot scheme for the GDL scholarships in July. The means testing form is still being finalised, but it has been agreed that (for the first time) the awarding of scholarship (which will remain entirely merits based) will be dealt with by a different panel from the one that will consider the financial value of the award.
9. Because this represents a radical shift in approach, Council is to be asked to note the new scheme and that it will be expanded next year to include BPTC awards.
10. The responsibility for selecting Hardwicke Entrance Award winners has passed to the Scholarships Committee.

ii. Social Mobility Sub-Committee

11. Stuart Hornett and Sara Ibrahim have started working on the testimonials page and the university mentoring scheme. Please continue to give them your support!

iii. Social and Wellbeing Group

12. We are delighted to announce that the SWG will be organising a Quiz night event on Monday 3 October 2017. Save the date!

B. Forward planning

13. As you will have seen from the notices that have been emailed and posted around the Inn, we have informed Hall about the EGM on 11 July (i.e., coinciding with our next BRC meeting). Please do try to attend so that we can put on our best BRC face!

C. Dates for your diary

14. Wellbeing dates for your diary.
- a) 29-30 June 2017 – Wellness for Law, London Forum at Inner Temple. The event is being organised by Rachel Spearing (who headlined our own event on 8 May) and will cover medicine, behavioural science, counselling, clinical education and professional coaching, offering information and skills to support those entering or within the profession to manage wellbeing and performance.
 - b) 1 July 2017 (YBC) – “The Specialist Advocate” workshop
 - c) 3 July 2017 (IBC) – “Managing Challenging Behaviour” (at 3 Verulam Buildings)
 - d) 5 July 2017 – FLBA wellbeing event (Speaker Robin Bradley, at 4 Paper Buildings)
15. The Inn’s Black Tie Guest Night is on 15 June.
16. The Inn’s Garden Party (exceptionally in New Square) is on Thursday 6 July.

We look forward to seeing you on 14 June.

Benjamin Wood and Margia Mostafa, 8 June 2017

DRAFT PROPOSED AMENDMENTS TO THE BRC RULES
8 June 2017 (for meeting on 14 June 2017)

1. The BRC discussed potential rule changes – and a draft set of rules – at its meeting on 22 May.
2. The Committee agreed that the majority of the proposed Rule changes were unlikely to be controversial and that they should be put to Hall at an EGM on 11 July. Notice of that meeting has now been given to Hall.
3. It was, however, clear that two areas of change are likely to be contentious and required further thought. Those were (a) whether there should be qualification criteria for Elected memberships and (b) whether and if so how there should be a power for the Committee to terminate someone’s membership of the Committee.
4. On 23 May, we sent an email to the BRC inviting further discussion. We set out below ([pp.12-14](#)) the comments that we received in response. Thank you to everyone who provided comments.
5. At our meeting on 14 June, we hope that the BRC will be able to **DISCUSS** and **DECIDE** the terms of the draft Rules – on the two outstanding issues – that should be put to Hall, and whether they should be tabled as separate agenda items because they are likely to be contentious. The latest version of the draft Rules is at [pp.15-19](#).

A. Qualification criteria for elected membership

6. The original suggestion (that Elected membership be limited to those hold or have held a practising certificate) has been withdrawn. Although it had some support, it was clear that it was highly divisive.
7. Instead, and taking on board the comments that have been made, we suggest that there are three options: (i) maintain the status quo (i.e., open to anyone who has been Called and in good standing); (ii) introduce a new category of Overseas Member and limit elected membership to those who hold or have held a practising certificate; or (iii) introduce a new category of Overseas Member but maintain the status quo for (other) Elected members.
8. We set out below a working draft of an “Overseas Member” rule (with grateful thanks – again to Thomas Barratt and Timothy Lyons).
9. For three reasons, our considered view is that option (i) (maintain status quo) is preferable. First, it avoids any distinction amongst different members of Hall. Second, the administration of a separate overseas election would impose a considerable burden on the Inn’s staff, which may be disproportionately onerous, especially given that there would likely be only one vacancy at a time. Last, the likely small number of Overseas members means that not all of our members’ jurisdictions will be represented and we may not therefore achieve the breadth of representation that would be desirable.
10. Possible Rule for “Overseas Elected Members”

[x]. Overseas Elected Members

a. Posts: *At any one time there shall never be more than [2?] Overseas Elected Members of the Committee.*

- b. *Term: An Overseas Elected Member's full term of office is 4 years, from the 1st January immediately following their most recent election through to the 31st December 4 years after that.*
- c. *Standing: Any Member of Hall may stand for election (or re-election) to the Committee as an Overseas Elected Member provided that at both the closing date for nominations and at the date of the election they are permanently resident outside [England and Wales/the United Kingdom].*
- d. *Schedule: In the autumn of each [alternate] year a [single] vacancy will fall due for election to the Committee for terms starting on 1st January in the following calendar year.*

...

[x]. [Disqualification]... *In the case of Overseas Elected Members only [they are disqualified and cease to be Members], on their becoming permanently resident in [England and Wales / the United Kingdom].*

B. Termination rule

11. Some members expressed concern that the proposed termination rule (enabling the Committee to remove members) was open to abuse, especially if a meeting could be convened and quorate with only a handful of voters.
12. In order to address this concern, we propose that such a vote be subject to both a “turn out” requirement and a high majority in support of termination.
13. The Committee is invited to consider the appropriateness of such provisos and what figures ought to be selected. We suggest that, if there were a requirement for both a 75% turnout and a 75% majority, the resulting need for 5/8 of the Committee (at minimum) to support the vote may be an appropriate safeguard. (By way of example, the BRC currently has 32 members, so at least 24 would need to cast a vote and – assuming that all of them voted For or Against – at least 18 votes would be required to terminate a membership, with no more than 6 people opposing such a move.)
14. Possible Rule for termination of membership.

[x]. *Any membership of the Committee (including that of the Chair) may be terminated on a qualifying vote of the Committee. A ‘qualifying vote’ requires the entire membership of the Committee to be polled, for at least [75%] of the Committee to cast a vote and for the result of the vote to be at least [75%] in favour of the termination. , with the percentage determined solely by the ration of positive to negative votes excluding all abstentions or spoiled votes.*

15. The Committee is asked to **DECIDE** what draft ought to be tabled for Hall and whether any particular Rules ought to be tabled separately because they are likely to be contentious.

Benjamin Wood and Margia Mostafa
8 June 2017

BRC MEMBERS' WRITTEN COMMENTS ON POTENTIAL CHANGES TO BRC RULES

1.	<p>...the [Overseas Elected member] proposal opens up the possibility of overseas members filling not only this new position but also other committee positions <i>unless</i> they were prohibited from applying for those other positions, i.e. a de facto limitation on representation of such members to just 2 committee posts.</p> <p>That, I suspect, will engender a further debate as to quotas etc, all of which I would rather avoid.</p> <p>I would prefer to maintain the status quo. If the forthcoming election gives rise to a real problem, that will greatly assist in not only formulating an answer but also getting in through; if no problem arises, we may wish to expend our energies on other matters.</p>
2.	<p>I can see the concerns with the rules excluding members. There is a risk that an overseas member will adequately represent all interests of all overseas places but having two assist. I would also suggest an appointed person from the committee (which could be a co-option which is directly responsible to represent those and any non-practising members.</p> <p>You could include something that says that the expectation is that individuals will attend face to face meetings, and that the majority of the work undertaken relates to those practising at the Bar of England of Wales. You might also add that as barristers we are able to represent those groups that we are not a member of.</p> <p>My answers are:</p> <ol style="list-style-type: none"> 1. I am content to maintain the rules requiring a UK practising certificate to have been held. That being said I don't disagree with an Overseas Member election. I would put something that says it doesn't have to be filled. In the event of any vacancy, the Bar Rep would consider whether someone should be co-opted or if the interests are adequately represented. 2. I do not object to the termination provision. The reality is that there is very unlikely to be a meeting that does not have sufficient members. It will still have to be quorate. If there was an issue, the Chair could decide to defer to a later meeting. I don't have the rules in front of me, but could you require that any such vote must be notified to members of the committee 48 hours / 7 days before the proposed date of the meeting.
3.	<p>On the proposed change to the membership requirements, I support the idea of creating a category of overseas member as proposed (two members, with one elected every other year). This seems to me to be a proposal that could facilitate closer links between the Inn and those members of hall living and practising abroad.</p> <p>As to whether I would support the proposed changing to the membership requirements if an overseas member category were to be created, this would depend on whether members who have been called to the bar but have not yet obtained pupillage are eligible for membership of the Junior Members Association (I am afraid I cannot recall the remit of this association). If they are so eligible, then I would support the practising certificate requirement being inserted into the rules - as I mentioned in the meeting, my key concern was that members who have been called but have not yet secured pupillage would be disenfranchised.</p>
4.	<p>(i) I favour a special category of "up to 2" overseas members with the proviso that they will not be entitled to travel expenses. Then we can retain the new</p>

	<p>rule as currently proposed (i.e. UK practitioners only). There should be no obligation to fill these roles if ever vacant. Out of interest, how do overseas members fill their roles on Bar Committees?</p> <p>(ii) I think that termination should be by 75% of the members voting provided that they constitute at least one half of the committee at the time of the ballot.</p>
5.	<p>I think we should scrap the idea of differentiation and maintain the status quo. I am not persuaded of the need to differentiate.</p> <p>I do not think it is desirable to create the category of “Overseas Member”. I am concerned that this could be divisive at a time when the Bar should maintain unity in its widest sense (whether it be practising and non-practising, the Bar of England & Wales and the rest of the UK, or the Bar of England & Wales and anywhere else).</p> <p>I do not think we should have two separately elected “Overseas Members” - I think it could be divisive. The nomenclature is also problematic. Is Scotland / Northern Ireland “overseas”. What about the Channel Islands? What about the various Crown dependencies etc? I don’t see the need to draw this distinction.</p> <p>In the event that an “Overseas Member” category is created, I don’t see the need to limit the “Elected Member” category as currently proposed.</p> <p>I am neutral on [the proposed termination Rule], but I agree that it would be desirable that there should be a super-quorate on this to avoid the scenario of someone’s membership being terminated on a small turnout.</p>
6.	<p>Not sure [about Overseas Membership category] until I better understand the Overseas Member position - but essentially if they can be Elected Members too, and there is just implied encouragement by the name, then I have no issue with this. If they are limited to only standing as Overseas Members I still have serious concerns about this, I do not see that there is a genuine need for this change in the rules - are we having lots of overseas members stand and be elected such that we feel the views of the Bar of England and Wales are not adequately being represented? As well as feeling this would be wrong, unjustified and unnecessary, I also have real concerns as to how this could be perceived from a PR perspective.</p>
7.	<p>My initial thoughts are there is some merit in having Bar Rep catering for the practising Bar in E&W. I suspect election to Bar Rep is largely self-regulating f the potential problem of having only overseas reps elected (some stats if we are able to identify any of how many people in that position stand v. those in E&W might be helpful), but I wouldn’t object if there is a perception that self-regulation may not work to having a split of candidates that can stand on a self-declared basis as overseas or E&W (like Bar associations have silk, junior 7+ and junior under 7).</p> <p>Furthermore, from a budgetary POV, if we do seek and are approved for travel expenses for members, some constraint on the number of people seeking to fly in to Lincoln’s for every Bar Rep and Bench Committee meeting would probably be required! Equally there may be some merit in reflecting the differences between employed and self-employed Bar, but that raises a fundamental question as to what the purpose of the Inn is in the present climate, which is probably not an area we would wish to trespass.</p> <p>As to removal, were there to be such a mechanism, I think it would have to be 75%</p>

of the Committee in total (i.e. not of the quorate number) to approve. The perception that the power could otherwise be used capriciously is otherwise fatal to my mind. If the conduct or behaviour of a Bar Rep member is such that somebody is inclined to such a motion, surely discussion and / or suggesting resignation would be better options with this as an ultimate fallback?

Also, I know we ask when people join if they intend to practise in E&W, but I don't think it's a requirement is it? I know that is people don't commence within 5 years and finish within 10 the Bar course, they cease to be members. Are there any other un-deeming provisions that might be relevant to this question? I don't personally know why the Bar course is studied here so much by Commonwealth students - is it actually a requirement if you wish to practise in Antigua, India etc? I suspect that joining the Inn whilst here isn't necessary but may be thought to add some gravitas?

draft/ Rules of Lincoln's Inn Bar Representation Committee

(Approved at the EGM on [11 July 2017])

1. There shall be a committee of Lincoln's Inn known as the Bar Representation Committee ("the Committee") and these are the rules of the Committee ("the Rules").
2. The Rules may be altered or replaced by a two-thirds majority of Members of Hall present and voting at any General Meeting convened for that purpose.

Functions

3. The functions of the Committee are :
 - a. To provide representation on behalf of those who have been called to the Bar by the Inn and who have not been elected Masters of the Bench (i.e. "Members of Hall") in relation to:
 - i. the Bench Committees of the Inn, and
 - ii. assisting the Treasurer, the Masters of the Bench, and the staff of the Inn in the running of the Inn's affairs.
 - b. To disseminate information on the running of the Inn to the Members of Hall.
 - c. To bring to the notice of the Bench Committees and working parties any matters of complaint or suggestions, from either the Members of Hall or from the Committee.
 - d. To recommend to the Treasurer and the Masters of the Bench suitable Members of Hall to take part on such other committees and working parties as are thought appropriate, whether within the Inn or on behalf of the Inn on other professional or advisory bodies.
 - e. Generally to collaborate with the Treasurer and the Masters of the Bench in securing a happy and contented atmosphere throughout the Inn.

The Committee

4. The Committee shall comprise: Elected or Replacement members (up to 24), Co-opted members (up to 10), and a Chair (up to 1).

The Memberships

5. *Elected Members*
 - a. Posts: At any one time there shall never be more than 24 Elected Members of the Committee.
 - b. Term: An Elected Member's full term of office is 4 years, from the 1st January immediately following their most recent election through to the 31st December 4 years after that.
 - c. Standing: Any Member of Hall may stand for election (or re-election) to the Committee.
 - d. Schedule: In the autumn of each year a cohort of six vacancies will fall due for election to the Committee for terms starting on 1st January in the following calendar year.
6. *Co-opted Members*
 - a. Posts: At any one time there shall never be more than 10 Co-opted Members of the Committee.
 - b. Term: A Co-opted Member's full term of office runs from the date of the Committee resolution making the appointment through to 31 December of the second year following

that (though the Committee may provide for such terms to start later than the resolution concerned and/or finish earlier).

- c. Standing: Any Member of Hall may be appointed by the Committee to serve as a Co-opted member. In considering Members of Hall to appoint to the Committee, it shall have regard to the desirability of having a Committee membership that reflects to a reasonable extent the diversity of identities and interests of Members of Hall.
- d. Schedule: The Committee shall from time to time appoint Co-opted Members as it sees fit in line with the rules and having regard to the desirability of vacancies at the start of each calendar year.
- e. Termination: Any Co-opted Membership may be terminated by a resolution of the Committee.

7. *Chair Membership*

- a. Posts: At any one time there shall never be more than 1 Chair of the Committee.
- b. Term: A Chair's term of office is 2 years, from the 1st January immediately following election through to the 31st December 2 years later.
- c. Standing: Any Member of the Committee may stand for election (or re-election) as Chair of the Committee provided that at both the date of close of nominations and at the date when voting closes they are a member of the Committee.
- d. Schedule: In the autumn of every other year, an election for the post of Chair of the Committee shall be held.
- e. The Chair membership may be held concurrently with any other membership, and individuals remain members of the Committee as long as they have at least one unexpired membership term (be this the Chair membership or any other kind).
- f. An individual who concurrently holds both the Chair membership and another membership of the Committee shall only count as a single member for the purposes of quorum and voting.
- g. Where a vote of the Committee is tied the Chair may cast an extra deciding vote.
- h. In the event of the Chair resigning or ceasing to be a member of the Committee for whatever reason during their term of office, the Committee shall appoint an Acting-Chair from amongst its number to serve until such time as an election can be held either for a new chair on the standard cycle or, if the vacancy arises more than six months before the end of the current Chair's term of office, for a replacement chair to complete the term.

8. *Replacement Members*

- a. Posts: A Replacement Membership only arises if:
 - i. an Elected Member ceases to be a member of the Committee prior to the expiry of their full term, creating a vacancy, and
 - ii. the Committee resolves to appoint an individual Replacement Member for that vacancy, and
 - iii. If the replacement member was appointed the total number of Replacement and Elected Members would not exceed 24.
- b. Term:
 - i. The full term of a replacement member is the period between the date of the Committee resolution making the appointment and the expiry date of the full term of the Elected Member they replace.

- ii. Where a Replacement Member during their term becomes an Elected Member, the former terminates upon commencement of the latter.
- c. Standing: Any Member of Hall may be appointed by the Committee to serve as a Replacement member provided that they satisfy the criteria for Elected Memberships (in accordance with rule 5(c) above, if the words “both the closing date for nominations and at the date of the election” were read as “date of appointment”).
- d. Termination: Any Replacement Membership may be terminated by a resolution of the Committee.

Disqualification and Termination of Membership

9. Members of the Committee are disqualified and cease to be Members on:
 - a. their election as a Master of the Bench; or
 - b. their death, disbarment or suspension from practice; or
 - c. their failure to participate in three meetings of the Committee within a 12 month period without reasonable excuse. In this event, the disqualification shall take effect at the conclusion of the next meeting following the third meeting at which the member has failed to participate. It shall be for the Member to satisfy the Chair in the first instance that their excuse is reasonable but the Chair’s decision may, at the request of the member concerned, be reviewed by the Committee (which shall decide by a simple majority vote). Where a member has failed to participate in more than three meetings in a 12 month period they are also liable to disqualification in the event that there are three meetings within that 12 month period for their failure to participate in which they do not have a reasonable excuse.
10. Any membership of the Committee (including that of the Chair) may be terminated on a qualifying vote of the Committee. A ‘qualifying vote’ requires the entire membership of the Committee to be polled, for at least [75%] of the Committee to cast a vote and for the result of the vote to be at least [75%] in favour of the termination, with the percentage determined solely by the ratio of positive to negative votes excluding all abstentions or spoiled votes.
11. An individual is prohibited from standing for election, or from being either appointed or elected to any membership of the Committee if they either:
 - a. would be disqualified from Membership under Rule 9 (a) or (b) above, or
 - b. they do not meet the standing requirements of the relevant membership.

Business

12. The Committee shall meet and conduct its business in such manner as the Chair may from time to time direct.
13. When the Chair is temporarily unavailable or indisposed, any power or duty of the Chair (such as decisions as to the conduct of the Committee’s business including its elections) shall be executed by the Vice Chair(s). Where the Vice Chair(s) is or are also unavailable, these powers and duties are to be vested in the most senior member of the Committee (determined by Call) who is available and not indisposed.
14. The quorum for the Committee for both normal and general meetings of the Committee shall be 8.

15. References herein to votes, and to any majority thereof, shall exclude those who do not vote or who abstain, but no decision shall be effective unless the number of those voting equals or is greater than the quorum.
16. There are two types of meeting: Committee meetings and general meetings.
 - a. Committee meetings shall be open to all Members of Hall to observe, save that the Chair or the Committee may in their discretion decide that part or all of any meeting shall be 'closed'. Even where a meeting is 'open' non-Committee Members of Hall have no right to participate in or address the meeting.
 - b. General Meetings shall be open to all Members of Hall.
 - i. Once every calendar year the Chair shall arrange for the Annual General Meeting of Hall, and such meetings may never be more than 15 months apart.
 - ii. The Chair or the Committee may convene an extraordinary general meeting of the Members of Hall as necessary, but must convene an extraordinary meeting within a reasonable period following the written request to the chair or the Committee of at least 30 Members of Hall. The request must set out the purpose for and agenda of the meeting.
 - iii. Reasonable notice of both the date and agenda of all general meetings shall be given by such method as the Chair or the Committee may from time to time direct.
 - iv. The Chair (or failing him, such other member of the Committee as the Committee shall nominate for the purpose) shall act as chairperson of any general Meeting, and at Annual General Meetings the chairperson must give a report of the work of the Committee during the preceding year.
17. For the purposes of Rule 16, the President and the Vice President of the Lincoln's Inn Junior Members Association shall be considered Members of Hall, whether or not they have been called to the Bar.

Additional powers of the Chair

18. The Chair may propose for appointment up to two members of the Committee to the post of Vice-Chair, who will take office if approved by a simple majority vote of the Committee. The term of a Vice Chair shall be determined by the Chair but shall not in any event extend beyond the end of the Chair's own term of office (whether this is a full or part term).
19. The Chair may, from time to time, appoint members of the Committee to sit on Bench Committees for such period as the Chair thinks fit or until the Chair directs otherwise. Members of the Committee appointed to Bench Committees by the Chair shall commence their membership of those Bench Committees at the next meeting following their appointment, unless otherwise instructed by the Chair.

Elections

20. Both the Chair Membership and Elected Memberships shall be filled by election by means of secret ballot using the Single Transferable Vote method.
21. All Members of Hall are entitled to vote in elections for Elected Members.

22. Those who are members of the Committee on the date when their ballots are cast are entitled to vote in elections for Chair of the Committee.
23. The elections shall be conducted at such time and in such manner as the Chair shall from time to time decide, save that;
 - a. the results shall be declared in the same year as the election was held,
 - b. the term of the candidate(s) elected shall not commence until 1 January of the next year,
 - c. the voting procedures and counting method will be set out in the notice that opens nominations for candidates.
24. In the event that two or more candidates poll the same number of votes and the number of vacancies for those candidates to fill is less than the number of candidates polling the equality of votes, lots or an equally random equivalent shall be drawn in order to determine the winner(s).

Transitional Period

25. Until 1 January 2019 the Rules set out above will apply with the following modifications listed below, after that date this whole provision expires and is to be removed from the text of the rules.
 - a. The Rules are modified with the effect that of the 15 memberships elected in 2016 and beginning on 1st January 2017:
 - i. Six memberships will expire on 31 December of the fourth calendar year following the commencement of this membership term (i.e. 31/12/2020) and these memberships will be awarded to the first through to the sixth placed candidates,
 - ii. Five memberships will expire on 31 December of the second calendar year following the commencement of this membership (i.e. 31/12/2018), and these memberships will be awarded to the seventh through to the eleventh placed candidates, and
 - iii. Four memberships will expire on 31 December of the first calendar year following the commencement of this membership (i.e. 31/12/2017) and these memberships will be awarded to the twelfth through to the fifteenth placed candidates.

-END-

REPORT FOR THE BAR REPRESENTATION COMMITTEE

Julie Whitby

May 2017

**ANTICIPATING REGULATORY CHANGE FOLLOWING THE FINAL REPORT OF
THE COMPETITION & MARKETS AUTHORITY (CMA) LEGAL SERVICES MARKET
STUDY**

- 1) At its third meeting on 27 March 2017 the SAG discussed the outcome of the CMA Final Report of its Market Study of Legal Services and its implications for future regulation. The conclusions of the report, and the recommendations that flow from them have clear implications for the Bar, and any decisions or recommendations made by the SAG / COIC will have an impact on members of hall.
- 2) The purpose of this report is to provide an overview of the study, its conclusions, recommendations and indicate the concerns and opinions of the SAG, and the proposed recommendation to the PADG / COIC. By way of background: The present regulatory framework flows from the Legal Services Act 2007. When this legislation was constructed it brought about considerable change for all branches of the profession, and introduced new regulatory structures and procedures for Barristers, solicitors and legal executives. In 2013, in submissions to the Ministry of Justice's legal regulation review, the Law Society and Bar Council both called for the return of responsibility for areas such as standard setting and training to the professional bodies, with their regulatory arms retained for discipline and enforcement. There was an initial attempt at review, but this was placed on hold. The CMA study then overtook / replaced this initiative.
- 3) The Market Study did not look in detail at the background to the present framework, but the report's recommendations may require a consideration of its construction.
- 4) The CMA published the final report of its market study into legal services in December 2016. The study was intentionally limited to the effect of the workings of the present regulatory system on individual consumers and small businesses; criminal legal services were excluded. The clear conclusion was that the legal services sector is not working well for these two groups. This was largely because those consumers lack the experience, and information to identify their needs, make informed choices and engage with service providers. In the CMA's judgement the present regulatory framework does not meet the principle of targeted regulation, and as a result of these two findings the current regulatory framework will be unsustainable in the long term. The CMA made recommendations to the regulator and to the Ministry of Justice

Its principal recommendations to the MOJ were as follows:

- a. **Short-term recommendations:** That the MoJ should undertake a review of independence of regulators. “We believe strongly in the principle and importance of independence of regulators... This is a fundamental principle... We recommend that the MoJ carry out the review on independence as soon as possible.”
- b. **Long term vision** – that the MoJ should review the current regulatory framework for legal services: a complete review is recommended of the regulatory structure to identify (inter alia) how changes to the framework of regulation might impact the legal services sector outside the scope of the present market study and how it might improve generally risk-based regulation.
- c. Review the case for extending redress to those consumers who use unauthorised providers (that is, those who are not legally qualified and offer only non-reserved services). I.e. increasing the jurisdiction of the Legal Ombudsman, by encouraging self-regulation among unauthorised providers,
- 5) The Long-term vision is designed to increase flexibility in the regulatory framework, with regulation targeted at high-risk activities. The move towards a proportionate system, which will be cost effective, and will move from a regulator attaching to a professional title – so one regulator for all legal services could emerge. Professor Mayson suggests if this is the case then the originating Act will have to be revisited and redrafted.

The principle recommendations to the regulators

- 6) These are aimed in part at solicitors rather than barristers but may affect those dealing with direct access work. Points (d) and (e) are the most relevant to our considerations.
 - a. Set a new minimum standard for disclosures on price and the service provided, the redress available, and the regulatory status of the provider.
 - b. Redevelop their approach to consumer education
 - c. Promote the use of independent feedback and comparison tools to help consumers understand the quality of service offered by competing providers.
 - d. Remove restrictions on solicitors delivering non-reserved services in unauthorised firms. (The current intention of the Solicitors Regulation Authority - with opposition from The Law Society): an individual solicitor would remain regulated; the firm would not be regulated. This will have implications for barristers receiving instructions from such individual solicitors or working within unregulated firms.
 - e. Regulators to take steps to reduce regulatory burden in areas where not justified ...: - such as steps to increase transparency of fees and services. And to take action to reduce regulatory costs (particularly those relating to professional indemnity insurance, training, and codes of conduct).

The Post CMA Report Situation

- 7) The presumption was that the government would accept all of the CMA's recommendations, unless there were strong policy reasons not to do so. However the initial 90-day period passed without response, and the present BREXIT and Election process may have overtaken such a response. There is good reason to think that the MoJ will accept the recommendation of the CMA to commence a review of the independence of regulators. A consultation on independence was ready to proceed prior to Easter 2016 – but delayed in order to allow the CMA investigation to proceed without pre-empting its outcome. The SAG believe that the MoJ has the consultation 'ready to go', and it will, at the least, accept the short term recommendation in relation to the independence issue but will postpone the further more substantial and wider review on regulation generally.
- 8) The CMA expected the regulators to establish a 'programme board' by 31 January, to publish a response to the CMA report by 30 June, and to commence a consultation on the regulatory changes recommended by 30 September. The LSB and frontline regulators have set up a Remedies Programme Implementation Group (RPIG), which has met regularly.
- 9) In 2016 COIC formed a Regulatory Working Party to consider the issues arising from the CMA report (as well as similar issues raised in an earlier paper from the LSB). The Working Group has not met following the publication of the CMA report. SAG has recommended the PADG requests the group reform / meet.
- 10) The Law Society created the SRA as the independent regulator of solicitors: In January the Law Society's Chief executive resigned. She had made comment that the governance arrangements of the society were not fit for purpose. In February the LSB launched a formal investigation into the internal governance arrangements of the SRA and the Law Society to review whether these arrangements "impair the independence and effectiveness of the performance of regulatory functions". It is to be noted that the Legal Services Commission questioned whether the Law Society and the SRA were even complying with the present day requirements of the 2007 Act.
- 11) If the formal, structural, legal and financial separation of the Law Society and SRA is the outcome of such a review, it is difficult to see on what basis the Bar Council and BSB could be treated differently.
- 12) Dr Vanessa Davies, director-general of the Bar Standards Board, said: "For some time, the Bar Standards Board has supported, in principle, the complete separation of the regulatory and representative functions. This is because we believe it would be in the public interest and would allow regulatory and representative bodies to be stronger in their respective roles." The financial implications if there is to be a split have not been considered. If the inevitable is to happen then we must consider our options.

The Question raised by the Consultation:

- 13) The matter which gives the SAG cause for concern and requires the immediate attention of COIC and the Bar is the short-term recommendation for a “review of independence of regulators”. The scheme of regulation embodied in the Legal Services Act 2007, which enabled the Bar Council [the “BC”] to be “the Approved Regulator of the Bar of England and Wales. It discharges its regulatory functions through the independent Bar Standards Board”¹. The BC and the BSB accordingly retain the appearance of connected bodies and in the interests of economy occupy the same building and share some facilities.
- 14) The principal question likely to be asked in such a consultation is whether we agree that the regulatory and representative functions of the relevant professional bodies should be kept completely separate. The SAG concluded at its meeting on 23 February and again on 27 March that the answer to that question would have to be “Yes”. It will recommend that as a matter of first principle that the answer is or ought to be ‘yes’: any other response would be regarded as indefensible and unacceptable.

A Major Consequence of Independence

- 15) Because the present structure (of the Law Society/SRA and BC/BSB) is enshrined in statute, unravelling the relationships requires legislation and will take some time to accomplish. The BC’s financial viability depends heavily on the share of the practising certificate fee (“PCF”) that it receives/retains. Historically, the LSB has taken a generous view of the “permitted purposes” under s.51 Legal Services Act 2007 which has enabled the BC to raise significant funds from the compulsory levy of the PCF on the profession. If the regulatory function were completely separated from the BC, unless the representative bodies can persuade the government to allow them still to receive a share of the PCF, the BC will have to raise all the funds it needs from voluntary contributions from barristers. Further, the combined cost of running the BSB and BC is then likely to increase significantly since upon ‘divorce’ the two bodies will probably need to acquire completely separate establishments and facilities. Any extra cost of running the BSB will fall upon the practising Bar (via the PCF): a question is likely to arise about the future role, shape and viability of the BC.
- 16) At the present time only 60% of the Bar subscribes to that portion of the fee devoted to the provision of representation services and that percentage has been falling over the last five years.
- 17) It is believed that the BC may be forced to try to seek from the Inns a contribution towards its necessary expenses, in order to secure its continuing survival. It is understood that it did so in the current year but while the Inns were prepared to fund two of the activities which they could regard as charitable they refused to fund the BC undertaking more generally.
- 18) Statistically it is hard to see how the Bar Council could survive as a standalone entity. The Bar Council submitted its PCF and budget proposal to the LSB for approval for 2017/18. A copy of that document is here: [Bar Council 2017/18 PCF Application](#). The anticipated receipts from the

¹ As currently described on the Bar Council’s website.

PCF were £10.3m. Of that, the BSB gets £7.3m and the Bar Council £3.031m. Just under a third of the PCF is received by the Bar Council for its “representative” functions. Taking into account non-PCF funds (principally the voluntary Bar Representation Fee but also the Inns’ subvention), the Bar Council’s anticipated income was £5.56m (with the BSB’s £8.13m). The overheads shared between Bar Council and BSB amount to £5.17m. The direct expenditure budget of Bar Council was expected to be £3.7m (£2.6m, staffing and £1.2m non-staffing) and it would pay £1.9m towards shared overheads

- 19) Unless the Bar Council could persuade the government to give it powers to continue to levy a compulsory charge on members of the bar for the current expenditure on “permitted purposes” it would have an immediate deficit of just over £3m (i.e. its income would be halved). Add to that the burden of additional costs (the element of shared overheads) and it is clear that the Bar Council would be unable to fund its current operations. It would be looking to fill a hole of at least £4.9m. The subvention currently paid by the Inns is £0.25m. If COIC were to step in and plug the gap, each Inn would be looking at a contribution of at least £1.25m. In fact, the position would almost certainly be worse because the current sharing of overheads between Bar Council and BSB leads to significant economies of scale, which would be lost upon separation/independence.
- 20) The Bar Council needs to be asked what plans it has for its operations and funding in the event that (a) the BSB is separated into an independent entity; and (b) the Bar Council is not given statutory powers to raise funds for the existing s.51 “permitted purposes”.
- 21) How important is it that the Bar should have its own fully functioning representational body where issues which require a strong voice and trade union type representation arise?
- 22) There are a number of other institutions in existence today, ie the specialist Bar associations the Circuits and even COIC, who are capable of and do represent their members, are these groups not best placed to take over the representation function of the BC? Would the cost of such ‘representation be cost effective?
- 23) There is a need for a competent and strong representative body for the bar and it is vital this is in place prior to the inevitable separation of function.
- 24) A second question is whether COIC and the Inns can and should support the creation (or, in the case of the BC, continuation) of such a body. This is perhaps not the first instance issue for hall, separation and how that will benefit or assist practitioners has to be considered, but this must be borne in mind.
 - a. **The SAG noted As regards “can”**: It is understood that there is a division of opinion on the Board of COIC as to whether the charitable status of the Inns will prevent them and therefore COIC supporting financially any deficiency of an independent BC, in particular by subsidising any of its ‘trade union representational functions’ which cannot be regarded as charitable. If such functions cannot be regarded as charitable, the Inns cannot support them financially without endangering their own charitable status.

- b. It has been suggested to us that support given to promote the interest of justice can properly be regarded as a charitable object; and that any quasi trade union support given to the publicly funded Bar in its battles for survival with the Treasury can properly be regarded as provided for the promotion of the interests of justice. We regard this as an important issue which requires urgent investigation and examination in order to assist the Bar (and COIC) to obtain a clear view of the appropriate avenues forward. If it is lawful for the Inns to make such contributions, the question still remains whether they should do so... in the interests of justice and despite the default of individual barristers.

What next?

25) It must be noted that there are a number of issues which there is little or no information available – and it is here that we in Hall may need to focus our attention:

- * The nature and scope of the representational services which the BC will seek to continue to provide to the Bar after independence;
- * Whether some or all of those services are or may be duplicated by similar services provided by some other provider, such as, for example, COIC or the SBAs;
- * The likely cost of providing those services;
- * Whether those services are ones which the Bar will value and for which it will be prepared to subscribe and pay;
- * If the Bar is not prepared to pay for the range of services then offered, whether it is appropriate for the Inns to subsidise the BC, for those barristers who want them, the contributions which those who do not want them are not prepared to pay;
- * Whether those services might be more effectively and economically provided by other means.

Julie Whitby, 15 New Bridge Street

BAR REPRESENTATION COMMITTEE
DISCUSSION PAPER ON BRC BUDGET FOR 2018
Benjamin Wood

Introduction

17. Each of the Inn's departments has a budget for the financial year (1 January to 31 December), which is subject to approval by the Finance & General Purposes Committee. There is scope for obtaining approval for non-budgeted expenditure, the route for which will depend upon its nature and amount.
 18. The BRC does not currently have a budget, and any activity (such as the Wellbeing Event on 8 May) requires individual approval. Given the BRC's desire to broaden its activities (particularly in the fields of Social Mobility, Wellbeing and the provision of social events for members) and its relevance to Hall, it seems right that we seek a budget to support those activities.
 19. There are some activities (such as the provision of rooms and refreshments for BRC meetings and the BRC Dinner) which are covered by other budgets. There may be additional projects (including, for example anything IT-related or unforeseen events) which require separate approval.
 20. We propose to request a budget for 2018 for the following four categories:
 - a) Member support
 - b) Social mobility
 - c) Social and wellbeing
 - d) Contingency
 21. It is right to note that, especially because of the fact that this would be the first BRC budget and many of the items are themselves new, the budget is no more than our best guesstimate. We anticipate that future year budgets ought to will be much more accurate, and we need to acknowledge that there is a significant margin of error.
 22. It is proposed that the Assistant Under Treasurer would be the Inn's executive team member responsible for the BRC budget.
- A. Member support (sub-total £10,000)***
23. To provide assistance to cover travel expenses to facilitate the attendance at BRC meetings for those who practise outside the South Eastern Circuit. The assistance will be administered in the same way as the Education Department's funding for those who travel to teach, but limited to (i) a maximum of half of the c.9 BRC meetings in any year; (ii) the lower of the off-peak day return rail fare and £100. Members will be encouraged to purchase advance tickets.
 24. Estimated cost, say £100 x 5 meetings x 6 people = **£3,000**.

25. To provide an online survey for all members of the Inn. Estimated cost say, £2,500 Snap survey hosting and analytic fee; £1,000 expert consultancy; 10 x £50 survey response prize draw = **£4,000**.
26. To provide a service to run and host the BRC elections and associated communications. Estimated cost, say, **£1,500**.
27. To provide a Christmas drinks and canape reception (hosted at the Inn) for the Bar Representation Committee and the Inn's officers following the BRC's last meeting of the year (say, 35 people). Estimated cost, say, **£1,500**.

B. Social mobility (sub-total £3,000)

28. To enable the Social Mobility Sub-Committee to engage with and subscribe to social mobility initiatives which complement and supplement those provided by the Education department and to promote these activities to Hall.
29. Estimated cost, say 2 initiatives at £1,000 each plus total £1,000 for promotion to Hall members via small scale receptions = **£3,000**.

C. Social and wellbeing (sub-total £7,000)

30. To provide two wellbeing events, two social events and the Gourmet Dinner for members of Hall.
31. Wellbeing estimated cost say, 2 x events at £2,000 each and £1,000 for promotion of other wellbeing events and activities for members of Hall = **£5,000**.
32. Social events estimated cost, say, 2 x £1,500 (inclusive of labour), less £500 ticket sales per event = **£2,000**.
33. Gourmet Dinner estimated cost, say, £10,000 less 100 x £100 ticket sales = **£0**.

D. Contingency

34. Given that this is the first year for the budget, allow a wider contingency than normal, say, 20% and so **£4,000**.

Total

35. Total budget, inclusive of contingency = **£24,000**.

Benjamin Wood, 8 June 2017