

Minutes of the
 ACL Council Meeting
 held on 12 January 2018



(Approved by the ACL council on 16 March 2018)

at Weightmans, Fenchurch Street, London

Council Members Present: Iain Stark, Chairman (IS), Francis Kendall, Vice Chairman (FK)
 David Cooper (DC), Claire Green (CG)
 Paul Bracewell (PB) and Steven Davies (SD) attended via
 phone link

Also in attendance: Kirsty Allison (KA), Head of Education
 Diane Pattenden (DP), Head of Operations

Apologies: David Wright (DW)

The meeting started at 2.10pm

Item	
1	Minutes of the council meeting held on 14 December 2017
	1.1 The minutes of the council meeting held on 14 December 2017 were approved subject to the following amendments – 3.1 – amend to show that CG agreed, but expressed concerns 11.5 – amend GC to CG
2	Actions following the council meeting held on 14 December 2017
	See attached list for deleted, carried forward and new actions. 2.1 DP to email LP to ask if the CLSBs intend to notify members and provide guidance. 2.2 DP to ask NR to remind members of the new requirements via the e-bulletin
3	CLSB /LSB
	3.1 IS attended a meeting with Neil Buckley (LSB) in December, at which the possibility of severing the MOU with the CLSB was discussed. IS said that he remained of the view that the current MOU should be severed but that to protect the rights of members in the future, a contractual agreement with the CLSB should be drawn up to allow the CLSB to purchase ACL should ACL close. 3.2 The CLSB has a board meeting in April and IS suggested that ACL should be ready to present their ideas to the CLSB in time for their meeting.
4	Apprentice Schemes
	IS reported on a discussion with the CLSB regarding apprentice schemes. The CLSB has suggested that it is an issue for the representative arm. ACL is therefore now in a position to develop the idea but IS stressed that this has to be employer led.
5	Letter received from the CLSB
	A reply has been received, following the letter to the CLSB from the council, in response

	<p>the CLSB's November newsletter.</p> <p>It was generally agreed that despite the inaccuracies in the letter, nothing was to be gained from responding and it was agreed to publish the letter on the ACL website. CG added that whilst she understood the reasoning, she was disappointed that IS did not intend to raise the issue with the LSB and felt that members should be made aware of why the council were not taking action. It was agreed to judge the response from members and review the position at the next council meeting.</p>
6	Tax Implications of merging ACL/ACLT
	<p>On the basis that a merger between ACL/ACLT could be facilitated in a close to cost neutral position, IS proposed the ACL accountant is asked to prepare a paper on the most tax efficient way to merge. All agreed to pursue this. DP to speak with Matthew Aldous.</p>
7	Voting rights of ACL members
	<p>7.1 The ACL Bye Laws do not currently allow for student members of the Association to vote at General Meetings. A discussion took place on whether this should be amended. IS/FK felt that many students, particularly those in their first year, would not have the knowledge of the Association or profession to enable them to vote. There will therefore not be any amendments to the Bye Laws.</p> <p>7.2 It was agreed that the student council should make students aware of the General Meeting and could make representations ahead of the meeting. KA to ask the student council to action.</p>
8	Membership of ACL
	<p>8.1 To be a member of the ACL, an applicant must be a qualified Costs Lawyer and hold a practising certificate. It is not however a requirement that a Costs Lawyer is a member of the ACL in order for them to apply for a practising certificate. IS suggested that ACL membership should not be conditional upon holding a practising certificate.</p> <p>IS therefore proposed that:-</p> <p><i>The condition that a Costs Lawyer member of the ACL holds a current practising certificate is removed from the Bye Laws.</i></p> <p>DC seconded the proposal. SD abstained but all other council members were in favour.</p> <p>8.2 DC will amend the Bye Laws accordingly. DP will notify the CLSB once the amendment has been made. Members will be notified of the changes to the Bye Laws. DP to arrange for costs lawyers who have not renewed their practising certificate to be notified of the change.</p> <p>NOTE: As a consequent of research by DC following the meeting this proposal lies in abeyance and will be discussed further.</p>
9	Use by members of the ACL logo
	<p>IS read rule 5.2.2 from the Bye Laws. A number of companies are known to be breaching these rules and it was agreed that DP should write to members and remind them of the rules.</p>
10	Fixed fees impact assessment
	<p>This was not discussed but will be carried forward to the February council meeting.</p>

11	2018 Subscriptions
	<p>DP advised that there are still approximately 130 members who have not renewed membership. Two reminders have been sent, the latest one stating that payment should be received no later than 17 January. It was agreed that a final reminder be sent, giving members 7 days to pay. Memberships not renewed at that point will be terminated and a £60 reinstatement fee will apply. Lapsed members will be emailed to remind them to ensure that they are not using the logo or stating anywhere that they are a member of the Association.</p>
12	General Meeting – 21 February 2017
	<p>12.1 The venue for the General Meeting was confirmed as being De Vere Holborn Bars.</p> <p>12.2 The formal announcement will be emailed to members who have paid their subscription fee w/c 21 January.</p> <p>12.3 It was agreed that members could vote by proxy and that votes would not be counted at the meeting. Votes will be accepted in advance, or at the meeting. Whether votes could be sent electronically was discussed and it was agreed that such votes would not be accepted and that votes must be sent by post or on handed in at the meeting. DP/DC to finalise the documentation.</p> <p>12.4 Attendees will be asked to sign in to register their attendance at the meeting.</p>
13	Education
	<p>13.1 Prior to the meeting, KA had provided council with a report which detailed the current qualification, the course and CLSB plans and the relationships between alternative routes to qualification.</p> <p>13.2 KA advised that any significant changes to the current course would prevent cross qualification, which was dependent on exemptions.</p> <p>13.3 KA explained that if the CLSB would allow the module running order to be changed, the course could be marketed to three separate groups and could allow some students, for example barristers or solicitors, to qualify as costs lawyers in one year.</p> <p>13.4 The issue of whether there was still a route into the profession was discussed and IS stressed that the CLSB was responsible for defining the entrance model to the profession. IS said that ACL wanted to be able to tender for any course that the CLSB defines. KA expressed concern that if the CLSB allowed only one route to qualification (i.e replaced the course with a single test of competency) barriers to qualification could be created. She stressed that many existing students, for example, do not have the requisite experience to allow them to sit such a test and suggested that the CLSB Board may benefit from an education specialist reporting directly to them.</p> <p>13.5 IS suggested that segments from the current course could be marketed for CPD through webinars. KA expressed concern that income from this would be limited. She stressed that if the CLSB would sign off on a one year course, it could be delivered cost effectively. KA was asked to produce a business plan for the one year course, which IS would present to the CLSB. DC however suggested that ACL should seek agreement in principle from the CLSB to authorise the course before any business plan was produced. KA suggested there were two options for the 2018/2019 academic year; no course or a</p>

	<p>slightly modified current course if it was viable. She felt that there was an increased chance of the course being viable if the running order of the course was changed.</p> <p>13.6 IS agreed to seek confirmation from the CLSB that the module running order could be changed. This would allow the course to be marketed and viability to be established. IS expressed concern that if the course was marketed but did not attract sufficient numbers then the course could not be run. SD was asked to set up an Education Committee working party to look at costs and viability and prepare a draft budget (in conjunction with the ACL Bookkeeper). CG to be included on the committee. KA/SD/CG to agree committee members.</p>
14	PR report
	<p>14.1 The annual report from Black Letter had been circulated to council members prior to the meeting.</p> <p>14.2 An agenda item for the February meeting should be to discuss whether the Costs Lawyer should be published online only.</p>
15	Operations Report
	<p>15.1 It was agreed that Robin Knowles QC should be asked to speak at the Manchester conference on Access to Justice.</p> <p>15.2 Take up on the Bill Format Training seminar on 21 February has been good and the seminar is likely to be over subscribed. CG is writing materials for the seminar, for review by KA.</p> <p>15.3 ACL members will be given priority to attend the Bill Format Seminar in London. In the unlikely event that places are still available within a week of the event, they can be offered to non-members for £150.</p> <p>15.4 It was agreed to roll out Bill Format Training to members at a delegate rate of £75. Numbers will be limited to 20 for each seminar. DP to speak with DW to see if the Irwin Mitchell Manchester office could be used as a venue for the seminar, to Glenn Newberry (Eversheds) regarding using their Cardiff and to Simon Murray (DWF) for London. Two free places to be offered to each if they are able to host the event.</p> <p>15.5 DP expressed concern that the case directory on the website was several months out of date and that this had been a constant issue since launch. A suggested approach was to write to various costs chambers and ask if they had any barristers who would be prepared to contribute to the directory. Barristers would be given credit for this on the site. CG will speak with current provider of summaries prior to DP taking action.</p>
16	Date of next meeting
	21 February 2018
17	Any other business
	<p>17.1 A member had asked DP to make the council aware that the General Meeting was being held in the Welsh school half term. He was concerned that attendance would therefore be affected.</p> <p>17.2 A member has asked whether the Honorary Vice Presidents had been made aware of the General Meeting and/or had been invited.</p>
	The meeting finished at 5.05pm