

**Minutes of the ACL Council Meeting**  
**held on 30 March 2020**  
 by Conference Call



**Council members present:** Claire Green, Chairman (CG), Francis Kendall, Vice Chairman (FK), Stephen Averill (SA), Derek Boyd (DB), David Cooper (DC), Jack Ridgway (JR), Adam Grant (AC), Natalie Swales (NS),

**Also present:** Diane Pattenden (DP), Head of Operations

The meeting started at 12 noon

Item	
1	<b>Welcome and apologies</b>
	CG welcomed all to the meeting and explained that the meeting had been brought forward due to issues arising from the coronavirus situation.
2	<b>Minutes of the council meeting held on 6 March 2020</b>
	CG felt that 9.2 and 9.3 in the draft minutes could be confusing and misleading. Following discussion, all council members agreed that they should not be separate points and should be combined. Subject to this amendment, the minutes of the meeting held on 6 March were agreed as being an accurate account of the meeting and were approved for publication.
3	<b>Actions arising from the council meeting held on 6 March 2020</b>
3.1	The list of actions arising from the minutes was discussed and updated.
3.2	DB advised that KW had informed him that the ACLT would be audited by the CLSB at some point. He added that a formal appointment letter and register of conflicts was currently being worked on.
4	<b>Questions arising at the ACL Open Forum in November 2019</b>
4.1	All agreed that the Costs Lawyer journal should be reviewed in June in relation to the online-only format.
4.2	It was noted that KA addressed the question regarding access to training materials being made available post course completion, in her report prior to the council meeting on 6 March and that a general discussion had followed.
4.3	Discussion regarding the suggestion that PR reports should be circulated to members took place. FK suggested that the reports should be circulated to members on a regular basis. DP suggested reminding members that they could sign up to website alerts. All agreed that members should be sent the reports for the next few months and be reminded of the new content alert facility on the website. FK will draft an email to members.
5	<b>Draft MOU/OP between ACL/CLSB</b>
5.1	CG acknowledged the work that had been undertaken by AG on the Draft MOU/OP. Discussion took place regarding paragraph 7 on page 6. The financial responsibilities of

5.2	<p>ACL and CLSB were also discussed. SA said he was content with the draft and referred council to paragraph 4.4 on the OP which he felt provided 'control factors'. FK said that there was provision in both documents for an annual review and he believed the documents were reflective of the current position.</p> <p>All council members confirmed that they were comfortable with the content of the MOU/OP. SA proposed that the MOU should be adopted, JR seconded this and all were in favour.</p>
6	London Annual Costs Conference
6.1	DP reported that if the London conference is cancelled, the venue has advised that standard terms and conditions apply meaning that the deposit already paid would be forfeited. A full discussion took place regarding this and whether, under current circumstances, the venue was within their right to enforce such a policy. FK said that he had a contact who may be able to offer advice regarding the terms of the contract and will follow this through and liaise with DP.
6.2	DP said that, if cancelled before the end of April, the contract with the hotel being used for the Manchester conference in November could be ended without penalty and suggested it may be an option to cancel the Manchester conference and hold the London Conference towards the end of the year.
6.3	Discussion took place around both conferences and the opportunity of running a big event at the end of the year, possibly including a gala dinner. It was noted that due the relaxation of the CPD rules for 2020, many members may already have achieved the required CPD via webinars/online training or free in-house online training. SA put forward an argument for cancelling both 2020 Annual Conferences. DC raised the question of whether a venue could enforce a contract if it could not provide the service and a discussion followed. FK suggested that the Manchester venue is asked if they would amend the cancellation period to give more flexibility. Subject to their agreement with this, it was decided that the date would be kept on hold..
6.4	It was unanimously agreed to cancel (subject to FK's investigations) the London Conference and for DP to seek to extend the cancellation deadline for the Manchester event and report back at the next council meeting.
6.5	DB suggested that authority was given to DP/FK to seek advice and to try to mitigate the financial loss of cancelling or postponing the London conference. All council members were in full agreement.
7	Education Report
7.1	DB reported that a meeting of the Executive took place recently and that minutes would be circulated to council members. He added that a finalised letter of appointment and register of conflicts would be circulated to council.
7.2	DB reported that given the coronavirus situation he was aware of some deferral requests from students.
7.3	FK asked what the position was with the exams set for June. NS said that this would be discussed later in the week.
8	Policy Report
8.1	AG reported that NS had assisted with preparing the response to the recent CLSB consultation on practising rules..
8.2	AG referred to an email from SM regarding the work of costs lawyers with litigants in person and asked council members for help with providing case studies. CG said she had available case studies and asked that if any other council members had experience of litigants in person having problems within the litigation process they forward details to

8.3	<p>AG. It was agreed that case studies should be sent to SM within a month.</p> <p>CG said she had received an email from KW in respect of the position with key workers and CPD. CG said that she felt that costs lawyers were not key workers. CG asked council for their view on the message that ACL should be sending to members. Discussion followed. FK said he was not aware of any hearings that had gone ahead recently and felt that stronger guidance from the SCCO would be helpful. He said that costs lawyers should not be obliged to go to court and that urgent applications could be dealt with by phone. DB said that the ACL council should be proactive with providing members with information, particularly regarding CPD. He suggested that the Association needed to identify members' concerns and that members should be encouraged to post their experiences in the local Court on the ACL website. CG added that she had been trying to contact one of the courts but has been unable to get through. CG summarised and said that she would draft an email to members for council members' input/approval. FK suggested that CPD is a CLSB issue and that the focus for the email should be guidance on hearings and work practices.</p>
9	PR report
9.1	FK did not have anything of specific note to report.
10	Operations Report
10.1	DP reported on the staffing situation in light of current working restrictions.
10.2	DP reported that 3 nominations had been received for the vacancy on council and that a ballot would therefore be held.
11	Date of next council meeting
	The next council meeting will be held by conference call at 1pm on 17 April.
12	Any other business
12.1	DC reported that he recently attended the Queen's Counsel Appointments Ceremony and that The Lord Chancellor mentioned him by name as the representative of the ACL.
12.2	DC reported that he had attended the first meeting of the Committee on guideline hourly rates and that the next meeting has been postponed.
12.3	FK will circulate any relevant papers from a recent meeting on pro bono
	There being no further business the meeting ended at 2.05pm