

Company number: 04608905

Costs Lawyer Standards Board Ltd
Wednesday 9 October 2013 at 10.30 am
The Studio, 7 Cannon Street, Birmingham

Present: Graham Aitken (Chair)
Phil Bellamy (Vice Chair)
Richard Allen
Marc Brooks
Gillian Milburn

In attendance: Lynn Plumbley (Chief Executive)
Crispin Passmore (Legal Services Board)

1. Quorum, apologies & declarations of interest

The meeting was declared quorate, there were no declarations of interest.

2. Presentation and Q&A session with Crispin Passmore

The Chair welcomed Crispin to the meeting. Crispin discussed current issues and took board questions on those practising unregulated, the CLSB application to regulate trainees and the recent MOJ call for evidence.

3. Minutes

The minutes of the meetings held on 10 July 2013 were approved as being a true record for signing, there were no matters arising.

4. Finance

The board reviewed and noted the Q3 financial report and was also afforded the opportunity to review the 2013 book keeping record to 30 September 2013. Based on the current financial position it was agreed £5k be transferred from the operating account to the reserve account.

5. Risk management

The risk matrix dated 10 July 2013 was reviewed and revised.

6. Consultation outcome: 2014 practising certificate fee

The board noted the outcome of this consultation, the low response was attributed to the fact the fee remained the same for the third consecutive year. The board was advised the LSB had approved the practising certificate fee for 2014 in the sum of £250.00.

7. Consultation outcome: Aims & outcomes of proposed new qualification

The board noted the outcome of this consultation and that the pass rate reduction to 50% had been raised. Whilst the board agreed the pass rate was relative to how hard the examination was and the marking criteria, it would be increased if this concern was also shared by the LSB. Approval of the new qualification was now with the LSB for consideration.

8. Regulation of trainees

The LSB was notified of ACL consent on 22 July 2013 and despite the LSB acknowledging a decision was required by CLSB for administrative purposes by 1 October 2013, the matter had still not been decided upon by them. CLSB indicated they would send to the LSB the advice of Counsel that drafting a Bill of Costs etc. was a reserved legal activity.

9. Letter to LSB on DBA's

The board noted our letter to the LSB dated 30 July 2013.

10. Levels of insurance for 2014

Revised wording of Practising Rule 10 was discussed and agreed. It was noted an Exemption Direction would be sought prior to 2014 practising certificate packs being posted 15 November 2013.

11. Regulatory independence certificate 2013

The board noted that on 10 July 2013 the LSB certified that CLSB had complied with the IGR's.

12. Legal needs of individuals with learning difficulties

The board considered the guidelines issued 29 July 2013 and concluded its current regulatory arrangements were adequate. This was based on the following:

- CLSB regulatory documentation is short, clear and written in plain English.
- 9 out of 10 instructions to a Costs Lawyer are from an informed client e.g. Solicitor.
- Principle 6.1 of the Code of Conduct requires Costs Lawyers to treat clients with dignity and respect.
- Principle 6.3 of the Code of Conduct requires Costs Lawyers make reasonable adjustments for those with a disability to ensure they are not disadvantaged in comparison with those without a disability.

13. LeO discussion paper

This discussion paper was noted.

14. Business plan 2014

The board discussed and approved the business plan for 2014, which would now be put on the CLSB website.

15. First-tier complaint procedures

It was agreed that during 2014 a random audit of first tier-complaints procedures would be carried out to ensure they comply with current guidance in issue.

16. MOJ call for evidence

The board noted the outcome of the review was awaited. The board noted concern from the executive that the submission of the LSB had been issued by way of press announcement rather than straight submission for consideration by the MOJ and that the press announcement was headed "LSB outlines blueprint for deregulation".

17. MOJ review of Judicial Review

The board was of the view a submission was not required on this consultation.

18. LSB report on diversity progress

The board agreed with the executive that the suggestion by YouGov during their 18 September presentation of phoning/emailing to increase a response rate was not appropriate in an optional/anonymous survey. Even if the response rate were to be increased it remains flawed data as it is not based on a full response and is not auditable.

19. Legal Choices website

The board agreed signing to participate in this initiative for a year (at a cost of £400.00) subject to on-going monitoring of value and appropriateness of the content.

20. Chairs new NED appointment

Following a recent new appointment, the current appointment schedule of the Chair was noted.

21. Resignation of Phil Bellamy (Vice Chair)

The resignation of Phil was noted with regret. Phil was thanked for his contribution from the original formation of the board to date and was wished well by all.

22. Stakeholder meeting with LSB (1 October 2013)

The board was advised no issues of concern had been raised by LSB at this meeting.

23. Statement of rights

Proposed wording of a revised statement of rights (following counsel's opinion) to be included in the Code of Conduct was agreed. It would now be established via the LSB whether this requires formal consultation.

23. Any other business

- The Chair & CEO had this year been invited to the ACL one day National Conference in Manchester (11 October 2013).
- Entity regulation remained on hold pending the outcome of the call for evidence on the future of legal regulation.
- The Costs Lawyer whose practising certificate had been suspended in 2012 had applied for, and been granted, reinstatement.

24. Date & Time of Next Meeting

Wednesday 15 January 2014 @ 10.30am, The Studio, 7 Cannon Street, Birmingham.

There being no further business, the Chair declared the meeting closed.

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Chairman