

Company number: 04608905

Costs Lawyer Standards Board Ltd
Wednesday 15 January 2014 at 10.30 am
The Studio, 7 Cannon Street, Birmingham

Present: Graham Aitken (Chair)
Gillian Milburn (Vice Chair)
Richard Allen
Marc Brooks
David Gamble

In attendance: Lynn Plumbley (Chief Executive)

1. Quorum, apologies & declarations of interest

The meeting was declared quorate, there were no declarations of interest. The Chair welcomed David Gamble to the board.

2. Minutes

The minutes dated 9 October 2013, 4 November 2013, 13 November 2013 and 17 November 2013 were approved as being a true record for signing, there were no matters arising.

3. Board Matters

(i) Vice Chair

The board approved the appointment of Gill as Vice-Chair.

(ii) Chair

Gill then assumed the position of Chair for the purposes of discussing that Graham had indicated he did not wish to be considered for re-appointment when his current term of office as Chair expired on 14 March 2014. It was agreed that Richard and the Gill would form an interview panel with Lynn on 26 February in Manchester. David agreed to assist Lynn with shortlisting. A revised Chair job specification and person specification was agreed.

4. Finance

(i) 2013 Q4 finance report

The board noted the report and book keeping records for 2013 year end and was advised the books for 2013 had not been submitted to the accountants for preparation of the 2013 accounts. It was agreed that £5,000 of the years end balance of £7,232.64 be transferred to the reserve account.

(ii) Insurance portfolio

The board noted the insurance policies had been renewed for period 12 Nov 2013 – 2014.

(iii) Workplace pension reforms & auto enrolment

The board noted this would affect CLSB but not until our staging date of 1 January 2017.

5. Risk Management

(i) Risk matrix

The consumer, profession and business risk matrix were individually reviewed and revised.

(ii) PI Insurance

The position against the damage limitation plan was reviewed.

6. Education

(i) Outcome of aims & outcome application to the LSB

The board noted LSB approval had been granted on 9 December 2013 and that the new curriculum has been posted on the CLSB website.

(ii) 2013 education audit update

The board noted that this had been deferred whilst ACLT focussed on bringing in the new qualification. Further, that Carol Cook meet with ACLT on 11 January 2014 to assist ACLT in understanding the requirements of a quality assurance framework.

(iii) Quality assurance framework

The board approved the scoping document.

(iv) Authorised study provider

The board approved ACLT as an Authorised Study Provider for 2014 and 2015 until review at the January 2016 board meeting of the CLSB.

(v) Outcome of Trainee application to LSB

The board was disappointed to note this outcome which continues to have the support of the ACL. The board were of the view the decision was not clear as to which of the six criteria as defined in Paragraph 25, Schedule 4, 25(3) of the LSA the refusal was being made under. The board noted that the ACL had approached CLSB to provide the service by way of separate business agreement and that this was being explored further.

7. Legal Services Board (LSB)

(i) Meeting on 8 January 2013

The outcome of this meeting was discussed.

(ii) LSB Report: Changes in competition (Oct 2013)

This report was noted, no actions arose as a result. Gill expressed the view that the impact of innovation and growth had to be considered alongside consumer interest.

(iii) LSB consultation: Flexibility in legal education

The CLSB submission dated 4 November 2013 was noted.

(iv) LSB consultation: Chairs of regulatory bodies

The CLSB submission dated 11 November 2013 was noted.

(v) LSB consultation: Developing LSB 2014/15 business plan

The board noted CLSB had requested a costs/benefit analysis of the LSB at the discussion event on 7 November 2013 and that a written submission on this consultation had been made on 11 January 2014.

8. Legal Ombudsman (LeO)

(i) New Chair

The new LeO Chair effective April 2014 was noted.

(ii) Channel 4 documentary

The intended participation of LeO in this programme was noted on the basis no firm or practitioner would be named without their consent.

(iii) LeO consultation: 2014-17 strategy & budget

CLSB were impressed LeO had streamlined and reduced its budgets. It was noted Lynn would be attending the LeO strategy session on 20 January 2014.

(iv) Report: No win, no fee

This report was noted.

9. Regulatory matters

(i) Oxera framework

This was reviewed and revisions made.

(ii) Entity regulation

It was clarified that this project had been suspended pending the outcome of the MoJ call for evidence.

(iii) ABS

It was clarified that at a prior board meeting in 2013 a decision had been made that CLSB would not pursue becoming a licensor of ABS because of the cost, fixed fee irrespective of potential income and onerous nature of ABS licencing potentially forcing Costs Lawyers out of regulation. Following the meeting of CLSB with the LSB on 8 January 2014, it was agreed this decision would be re-visited. Lynn was asked to contact IpReg to make enquiries as to the process and cost of their recent application.

(iv) CLSB consultation: Revised Code of Conduct (statement of rights/authorised rights)

The board noted the consultation period was opened on 22 November 2013 with a closing date of 31 January 2014 and that to date only 4 responses had been received.

(v) CLSB consultation: Revised Practising Rule 10.1 (insurance)

The board noted the consultation period opened on 10 December 2013 for 12 weeks and that to date only 12 responses had been received.

10. Any other business

(i) 2014 practising certificates

The board noted that to date 85 practising certificate applications were yet to be received, the schedule of those not renewing their certificate for 2014 and that there were 11 newly qualified Costs Lawyers in 2013.

(ii) CEO of ACL

The board noted and welcomed the appointment of Maurice Cheng as the first CEO of the ACL and that he had met with Lynn on 16 December 2013.

(iii) NED remunerations

It was raised by Gill as to whether NED remunerations should be increased, after discussion it was agreed they would not be reviewed.

(iv) LSB/LeO levy review

This consultation paper was discussed. Graham expressed concern that the planned minimum fee of £5k was neither fair nor proportionate. Further, Graham expressed concern at the accuracy of the calculations as presented and errors in two of the tables included in the consultation. Written submissions would be made accordingly.

11. Date & time of next meeting

Date & time: Wednesday 16 April 2014 @ 10.30am

Location: The Studio, 7 Cannon Street, Birmingham.

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

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Chairman