

BOARD MEETING

25 FEBRUARY 2016

- Board:** Sir David Bean, Chairman
Elaine Lorimer, Chief Executive
Professor Nicholas Hopkins, Commissioner for Property, Family and Trust Law
Stephen Lewis, Commissioner for Commercial and Common Law
Professor David Ormerod QC, Commissioner for Criminal Law
Nicholas Paines QC, Commissioner for Public Law
- Additional attendees:** Matthew Jolley, Team Manager, Property, Family and Trust Team
Sara Smith, Head of Strategic Planning (Secretariat)
- Apologies:** Sir David Bell, Non-Executive Board Member

Registry

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Item 1: Minutes of the Board meeting on 26 January 2016

1. The minutes of the Board meeting on 26 January were approved with one amendment.

Item 2: Matters Arising

2. The Chairman and the Chief Executive provided an update to the Board on a number of current issues:

Recruitment of the New Chief Executive

3. The Chairman noted that the advertisement for the recruitment of the new Chief Executive had now been published, and a sift and interview dates agreed with the members of the panel. The Chairman was confident that this would keep to a minimum the period which the Commission would be without a Chief Executive. Mr Jolley, Team Manager, Property, Family and Trust team had been asked to be acting Chief Executive until such time as the successful candidate from the recruitment round could take up their post. Mr Jolley was attending the Board meeting as an observer, and from the next Board meeting would attend as a full member.

Preparations for the 13th Programme

4. The Chief Executive noted that, following the Board's discussions at the last Board meeting, the project team for the development of the 13th Programme had been formally put in place, and work had commenced. Catherine Vine, Head of Strategic Planning and lead on this work, would present a paper to the Board at their next meeting to provide an update. This paper would also set out how the sifting process would work for the 13th Programme, reflecting the concerns raised by the Board at the January meeting that this process be streamlined as far as possible, to enable resource to be more effectively devoted to those projects with the most likelihood of making the final programme. The Chairman asked Mr Jolley to feed in his observations on how the "long list" had been sifted when preparing for previous Law Commission programmes, in particular considering how the Commission should notify consultees whose proposals had been unsuccessful.

5. Mr Lewis asked how the process would deal with projects that the Law Commission itself had generated as an option. The Chief Executive confirmed that a list of such projects would be made available as part of the public consultation, so as to be able to canvass opinion. Such projects would then be treated in the same way as all other projects during the sifts.

Welsh Language Policy

6. The Chief Executive noted that Justine Davidge, Lawyer, Criminal Law Team, had produced a note for the Chairman which sought to address the questions he had raised on the draft policy. The Chairman would be meeting Ms Davidge, along with Sara Smith, Head of Strategic Planning, during March to discuss. It was hoped that the policy could be finalised shortly thereafter.

Welsh Advisory Committee

7. The Chairman, Chief Executive, Professor Ormerod and representatives from Law Commission teams would be attending the Welsh Advisory Committee meeting in Cardiff on Monday 29th February. The meeting would include a focus on the Criminal team, who would be providing oral updates on their projects, as well as a discussion of the preparations for the 13th Programme, and the two projects being undertaken for the Welsh Government: The Form and Accessibility of the Law Applicable to Wales; and Planning and Development Control in Wales. The Chairman asked that the agenda be circulated to the Board for their information.

Item 3: Spending Review

8. The Chief Executive introduced a short paper which had been circulated prior to the meeting, and which set out the current position with regards to the agreement of the Commission's Spending Review settlement.

Item 4: Preparations for the Justice Committee

9. The Chairman reminded the Board that he, the Chief Executive and Professor Ormerod would be appearing before the Justice Committee on the 2nd March. The Chairman noted that the hearing was an excellent opportunity for the Commission, both to raise its profile and to promote the value of its work. A note had been provided to the Justice Committee in advance by way of written evidence. It was envisaged that the hearing would focus on how the Commission undertook its work, and in particular current projects being undertaken by the Criminal Law team.

10. The Chief Executive informed the Board that Catherine Vine, Head of Strategic Engagement, and lead on the preparations for the Committee, would be speaking to the Clerk to the Committee within the next few days to obtain a broad indication of the potential lines of enquiry. Mr Lewis asked who the members of the Committee were, as that may also be useful in understanding what areas they may be interested in. The Chief Executive agreed that a list of the members would be circulated to the Board.

Item 5: Strategic Priorities – Preparation for the 2016-17 Business Plan

11. The Board had before them a paper from the Chief Executive on preparations for the 2016-17 Business Plan, and specifically setting out the overarching strategic for the coming year. The detail of the Business Plan would be drafted in consultation with Team Managers, and the complete plan would then be presented to the Board for their approval.

12. The Board were broadly content with the priorities as set out in the paper. Professor Hopkins questioned whether the inclusion of the recruitment of the second Non-Executive Board Member was at too granular a level to form part of the strategic objectives. Sara Smith, Head of Strategic Planning, noted that this objective reflected the ongoing commitment of the Commission to maintaining high standards of corporate governance, and it had been included for that reason. The Chairman noted that he saw this as a priority for the coming year, once the new Chief Executive was in post to enable an assessment of the skills and experience that would be needed from the Non-Executive Board Member to complement the existing skills on the Board.

13. Professor Ormerod commented that he would like to see a consideration of more effective use of social media as an objective within the plan. The Chief Executive welcomed that, and also noted that the plan might also include reference to the aspiration to move to purely electronic publication of the Commission's reports and consultation papers.

14. The Chairman noted that he welcomed the inclusion of an objective related to corporate memory and knowledge management, and would consider that another priority for the year. He did note, however, that it was important to ensure that the corporate objectives, while stretching, should also be deliverable and that the Commission should not over promise – particularly in the current economic environment, where delivery of the Spending Review was likely to take precedence.

Item 6: Board Report

15. Sara Smith, Head of Strategic Planning, introduced the short summary paper, and the full Board Report which accompanied it. In particular, she drew the Board's attention to the continued underspend against the Commission's budget allocation for the year, and the potential risk brought about by the number of projects coming to completion over the next 18 months.

16. The Chairman asked Commissioners and the Chief Executive to updated the Board on progress in their respective areas:

- **Commercial and Common Law:** Mr Lewis reported that, on Groundless Threats, the meeting with Baroness Neville-Rolf had gone well, and she had expressed support for the introduction of the draft Bill. It was hoped this could happen at the beginning of the next Parliamentary session. The Event Fees

project would be considered by Commissioners at their meeting on the 21st March, with a short note being circulated beforehand which would not require formal comments from Commissioners;

- **Criminal Law:** Professor Ormerod noted that on Misconduct in Public Office, good progress was being made and the project was on schedule. On Sentencing, a useful meeting with MoJ officials had been held and agreement had been reached to secure space within a second or third session bill for a limited number of clauses that would pave the way for consolidation, and for implementation of our Sentencing Code. Professor Ormerod also reported that on the 10th February the Government had laid before Parliament the Policing and Crime Bill, which included the Law Commission's recommendations for reform of firearms law as set out in our recent report;
- **Property, Family and Trust Law:** Professor Hopkins reported that there remained no news from government as to any decision on the potential for further work on the Marriage project, and as such team members were being deployed to other projects. The Wills project was now commencing, with the team working towards a consultation paper in the spring of 2017. He also noted that Commissioners would be discussing the Land Registration project in their peer review meeting directly following the Board meeting.
- **Public Law:** Mr Paines noted that the interim report for the Electoral Law project had been published on the 4th February, and a meeting with Cabinet Office to discuss the next steps on the project was due to be held shortly. All other projects remained on track.
- **SLR:** The Chief Executive reported that a new Head of SLR had been appointed from within the Commission. It was hoped that the implementation of the last SLR report could now move forward.
- **Consolidation:** The Chief Executive informed the Board that the MoJ had decided not to provide funding for the Bail consolidation work. As such, this would now be removed from the Commission's work programme.
- **Corporate:** The Chief Executive noted that the substantive corporate issues had been covered under other items.

Item 7: AOB

17. The Chairman noted that this was the Chief Executive's final Board meeting. He expressed the thanks of the Board and the Commission to the Chief Executive for her dedication to the Commission, and wished her well for the future.