

**Council for Licensed Conveyancers  
Minutes of the Council meeting held on  
Thursday 11 May 2023**

**By Video Conference  
11.00 a.m. – 12.30 p.m.**

**Council Present**

Dame Janet Paraskeva (Chair)	Sarah Debney
Alan Cogbill	Sheila Kumar
Colin Wilby	Sarah Ryan
Jenny Quirke	Victoria MacGregor
Milton James	

**In attendance**

Ms. A. Cosens	Head of Executive Office ( <i>minutes</i> )
Mr. J. Hinrichsen	Director of Finance and Operations

**Apologies for absence**

Sally Szarka

**1. Welcome and Introductions**

The Chair welcomed members to the Council meeting.

Apologies for absence were received from Sally Szarka

No requests to discuss information items at 11-12 had been received.

**2. Declarations of Interest**

There were no declarations of interest.

**3. Minutes and Matters Arising**

**3(a) Minutes of the meeting held on 2 February 2023**

The Council **AGREED** that the minutes of the meeting held on 11 February 2023 be approved as a correct record

**3(b) Minutes of the meeting held on 23 March 2023**

The Council **AGREED** that the minutes of the meeting held on 23 March 2023 be approved as a correct record

### **3(c) Actions arising from previous meetings**

The Council was informed that the Senior Management Team is reviewing the current Business Plan to determine if and what items may need to be rescheduled in the context of new work items that have come in since it was agreed and current priorities. All significant Business Plan priorities, including continued engagement with the Legal Services Board, Office for Legal Complaints and the Professional Indemnity Insurance renewal round would continue to be progressed.

The Council **NOTED** actions arising from previous meetings.

### **4. Chief Executive's Report**

The Chief Executive introduced the report, which included the following updates:

- CLC Chair Dame Janet Paraskeva had an introductory meeting with Alan Kershaw, whose office as LSB Chair had commenced on 1 April 2023. CLC Chief Executive Sheila Kumar and LSB Chief Executive Matthew Hill also attended. Discussion topics had included the Office for Legal Complaints and the CLC's model of assisted compliance and regulatory processes.
- The Chief Executive had attended a Question and Answer session on the the Arrangements for this year's [LSB Regulatory Performance Assessment](#), which will take a different format to that of previous years. It is anticipated that the LSB will send an information request to regulators at the end of May/beginning of June, following which there will be a 6 week timeframe for responses. There will also be a three-week timeframe for regulators to consider and comment on draft Regulatory Performance Assessments. To enable the Council of the CLC to review and obtain assurance in advance of its submission to the LSB, it was agreed to seek the approval of the LSB for its submission to be considered at the Council's next scheduled meeting on 27 July 2023 prior to finalisation.
- The Senior Management Team has been reviewing its Business Plan activities in the context of new items and unexpected staff absence. It was confirmed that activity leads had been allocated and significant priorities would continue to be progressed, by the Senior Management Team and Deputy Directors, including Professional Indemnity Insurance renewal, continued engagement with the LSB, OLC, OPBAS, HMT and HMLR
- The programme of [CLC Roadshows](#) that had been planned for this month would be rescheduled to the Autumn. The take up had been limited, and those who had been due to attend have been informed.
- The CLC has been participating in discussions with the UK Finance and Economic Crime Group and the Law Society on measures to promote awareness of fraud and anti-money laundering, which will be one of the themes for the forthcoming roadshows. Potential enhancements and safeguards may include guaranteed reimbursements for fraudulent transactions and the implementation of test payments, which may be included in future guidance.

- The Council received an update on the CLC's preparations for a forthcoming [OPBAS](#) inspection, which will take place between 19 and 21 September 2023
- The CLC and the Society for Licensed Conveyancers(SLC) have been engaging with the Ministry of Justice on a [Private Members' Bill](#) presented by Stephen Metcalfe MP and which seeks to clarify designated professionals who may certify Powers of Attorney. The draft Bill currently includes a new category, CILEx lawyers not all of whom are authorised persons under the Legal Services Act 2007 but omits to clarify the position of CLC lawyers who are authorised persons and already provide the service. The CLC and SLC have suggested that the situation may be mitigated by ensuring that CLC lawyers are mentioned within one of the Bill's subsequent reading and captured within the relevant Hansard Report and explanatory notes to avoid frustrating its progress through Parliament and the implementation of important changes for consumers of legal services
- Following an analysis of responses to the CLC's consultation on the introduction of more demanding requirements for [Continuing Professional Development](#) (CPD), work is beginning to renew entirely the education element of the wider ongoing competence programme. The new approach will set much tighter expectations of CLC lawyers to ensure that they can demonstrate that they are maintaining their competence in their particular role. Development of options for the collection of information from individuals is currently underway, prior to implementation of the new arrangements and there will be a further report to the Council's next formal meeting. A further submission will be submitted to the LSB which maps out the CPD workstreams to its desired outcomes
- The work programme of the CLC's [Consumer Reference Group](#), which has been established to inform the work of the CLC in the development and application of regulatory policy will include review of the arrangements for implementation of the CLC's ethical principles and ongoing competence measures discussed above
- HM Land Registry is establishing some working groups to focus upon the transformation of its registration processes, and which include a digital ID workstream which it has asked CLC Chief Executive Sheila Kumar to Chair
- The Audit and Risk Committee reviewed and commented on a revised draft Business Continuity Plan. Following implementation of planned enhancements which are due to be complete next month, incident scenarios would be developed and tested, the outcome of which would be reported to the Committee and Council in October.
- The Chief Executive would be attending a meeting on Building Safety Certificates which has been convened by the Department for Levelling Up, Housing and Communities (DHLUC) next week. The meeting would also be attended by financial, regulatory and representative bodies. A further report would be provided to Council members following the meeting.
- The Director of Finance and Operations provided an update on the Q1 outturn, which had been reviewed by the Audit and Risk Committee in detail at its meeting on 2 May 2023. It was noted that a number of large once off payments are made in the first quarter of the year and that these

are amortized over the year. This results in a timing difference between the cashflow and recording of the expense.

- [Professional Indemnity Insurance renewal](#) quotes are expected to be issued by insurers towards the end of May and the CLC will be closely monitoring compliance with the participating insurers agreement and minimum terms and conditions.
- The Council was informed that it is not possible to predict annual disciplinary activity, and associated costs though we actively review the pipeline of cases. The Adjudication Panel operates independently of the CLC and so timing of costs will not always be accurate. Importantly there has been good recovery of costs awarded by the Adjudication Panel and that collection of cost awards and fines payable to treasury will be actively pursued. It was agreed to include contingency for disciplinary cost awards in future forecasts.

The Committee **NOTED** the Chief Executive's Report.

**Action May/23/01: To seek the LSB's approval to submit the Regulatory Performance Assessment information subsequent to the Council's consideration at its meeting scheduled meeting on 27 July 2023**

**Action May/23/02: To reschedule CLC Roadshows to Autumn 2023**

**Action May/23/03: To include Continuing Professional Development on the Council's forward programme of work**

**Action May/23/04: to include consideration of the Business Continuity Plan on the Council's forward programme of work**

**Action May/23/05: to provide an update on the Government's Building Safety Certificate proposals subsequent to the above meeting convened by DLUHC**

**Action May/23/06: to include contingency for disciplinary cost awards within future budget forecasts**

## 5. **Principal Risk Register**

The Principal Risk Register had been discussed and reviewed by the Senior Management Team (SMT) and then by the Audit and Risk Committee at its meeting on 2 May 2023, who had concurred with amendments proposed by the SMT to reflect the current economic, operating and regulatory environment.

The Council **AGREED** to adopt the Principal Risk Register as proposed.

## 6. Risk Management Policy Review

The Council considered its annual review of the Risk Management Policy which had been reviewed by the Audit and Risk Committee at its meeting on 2 May 2023, who had concurred with the Senior Management Team's assessment that the Risk Management Policy and risk appetite continue to be aligned to the CLC's Business Plan and that no changes are required.

The Council **AGREED** that the Risk Management Policy and the broad approach to risk and the risk appetites remain appropriate for the organisation.

## 7. Watchlist and interventions (*Agenda item 9*)

The Director of Finance and Operations introduced the report, which provided an update on the practices that have been assigned to the watchlist and ongoing intervention activity.

The Council noted that one serious matter reached its conclusion following a sanctions hearing of the independent Adjudication Panel that took place in March 2023.

The Council **NOTED** the report.

## 8. Published Indicators and Metrics

The Council considered the indicators and metrics for Quarter 1 of 2023 for publication.

It was noted that the format of the Individual and Practice application metrics had been amended to increase the information and details provided and that the indicators are in line with expectations.

The Council was informed that the report did not include Office for Legal Complaints (OLC) case handling data for the first Quarter of 2023 as this has not yet been provided by the OLC.

Officers were requested to outline the timetable for this year's regulatory monitoring inspections.

The Council **AGREED** to publish the indicators and metrics detailed at Appendix A of the report.

**Action May/23/07: to outline the timetable for 2023 regulatory monitoring inspections.**

## 9. Committee Chairs Reports

### 9(a) *Audit and Risk Committee Chair's Report*

The Chair of the Audit and Risk Committee presented a report of the business conducted at its meetings on 8 March 2023 and 2 May 2023, which, in addition to review of the Q1 Financial Outturn, Principal Risk Register, Risk Management Policy and Business Continuity Plan had included conclusion of the 2022 Internal Audit programme and receipt of a *Substantial Assurance* of the processes for licensing of new practices.

The Council discussed the outcome of an internal audit review of Secure Remote Working and Operations Resilience, which had suggested some enhancements to processes. The implementation plan for these enhancements is currently underway.

The Council **NOTED** The draft minutes of the Audit and Risk Committee meeting held on 8 March 2023 and 2 May 2023 and summary report of the Committee's meetings.

### 9(b) *Audit and Risk Committee Chair's 2022 Annual Report to Council*

Following the completion of the 2022 Internal Audit programme and External Audit, the Chair advised the Council that the independent auditors had found the CLC to have an adequate and effective framework for risk management, governance and internal control. This represented the sixth successive year where the CLC has received the highest assurance rating. It was noted that this opinion was supported by the CLC's external auditors, who had confirmed that the system of internal control that is in place at the CLC is appropriate for the size of the organisation.

### 9(c) *Appointments Committee*

The Chair of the Appointments Committee presented a report of the business conducted at its meeting on 19 April 2023, which had received feedback on the independent appraisals of the Chairs of the CLC Council and its Adjudication Panel and had considered Adjudication Panel Membership.

Following consideration, the Council agreed the Appointments Committee's recommendation that a further, four year term of office to 6 serving Adjudication Panel members, whose current terms of office will expire on 31 August 2023.

The Council:

- (1) **NOTED** the Appointments Committee Chair's Report to Council;
- (2) **AGREED** to offer a further, four year term of appointment from 1 September 2023 to 31 August 2027 to the following Adjudication Panel members:

- Paul Brooks, Lay member
  - Catherine Fewings, Professional member
  - John Jones, Professional member
  - Robert McKellar, Professional member
  - Helen Riley, Lay member; and
- (3) **AGREED** to offer a further, four year term of appointment from 1 September 2023 to 31 August 2027 to Victoria Goodfellow, Adjudication Panel Chair

**Action May/23/08: to offer re-appointment to the above serving independent Adjudication Panel members**

**10. Any Other Business**

There were no other items of business.

**11. Dates of next Council Meetings**

The Chair reminded Council members that the scheduled meetings of the Council Workshop on 28 June 2023 and of the Council on 27 July 2023 would take place in person in London and the option of joining remotely would not be available.

Jenny Quirke advised that she would be unable to attend the meeting on 27 July 2023.

It was agreed to confirm whether a potential Council Workshop meeting would be required in December.

***Forthcoming Council meetings***

- Thursday 27 July 2023, 11.00 a.m. (In person)
- Thursday 26 October 2023, 11.00 a.m.

**Action May/23/09: To confirm arrangements for a Council Workshop meeting in December**

**INFORMATION ITEMS**

**12. Q1 Performance Outturn**

The Council **NOTED** the Performance Outturn report for Q1, which had been reviewed by the Audit and Risk Committee at its meeting on 2 May 2023, and discussed in detail at item 4 above.

### **13. Council Workplan**

The Council was informed that the amendments to business plan and work programme activities discussed above would be incorporated within the Council Workplan.

The Council **NOTED** its forthcoming Workplan.

**Action May/23/10: To incorporate amendments to the Council Workplan**