

**Council for Licensed Conveyancers**  
**Minutes of the Council meeting held on**  
**Thursday 16 May 2024**  
**By Video Conference**  
**11.00 a.m. – 12.45 p.m.**

**Council Present**

Dame Janet Paraskeva (Chair)	Jenny Quirke
Colin Wilby	Milton James
Victoria MacGregor	Sarah Ryan
Sally Szarka	Sheila Kumar, Chief Executive

**In attendance**

Ms. A. Cosens	Head of Executive Office ( <i>minutes</i> )
Mr. J. Hinrichsen	Head of Policy and Regulatory Standards
Ms. C. Richardson	Director of Finance and Operations
Mr. S. Ward	Deputy Director of Authorisations and New Business
	Director of Strategy and External Relations

**Apologies for absence**

Alan Cogbill  
Sarah Debney  
Kerry Jack, BlackLetter Law

**1. Welcome and Introductions**

The Chair welcomed members to the Council meeting.

Apologies for absence were received from Council members Alan Cogbill and Sarah Debney. Kerry Jack of BlackLetter Law also submitted apologies for being unable to attend the meeting for agenda item 4 (*PR Messaging Matrix*)

No requests to discuss information items at 16-18 had been received.

**2. Declarations of Interest**

None.

**3. Minutes and Matters Arising**

**(a) Minutes of the meeting held on 1 February 2024**

The Council **AGREED** that the minutes of the meeting held on 1 February 2024 be approved as a correct record.

**(b) Minutes of the meeting held on 27 March 2024**

The Council **AGREED** that the minutes of the meeting held on 27 March 2024 be approved as a correct record.

**(c) Actions Arising from previous Meetings**

The Council reviewed actions arising from previous meetings, most of which had either been completed or featured on the current agenda or forward programme of work.

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

**4. PR Messaging Matrix**

At its meeting on 1 February 2024, the Council had reviewed the performance of communications work discussed the plan for 2024, following which it was agreed to develop the Communications Strategy. The Director of Strategy and External Relations introduced a refreshed and updated set of key messages which included the main success factors that substantiate and validate the messages, identifying the main relevant stakeholders and the activities that support communication of key messages.

The Council considered the key messages underpinning the achievement of its regulatory objectives that would be delivered through the Communications Plan, including written comments that had been received from Alan Cogbill and Sarah Debney.

The following comments were made:

- The CLC plays a leading role in policy development and debate directly in the consumer interest, for example through its current participation with the Digital Property Market Steering Group and work with ministerial teams
- Press office and social media activity will be a combination of programmed outputs and responding to opportunities that arise
- The activities of CLC's Professional Reference Group, which comprises conveyancing and probate practitioners support delivery of the CLC's key messages and these would be captured in the document
- Expansion of *The CLC is a regulator of choice* to clarify that the CLC is a regulator of choice for conveyancing and probate.

The Council **AGREED** revisions to the key messaging matrix that support delivery of the Communications Strategy 2024 (as amended above).

**Action May/24/01: To incorporate the above revisions within the key messaging matrix.**

## 5. Chief Executive's Report

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

- Technical clarifications to support some the definitions within the Minimum Terms and Conditions (MTCs) for Professional Indemnity Insurance and which relate to transfer of practices between regulators had been published in May , while the MTCs themselves remain unchanged.
- Professional Indemnity Insurer Arch had notified the CLC that it would be exiting the market on 30 June 2024. The CLC has confirmation that one of the existing insurers will be expanding its books, and it is satisfied that there will be sufficient cover under its Participating Insurer Agreement. Practices have been encouraged to submit comprehensive and accurate proposals for early consideration by insurance providers
- Further to the Council's agreement of revisions to the [CLC Code of Conduct](#) following a [consultation exercise](#), the CLC had made an informal submission to the Legal Services Board (LSB), who had made some useful observations that would be taken into account in submitting the application for amendment of the Code of Conduct this week
- The CLC's application to the LSB to consider the new Ongoing Competence Code is scheduled for submission by the end of May 2024. The new Code, which seeks to build and strengthen existing requirements will introduce a digital reporting mechanism for individuals and practices.
- The CLC's Reserving Policy and annual Practising Certificate Fee would be discussed at a meeting of the Council Workshop on 25 June 2024 in advance of the Council's approval of the same at its Council meeting on 25 July 2024.
- Consideration of draft Compensation Fund Rules was included on the Council's Work Programme for consideration at its meeting on 25 July 2024
- Following an earlier [consultation exercise](#), an equality impact assessment and guidance material is being prepared to support the proposed changes to the Adjudication Panel Rules prior to submission of the CLC's formal application for their amendment to the LSB. A summary of the key changes will be circulated to the Council and an update will be provided to the Council's next meeting on 25 July 2024
- In recognition of the risk that breaches of undertakings pose to the property transfer system, as well as the detrimental impact on consumers, the CLC has published an [Advisory Note](#) reminding practices of their obligations under the [CLC's Undertakings Code](#) and is escalating its monitoring in this regard
- The CLC has commenced a monthly series of [articles](#) to help practices prepare for improvements by the Bank of England that will help to prevent fraud and error when transferring funds
- The CLC is participating in the development of a single digital register to gather information about all legal services providers that will be hosted on the [Legal Choices website](#). A meeting of the project steering group in April had agreed the governance approach and noted progress with

- defining the scope of the register and aligning the data, which is gathered and published in different ways by legal regulators
- HM Land Registry informed regulators of conveyancing services, including the CLC that it would not be proceeding with the publication of its requisition data and would instead look to regulatory bodies to develop a scheme. The CLC has been meeting with the Solicitors Regulation Authority and Cilex Regulation to consider approaches to the publication of the information
  - The CLC has participated in a Justice Select Committee evidence session on the Operation of Probate, along with representatives of the ICAEW, The Law Society and the Society of Trust and Estate Practitioners, the transcript of which has been published [here](#). All witnesses were aligned on the need for reform and modernisation of the probate process.
  - The LSB has issued a [Requirements, Guidance, and a statement of policy](#) to regulators regarding the way in which first tier complaints are handled, which regulators to use information and intelligence gathered from first and second tier complaints. (First tier complaints are the initial complaints that consumers make to their legal provider about the service they have received). The LSB has set up a group of interested organisations, including the CLC to collaborate on and support improvements in complaints handling. The CLC already monitors the handling of first tier complaints and data that is made available by the Legal Ombudsman on second tier complaints. Complaints handling and the consumer journey will be further discussed at the Council's Workshop on 25 June 2025.
  - The CLC is looking to schedule an introductory meeting with Tom Hayhoe who has been appointed as [Chair of the Legal Services Consumer Panel](#) in July which will the discussion to take account of current development of consumer empowerment and consumer focused regulation arising from the CLC's forthcoming Workshop and meetings with its Professional Reference Group and Consumer Reference Group.
  - The CLC has been exploring with Third Party Managed Account (TPMA) providers how to encourage practices to consider the use of TPMA's and other, more secure alternatives to the client account.

In response to a question about the timely submission of insurance renewal applications by practices, the Council was informed that the majority of practices were believed to be adhering to the submission timescales and insurers and brokers were continuing to resource the assessment of the applications received. All insurance related enquiries that are submitted to the CLC receive a reply from a dedicated e-mail account for that purpose. Professional Indemnity Insurance options would be further discussed at a future Workshop meeting.

It was noted that the [Conveyancing Association's AGM programme](#) includes a panel discussion on the Bank of England's plans for synchronisation of money transfers and the implications for existing business models and potential challenges, examples of which may include risks to conveyancing transaction

chains and loss of interest payments for client accounts. It was suggested that the CLC seek feedback from firms on the proposals. The Council was reminded that the CLC has previously sandboxed the TPMA environment and amended its Accounts Code in 2019 to make it very clear that practices could use TPMA providers. Any move to a more directive approach would be subject to further research and consultation with regulated practices and other stakeholders. It was confirmed that the CLC requires practices to declare their gross turnover, for Practice Fee determination, which is inclusive of any interest payments.

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

**Action May/24/02: Submit proposed Code of Conduct revisions to the LSB**

**Action May/24/03: Reserving Policy, Complaints Handling and the Consumer Journey to be discussed at Council Workshop, 25 June 2024**

**Action May/24/04: Introductory meeting with LSCP Chair to be arranged for July.**

**Action May/24/05: PII options to be discussed at a future Workshop meeting**

## 6. 2024 Business Plan Q1 Progress Report

The Council reviewed progress against the 2024 Business Plan which is published [here](#). The Council was informed that good progress with delivery of Business Plan activities had been made.

No amendments to the activities scheduled for 2024 were proposed. The Council agreed amended timings two actions on the Business Plan as follows:

- Item 26 – Review all CLC sanctions to ensure they meet the regulatory objectives, the bulk of which would be undertaken in Q3 rather than the first half of the year
- Item 46 – Review of post completion work by practices, work which would now commence in Q3. It was noted that preparatory work to review data that is available from HM Land Registry had already been completed and the CLC had issued an [Advisory Note on Breaches of Undertaking](#) in April 2024.

It was agreed to amend references within Item 47 (participation in the Wales Forum) from the Wales Government to the Welsh Government.

The Council:

- (1) **AGREED** the above changes to scheduled Business Plan activities; and
- (2) **NOTED** progress against the Business Plan 2024.

**Action: May/24/06: To amend scheduled Business Plan activities as above.**

## 7. Principal Risk Register

The Principal Risk Register had been discussed and reviewed by the Senior Management Team (SMT), who had identified no new risks. The Audit and Risk Committee had reviewed the Principal Risk Register in detail at its meeting on 23 April 2024 and was recommending it for adoption.

It was confirmed that the CLC is taking legal advice on the impact of the Employment Tribunal's decision on [Sommerville v. Medical Practitioners Tribunal Service and Nursing and Midwifery Council](#) regarding the definition of workers on Non-Executive Director and Adjudication Panel member contracts. Officers were requested to submit a report to the Remuneration Committee for consideration of the implications of the judgement once legal advice had been received.

Changes in the Professional Indemnity Insurance market would be further discussed by the Council at the forthcoming Council Workshop once the impact is known.

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

**Action May/24/07: To submit a report on the implications of the Sommerville judgement to a future meeting of the Remuneration Committee prior to consideration by Council.**

## 8. Risk Management Policy Review

The Director of Finance and Operations introduced a report which invited the Council to approve the Risk Management Policy following its annual review by the Senior Management Team who were not proposing any changes.

Following consideration at its meeting on 23 April 2024, the Audit and Risk Committee had agreed that the broad approach to risk and the risk appetites remain relevant and the Committee was recommending the Risk Management Policy to the Council for adoption.

The Council **AGREED** that the Risk Management Policy and the broad approach to risk remain relevant to the CLC and to adopt the Risk Management Policy.

## 9. Watchlist and Interventions

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.

Alan Cogbill and Sarah Debney had submitted some comments on the report, written responses to which had been circulated to the Council.

The Council was informed that officers are developing anonymised information on Watchlist and disciplinary activity for inclusion within Management Information reports, however it was recognised that it would be inappropriate to publish confidential and sensitive information about regulatory activities which could be prejudicial to outcomes. It was suggested that any data published should record cases as a percentage of the conveyancing and probate industry. It was anticipated that the information would be included within management information reports from Q4 onwards. Management raised that the intervention information could also be published as it would demonstrate the work and costs emanating from interventions.

The Council **NOTED** the report.

**Action May/24/08: to include anonymised watchlist, regulatory and disciplinary follow up actions within published Management Information reports from Q4 onwards.**

## 10. AML Update – Q1, 2024

The Director of Finance and Operations introduced the Anti Money Laundering Monitoring (AML) report, which is a new, regular report which expands on previous updates that were formerly included within the Chief Executive's report and which provides more detailed information about risk, AML supervision activities and upcoming work.

The inspection date of practice A included within the report was corrected to 2024.

The Council was informed that the timeframe for finalisation of monitoring inspection reports is 28 days, however there will be instances where this will be dependent upon other supplementary investigations requiring follow up action.

The Council agreed that the report is helpful. It was suggested that the following information is included within future reports:

- details of supplementary investigations and any follow up actions impacting on the timescale for finalisation of investigation reports
- Practice compliance levels at last inspection
- Explanations of AML compliance and action taken for non compliance.



The Council **NOTED** the update on Anti-Money Laundering monitoring activity.

**Action May/24/09: To incorporate the Council's comments (above) within future reports.**

## 11. Education and Training Annual Report

The Deputy Director of Authorisations and New Business introduced the report, which included:

- Student numbers and the pipeline of CLC lawyers, which has increased by 200% since 2019. While there were no changes to provision in the period January 2023 – April 2024, the figures include two partnership arrangements with approved centres Access Law online and Cardiff and Vale FE College and Law Training Centre Kent and Cardiff Metropolitan University which came into operation in this period and the CLC has been working to increase its engagement with colleges in Wales.
- Findings of the Education survey Responses to the survey, which remains open, indicate that students broadly feel that the CLC's legal, technical and practical qualifications are sufficient for their needs
- A recent review of the current Scottish Qualifications Authority (SQA) diplomas with a view to extending their life cycle for a further, full Diploma cycle of 5 years
- New Conveyancing and Probate Apprenticeship Standard were published 06 December 2023, which will come into effect when the existing Apprenticeship standards are decommissioned in June 2024 as follows
  - Licensed Conveyancer or Licensed Probate Practitioner (Level 6)
  - Conveyancing Technician or Probate Technician (Level 4).Positive publicity by the training providers and the CLC will be undertaken to support demand for the qualifications.
- Proposed establishment of an Education Standards Group which would include the SQA and training providers, members of the Professional Reference and Consumer Reference Groups, Trade Bodies and Council members.

It was suggested that the CLC feedback to training providers on additional information on the student profiles which would be helpful, including whether they are switching career or transferring from another legal regulators' courses.

The Council **NOTED** the Education and Training Annual Report.

**Action May/24/10: To feedback on student information that would be useful to include within the annual education reporting to training providers.**



## 12. Published Indicators and Metrics

The Director of Finance and Operations introduced a report setting out the key performance indicators for the first quarter of 2024, and which had been revised to reflect the Council's recommendations for additional metrics on:

- Practice applications
- Monitoring inspection outcomes
- Non-compliant ratings
- Disciplinary cases in progress.

It was queried whether OLC cases associated with CLC regulated practices included at section 5.5 of the report which detailed a high number of cases that had not yet been accepted or closed by the OLC may be attributable to a data cleansing issue. The Council was reminded that the OLC is working to clear a backlog of cases that have been referred to it for determination.

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

**Action May/24/11: to publish the indicators and metrics for Q1**

## 13. Committee Chairs' Reports

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

The Council received a report summarising the business considered at the Audit and Risk Committee at its meeting on 23 April 2024.

The Chair's report included:

- Governance Statement and Quarterly Statements on Internal Control
- Staffing Update
- Professional Indemnity Insurance round 2024
- Arrangements for review of the CLC Reserving Policy
- Director of Finance and Operations' Quarterly Update
- Principal Risk Register and Risk Management Policy
- Progress with the Internal Audit Review programme

The Council **NOTED** the draft minutes of the Audit and Risk Committee meeting held on 23 April 2024 and Chair's report.

## 14. Any Other Business

There were no other items of business.

## 15. Dates of Council meetings

Forthcoming meetings of the Council have been scheduled as follows:

- Council Workshop, Tuesday 25 June 2024



- Council meeting Thursday 25 July 2024
- Council Workshop 19 September 2024
- Council meeting Thursday 7 November 2024.

It was agreed to commence the meeting of the next Council Workshop, which would be in person at the earlier start time of 10.00 a.m.

The Council discussed whether to convene an in-person Board to Board meeting with the LSB in September. It was suggested that the Council invite the LSB Board to join its scheduled workshop on 19 September 2024, when development of the CLC's policy on Consumer Focused Regulation would be discussed, and which would be of mutual interest and particularly lend itself to a participative dialogue. It was suggested that the format of the proposed Board to Board meeting could comprise a jointly chaired session by CLC and LSB Chairs, or alternatively be externally facilitated. It was agreed to consider both options and to invite the LSB's Board to join the meeting on 19 September 2024.

**Action May/24/12: To invite the LSB Board to join the Council Workshop meeting on 19 September 2024.**

## **INFORMATION ITEMS**

### **16. Q4 Performance Outturn**

The Council **NOTED** the performance outturn for Q4, which had been reviewed by the Audit and Risk Committee at its meeting on 23 April 2024.

### **17. Property and Law Round Up**

The Council **NOTED** the round up review of major developments and the economic outlook that will affect the conveyancing market.

### **18. Council Workplan 2024**

The Council **NOTED** its forthcoming Workplan.