



## Minutes of Quarterly Master's Council Meeting

Held on Monday 20 July 2020 at 16:00 via video conference

Attendees: Morag Ellis QC, Master  
Howard Dellar, Registrar  
Ian Blaney, Deputy Registrar  
Neil Turpin, Chief Clerk

Present: Mark Craig, Chair of the Advisory Board  
Emily Fellows, Trainee Solicitor

Minutes of the Senior Officer's Meeting held on 15 June 2020 were circulated and approved.

These would be the final Senior Officer's Meeting minutes to be published. This new policy will require the publication of minutes, agenda and papers for the Quarterly Master's Council Meetings whilst the monthly Senior Officer's Meetings become more informal and minutes will not be published.

### PART I - Ecclesiastical Matters

### PART II – England & Wales Notarial Matters

#### 1. Faculty Office

##### Financial update

Sue Goss would be invited to attend the Quarterly Master's Council in future.

The 3 year budgets had been circulated and were ready for publication. The Master reaffirmed her long -term commitment to reducing the notarial deficit. Following a meeting with the Notaries' Society Council, there was a feeling of improvement in the numbers and demographic attending the UCL Course, however a residual concern regarding the amount of work available remained. It was noted that there was no hardship provision to allow for the remission of the practising certificate fee but the bands themselves allocated practising certificate fee levels in accordance with fee income.

##### Staffing update

After many years in post the notarial administrator Hyacinth Codrington retired on 24 June 2020. Lynne Boyer, a secretary employed at Lee Bolton Monier-Williams, had taken on the role of notarial administrator. Handover was severely restricted by Covid-19 but she was now getting up to speed.

Andrea Amory, special marriage licence administrator, had returned from furlough and would be catching up with the administration that had accrued during her furlough.

Interviews for the new Investigations, Risk and Compliance Officer were scheduled for 23 July 2020 via Zoom. Around 30 applications had been received and a shortlist of 13 candidates had been created. It was hoped that a second interview could take place at the office in August 2020. The Master confirmed her commitment to pursuing diversity throughout the interview process.

#### Consultation – practising certificate fees 2020/21

The Consultation on the Practising Certificate Fees for 2020/21 had gone live and was due to close on 31 July 2020. A number of responses had already been received. A final decision on the fees would be needed by 10 August 2020 so that an application could be submitted in good time to the LSB.

A request for more generous reduction in fees had been expressed by the Notaries' Society Council. A discussion around a further reduction was held. The Master agreed to explore the financial implications for the Faculty Office but reaffirmed her commitment to the long-term plan of reducing the notarial deficit.

#### KPIs update

The KPI papers had been updated and sent to the LSB. Unfortunately the updated papers had by error not been transferred when the new website went live. These should be uploaded in the next few weeks. It was noted that these would require refinement in due course. It was agreed that the KPIs would form part of the Risk, Compliance and Investigations Officer role.

#### Internal risk register

The Master's Audit Committee had reviewed the Risk Register in detail at their meeting in June 2020. A detailed discussion and review of the Risk Register occurred. The contents of this discussion will not be published due to the sensitive nature of the document. Each of the 6 key areas of risk were considered in turn and the following changes were agreed:

- The Qualifications Board observations of increasing numbers of a younger demographic of applicants was encouraging however as this remained speculative it was agreed that the risk rating of a decrease in the size of the notarial profession would remain the same.
- It was agreed that all risks concerning staffing would be owned by the Master, the Registrar and the Practice Manager of Lee Bolton Monier-Williams.
- The risk of wasting resources through inefficiencies would be reduced following the successful launch of the new Faculty Office website.

The Master thanked Ian Blaney for his hard work in creating the Register and maintaining it.

#### Covid-19 Impact update

In the Practising Certificate Fees consultation the profession was asked to respond with how Covid-19 had affected their turnover. This consultation was due to close on 31 July 2020.

A discussion was had around the suitability of asking additional Covid-19 impact questions in the application for renewal.

The Corporate Insolvency and Governance Act 2020 may assist notaries who work within incorporated practices in coping with the impact of Covid-19 by providing a moratorium for corporate debtors. It was noted that many the profession were self-employed as notaries though many were also employed as solicitors. It would be important to check the insurance policies of any notaries no longer working out of their solicitors' firm.

### Brexit-impact update

No rule changes were required to prepare for regulation of the profession post-Brexit. A change was made to the Qualification Rules in 2017 ensuring all overseas jurisdictions were treated the same and as if the Mutual Recognition of Professional Qualifications Directive applied. It was confirmed that the money laundering directives had been incorporated into UK law.

The profession were wary of longer term negative impacts of Brexit but optimistic for a spike in work in the short term.

### Inspections

It was noted that remote inspections were ongoing. The Master confirmed the importance of ensuring that the inspections were conducted consistently to ensure that they did not disproportionately affect a particular demographic. It was hoped that in future risk profiles of individual notaries could be informed by inspections.

### s.69 order update

The drafting of the statutory instrument was ongoing. Technical questions were with the Faculty Office for response. It was hoped this response could be made by the end of August 2020.

### Boards

Minutes of these Board meetings were circulated prior to the Quarterly Council Meeting and the Advisory Board minutes are available for publication on the Faculty Office website.

Qualifications Board – The Board had met in June 2020 and were scheduled to meet again in September. A lay majority had been achieved in compliance with the IGRs. The exploration of possibly including licenced conveyancers in the category of those professionals that do not require a degree to achieve a certificate of exemption was ongoing.

Advisory Board – The Board had met in June 2020 and were scheduled to meet again in September 2020. The Master agreed to discuss her priorities for the Board's consideration at a later meeting.

Master's Audit Committee – The Committee met for the first time in June 2020. It was hoped that this committee would strengthen the governance of the Faculty Office and assist in the monitoring of the Risk Register.

#### New website

The new website went live on 3 July 2020 and feedback has been largely positive. The Registrar's Annual Report had been circulated to the Notaries' Society Council and would be published on the Faculty Office website once shared with the Society of Scrivener Notaries who had been unable to attend the Notaries Society Meeting as on previous occasions.

The Master agreed to draft an Annual Report in lieu of an address at the Notaries' Society Conference which had been cancelled due to Covid-19.

The Master also agreed to prepare a profile article for *The Notary*.

#### Diversity Questionnaire

The Faculty Office triennial diversity questionnaire was due to for completion in October 2020. This year the questionnaire would be compulsory, though with an option to return a "prefer not to say" response. This would be issued with the application for renewal of the practising certificate.

## **2. LSB matters and Priorities**

The Faculty Office bimonthly relationship meeting took place on 16 July 2020. The LSB expressed positive feedback on the navigability of the new website. The LSB thanked the Faculty Office for submitting responses to the Call for Evidence: Ongoing Competence and the Diversity Progress Report. The LSB confirmed that their governance review was imminent.

## **3. Mayson review**

The Mayson review publication was noted and would be discussed in more detail at various future meetings, internally, with the profession and the LSB.

## **4. Disciplinary cases**

The Briefing Paper on Remote Hearings was considered. The Master approved the proposed amendment to the Conduct & Discipline Rules 2015 outlined in the paper. The next steps would be to prepare a consultation and application to the LSB for the Rule change.

## **5. AML matters**

The findings of the OPBAS report were considered and further internal meetings had been scheduled to discuss a Faculty Office action plan. Further information on the OPBAS report cannot be published for security reasons.

## 6. Legal Choices

The work on this project was ongoing. There could be a potential delay following the BSB withdrawal. There was a possibility that Howard Dellar may be asked to Chair the Board, this was not confirmed.

## 7. RPIG

Website checking was ongoing though all notaries contacted regarding non-compliant websites had responded positively. Websites would be checked again following the amendments promised in first week of August 2020.

## 8. Economic Crime Levy

No further information on the Economic Crime Levy was available to report. The Faculty Office would closely monitor this and were awaiting a consultation document.

## PART III – Overseas Notarial Matters

### 9. Any other business

#### Gender neutral language

The Faculty Office had received feedback from some in the profession requesting that gender neutral language be used in the notarial rules. This had already been implemented for recent rules but that left older rules using the masculine. The LSB had confirmed that any change in making existing Rules gender neutral would require a full rule change application. A brief discussion was had on this matter and it was agreed that a paper would be produced and sent to the Advisory Board for consideration.

### 10. Date of next meeting

14 September 2020 at 16:00

#### Glossary

|                  |   |
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| <b>NotaryPro</b> | Online system used to administer the regulation of the profession |
| <b>LSB</b>       | Legal Services Board  |
| <b>OPBAS</b>     | Office for Professional Body Anti-money laundering Supervision    |
| <b>MAC</b>       | Master's Audit Committee  |
| <b>IGRs</b>      | Internal Governance Rules   |
| <b>KPIs</b>      | Key Performance Indicators  |
| <b>RPIG</b>      | Remedies Programme Implementation Group                           |
| <b>CMA</b>       | Competition and Markets Authority                                 |

**AML**

Anti-Money Laundering