

Minutes of CLLS Energy Committee Meeting

29 June 2020

Attendees:¹

Munir Hassan (*Chair*), CMS
Clare Hatcher (*Vice Chair*), Clyde & Co LLP
Kevin Hart, City of London Law Society
Filip Radu (*Secretary*), CMS
Dame Fiona Woolf², DBE, DSJ, DL
Hywel Davies, Slaughter and May LLP
Elisabeth Sullivan, Sasol
Iain Elder, Shearman & Sterling LLP
Judith-Aldersey Williams, CMS
Maria Connolly, TLT LLP
Michael Coates, Shell plc
Natalya Pilbeam, BP plc
Patrick Wallace, Simmons & Simmons LLP
Philip Thomson, Baker McKenzie LLP
Stephen Jurgenson, Clyde & Co LLP
William Ingram Hill, Temple Bright LLP

1. Actions/Points Agreed at Meeting

No.	Action/Point	Lead(s)
1.	Confirm process for engaging with other CLLS Committees to exchange views on processes/best practices	Kevin Hart
2.	Confirm date for City of London Solicitors' Company executives' attendance at Committee meeting	Kevin Hart
3.	Confirm subgroup & process for development of promotional document summarising experience & capabilities in Energy	Munir Hassan / Committee at next meeting

¹ Note: This meeting was held virtually via videoconference given the restrictions imposed as a result of the Covid-19 pandemic.

² Note: Dame Fiona Wolf, the former Lord Mayor of London, President of the Law Society and Partner at CMS Cameron McKenna Nabarro Olswang LLP, was invited to attend this meeting of the Committee as a special guest.

4.	Prepare and circulate the Committee’s draft response to the OGA’s Maximising Economic Recovery consultation	Judith Aldersey-Williams, Hywel Davies, Elisabeth Sullivan
5.	Confirm responsibility for reaching out to stakeholders in City of London, Greater London Authority & COP 26 Team in order to assist with their respective Net Zero efforts	Munir Hassan / Committee at next meeting
6.	Prepare and circulate gap analysis to identify sub-sectors/areas for extending/broadening/diversifying representation in Committee	Munir Hassan

2. Introduction

Munir Hassan opened the meeting and welcomed the attendees.

3. Election Update

Munir Hassan thanked the Members for their participation in the recent election for the position of Chair of the Committee, following which he was appointed in that role. In particular, he expressed his gratitude to Clare Hatcher and Kevin Hart for running the electoral process, as well as to William Ingram Hill for his fine campaign.

Kevin Hart agreed to assist with the implementation of the recently elected Chair’s manifesto, noting that Energy will be a key sector for the legal profession, the City of London, and global economic growth generally. He also highlighted the fact that junior practitioners are looking to the sector, particularly in respect of challenges associated with climate change. Kevin Hart and Members generally agreed that the Committee must have an active role in that regard, including by encouraging junior practitioners’ involvement in forthcoming meetings.

Finally, Kevin Hart explained that the executives of the City of London Solicitors’ Company are currently attending various CLLS committee meetings to facilitate an understanding of the Company’s work and that they may wish to attend a future Committee meeting to engage with Members on the same.

Munir Hassan thanked Kevin for accepting to assist with the implementation of his election manifesto and for providing the update, further noting that it would also be useful to learn from and implement best practices used by other CLLS Committees so that they may be applied to the Energy Committee’s own work. Kevin Hart was similarly happy to accept facilitating engagement with other Committees and liaising with the relevant persons to achieve this.

4. Approval of Minutes

Subject to certain minor comments from certain Members, which are to be reflected in the final version, the Committee approved the Minutes of the Committee’s meeting held on 28 April 2020

5. Raising the Profile of the Committee

Munir Hassan introduced Dame Fiona Woolf, former Lord Mayor of the City of London, President of the Law Society and leading energy lawyer, who very kindly accepted the Chair’s invitation to attend the Meeting as a special guest with a view to sharing the unique experience she gained in those prestigious roles.

Dame Fiona Woolf thereafter reflected on the City of London's strengths and opportunities, as well as the challenges it must overcome to maintain its pre-eminence as a centre of excellence in Energy matters and professional services, such as the law. In particular, Dame Fiona Woolf shared insights from her work in promoting London as a leading international centre for dispute resolution, which was supported by the judiciary, Government and the diplomatic corps, as well as by the City's (and its practitioners') unrivalled experience in and exposure to international best practice and innovation. Further, Dame Fiona Woolf explained that the City's legal practitioners working in the Energy industry are uniquely capable of providing best-in-class advice to the sector due to their deep understanding of not only the law but also of disciplines such as economics and engineering. She noted that this renders the City of London as a global force in the Energy sector, respected and valued both at home (including by Government, diplomats and regulators) and around the world for driving new ideas, growth and prosperity for all.

Munir Hassan thanked Dame Fiona Woolf for her contribution and perspective, and proposed that the Committee starts supporting the promotion of the City of London and the United Kingdom as the leading centre for Energy. He suggested that, as a first step, the Committee could produce a document showcasing the expertise and capabilities of its constituent organisations (for example in nuclear development and decommissioning).

William Ingram Hill congratulated Munir Hassan on the outcome of the election and noted that the Committee is uniquely placed to enhance the City's and the United Kingdom's profile in Energy matters, given its Members' varied backgrounds and experience. He explained that the Committee must support governmental efforts in this regard and agreed that this was an important aspect of the Committee's future work. Dame Fiona Woolf also supported this view and suggested that the Committee starts engaging with the United Kingdom's diplomatic corps, which is already active in promoting the country's strengths and achievements.

Following further constructive discussion, the Chair acknowledged the broad consensus of Members on his proposal to develop a promotional document for the City's/United Kingdom's experience and capability in the Energy sector. It was resolved by Members that a subgroup be formed to deliver an initial draft, and that its composition will be agreed at the next meeting.

6. Facilitating Engagement & Consensus

Munir Hassan explained that although the BEIS Energy White Paper was widely expected to be issued over the course of summer 2020, it is possible that publication could be delayed until next year. Therefore, he included in the agenda for the Meeting a number of items/areas expected by the industry to be covered in that document and welcomed comments from Members on any of those items/areas. In particular, Munir invited Clare Hatcher and William Ingram Hill to share their ideas and thoughts on responding to proposed developments in Energy policy.

Clare Hatcher noted that building interest in every topic is challenging at Committee-level, and therefore it would be useful if a smaller set of Members leads on certain areas/items included in the agenda, also taking ownership over drafting responses to, for example, consultations. Kevin Hart confirmed that this approach has been successfully applied by other CLLS Committees and recommended that the Energy Committee starts to use this process, as well as liaising over email to drive progress.

William Ingram Hill echoed and supported the proposal to use sub-groups in order to further the Committee's engagement on substantive issues/policy proposals. He explained that this approach would also enable the Committee to navigate through potential conflicts, therefore allowing progress to be made in an appropriate and efficient manner. William Ingram Hill also mentioned that the Committee could consider participating in COP26 seminars and similar events.

Elisabeth Sullivan noted that the path to Net Zero is similarly being considered at a more regional/local level, highlighting that London has its own campaign to deliver on climate change targets. She queried whether there is appetite among Members to engage with such regional efforts in order to ensure their success, which is a key objective for a wide range of stakeholders. Munir Hassan agreed that although the Committee seeks to have a global perspective and remit, it is important to not lose sight of issues that impact Members' local communities. Dame Fiona Woolf described her own work on similar local Energy matters within the Corporation of London (such as facilitating new electricity connections for new developments).

Following further exchange of ideas and discussion on similar topics, Munir Hassan proposed and the Members agreed that the Committee: (1) adopts and implements the subgroup model to engage with and respond to policy proposals at all levels and across all Energy sub-sectors, (2) starts a dialogue with relevant stakeholders within the City of London, the Greater London Authority, and the COP26 team to understand how the Committee can support their Net Zero and similar efforts. It was further resolved by the Committee that solely Members who wish to stand behind Committee outputs will be nominated on the relevant documents to avoid any issues relating to conflicts and other potential organisational restrictions. Finally, the Chair encouraged Members to come forward with proposals for responding to policy proposals.

Judith Aldersey-Williams thereafter proposed that a subgroup is formed to respond to the OGA's Maximising Economic Recovery consultation. Hywel Davies and Elisabeth Sullivan welcomed that proposal and confirmed that they would like to participate in drafting the response on behalf of the Committee. It was resolved that a subgroup comprising those Members be formed and that a draft be prepared and circulated to the Committee in due course.

7. Extending & Broadening Representation

Michael Coates kicked off the discussion on this agenda item by suggesting that the Members could consider how to streamline and publicise the process through which Energy practitioners can apply to join the Committee. He explained the importance of ensuring that the Committee represents a cross-section of legal professionals active in the Energy sector (including corporates and start-ups).

Munir Hassan, Natalya Pilbeam, and Elisabeth Sullivan agreed that it is important for the Committee to leverage a broad skillset, and that in-house lawyers (who are a growing component of the legal profession) have a wealth of specialist knowledge and expertise that would be beneficial to the Committee's work. Members generally agreed that in-house practitioners can provide insights and perspectives that are unique to their respective organisations, and these could help form a fuller picture of developments within the sector.

Kevin Hart confirmed that there are no upper limits on the number of Members per CLLS Committee, specifying that the exact number varies between approximately 12 to 30 persons. He also pointed out that diversity is an important element that should be kept in mind when extending representation, and Michael Coates agreed with Kevin Hart, noting that a broader/more diverse base would facilitate the formation of subgroups responding to policy proposals.

Munir Hassan proposed, and Members agreed, that the Committee commences a gap analysis to identify areas where the Committee could focus its outreach in order to identify potential new Members and this will be included as an agenda item for the following meeting to ensure progress.

8. AOB

Members considered the frequency of future meetings and agreed that these should take place once every two months. Munir Hassan will be in touch with Members to ascertain availability for the next meeting of the Committee.

Munir Hassan thanked the Members and Dame Fiona Woolf for participating in the discussions and closed the meeting.