

Minutes of CLLS Energy Committee Meeting

3 April 2012

Attendees:

Robert Lane, CMS Cameron McKenna LLP
Sarah King, CMS Cameron McKenna LLP
Ian Herbert, CMS Cameron McKenna LLP
Michael Coates, Shell International BV
Clare Hatcher, Clyde & Co LLP
Patrick Wallace, Simmons and Simmons
Kelly Whistance, CMS Cameron McKenna LLP

1. Introduction

Robert Lane introduced the meeting. Robert suggested scheduling a meeting every 2 months going forward and this was generally thought to be a good idea.

Reference was made to the Committee not being as active as other committees as it is quite difficult for members of the Committee to express common views on energy sector issues due to the divergent interests of each member's clients. It was agreed that the Committee could in some instances formulate views separately from the individual views of each member and that it is good to have a forum to discuss City related energy issues.

2. Current Energy Consultations

The first agenda item was the current list of outstanding consultations from DECC and Ofgem. The Committee discussed the current status of these consultations and whether it may want to comment on them. It was noted that the Committee had raised comments on data protection in the past.

General legislative improvements

Michael Coates suggested that the Committee seek to comment on legislation where there is a lack of clarity and it was agreed that this should be on the Committee's agenda.

Shell

Michael Coates explained that he would confer within Shell to determine if there were any position papers on relevant energy topics which could be circulated to the Committee for reference.

Solar PV

The Committee discussed the possibility of commenting on the Solar PV DECC consultation as thoughts on this could likely be aligned for all clients (other than the Government or HMRC) in respect of there being no reduction in tariff. Robert checked this on the DECC website and the consultation period is closed on 3 April 2012. The consultation for non-PV technologies is still open but the Committee thought this would be more complicated. It was agreed that this is one area which should be watched closely for an opportunity for comment by the Committee.

3. Oil and Gas issues

Ian Herbert highlighted that there are no open consultations from DECC in relation to oil and gas issues but that he will consider live issues in this area and add anything of relevance to the agenda for the next meeting.

Possible ongoing topics were discussed, such as the tax policy following the recent budget. If this is pursued as an area for comment, the Committee will touch base with the Revenue Committee first to explore any overlap.

4. Other Topics

Green Deal, Smart Metering, Nuclear and CCS were highlighted as other topics for possible comment. There was no in depth discussion in these areas at this meeting.

5. AOB

The Committee discussed the issue of legal advisers working together with DECC on “working groups” or “interest groups” and whether this is working effectively at present. An observation was made that where advice or views are given on a consultation or working group basis, it is not always made clear at the outset as to whether this will restrict future dealings with clients because of possible conflicts of interest. It was agreed that this general administrative point was a possible area for comment by the Committee and should be monitored. The point was made that it may be worth touching base with the Corporate Law Committee to understand if similar issues arise with BIS.

6. Next Meeting

It was agreed that the next meeting will be held on Wednesday 2 May to discuss further the areas of comment raised in this meeting. Robert will send around calendar invites and dial in details in due course.