

CCCG Meeting –Wednesday 21 July 2004

MINUTES

Attended:

Greg Lewis
Alice Mutasa
Rodney Warren
Rob Brown
Tim Collieu
Katherine Pears

VHCC Review

1. The Commission confirmed that the implementation date for the changes to the Arrangements would be 2 August. There would be a short consultation period from 27 July, given that all the issues were agreed. A query was raised with regard to the 'Special preparation Fee' for over 10,000 pages. It was confirmed that this was something the Bar had requested.
2. The Commission agreed to forward a copy of the Funding Order, showing the amendments in revision mode.
3. There was discussion of a proposed change to police station payments in 'special cases'. The Commission agreed that there would need to be proper consultation, and that any changes would probably be introduced by way of a contract notice on 1 October.

Police Station / Accredited Reps

4. The Commission confirmed that there was a need for consultation on any changes, and that the Law Society would be involved at an early stage. A meeting would take place first at which a time frame for any consultation would be agreed.

CDS Bill

5. The Constitutional Affairs Select Committee were due to report their findings on the draft Bill the following week (i.e. w/c 26 July). The DCA would be looking at the Committee report and the consultation responses probably up to late August. The DCA are keen to get the Bill into the early part of the next parliamentary session, and are broadly aiming for implementation in October 2005.
6. The LSC said there had been some independent research carried out on the proposed models, but which had not yet been evaluated.
7. The issue of the money laundering and reporting requirements was raised, and the potential problems regarding restrained funds under the Proceeds of Crime Act. It did not appear to the Society that these issues had been given adequate consideration.

CDS Direct

8. The LSC reported that they had received around 70 responses to the consultation, and that the Project Team would be reporting to the CDS Programme Board regarding the outcome. A number of valid concerns had been raised, and the Programme Board would reach a view as to how to proceed with the project. The final outcome is expected in late August / early September, although there may be an informal announcement prior to this.

Competitive Tendering

9. The Legal Services Commission will issue a consultation not before September, which will set out the final timetable. It now looks unlikely that the proposed implementation date of July 2005 will be achievable. The LSC confirmed that they were proceeding cautiously as they are aware that the proposals raise a number of big issues for practitioners.
10. It was pointed out that the announcement of the intention to introduce competitive tendering had already caused concern amongst the profession, especially with regard to the prospect for many smaller firms of having to merge with larger firms in order to survive. The LSC confirmed that they are aware of these issues, and will be looking at for example allowing bids to be submitted for smaller amounts of work where this was appropriate, as it was not the intention to cut out smaller firms.
11. The Commission confirmed that there are no plans to introduce fixed fees in crime lower work as with Civil, and that the Costs Assessment audits will continue for Criminal firms.
12. Concerns were raised about the intention to pilot this in London first, given that it is a big area, and could cause a lot of problems if it went wrong. However the LSC pointed out that there is a huge oversupply of firms in London. The LSC suggest that even if the number of firms in London were to be reduced by 50% there would still be adequate cover.
13. The LSC confirmed that there would be a full impact assessment carried out prior to the introduction of the proposal; the Law Society offered to assist with this.
14. It was also suggested that a meeting with the DCA and practitioners may be appropriate, as the DCA may not have grasped the depth of feeling among practitioners over this proposal. The Commission stated that a joint project team would be set up, involving the CDS and the FLAR representatives from the DCA. Any output from this team would be shared once they have some of the detail. The need for engagement with the profession was stressed, as soon as any policy paper is available.

FLAR

15. There was little progress to report. A meeting was to take place on 22 July, and the Law Society would be overseeing two of the groups set up under the Review.

EU Working Time Directive

16. The LSC are to discuss with their legal advisers the issues raised in a letter from the Law Society. Further discussions with the Society will then take place.

Representation of Co-Defendants

17. Concerns were raised with regard to a recent change to the CDS General Regulations which was not consulted on, and which places the emphasis on a presumption that there is no conflict, and that solicitors should therefore always act for co-defendants unless an explicit conflict is identified. The Law Society's Council recently proposed a change to the Professional Rules which emphasises the opposite; that a conflict should be presumed unless there clearly was none.
18. The LSC expressed concerns regarding the costs implications of separate representation orders being granted where there was no real conflict of interest and it was agreed that there was a need for balance between the two points, and that the key issue was to establish whether or not a conflict exists.

