

CRIMINAL CONTRACTING CONSULTATIVE GROUP

7 September 2005

Present: Rodney Warren (Law Society/CLSA), Rob Brown (LCCSA), Derek Hill (Legal Services Commission), Tim Collieu (Legal Services Commission), Greg Lewis (Law Society), (Maryvonne Islip (Legal Services Commission), Freddie Hurlston (Legal Services Commission), Steve Parkin (Legal Services Commission), Billie Lever Taylor (Legal Services Commission)

Apologies: Alice Mutasa (Law Society), Steve Wedd (CLSA)

1. Carter Review / Crown Court Costs

The Commission expects valuable results from the Carter review and explained that Lord Carter is conducting his work independently. The Commission is due to give a presentation to Lord Carter on its analysis of the problems legal aid faces and possible solutions.

The Law Society stated that it intended to explain to Lord Carter what the problems in legal aid procurement are and has been encouraging representatives from the project group to spend time with firms. This proposition appears to have been well received.

The Commission stated that it has financial difficulties – around a £130million projected overspend over the next three years. The Commission pointed out that the package proposed by the Lord Chancellor only deals with a small part of this deficit. The forecast also assumes that all planned savings are achieved.

The Commission suggested that if police practice were evidently increasing its costs it would attempt to tackle this by applying pressure through Local and National Criminal Justice Boards.

The LCCSA asked how much police station costs had been affected as a result of charging prosecutors being at police stations. The Commission responded that it appeared that savings from converting duty solicitor to own solicitor might have been eroded as a result, although it was difficult to attribute this for certain to any particular initiative. The LCCSA stated that it is keen to promote the ability of the defence to talk to the prosecution in the police station; the Commission undertook to pursue the possibility of change with CPS.

2. CDS Direct

The Commission stated that the CDS Direct pilot was still due to commence on 31 October, and asked for a Law Society view on opposition to the scheme.

The Law Society responded that opposition centred on PACE issues and on the feeling that the Commission will not be concerned for the interests of defendants. The LCCSA added that CDS Direct represents a downgrading of solicitors' work. The LCCSA suggested that the Commission would need to look at the differences between the Boston and Liverpool schemes and fully evaluate the pilot. The Commission stated that a proper evaluation would be made.

3. Interests of Justice Test

The LCCSA was concerned that an article had apparently appeared in the Gazette stating that more economic research was being carried out in relation to London Crime Competitive Tendering. The Commission stated that this was not the case. Although the Commission had asked Frontier to examine how a bid zone might look and has commissioned research into the BME issue, no fundamental economic research is either planned or taking place.

4. CDS Bill

The Commission stated that the Bill is back in the Lords on 17 October and proposals for a Crown Court means test have also been requested. This may well result in the introduction of a contributions regime in the Crown Court.

The Law Society questioned who would collect contributions in the Crown Court, as Crown Courts have never done this in the past. The Commission explained that there would probably be a centralised body to do this. Policy was still being developed.

5. VHCC ex-post facto reviews

The LCCSA suggested that it was the profession that originally suggested creating a committee to look at VHCC cases to determine if it is really necessary that they go ahead. Now that the Commission is taking this forward it is proposed that there be no experienced defence solicitors at the table. The LCCSA felt strongly that this would be a missed opportunity and appeared to show a lack of faith in the defence. The Commission agreed to discuss this with DCA.

6. Contract Amendments

The contract notice is being sent to solicitors and placed on the website on Friday 9 September. The Commission will also be posting revision marked versions of the Contract and manuals on the website and will place articles in Focus on CDS in October.

The Commission explained that, for the sake of clarity, it has slightly altered the format of the contract notice and all amendments are now summarised at the start.

The Commission needs to start consulting for April 2006 shortly.

7. Any other Business

The LCCSA asked whether anything else is being published in the next month relating to London Crime Competitive Tendering. The Commission stated that October would be the earliest that anything would be published.

The CLSA has nominated Andrew Bishop to take over from Steve Wedd.

A letter has come through to The Law Society suggesting that the PDS is planning to open an office in Pontypridd magistrates' court. The Law Society questioned whether it could be a good idea to have any firm with an office in a court, and stated that this issue is even wider and more complex when it comes to the PDS. The Commission stated that it would look into this issue.

The Law Society also stated that it had been informed of some concern about inappropriate arrangements relating to the Richmond and North Allerton duty scheme. The concern amounted to a belief that the scheme is being run in such a way that favours the PDS, while destabilising private practice. The Commission responded that it had already looked into this issue for the Society and had found no evidence at all of any favouritism. However, it agreed to reinvestigate this issue if this was desired.