

## **MINUTES OF THE CRIMINAL CONTRACTING CONSULTATIVE GROUP HELD AT THE OFFICES OF THE LAW SOCIETY ON 16 MARCH 2007**

**IN ATTENDANCE:** Alice Mutasa (Law Society); Rodney Warren (Law Society & CLSA); Andrew Bishop (CLSA); Greg Lewis (Law Society); Rob Brown (Law Society); Tim Colliou (LSC); Ellis Pinnell (LSC); Alex Nash (LSC); Vishal Dhall (LSC); David Szaroleta (LSC); Pat Bennink (LSC - Minutes)

**APOLOGIES:** Tim Gir (LAPG); Derek Hill (LSC)

The Legal Services Commission presented an update and overview for March 2007 on the various projects within the Criminal Defence Services.

TC (LSC) advised the meeting that twenty-one regional provider briefings are taking place until end March to update providers on reforms. The majority of the briefings will include workshops. In addition it had been decided to hold separate briefings for BME's in April. RW (LS/CLSA) questioned whether this was not putting the cart before the horse.

Important dates in the Criminal Reform calendar were highlighted. These appear in the slide presentation which is located on the LSC website.

### **Police Stations**

EP (LSC) advised the meeting that a Q&A covering all aspects of Criminal Reform will be launched on the LSC website shortly.

With regard to slot allocations, several calls from had been received from providers which called into question the reliability of the data used in slot allocation. In view of this it has been decided to delay allocation of slots until 1 May as we want to get this right. RW (LS/CLSA) asked on what the allocation was based as if it were based on duty visits, numbers will be reduced but if this included own work it could result in a higher allocation. EP (LSC) confirmed we would entertain questions from providers on this. Given that the period used for gathering of data was January – December 2006, RW (LS/CLSA) questioned whether where local rules have changed on travel and waiting, did this mean that if a firm had done no work in that time it would not be allocated any slots. And EP (LS) confirmed that claims are the driver for slot allocation. RB (LS) expressed concern that by October 2008 no firms will be able to do rota work and that it was likely some firms would exist only for police station work.

In presenting the police station boundary update, AN (LSC) reported that we have a problem with the software used for calculation of drive times which are based on areas. RB (LS) responded by stating there is much in relation to police station boundaries about which the profession are unhappy. He said the stated London drive times are unrepresentative; people assume fixed fees exclude travel; the profession feels the Commission is using incorrect data; and many firms do not appear on the police station list. He said if firms did not

appear on the current list, did this mean it was likely they would be left out of future documents?

On fixed fees, RW (LS/CLSA) queried where the saving of £8m was to come from. He asked if 40% of savings were to come from London and 60% from the rest of the country and if this was based on current costs. AN (LSC) responded saying this was correct, broadly speaking although the 60% saving was not being made nationally. The saving comes only from urban areas. RW (LS/CLSA) said if Lord Carter said savings should come out of travel and waiting, surely this should be from across the country? RW (LS/CLSA) felt using data being used was too old coming from the financial year 2005/06 as several areas had seen changes in the way the profession worked. AN (LSC) responded saying if the feeling was the figures were not truly representative the LSC would be willing to look at a different snapshot ie more recent figures. RW (LS/CLSA) said it seemed the LSC were choosing bits from Carter which it liked but Carter had said 'if it ain't broke don't fix it'. He queried whether by using historic figures for fees and a separate period for firms the LSC was comparing like with like. RW (LS/CLSA) suggested there might be a better way of changing fixed fees whereby a fee structure is created where the fee is represented by timing and an escape route is built on that. RW (LS/CLSA) offered to put some ideas on paper and TC(LSC) agreed to take this away but said the profession were always against change anyway. TC (LSC) also said the Q&A available soon on the LSC website would answer many of the questions raised in this section of the meeting.

On the question of BVT, RB (LS) said the profession was unhappy about the limit on the maximum bid and had understood there would be no ceiling. EP (LSC) said neither the floor nor ceiling bids had been decided and TC (LSC) added the decision of whether BVT would go forward lay with the Ministers.

RB (LS) said the LS felt the LSC proposals had been modified and that volumes have changed since Carter. He warned the minority may lose faith as volumes over the last six months had declined. He said there was concern too that means testing would be extended to Crown Courts and he questioned sustainability.

### **Any Other Business**

RW (LS/CLSA) asked wether Peer review would proceed according to the timetable which said there would be no review until after 16 April. RW (LS/CLSA) expressed the Law Society's disappointment at this.

RW (LS/CLSA) said there was a growing desire among the profession to see the Otterburn report and TC (LSC) confirmed it would be publicly released soon.

TC (LSC) queried whether the LS would consider inviting the Bar to attend combined stakeholder meetings. The LS said they did not feel this was workable and suggested inviting the Bar only if their input was required.

AB (CLSA) requested the minutes of CCCG meetings be circulated and also published on the LSC website. TC (LSC) confirmed this would happen in future.

The next meeting will take place on 10 April 2007 at 2pm.