

**MINUTES OF THE CRIMINAL CONTRACTING CONSULTATIVE GROUP  
HELD AT THE OFFICES OF THE LAW SOCIETY ON 11 JUNE 2007**

**IN ATTENDANCE:** Derek Hill (LSC); Tim Collier (LSC); Rodney Warren (Law Society); Robert Brown (Law Society); Alice Mutasa (LS); Andrew Bishop (CLSA); Tim Gir (LAPG); Ellis Pinnell (LSC); Neal Craig (LSC); Neil Lewis (LSC); Pat Bennink (LSC - Minutes)

**APOLOGIES:** Greg Lewis (LS)

Apologies were noted and the minutes of the last meeting were tabled. RW asked for an extension on approval of minutes.

Matters arising:

PB (LSC) to provide new link to CCCG minutes on LSC website.

CDS Direct – responsibility for this has now moved to John Sirodcar (LSC) and the LS are attending a meeting on 12 June 2007.

**Market Stability**

NC (LSC) reported the consultation had closed on 17 May and the response was published 5 June showing a majority in favour of Option 1 – no changes to slot allocations until October 2007. In addition the LSC will look at firms who made changes to their businesses in direct response to the consultation and take this into consideration when determining slot allocations post October 2007. RW (LS) said the paper invites comment on impact and suggested this needed to be clarified to the profession. He recommended the CCCG find an appropriate way to communicate this to the profession. It was agreed that firms can make representation through their account managers where they feel an LSC decision has had adverse consequences on them. AB (CLSA) asked whether the LSC could take on board the fact some firms had bought others on the strength of slot allocations. DH (LSC) said if firms were claiming they paid a higher price than average, this is a legal issue. However, firm's expectations will be considered in future allocations. He said the procedure for allocating slots as present can be found on the LSC website. TG (LAPG) said he believed this would create a rush on duty solicitors when the system already has more than are needed.

Action: NC/RW (LSC) to agree working for note to LSC regions.

**Police Station**

NC (LSC) said the response to the Police Station consultation is being prepared and the LSC is hoping to publish by 25 June. No decisions have been taken as yet and a draft response will be shared with rep bodies prior to the paper going out.

### ***Magistrates' Court***

NC (LSC) said Mags Court is sub-judicy. The commission is meeting later this month to consider whether/when standard fees will be rolled out in urban areas. RW (LS) reminded the meeting that Carter had said this should be done on a cost-neutral basis. AB (CLSA) asked how the commission will deal with courts and NC (LSC) said although this is under discussion, there are no decisions as yet. RW (LS) said in an ideal market, economic theory says if you increase volume there is likely to be an increase in economies of scale. However, it seems the LSC is taking saving before they have been made. RW's (LS) concern related to rural firms and he said he was not convinced the Commission understands the effects of its plan in this regard. AB (CLSA) queried timing on introducing graduated fees and DH (LSC) said it was unlikely anything would change as soon as October.

RB (LS) asked how graduated fees will fit with BVT and what the timing is likely to be. DH (LSC) said BVT will be introduced in October 2008 and said the new graduated fee scheme would need to be in place well before that time. RB (LS) warned that a lot of research needs to be done sighting the long time it had taken to model the advocates graduated fee. NC (LSC) said the LSC is still deciding on the timing of the graduated fee in magistrates' courts.

### ***Litigators Fees***

NL (LSC) advised it is hoped the consultation on Litigators Graduated Fee Scheme will be sent out during the third week of June. MoJ currently reviewing potential uplifts. The consultation will run for six weeks and there will be second consultation on regulations. There is no evidence of increased volumes of Crown Court elections.

### ***Advocates' Graduated Fee Scheme***

NL (LSC) advised the meeting the IT system will be in place from 30 July and despite the scheme being introduced in April there will be no processing of invoices until the end of July. He said the new claim form will be finalised by the end of June. The small backlog will be cleared from end July. RW (LS) queried capacity for hardship issues and NL (LSC) said the facility for claiming hardship payments was being built into the IT system but the number of claims is expected to be small.

### ***BVT***

EP (LSC) advised the meeting that work is continuing on the design of the BVT process. The consultation will begin late summer and will run for three months. EP (LSC) said internal economic advisors had been appointed and an advert for external advisors had been placed in the OJEU. Advisors will be required to review and help analyse responses to the consultation and to assist on the design process as well.

Considerable discussion followed relating to the design and implementation of BVT. EP (LSC) said all comments will be taken into account in compiling the consultation document. In response to various questions raised around BVT, EP (LSC) advised as follows.

- With firms tendering on a cost plus profit basis, this is likely to see costs going either up or down. Still under review is the possibility that cost might be higher than budgeted.
- Currently considering whether BVT for Crown Court will be introduced before or after the introduction of single fee. Looking to make as few changes as possible which could be an area where firms make savings.
- Previous peer reviews will count and further information relating to peer reviews will be covered in the consultation document.
- Agreed to take on board judging of character according to flexibility on quality. Understand the firms find the bureaucratic element difficult. Will try to make process simple.
- BVT will be rolled-out in four phases in order to learn lessons from the early stages. Currently looking at a range of areas for the first round. The model will change as necessary although it is understood change is expensive.
- The VHCC issue includes in the bidding process the ability to deal with volume. It is understood that changes in CJS are affecting volume and the LSC to ensure that a system is in place for sharing the risk. The LSC will look at guaranteeing volume although this is not easy to see now as volume includes an element of own client. The LSC takes on board the reminder from representative bodies that Carter said BVT would work if volumes were present.
- LSC to take away the offer to collaborate on issues around volume as there is always room for dialogue.

BVT to be included again in Agenda for next CCCG meeting.

### ***VHCC***

TC (LSC) said tendering is ongoing. TC (LSC) was asked to check and advise when the final version of the amended litigators contract will be out.

### ***Payments/Claims***

TC (LSC) tabled a report showing payments against claims – currently on track. A slight decline is due to Means Testing.

The current number of contracted officers is 2,501. In 2001 this was 2,900 and in 2004 it was 2,600. There has been a 14% decline since contract implementation.

TC (LSC) to invite Mike Crowley to next CCCG to advise on policy on SMP.

### **ANY OTHER BUSINESS**

RW (LS) asked for a date when tendering will be announced for process of delivery on DSCC/CDS Direct. EP (LSC) to confirm at meeting tomorrow.

RW (LS) reported a poor level of information relating to CDS 6. TC (LSC) said there had been problems with software which have now been fixed. AB (CLSA) pointed out if the amount of reporting required by firms was reduced this would be seen as extremely positive.

The next meeting will be held on 3 July 2007 at 2pm in Fetter Room at the Law Society.