

**MINUTES OF THE CRIMINAL CONTRACTING CONSULTATIVE GROUP  
HELD AT THE OFFICES OF THE LAW SOCIETY ON 8 MAY 2007**

**IN ATTENDANCE:** Rodney Warren (Law Society); Greg Lewis (LS); Derek Hill (LSC); Tim Colliou (LSC); Neal Craig (LSC); Neil Lewis (LSC) David Szaroleta (LSC); Scott Swinton (LSC); Ivan Armstrong (LSC); Pat Bennink (LSC - Minutes)

**APOLOGIES:** Tim Gir (LAPG); Rob Brown (LS); Alice Mutasa (LS); Andrew Bishop (CLSA)

Apologies were noted and the minutes of the last meeting were tabled and agreed.

**Market Stability**

The consultation on market stability closes on 18 May 2007. DH (LSC) reported that responses received thus far show the difference of opinion between the two options is not considerable. RW (LS) asked whether responses received to date were useful to which DH (LSC) replied, yes. RW (LS) said many firms would like to proceed with Option 1 and asked whether this will be the agreed. DH (LSC) said the LSC could not commit at this stage as the consultation is still open.

On the subject of data cleanse, NC (LSC) reported that analysis of data, for the period March 2006 to February 2007, is ongoing and that the methodology employed is being checked. It is hoped this exercise will be completed by the end of May. RW (LS) congratulated the LSC on achieving this in such a short time. He asked whether the outcome of both the market stability and police station consultations were likely to be delayed until the data cleanse had been completed. DH (LSC) said the market stability options could go ahead without the data cleanse and that we hoped the data cleanse would be used for October implementation. DH (LSC) said our plan was that when the data is ready firms will be asked to verify the findings and that the Law Society will be advised ahead of letters to firms. RW (LS) said he was pleased to see that the most up to date information was being used for data analysis.

**Reform Programme**

***Litigators Fees***

NL (LSC) reported that the consultation document has been prepared and had already been sent to the Minister for approval. He said Kirsten Alderson would be meeting with the Law Society on 9 May to get early feedback and that the publication date is set for 15 May 2007.

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

NL (LSC) said problems with the IT supplier had lead to a delay in providing software to the courts and this will lead to a delay in Crown Court payments for a three-month period. However, the software will be available from 30 July.

### ***Police Stations***

NC (LSC) reported that 360 responses had been received to the police station boundary consultation and a draft analysis has been prepared. The analysis will be sent to the Law Society during the week commencing 14 May 2007. NC (LSC) said some firms thought the new boundaries too generous whilst others questioned limitations. For many, the decision whether or not to travel would likely be a business one. Workshops at regional offices are planned to take place in June and, in conjunction with the local Law Society representative, the regions will be asked to assist with defining boundaries. DH (LSC) said the Law Society will be asked to review once the first draft has been put together. DH (LSC) said niche markets must be taken into account and prepared for their participation in Best Value Tendering. The key to many niche markets is travel and waiting. NC (LSC) said there was a lack of understanding of niche markets and recommended meeting with the Law Society and other representative bodies to establish their definition of niche.

### ***CDS Direct***

DH (LSC) said work is currently being done on the response to the consultation and as yet there are no final views on how to take this forward. An internal meeting is planned for 9 May. Once the response has been approved by the Minister the LSC will engage with the Law Society. The invitation to tender closes on 21 May 2007.

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

DH (LSC) said Carter's suggestions for graduated fees needs to be examined so see if they are a feasible way forward. In addition no decision had been taken on the timing of extending the new fees to rural areas.

RW (LS) queried whether fixed fees would still require reporting in detail. NC (LSC) responded saying some reporting is still required as with CDS 6 at present however it is envisaged reporting will be become easier by doing this online so cost to firms will be lower. However, there is no final decision on this as yet. RW (LS) then went on to explain that in most cases, frequent visits to prisons are not a problem so a fixed fee might be acceptable. However, a problem exists in particular with youth cases where youth detention centres are often a long way away and it is in instances such as this that no payment for travel and waiting is meeting with resistance. DH (LSC) said the letter from Bindmans had raised this and a response is being prepared.

RW (LS) talked of the problems in Hull where solicitors withdrew from Beverley and Goole magistrates' court. He said he had been told the PDS office in Darlington had been servicing Beverley 2/3 days a week. He asked whether these people were entitled to claim fees for their services but DH (LSC) said those involved were salaried staff.

### **VHCC**

IA (LSC) said he had today 8 May received a letter from the Law Society dated 3 May, in which the Law Society outlined their concerns with the VHCC consultation. IA (LSC) said he felt many points were due to misunderstandings and offered to meet as soon as possible to clarify. In particular he was surprised to note the Law Society had not been able to locate a RIA on BME. This was published on the LSC website on Monday 30 April.

TC (LSC) tabled a report on claims reported and payments made which showed the current position. TC (LSC) undertook to also produce total contract number at future meetings.

### **ANY OTHER BUSINESS**

None.

The next meeting will be held on 11 June 2007 at 2pm in the Boardroom at Gray's Inn Road.