

**NORTHERN IRELAND LEGAL SERVICES COMMISSION  
BOARD MEETING – THURSDAY 05 JULY 2007 AT 9.15AM  
BOARD ROOM, WATERFRONT PLAZA**

## **MINUTES**

**Present:** Sir Anthony Holland Chairman  
Les Allamby  
Brian Fee  
Breidge Gadd  
Dr Jeremy Harbison C.B.  
Wilson Matthews  
Hilary McCartan  
Miceal McCoy  
Ronnie Spence C.B.

**NILSC:** Theresa Donaldson Director of Policy & Service Delivery  
Ian Hearst Director of Service Delivery  
Lesley Johnston Director of Finance  
Drusilla Hawthorne Principal Legal Adviser  
Iona Milton-Jones Secretary to the Commission  
Rose Jellie Personal Secretary to the Chairman and Chief Executive

**In attendance:** Angela Ritchie, NICtS

### **CLOSED SESSION**

**07/78 Apologies**

Fiona Donnelly  
Joe Donnelly  
Gerry Crossan, Chief Executive  
Paul Andrews, NICtS

**07/79 MINUTES of 23 May and 30 May 2007 Extra Ordinary Board Meetings**

Subject to minor amendments, the Minutes were agreed.

**07/80 Matters arising from the Extra Ordinary Board meeting Minutes**

## **OPEN SESSION**

### **07/81 MINUTES of the May Board Meeting**

Subject to minor amendments, the Minutes were approved.

### **07/82 Matters arising from the Minutes of the May Board meeting**

82.1 Life Sentence Review – It was reported that an interim fee had been approved by NICtS and agreed with the Bar. There was some scope for any fees over £3000 to be revisited. The Director of Policy & Service Development reported that the work was ongoing. A very useful meeting had taken place with the Life Sentence Review Commissioners and a detailed proposal was currently being worked up.

82.2 Freedom of Information – A response was awaited from the PSNI in relation to the highest paid firm of solicitors and the highest paid barrister. It was confirmed that the Commission would not be publishing the list without this information being received. It was agreed the Press should be kept informed of the reason for the delay through Weber Shandwick.

**ACTION: Weber Shandwick to liaise with relevant Press re the reasons for delay in publishing the information requested.**

82.3 Press Cuttings – The Board stressed that any press cuttings should be posted to members through Weber Shandwick.

**ACTION: Weber Shandwick to be reminded to forward by post any relevant Press cuttings to Board Members.**

82.4 Mackin Report – Following on from the last Audit Committee Meeting, the Chair of Audit Committee had drafted a letter to NICtS which would issue in due course.

### **07/83 Chairman's Report**

83.1 NIALAS – The Chairman reported that he was holding a final meeting with Dr Harbison, Les Allamby and Ronnie Spence to discuss establishing a Working Group, chaired by Dr Harbison, to take forward NIALAS. The meeting had been arranged for 25 July 2007.

83.2 Access to Justice Conference – The Chairman reported that the Chief Executive had attended a conference on Access to Justice in London. The NIALAS scheme had been reported on as of interest.

83.3 Landscape Review – There was nothing further to report.

### **07/84 Declaration of Board Members Interests and Forthcoming Engagements**

84.1 Dr Harbison reported on the International Legal Aid Group Conference in Antwerp which he had attended along with the Director of Policy & Service Development and the Chief Executive. The Commission had presented two papers for the Conference, one on civil legal aid and one on NIALAS, both of which had produced quite a lot of interest. Attendees at the Conference were

an invited group of researchers and legal aid activists. There was a lot for the Commission to learn from the Legal Services Commission in England & Wales in relation to the increased research being carried out on widening providers into the NGO voluntary sector and the issues and problems that were starting to emerge. It was reported that, compared to other countries in the world, the Commission's civil legal aid was relatively well resourced and it was interesting how innovative other countries could be when budgets had been cut.

**ACTION:** The information provided at the Conference would be disseminated and a summary report would be produced for the Access to Justice Committee.

### **MATTERS FOR DECISION**

#### **07/85 Risk Management Policy**

85.1 The Board agreed the risk policy had to fall in with the Corporate Plan.

#### **07/86 Recruitment and Selection of Top Management Team and Business Manager Policy**

86.1 The Board agreed that this paper should have gone through the appropriate Committee before coming to the Board. The Board was concerned at using an external recruitment firm but agreed to continue with present policy in the meantime.

**ACTION:** Refer to the next meeting of the General Purposes Committee.

### **MATTERS FOR INFORMATION**

#### **07/87 Chief Executive's Report – Delivered by Secretary to the Commission in the absence of the Chief Executive**

87.1 Disclosure of Payment – Discussed under 82.2 above.

87.2 Alternatives to Money Damages – Discussed at 83.2 above.

#### **07/88 Audit Committee**

88.1 The Chair of the Committee reported that at the last Audit Committee it had been suggested that Board members might donate £50 each to cover the expenses of the 2006 Staff Christmas Reception; the outgoing chairman had already donated £200. Members and NIAO had raised concern that public money should not be used to fund the staff Christmas party. This would now bring this matter to a close.

#### **07/89 General Purposes Committee**

89.1 The Chair of the Committee reported on the meeting held on 4 July 2007 and said that the Committee had raised concern as to how the Commission could live within its budget for this year. It had been acknowledged that there was difficult work ahead for everyone. The Chair noted that the liabilities currently were estimated at £103M.

- 89.2 1992 Rules – It was explained that if a case lasted longer than 25 days it could be deemed to be a very high cost case and even if the case settled after 2 days, the same applied. However, the Taxing Master should have regard over that situation. It was stressed that the Commission had no control over this issue. The Director of Service Delivery reported on a meeting held with the Consultant who had been appointed by NICtS in relation to establishing a Very High Cost Case unit.

#### **07/90 Access to Justice Committee**

The Chair of the meeting reported on the meeting held on 04 July 2007 when the following had been discussed:

- 90.1 Delivery Plan – Staffing issues remained a major concern in Policy & Service Development and work was being prioritised. A number of projects were showing red.
- 90.2 Fixed Fees – A paper had been presented which looked at a number of options for taking this forward and the Commission was working in liaison with the Bar and the Law Society.
- 90.3 Statutory Charge – There were pressing issues in respect of Statutory Charge and a meeting had been called in early August to discuss Counsel's advice. NICtS would be in attendance at that meeting. The Team Leader was going on maternity leave shortly and an Adjudicator was transferring on a part-time basis. An article was currently being prepared for The Writ to alert the Profession of how the Charge would be applied.

#### **07/91 Finance**

- 91.1 Finance Report – The Director of Finance introduced the papers and explained that they showed the worst case scenario. The General Purposes Committee had requested more detail and a paper would be circulated on how the costs were made up, particularly for Grant-in-Aid. The Committee had asked the Top Management Team to take into account a number of issues and provide a report for the Committee and the Board and the Board would then decide what should be taken forward. The Commission was charged with disbursing the money and Treasury and NICtS had been made aware of this since May. It was reported that the liabilities were fairly accurate from the Commission's point of view. The Board agreed that the base line had been short to begin with.
- 91.2 Grant-in-Aid – The General Purposes Committee had requested a detailed budget setting out assumptions on what the budget was based on for approval by the Committee.

#### **07/92 Service Delivery Reports**

The Board noted the content of the papers.

#### **07/93 Legal Risk**

- 93.1 Daly & Murphy – The Principal Legal Adviser reported that an updated version of the Judgment was now available and it was anticipated that no further developments would arise.

- 93.2 Fleming – The Government had changed its mind on the policy of how it was going to deal with this type of case and new regulations had been introduced which would divert claims away from legal aid and, instead, some frozen assets could be used to pay for legal costs. The difficulty for the Commission was with applicants who had applied for legal aid during the initial Government policy. Essentially, the new regulations did not operate retrospectively and the Commission was facing threats of judicial review on how assessments had been made. It had now been accepted that these applications could operate with retrospective effect. The Commission was working with NICtS on the latest issue where one or two persons had been told to make an application and the Commission did not have the powers to compel them to do so. There were issues for the Commission in relation to suspension and discharge. Powers of revocation were not available to the Commission.
- 93.3 Assistant Legal Adviser – The Assistant Legal Adviser was due to go on maternity leave shortly and the Chairman stressed that the Commission could not cope with just one lawyer. NICtS were asked to provide a replacement.

#### **07/94 Freedom of Information Requests**

Discussed above at 82.2

#### **07/95 PR Contract**

Weber Shandwick had been asked to forward proposals to both the General Purposes Committee and the Access to Justice Committee. The Board agreed that the Vice Chair would work with the Secretary to the Commission re future meetings with the Profession.

#### **07/96 Board Diary**

It was noted this would be likely to change in light of the Chairman's retirement and the role of the Interim Chairman.

#### **07/97 Chairman's Closing Address at Staff Briefing – 03 July 2007**

The Chairman reported that he had addressed the staff and informed them that Ronnie Spence would be taking over as Interim Chair until such time as a new Chairman was appointed.

The Chair thanked the Top Management Team and Chief Executive's Office staff for efforts that went way beyond what one would normally expect and which had been invaluable from his point of view.

The Vice Chair spoke on behalf of the Commissioners and thanked the Chairman for his hard work and commitment to the Commission.

#### **07/98 Date of Next Meeting – 06 September 2007 at 9.15am**

**The meeting ended at 11.00am**

**SIGNED:** .....  
**INTERIM CHAIRMAN**

**DATED:** .....