

THE SCOTTISH LEGAL AID BOARD
DRAFT MINUTE OF MEETING OF THE SCOTTISH LEGAL AID BOARD HELD AT
1.30 PM ON MONDAY 5 SEPTEMBER 2011 AT 44 DRUMSHEUGH GARDENS,
EDINBURGH

Present: Iain Robertson, Chairman
Denise Loney,
William McQueen
Sheriff Ray Small
Susan McPhee
Graham Watson
Paul McBride QC
Elaine Rosie
Joseph Hughes

In attendance: Lindsay Montgomery, Chief Executive
Andrew Menzies, Director of Corporate Services and Accounts
Tom Murray, Director of Legal Services and Applications
Colin Lancaster, Director of Policy and Development
Kingsley Thomas, Manager, Criminal applications (item 9 only)
Vince Simmons, Financial Controller (item 11 only)
Marie-Louise Fox Head of Chief Executive's Office and Communications
Department
Stuart Foster, Board Administrator

1. APOLOGIES FOR ABSENCE

Ray MacFarlane, Alastair Kinroy QC, Les Campbell.

2. DECLARATIONS OF INTEREST

No interests not previously registered in the Register of Board Members' Interests were declared.

Susan McPhee declared a non-financial interest in relation to the Chief Executive's report on the 'Empowering and Protecting Consumers' consultation, which had potential implications for her employer, Citizens Advice Scotland. She did not leave the room during consideration of the item.

3. DRAFT MINUTE OF MEETING HELD ON 25 JULY 2011

The draft minute of the meeting held on 25 July 2011 was approved.

4. DRAFT MINUTE OF THE LEGAL SERVICES POLICY COMMITTEE HELD ON 25 JULY 2011

The draft minute of the Legal Services Policy Committee held on 25 July 2011 was noted.

5. DRAFT MINUTE OF THE AUDIT COMMITTEE HELD ON 25 JULY 2011

The draft minute of the Audit Committee held on 25 July 2011 was noted.

6. CHAIRMAN'S INTRODUCTION

The Chairman had no matters to report not otherwise covered by the agenda.

7. CHIEF EXECUTIVE'S UPDATE

Members considered and noted a report by the Chief Executive updating them on matters of interest since the previous Board meeting.

Members noted the position.

8. LEGAL AID SAVINGS

Members considered a paper providing an update on the savings packages introduced by the Scottish Government, and on further work being carried out to identify opportunities for further savings on the Legal Aid Fund, together with anticipated savings from the administration budget.

As a result of the savings packages, significant savings would be made in legal aid expenditure, across both the Legal Aid Fund and the Board's administration. Although, inevitably, there were fluctuations within individual projects, the Board's monitoring suggested that these savings could total £11.4m in the current year.

Members noted the position.

9. POLICE STATION DUTY SCHEME

Members considered a paper providing an overview of the current operation of the Police Station Duty Scheme.

It was reported that the interim scheme, in its ninth week of operation, was working well. The scheme was operating with a mixed model of provision, as intended, and substantial numbers of private solicitors continued to join, or re-join it. Very good working relationships had been developed with the police and ACPOS, who were supportive of the current arrangements. The current scheme would be rolled over pending the outcome of Lord Carloway's review.

Members noted the position.

10. PERFORMANCE AND RESOURCES REPORT

Members considered and noted a paper updating on operational performance and resources for the period from 1 April to 31 July 2011.

11. DUTIES TO PUBLISH INFORMATION ARISING OUT OF THE PUBLIC SERVICES REFORM (SCOTLAND) ACT 2010

Members considered a paper which set out the disclosures it was planned to make under the obligations of the Public Services Reform (Scotland) Act 2010.

It was noted that the Act required publication of information on certain expenditure; payments with a value in excess of £25,000; members or employees paid over £150,000 a year; sustainable growth; and efficiency, economy, and effectiveness.

Members noted the position.

12. EXTERNAL COMMUNICATIONS

The Board discussed the observations of a sub-group of Board members which had been set up to look at a complaint by a journalist. The group found that the complaint was wholly without foundation. Further, the group had considerable concerns about the journalist's approach to the Board and its senior officials. These behaviours were seen as unacceptable and damaging. The Crown Office and the Law Society had implemented bans on the journalist in question.

After discussion, members AGREED:

- to recommend to the Chairman that he write to the journalist setting out the Board's concerns and to say that the Board was minded not to have any further dealings with him for a period of six months, and would only be prepared to engage with him in future in the same way as the Board dealt with other, responsible, media contacts and to seek his comments before doing so.

ACTION: IAR

DATE OF NEXT MEETING: Monday 31 October 2011

The meeting ended at 3.10 p.m.