

**MINUTE OF AN EXTRAORDINARY MEETING OF THE MEMBERS OF THE SCOTTISH
LEGAL COMPLAINTS COMMISSION: 11.00AM ON FRIDAY 23RD APRIL, 10.00 AM
Venue: The Stamp Office, 10 – 14 Waterloo Place, Edinburgh, EH1 3EG**

PRESENT:

LAY:

Jane Irvine (Chairing Member)
Ian Gordon
Douglas Watson

LAWYER:

David Chaplin
David Smith

APOLOGIES:

Margaret Scanlan, Linda Pollock, George Irving, Alan Paterson

In attendance:

Rosemary Agnew (ACEO)
Doreen Graham (HOC)
Sam Hudson (Minutes)

Abbreviations used:

LSS Law Society of Scotland
FoA Faculty of Advocates
SGvt Scottish Government

1. APOLOGIES

As noted above.

2. DECLARATION OF CONFLICT OF INTERESTS

None.

3. MEETING WITH FERGUS EWING MSP

3.1. Following a meeting convened by Fergus Ewing MSP to look at the issue of appeals and reserves levels, an update was provided on the content of the meeting. The key points that came out of the meeting were:

3.1.1 The way the 2007 Act worked was fully explored. A better understanding emerged about the costs for preliminary assessments of complaints at the SLCC and about the LSS investigative process.

3.1.2 The budget setting process by the SLCC was fully explored and a better understanding emerged about why reserves were being held.

3.1.3 Although the meeting was very positive, it was clear to all present at that meeting that the risk issues leading the SLCC to hold more than 3 months of reserves will not be reduced or removed within the timetable before laying the budget before Parliament on the 30th April 2010.

4. BUDGET

The Board discussed and considered a full range of options outlined in the budget paper provided by the ACEO which included the fresh previous quarter's financial management accounts.

- 4.1 Since the original budget was set, three months have passed during which time:
- 4.1.1 Harmonisation has completed and so contingency is no longer required in respect of this.
 - 4.1.2 It has become apparent that it is unlikely the full legal costs in respect of appeals will fall in the current year so the planned level of contingency has been adjusted to reflect this.
 - 4.1.3 Staff and operational efficiency savings have been made.
 - 4.1.4 The SLCC have three months of actual cost data vs predicted costs data so the outturn is more robust.
- 4.2 As a result the Board accepted the under-spend would be greater than anticipated when the budget was first drafted. It was decided the reserves level should not increase further.
- 4.3 Taking the above into account, the board agreed that the reserves would remain at the previously agreed level of approximately 4.5 months, yet the levy could be further reduced.
- 4.4 Having considered options presented by the ACEO, the Board decided to set the levy at a lower rate than 2009-2010 dropping it from £275 to £235. The same waivers would apply so that categories would be:

Category	Waiver	Annual Levy
Solicitors with 3+ years experience	Annual Levy	235
Conveyancing Practitioner or Executry Practitioner 3+ years exp	Annual Levy	235
Solicitors in 1st 3 years of practice	Annual Levy less 50%	118
Conveyancing Practitioner or Executry Practitioner 1st 3 years of practice	Annual Levy less 50%	118
Practising Outwith Scotland	Annual Levy less 66.6%	78
In-house Conveyancing Practitioner or Executry Practitioner	Annual Levy less 66.6%	78
In-house lawyers	Annual Levy less 66.6%	78
Advocates	Annual Levy less 50%	118
Assoc of Commercial Attorneys	Annual Levy less 66.6%	78

Meeting ended 11.00 am