

City of London Law Society

Corporate Crime Committee

Minutes of Meeting 12 December 2023

(Held as a hybrid meeting)

Attendees (in-person):

Louise Hodges (Chair)

Neill Blundell (Vice-Chair)

Phil Taylor (Secretary to the Committee)

Virginia Cannon (Guest)

Alistair Graham

Andrew Katzen

Christopher David

Daren Allen

Jeremy Summers

Jonathan Pickworth

Judith Seddon

Laura Ford

Matt Getz

Matthew Nunan

Rosanne Kay

Ruby Hamid

Sarah Wallace

Tom Epps

Attendees (online):

Eve Giles

Johanna Walsh

Jonathan Cotton

Michelle de Kluyver

Susannah Cogman

1. **The Chair** welcomed the attendees and explained that she would hand the meeting over to the Vice-Chair after 20 minutes due to a clashing appointment.
2. **Apologies** were received from Sara Teasdale, Roger Best, Elly Proudlock, Barry Vitou, Simon Joyston-Bechal, Pamela Reddy, Hannah Laming, Davina Given, David Corker and Kevin Hart (CLLS).
3. **Minutes of the previous meeting** had been circulated, and amendments were invited within 24 hours. There were no additional **matters arising** from the minutes.
4. **CLLS / Committee business**
 - a. The Chair delivered a report on a **meeting with Dr Penny Dunbabin of the Home Office**, also attended by the Secretary. Dr Dunbabin is responsible for producing guidance to the new criminal offence of failure to prevent fraud. The Chair drew Members' attention to documents provided by Dr Dunbabin and recently circulated to Members. The Chair noted that the Law

Reform Sub-committee will examine and prepare representations on the draft guidance once it has been shared by the Home Office, and further noted that Sam Tate of RPC has been co-opted to the Sub-committee for the purpose of this project.

- b. The Chair led a discussion on the **meeting with the Shadow Attorney-General** which had taken place on 4th December, and commented that it had been an excellent turn out with a large number of Committee Members in attendance. Members shared their feedback on the meeting.
 - c. The Secretary welcomed Virginia Cannon who will be carrying out a **‘bridge’ role** between the Committee and the central CLLS. Ms Cannon introduced herself and briefly shared her career background and skillset, noting in particular that she hoped to be able to feed information on the Committee’s work up to the CLLS, and possibly more widely within the legal community, in order to ensure appropriate recognition for what the Committee does.
 - d. The Vice-Chair welcomed Matthew Nunan who is attending Committee meetings as a ‘super sub’.
 - e. The Secretary provided an update on **upcoming events involving external/guest speakers**:
 - The Chair and three other Members will meet the Lord Chancellor at the Ministry of Justice on 14th December; only 30 minutes has been allocated. A briefing note has been provided to the Lord Chancellor in advance and topics discussed will be fraud and disclosure as well as the work of the CLLS and Committee. The Lord Chancellor will also be invited to attend a meeting with the full Committee in future.
 - The Chair, Vice-Chair and Matthew Rous (representing the CLLS) will meet the Director of the Serious Fraud Office at the SFO on 23rd January. The agenda is to be confirmed. Again, it is hoped that the DSFO will agree to meet the full Committee in the future.
 - There will be a Committee meeting with the Director of Public Prosecution attending as a guest on 29th January, kindly hosted by Macfarlanes LLP. The Chair raised the possibility of combining this with the usual Committee meeting instead of the one currently scheduled for 6th February.
- *The Secretary to keep Members updated on the above meetings, as appropriate.*

5. Subcommittee business

The Vice-Chair invited representatives of each subcommittee to report on their work:

a. AML and Sanctions Subcommittee

- a. Susannah Cogman provided an update focused on developments in relation to sanctions on Russia-related legal services. There has been some progress made, with engagement on formalising and expanding the position on the General Licence; the Ministry of Justice has clearly taken ideas on board. However, any amendments cannot be taken as read as there must be the usual formal process involving the Ministry preparing draft policy outcomes, circulation to a working group, involvement of Parliamentary draftspeople, passage through Whitehall, further opportunity to comment, and then the laying of a suitable Statutory Instrument. Despite efforts to emphasize the urgency of this issue, matters are therefore not progressing quickly. The Ministry has committed to speaking to stakeholders which is welcome as the current regulation which was issued without any consultation.
- b. There was brief discussion of the recently-announced new Office for Trade Sanctions Implementation.

b. Disclosure Subcommittee

- a. Andrew Katzen provided an update from this subcommittee, which has now met several times. It was noted that the Chair is involved in a meeting of the practitioner's advisory panel for Jonathan Fisher KC's independent review (in her personal capacity). The subcommittee will follow the review and hopes to be able to submit a paper with representations in due course. Members are invited to provide their feedback via the subcommittee.

c. Law Reform/Legal Practice

- a. Matt Getz delivered an update on the SLAPPs provision of the Economic Crime and Corporate Transparency Act, commenting that the provisions are likely to lead to a lot of litigation not least because they related to individuals and their intentions. The provisions will come into force after the Civil Procedure Rules are next updated, which usually happens a few times a year.
- b. Judith Seddon delivered an update on the Criminal Justice Bill which was introduced to Parliament on 14th November. The Bill committee is due to report by 30th January 2024. One provision of the Bill aims to expand the identification principle beyond economic crime and would repeal s 196 of the Economic Crime and Corporate Transparency Act.

d. Events subcommittee

- a. Members of this subcommittee set out their proposal for three events in 2024:
 - i. A session on sanctions and the rule of law
 - ii. A training session on how to deal with compulsory interviews, witnesses, etc.
 - iii. A session on the defence of private prosecutions
- b. It was agreed that evening events may work better as they could include the opportunity for networking. A Member queried how these events would be communicated, whether through Members' firms or from the CLLS centrally. Another Member suggested that the goal may be to invite junior representatives from Members' own firms, which would help serve the purpose of succession planning.

- *The Secretary to verify the appropriate method to communicate/promote events such as these.*

6. There being no further items to communicate, and given the detailed updates provided by the subcommittees, the Secretary suggested that the **Practice / Legal Updates** item could be skipped. The Secretary further proposed to remove this standing item from future Committee agendas (providing updates on an ad hoc basis where necessary). There was no objection from Members.

7. There were no comments from Members on the standing item of **Investigation and Interview Practices (including tech)**.

8. The Vice-Chair drew Members' attention to the **proposed meeting dates for 2024** as set out in the agenda, noting that these are the regular meetings, separate from the various special events and meetings with external guests previously discussed. The Vice-Chair invited Members to volunteer as hosts for upcoming meetings

- *The Secretary to liaise with Members as appropriate regarding hosting of meetings.*

9. **AOB**

- a. Ms Cannon noted the relevance of AI to the Committee's business and offered to connect Members with a relevant CLLS member interested in this topic.
- b. The Secretary noted the recent appointment of a new Solicitor General, Robert Courts MP, and canvassed Members' views on inviting him as a speaker in future. There was general agreement.

- c. There being no further business, the Vice-Chair called a close to the meeting with thanks to the Members for their contributions, and to Alistair Graham for hosting the meeting and drinks.