

City of London Law Society

Corporate Crime Committee

Minutes of Meeting 16 May 2023

Attendees:

Andrew Katzen
Michelle de Kluyver
Sarah Wallace
Susannah Cogman
Jonathan Cotton
Hannah Laming
Joanna Walsh
Darren Allen
Jeremy Summers
Judith Seddon
Simon Joynson-Bechel
Eoin O'Shea

Non-voting attendees:

Louise Hodges, Committee Member, Candidate for Chair
Matthew Rous (CLLS)
Kevin Hart (CLLS)
Kitty St Aubyn (CMS)

- 1. Apologies** were received from Neil Blundell and Rodney Warren.
- 2. Minutes of previous meetings** were circulated, and amendments invited within 24 hours.
- 3. Resignation of Chair**

The resignation of the outgoing Chair, Eoin O'Shea, was accepted by the Committee, with a vote of thanks from the Committee, and note of thanks from Kevin Hart on behalf of the CLLS.

- 4. Election of Chair**

The Chair informed the meeting of his holding of certain proxy votes from Members unable to attend. The election for a new Chair was held. Louise Hodges was voted as Chair Designate by a unanimous vote of attending Committee Members and by proxy votes.

5. Practice / Legal Updates:

- a. Members discussed proposed reform to corporate criminal liability, by the proposed expansion of the identity doctrine.
 - i. Members were thanked for their expeditious contribution to a request for consultation from the Home Office. The results of members contributions to the consultation were discussed.
 - ii. The question was raised as to whether the proposed reforms would function effectively in tandem with the proposed new offence of Failure to Prevent Fraud.
- b. Members were updated as to the progress of the Economic Crime Bill.
 - i. Consideration was given to whether the Committee:
 1. Agrees with the proposed Failure to Prevent Offence;
 2. Whether, and if so how it should be limited;
 3. Whether it should apply to all companies or be limited by size.
 - ii. Consultation in the previous four years within the Committee on the same topic was noted. Members agreed that further consideration and expression of a view would be desirable.
- c. Trends in economic criminal law enforcement was discussed, including the appointment of the new Director of the SFO; the FCA's trend towards prosecuting; the appointment of a new "Anti-Fraud Champion", Anthony Browne MP.

6. Membership: Committee members were invited to nominate new members to the outgoing Chair and the Chair Designate before the next meeting.

7. External speakers: members supported ongoing efforts by the CLLS to secure attendance by Emily Thornberry as an external speaker.

8. Any other business:

- d. On behalf of the CLLS, Kevin Hart invited Committee members to the CLLS Summer Reception on Weds 20 June, at Pewterers Hall at 1830; to be preceded by AGMs of CLLS and City of London Solicitors Company.

- e. The next meeting is to be held at the end of June.