

SCOTTISH CRIMINAL CASES REVIEW COMMISSION

MINUTES OF THE MEETING OF THE BOARD ON THURSDAY 25 SEPTEMBER 2014
10.00 AM, PORTLAND HOUSE

FOR DISCLOSURE VIA THE PUBLICATION SCHEME

In line with the Commission's Disclosure policy, various paragraphs may have been edited or deleted from these minutes as the information contained therein relates to specific case information and/or personnel-related matters. Where the summary of discussion has been edited or the names have been deleted, this is indicated at the start of the relevant paragraph or section.

Present:

Mrs Jean Couper CBE, Chairman
Mr Stewart Campbell
Professor Brian Caddy
Professor George Irving CBE
Mr Gerard Bann
Miss Frances McMenamin Q.C.
Mr Peter Ferguson Q.C.

Also Present:

Mr Gerard Sinclair, Chief Executive
Mr Chris Reddick, Director of Corporate Services (minutes)

Section 1: Governance Matters (name deleted)

1.1 Apologies

Mr McClay and Sir Gerald Gordon Q.C. had submitted their apologies.

1.2 Conflicts of Interest/Declarations of Interest/Gifts & Hospitality

1.2.1 Members were asked to declare any known conflicts of interests or gifts and hospitality. Professor Irving had declared a conflict in one case.

1.2.2 There were no declarations of gifts or hospitality.

1.3 Minutes of Board meeting held on 29 August 2014

The Board approved the minutes of the Board meeting held on 29 August 2014. The Board also approved the version of the minutes for the Publication Scheme.

1.4 Matters Arising

There were no matters arising.

1.5 Chairman's Report

Mrs Couper confirmed that she had no matters to report.

1.6 Chief Executive's Report

1.6.1 Mr Sinclair provided the Board with updates on the following matters:

- Mr Sinclair reported that he had given a talk on the work of the Commission to a delegation of Taiwanese prosecutors at an event hosted by Crown Office on 10 September 2014.
- Mr Sinclair reported that he and Mr Fenn had attended a meeting with the Lord Advocate on 11 September 2014.
- Mr Sinclair reported that he and Mr Reddick had visited the CCRC on 18 and 19 September 2014.
- Mr Sinclair reported that the bi-annual H&S and Environmental meeting had taken place on 24 September 2014.

1.6.2 Mr Sinclair advised Members that the CCRC Stakeholder bi-annual conference had been organised for 6 November 2014 and confirmed that a group of Members and staff would attend the event.

1.6.3 Mr Sinclair provided the Board with an update on outstanding referrals, confirming that following the death of Thomas Ross Young, a family member had indicated that they were prepared to act as his representative and continue with the appeal. He noted that the other 3 outstanding referrals were all relatively recent.

1.7 SCCRC Appeal Court Decisions

Mr Sinclair confirmed that a decision had been issued in the referral of Patrick Docherty on 29 August 2014.

1.8 Correspondence

There was no correspondence for noting.

Section 2: Management Issues (edited)

2.1 Notification by Members of non-case related work

Miss McMenamin Q.C. provided the Board with an update on her work on behalf of the Commission on the Post-Corroboration Safeguards Review led by Lord Bonomy.

2.2 Training & Development

No training and development had been undertaken by staff since the date of the last meeting.

2.3 IT Support Contract

2.3.1 Mr Reddick provided the Board with an overview of the Commission's current IT support arrangements and his proposals for future arrangements.

2.3.2 After full discussion the Board agreed to Mr Reddick's proposed course of action.

Section 3: Case Matters (names deleted)

3.1 Monthly Case Summary

Mr Sinclair provided the Board with an update on monthly case statistics for September 2014.

3.2 Notification of cases where final decisions have been issued since the last meeting of the Board, following the 28 days for submission of further representations expiring:

There were no cases in this category.

3.3 Notification of decision cases agreed at previous meetings of the Board but not yet issued:

There were no cases in this category.

3.4 Referral press releases issued since last meeting of the Board:

There were no press releases issued since the last meeting of the Board.

3.5 Requests for extensions of time to submit further representations:

There were no cases in this category.

3.6 Want of Insistence Cases:

There were no cases in this category.

3.7 Discussion Cases:

Mr Sinclair discussed with the Board correspondence that had been received from an MSP and a firm of solicitors regarding a recent application to the Commission. After discussion it was agreed that Mr Sinclair would respond to the correspondence confirming the Commission's position.

Section 4: Stage 1 Pre Acceptance Cases

4.1–4.13 A total of 13 new applications were considered and the following decisions were made:

2 cases	Accepted for a review of conviction and sentence
1 case	Accepted for a review of conviction
1 case	Continued for 1 month in order to obtain further information
2 case	Rejected: the applicant had not appealed against his conviction or sentence
2 cases	Rejected: the applicant had not appealed against conviction or sentence and there were no stateable grounds of review

1 case	Rejected: the grounds of review were a repeat of the grounds of appeal
3 cases	Rejected: there were no stateable grounds of review
1 case	Rejected: there were no stateable grounds of review and the applicant had not appealed against conviction or sentence

Miss McMenamin Q.C. left the meeting for one case having previously declared a conflict of interest and therefore took no part in its consideration. Professor Irving left the meeting for one (different) case having previously declared a conflict of interest and therefore took no part in its consideration.

Section 5: Proposed Referral Cases

There were no cases in this category.

Section 6: Proposed Interim Cases (edited)

6.1–6.6 The Board considered 6 statements of reasons. After full discussion it agreed not to refer those cases to the High Court.

Section 7: Proposed Supplementary Cases (edited)

7.1–7.2 The Board considered 2 supplementary statements of reasons. It agreed that a final refusal letter should be issued in each case.

Section 8: Concluding Matters

8.1 Any Other Competent Business

There was no other competent business.

8.2 Date of Next Meeting

- Board Meeting – Friday 31 October 2014 @ 10:00

Chris Reddick
13 October 2014