

SCOTTISH CRIMINAL CASES REVIEW COMMISSION

MINUTES OF THE MEETING OF THE BOARD ON FRIDAY 27 MARCH 2015
10.00 AM, PORTLAND HOUSE

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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
Professor Brian Caddy
Mr Stewart Campbell
Miss Frances McMenamin Q.C.
Mr Gerard McClay
Mr Gerrard Bann
Professor George Irving CBE
Mr Peter Ferguson Q.C.

Also Present:

Mr Gerard Sinclair, Chief Executive
Mr Chris Reddick, Director of Corporate Services (minutes)
Sir Gerald Gordon Q.C., Consultant Legal Adviser

Section 1: Governance Matters (names deleted)

1.1 Apologies

There were no apologies.

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

Members were asked to declare any known conflicts of interests or gifts and hospitality. Miss McMenamin Q.C. had declared a conflict in one case; Professor Irving CBE had declared a conflict in one (different) case; and Mr Ferguson QC had declared a conflict in one (different) case.

1.3 Minutes of Board meeting held on 27 February 2015

The Board approved the minutes of the Board meeting held on 27 February 2015 subject to minor amendment. The Board also approved the version of the minutes for the Publication Scheme, subject to the same minor amendment.

1.4 Matters Arising

There were no matters arising.

1.5 Chairman's Report

Mrs Couper provided the Board with updates on the following matters:

- Mrs Couper confirmed that all documentation had now been agreed in respect of the forthcoming Board recruitment process which was due to be advertised today with a closing date of 24 April 2015. She provided an update on where the posts would be advertised and confirmed that the advert would also be placed on the Commission's website.
- Mrs Couper reported that she had reviewed the Audit Committee membership on the basis that both Mr Campbell and Professor Caddy would be leaving the Commission in June 2015. She confirmed that Mr Bann would be replacing Mr Campbell as Chairman of the Audit Committee and that Professor Irving would become a Member of the Audit Committee. She also confirmed that one of the new Board Members would also be invited onto the Audit Committee.

1.6 Chief Executive's Report (amended)

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

- Mr Sinclair reported that he had given a talk to the CLT Criminal Law Conference in Glasgow on 10 March 2015.
- Mr Sinclair confirmed that Mr Ewan Smith, Mr David Smith and Mr Ranjit Sonhi, all Commissioners with the CCRC, had visited the office on 11 March 2015 and had attended the Committee A meeting as part of their visit.
- Mr Sinclair confirmed that a consultation with counsel had taken place on 17 March 2015.
- Mr Sinclair reported that staff had attended a talk at Dalmarnock Police Headquarters on 20 March 2015.
- Mr Sinclair reported that a legal officer meeting was held on 24 March 2015.
- Mr Sinclair reported that the bi-annual Environmental/Health & Safety meeting was held on 24 March 2015.
- Mr Sinclair reported that he had attended the Appeal Court Users Group meeting on 25 March 2015.
- Mr Sinclair reported that the preliminary hearing in respect of the Commission's Petition for an Opinion of the Court in terms of s194D(3) of the Criminal Proceedings (Scotland) Act 1995 was being held this morning. He confirmed that Mr Fenn and Mr Henry were attending and would report back to the Board later.
- Mr Sinclair reported that interviews for the permanent senior legal officer post were scheduled for 30 March 2015.
- Mr Sinclair reported that he would be attending an Accountable Officer Financial Forum on 31 March 2015.
- Mr Sinclair confirmed that today was officially Mr Newall's last day as an employee of the Commission, noting that he had accepted a permanent position with another organisation.

1.6.2 Mr Sinclair circulated copies of the press release and summary report issued by the Westminster Justice Committee in respect of their review of the CCRC which was discussed in detail by the Board, particularly in respect of possible lessons to be learnt, which the Board discussed.

1.6.3 Mr Sinclair provided the Board with an update on the anticipated year end key figures and statistics. He confirmed that the Commission had achieved all of its case related targets for 2014-15 and that the total number of completed and concluded cases was likely to be 174 and 172 respectively, subject to any additional applications being received by 31 March 2015.

1.6.4 Mr Sinclair provided the Board with an update on outstanding referrals, confirming that a decision had been issued in the case of Craig Boath, meaning that as at today's date there was only one outstanding referral to be decided by the High Court.

1.7 SCCRC Appeal Court Decisions

There were no Appeal Court decisions issued since the date of the last meeting.

1.8 Correspondence

Mr Sinclair reported that further correspondence had been received from one applicant along with a new application. After full discussion the Board agreed a response to him in order to clarify his position.

Section 2: Management Issues

2.1 Notification by Members of non-case related work

Mrs Couper confirmed that she had spent additional time on Board recruitment.

2.2 Training & Development

The following training and development had been undertaken by staff since the date of the last meeting:

- Mrs Govan attended the CLT Criminal Law Conference in Glasgow on 10 March 2015.
- Mr Walker, Miss Ralston, Mrs Govan, Mr Fenn, Mr McShane and Mr Henry attended a training day at Dalmarnock Police Headquarters on 20 March 2015.
- Mr C McShane had attended a 3-day First Aid Training course from 25 to 27 March 2015.

2.3 Research & Development: Repeat Applications

2.3.1 Miss Ralston presented the Board with a provisional paper on repeat applications as part of the ongoing internal research project. She provided the Board with an overview of the core statistics from the past 4-years and confirmed that she was now in the process of identifying trends and themes from the data. Mr Sinclair noted that the level of repeat applications in 2014-15 had dropped slightly and suggested that this might be in part due to the work on persistent and repeated applications which had been taken forward by the Commission.

2.3.2 After full discussion it was agreed that any summary findings could be communicated via the Commission's 2014-15 Annual Report and that the full review should be discussed further at the next Policy meeting.

Section 3: Case Matters (amended)

3.1 Monthly Case Summary

Mr Sinclair provided the Board with a summary of the monthly case statistics form March 2015.

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 cases in this category.

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 McShane provided the Board with a summary of the main points in one. After full discussion the Board agreed that the supplementary statement of reasons should proceed to the next meeting of the Committee for further consideration.

Section 4: Proposed Referral Cases (amended)

4.1 The Board considered 1 statement of reasons. After full discussion it agreed to refer those cases to the High Court

Section 5: Proposed Interim Cases (amended)

5.1-5.5 The Board considered 5 statements of reasons. After full discussion it agreed not to refer those cases to the High Court.

(Mr McClay left the meeting for the discussion in one case having previously declared a conflict of interest and therefore took no part in its consideration. Professor Irving left the meeting for the discussion in two cases having previously declared a conflict of interest and therefore took no part in their consideration.)

Section 6: Proposed Supplementary Cases (amended)

6.1-6.3 The Board considered 3 supplementary statements of reasons. After full discussion it agreed not to refer those cases to the High Court.

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

Section 7: Stage 1 Pre Acceptance Cases (amended)

7.1-7.9 A total of 9 new applications were considered and the following decisions were made:

1 case	Accepted for a review of conviction
3 cases	Accepted for a review of conviction and sentence
1 case	the applicant had not appealed against his sentence and there were no plausible grounds of review (guilty plea)
3 cases	Rejected: the grounds of review were a repeat of the grounds of appeal
1 case	Rejected: it was not in the interests of justice to accept the case for a full review

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

Section 8: Concluding Matters

8.1 Any Other Competent Business

Mr Reddick confirmed that work had commenced on the 2014-15 Annual Report, the format of which had been discussed at the User Group meeting on 10 March 2015. He noted that the User Group Members had unanimously supported a move from the production of a hard copy document to an electronic document available via the website and upon request. After discussion the Board agreed that the 2014-15 Annual Report should be produced electronically along with a printer friendly version.

8.2 Date of Next Meeting

- Audit Committee Meeting – Wednesday 8 April 2015 @ 12:30
- Board Meeting – Friday 24 April 2015 @ 10:00

Chris Reddick
14 April 2015