

SCOTTISH CRIMINAL CASES REVIEW COMMISSION

MINUTES OF THE MEETING OF THE BOARD ON FRIDAY 31 OCTOBER 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
Professor Brian Caddy
Professor George Irving CBE
Mr Gerrard McClay
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)
Sir Gerald Gordon Q.C., Consultant Legal Adviser

Section 1: Governance Matters (names deleted)

1.1 Apologies

Mr Campbell had submitted his 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. Mr Ferguson Q.C. had declared a conflict in one case; Miss McMenamin Q.C. had declared a conflict in one (different) case

1.2.2 There were no declarations of gifts or hospitality.

1.3 Minutes of Board meeting held on 25 September 2014

The Board approved the minutes of the Board meeting held on 25 September 2014 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 advised Members that she had invited the Chairman of the CCRC to visit the Commission to discuss issues of mutual interest.
- Mrs Couper confirmed that she had attended the Glasgow roadshow for Lord Bonomy's Post-corroboration Safeguards Review on 21 October 2014.

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 conducted staff mid-year appraisals on 9 October 2014 and had no specific matters to report back regarding performance.
- Mr Sinclair reported that he had attended the Justice Leaders' meeting on 10 October 2014.
- Mr Sinclair confirmed that Boardbooks training had been provided to Members and staff on 20 & 23 October 2014.
- Mr Sinclair reported that Mr Walker had attended Lord Bonomy's Post-corroboration Safeguards Review roadshow in Glasgow on 21 October 2014.
- Mr Sinclair confirmed that representatives from the Board and staff would be attending the CCRC Stakeholder bi-annual conference in London on 6 November 2014.

1.6.2 Mr Sinclair provided the Board with an update on outstanding referrals, confirming that there were currently only 2 outstanding referrals yet to be heard by the High Court.

1.7 SCCRC Appeal Court Decisions

Mr Sinclair confirmed that decisions had been issued in the referral of Thomas Young (deceased) and Faisal Younas and that these would be circulated for information.

1.8 Correspondence

There was no correspondence for noting.

Section 2: Management Issues (edited)

2.1 Notification by Members of non-case related work

There was no non-case related work notified by Members.

2.2 Training & Development

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

- Mr Henry attended the Criminal Law Conference in Glasgow on 1 October 2014.
- Mrs Govan attended a LSA Seminar on Shaken Baby Syndrome on 6 October 2014.

- Miss Anderson and Mr Henry attended the Law Society smartcard registration event in Glasgow on 27 October 2014.
- Mrs Govan attended a Police Scotland debate in Glasgow on 29 October 2014.
- Mrs Govan attended the Lord Rodger Memorial Lecture on 31 October 2014.

2.3 Case Statistics Report – 30 September 2014

Mr Sinclair provided the Board with a summary of the case statistics to 30 September 2014 confirming that the Commission continued to experience a high level of new applications with a further 18 having been received in October 2014 to date. The Board noted the content of the report.

2.4 Finance Report – 30 September 2014

Mr Reddick provided the Board with an overview of the financial position as at 30 September 2014. The Board noted the content of the report.

2.5 Code of Conduct

Mr Reddick confirmed that the new Code of Conduct had been approved by Public Bodies Unit at the Scottish Government and a copy was now being circulated for Members' information. Mr Reddick also requested all Members to complete and return their updated declaration of interests form.

2.6 The Post-Corroboration Safeguards Review

2.6.1 Mr Walker circulated copies of the consultation questionnaire in respect of the Post-Corroboration Safeguards Review and confirmed that he would be drafting the Commission's response based on consultation with the Board. Mr Sinclair confirmed that he had already met with Sir Gerald Gordon, Mr Walker and Mr Fenn to discuss in detail the Commission's proposed response.

2.6.2 Miss McMenamin confirmed that she had attended a roadshow in Aberdeen and provided the Board with an overview of matters that were discussed at these events. Mrs Couper confirmed that she had attended the Glasgow event.

2.6.3 The Board went through each of the questions on the questionnaire and provided Mr Walker with comments to support the draft response. It was agreed that Mr Walker would update the Commission's response and that this would be circulated to Members by email. In the event that the Board wished to consider the response further it was agreed that it could be included on the Board agenda for November 2014 and that an extension of time to submit the response could be sought.

Section 3: Case Matters (edited)

3.1 Monthly Case Summary

Mr Sinclair provided the Board with an update on monthly case statistics for October 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 was one case 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 Fenn provided the Board with a full update on the progress of the stage 1 review in one case. The Board discussed in detail the options open to the Commission to progress the stage 1 review.

Mrs Govan provided the Board with a summary of the main points of the case. After full discussion it was agreed that the case should be drafted as an interim refusal and presented to the Board at its meeting in November 2014.

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.

Section 4: Proposed Referral Cases (edited)

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

Section 5: Proposed Interim Cases (edited)

5.1–5.3 The Board considered 3 statements of reasons. After full discussion it agreed not to refer those cases to the High Court.

Section 6: Proposed Supplementary Cases (edited)

6.1–6.3 The Board considered 3 supplementary statements of reasons. It agreed that a final refusal letter should be issued in each case.

Mr Ferguson Q.C. left the meeting for one case having previously declared a conflict of interest and therefore took no part in its consideration.

Section 7: Stage 1 Pre Acceptance Cases (edited)

7.1–7.14 A total of 14 new applications were considered and the following decisions were made:

1 case	Accepted for a review of conviction
1 case	Continued for 1 month in order to obtain further information
1 case	Rejected: the applicant had not appealed against his conviction
1 case	Rejected: the applicant had not appealed against his sentence
1 case	Rejected: the applicant had not appealed against conviction or sentence and there were no stateable grounds of review
1 case	Rejected: the applicant had not appealed against conviction and there were no stateable grounds of review
2 cases	Rejected: the grounds of review were a repeat of the grounds of appeal
2 cases	Rejected: there were no stateable grounds of review
1 case	Rejected: there were no plausible grounds of review (guilty plea) and the applicant had not appealed against conviction or sentence
1 case	Rejected: there were no plausible grounds of review (guilty plea) and the grounds of review in respect of sentence were a repeat of the appeal grounds.
1 case	Rejected: it was an incompetent application
1 case	Agreed to suspend the case and also requested that Mr Sinclair consider writing to the Chief Executive of the Scottish Legal Aid Board regarding unresolved matters.

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 28 November 2014 @ 10:00

Chris Reddick
19 November 2014