

## SCOTTISH CRIMINAL CASES REVIEW COMMISSION

### MINUTES OF THE MEETING OF THE BOARD ON FRIDAY 25 APRIL 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 Peter Ferguson Q.C.  
Mr Gerard McClay  
Miss Frances McMenamin Q.C.  
Mr Gerrard Bann

#### **Also Present:**

Mr Gerard Sinclair, Chief Executive  
Miss Erin Monaghan, Administration Officer (minutes)  
Sir Gerald Gordon Q.C., Consultant Legal Adviser

### Section 1: Governance Matters (edited)

#### **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. Mr Bann declared a conflict in one case; Mr McClay had previously declared a conflict in one case.

#### **1.3 Minutes of Board meeting held on 28 February 2014**

The Board approved the minutes of the Board meeting held on 28 March 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 would be attending the tripartite and 10<sup>th</sup> anniversary event at the Norwegian Criminal Cases Review Commission on 28 to 30 April 2014. It was noted that Mr Walker and Mr McClay would also be attending this conference.

## 1.6 Chief Executive's Report

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

- Mr Sinclair reported that a pre-training meeting had been held with the University of Strathclyde Innocence Project on 2<sup>nd</sup> April.
- Mr Sinclair reported that staff annual appraisals had been completed.
- Mr Sinclair confirmed that an LO meeting had been held on 22<sup>nd</sup> April.

1.6.2 Mr Sinclair provided a verbal update on the case statistics for 2013-14 which had been recently compiled for the annual report. Mr Sinclair was pleased to note that the Commission had successfully met all of its key targets. He stated that the case target performance was extremely positive in light of the increased case load to the Commission. Mr Sinclair also highlighted that the Stage 1 procedure had reduced the number of cases that have been accepted for full review. The Board discussed the split between summary and solemn cases and noted that the number of applicants applying to the Commission based on a summary conviction had increased.

1.6.3 Mr Sinclair provided a full update on outstanding referrals confirming that as at 25 April 2014 a total of 6 were still to be decided by the High Court. He provided an update on procedural and appeal hearing dates.

## 1.7 SCCRC Appeal Court Decisions

Mr Sinclair reported that the case of Samuel Thompson had been heard on 21 March 2014. It was noted that the Appeal Court had refused the appeal on the basis that the sentence imposed had not been excessive. A written judgment had been issued to Members prior to the meeting.

## 1.8 Correspondence

Mr Sinclair updated Members on one matter. After some discussion it was agreed that the Commission ought to seek further clarification from the solicitors concerned. The Board noted the responses that had been received thus far.

## Section 2: Management Issues

### 2.1 Notification by Members of non-case related work

There was no non-case related work for noting.

### 2.2 Training & Development

There was no staff training and development to report.

### **2.3 Quarterly Case Statistics Report – 31 March 2014**

Mr Sinclair provided an overview of the final case statistics report for 2013-14. Mr Sinclair was of the view that the Commission had concluded an excellent number of cases during a year and that the Commission had continued to receive a steady number of new applications. Mr Sinclair also noted that the Commission had achieved a quicker resolution period during 2013-14. Mrs Couper stated that the Commission had achieved a good outturn of cases concluded and that the statistics were very positive.

### **2.4 Quarterly Finance Report – 31 March 2014**

Mr Sinclair provided an overview of the final quarterly finance report for 2013-14. Mr Sinclair noted that at 31 March 2014 the Commission's annual expenditure for the year was 2% over budget. Mr Sinclair also noted that the overspend had been previously anticipated and monitored throughout the year. This predicted overspend had been reported to both the Board and the Justice Directorate. The Board noted that the increased legal costs related to defending judicial reviews and increased IT support costs were contributory factors. Mr Irving suggested that, as the Commission frequently underspends in the training budget, this could be reduced and the funds allocated elsewhere in order to utilise these better. Mr Sinclair confirmed that the Justice Directorate were reconsidering the allocation of funds to each heading due to a number of factors including the increased Board attendance rates and investigation costs.

### **2.5 Draft Best Value Plan**

Mr Sinclair presented the Best Value Plan on behalf of Mr Reddick. Mr Sinclair noted that Mr Reddick intended to further review the plan but wished for input from the Board in respect of the action plan section. Mr Irving suggested amendment to page 25 to reflect that the Commission currently has service standards in place. Mrs Couper suggested that the plan seemed overly lengthy and complex for the size of the organisation and requested that this be simplified to reflect the Commission's size and structure. It was agreed that an amended version will be presented at the Board meeting in May.

## **Section 3: Case Matters (edited)**

### **3.1 Monthly Case Summary**

Mr Sinclair confirmed that a total of 8 new cases had been received in April 2014 to date.

### **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 2 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:**

No referral press releases were 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:

There were no cases in this category.

#### Section 4: Stage 1 Pre Acceptance Cases (edited)

**4.1-4.16** A total of 16 new applications were considered and the following decisions were made:

2 case	Accepted for a review of conviction and sentence
2 case	Accepted for a review of conviction
1 case	Continued for 1 month in order to obtain further information
2 cases	Rejected: the applicant had not appealed against conviction
1 case	Rejected: the grounds of review were a repeat of the appeal grounds
2 cases	Rejected: the grounds of review were a repeat of the appeal grounds and there were no stateable grounds of review
1 case	Rejected: the conviction grounds of review were a repeat of the appeal grounds and there were no plausible grounds of review (guilty plea); the applicant had not appealed against sentence
2 cases	Rejected: the applicant had abandoned his appeal
1 case	Rejected: the applicant had abandoned his appeal against conviction; the sentence grounds of review were a repeat of the grounds of appeal.
2 cases	Rejected: there were no stateable grounds of review

#### Section 5: Proposed Referral Cases (edited)

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

## Section 6: Proposed Interim Cases (edited)

6.1-6.3 The Board considered 3 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 The Board considered 1 supplementary statement of reasons. It agreed that a final refusal letter should be issued in that case.

## Section 8: Concluding Matters

### 8.1 Any Other Competent Business

#### Criminal Justice (Scotland) Bill

Mr Sinclair provided an update on the Criminal Justice (Scotland) Bill and noted that the introduction of the legislation had been delayed following a Review Group being appointed to further consider the issue of the abolition of corroboration. Mr Sinclair further noted that the further review of corroboration would mean that the removal of s.194(d) would also be delayed as a consequence.

### 8.2 Date of Next Meeting

- Board Meeting – 30 May 2014 @ 10:00

Erin Monaghan  
13 May 2014