

## SCOTTISH CRIMINAL CASES REVIEW COMMISSION

MINUTES OF THE MEETING OF THE BOARD ON FRIDAY 27 FEBRUARY 2015  
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  
Mr Stewart Campbell  
Miss Frances McMenamin Q.C.  
Mr Gerard McClay  
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

#### **In Attendance:**

Mr Richard Foster CBE, Chairman, CCRC

### Section 1: Governance Matters

#### **1.1 Apologies**

1.1.1 Mr Bann had submitted his apologies.

1.1.2 Mrs Couper welcomed Mr Richard Foster, Chairman of the CCRC, to the meeting of the Board confirming that he had been invited as an observer as part of the ongoing visits from CCRC representatives looking at the Commission's operating procedures and governance arrangements.

#### **1.2 Conflicts of Interest/Declarations of Interest/Gifts & Hospitality (names deleted)**

1.2.1 Members were asked to declare any known conflicts of interests or gifts and hospitality. Mr Sinclair had declared a conflict in one case; Mr Bann had declared a conflict in one (different) case

1.2.2 Mrs Couper confirmed that she and Mr Sinclair were guests at the Law Society of Scotland Annual Dinner on 30 January 2015.

### **1.3 Minutes of Board meeting held on 30 January 2015**

The Board approved the minutes of the Board meeting held on 30 January 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**

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

- Mrs Couper confirmed that she and Mr Sinclair had met with Mr Richard Foster, Chairman of the CCRC, on 26 February 2015.
- Mrs Couper provided Members with an update on forthcoming Board recruitment, confirming that three Members were due to complete their terms of office in June 2015. She reported that she had met with Mr Neil Rennick from Scottish Government, Professor Alec Spencer, the assessor, and a representative from the Public Appointments Team to discuss recruitment planning and prepare a submission to the Minister for consideration. She agreed to keep Members informed of the recruitment timetable once it had been approved.
- Mrs Couper reported that she and Mr Campbell had met with the Commission's Internal Auditor on 17 February 2015 to discuss the audit plan for 2015-16. Mrs Couper also confirmed that she would be looking at the Audit Committee composition given that Mr Campbell and Professor Caddy would be leaving the Commission in June 2015.

### **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, Mr Fenn and Mr Reddick had met with representatives from SLAB on 13 February 2015.
- Mr Sinclair confirmed that Mr Richard Foster, Chairman of the CCRC, was on a two day visit to the Commission.
- Mr Sinclair reported that he would be giving a talk to the CLT conference on 10 March 2015.
- Mr Sinclair reported that three Commissioners from the CCRC, Mr Ewan Smith, Mr David Smith and Mr Ranjit Sonhi, would be visiting the Commission on 11 March 2015 and attending the Committee A meeting.
- Mr Sinclair confirmed that the hearing date for the Commission's Petition for an Opinion of the Court in terms of s194D(3) of the Criminal Proceedings (Scotland) Act 1995 had been set for 27 March 2015 and to date no answers had been lodged.

1.6.2 Mr Sinclair confirmed that Mr Gerrard Bann would be moving to Committee C from April 2015 as part of the transition arrangements in advance of new appointments from July 2015.

1.6.3 Mr Sinclair provided an update on Commission referrals confirming that there were currently only two outstanding cases to be heard 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 (names deleted)**

1.8.1 Mrs Couper reported that she had received further correspondence from Mr Alex Neil MSP regarding one case. She confirmed that a response had been drafted which reiterated the Board's position.

1.8.2 Mr Sinclair also reported that one applicant had submitted a complaint to Mr Neil Rennick at Scottish Government's Justice Directorate, which had been copied in to one Board Member, in respect of the management of the Commission. He confirmed that responses had been prepared.

## **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:

- Mr Henry, Miss Anderson, Miss Ralston and Mrs Govan had attended the Criminal Law Masterclass in Glasgow on 7 February 2015.

### **2.3 2015-16 Budget Report**

2.3.1 Mr Reddick provided the Board with a summary of the main points and assumptions used in the 2015-16 Budget Report, confirming that Justice Directorate had already confirmed the ordinary budget allocation for the year as being £1,018,995. In particular he set out the Commission's proposals in respect of staffing and additional funding requirements in respect of the Megrabi application.

2.3.2 Mr Campbell queried the level of support cost savings following the introduction of Boardbooks. Mr Reddick confirmed that the Commission was only now starting to realise savings in respect of photocopying, postage and stationery following the move to paperless in January 2015. In addition he confirmed that one of the largest savings was in respect of administration resource, setting how the Commission planned to utilise this additional capacity. After further discussion the Board noted the content of the report.

### Section 3: Case Matters (name deleted)

#### 3.1 Monthly Case Summary

Mr Sinclair provided the Board with an update on monthly case statistics for February 2015 noting that the Commission had received its 2000<sup>th</sup> application during the month.

#### 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 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:

There were no cases in this category.

### Section 4: Proposed Referral Cases

#### 4.1 There were no cases in this category.

### Section 5: Proposed Interim Cases (amended)

5.1–5.2 The Board considered 2 statements of reasons. After full discussion it agreed to refer both cases to the High Court.

(Miss McMenemy Q.C. and Mr Ferguson Q.C. both left the meeting for one case having previously declared conflicts of interest and therefore took no part in its consideration.)

### Section 6: Proposed Supplementary Cases (amended)

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: Stage 1 Pre Acceptance Cases

7.1–7.8 A total of 8 new applications were considered and the following decisions were made:

1 case	Accepted for a review of conviction
2 cases	Accepted for a review of conviction and sentence
2 cases	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 and there were no stateable grounds of review
1 case	Rejected: it was not in the interests of justice to accept the case for a full review

(Mr Sinclair left the meeting for 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 and Mr Sinclair provided a brief update on Boardbooks implementation and in particular reported on the ongoing testing of email integration with Mr Gerard McClay. Feedback from users was discussed and a number of changes were agreed for the month ahead in respect of the sharing of annotations.

### 8.2 Date of Next Meeting

- Board Meeting – Friday 27 March 2015 @ 10:00

**Chris Reddick**  
12 March 2015