

SCOTTISH CRIMINAL CASES REVIEW COMMISSION

MINUTES OF THE MEETING OF THE BOARD ON FRIDAY 28 NOVEMBER 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
Mr Stewart Campbell
Mr Peter Ferguson Q.C.

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

1.1 Apologies

Mr McClay, Mr Bann, Mr Irving and Miss McMenemy Q.C. 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.

- There were no declarations noted

1.2.2 There were no declarations of gifts or hospitality.

1.3 Minutes of Board meeting held on 31 October 2014

The Board approved the minutes of the Board meeting held on 31 October 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

There were no matters arising.

1.6 Chief Executive's Report (name deleted)

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

- Mr Sinclair reported that Miss McMenamin Q.C., Mr Reddick, Miss Anderson and Mr Henry had attended the CCRC Stakeholder bi-annual conference in Birmingham. An update on the topics covered and any issues arising from the stakeholder event will be discussed at the Policy meeting;
- Mr Sinclair confirmed that a demonstration on the HOLMES 2 had been provided to him and Mr Walker on 7 November. Mr Sinclair noted that the system that had been offered to the Commission would not give the Commission direct access to the live HOLMES system and therefore the actual benefits of having the system "in-house" were still being considered. It was noted that the proposed system would require the police to securely send the data to the Commission to access on a case by case basis;
- Mr Sinclair reported that he attended the SASO conference on the 14 and 15 November and he commented that the conference had been very good with interesting speakers;
- Mr Sinclair provided the Board with a brief update on the outcome of the quarterly meeting with the Justice Directorate. Members noted that the proposed funding had been agreed by the Justice Directorate in respect of the 4262 review. It was also noted that Mr Sinclair had offered an open invitation to the new Justice Minister, Michael Matheson MSP, to visit the Commission;
- Mr Sinclair reported that he and Mr Reddick had met with the internal auditors, William Wilkie and John Montgomery, regarding internal audit matters to be considered by the Audit Committee on 2 December;
- Mr Sinclair reported that a legal officers' meeting had been held on 26 November 2014;
- Mr Sinclair provided the Board with an update on the annual case statistics to 28 November 2014 for information.

1.6.2 Mr Sinclair provided the Board with an update on outstanding referrals, confirming that there were currently only 3 outstanding referrals yet to be heard by the High Court. The Board noted that a s194(d) hearing had been scheduled in December in the case of Archibald Paterson.

1.7 SCCRC Appeal Court Decisions

There were no decisions for noting.

1.8 Correspondence

1.8.1 Mrs Couper stated that further correspondence had been received from Alex Neil MSP in connection one case. It was noted that a response had been drafted and would be sent to Mr Neil addressing the matters he had raised in his most recent letter.

Section 2: Management Issues

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, Miss Anderson, Mr Reddick and Miss McMenemy Q.C. attended the CCRC Bi-annual Stakeholder Conference held in London on 6 November 2014.
- Mr McShane undertook induction training with Rewards Training on 10 and 17 November 2014.
- Mrs Govan attended a talk on the latest criminal appeal decisions given by the Royal Faculty of Procurators on 27 November 2014.

2.3 The Post-Corroboration Safeguards Review (Bonomy)

Following last month's discussion at the Board meeting, Mr Sinclair confirmed that Mr Walker had produced a draft response to the Bonomy Review. The response would incorporate the comments made by both Mrs Couper and Mr Irving. A copy of the response will be emailed to Members. Mr Campbell queried when the findings of the review would be published. Mr Sinclair confirmed that the proposed date was April 2015.

Section 3: Case Matters (edited)

3.1 Monthly Case Summary

Mr Sinclair provided the Board with an update on monthly case statistics for November 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 two 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:

- 12 November 2014 – Archibald Paterson

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.

Section 4: Proposed Referral Cases

4.1 There were no cases in this category.

Section 5: Proposed Interim Cases (edited)

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

Section 6: Proposed Supplementary Cases

6.1 There were no cases in this category.

Section 7: Stage 1 Pre Acceptance Cases (edited)

7.1–7.20 A total of 20 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
1 case	Continued for 1 month in order to obtain further information
1 case	Rejected: the applicant had not appealed against his 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 applicant had not appealed against conviction and there were no plausible grounds (guilty plea); the grounds in relating to sentence were not stateable.
2 cases	Rejected: the grounds of review were a repeat of the grounds of appeal
1 case	Rejected: the grounds of review were a repeat of the appeal grounds and were not stateable.
1 case	Rejected: the grounds of review were a repeat of the appeal grounds and there were also no plausible grounds (fresh evidence)

2 cases	Rejected: there were no stateable grounds of review
1 case	Rejected: there were stateable grounds of review in relation to conviction and there had been no appeal in respect of sentence
1 case	Rejected: there were no plausible grounds of review (guilty plea) and there were no stateable grounds of review
1 case	Rejected: there were no plausible grounds of review (defective plea)
1 case	Rejected: it was not in the interests of justice to undertake a full review
1 case	Rejected: the application was premature
1 case	Rejected: the review was not possible (historic 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 8: Concluding Matters

8.1 Any Other Competent Business

There was no other competent business.

8.2 Date of Next Meeting

- Policy Meeting – Friday 19th December 2014 @ 10:00
- Board Meeting – Friday 30 January 2015 @ 10:00

Erin Monaghan
17 December 2014