

## SCOTTISH CRIMINAL CASES REVIEW COMMISSION

MINUTES OF THE MEETING OF THE BOARD ON FRIDAY 29 AUGUST 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 Gerard Bann  
Miss Frances McMenamin 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

#### **1.1 Apologies**

Mr Ferguson Q.C. and Mr McClay had 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. Miss McMenamin Q.C. and Mr Ferguson Q.C. had declared a conflict in one case. Miss McMenamin Q.C. had declared a conflict in one other case. Mr Ferguson Q.C. had declared a conflict in one other case.

#### **1.3 Minutes of Board meeting held on 25 July 2014**

The Board approved the minutes of the Board meeting held on 25 July 2014. The Board also approved the version of the minutes for the Publication Scheme.

#### **1.4 Matters Arising**

Mrs Couper referred to the Commission's referral in the case of Thomas Ross Young and, following his reported death, asked how this would be recorded by the Commission. Mr Sinclair confirmed that he would need to clarify the position of the outstanding appeal with the High Court in the first instance.

## **1.5 Minutes of Policy meeting held on 24 July 2014**

The Board approved the minutes of the Policy meeting held on 24 July 2014, subject to minor amendment. The Board also approved the version of the minutes for the Publication Scheme subject to the agreed amendments.

## **1.6 Matters Arising**

There were no matters arising.

## **1.7 Chairman's Report**

Mrs Couper confirmed that she had no matters to report.

## **1.8 Chief Executive's Report**

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

- Mr Sinclair reported that the Commission had facilitated a school placement on 12 August 2014.
- Mr Sinclair reported that an internal 4262 planning meeting had been held on 22 August 2014.
- Mr Sinclair reported that a Legal Officers' meeting had been held on 27 August 2014.

1.8.2 Mr Sinclair advised Members that the CCRC Stakeholder bi-annual conference had been organised for 6 November 2014 and suggested that any Members who had not previously visited the CCRC should be given the opportunity to attend.

1.8.3 Mr Reddick advised Members that, in accordance with the Commission's Youth Employment Strategy, recruitment for a new administrative assistant had commenced and this would be taken forward by offering a Modern Apprenticeship.

## **1.9 SCCRC Appeal Court Decisions**

Mr Sinclair confirmed that there were now 4 outstanding appeals following referrals by the Commission. He also circulated copies of the judgment in the case of Steven James Connal for information.

## **1.10 Correspondence**

There was no correspondence for noting.

## **Section 2: Management Issues**

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

There was no non-case related work requiring approval.

## 2.2 Training & Development

No training and development had been undertaken by staff since the date of the last meeting.

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

#### 3.1 Monthly Case Summary

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

There were no cases in this category.

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

4.1–4.25 A total of 25 new applications were considered and the following decisions were made:

3 cases	Accepted for a review of conviction
2 cases	Accepted for a review of sentence
3 cases	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 his conviction or sentence
1 case	Rejected: the applicant had not appealed against his conviction and the grounds of review in respect of his sentence were a repeat of his appeal grounds
1 case	Rejected: the applicant had not appealed against his conviction and the grounds of review in respect of his sentence were not stateable
3 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 there were no stateable grounds of review
1 case	Rejected: the grounds of review were a repeat of the appeal grounds in respect of sentence and there were no stateable grounds of review.
1 case	Rejected: the ground of review in respect of conviction were a repeat of the appeal grounds and it was not in the interests of justice to review the sentence
1 case	Rejected: there were no stateable grounds of review
1 case	Rejected: the applicant had abandoned his appeal without good reason
1 caseS	Rejected: the applicant had abandoned his appeal against conviction without good reason and an appeal was outstanding in respect of sentence.
1 case	Rejected: it was not in the interests of justice to review the case
1 case	Rejected: the application was not competent.
1 case	Rejected: it was a historical case, making a review impossible.

Miss McMenamin Q.C. and Mr Ferguson Q.C. had declared a conflict of interest in certain cases; they left the meeting for those cases and took no part in their consideration.

## Section 5: Proposed Referral Cases

There were no cases in this category.

## Section 6: Proposed Interim Cases (edited)

6.1–6.2 The Board considered 2 statements of reasons. After full discussion it agreed not to refer those cases to the High Court.

## Section 7: Proposed Supplementary Cases

There were no cases in this category.

## Section 8: Concluding Matters

### 8.1 Any Other Competent Business

There was no other competent business.

### 8.2 Date of Next Meeting

- Board Meeting – Thursday 25 September 2014 @ 10:00

**Chris Reddick**  
11 September 2014