

SCOTTISH CRIMINAL CASES REVIEW COMMISSION

MINUTES OF THE MEETING OF THE BOARD ON FRIDAY 24 APRIL 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
Mr Gerard McClay
Mr Gerrard Bann
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

Section 1: Governance Matters (names deleted)

1.1 Apologies

Miss McMenamin Q.C. had submitted her 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 Ferguson QC and Mr Bann had declared a conflict in one case; and Mr Ferguson QC had declared conflicts in two other cases.

1.3 Minutes of Board meeting held on 27 March 2015

The Board approved the minutes of the Board meeting held on 27 March 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 Minutes of Audit Committee meeting held on 8 April 2015

The Board noted the draft minutes of the Audit Committee meeting held on 8 April 2015 which the Audit Committee Members confirmed would be approved at the next meeting of the Audit Committee on 4 June 2015, taking account of any suggested amendments. The Board also noted the version of the minutes for the Publication Scheme.

1.6 Matters Arising

Professor Caddy confirmed that he had no matters arising from the meeting of the Audit Committee on 8 April 2015 to raise with the Board.

1.7 Chairman's Report

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

- Mrs Couper reported that she had been part of the panel for the internal senior legal officer recruitment on 30 March 2015 and confirmed that Mrs Govan had been the successful candidate.
- Mrs Couper confirmed that today was the closing date for the current Board recruitment exercise and that she would keep Members advised of any updates in the process.

1.8 Chief Executive's Report

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

- Mr Sinclair confirmed that Mrs Govan had been promoted to senior legal officer from 1 April 2015.
- Mr Sinclair reported that there had been two visits from CCRC during the month on 8 and 14 April 2015.
- Mr Sinclair reported that staff appraisals had been completed on 22 April 2015.
- Mr Sinclair reported that he and Mr Reddick would be attending a quarterly meeting with Justice Directorate on 29 April 2015.

1.8.2 Mr Sinclair advised Members that there would be a further visit from CCRC Commissioners on 12 May 2015 and that Professor Caroline Hoyle would also be visiting the Commission on 19 May 2015.

1.8.3 Mr Sinclair reported that there were only two outstanding Commission referrals, confirming that the appeal in respect of Mr David Lilburn was taking place this week and a decision could be expected soon.

1.9 SCCRC Appeal Court Decisions

There were no Appeal Court decisions issued since the date of the last meeting.

1.10 Correspondence

Mr Sinclair confirmed that he had received an invitation from the Crown Agent to attend a conference in Edinburgh on 21 to 25 June 2015. The conference has been organised

by the International Society for the Reform of Criminal Law and Mr Sinclair confirmed that he would book a place and divide the days up amongst interested staff.

Section 2: Management Issues (edited)

2.1 Notification by Members of non-case related work

Mrs Couper confirmed that she had spent additional time on senior legal officer recruitment.

2.2 Training & Development

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

- Mr Fenn and Mr Lynn had visited the CCRC on 22 April 2014 to investigate the new intranet which had been developed and consider if there were any lessons to be learned for the Commission.

2.3 Annual Case Statistics Report 2014-15

Mr Sinclair provided the Board with an overview of the annual case statistics to 31 March 2015 confirming that 2014-15 had been the Commission's second busiest year in terms of the number of applications received. He also provided an overview of concluded case and referral numbers. The report was noted by the Board.

2.4 Annual Finance Report 2014-15

Mr Reddick provided the Board with a summary of the Annual Finance Report to 31 March 2015. After full discussion the Board noted the content of the report and the anticipated year-end financial position.

2.5 Draft 2015-16 Business Plan

Mr Reddick provided the Board with an overview of the draft 2015-16 Business Plan which had been circulated for comment. The Board discussed the plan in detail and provided a number of suggested updates and amendments. Mr Reddick agreed to incorporate these within the final version.

Section 3: Case Matters (name deleted)

3.1 Monthly Case Summary

Mr Sinclair provided the Board with a summary of the monthly case statistics to 31 March 2015.

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

There were no cases in this category.

Section 5: Proposed Interim Cases (edited)

5.1 The Board considered 1 statement of reasons. After full discussion it agreed not to refer the case to the High Court.

Section 6: Proposed Supplementary Cases

6.1 The Board considered 1 supplementary statement of reasons. After full discussion it agreed not to refer the case to the High Court

Section 7: Stage 1 Pre Acceptance Cases (edited)

7.1–7.15 A total of 15 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 conviction and sentence
1 case	Rejected on conviction on the basis that the applicant had not appealed and there were no plausible grounds of review (guilty plea); rejected on sentence on the basis that it was not in the interests of justice to review the case.
1 case	Rejected on conviction on the basis that the applicant had not

	appealed; rejected on sentence on the basis that the grounds of review were a repeat of the grounds of appeal.
1 case	Rejected: the grounds of review were a repeat of the grounds of appeal
2 cases	Rejected: there were no stateable grounds of review
4 cases	Rejected: it was not in the interests of justice to accept the case for a full review
1 case	It was agreed that the case would remain suspended

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

Mr Bann and Mr Ferguson Q.C. both left the meeting for the discussion in two cases having previously declared conflicts of interest and therefore took no part in their consideration.

Mr Ferguson Q.C. left the meeting for the discussion in two other cases having previously declared conflicts of interest and therefore took no part in their consideration.)

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 29 May 2015 @ 10:00

Chris Reddick
18 May 2015