

SCOTTISH CRIMINAL CASES REVIEW COMMISSION

MINUTES OF THE MEETING OF THE BOARD ON FRIDAY 25 SEPTEMBER 2015
10.00 AM, PORTLAND HOUSE

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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
Miss Frances McMenamin Q.C.
Professor George Irving CBE
Professor Jim Fraser
Doctor Rajan Darjee
Mr Colin Dunipace

Also Present:

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

Section 1: Governance Matters

1.1 Apologies

Mr Ferguson Q.C. and Mr Bann had submitted their 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. There were no declarations.

1.3 Minutes of Board meeting held on 28 August 2015

The Board approved the minutes of the Board meeting held on 28 August 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

Mrs Couper informed members that Lord Carloway and Lady Dorrian had kindly agreed to attend the Commission later this year to provide a presentation on the work of the appeal court. A date will be agreed in due course.

1.6 Chief Executive's Report

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

- Mr Sinclair advised he attended the NDPB Chief Executive Forum
- Mr Sinclair confirmed the mid-year annual staff appraisals will be held next month
- Mr Sinclair informed members 86 cases had been received so far this year
- Mr Sinclair confirmed there are no outstanding referral cases.

1.7 SCCRC Appeal Court Decisions

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

1.8 Correspondence (edited)

Mr Sinclair advised a letter had been received from a Scottish Government case worker requesting reports pertaining to a particular applicant. Members agreed a response should be issued to determine why the reports are required and a letter should be sent to the applicant.

Section 2: Management Issues

2.1 Notification by Members of non-case related work

There were no notifications of non-case related work undertaken by Members.

2.2 Training & Development

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

2.3 Legal Update September 2015 newsletter style issued (edited)

Mr Sinclair advised that the newsletter will be issued bi-annually between Policy meetings. Members agreed that they found the newsletter very helpful, particularly non-legal members. It was agreed that the newsletter's first couple of issues will be for members only to obtain feedback before further consideration would be given to making such a newsletter public on the website. Mr Fenn advised that the newsletter will be discussed in more detail at the Policy meeting on 11th of December and the next issue will be at the beginning of next year.

Mr Sinclair and Mr Fenn provided the Board with a full update on the progress of the stage 1 review in one case.

Mr Sinclair provided the Board with an update on a current court case to which the Commission is a party.

Section 3: Case Matters (edited)

3.1 Monthly Case Summary

Mr Sinclair provided the Board with a summary of the monthly case statistics to the end of September 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:

Mr Sinclair confirmed that six final decisions had been issued since the last meeting of the Board, following the 28 days for submissions of further representations expiring.

- 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:

Two extension-of-time requests (one for 13 weeks and one for 4 weeks) were approved.

- 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)

5.1–5.4 The Board considered 4 statements of reason. After full discussion it agreed not to refer those cases to the High Court.

Section 6: Proposed Supplementary Cases (edited)

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

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

Section 7: Stage 1 Pre Acceptance Cases (edited)

7.1–7.17 A total of 17 new applications were considered and the following decisions were made:

2 cases	Accepted for a review of conviction
1 case	Accepted for a review of sentence
2 cases	Rejected: the applicant had not appealed
1 case	Rejected: the applicant had not appealed and there were no stateable grounds of review
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 there were no stateable grounds of review
1 case	Rejected on conviction on the basis that applicant had abandoned his appeal without good reason; rejected on sentence that the basis that the applicant had not appealed
3 cases	Rejected: the grounds of review were a repeat of the grounds of appeal
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 on conviction on the basis that the grounds of review were a repeat of the grounds of appeal and there were no stateable grounds of review; rejected on sentence on the basis that there were no stateable grounds of review
2 cases	Rejected: there were no stateable grounds of review
1 case	Continued for 1 month in order to obtain additional information or for further consideration

Dr Darjee 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

8.2 Date of Next Meeting

- Board Meeting – Friday 30 October 2015 @ 10:00

Kirsty Glass
25 September 2015