

SCOTTISH CRIMINAL CASES REVIEW COMMISSION

MINUTES OF THE MEETING OF THE BOARD ON FRIDAY 26 JUNE 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
Miss Frances McMenamin Q.C.
Mr Peter Ferguson Q.C.
Professor George Irving CBE
Mr Gerrard Bann

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

There were no 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 29 May 2015

The Board approved the minutes of the Board meeting held on 29 May 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 the Audit Committee meeting held on 4 June 2015

Mr Campbell confirmed that the Audit Committee had approved the minutes of the meeting on 4 June 2015 subject to minor amendment. He also confirmed that the version of the minutes for the Publication Scheme had also been approved, subject to the same minor amendments. The Board noted the content of the minutes.

1.6 Matters Arising

1.6.1 Mr Campbell referred the Board to the Audit Committee Annual Report for 2014-15, confirming that this was a new report produced this year to draw together all of the Audit Committee's activity from the year as part of the overall governance and assurance process. He confirmed that the Audit Committee's opinion had been included on page 2 and that the report also recorded the Audit Committee's recommendation to the Accountable Officer regarding the signing of the 2014-15 Annual Accounts.

1.6.2 Mr Campbell also provided the Board with an update on other matters considered as part of this meeting. Mrs Couper confirmed that she had been present at the meeting which had been very successful. Mrs Couper also formally thanked Mr Campbell and Professor Caddy for their work with the Audit Committee since their appointment as the meeting on 4 June 2015 was their last. The Board echoed Mrs Couper's thanks.

1.7 Chairman's Report

1.7.1 Mrs Couper confirmed that she had identified an appropriate Board effectiveness questionnaire which she requested Members to complete. She also confirmed that this would be issued to the management team for completion and the results would be collated and analysed in due course.

1.7.2 Mrs Couper provided an update on the current Board recruitment exercise and confirmed that appointments should be formally made in July 2015.

1.7.3 Mrs Couper confirmed that she had participated in the International Society for the Reform of Criminal Justice conference on 22 June 2015.

1.8 Chief Executive's Report (names deleted)

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

- Mr Sinclair reported that he had attended the Audit Committee on 4 June 2015 where the signing of the 2014-15 Annual Accounts had been approved.
- Mr Sinclair reported that he had attended the International Society for the Reform of Criminal Justice conference between 21 and 25 June 2015. He confirmed that papers from the conference would be made available in due course.
- Mr Sinclair reported that he had attended a consultation with the Commission's instructed solicitor regarding court actions involving an applicant. He confirmed that the nobile officium petition had subsequently been rejected.

1.8.2 Mr Sinclair referred the Board to the Commission's Persistent and Repeated Applications Policy and the Persistent and Vexatious Correspondents Policy

confirming that he had undertaken an annual review of both registers and had made no recommended changes. The Board noted both reviews.

1.8.3 Mr Sinclair provided the Board with an update on the petition to the High Court in respect of one application confirming that answers had been lodged by the Commission and the Crown. He also provided an update on correspondence with solicitors regarding the petition and application.

1.8.4 Mr Sinclair confirmed that the Commission's 2014-15 Annual Report would be laid in Parliament on 30 June 2015 and thereafter would be published and made available to Members via Boardbooks.

1.9 SCCRC Appeal Court Decisions

Mr Sinclair provided the Board with an update on High Court decisions and confirmed that the appeal in the case of David Lilburn had been refused, leaving one outstanding Commission referral to be decided.

1.10 Correspondence

Mr Sinclair reported that he had received a request from a Chinese delegation of judges to visit the Commission later in the year to find out more about how it works. He confirmed that he would facilitate this visit.

Section 2: Management Issues

2.1 Notification by Members of non-case related work

Mrs Couper confirmed that she had spent additional time on the foreword to the annual report and Board Member recruitment.

2.2 Training & Development

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

- Miss Monaghan had attended a Law Society training event on 17 June 2015.
- A number of staff and Members had attended the International Society for the Reform of Criminal Justice conference between 21 and 25 June 2015.

2.3 Corporate Risk Register – Quarter 4: 2014-15

Mr Reddick reported that the Corporate Risk Register had been considered by the Audit Committee at their meeting on 4 June 2015 where they had agreed various changes to further control actions but no revisions to individual risk scoring. Mr Reddick confirmed that a number of the current risks would potentially see changes to their likelihood scoring over the next quarter and agreed to keep the Board advised. The Board noted the content of the Corporate Risk Register.

2.4 Best Value Action Plan Update

Mr Reddick provided the Board with an update on the Best Value Action Plan, reporting that this had been considered by the Audit Committee at their meeting on 4 June 2015.

He confirmed that all actions had been incorporated within the 2014-15 Business Plan Objectives and a full update on performance against these had previously been provided within the 2015-16 Business Plan. The Board noted the content of the update report.

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 26 June 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 were no 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:

There were no cases in this category.

3.5 Requests for extensions of time to submit further representations:

One extension-of-time request (for 4 weeks) was 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)

5.1–5.2 The Board considered 2 statements of reason. After full discussion it agreed not to refer those cases to the High Court.

Miss McMenamin Q.C. and Mr Ferguson Q.C. left the meeting for the discussion in one case (the same case) having previously declared a conflict of interest and therefore took no part in its consideration.

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 Ferguson Q.C. left the meeting for the discussion in one case having previously declared a conflict of interest and therefore took no part in its consideration. Professor Irving left the meeting for the discussion in the other case having previously declared a conflict of interest and therefore took no part in its consideration.

Section 7: Stage 1 Pre Acceptance Cases (edited)

7.1–7.16 A total of 16 new applications were considered and the following decisions were made:

3 cases	Accepted for a review of conviction and sentence
1 case	Accepted for a review of conviction
1 case	Accepted for a review of sentence
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 sentence appeal grounds.
1 case	Rejected on conviction on the basis that applicant had abandoned his appeal; rejected on sentence on the basis that there were no stateable grounds of review
1 case	Rejected: the grounds of review were a repeat of the grounds of appeal
1 case	Rejected on conviction on the basis that the grounds of review were a repeat of the appeal grounds and there were no stateable grounds; rejected on sentence on the basis that the applicant had not appealed and there were no stateable grounds
2 cases	Rejected: there were no stateable grounds of review
1 case	Rejected on conviction on the basis that there were no stateable grounds of review; rejected on sentence on the basis that the applicant had not appealed
4 cases	Continued for 1 month in order to obtain additional information or for further consideration

Mr McClay left the meeting for the discussion in one case having previously declared a conflict of interest and therefore took no part in its consideration. Miss McMenemy left the meeting for the discussion in one (different) 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

8.1.1 Mr Reddick confirmed that the publication of the Commission's position papers had been referred to within the 2014-15 Annual Report and they would now be uploaded to the website during the course of July 2015.

8.1.2 Mr Campbell referred to the Board's Terms of Reference and in particular the requirement for at least 1 legal Member to be present for all meetings of the Board. He suggested that there would be a better balance if the Terms of Reference were updated to require at least 1 legal and 1 lay Member to be present for all meetings of the Board. Mrs Couper confirmed that this was a sensible practical change and after discussion the Board approved the change.

(Commission staff joined the meeting at this point.)

8.1.3 Mrs Couper formally conveyed her thanks to Mr McClay, Mr Campbell and Professor Caddy, on the occasion that this was their last meeting as Members of the Board, for their hard work and valued commitment to the Commission during their appointments to the Board. This was echoed by Members and staff.

8.2 Date of Next Meeting

- Policy Meeting – Friday 24 July 2015 @ 10:00
- Board Meeting – Friday 31 July 2015 @ 10:00

Chris Reddick
16 July 2015