

SCOTTISH CRIMINAL CASES REVIEW COMMISSION

MINUTES OF THE MEETING OF THE BOARD ON FRIDAY 28 AUGUST 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
Miss Frances McMenamin Q.C.
Professor George Irving CBE
Mr Gerrard Bann
Professor Jim Fraser
Mr Colin Dunipace

Also Present:

Mr Gerard Sinclair, Chief Executive
Mr Chris Reddick, Director of Corporate Services (minutes)
Mr Neil Rennick, Acting Justice Director, Scottish Government – in attendance for part of the meeting as an observer

Section 1: Governance Matters

1.1 Apologies

Mr Ferguson Q.C., Dr Darjee and Sir Gerald Gordon Q.C. 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 31 July 2015

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

Mr Sinclair provided the Board with an update on ongoing court actions in respect of Mr Graham Gordon.

1.5 Minutes of Policy meeting held on 24 July 2015

The Board approved the minutes of the Policy meeting held on 24 July 2015. The Board also approved the version of the minutes for the Publication Scheme.

1.6 Matters Arising

There were no matters arising.

1.7 Chairman's Report

Mrs Couper confirmed that she had no matters to report upon.

1.8 Chief Executive's Report (names deleted)

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

- Mr Sinclair reported that the resource section of Boardbooks had been updated extensively with case notes and confirmed that Mr Fenn would take the Board through this later.
- Mr Sinclair provided an update in one case where a section 188 minute had been successful and as a result the applicant's conviction had been set aside.
- Mr Sinclair reported that a new administration assistant had been appointed under a youth apprenticeship scheme. He also confirmed that this was the second appointment the Commission had made under this scheme.

1.8.1 Mr Sinclair reported that he and Mr Reddick had commenced the planning process for the new 3-year Corporate Plan and were currently in the process of exploring appropriate themes to be incorporated within the plan. The Board discussed areas for possible inclusion within the plan including the Commission's effectiveness, overall approach and stakeholder awareness. Mr Sinclair confirmed that a draft of the new plan would be presented to the Board in October 2015 for consideration.

1.9 SCCRC Appeal Court Decisions

Mr Sinclair reported that a successful decision had been issued in the case of William O'Neill, confirming that this was the last outstanding Commission referral to be considered by the High Court. He also confirmed that a written judgment had still to be issued and that this would be circulated in due course.

1.10 Correspondence

There was no correspondence for consideration.

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

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

- All staff had attended diversity training on 7 August 2015 provided by one of the national development workers from Supporting Offenders with Learning Difficulties (SOLD).

2.3 Applicants with Learning Difficulties

Mrs Govan provided the Board with a summary of her paper on “applicants with learning difficulties” and in particular set out the key recommendations from the Scottish Government’s strategy document “The Keys to Life: Improving quality of life for people with learning difficulties,” which are applicable to the Commission. After full discussion the Board agreed that Mrs Govan would take forward an audit of the Commission’s current arrangements and develop an action plan to demonstrate how the Commission will ensure, and by when, that all services and provisions are fully accessible to people with learning disabilities and learning difficulties.

2.4 Case Update (names deleted)

Mr Sinclair provided the Board with a full update on the current position of one case and confirmed that following the Petition to the High Court the Commission had now placed both the petition and the note of argument on the website.

Section 3: Case Matters (names deleted)

3.1 Monthly Case Summary

Mr Sinclair provided the Board with a summary of the monthly case statistics to 28 August 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 final extension of time for a period of 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 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 reason. After full discussion it agreed finally not to refer the case to the High Court.

Section 7: Stage 1 Pre Acceptance Cases

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

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|---------|--|
| 3 cases | Accepted for a review of conviction and sentence. |
| 3 cases | Accepted for a review of conviction. |
| 1 case | Accepted for a review of sentence. |
| 1 case | Rejected on conviction on the basis that there were no stateable grounds of review; rejected on sentence on the basis that the grounds of review were a repeat of the grounds of appeal. |
| 1 case | Rejected on conviction on the basis that the applicant had not appealed against conviction and there were no stateable grounds of review; rejected on sentence on the basis that 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 grounds of appeal; rejected on sentence on the basis that there were no stateable grounds of review. |
| 1 case | Rejected: the applicant had not appealed against conviction and it was not in the interests of justice to accept the case for a stage 2 review. |

1 case	Rejected on the basis that the applicant abandoned their appeal without good reason.
1 case	Rejected on the basis that the grounds of review were a repeat of the grounds of appeal.
1 case	Rejected on the basis that there were no stateable grounds of review.
1 case	Rejected on the basis that the applicant had not appealed against conviction and there were no plausible grounds of review (guilty plea).
1 case	Continued for 1 month in order to obtain additional information or for further consideration.
1 case	Closed following a successful section 188 minute.

Professor Irving 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 8: Concluding Matters

8.1 Any Other Competent Business

There was no other competent business.

8.2 Date of Next Meeting

- Board Meeting – Friday 25 September 2015 @ 10:00

Chris Reddick
17 September 2015