

SCOTTISH CRIMINAL CASES REVIEW COMMISSION

MINUTES OF THE MEETING OF THE BOARD ON FRIDAY 29 JANUARY 2016 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
Professor Jim Fraser
Mr Peter Ferguson Q.C.
Mr Colin Dunipace
Doctor Rajan Darjee
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 (edited)

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. Doctor Darjee had declared a conflict in one case.

1.3 Minutes of Board meeting held on 27 November 2015

The Board approved the minutes of the Board meeting held on 27 November 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 3 December 2015

The draft minutes of the Audit Committee meeting held on 3 December 2015 were circulated for information. Mr Reddick confirmed that these would be approved with the Audit Committee Members.

1.6 Matters Arising

There were no matters arising.

1.7 Minutes of Policy meeting held on 11 December 2015

The Board approved the minutes of the Policy meeting held on 11 December 2015 subject to minor amendment. The Board also approved the version of the minutes for the Publication Scheme, subject to the same minor amendment.

1.8 Matters Arising

There were no matters arising.

1.9 Chairman's Report

Mrs Couper reported that the Lord President and Lady Dorrian had visited the Commission on 28 January 2016 and confirmed that this had been a very helpful and interesting session, thanking everyone for their attendance.

1.10 Chief Executive's Report

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

- Mr Sinclair reported that the Criminal Justice (Scotland) Act 2016 had been passed although the section relating to the Commission had still to take effect.
- Mr Sinclair reported that he and Mrs Couper would be attending the Law Society Annual Dinner that evening.
- Mr Sinclair reported that the management team from CCRC would be visiting the Commission on 2 February 2016.
- Mr Sinclair confirmed that the Lord Advocate, accompanied by the Head of the Appeals Unit, would be visiting the Commission on 24 March 2016.

1.11 Mr Sinclair provided the Board with a full update on the Commission's two outstanding referrals, confirming that 194DA hearings had been held in both.

1.12 Mr Sinclair reported that in one case the Commission had agreed with the applicant's solicitors to reconsider a point raised previously in that case.

1.13 Mr Sinclair provided the Board with an update on current legal actions by Mr Graham Gordon at both the Sheriff Court and Supreme Court which were noted by the Board.

1.11 SCCRC Appeal Court Decisions

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

1.12 Correspondence

There was no correspondence for noting.

Section 2: Management Issues

2.1 Notification by Members of non-case related work

Mr Sinclair confirmed that 2 hours attendance had been agreed for attending the talk from the Lord President and Lady Dorrian on 28 January 2016.

2.2 Training & Development

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

- Miss Ralston and Miss Monaghan had attended a Criminal Law Masterclass in Edinburgh on 23 January 2016.
- Miss Monaghan had attended a Glasgow University Ethics course on 27 January 2016.

2.3 Quarterly Case Statistics Report – 31 December 2015

Mr Sinclair provided the Board with a summary of the quarterly case statistics to 31 December 2015 confirming that a total of 117 new cases had been received, 30 concluded after full review and 2 cases referred.

2.4 Quarterly Finance Report – 31 December 2015

Mr Reddick provided the Board with a summary of the Commission's expenditure to 31 December 2015 and provided an outline of the anticipated year end position which had been discussed in full with Justice Directorate. He confirmed that additional expenditure in relation to legal costs and the Megrahi application would now be met within the Commission's existing budget which was noted by the Board.

2.5 Corporate Risk Register

Mr Reddick confirmed that the Corporate Risk Register had been considered by the Audit Committee at their meeting on 3 December 2015 and that a number of potential changes over the coming months had been identified for discussion with the Board. The Board discussed the register in detail and agreed to note the potential future changes at this stage. They also agreed to consider additional risks in relation to changes in court process and evidential problems.

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 January 2016, confirming that a total of 11 new applications had been received this month to date.

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:

Final decisions had been issued in four cases.

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 Press releases issued since last meeting of the Board:

- 11 December 2015 – Andrew Brown Referral

3.5 Requests for extensions of time to submit further representations:

One extension-of-time request (a 3rd request, for four weeks) was granted; the Board agreed that this was the final extension.

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)

5.1–5.5 The Board considered 5 statements of reasons. After full discussion it agreed not to refer those five cases to the High Court.

Section 6: Proposed Supplementary Cases (edited)

6.1–6.3 The Board considered 3 supplementary statements of reason. After full discussion it agreed finally not to refer those cases to the High Court.

Section 7: Stage 1 Pre Acceptance Cases (edited)

7.1–7.13 A total of 13 new applications were considered and the following decisions were made:

1 case Accepted for a review of conviction and sentence

1 case Accepted for a review of conviction

1 case	Accepted for a review of conviction; rejected on sentence on the basis that the applicant had not appealed against sentence and there were no stateable grounds of review
2 cases	Rejected: the applicant had not appealed against conviction or sentence
1 case	Rejected on conviction on the basis that there were no plausible grounds of review (guilty plea) and the applicant had not appealed against conviction; rejected on sentence on the basis the applicant's grounds of review were a repeat of the grounds of appeal against sentence
2 cases	Rejected: the grounds of review were a repeat of the grounds of appeal and there were no stateable grounds of review
3 cases	Rejected: there were no stateable grounds of review
2 cases	Continue the case for 1 month in order to obtain further information

Section 8: Concluding Matters

8.1 Any Other Competent Business

- 8.1.1 Mr Reddick confirmed that the Commission had successfully retained its Investors in People status following the reaccreditation visit on 22 January 2016.
- 8.1.2 Mr Reddick provided the Board with an update on an IT issue relating to a server failure which he confirmed had been fully resolved in accordance with the Commission's Business Continuity Plan. He noted that the successful recovery was a useful test of the Commission's backup routine and server management.
- 8.1.3 Mr Reddick confirmed that the Commission had received a request for part-time working from one of its employees currently on maternity leave. After full discussion the Board granted the request.

8.2 Date of Next Meeting

- Board Meeting – Friday 26 February 2016 @ 10:00

Chris Reddick
18 February 2016