

## SCOTTISH CRIMINAL CASES REVIEW COMMISSION

MINUTES OF THE MEETING OF THE BOARD ON FRIDAY 29 MAY 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.

#### **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**

Professor Irving 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 24 April 2015**

The Board approved the minutes of the Board meeting held on 24 April 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 confirmed that interviews had taken place on 26 and 27 May 2015 for the Board positions and that recommendations for appointment were currently being

prepared to go to the Minister in the first instance. She confirmed that this had been a positive recruitment exercise with a good level of response. She also confirmed that new Members would likely be in place by early July 2015.

## **1.6 Chief Executive's Report**

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

- Mr Sinclair confirmed that two CCRC visits had taken place during the month with 3 Commissioners visiting on 12 May 2015 and Professor Hoyle visiting on 19 May 2015.
- Mr Sinclair reported that the first of a series of Boardbooks Guidance Notes had been prepared and circulated today. He confirmed that it focussed on annotations and would be placed within the resource section of Boardbooks. Mr McClay noted that additional functionality in respect of private annotations had been passed back to Diligent for consideration.

1.6.2 Mr Sinclair provided Members with an update on outstanding referrals confirming that there were currently 3 to be heard by the High Court.

## **1.7 SCCRC Appeal Court Decisions**

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

## **1.8 Correspondence (edited)**

1.8.1 Mr Walker provided the Board with a summary of the report he had prepared following the request for information from a firm of solicitors. After full discussion the Board agreed a response to be issued by the Chief Executive.

1.8.2 Mr Sinclair provided the Board with an overview of the citation received in respect of the Sheriff Court action raised by Mr Graham Gordon against the Commission and the Scottish Ministers. He also confirmed that Mr Gordon had also sought to lodge a petition to the Nobile Officium whereby a copy had been sent to the Commission by the Court of Session out of courtesy.

1.8.3 The Board discussed in detail Mr Sinclair's overview in respect of both actions. They agreed that the Commission should instruct solicitors to defend the Sheriff Court Action.

## **Section 2: Management Issues**

### **2.1 Notification by Members of non-case related work**

Mrs Couper confirmed that she had spent additional time on Board recruitment

### **2.2 Training & Development**

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

- Mr Walker had attended a Records Management Seminar at the Scottish Parliament on 8 May 2015.

- All staff had attended refresher Health & Safety Training at the office on 13 May 2015.
- Mrs Govan and Miss Ralston had attended a Hastie Stables Seminar in Paisley on 14 May 2015.
- Miss Ralston and Mr Henry had attended the Royal Faculty of Procurators seminar on “Prosecute or Protect” on 21 May 2015.

### 2.3 2015-16 Business Plan

Mr Reddick confirmed that the first draft of the 2015-16 Business Plan had been considered at the meeting of the Board on 24 April 2015 and had subsequently been amended to take on board suggested updates. After full discussion the Board approved the 2015-16 Business Plan subject to minor amendment and update.

### 2.4 Draft 2014-15 Annual Report & Accounts

Mr Reddick provided the Board with a summary of the draft 2014-15 Annual Report, confirming that this followed a similar format to the 2013-14 Annual Report although it would only be produced in electronic format this year as previously agreed. He confirmed that the Chairman’s Foreword and Research Report Summary had still to be included. He also confirmed that he had received a number of suggested updates and typos which would be actioned. Mr Reddick also confirmed that he was looking to finalise the report by 19 June 2015 so that it could be laid in Parliament on 30 June 2015. The Board discussed and agreed the format and content of the draft report.

## Section 3: Case Matters (edited)

### 3.1 Monthly Case Summary

Mr Sinclair provided the Board with a summary of the monthly case statistics to 29 May 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 two 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:

Three extension-of-time requests (for 8, 6 and 2 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**

4.0. 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.

Mr Ferguson Q.C. had previously declared a conflict of interest and therefore took no part in its consideration.

**Section 6: Proposed Supplementary Cases (edited)**

6.1 The Board discussed one the supplementary statement of reasons. After full discussion it was agreed that the case should be updated and reconsidered by the Committee before being brought back to the Board.

Mr Ferguson Q.C. had 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	Rejected: the applicant's appeal against conviction was outstanding.
1 case	Rejected: the applicant had not appealed against conviction or sentence
1 case	Rejected: the applicant had not appealed against conviction 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 the applicant had not appealed and there were no stateable grounds of review.
1 case	Rejected: the applicant abandoned his appeal without good reason

1 case	Rejected: the applicant abandoned his appeal without good reason and there were no stateable grounds of review
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
1 case	Rejected: there were no stateable grounds of review and it was not in the interests of justice to accept the case for full review.
1 case	Rejected: it was not in the interests of justice to accept the case for a full review
1 case	Rejected on conviction on the basis that it was not in the interests of justice to accept the case for full review; rejected on sentence on the basis that there were no stateable grounds of review
1 case	Rejected on conviction on the basis that it was not in the interests of justice to accept the case for full review; rejected on sentence on the basis that there were no stateable grounds of review and the applicant had not appealed against sentence.
1 case	Rejected: it was an incompetent application
1 case	Continued for 1 month in order to obtain additional information

Miss McMenamin 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.

## Section 8: Concluding Matters

### 8.1 Any Other Competent Business

8.1.1 Mr Reddick confirmed that the Board had previously discussed the publication of its position papers and the previous suggestion had been to refer to publication in the 2014-15 Annual Report. He asked the Board if this was still the preferred approach. After full discussion it was agreed that the Chairman's Foreword should refer to the publication of the position papers.

8.1.2 Mr Reddick confirmed that Justice Directorate had been in touch to ascertain if the Commission was happy to sign up to the Scottish Parliament's 2020 Gender Equality Target for Board Membership. He confirmed that very little information had been supplied on this but he understood this to be an aspirational target. After discussion it was agreed that further information would be required before making this decision.

## **8.2 Date of Next Meeting**

- Audit Committee Meeting – Thursday 4 June 2015 @ 14:30
- Board Meeting – Friday 26 June 2015 @ 10:00

**Chris Reddick**  
16 June 2015