

SCOTTISH CRIMINAL CASES REVIEW COMMISSION

MINUTES OF THE MEETING OF THE BOARD ON FRIDAY 30 OCTOBER 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
Mr Chris Reddick, Director of Corporate Services (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. Mr Sinclair reported that the Judges of the High People's Court of Henan Province, who visited the Commission on 26 October 2015, had presented members of the management team with commemorative scrolls to thank them for hosting their visit. There were no other declarations.

1.3 Minutes of Board meeting held on 25 September 2015

The Board approved the minutes of the Board meeting held on 25 September 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 referred Members to the Board Evaluation exercise which had been completed in June 2015 and confirmed that the questionnaires had subsequently been analysed, confirming that the results were excellent and there were no specific areas of concern. She did confirm however that there were a few areas where enhancements could be made and that these would be explored further and taken forward.

1.6 Chief Executive's Report

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

- Mr Sinclair reported that he had met with the Lord Advocate on 12 October 2015.
- Mr Sinclair confirmed that the Commission had received a visit from Judges of the High People's Court of Henan Province, China, on 26 October 2015.
- Mr Sinclair confirmed that mid-year staff appraisals were now complete.
- Mr Sinclair reported that the next quarterly meeting with Justice Directorate had been postponed and was now due to take place on 20 November 2015.
- Mr Sinclair reported that the new Sentencing Council had now been set up and that he and Mrs Couper had been invited to the launch event.
- 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 provided an update on one matter.

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:

- Mr Fenn and Mr Lynn attended diversity training on cross culture communication on 20 October 2015.

2.3 Quarterly Finance Report – 30 September 2015 (edited)

Mr Reddick presented the quarterly finance report to 30 September 2015. He confirmed that the report would be discussed with Justice Directorate at the next quarterly meeting in November 2015. Members noted the content of the report.

2.4 Quarterly Case Statistics Report – 30 September 2015

Mr Sinclair presented the quarterly case statistics report to 30 September 2015, confirming that to date a total of 87 new applications had been received and 21 cases concluded after full review. He noted that the higher level of new cases had been maintained in the first 6 months of the year and the year outturn was likely to be in line with the previous year. He also noted that there were currently no outstanding referred cases. Members noted the content of the report.

2.5 Draft Corporate Plan – 2016-19

2.5.1 Mr Reddick presented Members with the first draft of the new Corporate Plan covering the period 2016-19. In particular he drew Members' attention to the proposed 3-year focus whereby it had previously been agreed to look specifically at the Commission's effectiveness alongside overall efficiency and performance. He confirmed that he had reviewed the requirements of the new plan in terms of content and format, based on the Framework Document, and was content that the draft version was in full compliance with requirements. He also confirmed that the finance and past year performance sections would be updated following advice from Scottish Government on budgets and calculation of year-end case statistics.

2.5.2 Members discussed the draft plan in detail and agreed that the focus was appropriate, although further consideration should be given to the Commission's individual targets in respect of achieving and monitoring effectiveness, particularly in respect of working with stakeholders. Members also discussed how the Commission could improve its effectiveness in terms of the service it provides to applicants and agreed that further review of the Commission's key documents could be incorporated within the plan.

2.5.3 Members also discussed the format of the draft plan and agreed that consideration could be given to moving some of the information, particularly in respect of the national performance framework, to an appendix in order to make the plan more focused. Mr Reddick agreed to take all comments on board and provide an updated version of the plan at the next Policy meeting in December 2015.

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 October 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 (a 4th request) was refused.

3.6 Want of Insistence Cases:

There were no cases in this category.

3.7 Discussion Cases:

Mr Sinclair provided the Board with a summary of the main points of one case and referred Members to the stage 1 statement of reasons for consideration. Mrs Couper noted that the statement of reasons was an excellent piece of work which clearly set out the key issues and chronology of events and thanked the team for their hard work.

The Board considered the statement of reasons in detail and after full discussion agreed that the stage 1 refusal should be issued, subject to agreed amendments and updates, to the relevant parties, on the basis that that it was not in the interests of justice to accept the case for a stage 2 review.

The Board also considered the draft press release to accompany the issue of the statement of reasons agreeing its contents, subject to minor amendment, along with the timescales and procedure for its release.

Miss McMenamin Q.C. left the meeting for this discussion having previously declared a conflict of interest and therefore took no part in its consideration.

Section 4: Proposed Referral Cases (edited)

4.1 Mr Lynn provided the Board with a summary of the main points of the case. After full discussion it was agreed that the case should be referred subject to minor amendment and update.

Dr Darjee left the meeting for this discussion having previously declared a conflict of interest and therefore took no part in its consideration. Mr Bann and Mr Ferguson Q.C, who had previously declared a conflict of interest in this case, were not in attendance having submitted their apologies.

Section 5: Proposed Interim Cases (edited)

5.1–5.3 The Board considered 3 statements of reason. After full discussion it agreed not to refer two of those cases to the High Court. The Board agreed to continue the other case for 1 month in order for it to review some additional information.

Section 6: Proposed Supplementary Cases (edited)

6.1–6.4 The Board considered 4 supplementary statements of reason. After full discussion it agreed finally not to refer those cases to the High Court.

Miss McMenamain 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 one (different) case having previously declared a conflict of interest and therefore took no part in its consideration.

Section 7: Stage 1 Pre Acceptance Cases

7.1–7.20 A total of 20 new applications were considered and the following decisions were made:

2 cases	Accepted for a review of conviction and sentence
1 case	Rejected: the applicant had not appealed
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 against conviction and there were no stateable grounds of review; rejected on sentence on the basis that there were no stateable grounds of review
1 case	Rejected on conviction on the basis that the applicant had not appealed against conviction and there were no plausible grounds of review (guilty plea); rejected on sentence on the basis that the applicant had abandoned his appeal without good reason and there were no stateable grounds of review
1 case	Rejected: the applicant had abandoned his appeal without good reason and there were no stateable grounds of review
1 case	Rejected: the applicant had abandoned his appeal without good reason, 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 applicant had abandoned his appeal without good reason and there were no stateable grounds of review; rejected on sentence on the basis there were no stateable grounds of review
2 cases	Rejected: the grounds of review were a repeat of the grounds of appeal
1 case	Rejected: the grounds of review were a repeat of the grounds of appeal and there were no stateable grounds of review
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 grounds of review were a repeat of the grounds of appeal
1 case	Rejected on conviction on the basis that it was not in the interests of justice to accept the case for a stage 2 review and there were no stateable grounds of review; rejected on sentence on the basis that there were no stateable grounds of review
4 cases	Continued for 1 month in order to obtain additional information or for further consideration

Mr Dunipace 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

Mr Reddick confirmed that the 2016 Board/Committee calendar had been circulated and requested that Members inform him of any unsuitable dates.

8.2 Date of Next Meeting

- Board Meeting – Friday 27 November 2015 @ 10:00

Chris Reddick
16 November 2015