

SCOTTISH CRIMINAL CASES REVIEW COMMISSION

MINUTES OF THE MEETING OF THE BOARD ON THURSDAY 24 MARCH 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 Colin Dunipace
Doctor Rajan Darjee

Also Present:

Mr Gerard Sinclair, Chief Executive
Miss Kirsty Glass, Senior Administration Officer (minutes)
Sir Gerald Gordon Q.C., Consultant Legal Adviser

Section 1: Governance Matters

1.1 Apologies

Mr Peter Ferguson Q.C. and Mr Gerard Bann both submitted their apologies before the meeting.

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 26 February 2016

The Board approved the minutes of the Board meeting held on 26 February 2016 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 reported that she had attended the NDPB Governance Development Day along with Mr Sinclair and Mr Fraser.

1.6 Chief Executive's Report

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

- Mr Sinclair confirmed that the Lord Advocate would be attending the Commission later in the day for a presentation.
- Mr Sinclair reported that the User Group Forum was held on 18th March 2016. Feedback will be provided at the Policy meeting in June.

1.7 SCCRC Appeal Court Decisions

Mr Sinclair confirmed that a decision had been issued in respect of John Milligan on 23 February 2016. A written judgment had been issued to Members prior to the meeting.

1.8 Correspondence

There was no correspondence for noting.

Section 2: Management Issues (edited)

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

There was no training and development for noting since the date of the last meeting.

2.3 Draft Easy Read Information Leaflet – Applicants with Learning Difficulties

Mrs Govan provided the Board with draft easy read information leaflet for applicants with learning difficulties. The Board discussed the draft leaflet in full. Mrs Govan will provide the Board with an update in 6 months.

2.4 Draft Position Paper - Sentencing

Mr Fenn and the Board discussed the position paper in detail. Subject to amendments discussed it was agreed that the paper will be circulated on Boardbooks and made available 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, confirming that a total of 6 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 two 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:

There were no cases in this category.

3.5 Requests for extensions of time to submit further representations:

There were no cases in this category.

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)

5.1–5.3 The Board considered 3 statements of reasons. After full discussion it agreed not to refer those cases to the High Court.

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 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.

Prior to lunch, the Board were joined by the Lord Advocate, Frank Mulholland Q.C., who gave a presentation on the Crown Office Cold Case Review of the World's End Murders and then stayed for lunch with the Board. The Lord Advocate was accompanied by the Deputy Private Secretary to the Lord Advocate, Ms Joanne Foley and the Head of Appeals Unit, Ms Shona Barrie.

Section 7: Stage 1 Pre Acceptance Cases (edited)

7.1–7.14 A total of 14 new applications were considered and the following decisions were made:

2 cases	Accepted for a review of 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 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, there were no plausible grounds of review (guilty plea) and there were no stateable grounds of review
1 case	Rejected on conviction on the basis that the grounds of review were a repeat of the grounds of appeal and no stateable grounds of review; rejected on sentence on the basis there were no stateable grounds of review
4 cases	Rejected: there were no stateable grounds of review
1 case	Rejected: it was not in the interests of justice to accept the case for full review
1 case	Rejected: it was an incompetent application
1 case	Continued the case for 1 month in order to obtain further information

Section 8: Concluding Matters

8.1 Any Other Competent Business

Mr Sinclair advised that Mrs Govan is still working on her comparison work regarding cases with representatives and those without. Mrs Govan is currently waiting on a response from SLAB. An update will be provided next month.

8.2 Date of Next Meeting

- Board Meeting – Friday 29 April @ 10:00

Kirsty Glass
30 March 2016