

SCOTTISH CRIMINAL CASES REVIEW COMMISSION

MINUTES OF THE MEETING OF THE BOARD ON FRIDAY 24 JUNE 2016 10.00 AM, PORTLAND HOUSE

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 George Irving CBE
Mr Gerrard Bann
Professor Jim Fraser
Miss Frances McMenamin Q.C.
Mr Peter Ferguson Q.C.
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., Legal Adviser

Section 1: Governance Matters

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.

- Professor Jim Fraser - Case of David Gilroy
- Professor Jim Fraser - Case of Colin Coates

1.3 Minutes of Board meeting held on 27 May 2016

The Board approved the minutes of the Board meeting held on 27 May 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 Minutes of Audit Committee Meeting held on 10 June 2016

Mr Bann confirmed that the minutes had been circulated for information and that these would be agreed by the Audit Committee.

1.6 Matters Arising

Mr Bann provided Members with a summary of the main points of the meeting and confirmed that clean audits had been issued by both the internal and external auditors. He also reported that the auditors had praised the work and management of both the Chief Executive and Director of Corporate Services. Mrs Couper confirmed that she was very pleased with the assurance provided and the reliance that could be placed upon this. She noted that the Terms of Reference had been updated and suggested that this be copied to all Members.

1.7 Chairman's Report

Mrs Couper confirmed that she would be undertaking appraisals over the summer and would contact each Member directly to arrange a suitable time.

1.8 Chief Executive's Report (edited – staffing report)

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

- Mr Sinclair reported that he had attended the Scottish Leaders Forum meeting on 8 June 2016.
- Mr Sinclair reported that he had attended the Sir Gerald Gordon Seminar on 9 June 2016.
- Mr Sinclair confirmed that he had attended the Audit Committee meeting on 10 June 2016.
- Mr Sinclair reported that he had attended a CLT Criminal Law Seminar on 20 June 2016.

1.8.1 Mr Sinclair reported to Members that both the 2015-16 Annual Report and Accounts had been signed off and would be laid in Parliament on 30 June 2016. He confirmed that both documents would then be published on the website and made available to Members via the resources section on Boardbooks.

1.8.2 Mr Sinclair provided the Board with an update on the current court actions raised by Mr Graham Gordon.

1.8.3 Mr Sinclair provided the Board with a staffing update.

1.9 SCCRC Appeal Court Decisions

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

1.10 Correspondence

There was no correspondence for noting.

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 Lynn had provided a talk to SPS inductees on 17 June 2016 as part of the Commission's ongoing information and training events.
- Mr Sinclair and Mr Henry had attended a CLT Criminal Law Conference in Glasgow on 20 June 2016.

2.3 Corporate Risk Register

Mr Reddick provided the Board with a summary of the updated Corporate Risk Register which had been considered by the Audit Committee at their meeting on 10 June 2016, confirming that no changes to risks or scoring had been made in the final quarter of 2015-16. Members noted the updated register.

2.4 2015-16 Annual Report

Mr Reddick confirmed that a copy of the finalised 2015-16 Annual Report had been circulated to Members via Boardbooks for their information. He confirmed that this would be uploaded to the website once it had been laid, along with the 2015-16 Annual Accounts, in Parliament on 30 June 2016.

Section 3: Case Matters (edited)

3.1 Monthly Case Summary

Mr Sinclair confirmed that a total of 15 new applications had been received in June 2016 so far.

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 2 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 Press releases issued since last meeting of the Board:

No press releases had been issued since the date of the last Board meeting.

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)

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

Professor Fraser 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)

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

Mr Ferguson 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 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 conviction and sentence
2 cases	Accepted for a review of conviction
3 cases	Accepted for a review of sentence
2 cases	Rejected: there were no stateable grounds of review
1 case	Rejected: the applicant had not appealed against conviction or sentence and there were no stateable grounds of review
1 case	Rejected: the grounds of review were a repeat of the grounds of appeal

1 case	Continued for 1 month in order to obtain further information
2 cases	Agreed to consider the applications further at the Board meeting in July 2016

Mr Ferguson Q.C., Mr Bann and Doctor Darjee left the meeting for this discussion in the same case having previously declared conflicts of interest and therefore took no part in its consideration.

(Miss McMenamin Q.C. left the meeting for this discussion in 1 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

- Policy Meeting – Friday 8 July 2016 @ 10:30
- Board Meeting – Friday 29 July 2016 @ 10:00

Chris Reddick
20 July 2016