

## SCOTTISH CRIMINAL CASES REVIEW COMMISSION

### MINUTES OF THE MEETING OF THE BOARD ON FRIDAY 27 MAY 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  
Professor Jim Fraser  
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**

Mr Gerrard Bann and Miss Frances McMenamin Q.C. had 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 29 April 2016**

The Board approved the minutes of the Board meeting held on 29 April 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 confirmed that she had no matters to report.

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

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

- Mr Sinclair reported that he and Mr Reddick had met with the representative from Prospect Union on 17 May 2016 to discuss the staff pay remit.
- Mr Sinclair reported that he had attended the Kirking of the Scottish Parliament on 11 May 2016.
- Mr Sinclair reported that he and Mr Reddick had attended a quarterly meeting with Justice Directorate on 18 May 2016. He confirmed that they were content with both the Commission's 2016-19 Corporate Plan and the 2016-17 Business Plan. He also confirmed that they had discussed the appointment timetable for new Members and that he had raised some concerns regarding the timescales which had been noted.

## **1.7 SCCRC Appeal Court Decisions**

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

## **1.8 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:

- Miss Monaghan had attended a course at Glasgow University on Essential Criminal Law Skills for Trainees and New Qualified Solicitors on 4 and 18 May 2016.

### **2.3 2016-17 Draft Business Plan**

Mr Reddick provided the Board with a summary of the draft 2016-17 Business Plan and in particular discussed the proposed business plan objectives for the year ahead. The Board discussed the plan in full and provided some suggested amendments and updates. Mrs Couper also suggested the inclusion of an additional objective in respect of staff/Board skills which Mr Reddick agreed to include. After further discussion the Board approved the plan subject to the agreed amendments and updates.

### **2.4 2015-16 Annual Report**

Mr Reddick confirmed that the admin team were in the final stages of drafting the 2015-16 Annual Report which he confirmed would follow a similar format to the previous year. He also confirmed that this would be produced in electronic format only.

He advised Members that he would be publishing the draft document on Boardbooks in the next few days and requested that any feedback be provided by 15 June 2016 so that the document could be finalised.

## 2.5 Legal Update Newsletter

Mr Fenn provided the Board with a summary of his Legal Update Newsletter which was discussed in full. The Board agreed that this was a particularly useful update and discussed whether elements of this could be incorporated into updates on the website. Management agreed to look into this further.

(At this point in the meeting the Board were joined by staff and Doctor Darjee provided a talk on risk assessment and sentencing.)

## Section 3: Case Matters

### 3.1 Monthly Case Summary

Mr Sinclair confirmed that a total of 10 new applications had been received in May 2016.

### 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 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.

Miss McMenamin Q.C. had previously declared a conflict of interest in one case.

## Section 6: Proposed Supplementary Cases (edited)

6.1–6.4 The Board considered 3 supplementary statements of reason. After full discussion it agreed finally not to refer those cases to the High Court. A further case was deferred to the meeting in June 2016 for final decision.

## 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:

3 cases	Accepted for a review of conviction and sentence
4 cases	Accepted for a review of conviction
3 cases	Rejected: the grounds of review were a repeat of the grounds of appeal
1 case	Rejected: the applicant had not appealed against conviction or sentence and there were no stateable grounds of review
1 case	Rejected: there were no stateable grounds of review
1 case	Rejected: there were no new grounds of review and it was therefore not in the interests of justice to accept the case
1 case	Rejected: the application was incompetent
2 cases	Continued for 1 month in order to obtain further information
1 case	Agreed to consider the application further at the Board meeting in June 2016

As this was Miss Monaghan's last day with the Commission before taking up the 2<sup>nd</sup> year of her traineeship within private practice, Mrs Couper conveyed the Board's thanks and appreciation for all her hard work and years of service, wishing her well with the next stage of her career.

## Section 8: Concluding Matters

### 8.1 Any Other Competent Business

There was no other competent business.

## **8.2 Date of Next Meeting**

- Audit Committee Meeting – Friday 10 June 2016 @ 10:30
- Board Meeting – Friday 24 June 2016 @ 10:00

**Chris Reddick**  
13 June 2016