

SCOTTISH CRIMINAL CASES REVIEW COMMISSION

MINUTES OF THE MEETING OF THE BOARD ON FRIDAY 29 APRIL 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
Miss Frances McMenamin Q.C.
Professor George Irving CBE
Professor Jim Fraser
Mr Peter Ferguson Q.C.
Mr Gerrard Bann

Also Present:

Mr Gerard Sinclair, Chief Executive
Mr Chris Reddick, Director of Corporate Services (minutes)

Section 1: Governance Matters

1.1 Apologies

Doctor Rajan Darjee, Mr Colin Dunipace and Sir Gerald Gordon 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 24 March 2016

The Board approved the minutes of the Board meeting held on 24 March 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 staff appraisals had been carried out on 27 April 2016.
- Mr Sinclair reported that Lady Dorrian had been appointed as the new Lord Justice Clerk.
- Mr Sinclair reported that the Commission's first year trainee, Miss Monaghan, had successfully obtained a second year traineeship with BLM Glasgow and was due to start on 1 June 2016. Mr Sinclair confirmed that the terms of her training contract with the Commission had been fully discharged and that there were no payback requirements. The Board noted their congratulations.
- Mr Sinclair confirmed that there were a number of potential Committee date changes in June and July 2016 and agreed to email Members directly with alternative dates.

1.6.1 Mr Sinclair provided the Board with a full update on the Commission's year-end case statistics and performance against case related targets. He confirmed that 4 of the 5 case related targets had been achieved and the sentence-only review target had been narrowly missed by 0.39 months average. He noted that there had only been 4 sentence-only reviews during the course of the year and that 2 of these had resulted in referrals.

1.6.2 Mr Sinclair reported that there were now no outstanding referrals to be decided and that this was the first occasion he had been able to report this at year-end. He confirmed that the Commission's thanks to the Appeal Court would be recorded in the 2015-16 Annual Report.

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.

2.3 Quarterly Finance Report – 31 March 2016

Mr Reddick provided the Board with a summary of the Commission's expenditure against budget to 31 March 2016 and provided details of the anticipated year-end position. He confirmed that the additional costs associated with the Megrahi application had been met within the Commission's ordinary budget. He also confirmed that the work had commenced on the Commission's Annual Accounts which would be subject to audit on the week commencing 2 May 2016. The Board noted the anticipated year-end position.

2.4 Quarterly Case Statistics Report – 31 March 2016

Mr Sinclair provided the Board with a summary of the year-end case statistics to 31 March 2016 confirming that a total of 148 cases had been received, 43 concluded after full review and 2 cases referred.

2.5 Case Review Targets – 2015-16 Performance

Mr Sinclair confirmed that he had already provided Members with a full breakdown of performance against case review targets within the Chief Executive's Report, earlier in the agenda. In addition he proposed that the 2015-16 targets should be adopted without change in 2016-17. This was agreed by the Board.

2.6 Corporate Planning

Mr Reddick presented the final version of the 2016-19 Corporate Plan, confirming that this had been updated with all previous Board comments. The Board went through the plan in detail and approved it subject to minor amendment. Mr Reddick also confirmed that he was in the process of drafting the 2016-17 Business Plan which would be presented to the Board in May 2016.

2.7 SCCRC Website

Mr Reddick provided the Board with a demonstration of the Commission's new website which he confirmed was due to go live week commencing 2 May 2016. He provided the Board with a page by page overview and demonstrated the additional mobile functionality of the site. The Board made a number of suggested changes which Mr Reddick agreed to look at prior to the site going live.

Section 3: Case Matters (names deleted)

3.1 Monthly Case Summary

Mr Sinclair confirmed that a total of 8 new applications had been received in April 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:

Final decisions had been issued in three 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:

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:

The Board approved one extension-of-time application (for 8 weeks)

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)

5.1–5.2 The Board considered 2 statements of reasons. After full discussion it agreed not to refer those cases to the High Court.

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.

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)

7.1–7.10 A total of 10 new applications were considered and the following decisions were made:

2 cases	Accepted for a review of conviction
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: it was not in the interests of justice to accept the case for full review
2 cases	Continued for 1 month in order to obtain further information

Dr Darjee had previously declared a conflict of interest in one case

Section 8: Concluding Matters

8.1 Any Other Competent Business

There was no other competent business.

8.2 Date of Next Meeting

- Board Meeting – Friday 27 May 2016 @ 10:00

Chris Reddick
19 May 2016