

**MINUTES OF THE MEETING OF THE BOARD ON FRIDAY 30 NOVEMBER 2007, 10:00
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, this is indicated at the start of the relevant paragraph or section.

Present:

The Very Reverend Graham Forbes, Chairman
Mr David Belfall
Sir Gerald Gordon Q.C.
Mr James Mackay
Professor Brian Caddy
Mr Stewart Campbell
Mr Gerard McClay
Mr Gerard Sinclair, Chief Executive
Mr Chris Reddick, Director of Administration

Apologies

Mr Graham Bell Q.C. and Robert Anthony Q.C. had submitted their apologies.

Minutes

The Board approved the minutes of the Board meeting held on 26 October 2007 subject to minor amendment. The Board also approved the version of the minutes for the Publication Scheme subject to minor amendment.

Matters arising (edited)

Mr Sinclair confirmed that Chief Superintendent Andrew Barker had made arrangements to speak with one of the Commission's legal officers.

Mr Sinclair confirmed that there was a hearing today in a judicial review of one of the Commission's decisions. He also confirmed that two of the Commission's legal officers were attending the hearing and that they would report back in due course.

Mr Sinclair confirmed that he had received a response from the Crown Agent on 28 November 2007 regarding Crown Office disclosure. Within his letter the Crown Agent had requested a full break down of the Commission's specific concerns. Mr Sinclair confirmed that he would issue a full response to this request.

Mr Sinclair confirmed that Mr Walker had been successfully promoted internally to Senior Legal Officer – Casework. He also confirmed that Mr Newall had been considered fit for promotion and would therefore be placed on a reserve list.

Chairman's report

Provost Forbes confirmed that he had nothing additional to report to the Board that was not dealt with under other agenda items.

Chief Executive's report

Mr Sinclair provided the Board with an update as follows:

- Mr Sinclair confirmed that all staff mid year appraisals had been completed and with the exception of one member of staff all were on course for satisfactory performance ratings.
- Mr Sinclair reported that Mr Beadsworth would be leaving the Commission to joining the COPFS in Glasgow on 3 January 2008.
- Mr Sinclair confirmed that the training day with Strathclyde Police had taken place on 9 November 2007 and was attended by most of the Commission's staff and Professor Brian Caddy.
- Mr Sinclair confirmed that the joint protocol with Scottish Police Forces had now been signed and was operational.
- Mr Sinclair reported that he had given a talk to Dundee University Law Students on 23 November 2007.
- Mr Sinclair reported that he had given a talk to Central Law Training on 29 November 2007.
- Mr Sinclair reported that a reclaiming appeal was being taken forward in relation to one of the Commission's cases. This had been scheduled for 10 and 11 February 2009.

Mr Campbell reported that Ms Maclean had compiled a list of Commission acronyms which he had found very useful and asked that his thanks be passed on to her.

Mr Sinclair provided an update on procedural hearings which were noted by the Board.

Fees Direction

Mr Reddick confirmed that the new 2007 Fees Direction had been issued by Criminal Justice Directorate which comes into immediate effect. He also confirmed that the new rates would be retrospectively applied from 1 April 2007, with back dated payments being made in the form of ex gratia payments. Claims for ex gratia payments will be submitted in December 2007 for processing.

Board Calendar: January – June 2008

Mr Sinclair referred the Board to the issued calendar, confirming that at this stage these were all provisional dates which could be changed if required. Mr Campbell asked for clarification on the User Group Forum. Mr Sinclair provided an overview of the Group's remit and confirmed that Board Members were welcome to attend.

2008-09 Budget Report

Mr Reddick provided the Board with a detailed report on the annual budget exercise for 2008-09. He confirmed all of the key assumptions that had been made in terms

of forecasting the Commission's funding requirements for the year ahead. He also highlighted that a new account heading had been created to cover research and development activities, which had previously be discussed by the Board.

Based on the outcome of the budgeting exercise, Mr Reddick confirmed that the draft funding request for 2008-09 would be £1,215,000. He also confirmed that this was less than had been initially anticipated within the Corporate Plan.

Mr Campbell referred to a number of potential health and safety issues regarding the office accommodation and asked whether funding had been considered within the draft budget to address these issues. Mr Reddick confirmed that a number of contractors/specialists had been consulted regarding ventilation within the office and that the general consensus had been that there were no easy fixes. Mr Reddick confirmed that these would be further considered during the current year as part of the office refurbishment.

Mr Campbell asked how the staffing levels were set in line with the Commission's case volume and how the subsequent staffing budget was decided upon. Mr Sinclair provided an overview of the process whereby the ratio of legal officers to cases is continuously reviewed in line with review timescales. These reviews are to report to the Board and CJD on a periodic basis.

Mr Belfall confirmed that the draft budget looked sensible and asked what the likelihood of CJD support would be. Mr Reddick confirmed that the draft budget was less than had been initially forecast within the Corporate Plan and that CJD had been made aware of additional activities planned by the Commission in 2008-09 such as the research and development work. On that basis he confirmed that the funding forecast should not present any surprises. The Board agreed that the budget report should be submitted to CJD as part of the formal funding process, subject to some minor amendments.

2008-09 Pay Remit Update

A meeting of the Commission's Remuneration Committee was held at this point to review the pay remit proposals for 2008-09. Mr Reddick left the meeting at this point and a separate minute was taken.

Notification by Commissioners of non-case related work requiring Board's approval

There was no non-case related work requiring Board approval.

Training & Development

Since the last meeting of the Board the following training had been undertaken by staff:

- As previously noted, the majority of the Commission's staff and Professor Caddy had attended a Police Training Day organised by Strathclyde Police on 9 November 2007.
- Mr Reddick and Mrs Reid had attended a Scottish Government Procurement Seminar on 21 November 2007.
- Mr Johnston, Mr McShane and Mr Newall had attended a CLT Criminal Law Conference on 29 November 2007.

- Mrs Reid had attended a Charter Mark training day on 30 November 2007.

Cases (edited)

New applications

Eight new applications had been received since the last meeting of the Board. In addition the Board considered two continued applications. Of these, three were accepted for a review of conviction alone; and four were accepted for review of conviction and sentence. One case was rejected on the basis that the applicant had not appealed against his conviction; one case was rejected on the basis that the applicant's appeal had been abandoned; and one case was rejected on the basis that the application was in relation to a civil matter which was outside the Commission's jurisdiction.

Target cases

Mr Sinclair discussed the cases listed on the target case report which were duly noted by the Board.

The Board also noted that one case was not on the agenda for consideration. Concerns were expressed regarding the length of time taken to review the case and the conduct of the review by the allocated legal officer. It was also noted that concerns had been raised externally. Mr Sinclair provided the Board with an update on the handling of the case and it was agreed that a decision should be considered by the Board as part of the Policy meeting scheduled for 14 December 2007.

Notification of cases where final decisions have issued since the last meeting of the Board

The Board noted that final decisions had issued in four cases since the date of the last meeting.

Notification of decision cases agreed at previous meetings of the Board but not yet issued

There were no cases in this category.

Referral Press Releases issued since last meeting of the Board

The Board noted that one referral press release had been issued since the date of the last meeting.

Requests for extensions of time

The Board approved one request for an extension of time for a period of four weeks.

Want of insistence cases

There were no cases in this category.

Conflicts of interest noted since the last meeting of the Board

There were no conflicts of interest noted.

Discussion cases

The Board considered one discussion case where, after a full discussion of the case, it was agreed that if all outstanding matters were not resolved by the date of the next meeting that a formal letter should be issued to the Chief Constable.

Decision cases

The Board considered thirteen statements of reasons and decided that an interim decision not to refer the case to the High Court should be issued in each case.

The Board considered four supplementary statements of reasons and decided that in all four cases final refusal letters should be issued.

Any Other Business

Mr Reddick presented a paper to the Board in relation to the upgrade to the office telephone system. He confirmed that three companies had submitted quotations for the upgrade and following analysis he recommended that Resource Telecom Ltd be selected on the basis of both cost and perceived quality. The Board approved the selection of Resource Telecom Ltd.

Mr Reddick also referred to the planned office refurbishment which had been discussed previously with the Board. He confirmed that three companies had been invited to submit quotation for the work based on a standard specification although none had been received to date. He also confirmed that procurement guidance had been provided by the Scottish Procurement Directorate in order to ensure that all appropriate guidance and legislation had been considered. Mr Reddick confirmed that he anticipated receipt of all quotations in December and that the anticipated costs of the works was in the region of £25,000. He agreed to provide the Board with an update once quotations had been received and considered.

Date of Next Meeting

The Board noted the dates of the following meetings:

- Audit Committee - 6 December 2007
- Policy Meeting - 14 December 2007
- Board Meeting - 25 January 2008

CHRIS REDDICK
7 DECEMBER 2008