

SCOTTISH CRIMINAL CASES REVIEW COMMISSION

MINUTES OF THE MEETING OF THE BOARD ON FRIDAY 29 JULY 2016
10.00 AM, PORTLAND HOUSE

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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
Mr Gerrard Bann
Professor Jim Fraser

Also Present:

Mr Chris Reddick, Director of Corporate Services (minutes)
Mr Michael Walker, Head of Casework

Section 1: Governance Matters

1.1 Apologies

Miss McMenamin Q.C., Mr Ferguson Q.C., Professor Irving, Mr Dunipace, Doctor Darjee, Sir Gerald Gordon Q.C. and Mr Sinclair had submitted their 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. There were no new declarations of interest or gifts and hospitality.

1.3 Minutes of Board meeting held on 24 June 2016

The Board approved the minutes of the Board meeting held on 24 June 2016. The Board also approved the version of the minutes for the Publication Scheme.

1.4 Matters Arising

Mr Reddick referred to 1.8.3 of the minutes and provided Members with an update on staffing matters.

1.5 Minutes of Policy Meeting held on 8 July 2016

The Board approved the minutes of the Policy meeting held on 8 July 2016. The Board also approved the version of the minutes for the Publication Scheme.

1.6 Matters Arising

There were no matters arising.

1.7 Chairman's Report

Mrs Couper confirmed that she had attended a Judicial Institute studies lecture by Lord Gill earlier in the month. She also confirmed that she had appointed Mr Dunipace to the Commission's Audit Committee and that Mr Reddick would be organising induction.

1.8 Chief Executive's Report (name deleted)

In Mr Sinclair's absence Mr Walker provided the Board with updates on the following matters:

- Mr Walker confirmed that he had attended a Data Protection Act Conference in Edinburgh on 25 July 2016 and set out some of the potential implications to the Commission as a result of changes in the legislation. He confirmed that he would provide a more detailed update at the next Policy meeting.

1.8.1 Mr Fenn also joined the meeting at this point and provided the Board with an update on the latest court actions in respect of one former applicant.

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 Walker had attended a Data Protection Act conference in Edinburgh on 25 July 2016.

2.3 Quarterly Finance Report – 30 June 2016

Mr Reddick provided the Board with a summary of the quarterly finance report to 30 June 2016, confirming that the Commission was currently operating within budget. The Board noted the content of the report.

2.4 Quarterly Case Statistics Report – 30 June 2016

Mr Reddick provided the Board with a summary of the quarterly case statistics report to 30 June 2016, confirming that a total of 42 applications had been received this year to

date which was in line with case volumes over the past 2 years. The Board noted the content of the report.

Section 3: Case Matters (amended)

3.1 Monthly Case Summary

Mr Walker confirmed that a total of 9 new applications had been received in July 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 three 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:

Mr Walker confirmed that the case had been circulated for discussion and that a number of comments had been received from Members prior to the meeting. It was decided that the case should return to the August Board meeting for full consideration.

(Mr Bann and Professor Fraser left the meeting for this discussion having previously declared a conflict of interest and therefore took no part in its consideration.)

Section 4: Proposed Referral Cases

There were no cases in this category.

Section 5: Proposed Interim Cases

There were no cases in this category.

Section 6: Proposed Supplementary Cases (amended)

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.

(Professor Irving had previously declared a conflict of interest in one of those cases.)

Section 7: Stage 1 Pre Acceptance Cases

7.1–7.19 A total of 19 new applications were considered and the following decisions were made:

4 cases	Accepted for a review of conviction and sentence
1 case	Accepted for a review of conviction
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
3 cases	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: there were no stateable grounds of review and it was not in the interests of justice to accept the case for full review
1 case	Rejected on conviction on the basis that there were no plausible grounds of review (defective representation); rejected on sentence as there were no stateable grounds of review
1 case	Rejected on conviction on the basis that it was not in the interests of justice to accept the case for full review; rejected on sentence as the applicant had not appealed against sentence and there were no stateable grounds of review
1 case	Continued for 1 month in order to obtain further information
3 cases	Agreed to consider the application further at the Board meeting on 26 August 2016

(Miss McMenamin Q.C had previously declared a conflict of interest in one of those cases.)

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 26 August 2016 @ 10:00

Chris Reddick
17 August 2016