

# SCOTTISH CRIMINAL CASES REVIEW COMMISSION

MINUTES OF THE MEETING OF THE BOARD ON FRIDAY 26 AUGUST 2016  
10.00 AM, 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 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  
Miss Frances McMenamin Q.C.  
Professor Jim Fraser  
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., Consultant Legal Adviser

## Section 1: Governance Matters

### 1.1 Apologies

Mr Ferguson Q.C. and Mr Bann 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 29 July 2016

The Board approved the minutes of the Board meeting held on 29 July 2016 subject to minor amendment. The Board also approved the version of the minutes for the Publication Scheme subject to the same amendment.

### 1.4 Matters Arising

Mr Reddick provided an update on the 2016-17 Pay Remit and confirmed that the Commission's updated proposals were being considered today by Remuneration Group.

## 1.5 Chairman's Report

Mrs Couper confirmed that the Cabinet Secretary for Justice, Mr Michael Matheson MSP, would be visiting the Commission later in the year once dates had been agreed. Mrs Couper also reported that she had been appointed as the new Chairman of Community Justice Scotland and would be taking up this appointment from 15 August 2016.

## 1.6 Chief Executive's Report (names deleted)

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

- Mr Sinclair reported that he had met with Professor Cyrus Tata and Dr Rhonda Wheate from Strathclyde University on 25 August 2016 to discuss a possible seminar in November 2016.
- Mr Sinclair reported that he would be attending a consultation with the Commission's legal representatives on 2 September 2016 to discuss the ongoing legal actions in respect of one former applicant.
- Mr Sinclair reported that the Commission had been named in a new court action in respect of a former applicant.

1.6.1 Mr Sinclair reported that he had approved support for Mrs Govan to study part time for a LLM in Criminal Justice & Penal Change. He confirmed that she would receive 1/3 funding for the course and support with learning materials.

## 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

There was no training and development undertaken since the date of the last meeting.

## Section 3: Case Matters (amended)

### 3.1 Monthly Case Summary

Mr Sinclair confirmed that a total of 6 new applications had been received in August 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 was one case 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 was one case in this category which, after full discussion, resulted in the Board deciding to refer the case.

#### **Section 4: Proposed Referral Cases**

There were no cases in this category.

#### **Section 5: Proposed Interim Cases (amended)**

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 had previously declared a conflict of interest in one case and therefore left the meeting and took no part in its consideration. Mr Bann had also previously declared an interest in one case although had submitted his apologies for the meeting.

#### **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.

#### **Section 7: Stage 1 Pre Acceptance Cases (amended)**

7.1–7.16 A total of 16 new applications were considered and the following decisions were made:

1 case	Accepted for a review of conviction
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2 cases	Accepted for a review of sentence
2 cases	Rejected: the applicant had not appealed against conviction or sentence and there were no stateable grounds of review
3 cases	Rejected: the grounds of review were a repeat of the grounds of appeal
3 cases	Rejected: there were no stateable grounds of review
1 case	Rejected: there were no plausible grounds of review (defective representation) and there were no stateable grounds of review.
1 case	Rejected: there were no plausible grounds of review (guilty plea) and it was not in the interests of justice to accept the case for a review of sentence.
1 case	Rejected: it was not in the interests of justice to accept the case for review and there were no stateable grounds of review.
1 case	Rejected: A review of the case was not possible and there were no stateable grounds of review.
1 case	Agreed to consider the application further at the Board meeting on 30 September 2016

Mr Bann had previously declared an interest in one case although had submitted his apologies for the meeting.

## 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 30 September 2016 @ 10:00

**Chris Reddick**  
19 September 2016