

# SCOTTISH CRIMINAL CASES REVIEW COMMISSION

MINUTES OF THE MEETING OF THE BOARD ON FRIDAY 25 NOVEMBER 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  
Professor Jim Fraser  
Mr Colin Dunipace  
Mr Gerrard Bann

### **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 (edited)**

### **1.1 Apologies**

Doctor Rajan Darjee, Mr Ferguson Q.C. and Miss McMenamin Q.C. 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 28 October 2016**

The Board approved the minutes of the Board meeting held on 28 October 2016. The Board also approved the version of the minutes for the Publication Scheme subject to amendments.

### **1.4 Matters Arising**

There were no matters arising.

### **1.5 Chairman's Report**

Mrs Couper confirmed that the Cabinet Secretary for Justice, Mr Michael Matheson MSP, would unfortunately not now be visiting the Commission before the end of December

2016 because of diary conflicts. She confirmed that an alternative date would be sought in the New Year.

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

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

- Mr Sinclair reported that he had attended the Strathclyde University seminar on Miscarriage of Justice on 2 November 2016.
- Mr Sinclair reported that he, Mr Fenn and Mr Walker would be attending a meeting with the solicitor of a potential applicant.
- Mr Sinclair reported that the ongoing legal action raised against the Commission by Mr Graham Gordon would be heard in the Supreme Court on 13 December 2016.
- Mr Sinclair confirmed that there would be an Audit Committee meeting on 8 December 2016 and a Policy meeting on 15 December 2016.

1.6.1 Mr Sinclair brought a number of staffing and administrative matters to the Board's attention. It was agreed that Mr Sinclair should seek further clarification on a number of points before a final decision could be made in the matter in question.

1.6.2. Mr Sinclair provided an update on the appointment of new Members to the Board, confirming that no announcement of successful candidates had been intimated to date.

1.6.3 Mr Reddick also providing an administrative staffing update. This was discussed in full and the Board agreed to facilitate the request in question.

1.6.4 Mr Reddick also provided the Board with an update on the ongoing accommodation review. After full discussion the Board agreed that the extension appeared to be the best option, offering both value for money and an appropriate level of incentive from which to undertake an internal accommodation refurbishment once the lease had been extended.

## **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:

- Mr Fenn and Mrs Govan had attended the SASO Conference in Cumbernauld on 4 November 2016.

### Section 3: Case Matters (names deleted)

#### 3.1 Monthly Case Summary

Mr Sinclair confirmed that a total of 11 new applications had been received in November 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 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:

There were no cases in this category

#### 3.5 Requests for extensions of time to submit further representations:

The Board approved one extension-of-time request (for three months). It was a second request and the Board agreed it was the final extension.

#### 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.

## Section 7: Stage 1 Pre Acceptance Cases (edited)

7.1–7.12 A total of 12 new applications were considered and the following decisions were made:

7 cases	Accepted for a review of conviction
1 case	Rejected: the grounds of review were a repeat of the grounds of appeal grounds and there were no stateable grounds of review
2 cases	Rejected: there were no stateable grounds of review
1 case	Rejected on conviction on the basis there were no plausible grounds of review (guilty plea); rejected on sentence on the basis it was not in the interests of justice to accept the case for a full review and there were no stateable grounds of review
1 case	Continued for one month

The Board agreed in one case that the applicant's name would be removed from the Persistent & Repeated Applications Register.

Mr Bann and Professor Irving left the meeting for the discussion in one (different) case having previously declared a conflict of interest in it and therefore took no part in its consideration.

## 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 – Thursday 8 December 2016 @ 14:00
- Policy Meeting – Thursday 15 December 2016 @ 10:00

Chris Reddick  
12 December 2016