

SCOTTISH CRIMINAL CASES REVIEW COMMISSION

MINUTES OF THE MEETING OF THE BOARD ON FRIDAY 24 FEBRUARY 2017
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:

Mr Bill Matthews, Chairman
Miss Frances McMenamin Q.C.
Mr Raymond McMenamin
Ms Elaine Noad
Professor Jim Fraser
Doctor Rajan Darjee

Also Present:

Mr Gerard Sinclair, Chief Executive
Mrs Kirsty MacDonald, Senior Administration Officer (minutes)
Sir Gerald Gordon Q.C., Consultant Legal Adviser
Michael Walker (from Item 3 onwards)

Section 1: Governance Matters

1.1 Apologies

Mr Peter Ferguson Q.C. and Mr Colin Dunipace 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 declarations.

1.3 Minutes of Board meeting held on 27 January 2017

The Board approved the minutes of the Board meeting held on 27th January 2017 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

Mr Matthews advised he was meeting the former Chairman Jean Couper next month.

1.6 Chief Executive's Report (edited)

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

- Mr Sinclair updated members on the progress of the accommodation review.
- Mr Sinclair advised that a fee note had been received from solicitors in relation to costs incurred in the Commission's defence of a civil court action.
- Mr Sinclair reported that he and Mr Reddick will be attending the Quarterly meeting with Scottish Government on 7th of March.

1.7 SCCRC Appeal Court Decisions

Adam Sutherland - Three Judges Appeal Court Hearing on Friday 3 March 2017

1.8 Correspondence (name deleted)

Mr Sinclair updated members regarding the case history in one case that the Commission reviewed and the applicant's appeal of the decision not to accept his recent application under new grounds of review. Members agreed that the grounds were not substantially new and had been considered in previous applications. A letter from Mr Matthews will be issued to the applicant advising him of the Board's decision.

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

No training and development had been undertaken by staff since the date of the last meeting.

Section 3: Case Matters (name deleted)

3.1 Monthly Case Summary

Mr Sinclair confirmed that a total of 5 new applications had been received to date in February 2017.

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 no 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 Referral 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:

A 3rd extension of time request was considered in one case and was refused.

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 (edited)

4.1 The Board considered 1 statement of reasons. After full discussion it agreed to refer that case to the High Court.

Section 5: Proposed Interim Cases (edited)

5.1–5.7 The Board considered 7 statements of reasons. After full discussion it agreed not to refer those cases to the High Court.

Dr Darjee left the meeting for one case having previously declared a conflict of interest and therefore took no part in its consideration.

Section 6: Proposed Supplementary Cases (edited)

6.1 The Board considered 1 supplementary statement of reason. After full discussion it agreed finally not to refer that case to the High Court.

Section 7: Stage 1 Pre Acceptance Cases (edited)

7.1–7.18 A total of 18 new applications were considered and the following decisions were made:

1 case	Accepted for a review of conviction
3 cases	Accepted for a review of conviction and sentence
1 case	Accept for a review of conviction; rejected on sentence as the grounds were a repeat of appeal grounds
1 case	Rejected: the applicant had not appealed against conviction
2 cases	Rejected: the applicant had not appealed and there were no stateable grounds of review.
1 case	Rejected: the grounds of review were a repeat of the appeal grounds and there were no stateable grounds of review

1 case	Rejected: the grounds of review were a repeat of the appeal grounds, there were no plausible grounds (defective representation) and there were no stateable grounds review.
2 cases	Rejected: there were no stateable grounds of review
2 cases	Rejected: 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	Rejected: there were no plausible grounds (guilty plea)
2 cases	Continued for one month
1 case	The application was withdrawn

Section 8: Concluding Matters

8.1 Any Other Competent Business

8.2 Date of Next Meeting

- Board Meeting – Thursday 30 March @ 10:00

Kirsty Glass
27 February 2017