

## SCOTTISH CRIMINAL CASES REVIEW COMMISSION

MINUTES OF THE MEETING OF THE BOARD ON FRIDAY 27 JANUARY 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  
Professor Jim Fraser  
Mr Colin Dunipace  
Miss Frances McMenamin Q.C.  
Mr Peter Ferguson Q.C.  
Mrs Elaine Noad  
Mr Raymond McMenamin

#### Also Present:

Mr Gerard Sinclair, Chief Executive  
Mr Chris Reddick, Director of Corporate Services (minutes)  
Mr Michael Walker, Director of Casework (from Section 3 onwards)  
Sir Gerald Gordon Q.C., Consultant Legal Adviser

### Section 1: Governance Matters (names deleted)

#### 1.1 Apologies

Doctor Rajan Darjee had submitted his apologies.

#### 1.2 Conflicts of Interest/Declarations of Interest/Gifts & Hospitality

In addition to the previously noted conflicts, R McMenamin, F McMenamin, C Dunipace and E Noad each declared a new conflict in one (different) case. There were no declarations of gifts or hospitality.

#### 1.3 Minutes of Board meeting held on 25 November 2016

The Board approved the minutes of the Board meeting held on 25 November 2016 subject to minor amendment. The Board also approved the version of the minutes for the Publication Scheme subject to the same amendments.

#### 1.4 Matters Arising

There were no matters arising.

## **1.5 Minutes of the Audit Committee meeting held on 8 December 2016**

Mr Matthews confirmed that the draft Audit Committee minutes had been circulated for noting. Professor Fraser and Mr Dunipace, as Members of the Audit Committee, confirmed that they were happy to approve the minutes without amendment. They also approved the version of the minutes for the Publication Scheme

## **1.6 Matters Arising**

There were no matters arising.

## **1.7 Minutes of the Policy meeting held on 15 December 2016**

The Board approved the minutes of the Policy meeting held on 15 December 2016 subject to minor amendment. The Board also approved the version of the minutes for the Publication Scheme subject to the same amendments.

## **1.8 Matters Arising**

There were no matters arising.

## **1.9 Chairman's Report**

Mr Matthews confirmed that no public announcements had been made to date with regard to the latest Board appointments although he noted that the Royal Warrants had been received. He also confirmed that he, Mrs Noad and Mr McMenamin had attended induction training, confirming that this had been excellent.

## **1.10 Chief Executive's Report**

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

- Mr Sinclair reported that he had attended a meeting with a solicitor and a counsel on 2 December 2016 concerning a potential application to the Commission.
- Mr Sinclair reported that the Supreme Court hearing in respect of the action raised by Mr Graham Gordon had been held on 13 December 2016, confirming that a decision was still awaited.
- Mr Sinclair confirmed that new Members' Induction Training had taken place on 10 January 2017.
- Mr Sinclair reported that he and a number of staff members had attended a reception at the Scottish Refugee Council on 20 January 2017.
- Mr Sinclair reported that the outgoing Members' retirement dinner had been held on 26 January 2017 and had been an extremely successful evening.
- Mr Sinclair reported that he would be attending the Annual Law Society Dinner on 27 January 2017.

1.10.1 Mr Sinclair confirmed that there was one outstanding referral with the High Court in respect of the Commission's most recent referral in the case of Mr Adam Sutherland.

1.10.2 Mr Sinclair provided Members with an update in respect of a staff member's request to undertake a traineeship with the Commission. He confirmed that he would provide a further update in February 2017 at which point a decision on the request could be made.

#### 1.11 SCCRC Appeal Court Decisions

There were no Appeal Court decisions issued since the date of the last meeting.

#### 1.12 Correspondence

There was no correspondence for noting.

### Section 2: Management Issues

#### 2.1 Notification by Members of non-case related work

The following non-case related work was noted:

- Mr Matthews, Mrs Noad and Mr McMenamin had all attended induction training during January 2017.

#### 2.2 Training & Development

No training and development had been undertaken by staff during January 2017.

#### 2.3 Quarterly Case Statistics Report – 31 December 2016

Mr Sinclair provided Members with an update on the quarterly case statistics to 31 December 2016, confirming that the case volumes experienced over the past few years were continuing in 2016-17. The Board noted the content of Mr Sinclair's report.

#### 2.4 Quarterly Finance Report – 31 December 2016

Mr Reddick provided Members with an update on the quarterly finance report to 31 December 2016 and particularly noted the level of expenditure in respect of legal costs arising as a result of court actions during the year. He confirmed that this situation would be discussed further with Scottish Government at the next quarterly meeting. The Board noted the content of Mr Reddick's report.

#### 2.5 Corporate Risk Register – Quarter 3: 2016-17

Mr Reddick confirmed that the Audit Committee had considered the quarter 3 Corporate Risk Register at their meeting on 8 December 2016 and had recommended the re-scoring and rewording of risk number 8 to reflect the increasing frequency of court actions and associated costs. After further discussion the Board approved the Audit Committee recommendation and requested that the Corporate Risk Register be updated by Mr Reddick.

### Section 3: Case Matters (edited)

#### 3.1 Monthly Case Summary

Mr Sinclair confirmed that a total of 17 new applications had been received in January 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 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:

- Case of Adam Sutherland – 28 December 2016

#### 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 Fenn presented the case. After full discussion the Board agreed that the case should return to Committee.

### Section 4: Proposed Referral Cases

There were no cases in this category.

### Section 5: Proposed Interim Cases (edited)

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.

Mr Dunipace left the meeting for the discussion in one having previously declared a conflict of interest and therefore took no part in its consideration. Miss McMenamin Q.C. and Mr McMenamin left the meeting for the discussion in another case having previously declared a conflict of interest and therefore took no part in its consideration)

### Section 6: Proposed Supplementary Cases

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

7.1–7.11 A total of 11 new applications were considered and the following decisions were made:

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
2 cases	Rejected: the applicant had not appealed against conviction or sentence and there were no plausible grounds of review (guilty plea)
1 case	Rejected: the applicant had not appealed against conviction or sentence, there were no plausible grounds of review (guilty plea) and there were no stateable grounds of review
1 case	Rejected: the grounds of review were a repeat of the grounds of appeal grounds
1 case	Rejected: the grounds of review were a repeat of the grounds of appeal and there were no stateable grounds of review
1 case	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
	Continued for one month

Professor Fraser and Mrs Noad left the meeting for the discussion in one (different) case having previously declared a conflict of interest 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

- Board Meeting – Friday 24 February 2017 @ 10:00

**Chris Reddick**  
**30 January 2017**