

SCOTTISH CRIMINAL CASES REVIEW COMMISSION

MINUTES OF THE MEETING OF THE BOARD ON THURSDAY 30 MARCH 2017
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:

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

Also Present:

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

Section 1: Governance Matters

1.1 Apologies

There were no 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 24 February 2017

The Board approved the minutes of the Board meeting held on 24 February 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 provided the Board with updates on the following matters:

- He advised that he had met with Mrs Jean Couper earlier in the month, confirming that this had been extremely helpful.
- He reported that he had received correspondence from the President of the Law Society regarding his new appointment as Chairman of the Commission.
- He reported that he had attended a Non-Exec Public Bodies meeting last week and one of the items discussed was the need for public bodies to consider the potential impact of Brexit on their business.

1.6 Chief Executive's Report

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

- He advised Members that the Commission's accommodation review was ongoing and that he hoped to have this resolved with Scottish Government during April 2017.
- He reported that he had attended a meeting of the Advisory Council of the Judicial Institute on 6 March 2017.
- He reported that he had attended a Quarterly Sponsorship meeting with Mr Reddick on 7 March 2017.
- He reported that he had attended a meeting of the Appeal Court Users Group on 14 March 2017.
- He reported that the User Group Forum had met on 23 March 2017.
- He confirmed that there were still currently only two outstanding Commission referrals.

1.7 Court Decisions

Mr Sinclair confirmed that a decision had been issued in the case of Gordon (Appellant) v Scottish Criminal Cases Review Commission (Respondent) on 22 March 2017 which had been included on the agenda for discussion.

1.8 Correspondence

There was no correspondence for noting.

Section 2: Management Issues (edited)

2.1 Notification by Members of non-case related work

Mr Matthews confirmed that he had met with Mrs Jean Couper during March 2017.

2.2 Training & Development

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

2.3 Easy Read Information Leaflet

Mrs Govan provided Members with an overview of the development of the Commission's new Easy Read Information Leaflet, which had been designed specifically for potential applicants with learning difficulties. The Board discussed the new leaflet in detail and approved the current version, subject to amendment. The Board also agreed that Mrs Govan should take forward the production of the new leaflet with the designer, taking account of guidance regarding formatting and colouration.

2.4 Research Report: Legal Representation

Mrs Govan provided the Board with an overview of the updated report on Legal Representation. After full discussion it was agreed that the report could be published, subject to minor amendment, and that Mrs Govan should consider further research that could be undertaken and the possibility of using a research student to assist in this matter.

2.5 Information Policies

Mr Walker presented the updated Disclosure Policy and Data Protection Policy to the Board for consideration following the annual review of both policies. He specifically set out the individual updates and following discussion, both policies were approved. Mr Walker also confirmed that internal audit had looked at Data Protection as part of their 2016-17 audit and additional staff awareness training on Data Protection issues had been recommended.

2.6 Position Paper – The Commission's Statutory Test

Mr Fenn presented the updated version of the Commission's Statutory Test Position Paper to the Board, setting out the specific updates made. After full discussion the Board approved the updated Position Paper.

Section 3: Case Matters (names deleted)

3.1 Monthly Case Summary

Mr Sinclair confirmed that a total of 17 new applications had been received to date in March 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 2 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:

- Carol Kirk – issued 8 March 2017

3.5 Requests for extensions of time to submit further representations:

The Board approved one extension-of-time application, a second extension, for 4 weeks.

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 proposed referral cases.

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)

6.1–6.4 The Board considered 4 supplementary statements of reasons. After full discussion it agreed finally not to refer those cases to the High Court.

Mr Ferguson Q.C. and Doctor Darjee left the meeting for the discussion in one case having previously declared a conflict of interest and therefore took no part in its consideration)

Section 7: Stage 1 Pre Acceptance Cases (edited)

7.1–7.17 A total of 16 new applications and 1 suspended application were considered and the following decisions were made:

1 case	Accepted for a review of conviction and sentence
1 case	Accepted on the unreasonable verdict ground only; rejected on the other grounds
1 case	Rejected: the applicant had not appealed against conviction and sentence
1 case	Rejected: the applicant had not appealed against conviction

3 cases	Rejected: the applicant had not appealed against conviction or sentence and there were no stateable grounds of review.
1 case	Rejected on conviction as the applicant had not appealed against conviction; rejected on sentence as there were no stateable grounds of review.
2 cases	Rejected: there were no stateable grounds of review
1 case	Rejected: it was not in the interests of justice to accept the case for a full review, the grounds of review were a repeat of the grounds of appeal and there were no stateable grounds of review
5 cases	Continued for one month
1 case	The Board agreed to recall the suspension and after consideration agreed to reject the case on the basis that it was not in the interests of justice to accept the case for full review

Mrs McMenemy Q.C. and Mr McMenemy left the meeting for the discussion in two cases (the same two cases) having previously declared a conflict of interest and therefore took no part in their consideration.

Mr Matthews 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 28 April 2017 @ 10:00

Chris Reddick
18 April 2017