

# SCOTTISH CRIMINAL CASES REVIEW COMMISSION

MINUTES OF THE MEETING OF THE BOARD ON FRIDAY 28 APR  
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  
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 30 March 2017

The Board approved the minutes of the Board meeting held on 30 March 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 reported that he had attended a Scottish Government training event on 27 April 2017 for new Public Body Chairs.

## 1.6 Chief Executive's Report (edited)

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

- He advised Members that the Commission's accommodation review was ongoing.
- He reported that all staff appraisals had been undertaken in April 2017.
- He reported that recruitment plans for new legal officers had been put in place and that this would be taken forward in June/July 2017.
- He confirmed that arrangements had been put in place to offer one of the existing legal officers a traineeship which would commence in June 2017. He also confirmed the rate of salary for the traineeship.
- He provided a full update on the recent press coverage in respect of a further application in one case.
- He reported that details of a Judicial Review in one case had been received that morning and that he would update the Board further in due course.

## 1.7 Court Decisions

Mr Sinclair reported that a successful decision had been issued in the Commission's referral case of Adam Sutherland on 12 April 2017.

## 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 attended Scottish Government training on 27 April 2017.

### 2.2 Training & Development

The following training and development had been undertaken by staff since the date of the last meeting:

- Miss Anderson had attended a Glasgow Bar Association event on 20 April 2017.
- All staff had attended a training session provided by Ms Lynn Welsh from the Equality & Human Rights Commission on 25 April 2017.

### **2.3 Best Value Review & Action Plan: 2016-17**

Mr Reddick provided the Board with an overview of the completed Best Value Review and the draft Action Plan which had been subsequently completed. The Board approved the Best Value Review and Action Plan and confirmed that this could be published on the Commission's website.

### **2.4 Quarterly Case Statistics Report: 31 March 2017**

Mr Sinclair provided the Board with an overview of the case statistics at year-end, confirming that a further 15 applications had been received in April 2017. He noted that the case volumes had remained fairly consistent with the previous year although still high. The Board noted the content of his report.

### **2.5 Quarterly Finance Report: 31 March 2017**

Mr Reddick provided the Board with an overview of the anticipated year-end financial position. The Board noted the content of his report.

## **Section 3: Case Matters (edited)**

### **3.1 Monthly Case Summary**

Mr Sinclair confirmed that a total of 15 new applications had been received to date in April 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:**

There was one such request, a second request, for two weeks, which the Board approved.

### **3.6 Want of Insistence Cases:**

There were no cases in this category.

### **3.7 Discussion Cases:**

Mrs Govan provided a summary of the case and after full discussion it was agreed that an update should be considered by the Committee in June 2017.

#### 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

There were no proposed supplementary cases.

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

**7.1–7.23** A total of 23 new applications were considered and the following decisions were made:

1 case	Accepted for a review of conviction and sentence
2 cases	Accepted for a review of sentence
1 case	Accepted on conviction; rejected on sentence on the basis the applicant had not appealed
1 case	Rejected: the applicant had not appealed against sentence
3 cases	Rejected: the applicant had not appealed against conviction or sentence and there were no stateable grounds of review
1 case	Rejected: the applicant had not appealed against conviction or sentence and there were no plausible grounds of review (guilty plea)
2 cases	Rejected: the grounds of review were a repeat of the grounds of appeal
1 case	Rejected: the grounds of review were a repeat of the grounds of appeal and there were no stateable grounds
1 case	Reject on conviction on the basis the grounds of review were a repeat of the grounds of appeal and there were no stateable grounds of review; rejected on sentence on the basis the applicant had not appealed and there were no stateable grounds of review
2 cases	Rejected: the applicant had abandoned his appeal without good reason and there were no stateable grounds of review
3 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 full review and there were no stateable grounds of review

1 case	Rejected on conviction on the basis it was not in the interests of justice to accept the case for full review and there were no stateable grounds of review; rejected on sentence on the basis the applicant had not appealed and there were no stateable grounds of review
2 cases	Continued for one month
1 case	The Board agreed to suspend the case

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

Doctor Darjee 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.

Mr Ferguson Q.C. 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

Draft Committee/Board Calendar: July – December 2017

The Board were asked to review the draft calendar and advise of any dates which were not suitable.

### 8.2 Date of Next Meeting

- Board Meeting – Friday 26 May 2017 @ 10:00

Chris Reddick  
15 May 2017