

SCOTTISH CRIMINAL CASES REVIEW COMMISSION

MINUTES OF THE MEETING OF THE BOARD ON FRIDAY 26 MAY 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 Colin Dunipace
Mr Raymond McMenamin

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 1.8 onwards)

Section 1: Governance Matters (edited)

1.1 Apologies

Mrs Noad and Mr Ferguson 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. Professor Fraser declared a conflict of interest in one case.

1.3 Minutes of Board meeting held on 28 April 2017

The Board approved the minutes of the Board meeting held on 28 April 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 confirmed that he had nothing to report.

1.6 Chief Executive's Report

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

- He advised Members that the anticipated 3rd application in one case had still not been received.
- He reported that the Commission's business case in respect of its accommodation lease had now been considered and approved by the Scottish Ministers.
- He reported that he had attended a Diligent Board seminar with Mr Reddick on 18 May 2017 in Edinburgh.
- He advised Members that there was currently only one outstanding referral, case of Carol Kirk, to be considered by the High Court.

1.7 Court Decisions

There were no court decisions for noting.

1.8 Correspondence

Mr Sinclair circulated correspondence in one case. He also circulated a draft response for the Board's consideration which, after full discussion, they endorsed.

Section 2: Management Issues (edited)

2.1 Notification by Members of non-case related work

There was no non-case related work notified 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 on 11 May 2017.
- Mr Sinclair and Mr Reddick had attended a Diligent Board seminar on 18 May 2017.
- Mr McShane and Miss Ralston had attended a training course on the responsibilities of Boards run by the Royal Faculty of Procurators on 23 May 2017.
- Mrs Govan had attended an LSA seminar on Wellbeing in the Workplace on 25 May 2017.

2.3 2017-18 Draft Business Plan

2.3.1 Mr Reddick provided the Board with an overview of the draft 2017-18 Business Plan, confirming that this was consistent with prior years and was largely drawn from the 2016-19 Corporate Plan. In particular he took Members through the proposed business plan objectives for the year ahead.

2.3.2 Professor Fraser made a suggestion concerning one business plan objective. Mr Matthews noted that the draft plan was extremely easy to read and that he was content with the plans subject to some minor updates. After further discussion the Board approved the plan subject to the agreed updates.

2.4 2016-17 Annual Report

Mr Reddick confirmed that he was in the final stages of producing the draft 2016-17 Annual Report which he confirmed followed a similar format to previous years. He set out the timescale for approval of the document and laying in Parliament and agreed to circulate a copy of the draft to all Members via Boardbooks. He also confirmed that the 2016-17 Annual Accounts were complete following the external audit and that they would be considered by the Audit Committee on 13 June 2017.

Section 3: Case Matters (edited)

3.1 Monthly Case Summary

Mr Sinclair confirmed that a total of 14 new applications had been received to date in May 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 were no cases in this category.

3.6 Want of Insistence Cases:

There were no cases in this category.

3.7 Discussion Cases:

After full discussion in one case the Board agreed that the case should be referred and that the statement of reasons should be updated and issued.

After full discussion in one case the Board agreed that the case should not be referred and that the statement of reasons should be issued.

Section 4: Proposed Referral Cases

There were no proposed referral cases.

Section 5: Proposed Interim Cases (edited)

5.1–5.4 The Board considered 4 statements of reasons. After full discussion it agreed not to refer those cases to the High Court.

Section 6: Proposed Supplementary Cases (edited)

5.1–5.4 The Board considered 4 supplementary statements of reasons. After full discussion it agreed finally not to refer those cases to the High Court.

Professor Fraser 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)

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

1 case	Accepted for a review of conviction
1 case	Accepted for a review of conviction on one ground only
1 case	Accepted for a review of conviction and sentence
4 cases	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)
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	Rejected on conviction as the grounds of review were a repeat of the grounds of appeal; rejected on sentence as there were no stateable grounds of review
1 case	Rejected on conviction as the grounds of review were a repeat of the grounds of appeal and there were no plausible grounds of review (defective representation); rejected on sentence as the grounds of review were a repeat of the grounds of appeal
1 case	Rejected: there were no stateable grounds of review
2 cases	Rejected: there were no plausible grounds of review (defective representation)
1 case	Rejected on conviction as 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 as it was not in the interests of justice to accept the case for full review and the applicant had not appealed against sentence.

Mr Dunipace 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 8: Concluding Matters

8.1 Any Other Competent Business

There was no other competent business.

8.2 Date of Next Meeting

- Board Meeting – Friday 30 June 2017 @ 10:00

The Board also noted the following meeting dates:

- Audit Committee – Tuesday 13 June 2017 @ 11:30
- Board Meeting – Friday 28 July 2017 @ 10:00
- Policy Meeting – Friday 11 August 2017 @ 10:00

Chris Reddick
20 June 2017