

# SCOTTISH CRIMINAL CASES REVIEW COMMISSION

MINUTES OF THE MEETING OF THE BOARD ON FRIDAY 30 JUNE 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  
Doctor Rajan Darjee  
Miss Frances McMenamin Q.C.  
Mr Raymond McMenamin  
Mrs Noad  
Mr Ferguson Q.C.

### Also Present:

Mr Michael Walker, Head of Casework  
Mr Chris Reddick, Director of Corporate Services (minutes)

## Section 1: Governance Matters (edited)

### 1.1 Apologies

Professor Fraser, Mr Dunipace, Sir Gerald Gordon Q.C. and Mr Sinclair 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 of conflicts, gifts or hospitality.

### 1.3 Minutes of Board meeting held on 26 May 2017

The Board approved the minutes of the Board meeting held on 26 May 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 Minutes of the Audit Committee meeting held on 13 June 2017**

The Board noted the draft minutes of the Audit Committee meeting of 13 June 2017 and confirmed that these would be approved by the Members of the Audit Committee.

## **1.6 Matters Arising**

Mr Reddick provided a brief summary of the meeting of the Audit Committee, confirming that excellent reports had been received from both the internal and external auditors and that the 2016-17 Annual Accounts had been signed. Mrs Noad also confirmed that it had been an excellent meeting.

## **1.7 Chairman's Report**

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

- He advised Members that he had completed his first foreword for the 2016-17 Annual Report.
- He advised Members that he had met with Mr Rennick from Scottish Government's Justice Directorate on 29 June 2017.

## **1.8 Chief Executive's Report**

1.8.1 In Mr Sinclair's absence, Mr Walker provided the Board with updates on the following matters:

- He advised that the year-end Audit Committee was held on 13 June 2017.
- He advised that Mr Sinclair had attended the Sir Gerald Gordon Seminar on 13 June 2017.
- He advised that Mr Sinclair had attended an Advisory Council of the Judicial Institute meeting on 19 June 2017.
- He advised that Mr Sinclair had attended a NDPB Chief Executive meeting on 28 June 2017.
- He advised that Mr Sinclair would be attending the next Scottish Leaders Forum meeting on 5 July 2017.

1.8.2 Mr Walker provided Members with an update on the judicial review proceedings in respect of one case.

1.8.3 Mr Reddick provided Members with an update in respect of the Commission's lease of Portland House, confirming that an extension to the existing lease had now been approved by Scottish Ministers and that the legal documents were currently with solicitors in preparation for signing.

## **1.9 Court Decisions**

There were no court decisions for noting.

## **1.10 Correspondence**

Mr Walker and Mr Fenn provided the Board with a summary of the correspondence received in respect of a recently issued statement of reasons.

## Section 2: Management Issues

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

Mr Matthews confirmed that he had spent time on the 2016-17 Annual Report and had met with Justice Directorate on 29 June 2017.

### 2.2 Training & Development

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

- Mr McShane, Miss Ralston and Miss Anderson had attended the CLT Criminal Law conference in Edinburgh on 13 June 2017.

### 2.3 Corporate Risk Register

Mr Reddick provided the Board with an overview of recommended updates to the Commission's Corporate Risk Register following consideration by the Audit Committee at their meeting on 13 June 2017. After full discussion the Board approved all proposed updates.

### 2.4 2016-17 Annual Report

Mr Reddick confirmed that the Commission's 2016-17 Annual Report and Accounts were due to be laid in Parliament today, following which they would be published on the website and circulated. Mr Matthews thanked all staff involved in the production of both documents.

## Section 3: Case Matters (edited)

### 3.1 Monthly Case Summary

Mr Walker confirmed that a total of 13 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 was 1 case 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 was 1 case in this category.

### 3.5 Requests for extensions of time to submit further representations:

1 extension of time of 6 weeks was agreed.

### 3.6 Want of Insistence Cases:

There were no cases in this category.

### 3.7 Discussion Cases:

After full discussion in 1 case the Board agreed that the case should not be referred and that the statement of reasons should be updated and issued.

Doctor Darjee left the meeting for the discussion in this case having previously declared a conflict of interest and therefore took no part in its consideration

## Section 4: Proposed Referral Cases (edited)

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

Doctor Darjee left the meeting for the discussion in this case having previously declared a conflict of interest and therefore took no part in its consideration

## Section 5: Proposed Interim Cases (edited)

### 5.1–5.3 The Board considered 3 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 The Board considered 1 supplementary statement of reasons. After full discussion it agreed finally not to refer the case to the High Court.

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

### 7.1-7.14

A total of 14 new applications were considered and the following decisions were made:

1 case	Accepted for a review of conviction and sentence
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 sentence-only
2 cases	Rejected: there were no stateable grounds of review
2 cases	Rejected: the applicant had not appealed against conviction or sentence and there were no stateable grounds of review
1 case	Rejected: incompetent application as it did not relate to a criminal matter

1 case	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 and there were no plausible grounds of review (guilty plea)
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: the applicant had not appealed against conviction and 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 (no new grounds) and there were no stateable grounds of review

## Section 8: Concluding Matters (edited)

### 8.1 Any Other Competent Business

Mr Walker provided the Board with an update on the procedures for the issue of case decisions.

### 8.2 Date of Next Meeting

- Board Meeting – Friday 28 July 2017 @ 10:00
- Policy Meeting – Friday 11 August 2017 @ 10:00

Chris Reddick  
12 July 2017