

# SCOTTISH CRIMINAL CASES REVIEW COMMISSION

## MINUTES OF THE MEETING OF THE BOARD ON FRIDAY 28 JULY 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 Raymond McMenamin (Chair)  
Doctor Rajan Darjee  
Mrs Elaine Noad  
Mr Colin Dunipace  
Miss Frances McMenamin Q.C. (by conference call)

#### Also Present:

Mr Gerard Sinclair, Chief Executive  
Mr Chris Reddick, Director of Corporate Services (minutes)  
Mr Michael Walker, Head of Casework (from 1.8)  
Sir Gerald Gordon Q.C., Consultant Legal Adviser

### Section 1: Governance Matters (edited)

#### 1.1 Apologies

Mr Matthews, Professor Fraser 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.

There were no declarations of conflicts, gifts or hospitality.

#### 1.3 Minutes of Board meeting held on 30 June 2017

The Board approved the minutes of the Board meeting held on 30 June 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 Sinclair confirmed that he had nothing to report on behalf of Mr Matthews. He did however confirm that Mr Matthews got married on 8 July 2017 and the Board requested that their congratulations be noted.

## **1.6 Chief Executive's Report**

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

- He confirmed that, in relation to a new application received on 4 July 2017, some press coverage had been received. He confirmed that the application would call at the Board in due course.
- He reported that he had attended a meeting of the Scottish Leaders Forum on 5 July 2017.
- He reported that the Commission had received an invitation to the CCRC's 20<sup>th</sup> Anniversary Conference on 2 November 2017 and that attendees would be agreed in due course. He also noted that a tripartite meeting would be held on 1 November 2017.

## **1.7 Court Decisions**

There were no court decisions for noting.

## **1.8 Correspondence**

Mr Walker provided the Board with an overview of a request that had been received in one case. After consideration the Board decided not to accede to the request.

## **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**

There was no training and development undertaken during July 2017.

### **2.3 Quarterly Case Statistics Report**

Mr Sinclair provided an overview of the quarterly case statistics report to 30 June 2017 confirming that a total of 45 cases had been received to date and that a total of 2 referrals had been made. The Board noted the contents of the report.

### **2.4 Quarterly Finance Report**

Mr Reddick provided the Board with an overview of the quarterly finance report to 30 June 2017. The Board noted the content of the report.

### Section 3: Case Matters (edited)

#### 3.1 Monthly Case Summary

Mr Sinclair confirmed that a total of 13 new applications had been received to date in July 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 two 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:

- 18 July 2017 – Wendy Graham Referral

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

There were no extensions of time.

#### 3.6 Want of Insistence Cases:

There were no cases in this category.

#### 3.7 Discussion Cases:

Mr Fenn and Mr Walker provided the Board with an overview of an issue that had arisen in respect of both cases. It was agreed that the matter should be deferred to the Policy meeting on 11 August 2017 for a more detailed discussion.

### 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.

### 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.

### Section 6: Proposed Supplementary Cases (edited)

**6.1–6.2** The Board considered 2 supplementary statements of reasons. After full discussion it agreed finally not to refer those cases to the High Court.

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

**7.1–7.16** A total of 16 new applications were considered and the following decisions were made:

1 case	Accepted for a review of conviction; rejected on sentence as the applicant had not appealed and there were no stateable grounds of review
5 cases	Rejected: the applicant had not appealed against conviction and there were no stateable grounds of review.
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 of review
1 case	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 on conviction as there were no stateable grounds of review; rejected on sentence as his grounds of review were a repeat of the grounds of appeal
1 case	Rejected on conviction as there were no plausible grounds of review (guilty plea) and the applicant had not appealed; rejected on sentence as there were no stateable grounds of review and the applicant had not appealed
1 case	Continued for 1 month for further information

Mrs McMenamin Q.C. and Mr McMenamin left the meeting for the discussion in one case (the same case), Mr Dunipace left the meeting for the discussion in one (different) case and 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.

## Section 8: Concluding Matters

### 8.1 Any Other Competent Business

There was no other competent business.

### 8.2 Date of Next Meeting

- Policy Meeting – Friday 11 August 2017 @ 10:00
- Board Meeting – Friday 25 August 2017 @ 11:00

Chris Reddick  
17 August 2017