

# SCOTTISH CRIMINAL CASES REVIEW COMMISSION

MINUTES OF THE MEETING OF THE BOARD ON FRIDAY 25 AUGUST 2017

11.00 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 (Chair – from item 5.0)  
Professor Jim Fraser  
Mr Raymond McMenamin  
Doctor Rajan Darjee  
Mrs Elaine Noad  
Mr Colin Dunipace (from item 5.0)  
Miss Frances McMenamin Q.C. (Chair – until item 5.0)  
Mr Peter Ferguson Q.C.

### Also Present:

Mr Gerard Sinclair, Chief Executive  
Mr Chris Reddick, Director of Corporate Services (minutes)  
Mr Michael Walker, Head of Casework (from 1.10)  
Sir Gerald Gordon Q.C., Consultant Legal Adviser

## Section 1: Governance Matters (edited)

### 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 of conflicts, gifts or hospitality.

### 1.3 Minutes of Board meeting held on 28 July 2017

The Board approved the minutes of the Board meeting held on 28 July 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 Policy meeting held on 11 August 2017**

The Board approved the minutes of the Policy meeting held on 11 August 2017 subject to minor amendment. The Board also approved the version of the minutes for the Publication Scheme, subject to the same minor amendment.

## **1.6 Matters Arising**

There were no matters arising.

## **1.7 Chairman's Report**

There were no matters to report.

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

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

- He confirmed that he and Mr Reddick had attended a quarterly meeting with Justice Directorate on 15 August 2017.
- He confirmed that the legal officer recruitment was progressing to plan and that interviews would be taking place over the next 2 weeks.
- He confirmed that the new lease at Portland House had now been signed.
- He confirmed that he had been asked to become involved in a review into the process of establishing, managing and supporting Independent Inquiries and Reviews in Scotland (with specific reference to The Independent Review of transvaginal mesh implants).

1.8.2 Mr Sinclair confirmed that there were currently 4 outstanding referral cases to be decided and provided an updated on scheduled procedural and appeal hearings.

## **1.9 Court Decisions**

There were no court decisions for noting.

## **1.10 Correspondence**

Mr Walker provided the Board with an update in respect of the request for information in one case. After full consideration the Board agreed to maintain its position on the matter.

## **Section 2: Management Issues**

### **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 since the last meeting of the Board:

- Miss Ralston and Mr McShane had attended a Law Society Seminar on 29 August 2017.
- Mr McShane had attended an LSA Seminar on 31 August 2017.

### 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 August 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 four 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:

- 11 August 2017 – Duncan Stewart 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:

There were no cases in this category.

### Section 4: Proposed Referral Cases

There were no proposed referral cases.

### Section 5: Proposed Interim Cases (edited)

**5.1–5.3** 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)

**6.1–6.3** The Board considered 3 supplementary statements of reasons. After full discussion it agreed finally not to refer those cases to the High Court.

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)

**7.1–7.14** A total of 14 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 sentence
2 cases	Rejected: the applicant had not appealed against conviction or sentence
2 cases	Rejected: the applicant had not appealed against conviction and sentence and there were no stateable grounds of review.
1 case	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
1 case	Rejected: there were no stateable grounds of review (The Board noted Mr Sinclair's decision to place the applicant on the Persistent and Repeated Applications Register)
1 case	Rejected on conviction as there were no stateable grounds of review; rejected on sentence as the applicant had not appealed and there were no stateable grounds of review
1 case	Rejected: it was not in the interests of justice to accept the application for a full review
2 cases	Continued for 1 month for further investigation/information

Miss McMenemy Q.C. left the meeting for the discussion in one case, Mr Ferguson Q.C. left the meeting for the discussion in one (different) case and Miss McMenemy Q.C. and Mr McMenemy left the meeting for the discussion in one case (the same case), having previously declared a conflict of interest and took no part in the consideration of the case or cases to which he or she declared a conflict of interest.

## 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 29 September 2017 @ 10:00

Chris Reddick  
19 September 2017