

SCOTTISH CRIMINAL CASES REVIEW COMMISSION

MINUTES OF THE MEETING OF THE BOARD ON FRIDAY 25 OCTOBER 2019

10.00 AM, 17 RENFIELD STREET, GLASGOW, G2 5AH

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)
Mr Raymond McMenamin
Professor Jim Fraser
Mr Colin Dunipace
Dr Alex Quinn
Mrs Elaine Noad
Ms Carol Gammie

Also Present:

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

Section 1: Governance Matters (edited)

1.1 Apologies

Mrs Reilly, Mr Scullion 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.

Dr Quinn declared a conflict in one case.

There were no declarations of gifts or hospitality.

1.3 Minutes of Board meeting held on 27 September 2019

The Board approved the minutes of the Board meeting held on 27 September 2019. The Board also approved the version of the minutes for the Publication Scheme.

1.4 Matters Arising

There were no matters arising.

1.5 Chairman's Report

Mr Matthews welcomed Members to the first Board meeting in the Commission's new offices. He confirmed that some thought was being given to holding an informal opening event early in December 2019 and that invitations would be extended to the Cabinet Secretary for Justice and past Members and staff.

Mr Matthews also noted that it was Mr Dunipace's last Board meeting before taking up his appointment as a full-time sheriff, congratulated him and, on behalf of the Commission, thanked him for all his valued contributions.

1.6 Chief Executive's Report

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

- He reported that the Bill creating the New Zealand Criminal Cases Commission is making its way through the New Zealand Parliament, and it appears to be based largely on the Scottish model. He agreed to circulate details to Members.
- He reported that he had attended a Jury Research launch event in Edinburgh on 9 October 2019 along with Mr Sinclair and Mr Keane, and he provided an overview of the event. He confirmed that the research was led by Professor James Chalmers.

1.7 Court Decisions

There were no new court decisions issued since the date of the last meeting.

1.8 Correspondence

Mr Matthews reported that he had received a complaint letter from a former applicant. He confirmed that he would deal with this in accordance with the Commission's Complaint Procedure.

Section 2: Management Issues (edited)

2.1 Notification by Members of non-case related work

There was no non case related work for noting.

2.2 Training & Development

The following training and development had been undertaken since the last meeting of the Board:

- Mr Sinclair, Mr Walker and Mr Keane had attended the Jury Research launch event in Edinburgh on 9 October 2019.

2.3 Quarterly Case Statistics Report – 30 September 2019

Mr Reddick provided the Board with an overview of the quarterly case statistics report to 30 September 2019. The Board noted the content of the report.

2.4 Quarterly Finance Report – 30 September 2019

2.4.1-3 Mr Reddick provided the Board with a summary of the quarterly finance report to 30 September 2019. The Board agreed that one matter arising would be raised at the next quarterly meeting, and that one other matter would be put on the agenda for the next Policy meeting, in December 2019.

Section 3: Case Matters (edited)

3.1 Monthly Case Summary

Mr Reddick confirmed that a total of 6 new applications had been received to date in October 2019.

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 one 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 were no cases in this category.

3.5 Requests for extensions of time to submit further representations:

There was one extension-of-time request (a 3rd request), which the Board rejected.

3.6 Want of Insistence Cases:

There were no cases in this category.

3.7 Discussion Cases:

Mr Walker provided the Board with an update on the progress of the review in one case. After full discussion the Board noted the progress of the review and the proposed timings for future consideration of the case.

Section 4: Proposed Referral Cases

There were no cases in this category.

Section 5: Proposed Interim Cases (edited)

5.1–5.6 The Board considered 6 statements of reasons. After full discussion it agreed not to refer those cases to the High Court.

Mr Fenn also raised the issue of anonymising personal details within the Commission's decision documents as suggested in this case. After full discussion the Board agreed in principle to adopting this approach for interfamily cases where appropriate. It was agreed therefore that this should be considered further at the next management team meeting, in terms of the procedure to be adopted, and at the Policy meeting in December 2019.

Section 6: Proposed Supplementary Cases (edited)

- 6.1 The Board considered 1 statement of reasons. After full discussion it finally agreed not to refer that case to the High Court.

Section 7: Stage 1 Pre Acceptance Cases (edited)

7.1–7.15 A total of 15 new applications were considered and the following decisions were made:

1 case	Rejected: the applicant had not appealed
2 cases	Rejected: the applicant had not appealed and there were no plausible or stateable grounds of review
1 case	Rejected: the applicant had abandoned their appeal without good reason
1 case	Rejected: the applicant had abandoned their appeal without good reason and there were no plausible or stateable grounds of review
3 cases	Rejected: the grounds of review were a repeat of the appeal grounds
3 cases	Rejected: the grounds of review were a repeat of the grounds of appeal and there were no plausible or stateable grounds of review
2 cases	Rejected: there were no plausible or stateable grounds of review
1 case	Rejected: it was not in the interests of justice to accept the case for full review
1 case	The Board agreed to continue the case for 1 month

Dr Quinn and Professor Fraser left the meeting for the discussion in one case (the same case) having previously declared a conflict of interest and therefore took no part in its consideration. The Board also noted that Mr Sinclair had recommended that the applicant in the case in question be placed on the Persistent & Repeated Applications Register.

Mrs Reilly had previously declared a conflict of interest in another case and therefore had taken no part in its consideration.

8.1 Any Other Competent Business

8.1.1 Mr Walker reported that the Commission had received a Memorandum of Understanding from the Scottish Government's Security Vetting Team which they had requested be reviewed and signed. After discussion it was agreed that Mr Walker would circulate a copy of the Memorandum to Members for information and that this would be signed and returned by the Commission.

8.1.2 Mr Reddick confirmed that a copy of the draft meeting calendar for January to June 2020 had been circulated and asked Members to advise if any of the provisional dates needed amending.

8.2 Date of Next Meeting

- Board Meeting – Friday 29 November 2019 @ 10:00

Chris Reddick
20 November 2019