

SCOTTISH CRIMINAL CASES REVIEW COMMISSION

MINUTES OF THE MEETING OF THE BOARD ON FRIDAY 26 April 2019

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)
Mr Raymond McMenam
Mrs Elaine Noad
Professor Jim Fraser
Mr Colin Dunipace
Mr Peter Ferguson Q.C.
Ms Laura Reilly
Mr Alex Quinn

Also Present:

Mr Gerard Sinclair, Chief Executive (minutes)
Mr Michael Walker, Head of Casework

Section 1: Governance Matters

1.1 Apologies

Mr Chris Reddick and Sir Gerald Gordon Q.C. had submitted their apologies.

Mr Matthews welcomed Ms Reilly and Mr Quinn to their first Board meeting and hoped that they would find their time with the Commission both interesting and stimulating.

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 29 March 2019

The Board approved the minutes of the Board meeting held on 29 March 2019 subject to some 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 provided the Board with updates on the following matters:

- He updated the Board on arrangements for the anniversary conference and indicated that the administration team would be in contact with Members shortly to discuss attendance at the event.

1.6 Chief Executive's Report

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

- He and Mr Reddick attended cyber security training on 4 April 2019
- He and Mr Reddick had attended the quarterly meeting with Scottish Government on 9 April 2019
- The Induction for new members was held on 11 April 2019
- Visual files training for staff was held on 24 and 25 April 2019
- The diary dates for the remainder of the year were now available on Boardbooks.

1.7 Court Decisions

The Board discussed the recent decisions issued in the cases of Moira Hunter and Thomas Sheridan. It was agreed that expenses should be sought in the case of Mr Sheridan, following success. Mr Sinclair confirmed that there was currently only one outstanding referral awaiting a decision.

1.8 Correspondence

There was no correspondence for noting.

Section 2: Management Issues (edited)

2.1 Notification by Members of non-case related work

The non-case related work relating to Induction was noted by Members.

2.2 Training & Development

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

- Visual files training for staff was held on 24 and 25 April 2019

2.3 Quarterly Case Statistics Report – 31 March 2019

Mr Sinclair provided an overview of the quarterly case statistics which was the final report for the financial year. It was agreed that these should be reported in the annual report.

2.4 Quarterly Finance Report – 31 March 2019

In the absence of Mr Reddick, Mr Sinclair provided a report and update on the financial position at year end. He reminded the Board that these figures were draft figures which might be amended slightly once accruals and year-end adjustments were accounted for.

2.5 Guidance for Applicants and Representatives

Mr Fenn directed the Board to the proposed changes to the document “Submissions to the Commission”. The changes were noted and agreed.

2.6 Case Management System Upgrade

Mr Sinclair advised the Board that this was progressing to plan.

2.7 Accommodation Review

Mr Sinclair updated the Board with regard to this item.

Section 3: Case Matters (edited)

3.1 Monthly Case Summary

Mr Sinclair confirmed that a total of 12 new applications had been received to date in April 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 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:

There were no cases in this category.

3.5 Requests for extensions of time to submit further representations:

There were no extensions of time for consideration.

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 (edited)

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

Section 5: Proposed Interim Cases (edited)

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

Section 6: Proposed Supplementary Cases

6.1 There were no cases in this category.

Section 7: Stage 1 Pre Acceptance Cases (edited)

7.1–7.11 A total of 11 new applications were considered and the following decisions were made:

1 case	Accepted on conviction and sentence
2 cases	Accepted on conviction
1 case	Rejected on conviction as the applicant had not appealed against conviction and there were no stateable grounds of review; rejected on sentence as the grounds were a repeat of the appeal grounds
1 case	Rejected: the applicant had not appealed conviction and sentence, the grounds of review were a repeat of the appeal grounds and there were no stateable grounds of review
1 case	Rejected: the applicant had not appealed conviction and sentence, the grounds of review were a repeat of the appeal grounds and grounds previously considered, and there were no stateable grounds of review (defective representation)
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 a full review
1 case	Rejected: it was an incompetent application
1 case	Case continued for 1 month in order to obtain further information

Mr McMenamin left the meeting for the discussion in two cases having previously declared a conflict of interest and therefore took no part in their consideration. Mr Dunipace left the meeting for the discussion in one of those cases having previously declared a conflict of interest and therefore took no part in its consideration.

The Board agreed to place one applicant on the persistent and repeated applicants register.

Section 8: Concluding Matters (edited)

8.1 Any Other Competent Business

The Board discussed upcoming Committee and Board dates and planned business in one case.

8.2 Date of Next Meeting

- Board Meeting – Friday 31 May 2019 @ 10:00

Gerard Sinclair
26 April 2019