

SCOTTISH CRIMINAL CASES REVIEW COMMISSION

MINUTES OF THE MEETING OF THE BOARD ON FRIDAY 26 JULY 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 McMEnamin
Professor Jim Fraser
Mrs Elaine Noad
Mr Colin Dunipace
Ms Laura Reilly
Dr Alex Quinn

Also Present:

Mr Gerard Sinclair, Chief Executive
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

1.1 Apologies

Mr Ferguson Q.C. had submitted his 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 June 2019

The Board approved the minutes of the Board meeting held on 28 June 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 provided the Board with an update on the following matter:

- He confirmed that he was scheduled to have his annual update meeting with Mr Neil Rennick from Scottish Government's Justice Directorate during the first week of August 2019.

1.6 Chief Executive's Report

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

- He reported that he and Mr Reddick had attended a quarterly sponsorship meeting with Justice Directorate on 4 July 2019.
- He reported that he and Mr Reddick had visited the House of Lords on 24 July 2019 to give evidence to the Westminster Commission on Miscarriages of Justice.

1.7 Court Decisions

A copy of the decision in the referral case of Mr Liston Craig Pacitti had been circulated to Members for information. Mr Sinclair also confirmed that there were now no outstanding referrals.

1.8 Correspondence

There was no correspondence for consideration.

Section 2: Management Issues

2.1 Notification by Members of non-case related work

There was no no-case related work for noting.

2.2 Training & Development

No training or development had been undertaken since the last meeting of the Board.

2.3 Quarterly Case Statistics Report – 30 June 2019

Mr Sinclair provided the Board with an overview of the quarterly case statistics to 30 June 2019, confirming that a total of 33 new applications had been received and 1 case referred within the period. The Board noted the content of Mr Sinclair's report.

2.4 Quarterly Finance Report – 30 June 2019

Mr Reddick provided the Board with an overview of the quarterly finance report to 30 June 2019 confirming that this was in line with the anticipated position at this point in the year. The Board noted the content of Mr Reddick's report.

2.5 Response Plan for Personal Data Breaches

Mr Walker provided the Board with an overview of his updated Response Plan for Personal Data Breaches along with background in respect of the Commission's responsibilities in respect of data breaches. After full discussion the Board approved the updated plan.

2.6 Position Papers

Mr Fenn provided the Board with a summarised history of the Commission's position papers and their development over the past 5 years. The Board confirmed that these documents continued to be extremely useful and suggestions for their continued development, including the use of appropriate decision trees, were excellent. The Board also approved Mr Fenn's updates to the following position papers:

- Fresh Evidence
- Unreasonable Verdict

Section 3: Case Matters

3.1 Monthly Case Summary

Mr Sinclair confirmed that a total of 13 new applications had been received to date in July 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 no 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 cases in this category.

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 cases in this category.

Section 5: Proposed Interim Cases (edited)

5.1–5.2 The Board considered 2 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 finally agreed not to refer the case to the High Court.

Section 7: Stage 1 Pre Acceptance Cases (edited)

7.1–7.13 A total of 13 new applications were considered and the following decisions were made:

1 case	Accepted on conviction and sentence
2 cases	Accepted on conviction
3 cases	Rejected: the grounds of review were a repeat of the appeal grounds
2 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 on conviction as there were no plausible or stateable grounds of review; rejected on sentence as the applicant had not appealed and there were no plausible or stateable grounds of review
2 cases	Continued for 1 month in order to obtain further information

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.

Section 8: Concluding Matters

8.1 Any Other Competent Business

There was no other competent business.

2.2 Date of Next Meeting

- Board Meeting – Friday 30 August 2019 @ 10:00

Chris Reddick
21 August 2019