

SCOTTISH CRIMINAL CASES REVIEW COMMISSION

MINUTES OF THE MEETING OF THE BOARD ON FRIDAY 27 OCTOBER 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 Bill Matthews
Professor Jim Fraser
Mr Raymond McMenamin
Doctor Rajan Darjee
Mrs Elaine Noad
Miss Frances McMenamin Q.C.

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 Dunipace 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 29 September 2017

The Board approved the minutes of the Board meeting held on 29 September 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

- 1.5.1 Mr Matthews confirmed that he had attended a NDPB Chairman's Forum meeting in Edinburgh on 24 October 2017.
- 1.5.2 Mr Matthews reported that he had been invited by the Commission for Ethical Standards in Public Life in Scotland to participate in the Diversity in Governance Research Programme which involved the completion of a diversity self-assessment questionnaire by the Board. He confirmed that this would be distributed to all Members and that he would be grateful for its completion and return.

1.6 Chief Executive's Report

- 1.6.1 Mr Sinclair provided the Board with updates on the following matters:
- He reported that he had attended the Strathclyde University Innocents Seminar on 4 October 2017 where he had given a talk.
 - He reported that MOJO had requested a meeting with the Commission but despite two appointments being made, they did not attend.
 - He reported that he had met with Stewart Campbell and Ian Bryce from the Parole Board on 25 October 2017.
 - He confirmed that induction training had been completed for the two new legal officers, David Fitzpatrick and Eamon Keane.
 - He confirmed that legal officer mid-year appraisals had been completed.
- 1.6.2 Mr Reddick provided the Board with an update on the accommodation review following the submission of feasibility proposals by the surveyors. He confirmed that a further meeting had been organised to discuss the plans further.
- 1.6.3 Mr Sinclair confirmed that there were currently two outstanding referrals waiting to be heard.

1.7 Court Decisions

There were no court decisions for noting.

1.8 Correspondence

There was no correspondence for noting.

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

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

- Mr Fitzpatrick and Mr Keane had undertaken induction training on 24 and 25 October 2017.

2.3 Quarterly Finance Report – 30 September 2017

Mr Reddick provided the Board with a summary of the quarterly finance report to 30 September 2017. After full discussion the Board noted the content of his report.

2.4 Quarterly Case Statistics Report – 30 September 2017

Mr Sinclair provided the Board with a summary of the quarterly case statistics report to 30 September 2017, confirming that a total of 84 cases had been received with 4 cases being referred. After full discussion the Board noted the content of his report.

Section 3: Case Matters (edited)

3.1 Monthly Case Summary

Mr Sinclair confirmed that a total of 11 new applications had been received to date in October 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:

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:

Mr Fenn provided the Board with a summary in one case and after full discussion the Board agreed that the case should be closed through want of insistence.

3.7 Discussion Cases:

Mr Fenn provided the Board with an update in respect of one case. After full discussion it was agreed that the case should call at the next Committee meeting and the statement of reasons considered.

Section 4: Proposed Referral Cases

There were no proposed referral cases.

Section 5: Proposed Interim Cases (edited)

5.1–5.4 The Board considered 4 statements of reasons. After full discussion it agreed not to refer three of those four cases to the High Court and it agreed that the other case should be considered further at its meeting in November 2017.

Section 6: Proposed Supplementary Cases

There were no proposed supplementary cases.

Section 7: Stage 1 Pre Acceptance Cases

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

1 case	Accepted on conviction and sentence
3 cases	Accepted on conviction
1 case	Rejected: the applicant had not appealed against conviction or sentence and there were no stateable grounds of review
1 case	Rejected: the applicant had abandoned his appeal without good reason
1 case	Rejected: the applicant had abandoned his appeal without good reason and there were no stateable grounds of review
1 case	Rejected on conviction as the grounds of review were a repeat of the grounds of appeal and there were no stateable grounds of review; rejected on sentence as there were no stateable grounds of review.
2 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 the applicant had abandoned his appeal and there were no stateable grounds of review
3 cases	Rejected: it was not in the interests of justice to accept the application for a full review as there were no new grounds of review
1 case	Continued for one month in order to obtain further information.

Miss McMenemy and Mr McMenemy 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. 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

- Board Meeting – Friday 24 November 2017 @ 10:00

Chris Reddick
15 November 2017