

SCOTTISH CRIMINAL CASES REVIEW COMMISSION

MINUTES OF THE MEETING OF THE BOARD ON FRIDAY 29 NOVEMBER 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 McMenammin
Professor Jim Fraser
Dr Alex Quinn
Mrs Elaine Noad
Ms Carol Gammie
Mrs Laura Reilly
Mr Danny Scullion

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 (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.

Mrs Reilly declared a conflict in one case.

There were no declarations of gifts or hospitality.

1.3 Minutes of Board meeting held on 25 October 2019

The Board approved the minutes of the Board meeting held on 25 October 2019, 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

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

- He reported that Ms Gammie had been appointed to the Audit Committee as a replacement to Mr Dunipace.
- He confirmed that the Cabinet Secretary for Justice would be visiting the Commission on Friday 6 December 2019, immediately before the scheduled Policy meeting and would be spending time with both Members and staff.

1.6 Chief Executive's Report

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

- He confirmed that he had attended a Miscarriages of Justice Conference in Ottawa, Canada on 23 and 24 October 2019, where he had been invited to speak.
- He reported that he had attended the Digital Justice and Policing Scotland Conference on 29 October 2019.
- He reported that he and Mr Reddick had attended a quarterly meeting with Justice Directorate on 8 November 2019.
- He reported that he had provided a keynote address to the University of Strathclyde Paralegal Graduation on 21 November 2019.
- He reported that legislation establishing the New Zealand CCRC had its 3rd reading on 12 November 2019 and was awaiting royal assent.

1.6.2 Mr Sinclair provided the Board with a staffing update, reporting that Mr Keane would be leaving the Commission on 31 December 2019 to take up a position with Edinburgh University. He also confirmed that one member of staff would be going off on maternity leave at the start of December.

1.6.3 Mr Sinclair provided the Board with an update on the progress of the review in one case.

1.6.4 Mr Sinclair confirmed that the next Policy meeting would be held on 6 December 2019 and set out some of the arrangements for the visit from the Cabinet Secretary for Justice which would happen immediately before the Policy meeting.

1.7 Court Decisions

There were no new court decisions issued since the date of the last meeting. Mr Sinclair confirmed that a hearing date had been set in January 2020 in respect of the Commission's referral in the case of Mr George Thomson.

1.8 Correspondence

Mr Sinclair confirmed that an article from the Law Gazette had been circulated to Members for information.

Section 2: Management Issues

2.1 Notification by Members of non-case related work

There was no non case related work for noting.

2.2 Training & Development

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

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 November 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:

The Board agreed one extension-of-time request (a 2nd request), for a period of 4 weeks.

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)

5.1–5.4 The Board considered 4 statements of reasons. After full discussion it agreed not to refer those cases to the High Court.

Section 6: Proposed Supplementary Cases

There were no cases in this category.

Section 7: Stage 1 Pre Acceptance Cases (edited)

7.1–7.10 A total of 10 new applications were considered and the following decisions were made:

1 case	Rejected: the applicant had not appealed
1 case	Rejected on conviction as the applicant had not appealed and there were no stateable or plausible grounds of review; rejected sentence as the grounds of review were a repeat of the grounds of appeal and there were no stateable or plausible grounds of review
2 cases	Rejected: the grounds of review were a repeat of the appeal grounds
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 and there were no stateable or plausible grounds of review
3 cases	The Board agreed to continue the case until January 2020

Mrs Reilly 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 8: Concluding Matters

8.1 Any Other Competent Business

There was no other competent business.

8.2 Date of Next Meeting

- Audit Committee Meeting – Thursday 5 December 2019 @ 10:30
- Policy Meeting – Friday 6 December 2019 @ 10:00

Chris Reddick
19 December 2019