

SCOTTISH CRIMINAL CASES REVIEW COMMISSION

MINUTES OF THE MEETING OF THE BOARD ON FRIDAY 30 AUGUST 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
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 (edited)

1.1 Apologies

Mr Ferguson Q.C. and Mrs Noad 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 26 July 2019

The Board approved the minutes of the Board meeting held on 26 July 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 his scheduled meeting with Mr Neil Rennick from Scottish Government's Justice Directorate.

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 site meeting on the 4th floor on 29 August 2019 and that work on the new office was progressing to plan.
- He reported that he and a delegation of Chinese Prosecutors would be visiting the Commission on 3 September 2019.

1.7 Court Decisions

Mr Sinclair confirmed that there were no new court decisions or 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 Position Paper – Sentencing

Mr Fenn provided the Board with a summary of the updates to the Commission's position paper on sentencing. After full discussion the Board approved the updated position paper subject to agreed amendments.

Section 3: Case Matters (edited)

3.1 Monthly Case Summary

Mr Sinclair confirmed that a total of 16 new applications had been received to date in August 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:

Mr Walker, Mr Fenn and Mr Fitzpatrick provided the Board with an update on the progress of the review in one case.

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 (edited)

6.1–6.2 The Board considered 2 supplementary statements of reasons. After full discussion it finally agreed not to refer those cases 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	Accepted on conviction and sentence
2 cases	Accepted on conviction
1 case	Rejected: the applicant had not appealed against conviction and there were no plausible or stateable grounds of review.
1 case	Rejected on conviction as the applicant had not appealed and there were no plausible or stateable grounds of review; rejected on sentence as there were no stateable or plausible grounds of review
2 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
1 case	Rejected on conviction as the grounds of review were a repeat of the grounds of appeal and there were no plausible or stateable grounds of review; rejected on sentence as there were no

stateable or plausible grounds of review.

1 case	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 grounds of review were a repeat of the grounds of appeal.
1 case	Rejected: there were no new grounds of review
1 case	Rejected: the applicant had abandoned her appeal without providing good reason

Mr McMenamin and Mrs Reilly left the meeting for the discussion in one case (a different case) having previously declared a conflict of interest and therefore took no part in its consideration.

Mr Sinclair confirmed that he would be placing one case on the Persistent & Repeated Applications Register.

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 27 September 2019 @ 10:00

Chris Reddick
30 August 2019