

SCOTTISH CRIMINAL CASES REVIEW COMMISSION

MINUTES OF THE POLICY MEETING ON FRIDAY 6 DECEMBER 2019
11:00, 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.

Members Present:

Mr Bill Matthews (Chair)
Mr Raymond McMenamain
Professor Jim Fraser
Mrs Elaine Noad
Ms Carol Gammie
Dr Alex Quinn
Mr Danny Scullion

Also Present:

Mr Gerard Sinclair, Chief Executive
Mr Chris Reddick, Director of Corporate Services (minutes)
Mr Michael Walker, Head of Casework

Policy & Case Related Items Only:

Mrs Fiona Govan, Senior Legal Officer
Mr Daniel Fenn, Senior Legal Officer
Mr Stephen Lynn, Legal Officer
Mr Eamon Keane, Legal Officer
Mr David Fitzpatrick, Legal Officer

Section 1: Governance Matters

1.1 Apologies

Mrs Reilly and Sir Gerald Gordon 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 Policy meeting held on 19 December 2018

The minutes of the Policy meeting held on 19 December 2018 were noted having previously been approved by the Board on 25 January 2019. The Board also noted the version of the minutes for the Publication Scheme.

1.4 Matters Arising

There were no matters arising.

Section 2: Policy Matters (edited)

2.1 Environmental Policy

2.1.1 Mr Keane provided an overview of the updated Environmental Policy, Environmental Guardian Checklist and Environmental Action Plan. He confirmed that he had received a number of suggested updates and typos which he confirmed would be actioned.

2.1.2 Mr Keane confirmed that he had received some feedback from Mr Fenn regarding the Scottish Government's Active Transport Framework and, after discussion, it was agreed that this should be considered further within the context of the Environmental Policy and a potential cycle to work scheme. It was also agreed that the action plan targets should be reviewed further and updated to take on board staff suggestions regarding good practice and ideas.

2.2 Research Report – Referrals 2013-18

2.2.1-4 Mrs Govan provided an overview of her update research report on Commission referrals. The Board discussed the research in detail and agreed a number of updates to the report. It was also agreed that ways of extending awareness in the Commission needed to be considered further and this should be down on at least an annual basis, involving other stakeholder groups where possible.

2.3 SCCRC Application Form

2.3.1-3 Mrs Govan presented her updated draft application form which she confirmed had been discussed by the management group. After discussion it was agreed that Mrs Govan should update the application form to reflect the agreed changes.

2.4 Risk Management

2.4.1-2 Mr Reddick provided the Board with an overview of the Commission's current risk management arrangements along with a summary of the current Corporate Risk Register. After full discussion the Board approved Mr Reddick's suggestions and agreed that this should be taken forward with the Audit Committee and internal auditors.

2.5 Instruction of Experts

Mr Walker explained the current arrangements for the instruction of experts. Professor Fraser provided an overview of his experience of expert selection and instruction.

Section 3: High Court Decisions

3.1 The Board noted the following High Court Decisions issued since the last Policy meeting:

- Sean Connelly Referral – 22 January 2019: No Written Judgment
- Alan Barker Referral – 7 March 2019: Written Judgment Circulated
- Shahid Butt Referral – 19 March 2019: No Written Judgment
- Martin Kinnel Referral – 21 March 2019: No Written Judgment
- Moira Hunter Referral: 2 April 2019: Written Judgment Circulated
- Carol Kirk Referral: 15 May 2019: No Written Judgment
- Liston Pacitti Referral: 9 July 2019: Written Judgment Circulated

Section 4: Case Matters (edited)

Stage 1: Pre-Acceptance Cases

4.1–4.4 A total of 6 new applications were considered and the following decisions were made:

1 case	Accepted on conviction
1 case	Rejected: the applicant had not appealed
1 case	Rejected: the applicant had abandoned his appeal without providing good reason and there were no plausible or stateable grounds of review
1 case	Rejected: there were no plausible or stateable grounds of review
1 case	Rejected: it was not in the interests of justice to accept the application for full review
1 case	Continued for 1 month in order to obtain further information

Section 5: Concluding Matters

5.1 Any Other Competent Business

Mr Matthews confirmed that it was Mr Keane's last meeting at the Commission and, on behalf of the entire Board, thanked him for all of his invaluable input and wished him well in his new position.

5.2 Date of Next Meeting

Policy Meeting – tbc

Chris Reddick

19 December 2019