

SCOTTISH CRIMINAL CASES REVIEW COMMISSION

MINUTES OF THE MEETING OF THE BOARD ON FRIDAY 22 FEBRUARY 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 McMenemy
Mrs Elaine Noad
Mr Colin Dunipace
Miss Frances McMenemy Q.C.
Professor Jim Fraser

Also Present:

Mr Gerard Sinclair, Chief Executive (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 Mr Reddick 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 was nothing to declare.

1.3 Minutes of Board meeting held on 30 November 2018

The Board approved the minutes of the Board meeting held on 25 January 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 Minutes of Audit Committee meeting held on 13 February 2019

The Board noted the minutes of the Audit Committee meeting held on 13 February 2019. The Board also noted the version of the minutes for the Publication Scheme.

1.6 Matters Arising

Mrs Noad confirmed that the minutes were simply for noting and that there was nothing she wished to add.

1.7 Chairman's Report

Mr Matthews provided the Board with an update on the current Board recruitment exercise.

1.8 Chief Executive's Report

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

- Professor Brandon Garrett had visited the Commission on 29 January 2019 and provided a talk to staff and some Members. Some staff had then attended the Presentation that evening "Forensic Science and Wrongful convictions".
- He and Chris Reddick, along with Sir Gerald Gordon and Stewart Campbell had attended the funeral service for Graham Bell Q.C. on 11 February 2019.
- He and other staff members had attended compulsory Risk Management training organised by the Law Society of Scotland on 14 February 2019.
- On the proposed case management system upgrade.
- On the current accommodation review.
- The management team were meeting next week to discuss the 20th Anniversary event on 13 June 2019.

1.9 Court Decisions

Mr Sinclair provided an update on outstanding referral decisions.

1.10 Correspondence

There was no correspondence for discussion.

Section 2: Management Issues

2.1 Notification by Members of non-case related work

Mr Matthews notified the Board of his work in the selection process for new Members.

2.2 Training & Development

Staff and Members had attended a talk by Professor Brandon Garrett on 29 January 2019 and Risk Management training organised by the Law Society of Scotland on 14 February 2019.

2.3 Corporate Risk Register – Quarter 3 Update

Mr Sinclair provided the Board with a quick update in respect of the corporate risk register for quarter 3 which had been considered by the Audit Committee at their last meeting on 13 February 2019. After discussion the Board approved the corporate risk register.

2.4 Position Paper - Disclosure

Mr Fenn provided the Board with an update on the proposed changes to the Disclosure paper. These changes were agreed.

Section 3: Case Matters (edited)

3.1 Monthly Case Summary

Mr Sinclair confirmed that a total of 8 new applications had been received in February 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:

Press releases were issued in the cases of Alan Baker, Shahid Butt and Martin Kinnell

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

There were no cases in this category.

Section 7: Stage 1 Pre Acceptance Cases (edited)

7.1–7.7 A total of 7 new applications were considered and the following decisions were made:

1 case	Rejected: the applicant had not appealed, there were no plausible or stateable grounds of review and it was not in the interests of justice to accept the case for a full review
1 case	Rejected: the grounds of review were a repeat of the grounds of appeal and it was not in the interests of justice to accept the case for a full review
3 cases	Rejected: the grounds of review were a repeat of the grounds of appeal, there were no plausible or stateable grounds of review and it was not in the interests of justice to accept the case for a full review
1 case	Rejected: there were no plausible or stateable grounds of review and it was not in the interests of justice to accept the case for a full review
1 case	Continued for month

Mr Sinclair advised that one applicant would now be placed on the repeated and persistent applicant's register.

Section 8: Concluding Matters

8.1 Any Other Competent Business

The Board considered materials relating to one case.

8.2 Date of Next Meeting

- Board Meeting – Friday 29 March 2019 @ 10:00

Gerard Sinclair
22 February 2019