

SCOTTISH CRIMINAL CASES REVIEW COMMISSION

MINUTES OF THE MEETING OF THE BOARD ON FRIDAY 25 JANUARY 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
Mrs Elaine Noad
Mr Colin Dunipace
Miss Frances McMenamin Q.C.
Professor Jim Fraser

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 Ferguson Q.C. had submitted his 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.

Mr Matthews confirmed that he had updated his declarations of register following a recent appointment.

1.3 Minutes of Board meeting held on 30 November 2018

The Board approved the minutes of the Board meeting held on 30 November 2018. 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 6 December 2018

The Board noted the minutes of the Audit Committee meeting held on 6 December 2018. The Board also noted the version of the minutes for the Publication Scheme.

1.6 Matters Arising

Mrs Noad confirmed that the Audit Committee minutes had now been approved and there were no specific matters arising to bring to the Board's attention.

1.7 Minutes of Policy meeting held on 19 December 2018.

The Board approved the minutes of the Policy meeting held on 19 December 2018 subject to minor amendment. The Board also approved the version of the minutes for the Publication Scheme, subject to the same amendments.

1.8 Matters Arising

There were no matters arising.

1.9 Chairman's Report

Mr Matthews provided the Board with an update on the current Board recruitment exercise, reporting that there had been a good response for both legal and lay positions. He confirmed that he would be meeting with the selection panel in the next 10 days to short list for interview.

1.10 Chief Executive's Report (edited)

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

- He and Mr Reddick had attended a quarterly meeting with Justice Directorate on 10 January 2019.
- The Commission's proposed analogue arrangement with Scottish Government for staff salaries had been approved by Remuneration Group and would be implemented in due course.
- Agreement had been reached on the proposed case management system upgrade and this would now be taken forward with the contractor.
- Provided an update on the current accommodation review.
- The proposed date for the 20th Anniversary event on 13 June 2019 had now been agreed.
- He had received nominations for attendees at the next Royal Garden Party on 3 July 2019 and asked for interested persons to let him know.
- Professor Brandon Garrett would be visiting the Commission on 29 January 2019 and providing a talk to staff.
- He would be attending a talk on "Unlocking the Prison Crisis" on 30 January 2019.

1.11 Court Decisions

Mr Sinclair provided an update on outstanding referral decisions. He also confirmed that a total of 6 new applications had been received in January 2019 to date.

1.12 Correspondence (edited)

Mr Reddick confirmed that he had circulated to the Board a copy of an appeal by one applicant against Mr Sinclair's decision to apply the Persistent & Repeated Applications Policy, along with details of all of the applicant's previous applications to the Commission. After full discussion the Board agreed not to uphold the appeal on the basis that the criteria had been applied correctly.

(Mr Sinclair had left the meeting for this discussion and therefore took no part in its consideration)

Section 2: Management Issues (edited)

2.1 Notification by Members of non-case related work

There was no notification by Members of non-case related work.

2.2 Training & Development

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

2.3 Quarterly Case Statistics Report – 31 December 2018

Mr Sinclair provided the Board with a summary of the quarterly case statistics to 31 December 2018, confirming that a total of 108 applications had been received and a total of 4 cases had been referred. The Board noted the content of his report.

2.4 Quarterly Finance Report – 31 December 2018

Mr Reddick provided the Board with a summary of the quarterly finance report to 31 December 2018. The Board noted the content of his report.

2.5 Corporate Risk Register – Quarter 2 Update

Mr Reddick provided the Board with a full update in respect of the corporate risk register for quarter 2 which had been considered by the Audit Committee at their last meeting on 6 December 2018. After full discussion the Board approved the proposed changes to the corporate risk register.

2.6 Update

Mr Fenn and Mr Walker provided the Board with an update on the current investigation in one case. After full discussion the Board agreed the course of action it wished to follow.

2.7 Legal Actions

Mr Fenn provided the Board with a full update in respect of one case. After full discussion the Board agreed the course of action it wished to follow.

Section 3: Case Matters (edited)

3.1 Monthly Case Summary

Mr Sinclair confirmed that a total of 6 new applications had been received in January 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 Keane provided the Board with a summary of the main points of the case and the most recent correspondence from the applicant and his legal representatives in which he confirmed that he no longer wished to have his case investigated by the Commission. After full discussion it was agreed that the only option available was to abandon the case.

Section 4: Proposed Referral Cases (edited)

4.1–4.3 The Board considered 3 statements of reasons. After full discussion it agreed to refer those cases to the High Court.

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)

7.1–7.13 A total of 13 new applications were considered and the following decisions were made:

1 case	Accepted on conviction and sentence
2 cases	Accepted on conviction
1 case	Accepted on sentence
1 case	Rejected: the applicant had not appealed and there were no plausible or stateable grounds of review
1 case	Rejected: the applicant had not appealed 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
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
1 case	Rejected: the grounds of review were a repeat of the grounds of appeal, there were no plausible or stateable grounds of review
1 case	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
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	Rejected on conviction as there were no plausible or stateable grounds of review; rejected on sentence as the applicant had not appealed and there were no plausible or stateable grounds of review

Mr McMenamin 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 – Wednesday 13 February 2019 @ 11:00
- Board Meeting – Friday 22 February 2019 @ 10:00

Chris Reddick
12 February 2019