

SCOTTISH CRIMINAL CASES REVIEW COMMISSION

MINUTES OF THE MEETING OF THE BOARD ON FRIDAY 25 MAY 2018

10.00 AM, PORTLAND HOUSE

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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
Mr Raymond McMenamin
Mrs Elaine Noad
Professor Jim Fraser
Miss Frances McMenamin Q.C.
Mr Colin Dunipace (from 11:30)

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. 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.

There were no declarations of conflicts, gifts or hospitality.

1.3 Minutes of Board meeting held on 27 April 2018

The Board approved the minutes of the Board meeting held on 27 April 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 Chairman's Report

Mr Matthews reported that he would be meeting with Mr Rennick at the Justice Directorate in the following week for their annual review. He also confirmed that he would be arranging individual appraisals over the following month and that he would be in touch with Members to agree suitable times.

1.6 Chief Executive's Report

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

- He reported that the 2017-18 Annual Accounts had been drafted and subject to audit and that these would be finalised at the Audit Committee meeting on 4 June 2018.
- He reported that the annual appraisals for legal officers had been completed.
- He provided a brief update on progress in respect of one case.

1.6.2 Mr Sinclair reported that Mr Robbie Burnett had retired in April 2018. After discussion it was agreed that Mr Sinclair should write to him on the Board's behalf to wish him well and to draft a brief insert for the 2017-18 Annual Report, given the quality of applications that he had put to the Commission over the years.

1.7 Court Decisions

There were no court decisions issued since the last meeting of the Board.

1.8 Correspondence

There was no correspondence for noting.

Section 2: Management Issues (edited)

2.1 Notification by Members of non-case related work

There was no non-case related work notified by Members.

2.2 Training & Development

The following training and development had been undertaken since the last meeting of the Board:

- Mr Walker had attended a Cyber Security Workshop on 15 May 2018.
- Mr Reddick and Mrs MacDonald had attended a payroll training session with Scottish Government on 15 May 2018.

2.3 Draft Data Protection Policy

Mr Walker provided the Board with an overview of the key updates to the Commission's Data Protection Policy to take account of changes as a result of GDPR. After full discussion the Board approved the updated policy and agreed that this should be published on the Commission's website.

2.4 Draft 2018-19 Business Plan

Mr Reddick provided the Board with a summary of the draft 2018-19 Business Plan. After full discussion the Board approved the 2018-19 Business Plan, subject to minor amendment.

2.5 Draft 2017-18 Annual Report

Mr Reddick provided the Board with an overview of the proposed 2017-18 Annual Report which he confirmed was in the process of being drafted. He noted that this would follow a similar format to the previous year's report and that it would contain a number of good news stories, particularly in respect of the Commission achieving all of its key targets for the year and reducing the average review time to the lowest rate ever. He confirmed that the report was due to be laid in Parliament along with the 2017-18 Annual Accounts on 29 June 2018.

Section 3: Case Matters (edited)

3.1 Monthly Case Summary

Mr Sinclair confirmed that a total of 12 new applications had been received to date in May 2018.

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:

Miss Ralston provided the Board with a full update on one case. The Board confirmed that it adhered to its initial decision.

Mr McMenemy left the meeting for this discussion having previously declared a conflict of interest and therefore took no part in its consideration.

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.

Mr Reddick left the meeting for this discussion having previously declared a conflict of interest and therefore took no part in its consideration.

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)

7.1–7.12 A total of 12 new applications were considered and the following decisions were made:

2 cases	Accepted on conviction
1 case	Rejected: the applicant had not appealed
3 cases	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 full review
1 case	Rejected: the applicant had abandoned his appeal without good reason
1 case	Rejected: repeat of appeal grounds
1 case	Rejected: a repeat of the grounds of appeal and there were no plausible or stateable grounds of review
1 case	Rejected: there were no plausible or stateable grounds of review
1 case	Continued for 1 month

Miss McMenamin Q.C. and 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 – Monday 4 June 2018 @ 10:30
- Board Meeting – Friday 29 June 2018 @ 10:00

Chris Reddick
21 June 2018