

SCOTTISH CRIMINAL CASES REVIEW COMMISSION

MINUTES OF THE MEETING OF THE BOARD ON FRIDAY 26 OCTOBER 2018

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 (name deleted)

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.

Mrs Elaine Noad declared a conflict in one case.

1.3 Minutes of Board meeting held on 28 September 2018

The Board approved the minutes of the Board meeting held on 28 September 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 provided the Board with updates on the following matters:

- He confirmed that declaration of interest forms had been circulated and requested that these be updated and returned to Mr Reddick.
- He confirmed that copies of current personnel record forms had been circulated and asked Members to check, update and return these to Mr Reddick.

1.5.1 Mr Matthews provided the Board with an update on the current Board recruitment process, along with anticipated timescales for advertising and interview.

1.6 Chief Executive's Report

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

- He reported that the New Zealand CCRC Bill had passed its first stage in Parliament and that Ms Jill Griggs from the NZ Criminal Justice Department had been appointed to oversee the creation of a new Commission.
- He reported that the new Chairman from CCRC, Ms Helen Pitcher, would be visiting the Commission on 14 November 2018.

1.7 Court Decisions

Mr Sinclair confirmed that there were still 2 outstanding referrals awaiting decision. He also confirmed that a copy of the decision in the case of Wendy Graham, issued on 2 October 2018, had been circulated with papers.

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 for noting.

2.2 Training & Development

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

- Mr Keane had attended a seminar on Judicial Expenses on 18 October 2018.

2.3 Data Protection Policy

Mr Walker provided the Board with a full update on the various changes to the Data Protection Policy and after full discussion the Board approved the updated policy.

2.4 Quarterly Case Statistics Report – 30 September 2018

Mr Sinclair provided the Board with a full update in respect of the quarterly case statistics to 30 June 2018 confirming that, based on the first 6 month's figures, the Commission was in line to receive in the region of 160 cases for the year. He also confirmed that there had been 2 referrals so far in the year.

2.5 Quarterly Finance Report – 30 September 2018

2.5.1 Mr Reddick provided the Board with a full update in respect of the quarterly finance report to 30 September 2018.

2.5.2 Mrs Noad raised a point about the expenditure in respect of Board Members. Mr Reddick confirmed he didn't anticipate any problems in this area.

Section 3: Case Matters

3.1 Monthly Case Summary

Mr Sinclair confirmed that a total of 10 new applications had been received in October 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:

There were no cases in this category.

Section 4: Proposed Referral Cases (edited)

4.1 In Mrs Govan's absence, Mr Sinclair provided the Board with a summary of the main points in one case. After full discussion the Board agreed that the case should return to the Committee and Board in November 2018 for decision.

Section 5: Proposed Interim Cases (edited)

5.1 The Board considered 1 statement of reasons. After full discussion it agreed not to refer that 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)

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

1 case	Accepted on conviction and sentence
1 case	Accepted on conviction
1 case	Rejected: the applicant had not appealed and 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 applicant had not appealed
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 the grounds of review were a repeat of the grounds of appeal
2 cases	Rejected: the grounds of review were a repeat of the grounds of appeal and there were no plausible or stateable grounds of review
4 cases	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: a review was not possible (historic case).

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

Section 8: Concluding Matters (edited)

8.1 Any Other Competent Business

8.1.1 Mr Sinclair confirmed that a copy of the draft meeting calendar for January to June 2019 had been circulated and requested that Members check over proposed dates so that these could be fixed in calendars.

8.1.2 Mr Walker provided the Board with an update on the progress of the review in one case. After full discussion the Board agreed the course of action.

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

8.2 Date of Next Meeting

- Board Meeting – Friday 30 November 2018 @ 10:00

Chris Reddick
2 November 2018