

SCOTTISH CRIMINAL CASES REVIEW COMMISSION

MINUTES OF THE MEETING OF THE BOARD ON FRIDAY 27 APRIL 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
Mr Raymond McMenamin
Mrs Elaine Noad
Professor Jim Fraser
Mr Peter Ferguson Q.C.

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

Miss McMenamin Q.C. and Mr Dunipace 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 Board meeting held on 23 March 2018

The Board approved the minutes of the Board meeting held on 23 March 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 had been appointed by Scottish Government as a mentor for future Public Body Chairs.

1.6 Chief Executive's Report

Mr Sinclair reported that a total of 11 new cases had been received so far in April 2018 and that there continued to be one outstanding referral.

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:

- All staff had attended a Visioning Session held by HAA Design Ltd on 24 April 2018 where aspirations for the office refurbishment were discussed.

2.3 Quarterly Case Statistics Report – 31 March 2018

Mr Sinclair provided a full update on the provisional year-end case statistics, confirming that a total of 161 applications had been received during the year with 181 being concluded and a total of 3 being referred. He noted that the applications received and concluded figures were up on 2016-17 whilst the number of referrals was the same.

2.4 Quarterly Finance Report – 31 March 2018

Mr Reddick provided a full update on the provisional year-end outturn figures, subject to the usual year-end adjustments. He also confirmed that the draft annual accounts were in the process of being drafted and that the external audit was due to commence on 8 May 2018.

Section 3: Case Matters (edited)

3.1 Monthly Case Summary

Mr Sinclair confirmed that a total of 11 new applications had been received to date in April 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 two 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:
The Board approved one extension-of-time request (a 2nd request).
- 3.6 Want of Insistence Cases:
There were no cases in this category.
- 3.7 Discussion Cases:
Mr Fenn provided the Board with a summary in one case and after full discussion the Board agreed to accept the case for full review.

Section 4: Proposed Referral Cases

There were no proposed referral cases.

Section 5: Proposed Interim Cases (edited)

5.1 The Board considered 1 statement of reasons. After full discussion it agreed not to refer the case to the High Court.

Section 6: Proposed Supplementary Cases (edited)

6.1–6.5 The Board considered 5 supplementary statements of reasons. After full discussion it agreed finally not to refer those cases to the High Court.

Mr Ferguson Q.C. 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 7: Stage 1 Pre Acceptance Cases (edited)

7.1–7.14 A total of 14 new applications were considered and the following decisions were made:

| | |
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| 3 cases | Accepted on conviction |
| 1 cases | Accepted on sentence only; rejected on conviction as the applicant had not appealed. |
| 1 case | Rejected: the applicant had not appealed |
| 1 case | Rejected: the applicant had not appealed against conviction or sentence and there were no plausible or stateable grounds of review |

| | |
|---------|---|
| 1 case | Rejected on conviction as the applicant had not appealed; rejected on sentence as there were no plausible or stateable grounds of review |
| 1 case | Rejected: the applicant had abandoned his appeal without good reason and there were no plausible or stateable grounds of review |
| 1 case | Rejected on conviction as the applicant had abandoned his appeal without good reason and there were no plausible or stateable grounds of review; rejected on sentence as there were no plausible or stateable grounds of review |
| 1 case | Rejected: repeat of appeal grounds |
| 1 case | Rejected on conviction as the grounds of review were a repeat of the grounds of appeal; rejected on sentence as the applicant had not appealed. |
| 1 case | Rejected: there were no plausible or stateable grounds of review |
| 2 cases | Continued for 1 month |

Mr Dunipace 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

Mr Reddick confirmed that a copy of the Committee/Board Calendar for July to December 2018 had been circulated and requested that Members provide details of any conflicts.

8.2 Date of Next Meeting

- Board Meeting – Friday 25 May 2018 @ 10:00

Chris Reddick
14 May 2018