

SCOTTISH CRIMINAL CASES REVIEW COMMISSION

MINUTES OF THE MEETING OF THE BOARD ON FRIDAY 27 JULY 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 Raymond McMenamin (Chair)
Mrs Elaine Noad
Mr Colin Dunipace
Miss Frances McMenamin 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 (edited)

1.1 Apologies

Mr Matthews, Mr Ferguson Q.C. and Professor Fraser 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 29 June 2018

The Board approved the minutes of the Board meeting held on 29 June 2018 subject to minor amendment. The Board also approved the version of the minutes for the Publication Scheme subject to the same minor amendment.

1.4 Matters Arising

There were no matters arising.

1.5 Chairman's Report

In Mr Matthews' absence there were no matters to report.

1.6 Chief Executive's Report

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

- He had attended a Cyber Resilience conference with Mr Walker on 15 May 2018 and they had subsequently met to discuss the Commission's internal arrangements.
- He reported that the management team from the CCRC would be visiting the Commission on 1 and 2 August 2018.
- He requested that Members consider a change to the date of the Policy meeting in August 2018, agreeing to email Members with the proposed change.

1.7 Court Decisions

Mr Sinclair provided an update on ongoing court actions in respect of three cases. He also confirmed that there were currently 2 outstanding Commission referrals awaiting decision.

1.8 Correspondence

Mr Sinclair reported that the Commission had been contacted by a freelance journalist who was looking for comment on the purpose of the Commission's ongoing prison visits. He circulated copies of the Commission's response which was noted by the Board.

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:

- Mrs Govan had attended an IOSH Managing Safety refresher course on 18 July 2018.

2.3 Quarterly Case Statistics Report – 30 June 2018

Mr Sinclair provided the Board with a summary of the quarterly case statistics to 30 June 2018, confirming that a total of 40 new applications had been received within this period, 37 cases concluded and 1 referral made.

2.4 Quarterly Finance Report – 30 June 2018

Mr Reddick provided the Board with a summary of the quarterly finance report to 30 June 2018.

Section 3: Case Matters

3.1 Monthly Case Summary

Mr Sinclair confirmed that a total of 13 new applications had been received to date in July 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

There were no cases in this category.

Section 5: Proposed Interim Cases (edited)

- 5.1–5.3** The Board considered 3 statements of reasons. After full discussion it agreed not to refer 2 of those cases to the High Court. In the other case the Board approved Mr Walker's proposals.

Mr McMenemy and Miss McMenemy Q.C. 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 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
5 cases	Rejected: the applicant had not appealed and there were no plausible or stateable grounds of review
2 cases	Rejected: repeat of the grounds of appeal
2 cases	Rejected: there were no plausible or stateable grounds of review
2 cases	Continued for 1 month

The Board noted Mr Sinclair's decision in one case to place the applicant on the Persistent & Repeated Applications Register.

Section 8: Concluding Matters

8.1 Any Other Competent Business

There was no other competent business.

8.2 Date of Next Meeting

- Policy Meeting – Friday 10 August 2018 @ 10:00 (subject to any agreed changes)
- Board Meeting – Friday 31 August 2018 @ 10:00

Chris Reddick
21 August 2018