

SCOTTISH CRIMINAL CASES REVIEW COMMISSION

MINUTES OF THE MEETING OF THE BOARD ON FRIDAY 29 JUNE 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
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

1.1 Apologies

Mr Ferguson 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 25 May 2018

The Board approved the minutes of the Board meeting held on 25 May 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 Minutes of the Audit Committee meeting held on 4 June 2018

The Board noted the content of the minutes of the Audit Committee meeting held on 4 June 2018. The Board also noted the version of the minutes for the Publication Scheme.

1.6 Matters Arising

Mrs Noad provided the Board with an overview of the year-end Audit Committee meeting which she had chaired. She specifically passed on the Committee's congratulations to Mr Sinclair, Mr Reddick and their team for another successful year-end. This was endorsed by the Board.

1.7 Chairman's Report

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

- He reported that he had met with Mr Neil Rennick of the Justice Directorate on 4 June 2018 who had provided him with very positive feedback in respect of the Commission.
- He reported that he had discussed the Board recruitment process with Mr Rennick and provided the Board with an update.
- Mr Matthews confirmed that he had almost completed his appraisals for Board Members.
- Mr Matthews noted that a new Cabinet Secretary for Justice, Mr Humza Yousaf MSP, had been appointed on 27 June 2018 and recommended that he be invited to visit the Commission.

1.8 Chief Executive's Report (name deleted)

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

- He had attended the Annual Sir Gerald Gordon Seminar on 7 June 2018.
- He reported that he and Mr Reddick had attended a quarterly meeting with Justice Directorate on 20 June 2018 and provided the Board with an overview of the main agenda items.
- He reported that he had attended an Advisory Council of the Judicial Institute meeting on 18 June 2018.
- He reported that he had attended an NDPB Chief Executive Forum meeting on 27 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.

1.8.2 Mr Sinclair noted that a further 15 new cases had been received in June 2018 and that there were currently 2 outstanding referral cases with the High Court.

1.9 Court Decisions

Mr Sinclair confirmed that the decision in the case of T Sheridan V SCCRC had been circulated with Board papers and provided an overview of the key points of the opinion of Lady Carmichael.

1.10 Correspondence

Mr Sinclair circulated copies of correspondence received from Scottish Courts in respect of GDPR implications along with the Commission's proposed response.

Section 2: Management Issues

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:

- Miss Ralston had attended a Criminal Law Conference in Edinburgh on 19 June 2018.
- Mr Fitzpatrick had attended an Act Now CPD event on 19 June 2018.
- Mr Lynn had attended a Mandatory Ethics TCPD event on 20 June 2018.

2.3 Disclosure Policy

Mr Walker provided the Board with an overview of the key updates to the Commission's Disclosure Policy. After full discussion the Board approved the updated policy subject to some agreed updates and amendments.

2.4 Data Retention Policy

Mr Walker provided the Board with an overview of the key updates to the Commission's Data Retention Policy. After full discussion the Board approved the updated policy.

2.5 Risk Management: Corporate Risk Register 2017-18: Quarter 4

Mr Reddick provided the Board with an overview of the key recommendations from the Audit Committee on 4 June 2018 in respect of the Corporate Risk Register. He noted that there was one minor change to scoring and after discussion the updated was approved by the Board.

Section 3: Case Matters

3.1 Monthly Case Summary

Mr Sinclair confirmed that a total of 15 new applications had been received to date in June 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)

5.1–5.4 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 (edited)

6.1–6.4 The Board considered 4 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)

7.1–7.14 A total of 17 new applications were considered and the following decisions were made:

4 case	Accepted on conviction
2 cases	Accepted on sentence
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: 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: it was not in the interests of justice to accept the case (Mr Sinclair also noted that he proposed placing the applicant on the Persistent & Repeated Applications Register)
1 case	Continued for 1 month

Mrs McMenemy Q.C. and Mr McMenemy left the meeting for the discussion in one case having previously declared a conflict of interest and therefore took no part in its consideration. Mr McMenemy left the meeting for the discussion in two other cases having previously declared a conflict of interest and therefore took no part in their consideration.

Section 8: Concluding Matters

8.1 Any Other Competent Business

8.1.1 Mr Reddick confirmed that the Commission's 2017-18 Annual Report and Annual Accounts documents had been laid in Parliament today and would subsequently be published on the website.

8.1.2 Mr Reddick provided Members with updated guidance in respect of monthly fee claims.

8.2 Date of Next Meeting

- Board Meeting – Friday 27 July 2018 @ 10:00
- Policy Meeting – Friday 10 August 2018 @ 10:00

Chris Reddick
12 July 2018