

SCOTTISH CRIMINAL CASES REVIEW COMMISSION

MINUTES OF THE MEETING OF THE BOARD ON FRIDAY 30 NOVEMBER 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.
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 (edited)

1.1 Apologies

Professor Fraser 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.

Mr Sinclair reported that he had been a guest of the CCRC Chairman, Mrs Helen Pitcher OBE, at a Kids Out charity dinner on 14 November 2018.

1.3 Minutes of Board meeting held on 26 October 2018

The Board approved the minutes of the Board meeting held on 26 October 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 an update on the current Board recruitment exercise.

1.6 Chief Executive's Report

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

- He reported that the CCRC's new Chairman, Mrs Helen Pitcher OBE, had visited the Commission on 14 November 2018.
- Mr Sinclair reported that he had given a talk to Glasgow Caledonian University Honours Students on 19 November 2018.
- Mr Sinclair reported that the Commission had hosted an Information Day for MOJO students on 22 November 2018.
- Mr Sinclair confirmed that the previously arranged talk by the Parole Board to the Commission had been confirmed for 14 December 2018 at 13:30.
- Mr Sinclair noted that he was currently considering 13 June 2019 as a possible date for the Commission's 20th Anniversary Event.

1.7 Court Decisions

Mr Sinclair confirmed that the decision in the case of John Doherty had been circulated to Members and that a full case report on this and the case of Carol Kirk would be included on the agenda for the Policy meeting on 19 December 2018.

1.8 Correspondence

Mr Walker provided the Board with an update on the review in one case.

Section 2: Management Issues (edited)

2.1 Notification by Members of non-case related work

Mr Matthews confirmed that he had spent time on the Board recruitment process.

2.2 Training & Development

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

- Mrs Govan had attended the Annual SASO Conference on 2 November 2018.
- Mr Fenn had attended a seminar on Legal Privilege on 27 November 2018.

2.3 Pay Analogue Proposals

Mr Reddick provided the Board with a full update on the Commission's proposals to enter into an analogue arrangement regarding pay with Scottish Government.

2.4 Accommodation Review

Mr Reddick provided the Board with a full update on the Commission's current accommodation review.

2.5 Case Management System Upgrade

Mr Reddick provided the Board with a full update in respect of the potential case management system upgrade.

Section 3: Case Matters

3.1 Monthly Case Summary

Mr Sinclair confirmed that a total of 10 new applications had been received in November 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)

4.1–4.2 The Board considered 2 statements of reasons. After full discussion it agreed to refer those cases to the High Court.

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

There were no cases in this category.

Section 7: Stage 1 Pre Acceptance Cases

7.1–7.10 A total of 10 new applications were considered and the following decisions were made:

1 case	Accepted on sentence
1 case	Rejected: the applicant had not appealed
1 case	Rejected: the applicant had not appealed and there were no plausible or stateable grounds of review
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 and there were no plausible or stateable grounds of review
3 cases	Rejected: the grounds of review were a repeat of the grounds of appeal
2 cases	Rejected: there were no plausible or stateable grounds of review
1 case	Rejected: continued until the Policy meeting in December 2018 in order to obtain further information

Mr Sinclair confirmed that he would be placing one applicant on the Persistent and Repeated Applications Register as the criteria for this had now been met.

Section 8: Concluding Matters

8.1 Any Other Competent Business

On the occasion of Miss Ralston's last day at the Commission prior to her retirement, Mr Matthews, on behalf of the Board and all the staff, thanked Miss Ralston for her continued hard work and dedication to the Commission and wished her well for the future.

8.2 Date of Next Meeting

- Audit Committee Meeting – Thursday 6 December 2018 @ 10:00
- Policy Meeting – Wednesday 19 December 2018 @ 10:00
- Board Meeting – Friday 25 January 2019

Chris Reddick
17 December 2018