

SCOTTISH CRIMINAL CASES REVIEW COMMISSION

MINUTES OF THE MEETING OF THE BOARD ON FRIDAY 31 AUGUST 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 McMenemy
Mrs Elaine Noad
Mr Colin Dunipace
Miss Frances McMenemy 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 (edited)

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.

There were no declarations of conflicts, gifts or hospitality.

1.3 Minutes of Board meeting held on 27 July 2018

The Board approved the minutes of the Board meeting held on 27 July 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 Policy meeting held on 10 August 2018

The Board approved the minutes of the Policy meeting held on 10 August 2018 subject to minor amendment. The Board also approved the version of the minutes for the Publication Scheme subject to the same minor amendment.

1.6 Matters Arising

There were no matters arising

1.7 Chairman's Report

1.7.1 Mr Matthews provided Members with an update on the Board recruitment process following his meeting with Scottish Government on 30 August 2018.

1.7.2 Mr Matthews reported that Mrs Noad would be taking over as Chairman of the Audit Committee from Professor Jim Fraser, who would be staying on as a Member.

1.8 Chief Executive's Report

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

- He reported that the senior management team from CCRC had visited the Commission on 1 and 2 August 2018.
- He reported that SCCRC, CCRC and NCCRC had taken part in a conference call with the Canadian Government Department responsible for reviewing miscarriages of justice on 1 August 2018 as part of an introductory session.
- He confirmed that a Policy meeting was held on 10 August 2018.
- He confirmed that the review team in one case had met with Crown Office on 30 August 2018.
- He reported that a delegation of 4 Taiwanese Judges had requested a visit with the Commission which had been arranged for 26 September 2018.
- He confirmed that he had been invited to the Judicial Institute Lecture on 27 September 2018.

1.9 Court Decisions

Mr Sinclair confirmed that there were still 2 outstanding referrals awaiting decision.

1.10 Correspondence

Mr Sinclair advised Members that a questionnaire had been received from the Standards Commissioner regarding the Ethical Standards Framework and seeking their views on the Complaints Process. He confirmed that he would email this to Members for completion and return.

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

There was no training and development undertaken since the last meeting of the Board.

2.3 Persistent & Repeated Applications Registration Appeal

(Mr Sinclair left the meeting for this discussion as the appeal was against his decision.)

Members considered an appeal letter. It agreed that the appeal should not be upheld and that this should be communicated to the appellant.

Section 3: Case Matters (edited)

3.1 Monthly Case Summary

Mr Sinclair confirmed that a total of 15 new applications had been received in August 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:

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 The Board considered 1 statement of reasons. After full discussion it agreed to refer the case to the High Court.

Section 5: Proposed Interim Cases

There were no cases in this category.

Section 6: Proposed Supplementary Cases

There were no cases in this category.

Section 7: Stage 1 Pre Acceptance Cases (edited)

7.1–7.18 A total of 18 new applications were considered and the following decisions were made:

1 case	Accepted on conviction and sentence
1 case	Accepted on conviction
1 case	Accepted on sentence
5 cases	Rejected: the applicant had not appealed and there were no plausible or stateable grounds of review
1 case	Rejected: the applicant had not appealed against his conviction or sentence, repeat of the grounds of appeal and there were no plausible or stateable grounds of review
1 case	Rejected: repeat of the grounds of appeal
1 case	Rejected: repeat of the grounds of appeal and there were no plausible or stateable grounds of review.
6 cases	Rejected: there were no plausible or stateable grounds of review
1 case	Continued for 1 month

Miss McMenamain Q.C. and Mr McMenamain 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 (edited)

8.1 Any Other Competent Business

8.1.1 Mr Walker and Mr Fenn provided the Board with a full update on the progress of the review in one case.

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

8.1.2 Mr Sinclair confirmed that he had undertaken his annual review of the Persistent & Repeated Applications Register and the Persistent & Vexatious Correspondents Register and noted two minor updates.

8.2 Date of Next Meeting

- Board Meeting – Friday 28 September 2018 @ 10:00

Chris Reddick
18 September 2018