

# SCOTTISH CRIMINAL CASES REVIEW COMMISSION

## MINUTES OF THE MEETING OF THE BOARD ON FRIDAY 24 NOVEMBER 2017

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  
Doctor Rajan Darjee  
Mrs Elaine Noad  
Miss Frances McMenamin Q.C.  
Mr Colin Dunipace  
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

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.

There were no declarations of conflicts, gifts or hospitality.

#### 1.3 Minutes of Board meeting held on 27 October 2017

The Board approved the minutes of the Board meeting held on 27 October 2017 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

- 1.5.1 Mr Matthews circulated Diversity in Governance – Self-assessment Forms to all Members and asked for these to be completed and returned as per his discussion in October 2017 when he had confirmed that the Commission would be taking part in the Commission for Ethical Standards in Public Life in Scotland's Diversity in Governance Research Programme.
- 1.5.2 Mr Matthews confirmed that he had attended the CCRC Tripartite meeting and 20<sup>th</sup> Anniversary Event with Mr McMenemy, Mr Sinclair and Mr Reddick on 1<sup>st</sup> and 2<sup>nd</sup> November 2017 and provided Members with an overview of both events.
- 1.5.3 Mr Matthews reported that Doctor Darjee had tendered his resignation from the Board and that the Board meeting in January 2018 would be his last.

## 1.6 Chief Executive's Report

- 1.6.1 Mr Sinclair provided the Board with updates on the following matters:
- He confirmed that he had attended the CCRC Tripartite meeting and 20<sup>th</sup> Anniversary Event as noted by Mr Matthews.
  - He reported that he would be attending a meeting with Lexis Nexis on 28 November 2017 along with the rest of the management team to consider whether upgrading the case management system to Visualfiles would be appropriate.
  - He reported that he and Mr Reddick would be attending a meeting with a new group of contractors and architects on 30 November 2017 to consider alternative plans for the 5<sup>th</sup> floor.
- 1.6.2 Mr Sinclair confirmed that there were no updates on outstanding referrals from the previous month.

## 1.7 Court Decisions

There were no court decisions for noting.

## 1.8 Correspondence

There was no correspondence for noting.

## Section 2: Management Issues

### 2.1 Notification by Members of non-case related work

Mr Matthews and Mr McMenemy had attended the NCCRC Tripartite meeting and 20<sup>th</sup> Anniversary Conference on 1<sup>st</sup> and 2<sup>nd</sup> November 2017.

### 2.2 Training & Development

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

No training and development had been undertaken since the last meeting of the Board.

### Section 3: Case Matters (names deleted)

#### 3.1 Monthly Case Summary

Mr Sinclair confirmed that a total of 12 new applications had been received to date in November 2017.

#### 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 three 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 proposed referral cases.

### Section 5: Proposed Interim Cases (edited)

**5.1–5.5** The Board considered 5 statements of reasons. After full discussion it agreed not to refer those cases to the High Court.

Mr Dunipace and Mr McMenemy left the meeting for the discussion in one case (the same case) having previously declared a conflict of interest and therefore took no part in its consideration. Mr Ferguson 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 6: Proposed Supplementary Cases (edited)

**6.1–6.3** The Board considered 3 supplementary statements of reasons. After full discussion it agreed finally not to refer those cases to the High Court

## 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:

1 case	Accepted for a review of conviction and sentence
3 cases	Accepted for a review of conviction
1 case	Accepted for a review of the defective representation ground only; rejected on the other grounds as they were a repeat of the grounds of appeal and it was not in the interests of justice to accept the case for a full review
1 case	Rejected: the applicant had not appealed against conviction and there were no stateable grounds of review
1 case	Rejected: the grounds of review were a repeat of the grounds of appeal
2 cases	Rejected: the grounds of review were a repeat of the grounds of appeal and there were no stateable grounds of review
1 case	Rejected: the grounds of review were a repeat of the grounds of appeal and it was not in the interests of justice to accept the case for a full review
1 case	Rejected on conviction as the grounds of review were a repeat of the grounds of appeal and there were no stateable grounds of review; rejected on sentence as there were no plausible grounds of review (defective representation) and no stateable grounds of review.
1 case	Rejected: there were no stateable grounds of review
1 case	Rejected: it was not in the interests of justice to accept the application for a full review and there were no stateable grounds of review
1 case	Rejected: the application was incompetent

Miss McMenamin Q.C. and Mr McMenamin left the meeting for the discussion in one case (the same case) having previously declared a conflict of interest and therefore took no part in its consideration. Mr Matthews 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

There was no other competent business.

### 8.2 Date of Next Meeting

- Audit Committee Meeting – Thursday 7 December 2017 @ 10:30
- Policy Meeting – Friday 8 December @ 10:00
- Board Meeting – Friday 26 January 2018 @ 10:00

**Chris Reddick**  
16 January 2018