

## SCOTTISH CRIMINAL CASES REVIEW COMMISSION

### MINUTES OF THE MEETING OF THE BOARD ON FRIDAY 30 SEPTEMBER 2016 10.00 AM, PORTLAND HOUSE

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:**

Mrs Jean Couper CBE, Chairman  
Professor George Irving CBE  
Miss Frances McMenamin Q.C.  
Professor Jim Fraser  
Doctor Rajan Darjee  
Mr Colin Dunipace  
Mr Gerrard Bann

#### **Also Present:**

Mr Gerard Sinclair, Chief Executive  
Mr Chris Reddick, Director of Corporate Services (minutes)  
Sir Gerald Gordon Q.C., Consultant Legal Adviser

### Section 1: Governance Matters

#### **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 new declarations of interest or gifts and hospitality.

#### **1.3 Minutes of Board meeting held on 26 August 2016**

The Board approved the minutes of the Board meeting held on 26 August 2016 subject to minor amendment. The Board also approved the version of the minutes for the Publication Scheme subject to the same amendment.

#### **1.4 Matters Arising**

There were no matters arising.

#### **1.5 Chairman's Report**

Mrs Couper confirmed that she had nothing to report.

## 1.6 Chief Executive's Report

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

- Mr Sinclair reported that he had attended a consultation with Mr Gerry Moynihan Q.C. and Mr Martin Richardson on 2 September 2016 to discuss an ongoing legal action.
- Mr Sinclair reported that notification had been received of an application for judicial review of the Commission's decision in the case of Mr Thomas Sheridan.
- Mr Sinclair reported that a court action had been raised in Glasgow sheriff court against the Commission.
- Mr Sinclair reported that he and Mr Reddick would be attending the next quarterly meeting with Justice Directorate on 3 October 2016.
- Mr Sinclair reported that the Commission would be receiving a visit from the Risk Management Authority on 5 October 2016 to discuss Orders for Life Long Restriction.

1.6.1 Mr Sinclair provided an update on staffing issues and confirmed that one member of staff who had been on long term sick absence would be returning to work, initially on a phased return basis, in October 2016.

1.6.2 Mr Sinclair reported to the Board that he had received the sad news of Alastair MacGregor Q.C.'s passing. He confirmed that Mr MacGregor Q.C. has formerly been a Commissioner with the CCRC and had been extremely supportive of the work of the SCCRC. He also reported that 3 of the CCRC's current Commissioners, Mr Ewen Smith, Ms Julie Goulding and Mr Jim England, would be concluding their terms of office this year. The Board requested that Mr Sinclair passed on their condolences in respect of Mr MacGregor Q.C. and their good wishes to the retiring Commissioners.

## 1.7 SCCRC Appeal Court Decisions

There were no Appeal Court decisions issued since the date of the last meeting.

## 1.8 Correspondence

There was no correspondence for noting.

## Section 2: Management Issues

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

There were no notifications of non-case related work undertaken by Members.

### 2.2 Training & Development

The following training and development had been undertaken by staff since the date of the last meeting:

- Mrs Govan attended a 2 training sessions run by Victim Support Scotland on 5 and 29 September 2016 which covered domestic abuse and its impact.

### **Section 3: Case Matters (name deleted)**

#### 3.1 Monthly Case Summary

Mr Sinclair confirmed that a total of 7 new applications had been received in September 2016.

#### 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 Press releases issued since last meeting of the Board:

- 2 September 2016 – Conor McAteer Referral

#### 3.5 Requests for extensions of time to submit further representations:

The Board granted one extension-of-time application (for eight weeks)

#### 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.

Mr Dunipace 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)**

**6.1–6.4** The Board considered 4 supplementary statements of reason. After full discussion it agreed finally not to refer those cases to the High Court.

## Section 7: Stage 1 Pre Acceptance Cases (edited)

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

3 cases	Accepted for a review of conviction and sentence
1 case	Accepted for a review of conviction; rejected on sentence as the applicant had not appealed against his sentence and there were no stateable grounds in respect of a sentence
1 case	Accepted for a review of sentence
1 case	Rejected: there were no stateable grounds of review
1 case	Rejected: the applicant had not appealed against conviction and there were no stateable grounds of review
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 the other grounds of review had not been argued at appeal

Dr Darjee 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

A copy of the proposed Committee calendar for January to June 2017 was circulated for information and a number of proposed changes to current Committee dates were agreed.

### 8.2 Date of Next Meeting

- Board Meeting – Friday 28 October 2016 @ 10:00

Chris Reddick  
13 October 2016