

SCOTTISH CRIMINAL CASES REVIEW COMMISSION

MINUTES OF THE MEETING OF THE BOARD ON FRIDAY 25 AUGUST 2023

10:00 AM, HYBRID MEETING (OFFICE & VIDEO CONFERENCE)

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 (Chair) – office
Doctor Alex Quinn - office
Mr Raymond McMenamin – video conference
Ms Laura Reilly – video conference
Mrs Elaine Noad – video conference
Mrs Gillian Mawdsley – video conference
Ms Jacqueline Fordyce – video conference

Also Present:

Mr Michael Walker, Chief Executive – office
Mr Chris Reddick, Director of Corporate Services (minutes) – office
Miss Frances McMenamin KC – office

Section 1: Governance Matters (edited)

1.1 Apologies

There were no 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 conflicts of interest or declarations of gifts or hospitality.

1.3 Minutes of Board meeting held on 28 July 2023

The Board approved the minutes of the Board meeting held on 28 July 2023. The Board also approved the version of the minutes for the Publication Scheme subject to minor amendment.

1.4 Matters Arising

There were no matters arising.

1.5 Chair's Report

1.5.1 Mr Matthews provided the Board with an update on the following matter:

- He reported that he had attended a meeting with the new Director-General Education & Justice, Mr Neil Rennick.
- He provided Members with an update on the current Board appointments process.

1.6 Chief Executive's Report

1.6.1 Mr Walker provided the Board with updates on the following matters:

- He reported that he had undertaken the annual review of the Persistent and Vexatious Correspondents Register, as required by the corresponding Policy. There was one individual on the Register. Mr Walker determined that the registration criteria no longer applied in relation to that individual, and he removed them from the Register.
- He reported that he had undertaken the annual review of the Persistent and Repeated Applications Register, as required by the corresponding Policy. There were 19 individuals on the Register, including one who was added since the date of the last review. Mr Walker determined that the registration criteria no longer applied in relation to two individuals, and he removed them from the Register.
- He reported that EA2010 training had been organised for all staff and Members to coincide with the next Policy meeting, scheduled for 22 September 2023. A number of Members advised that this date was unsuitable and Mr Walker agreed to circulate alternative dates.
- He provided the Board with an update on the ongoing engagement work being undertaken and confirmed that Mrs Govan and Miss McNab had provided a talk to the Faculty of Advocates which had been well attended.
- He reported that he had attended an Appeal Court User Group meeting on 1 August 2023.

1.7 Court Decisions

There were no court decisions.

1.8 Correspondence (edited):

Mr Fenn and Miss McNab joined the meeting, having circulated copies of correspondence in respect of the Post Office Cases. Mr Fenn provided Members with an overview of the correspondence and Commission response which was noted.

Section 2: Management Issues

2.1 Notification by Members of non-case related work

Mr Matthews had attended a meeting with the Director-General Education & Justice.

2.2 Training & Development

No training had been undertaken since the date of the last meeting.

2.3 Draft Annual Report 2022-23 (Mr Reddick)

Mr Reddick provided the Board with a summary of the draft 2022-23 Annual Report, noting that a number of changes had been made in respect of statistical reporting periods in order to make them more up to date and relevant. He also confirmed that a number of useful suggestions and annotations had been received which he confirmed would be adopted in the final draft. After full discussion the Board approved the 2022-23 Annual Report, subject to the agreed amendments.

2.4 Case Related Statistics (Mr Reddick)

Mr Reddick confirmed that additional work had been undertaken this year as part of the drafting of the annual report to look at some additional statistical trends and data in respect of case related matters, levels of representation and equalities. The Board noted the content of his report.

2.5 Victims, Witnesses and Justice Reform (Scotland) Bill – Consultation Response (Mr Fenn)

Mr Fenn presented the draft consultation response in respect of the Victims, Witnesses and Justice Reform (Scotland) Bill, which was discussed in full by the Board. A number of changes were agreed, including the insertion of an introduction. The Board approved the response subject to the agreed changes.

Section 3: Case Matters (edited)

3.1 Monthly Case Summary

Mr Walker confirmed that a total of 15 new applications had been received in August 2023.

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 presentations expiring.

- There was one case in this category.

3.3–3.6 There were no cases in any of these categories.

3.7 Persistent & Repeated Applications

Mr Walker provided an update on one application received from an applicant on the Persistent & Repeated Applications Register.

3.8 There were no discussion cases.

Section 4: Proposed Referral Cases

There were no cases in the category

Section 5: Proposed Interim Cases (edited)

- 5.1 The Board considered 1 statement of reasons. After full discussion it agreed not to refer the case to the High Court.

Section 6: Proposed Supplementary Cases (edited)

- 6.1-6.2 The Board considered 2 supplementary statements of reasons. After full discussion it finally agreed not to refer either case to the High Court.

Mrs Mawdsley had 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 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:

2 cases	Accepted for review of conviction only
1 case	Accepted for review of sentence only
4 cases	Rejected: in each case there were no plausible or stateable grounds of review
1 case	Rejected: the grounds of review were a repeat of the grounds of appeal
2 cases	Rejected: it was not in the interests of justice to accept either case on the basis that there were no new grounds of review
3 cases	Rejected: in each case the applicant had not appealed and there were no plausible or stateable grounds of review
2 cases	Rejected: in each case the grounds of review were a repeat of the grounds of appeal and there were no plausible or stateable grounds of review
3 cases	Continued for 1 month in order to obtain further information

Miss McMenamin KC, Dr Quinn and Ms Reilly had all left the meeting for the discussion in one case each 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

- Board Meeting – Friday 29 September 2023 @ 10:00

C Reddick
19 September 2023