

SCOTTISH CRIMINAL CASES REVIEW COMMISSION

MINUTES OF THE MEETING OF THE BOARD ON FRIDAY 27 OCTOBER 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
Mr Raymond McMenamin – video conference
Mrs Elaine Noad – video conference
Mrs Gillian Mawdsley – office
Ms Laura Reilly – video conference
Ms Jacqueline Fordyce – video conference
Doctor Alex Quinn – office
Mrs Suzanne Mertes - office

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

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 29 September 2023

The Board approved the minutes of the Board meeting held on 29 September 2023 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 Chair's Report

Mr Matthews formally welcomed Mrs Mertes to her first Board meeting and confirmed that she had now undertaken her induction training. He also confirmed that she would be sitting on Committee B.

1.6 Chief Executive's Report

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

- He provided an update on the Post Office/Horizon Case press release which had been issued on 29 September 2023, confirming that this had specifically been picked up by the BBC.
- He reported that he would be writing to the Dean of Faculty today regarding interaction with the Commission and ongoing engagement activities. He confirmed that he would circulate a copy to Members.
- He provided a staffing update, including details of the resource impact of current case volumes.
- He confirmed that a Policy meeting had been scheduled for 10 November 2023.

1.7 Court Decisions

There were no court decisions.

1.8 Correspondence:

There was no correspondence.

Section 2: Management Issues

2.1 Notification by Members of non-case related work

Mrs Mertes had undertaken induction training in October 2023.

2.2 Training & Development

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

- Mr Lynn had attended a Law Society of Scotland Conference on 12 October 2023.
- Mrs Mertes had undertaken induction training over 3 days in October 2023.

2.3 Quarterly Case Statistics Report – 30 September 2023 (C Reddick)

Mr Reddick provided an overview of the quarterly case statistics report to 30 September 2023, confirming that a total of 74 new applications had so far been received this year, putting the Commission on target for approximately 150 by year-end, based on current volumes. The impact of current volumes on staffing resource was also discussed and Mr

Reddick confirmed that this would be discussed further at the next quarterly sponsorship meeting, in terms of headcount and staff funding.

2.4 Quarterly Finance Report – 30 September 2023 (C Reddick)

Mr Reddick provided the Board with a summary of the quarterly finance report to 30 September 2023, noting that the Commission was operating very close to budget. He confirmed that the first part of the 2023-24 staff pay remit would be implemented in October, with the funding for this partly assisted through recyclable savings. He also noted that legal costs and investigations expenditure continued to be under budget on account of no new legal actions being raised and income continuing to be received as a result of the repayment of a successful award.

Section 3: Case Matters

3.1 Monthly Case Summary:

Mr Walker confirmed that a total of 22 new applications had been received in October 2023.

3.2 – There were no cases in any of these categories.

3.3

3.4 Referral press releases issued since last meeting of the Board:

- 29 September 2023 – Post Office/Horizon Update
- 12 October 2023 – Bryan Moorehead Referral

3.5 – There were no cases in any of these categories.

3.8

Section 4: Proposed Referral Cases

There were no cases in the category

Section 5: Proposed Interim Cases

There were no cases in the category

Section 6: Proposed Supplementary Cases (edited)

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

Section 7: Stage 1 Pre Acceptance Cases

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

2 cases	Accepted for a review of conviction and sentence
3 cases	Accepted for a review of conviction only
2 cases	Reject: in each case the grounds of review were a repeat of the grounds of appeal
3 cases	Rejected: in each case there were no plausible or stateable 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 there were no plausible or stateable grounds of review and it was not in the interests of justice to accept the case for stage 2 review
1 case	Rejected: the applicant had abandoned their appeal without good reason and there were no plausible or stateable grounds of review
1 case	Rejected: in respect of conviction the applicant had not appealed and there were no plausible or stateable grounds of review; and in respect of sentence there were no plausible or stateable grounds of review and it was not in the interests of justice to accept the case for stage 2 review
1 case	Rejected: in respect of conviction the grounds of review were a repeat of the grounds of appeal and there were no plausible or stateable grounds of review; and in respect of sentence there were no plausible or stateable grounds of review

Mrs Mawdsley had left the meeting for the discussion in two cases, and Mr McMenamin, Miss McMenamin KC, Ms Reilly, Ms Fordyce and Mr Matthews for one case each, having previously declared conflicts of interest and therefore took no part in their consideration.

Section 8: Post Office/Horizon Cases (edited)

(Conflict: Mrs Mawdsley)

(Mrs Mawdsley left the meeting for this discussion having previously declared a conflict of interest and therefore took no part in its consideration.)

8.1 Mr Fenn and Miss McNab provided the Board with an update on Post Office/Horizon cases.
– 8.2

8.3 Proposed Referral Case

The Board considered 1 proposed referral. After full discussion it agreed to refer the case to the High Court.

8.4 Proposed Interim Case

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

8.5 Draft Response to Horizon Compensation Advisory Board (Mr Fenn)

The Board approved a response to an enquiry made by the Horizon Compensation Advisory Board.

Section 9: Concluding Matters

9.1 Any Other Competent Business

There was no other competent business.

9.2 Date of Next Meeting

- Board Meeting – Friday 24 November 2023 @ 10:00

C Reddick
15 November 2023