

SCOTTISH CRIMINAL CASES REVIEW COMMISSION

MINUTES OF THE MEETING OF THE BOARD ON FRIDAY 29 SEPTEMBER 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 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

Ms Reilly and Dr Quinn had submitted their 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 25 August 2023

The Board approved the minutes of the Board meeting held on 25 August 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 provided the Board with an update on the Board appointments process, confirming that the appointment of Mrs Suzanne Mertes and Mr Finlay Young had been announced this morning. He reported that Mrs Mertes would take up her appointment from 1 October 2023 and Mr Young from 1 April 2024. He also noted that a press release had been issued by Scottish Government and that this had also been placed on the Commission's website.

1.6 Chief Executive's Report

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

- He reported that the 2023-24 and 2024-25 Pay Award had now been settled, and this included a move to a standard 35 hour working week during 2024-25. Mr Reddick provided further detail on the makeup of the 2-year award and affordability issues which had been discussed with Justice Directorate at the last quarterly meeting.
- He reported that a request had been made from Mr Neil Rennick, Director General for Education & Justice, for Public Bodies to provide updated funding and delivery plans in accordance with the Public Services Reform Act. He confirmed that a detailed response had been prepared and submitted by Mr Reddick in advance of today's deadline.
- He reported that he had attended a meeting with MOJO on 29 August 2023 and the agenda had included general operational issues and cooperation between the two organisations. He confirmed that this had been a constructive meeting and he had agreed that Miss McNab would provide a talk to MOJO and their staff on the workings of the Commission and the submission of applications.
- 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 this month to the Law Society of Scotland and that they will be providing talks this calendar year to undergraduate and diploma law students at Strathclyde University.
- He reported that he had attended an NDPB Leaders Forum meeting on 14 September 2023.
- He confirmed that the Commission's response to the Victims, Witnesses and Justice Reform (Scotland) Bill Consultation had been submitted.
- He reported that induction training for Mrs Suzanne Mertes had been organised for 5 October 2023.

1.7 Court Decisions

There were no court decisions.

1.8 Correspondence (edited)

Mr Lynn provided the Board with a full update on correspondence received from the Accountant in Bankruptcy. After full discussion the Board noted that the matter has now concluded.

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

Section 2: Management Issues

2.1 Notification by Members of non-case related work

Mr Matthews had been involved in the new Board Member appointment process.

2.2 Training & Development

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

- All staff had received training in respect of Equality Act 2010 compliance and this would be cascaded to the Board at the Policy meeting on 10 November 2023.
- Mrs Govan attended the SOLD Conference on 28 September 2023.
- Miss McNab attended an online Law Society training event on 28 September 2023.

Section 3: Case Matters (edited)

3.1 Monthly Case Summary:

Mr Walker confirmed that a total of 14 new applications had been received in September 2023.

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

3.4

3.5 Request for extensions of time to submit further representations:

A 4 week extension of time was agreed in one case.

3.6 There were no cases in this category.

3.7 Persistent & Repeated Applications

An appeal against a decision not to accept an application for stage 1 review in line with the Persistent & Repeated Applications Policy was considered by the Board. After full discussion the Board agreed not to uphold the appeal on the basis that the application did not contain anything materially different or new.

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

3.8 Discussion Case:

The Board considered one discussion case and agreed that the case should be referred.

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

Section 4: Proposed Referral Cases

There were no cases in the category

Section 5: Proposed Interim Cases (edited)

5.1 – 5.3 The Board considered 3 statements of reasons. After full discussion it agreed not to refer those cases to the High Court.

Section 6: Proposed Supplementary Cases (edited)

6.1 – 6.3 The Board considered 3 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 (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
2 cases	Accepted for a review of conviction only
1 case	Accepted for a review of sentence only
2 cases	Reject: the applicant had not appealed
1 case	Rejected: 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
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: the grounds of review were a repeat of the grounds of appeal and there were no plausible or stateable grounds of review
2 cases	Continued for one month in order to obtain further information.

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

Conflicts of interest had previously been declared by Dr Quinn in two cases, although he had submitted his apologies for this meeting.

Section 8: Concluding Matters (edited)

8.1 Any Other Competent Business (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.)

Miss McNab provided the Board with an update on this morning's hearings in respect of the post office/horizon referrals, confirming that the convictions had been overturned in two of the cases. In respect of the other 4 cases, she confirmed that these were still being considered and further procedural hearing dates had been set.

Mr Fenn confirmed that a press release had been drafted for issue this afternoon noting the decisions of the court and the position regarding the ongoing cases.

Mr Fenn and Miss McNab provided the Board with a full update on the other cases currently being considered by the Commission.

8.2 Date of Next Meeting

- Board Meeting – Friday 27 October 2023 @ 10:00

C Reddick
18 October 2023