

Sentencing Council

MEETING OF THE SENTENCING COUNCIL

20 NOVEMBER 2015

MINUTES

<u>Members present:</u>	Colman Treacy (Chairman) Michael Caplan Mark Castle Julian Goose Martin Graham Jill Gramann Tim Holroyde Sarah Munro Lynne Owens Julian Roberts John Saunders
<u>Apologies:</u>	Heather Hallett Alison Saunders Richard Williams
<u>Advisers present:</u>	Paul Wiles
<u>Representatives:</u>	Stephen Muers for the Ministry of Justice (Director, Criminal Justice Policy) Ceri Hopewell for the Lord Chief Justice (Legal Advisor to the Lord Chief Justice, Criminal Justice Team) Peter Lewis, Chief Executive of CPS, attending on behalf of Alison Saunders
<u>Members of Office in Attendance</u>	Claire Fielder (Head of Office) Mandy Banks Lisa Frost Vicky Hunt Ruth Pope Nick Mann

1. WELCOME AND APOLOGIES FOR ABSENCE

- 1.1 Apologies were received as set out above.

2. MINUTES OF LAST MEETING

- 2.1. The minutes from the meeting of 23 October 2015 were agreed.

3. MATTERS ARISING

- 3.1 The Chairman welcomed Judge Chanyoung Yoon and Judge Eui Young Lee, from South Korea, who were observing half of the Council meeting. They are both currently academic visitors at Cambridge University.
- 3.2 The Chairman expressed his thanks to Paul Wiles for his enormous contribution as advisor to the Council since its creation. His appointment had come to an end but he would continue to advise on an ad hoc basis and to attend meetings at the invitation of the Chairman.

4. UPDATE ON HEALTH & SAFETY LAUNCH - PRESENTED BY NICK MANN, OFFICE OF THE SENTENCING COUNCIL

- 4.1 The Council was updated on the launch of the guideline on sentencing health and safety offences. The launch received completely positive or neutral media coverage, with over 30 news items and four interviews with Council spokespeople. The key messages were widely carried including bigger fines for serious offenders and improved consistency in sentencing. There were over 300 tweets on the day of launch with discussions continuing on subsequent days and an increase in the Council's online followers. Practitioners were informed via internal channels.
- 4.2 The Chairman thanked the media spokespeople, Michael Caplan and Tim Holroyde.

5. DISCUSSION ON ALLOCATION – PRESENTED BY RUTH POPE, OFFICE OF THE SENTENCING COUNCIL

- 5.1 The Council agreed a minor alteration to the revised Allocation guideline following representations from stakeholders. The guideline will be published on 10 December 2015 and come into effect on 1 March 2016.

6. DISCUSSION ON GUILTY PLEA – PRESENTED BY RUTH POPE, OFFICE OF THE SENTENCING COUNCIL

- 6.1 The Council considered the consultation document and resource assessment for the draft reduction in sentence for a guilty plea guideline. The Council agreed the consultation document in outline and suggested amendments to the resource assessment to aid clarity. The Council agreed that the consultation should be held from February to May 2016.

7. DISCUSSION ON ASSAULT – PRESENTED BY MANDY BANKS, OFFICE OF THE SENTENCING COUNCIL

- 7.1 The Council discussed proposals to revise the assault definitive guideline, following the recent publication by the Council of its assessment of the guideline. The Council considered the implications of the recent recommendations by the Law Commission on reforming the Offences against the Person Act. Given the significance of the Law Commission's recommendations, the Council decided to pause work on revising the guideline.
- 7.2 In making this decision, the Council noted that its own assessment had not identified an urgent need to revise the guideline. It agreed that a higher priority was to commence work on revising the Overarching Principles - Domestic Violence and Overarching Principles - Assaults on a Child and Child Cruelty.
- 7.3 The Council agreed to review the timing of any future work on the assault guideline once the Government publishes its interim response to the Law Commission's recommendations.

8. UPDATE FROM THE ANALYSIS AND RESEARCH SUB-GROUP – PRESENTED BY JULIAN ROBERTS, SENTENCING COUNCIL

- 8.1 The Council was informed that evaluation of the theft and drugs guidelines started in 81 magistrates' courts on 16 November, the first stage of which will run until Christmas and then throughout January.
- 8.2 Analysis of data on burglary is being updated; a decision will be taken at a later stage on what if any additional work is required to evaluate the guideline.

9. DISCUSSION ON IMPOSITION OF COMMUNITY AND CUSTODIAL SENTENCES – PRESENTED BY LISA FROST, OFFICE OF THE SENTENCING COUNCIL

- 9.1 The Council reviewed a draft guideline for the imposition of community and custodial sentences. A number of revisions to the guideline were

discussed and agreed. It was agreed that the guideline would be signed off at the December meeting, and a short targeted consultation launched in mid January.

10. DISCUSSION ON DANGEROUS DOGS – PRESENTED BY MANDY BANKS, OFFICE OF THE SENTENCING COUNCIL

- 10.1 The Council agreed some minor changes to some sentence levels, harm factors, and aggravating factors. The Council agreed its approach to the consultation response paper and signed off the definitive guidelines for publication in March 2016.

11. DISCUSSION ON YOUTHS – PRESENTED BY VICKY HUNT, OFFICE OF THE SENTENCING COUNCIL

- 11.1 The Council considered the latest draft of the sexual offences youth guideline and discussed options for a change to the structure. The proposed changes will also be reflected in the new robbery youth guideline and presented back to the Council in December.