
MEETING OF THE SENTENCING COUNCIL

6 MARCH 2015

MINUTES

<u>Members present:</u>	Colman Treacy (Chairman) Michael Caplan John Crawford Bill Davis Henry Globe Julian Goose Sarah Munro Lynne Owens Katharine Rainsford Julian Roberts
<u>Apologies:</u>	Heather Hallett Javed Khan Alison Saunders John Saunders Richard Williams
<u>Advisers present:</u>	Paul Wiles
<u>Representatives:</u>	Stephen Muers for the Ministry of Justice (Director, Criminal Justice Policy) Sophie Marlow for the Lord Chief Justice (Legal Advisor to the Lord Chief Justice, Criminal Justice Team) Peter Lewis Chief Executive of CPS
<u>Members of Office in Attendance</u>	Claire Fielder (Head of Office) Mandy Banks Lisa Frost Joanne Keatley Emma Marshall Ruth Pope Trevor Steeples

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 30 January 2015 were agreed.

3. MATTERS ARISING

3.1 The Council noted that today would be the last meeting for Henry Globe and Katharine Rainsford as their terms of appointment come to an end in April. He also noted that Bill Davis' one year extension had now come to an end, although he would continue to attend discussions on the youth guidelines as the Lord Chief Justice's nominated lead on youth justice. The Chairman thanked them all for their enormous contribution to the Council, at meetings, participation in subgroups and public engagements. The Chairman also thanked Paul Cavadino, who was unable to attend the meeting, for his contribution to the Council as an advisor as his term of appointment is also due to end in April.

3.2 The Chairman welcomed two new judicial members to the Council, Tim Holroyde and Jill Gramann, who take up their appointments on 6 April 2015. The Chairman also welcomed Vicky Hunt who was observing the meeting and will soon be joining the Office.

3.3 The Chairman thanked Julian Goose and Michal Caplan who had both recently attended Justice Committee meetings on behalf of the Council for the Robbery and Health and Safety guidelines respectively.

3.4 The Council noted that the Chairman had recently spoken at the Long and Complex Trials Seminar; his speech included the recent changes to the Crown Court Sentencing Survey, which had been welcomed by judges.

3.5 The Council noted that John Crawforth had participated at an event for National Probation Service and Community Rehabilitation Company staff. His speech included how sentencing guidelines are developed and used.

4. UPDATE ON FINANCIAL CHANGES AND BUDGET – PRESENTED BY TREVOR STEEPLES, OFFICE OF THE SENTENCING COUNCIL

4.1 The Council were informed that the budget for 2015/16 had been received. It is £1.532m, a cut of 3% from the 2014/15 allocation.

5. DISCUSSION ON ALLOCATION – PRESENTED BY CLAIRE FIELDER, OFFICE OF THE SENTENCING COUNCIL

- 5.1 The Council considered formal requests from the Lord Chief Justice and Lord Chancellor to revise the definitive allocation guideline, in line with the recommendations made in the President of the Queen’s Bench’s review of efficiency in criminal proceedings. It agreed to prioritise this work and to revise the guideline within the coming financial year, while noting that significant culture change would be required in order for a new guideline to have the desired effect.

6. DISCUSSION ON GUILTY PLEAS - PRESENTED BY RUTH POPE, OFFICE OF THE SENTENCING COUNCIL

- 6.1 The Council considered the latest draft of the guilty plea guideline and discussed whether it would operate effectively and fairly in cases where a defendant was produced in custody. There was agreement that any exception that took account of the need to obtain advice would have to be tightly worded. The clarity of the wording was discussed and it was agreed to redraft sections of the guideline to improve clarity. Research will be carried out with sentencers in March to test whether the revised wording is clear.

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

- 7.1 The Council considered proposals for a potential review of the definitive assault guideline, following further evaluation of the effects of the guideline after it came into force. The evaluation has shown that in some areas of the guideline, sentencing outcomes differed from what was expected. The Council considered the implications of these findings, and what the scope of any review of the guideline might be.
- 7.2 The Council also considered whether to include work to update the existing SGC guidance on domestic violence and child assault/child cruelty. The Council decided in principle that a review of the assault guideline should be conducted, and that further work should be undertaken to consider the resource requirements of the potential scope of the project. This further work will then inform the timescale for revision of the guideline.

8. DISCUSSION ON ROBBERY – PRESENTED BY EMMA MARSHALL AND JOANNE KEATLEY, OFFICE OF THE SENTENCING COUNCIL

- 8.1 This was the first post consultation discussion on robbery. The Council was taken through the consultation responses and given an update on the House of Commons Justice Committee robbery seminar.

- 8.2 The discussion then focused in detail on the key points that were raised during consultation. The Council considered the categorisation of street and commercial robbery offences and it was agreed that some different groupings would be drafted for consideration at a future meeting.
- 8.3 The approach to culpability and harm was discussed and it was agreed that further consideration was needed on the approach to planning as a culpability factor and the wording used in the assessment of harm.

9. DISCUSSION ON BREACH OF ORDER – PRESENTED BY LISA FROST, OFFICE OF THE SENTENCING COUNCIL

- 9.1 The Council considered the draft guidelines for breach of conditional discharge and the new supervision orders introduced by the Offender Rehabilitation Act 2014.
- 9.2 The Council agreed with the structure and approach of the proposed guidelines, and highlighted areas for further consideration. The specific content would be discussed at a subsequent meeting.
- 9.3 The existing guidance for failing to surrender to bail was also considered, and the Council agreed a simplified and updated version of the existing guideline should be included within the breach guidance being developed.