

# Sentencing Council

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## MEETING OF THE SENTENCING COUNCIL

11 MARCH 2016

## MINUTES

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Members present: Colman Treacy (Chairman)  
Michael Caplan  
Mark Castle  
Julian Goose  
Martin Graham  
Jill Gramann  
Heather Hallett  
Tim Holroyde  
Sarah Munro  
Lynne Owens  
Julian Roberts  
Alison Saunders  
John Saunders

Apologies: Richard Williams

Representatives: 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)

Members of Office in  
Attendance Claire Fielder (Head of Office)  
Lisa Frost  
Vicky Hunt  
Claire-Louise Manning  
Emma Marshall  
Ruth Pope  
Helen Stear

**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 29 January 2016 were agreed.

**3. MATTERS ARISING**

3.1 The Chairman noted that the consultation on the draft guideline on imposition of community and custodial sentences was launched on 14 January and the Robbery Guideline was published on 28 January.

3.2 This was the final Council meeting for John Saunders and Lynne Owens, who were stepping down upon the expiry of their terms of appointment. The Chairman thanked them both for their enormous contributions to the Council. The Chairman also informed the Council that Helen Stear was leaving the Office, having joined in 2010. He thanked her for her excellent support to the Council as Head of Communications.

**4, UPDATE ON COMMUNICATIONS – PRESENTED BY HELEN STEAR, OFFICE OF THE SENTENCING COUNCIL**

4.1 The Council received a brief outline of communications work underway to prepare for the consultation on youths.

4.2 The Council also received a report on the communications work undertaken to publicise the launch of the guilty pleas consultation. A significant amount of media interest was evident in the number of interviews (13) carried out by Council members on the morning of the announcement.

4.3 The Council received an update on the issue of translating Sentencing Council materials into Welsh. It was emphasised that no decision had been taken by the Council not to translate materials into Welsh, but that recent communication between the Welsh Language Service and the Welsh Language Liaison Judges suggested that Welsh speaking judges saw greater value in having Welsh versions of the Judicial College pronouncement cards rather than sentencing guidelines. The Council would be informed of further developments so a formal decision can be made at a future date.

**5. DISCUSSION ON MAGISTRATES' COURT SENTENCING GUIDELINES (MCSG) – PRESENTED BY CLAIRE-LOUISE MANNING, OFFICE OF THE SENTENCING COUNCIL**

- 5.1 The Council reviewed the full package of draft guidelines being prepared for consultation and made a number of minor changes. It noted the significant work undertaken outside the Council through the MCSG working group.
- 5.2 The Council confirmed that the scope of this consultation would be restricted to updating existing guidelines, rather than introduce new guidelines; and that its objective was not to increase or otherwise change current sentencing practice, but to bring the magistrates' court guidelines in line with the Sentencing Council's approach in the interests of consistency and clarity. It agreed to a 12 week online consultation, starting in May.

**6. DISCUSSION ON POSSESSION OF KNIVES AND OFFENSIVE WEAPONS – PRESENTED BY VICKY HUNT, OFFICE OF THE SENTENCING COUNCIL**

- 6.1 The Council considered the first drafts of the Knives and Offensive Weapons guidelines. It agreed that the aim of the knives guideline was to reflect the leading case law in this area and that sentences should act as a deterrent to members of the public from carrying knives.
- 6.2 The Council looked in detail at the culpability and harm factors in both of the guidelines and made a number of changes. It will consider revised versions in May, when it will also look in detail at the aggravating and mitigating factors for these offences.

**7. DISCUSSION ON BREACH OF ORDERS – PRESENTED BY LISA FROST, OFFICE OF THE SENTENCING COUNCIL**

- 7.1 The Council agreed draft guidelines and sentence levels for Breaches of Protective Orders, Anti Social Behaviour Orders and Criminal Behaviour Orders, Sexual Offences Prevention Orders and Sexual Harm Orders and Failing to Comply with Notification Requirements (Sex Offenders). It agreed that the consultation on all of the breach of orders guidelines will start in September.

**8. DISCUSSION ON BREACH RESOURCE ASSESSMENTS – PRESENTED BY EMMA MARSHALL, OFFICE OF THE SENTENCING COUNCIL**

- 8.1 The Council considered two possible approaches for a resource assessment for breach of suspended sentences and community orders. Given the relative lack of data on which to base these

assessments, it was decided that a narrative assessment would be prepared. Work will begin on this and brought back to Council once it has been completed.

**9. DISCUSSION ON BUSINESS PLAN – PRESENTED BY CLAIRE FIELDER, OFFICE OF THE SENTENCING COUNCIL**

- 9.1 The Council reviewed progress over the past year; discussed and agreed its indicative three year work programme; and agreed its Business Plan for 2016-17, subject to confirmation of its delegated budget for the financial year. The Business Plan would be published on the website in due course.