

MEETING OF THE SENTENCING COUNCIL

15 APRIL 2016

MINUTES

<u>Members present:</u>	Colman Treacy (Chairman) Michael Caplan Mark Castle Julian Goose Martin Graham Jill Gramann Tim Holroyde Sarah Munro Julian Roberts Alison Saunders Kate Thirlwall Richard Williams
<u>Apologies:</u>	Heather Hallett
<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)
<u>Members of Office in Attendance</u>	Claire Fielder (Head of Office) Lauren Bowes Lisa Frost Vicky Hunt Joanne Keatley Claire-Louise Manning Ruth Pope

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 11 March 2016 were agreed.

3. MATTERS ARISING

3.1 The Chairman welcomed Kate Thirlwall to her first meeting following her recent appointment as a judicial member of the Council.

3.2 The Council was updated about the successful launch of the dangerous dog offences definitive guideline on 17 March, which had received widespread coverage.

4. UPDATE ON BUDGET – PRESENTED BY CLAIRE FIELDER, OFFICE OF THE SENTENCING COUNCIL

4.1 The Council's budget for the financial year 2016/2017 had been agreed at £1.44 million, which represents a 6% decrease on the budget for the previous year.

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

5.1 The Council held its first consideration of responses to the imposition of community and custodial sentences guideline. The focus for the meeting was on the custodial sentences section of the guideline. The Council agreed a number of revisions and clarifications to the content of this section of the guideline, with a particular focus on whether it was possible to provide further guidance on the custody threshold and improving guidance for when it may be appropriate to suspend a custodial sentence.

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

6.1 The Council considered a draft guideline for breach of suspended sentence orders. Primary legislation and case law were reviewed and principles agreed regarding appropriate activations of breached orders.

7. DISCUSSION ON FRAUD AND MONEY LAUNDERING – PRESENTED BY RUTH POPE, OFFICE OF THE SENTENCING COUNCIL

- 7.1 The Council agreed a small amendment to the money laundering guideline to correct an oversight. It was agreed that once the correction had been made, communications would be sent out to Resident Judges and other key stakeholders to explain the change.

8. DISCUSSION ON MCSG – PRESENTED BY CLAIRE LOUISE-MANNING, OFFICE OF THE SENTENCING COUNCIL

- 8.1 The Council agreed some minor amendments to the draft guidelines for consultation. It was agreed that the consultation should be in a digital format as this was how the guidelines were now provided. The consultation would be launched on 19 May 2016.

9. DISCUSSION ON MANSLAUGHTER – PRESENTED BY RUTH POPE AND LAUREN BOWES, OFFICE OF THE SENTENCING COUNCIL

- 9.1 The Council considered a first draft of a guideline for unlawful act manslaughter. The Council agreed amendments to the culpability and harm factors at step one and the aggravating and mitigating factors at step two. It was agreed that the new draft should be tested against decided cases before the Council considers sentence levels.

10. DISCUSSION ON CHILD CRUELTY – PRESENTED BY JOANNE KEATLEY, OFFICE OF THE SENTENCING COUNCIL

- 10.1 The Council considered the revision of the child cruelty guideline for the first time. It agreed that the scope of the guideline should be extended to include the offences of failing to protect a girl from female genital mutilation and causing or allowing a child to die or suffer serious physical harm. The Council also agreed that the style of the guideline should be updated to be less narrative and the short section on overarching principles for offences of assault when the victim is a child should be removed.

Blank page