

## MEETING OF THE SENTENCING COUNCIL

7 MARCH 2014

### MINUTES

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<u>Members present:</u>	Colman Treacy (Chairman) Anne Arnold John Crawforth William Davis Henry Globe Javed Khan Lynne Owens (Items 7-8) Katharine Rainsford Julian Roberts John Saunders
<u>Apologies:</u>	Michael Caplan Heather Hallett Sarah Munro Alison Saunders
<u>Advisers present:</u>	Paul Wiles Paul Cavadino
<u>Representatives:</u>	Stephen Muers for the Ministry of Justice (Director, Sentencing and Rehabilitation)  Sophie Marlow for the Lord Chief Justice (Legal Advisor to the Lord Chief Justice, Criminal Justice Team)  Annewen Rowe, Deputy Director, CPS for Alison Saunders
<u>Members of Office in Attendance</u>	Michelle Crotty (Head of Office) Mandy Banks Mary Jones Robin Linacre Lissa Matthews Victoria Obudulu Ruth Pope Trevor Steeples

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**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 31 January 2014 were agreed.

**3. MATTERS ARISING**

3.1 The Council were pleased to hear that the definitive guideline on sentencing environmental offences had been published on 26 February 2014. The Council was updated on its successful launch.

3.2 The Council were informed of the upcoming legislative changes to dangerous dog offences. The Council agreed that the dangerous dog definitive guideline should be reviewed in light of these changes and would be added to the Council's work plan.

3.4 The Chairman paid tribute to Anne Arnold who has reached the end of her term of appointment. The Chairman expressed thanks on behalf of the Council for playing such a vital role in successfully establishing the Council in its first four years. Anne has been a superb spokeswoman, acting as the face and voice of the Council for many of its media launches. The Council wished her all the best for the future.

**4. DISCUSSION ON CROWN COURT SENTENCING SURVEY (CCSS) — PRESENTED BY TREVOR STEEPLES, OFFICE OF THE SENTENCING COUNCIL**

4.1. Options for the CCSS were discussed and the implications of the various options for undertaking a sentencing factors data collection exercise in the magistrates' court were outlined.

4.2. It was agreed that the possibility of extending the CCSS in its current form should be explored to give Council chance to examine all options. A "cost" options paper for the CCSS and magistrates' court equivalent would be presented at the next Council meeting.

**5. DISCUSSION ON ROBBERY – PRESENTED BY LISSA MATTHEWS, OFFICE OF THE SENTENCING COUNCIL**

5.1 This was the Council's second consideration of robbery. It was agreed that the types of offending should be separated into three guidelines to reflect the different features and sentence lengths.

5.2 The approach to assessing culpability and harm was agreed. Drafts incorporating the Council's comments and proposed sentence levels will be presented at the next meeting.

**6. DISCUSSION ON HEALTH AND SAFETY – PRESENTED BY MARY JONES, OFFICE OF THE SENTENCING COUNCIL**

6.1 Paul Wiles notified the Council of a conflict of interest in relation to the discussion on health and safety and took no part in the discussion.

6.2 A further iteration of the guideline was discussed. The Council agreed the revised approach to risk of harm and actual harm subject to some amendment. The Council also agreed the proposed approach to culpability and aggravating and mitigating factors.

6.3 The Council discussed the appropriate scope of the guideline. The Council concluded that it would be helpful to see draft models for breaches of absolute duties under Health and Safety regulations that amounted to offences under s33(1)(c) HSWA 1974 and for corporate manslaughter to make a final decision on scope.

**7. DISCUSSION ON FRAUD OFFENCES GUIDELINE – PRESENTED BY LISSA MATTHEWS, OFFICE OF THE SENTENCING COUNCIL**

7.1 The Council had an in depth discussion of step two factors based on the responses to consultation.

7.2 It was agreed that the consultation response paper will need to be very clear as to the Council's rationale on some contentious issues where consultees had a wide range of views.

7.3 The Council discussed the importance of the sentence levels at step two being consistent across the guidelines as the same conduct may be charged differently; further work will be undertaken before the next Council meeting to ensure this has been achieved.

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

8.1 The Council discussed the draft guilty plea guideline and agreed that the subgroup would scrutinise the wording and format before research is carried out with judges and magistrates on the draft guideline.

8.2 It was agreed that the public consultation would be delayed to allow the Council to understand the implications of a number of factors likely to affect the application of the guideline. Namely, the new Early Guilty Plea Scheme, the CPS proposals for the early review of cases, the Transforming Legal Aid scheme and the PQBD's review of efficiency in criminal proceedings.