

Sentencing Council

MEETING OF THE SENTENCING COUNCIL

20 JUNE 2014

MINUTES

Members present:

Colman Treacy (Chairman)
Michael Caplan
John Crawforth
William Davis
Henry Globe
Javed Khan
Sarah Munro
Lynne Owens
Katharine Rainsford
Julian Roberts
Alison Saunders
John Saunders
Richard Williams

Apologies:

Heather Hallett

Advisers present:

Paul Wiles

Representatives:

Martin Jones for the Ministry of Justice (Deputy Director (Sentencing))

Sophie Marlow for the Lord Chief Justice (Legal Advisor to the Lord Chief Justice, Criminal Justice Team)

Members of Office in Attendance

Michelle Crotty (Head of Office)
Mandy Banks
Mary Jones
Robin Linacre
Lissa Matthews
Victoria Obudulu
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 16 May 2014 were agreed subject to a small amendment.

3. MATTERS ARISING

- 3.1 The Chairman informed the Council that he had recently met with Sadiq Khan MP, Shadow Justice Minister. The Chairman advised him of the forthcoming work of the Council and sought to persuade him to engage in informed debate about sentencing in the run up to the election. He was supportive of the Council's forthcoming event with the Justice Select Committee and more broadly of the principle of engaging with MPs both pre and post election.

- 3.2 The Chairman also updated the Council on a recent meeting with Jeremy Wright the Parliamentary Under Secretary of State for Justice. Mr Wright is grateful to the Council for agreeing to consider the scope of a manslaughter guideline and confirmed that the government is aware that the Council will need to know of any proposed changes to statutory maxima for assault offences.

- 3.3 The Chairman informed the Council that the Justice Select Committee has agreed to host a Sentencing Council event for both Houses of Parliament in November 2014 to increase Parliamentary understanding of the work of the Council.

4. CROWN COURT SENTENCING SURVEY ANNUAL PUBLICATION – PRESENTED BY TREVOR STEEPLES, OFFICE OF THE SENTENCING COUNCIL

- 4.1 Trevor talked the meeting through the paper on the guideline departures section of the Crown Court Sentencing Survey (CCSS) annual publication release which was due to be published on 26 June. He explained that this was just section six of the publication and as with the previous year's publications there would also be a guide to CCSS statistics and quality and methodology paper accompanying the release.

- 4.2 The Council discussed the paper and suggested some amendments that would be incorporated into release. They also made suggestions on what should be contained in the guideline departures section of the Council's Annual Report.
- 4.3 Trevor also provided the Council with the latest response rates for the survey, which showed that the national response rate is over 70%, although there is still a wide variation between the highest and lowest performing courts.

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

- 5.1 The Council discussed the proposed approach to assessing harm with reference to the likelihood of harm occurring. Modifications were suggested to help the sentencer distinguish between a high and moderate likelihood of harm occurring. It was agreed that a question would be asked in the consultation document to assess whether the proposed guidance is clear.
- 5.2 The Council agreed to consult on the basis that sentences for corporations convicted of health and safety offences in the highest category of harm would be significantly higher than those with lower levels.
- 5.3 The Council discussed the proposed sentence levels in the guideline for individuals where the culpability was medium or low. The issues raised would be consulted upon.
- 5.4 The Council discussed the proposed Corporate Manslaughter guideline and approved the general approach. A revised draft would be brought back to the next meeting.

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

- 6.1 The Council discussed possible approaches to revising the existing Dangerous Dog guideline, in light of the amendments brought in by the Anti-social Behaviour, Crime and Policing Act 2014.
- 6.2 Due to the considerable changes to the Dangerous Dog legislation, particularly the large increases to the maximum penalties available, the Council decided after discussion that the existing guideline should be comprehensively reviewed. This would be a complex piece of work, particularly to develop the new sentence ranges, so it was agreed that further work on a revised guideline would be undertaken over the

summer, with the next paper presented to Council at the September meeting.

7. DISCUSSION ON CROSS CUTTING ISSUES – PRESENTED BY LISSA MATTHEWS, OFFICE OF THE SENTENCING COUNCIL

- 7.1 A paper was presented on cross cutting issues as a way of reminding the Council how the approach to developing guidelines has evolved over the past four years and to seek views on whether any aspects of the Council's general approach need revisiting and how to facilitate review of definitive guidelines.
- 7.2 The Council discussed that the guidelines demonstrate consistency of approach in terms of the step by step approach while clearly being carefully tailored to the offence type. General principles in terms of approach are not necessarily appropriate for all guidelines and are sometimes rightly departed from.
- 7.3 It was agreed that it would be beneficial to obtain feedback on definitive guidelines in a more qualitative way than is possible from the CCSS monitoring. Officials will work to develop proposals to review guidelines as part of planned road testing exercises.