

MEETING OF THE SENTENCING COUNCIL

20 DECEMBER 2013

MINUTES

<u>Members present:</u>	Colman Treacy (Chairman) Anne Arnold Michael Caplan John Crawforth William Davis Henry Globe Heather Hallett Sarah Munro Lynne Owens Katharine Rainsford Julian Roberts John Saunders
<u>Apologies:</u>	Javed Khan Alison Saunders
<u>Advisers present:</u>	Paul Cavadino Paul Wiles
<u>Representatives:</u>	Stephen Muers for the Ministry of Justice (Director, Sentencing Policy and Penalties Unit)
<u>Members of Office in Attendance</u>	Michelle Crotty (Head of Office) Mandy Banks Suzi Carberry Bee Ezete Ingrid Giesinger Mary Jones Robin Linacre Lissa Matthews Karen Moreton Victoria Obudulu Ruth Pope Helen Stear Trevor Steeples Gareth Sweny Amandeep Vaid

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 22 November 2013 were agreed, subject to amendments.

3. MATTERS ARISING

3.1. The Council discussed whether the publication date for its 2012/13 Annual Report should be moved from July 2014 to September 2014. A later publication will allow more time for the preparation of the non-sentencing factors report which is based on Ministry of Justice statistics that are not published until the end of May. It was agreed that the next Annual Report will be published in September 2014.

3.2. The Council heard an update on the Crown Court Sentencing Survey response rate. Judicial members agreed to contact courts centres to speak to the judges about response rates and any difficulties with the survey and the matter will be discussed in more detail at the next meeting.

ACTION: JUDICIAL MEMBERS TO CONTACT COURTS TO DISCUSS THE CROWN COURT SENTENCING SURVEY RESPONSE RATES.

4. UPDATE ON COMMUNICATIONS AND LAUNCH OF SEXUAL OFFENCES GUIDELINE – PRESENTED BY HELEN STEAR AND NICK MANN, OFFICE OF THE SENTENCING COUNCIL

4.1. The Council was updated on the launch of the guideline on sentencing sexual offences. Members were pleased to learn that the launch received almost completely positive media coverage, with 71 news items, only one of which was negative. The launch received the highest social media outcomes of any Sentencing Council publication. The guideline was supported by a number of organisations that were willing to participate in media work on the day. The Council commented that the launch had built on the experience gained from past publication launches and its success was very much due to the thorough preparation that was undertaken.

4.2. The Chairman thanked the spokespeople for taking part in a number of television and radio interviews. It was also noted that although the media mostly focused on the fact that celebrity offenders could not use their good character as mitigation, the message from the Council and its spokespeople emphasised that this guideline was not published as a reaction to high profile cases, but was the product of over two years' work and research and covers a wide range of offending behaviour.

5. DISCUSSION ON THEFT AND HANDLING STOLEN GOODS – PRESENTED BY MANDY BANKS, OFFICE OF THE SENTENCING COUNCIL

- 5.1. The Council discussed the sentencing starting points and ranges for theft offences as compared to the draft guideline for fraud offences and considered whether there should be parity between the two guidelines. There was a detailed discussion on what approach the guideline should take to the use of short custodial sentences, the issue of the prevalence of offending in local areas and to the sentencing of persistent offenders.

6. DISCUSSION ON HEALTH AND SAFETY OFFENCES – 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 offences and took no part in the discussions.
- 6.2. The Council considered two alternative models of harm and discussed what approach the guideline should take to the treatment of actual harm and risk of harm. The Council discussed the culpability and aggravating factors to be included in the guideline and considered the scope of the guideline.
- 6.3. The Council agreed that it would be helpful to receive expert evidence on health and safety offences at the January 2014 meeting.

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

- 7.1. The Council were briefed on the findings of interviews undertaken with judges and magistrates to test the draft guideline. Members expressed their gratitude to those that gave their time and expertise to assist with this research.
- 7.2. The Council discussed the consultation responses received relating to culpability factors across all of the fraud guidelines. The Council gave particular consideration to the responses received on benefit fraud and discussed how best to give guidance to magistrates sentencing cases of benefit fraud that were not fraudulent from the outset, but resulted from a failure to notify a change of circumstances.

8. DISCUSSION ON REDUCTION FOR GUILTY PLEAS GUIDELINE RESOURCE ASSESSMENT – PRESENTED BY ROBIN LINACRE, OFFICE OF THE SENTENCING COUNCIL

- 8.1. The Council discussed issues around creating a resource assessment for the guilty pleas guideline and the possible resource impacts that could occur as a result of behavioural changes from judges and changes in the timing of what can be considered a guilty plea from offenders.
- 8.2. It was noted that it may be helpful to undertake further research on the possible effects of the guideline on offenders' behaviour.