

## MEETING OF THE SENTENCING COUNCIL

24 February 2012

### MINUTES

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<u>Members present:</u>	Brian Leveson (Chairman) Anne Arnold John Crawforth Siobhain Egan Tim Godwin Anthony Hughes Alistair McCreath Anne Rafferty Katharine Rainsford Julian Roberts Keir Starmer
<u>Apologies:</u>	Henry Globe Gillian Guy Colman Treacy
<u>Advisors present:</u>	Paul Cavadino
<u>Observers:</u>	Helen Judge (Director of Sentencing and Rehabilitation, Ministry of Justice) Ruth Coffey
<u>Members of Office in Attendance</u>	Michelle Crotty Vanessa Watling Nigel Patrick Jackie Burney Helen Stear Emma Marshall Robin Linacre Azhar Hasham Bee Ezete Jessica Queenan Anna Tuckett

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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. Minutes from the meeting of 20 January 2012 were agreed.

**3. MATTERS ARISING**

- 3.1. The Council were updated on correspondence that had recently been received.

**4. PRESENTATION ON CORPORATE OFFENDERS AND ENVIRONMENTAL OFFENCES – PRESENTED BY RICHARD MATTHEWS QC**

- 4.1. Richard Matthews set out a number of issues in relation to sentencing corporate offenders and outlined areas where further guidance would be helpful. There was then a discussion about possible models for assessing fines that have application to a range of different offenders.

**5. PRESENTATION ON ENVIRONMENT AGENCY REGULATORY AND CRIMINAL SANCTIONS - PRESENTED BY ANNE BROSNAN, CHIEF PROSECUTOR, ENVIRONMENT AGENCY**

- 5.1. Anne Brosnan gave a presentation on the civil sanction scheme operated by the Environment Agency, ways of calculating financial penalties and how that scheme fits with the criminal scheme.

**6. DISCUSSION ON PRESENTATIONS AND ENVIRONMENTAL OFFENCES - PRESENTED BY JACKIE BURNEY, OFFICE OF THE SENTENCING COUNCIL**

- 6.1. The Council considered which environmental offences might be included in the draft guideline and how to group similar offences together in one guideline given differing statutory maxima for some offences. It was suggested that the guideline should focus on the most serious offences and those offences which are most likely to be prosecuted.
- 6.2. It was agreed that it would be useful to develop a structure on how to address the issue of large companies that commit very serious offences, in particular how to construct a fine regime that would send a clear message.

- 6.3. The Council discussed how best to reflect the seriousness of an environmental offence that affects the wellbeing of an entire community and also how best to differentiate between an offender who routinely and as a matter of business commits the offence purely for commercial reasons.

**ACTION: TO CONSIDER OFFENCE GROUPINGS AND DEVELOP A STRUCTURE FOR THE GUIDELINE TO BE DISCUSSED AT NEXT COUNCIL**

**7. UPDATE ON COUNCIL COMMUNICATIONS ACTIVITY - PRESENTED BY HELEN STEAR, OFFICE OF THE SENTENCING COUNCIL**

- 7.1. The Chairman expressed his thanks to those members who had undertaken a number of radio and television interviews during the launch of the drugs definitive guideline. It was noted that the press coverage on the drugs guideline was significantly more positive and balanced than the media coverage of the consultation had been.

**8. DISCUSSION ON SEXUAL OFFENCES PRESENTED BY VANESSA WATLING, OFFICE OF THE SENTENCING COUNCIL**

- 8.1. Robin Linacre from the Office of the Sentencing council gave a brief presentation on current sentencing levels. There was a discussion about the challenges in interpreting dates for offences where multiple offending is common and IPP sentences occur frequently.
- 8.2. There was further discussion on the rape guideline and the challenge of how harm is best articulated. Further work was required on the model and would be presented again to Council in March.
- 8.3. There was a discussion about the issues which can arise in offences of rape of children under 13; this should be further considered and brought back to Council.

**ACTION: DRAFT GUIDELINES TO BE REVISED IN THE LIGHT OF THE DISCUSSION AND REVIEWED BY COUNCIL IN MARCH**

**9. DISCUSSION ON ALLOCATION, TOTALITY AND TICs PRESENTED BY NIGEL PATRICK, OFFICE OF THE SENTENCING COUNCIL**

- 9.1. The Council agreed the revised introduction to the Magistrates Court Sentencing Guidelines. The guideline, resource assessment and equality impact assessment were signed off and a publication date of 6 March 2012 agreed.