

MEETING OF THE SENTENCING COUNCIL

27 SEPTEMBER 2013

MINUTES

<u>Members present:</u>	Brian Leveson (Chairman) Anne Arnold John Crawforth William Davis Henry Globe Anthony Hughes (items 5 and 8 only) Javed Khan Sarah Munro Lynne Owens Katharine Rainsford John Saunders Keir Starmer Colman Treacy
<u>Apologies:</u>	Michael Caplan Julian Roberts
<u>Advisers present:</u>	Paul Cavadino Paul Wiles
<u>Observers</u>	Simon Brough (Surrey Police) Alison Saunders (Crown Prosecution Service) Alyson Sprawson (Crown Prosecution Service)
<u>Representatives:</u>	Ruth Coffey for the Lord Chief Justice (Legal Secretary to the Lord Chief Justice) Martin Jones for the Ministry of Justice (Deputy Director, Sentencing Policy and Penalties Unit)
<u>Members of Office in Attendance</u>	Michelle Crotty (Head of Office) Mandy Banks Suzi Carberry Mary Jones Robin Linacre Karen Moreton Ruth Pope Ameer Rasheed Helen Stear Trevor Steeples Vanessa Watling

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 26 July 2013 were agreed.

3. MATTERS ARISING

3.1. The Council were informed that this would be the last meeting attended by the current Director of Public Prosecutions Keir Starmer. The Chairman thanked the DPP for his work on the Council since its creation in 2010.

3.2. The Council were briefed on the progress of the consultation on the fraud guidelines. The Chairman thanked the members that have chaired events and noted that they had been well attended and have received positive feedback.

4. DISCUSSION ON SENTENCING AND NON SENTENCING FACTORS - PRESENTED BY TREVOR STEEPLES, OFFICE OF THE SENTENCING COUNCIL

4.1. The statutory requirement relating to the sentencing and non-sentencing reports were considered, as were the practical implications of producing them. The Council considered changing the structure of the reports to make them more efficient to produce, and clearer to the readership and discussed what options were available for future publications. It was suggested that in future one report could combine both the sentencing and the non-sentencing factors reports. The Council agreed that the focus of the report should be on the issues that would most impact on its work.

5. DISCUSSION ON GUIDELINE ON REDUCTION IN SENTENCE FOR A GUILTY PLEA – PRESENTED BY RUTH POPE, OFFICE OF THE SENTENCING COUNCIL

5.1. The Council discussed the draft guideline on reductions in sentence for a guilty plea in detail. The Council considered the relevant statutory provisions and current sentencing practice with reference to the early guilty plea schemes. The Council acknowledged the importance of considering the interests of victims when developing the guideline. It was noted that there were mixed feelings amongst victims on this subject, but that generally victims welcomed offenders pleading guilty at an early stage and that an incentive to plead early was of benefit to victims. It noted that Victim Support would shortly be publishing research in to the experience of victims in the Crown Court. The Council agreed that the guideline would need to be clear so that sentencers, victims, defendants and the wider public would all understand the reductions available at different stages and the reasons for making them.

- 5.2. The Council agreed that work on the guideline would be greatly assisted if there was consistency between early guilty plea schemes operating in different Crown Court centres. Letters would be sent to the Senior Presiding Judge and the Lord Chief Justice to express the Council's support for a unified scheme.

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

- 6.1. The Council noted the proposal that the following five guidelines should be developed for theft offences: shoplifting, handling stolen goods, going equipped, theft relating to vehicles, and general theft. The Council considered two draft guidelines for shoplifting and for handling stolen goods which had been developed using a similar model to that used in the draft fraud guideline, and incorporated elements from existing guidance. Following discussion on the two draft guidelines, the Council suggested some amendments. The remaining draft guidelines will be presented to the Council at subsequent meetings.

7. DISCUSSION ON SEXUAL OFFENCES GUIDELINE– PRESENTED BY VANESSA WATLING, OFFICE OF THE SENTENCING COUNCIL

- 7.1. The Council considered the work that had been undertaken in relation to checking the draft guidelines for matters of consistency and accuracy over the summer. The Council also discussed issues relating to mitigation and offences where the victim is under 13.
- 7.2. The Council discussed whether the proposed draft guidelines, applicable to offenders aged under 18 should be included in the definitive guidelines. It was agreed that in light of the representations that had been received and the evidence available, it would be more appropriate to include guidance in respect of young offenders in the Council's wider work on the sentencing of youths due to commence in 2014. The Council were reminded that the next meeting would be their final opportunity to consider the response to consultation and guidelines if the proposed publication date in December was to be met.

8. DISCUSSION ON ENVIRONMENTAL OFFENCES CONSULTATION – PRESENTED BY MARY JONES, OFFICE OF THE SENTENCING COUNCIL

- 8.1. The Council considered the second set of responses to the environmental offences consultation. There was a discussion on the overall structure of the guideline and the use of financial information to categorise organisations. Some amendments were considered as a result of the responses received in the consultation. The Council also discussed definitions of culpability for corporate offenders.