

## MEETING OF THE SENTENCING COUNCIL

2 MARCH 2018

### MINUTES

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Members present:

Colman Treacy (Chairman)  
Mark Castle  
Rosina Cottage  
Rebecca Crane  
Julian Goose  
Martin Graham  
Heather Hallett  
Tim Holroyde  
Maura McGowan  
Sarah Munro  
Julian Roberts

Apologies:

Alison Saunders  
Jill Gramann

Representatives:

Chief Constable Olivia Pinkney for the police  
  
Neil Moore, Legal Advisor to DPP for the CPS  
  
Sophie Marlow for the Lord Chief Justice (Legal and Policy Adviser to Sir Brian Leveson, Head of Criminal Justice)  
  
Phil Douglas for the Lord Chancellor (Director, Offender and Youth Justice Policy)

Members of Office in Attendance:

Steve Wade (Head of Office)  
Mandy Banks  
Vicky Hunt  
Eleanor Nicholls  
Pamela Jooman  
Ruth Pope

## **1. MINUTES OF LAST MEETING**

- 1.1. The minutes from the meeting of 26 January 2018 were agreed.

## **2. MATTERS ARISING**

- 2.1 The Chairman noted that this would be the last meeting for both Julian Roberts and Jill Gramann. Julian has been on the Council since its inception and the Chairman thanked him for his enormous contribution to the work of the Council. The Chairman also thanked Jill Gramann for her hugely energetic commitment during her three years on the Council.

## **3. DISCUSSION ON TERRORISM – PRESENTED BY VICKY HUNT, OFFICE OF THE SENTENCING COUNCIL**

- 3.1 The Council considered the terrorism drafts for a final time and signed them off ready to be published.
- 3.2 The main changes included amendments to the culpability factors in the Preparation for Terrorism guideline as well as a change to the harm model to capture the likelihood of harm, and to separate out harm which is likely to cause multiple deaths. This was intended to ensure that this type of case receives the highest sentence. As a result of these changes the Council agreed to a number of amendments to the sentence table. Similar amendments were made to the Explosive Substances guideline, which largely mirrors the Preparation guideline.
- 3.3 The Council also agreed to reduce the highest sentence within the sentence table of the Funding guideline. The sentences in this guideline had previously gone up to the statutory maximum. By reducing the highest sentence this leaves 'headroom' for sentencers to sentence outside of the guideline in exceptional cases. The Council made changes to the harm models in the Possession and Collection guidelines so that they also considered the 'likelihood of harm'.
- 3.4 The Council agreed that the guidelines should be published at the end of March and come into force at the end of April.

## **4. DISCUSSION ON MANSLAUGHTER – PRESENTED BY RUTH POPE, OFFICE OF THE SENTENCING COUNCIL**

- 4.1 The Council discussed the consultation responses to the Manslaughter by Reason of Loss of Control guideline and noted that these were broadly positive. The Council agreed to make some changes to the culpability and aggravating factors in the light of comments made by respondents. The Council will discuss sentence levels at its meeting in May 2018.

**5. DISCUSSION ON CHILD CRUELTY – PRESENTED BY ELEANOR NICHOLLS, OFFICE OF THE SENTENCING COUNCIL**

- 5.1 The Council discussed the approach to the assessment of harm, harm factors, and aggravating and mitigating factors in the guidelines for the Cruelty to a Child and Causing or Allowing offences. Sentence levels for these offences and the guideline for the Failure to Prevent the Risk of FGM offence will be discussed at future meetings.
- 5.2 The Council considered comments made in responses to consultation regarding how to assess different types of harm (physical and psychological) particularly in relation to the Causing or Allowing offence. The Council agreed some changes to harm factors, in particular relating to psychological/developmental harm, to ensure that all types of serious neglect were clearly covered, and giving clearer guidance on assessing the risk, or likelihood, of serious harm. The Council also agreed some minor changes to aggravating and mitigating factors in the light of consultation responses.

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

- 6.1 The Council discussed sentence ranges across all of the five offences contained within the guideline, noting the comments made by consultation respondents regarding the proposed ranges and considering updated pre-guilty plea sentencing data. As a result of the discussion, the Council agreed that there should be some small increases to some of the ranges.
- 6.2 The Council also considered and agreed a revised structure for the assessment of harm for the controlling and coercive behaviour offence, following a discussion at the previous meeting.

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