

# Sentencing Council

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## MEETING OF THE SENTENCING COUNCIL

3 MARCH 2017

### MINUTES

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Members present:

Colman Treacy (Chairman)  
Simon Byrne  
Mark Castle  
Rosina Cottage  
Julian Goose  
Martin Graham  
Jill Gramann  
Heather Hallett  
Maura McGowan  
Sarah Munro  
Julian Roberts  
Alison Saunders

Apologies:

Tim Holroyde  
Richard Williams

Representatives:

Sophie Marlow for the Lord Chief Justice (Legal Advisor to the Lord Chief Justice, Criminal Justice Team)  
Katie Pettifer, Director, Offender and Youth Justice Policy

Members of Office in Attendance

Steve Wade (Head of Office)  
Mandy Banks  
Vicky Hunt  
Jo Keatley  
Emma Marshall  
Caroline Nauth-Misir  
Ruth Pope

**1. WELCOME AND APOLOGIES FOR ABSENCE**

- 1.1 Apologies were received from Tim Holroyde and Richard Williams.

**2. MINUTES OF LAST MEETING**

- 2.1. The minutes from the meeting of 27 January 2017 were agreed.

**3. MATTERS ARISING**

- 3.1. The Chairman formally welcomed Maura McGowan as a member of the Sentencing Council, following the start of her three year term of appointment on 2 January.
- 3.2. The Council recorded its thanks to Richard Williams who had made an important and valuable contribution to the Council for the last three years.

**4. DISCUSSION ON CHILD CRUELTY – PRESENTED BY JO KEATLEY, OFFICE OF THE SENTENCING COUNCIL**

- 4.1 The Council reviewed the Child Cruelty guidelines in their entirety. Members discussed whether the scope of the guideline for Causing or allowing a child to die or suffer serious physical harm should be extended to include vulnerable adults, in line with the legislation. This will be reviewed within the office and discussed in further detail in April's meeting.

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

- 5.1 The Council considered two versions of the draft guideline for manslaughter by reason of diminished responsibility. It was agreed that a guideline with a sentencing table (rather than a purely narrative guideline) was preferable but that further work was needed to simplify and clarify the guideline.
- 5.2 The Council considered a draft guideline for gross negligence manslaughter and agreed that while it would broadly reflect current sentencing practice, in bad health and safety and food safety type cases there would be an increase in sentencing levels.

**6. DISCUSSION ON BLADED ARTICLES AND OFFENSIVE WEAPONS – PRESENTED BY VICKY HUNT, OFFICE OF THE SENTENCING COUNCIL**

6.1 The Council considered the youth bladed article and offensive weapon guideline. This is the first time the Council has considered the guideline since the consultation which took place from 6 October 2016 to 6 January 2017.

6.2 The Council made a number of changes to the guideline as a result of feedback from the consultation, and in order to be consistent with the changes already made to the youth sexual offence and robbery guidelines.

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

7.1 The Council considered the first draft of the Encouragement of Terrorism guideline. The Council broadly agreed the culpability and harm factors, and the aggravating and mitigating factors. Several proposals were made for change which will be reflected in the new draft, and further work will be carried out to inform the sentencing levels.

## **8. DISCUSSION ON THE EVALUATION OF THE BURGLARY GUIDELINE – PRESENTED BY CAROLINE NAUTH-MISIR, OFFICE OF THE SENTENCING COUNCIL**

8.1 The Council considered the findings from an additional assessment of the burglary offences definitive guideline. The Council agreed that the guideline will need to be reviewed in due course, although this will be subject to other priorities in the work plan. The Council will publish the findings from this assessment in the summer.

## **9. DISCUSSION ON ARSON/CRIMINAL DAMAGE – PRESENTED BY MANDY BANKS, OFFICE OF THE SENTENCING COUNCIL**

9.1 The Council discussed an initial scoping paper on arson and criminal damage offences, and agreed to proceed with work on a new draft guideline. The potential scope of the guideline was also agreed, a number of related offences for which there is currently no guidance will be included within the guideline.

9.2 The Council also briefly discussed timings for work relating to the existing assault guideline, which had been paused in 2015 following the publication of the Law Commission's proposals in this area. The Council agreed to resume work on the guideline later this year.

## **10. DISCUSSION ON FUTURE WORKPLAN – PRESENTED BY EMMA MARSHALL, OFFICE OF THE SENTENCING COUNCIL**

10.1 The Council was updated on progress with commissioning an external provider to provide advice to the Council in support of the development

of the next iteration of its forward work plan. A summary was also provided of how the different statutory duties have been fulfilled to date and discussed. Future meetings will provide further updates on this work.

**11. UPDATE ON THE COUNCIL'S NEXT STEPS – PRESENTED BY STEVE WADE, OFFICE OF THE SENTENCING COUNCIL**

- 11.1 Steve Wade outlined the work currently being undertaken by the office to prepare the next revision of the rolling three-year work plan and indicative timescales.