

MEETING OF THE SENTENCING COUNCIL

15 MAY 2015

MINUTES

<u>Members present:</u>	Colman Treacy (Chairman) Michael Caplan John Crawford Julian Goose Heather Hallett Javed Khan Sarah Munro Lynne Owens Alison Saunders John Saunders Richard Williams
<u>Apologies:</u>	Jill Gramann Tim Holroyde Julian Roberts
<u>Advisers present:</u>	Paul Wiles
<u>Representatives:</u>	Stephen Muers for the Ministry of Justice (Director, Criminal Justice Policy) Ceri Hopewell for the Lord Chief Justice (Legal Advisor to the Lord Chief Justice, Criminal Justice Team)
<u>Members of Office in Attendance</u>	Claire Fielder (Head of Office) Mandy Banks Lisa Frost Vicky Hunt Ruth Pope Caroline Nauth-Misir Victoria Obudulu Helen Stear Trevor Steeples Gareth Sweny

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 17 April 2015 were agreed.

3. MATTERS ARISING

- 3.1 The Chairman welcomed Judge Endo, who was observing the Council meeting. Judge Endo is a Judge of the Criminal Division in the Tokyo District Court and is currently conducting research under the Japanese Exchange Programme.
- 3.2 The Chairman also welcomed visitors from the team establishing the Scottish Sentencing Council: Lord Carloway, the Lord Justice Clerk, Ondine Tennant, Secretary and Carmen Murray, Policy officer who were observing the morning session of the Council meeting.
- 3.3 The Chairman welcomed and introduced Martin Graham who will join the Council on 1 June 2015, replacing John Crawford.

4. INTRODUCTION FROM THE SCOTTISH SENTENCING COUNCIL – PRESENTED BY LORD CARLOWAY, THE LORD JUSTICE CLERK

- 4.1 Lord Carloway informed the Council on Scotland's progress in establishing a Sentencing Council and asked questions of Council members.

5. DISCUSSION ON HEALTH AND SAFETY – PRESENTED BY LISA FROST, OFFICE OF THE SENTENCING COUNCIL

- 5.1 Paul Wiles notified the Council of a conflict of interest in relation to the discussion on health and safety and took no part in the discussion.
- 5.2 This was the Council's second review of the consultation responses following the end of the consultation on 18 February 2015. The Council considered the responses to questions relating to the health and safety and corporate manslaughter sections of the guideline.
- 5.3 Taking into account consultation responses the Council agreed revisions to the definitions of harm and culpability to improve the clarity of the guideline. There was also a discussion regarding the aggravating and mitigating factors in the light of consultation responses.

6. DISCUSSION ON ALLOCATION – PRESENTED BY RUTH POPE, OFFICE OF THE SENTENCING COUNCIL

- 6.1 The Council considered a draft Allocation guideline and agreed a version for consultation. Stakeholders will be consulted for a six week period starting in June 2015.

7. DISCUSSION ON THEFT - PRESENTED BY MANDY BANKS, OFFICE OF THE SENTENCING COUNCIL

- 7.1 The Council considered a number of issues following analysis of responses to the theft consultation. One important issue considered was how best to provide guidance on previous convictions in the guidelines.
- 7.2 The Council considered the treatment of prevalence in the guidelines. Amendments to the aggravating and mitigating factors were also discussed. The Council agreed to discuss the sentence levels at the June Council meeting.

8. UPDATE ON BUDGET – PRESENTED BY TREVOR STEEPLES, OFFICE OF THE SENTENCING COUNCIL

- 8.1 The Council considered how its budget for the financial year 2015/16 of £1.53 million was allocated.

9. UPDATE ON SENTENCING COUNCIL WEBSITE – PRESENTED BY HELEN STEAR AND GARETH SWENY, OFFICE OF THE SENTENCING COUNCIL

- 9.1 The Council was shown a presentation of the new members' area of the Sentencing Council website.

10. DISCUSSION ON GUILTY PLEAS – PRESENTED BY RUTH POPE, OFFICE OF THE SENTENCING COUNCIL

- 10.1 The Council considered the latest draft of the proposed guilty plea guideline. Officials were asked to do some further work on analysing the resource impact of the guideline to be discussed again at the July meeting.

11. PRESENTATION ON STATISTICS– PRESENTED BY VICTORIA OBUDULU AND CAROLINE NAUTH-MISIR, OFFICE OF THE SENTENCING COUNCIL

- 11.1 The Council was presented with an overview of sentencing statistics; explaining the datasets which are available to the Analysis & Research team, and providing clarification on various statistical and technical terms used by A&R when presenting analysis. A discussion was also

held on which average values are most appropriate to use in guideline development.

12. DISCUSSION ON ROBBERY – PRESENTED BY VICKY HUNT, OFFICE OF THE SENTENCING COUNCIL

12.1 The Council considered three alternative models for the Robbery guideline which had been drafted to overcome some of the concerns raised at the March meeting. The Council agreed to a model which consisted of a combined street and less sophisticated commercial robbery guideline, a separate professionally planned commercial robbery guideline and a separate dwelling robbery guideline.

12.2 The Council also agreed some amendments to the assessment of culpability and harm to accommodate the structure of the new model. The aggravating and mitigating factors were also considered, and some minor changes were made to reflect the responses that were received from the consultation.

12.3 The draft guidelines will be considered again in June.