

MEETING OF THE SENTENCING COUNCIL

15 DECEMBER 2017

MINUTES

Members present:

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

Apologies:

Mark Castle
Alison Saunders

Representatives:

Chief Constable Olivia Pinkney for the police
Sophie Marlow for the Lord Chief Justice (Legal
Adviser to the Lord Chief Justice, Criminal Justice
Team)
Claire Fielder for the Lord Chancellor (Deputy
Director, Bail, Sentencing and Release Policy)

Members of Office in
Attendance

Steve Wade (Head of Office)
Mandy Banks
Vicky Hunt
Lisa Frost
Ruth Pope

1. MINUTES OF LAST MEETING

- 1.1. The minutes from the meeting of 17 November 2017 were agreed.

2. MATTERS ARISING

- 2.1 The Chairman welcomed Husnara Khanom to her first Council meeting after recently joining the Office as a social researcher.

3. PROFESSOR BOTTOMS' REPORT – PRESENTED BY STEVE WADE, OFFICE OF THE SENTENCING COUNCIL

- 3.1 The Council discussed the publication of a report produced by Professor Anthony Bottoms of Cambridge University to support the Council in internal discussions to consider its future priorities. It agreed that the report be published in early 2018.

4. DISCUSSION ON TERRORISM – PRESENTED BY VICKY HUNT, OFFICE OF THE SENTENCING COUNCIL

- 4.1 The Council discussed the Terrorism guidelines for the first time since the close of the consultation. They agreed that the purposes of sentencing for terrorism offences were predominantly punishment and protection of the public but that there were instances where deterrence and rehabilitation will also play a part.
- 4.2 The Council considered proposed amendments to the Membership and Support of a Proscribed Organisation guidelines, and the Financing guideline. A minor amendment was made to the sentencing table in the Membership guideline; the culpability and harm factors were amended in the Support guideline to make them clearer; and the factors 'involved through coercion intimidation or exploitation', and 'use or provision of false or fraudulent identification' were moved from step 1 to step 2 in the Funding guideline. Across all three guidelines the Council added the mitigating factors 'age/ lack of maturity, where it affects the responsibility of the offender', and 'sole or primary carer for dependent relatives'.

5. DISCUSSION ON PUBLIC ORDER – PRESENTED BY LISA FROST, OFFICE OF THE SENTENCING COUNCIL

- 5.1 The Council agreed some amendments to the sentence levels previously agreed for s4 and s4A offences, to provide for an appropriate proportionate uplift to sentences for racially and religiously aggravated offences. Sentence levels for aggravated offences were also agreed.
- 5.2 The Council then agreed a proposal for hate crime offences provided for by Public Order legislation, to be included in the guideline. A draft guideline was reviewed and factors and sentence levels discussed and agreed.

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

- 6.1 This was the first discussion of the guideline following the consultation on draft proposals, held earlier in the year, the Council noted that the guideline was generally well received. The Council focused on responses to the Stalking and Harassment guideline, future meetings will look at the remaining offences.
- 6.2 The Council considered comments on the structure of the guideline and on culpability, harm, and aggravating and mitigating factors. As a result, the Council requested that some amendments were made to the factors proposed in the consultation version.

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

- 7.1 The Council considered the consultation responses and the results of research with judges on the draft Unlawful Act Manslaughter guideline. The Council noted the positive response to the draft guideline and agreed amendments to factors to aid clarity.
- 7.2 The Council agreed to await an analysis of transcripts of sentencing remarks of cases from 2016 before considering sentence levels.

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