

## MEETING OF THE SENTENCING COUNCIL

17 JULY 2015

### MINUTES

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<u>Members present:</u>	Colman Treacy (Chairman) Michael Caplan Julian Goose Martin Graham Heather Hallett Tim Holroyde Sarah Munro Julian Roberts John Saunders Richard Williams
<u>Apologies:</u>	Jill Gramann Javed Khan Lynne Owens Alison Saunders
<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) Peter Lewis, Chief Executive of CPS, attending on behalf of Alison Saunders Chief Constable Chris Eyre, attending on behalf of Lynne Owens
<u>Members of Office in Attendance</u>	Claire Fielder (Head of Office) Mandy Banks Lisa Frost Vicky Hunt Ruth Pope Caroline Nauth-Misir Helen Stear

## **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 19 June 2015 were agreed.

## **3. MATTERS ARISING**

- 3.1 The Chairman thanked Richard Williams for chairing a successful consultation event on the Dangerous Dogs guideline in Caernarfon on 25 June.
- 3.2 The Chairman also thanked Sarah Munro for attending a meeting with officials from the Victim Commissioner's Office on 25 June as part of the Commissioner's review of compliance with the requirements of the Victims' Code relating to the victim personal statements. This enabled the Council to highlight how victims are taken into account throughout all guidelines. The report is expected in the autumn.
- 3.3 The Chairman also thanked Tim Holroyde for his speech at the Homicide Working Group on 2 July, discussing the work of the Sentencing Council and how the guidelines are used.
- 3.4 The Council noted that today would have been the last meeting for Javed Khan. The Chairman recorded the Council's thanks for Javed's contribution to the Council over the last two years. The Chairman updated the Council on the recent appointment of Mark Castle, Chief Executive of Victim Support. His appointment will begin on 1 August.
- 3.5 The Chairman welcomed Liz Whiting who has recently joined the Office from the Department for Energy and Climate Change. Liz will be leading on the resource assessments for the Council and heading the statistics part of the analysis and research team.

## **4. PRESENTATION FROM THE LAW COMMISSION ON THE SENTENCING PROJECT – PRESENTED BY PROFESSOR DAVID ORMEROD AND PAUL HUMPHERSON, LAW COMMISSION**

- 4.1 Professor David Ormerod, Law Commissioner, and Paul Humpherson, lead official on the sentencing project at the Law Commission, updated the Council on its first consultation for its project to create a sentencing code for England and Wales. They also updated the Council on plans for the rest of the project over the next two years. It was agreed to have further presentations and discussions throughout the duration of the project.

**5. DISCUSSION ON GOVERNANCE AND STRATEGY – PRESENTED BY CLAIRE FIELDER, OFFICE OF THE SENTENCING COUNCIL**

- 5.1 The Council discussed progress over the past year in matters relating to strategy and planning, financial accountability and other compliance matters, and performance. It noted that improvements had been made to processes for the recruitment and induction of new members and in the oversight of risk and budget matters.
- 5.2 The Council agreed that it should approve any major changes to the work plan or budget made in year, which would affect the delivery of Business Plan commitments. The Council decided that its Business Plan, which included a three year work programme, remained an accurate statement of its strategy.

**6. DISCUSSION ON COSTS OF SENTENCING – PRESENTED BY CAROLINE NAUTH-MISIR, OFFICE OF THE SENTENCING COUNCIL**

- 6.1 The Council reviewed a draft note setting out information relating to the costs of sentencing. The Council decided that the note should be revised in order to reflect that this data was owned by the Ministry of Justice and its agencies, not the Council and that the Council was simply providing signposting in the interests of transparency.

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

- 7.1 The Council reviewed the theft guidelines for the final time. In particular, amendments to the general theft, handling and shop theft guidelines which had been made since the last meeting were discussed and agreed by the Council. The guideline was signed off for publication of the definitive guideline in the autumn.

**8. DISCUSSION ON GUILTY PLEA – PRESENTED BY RUTH POPE, OFFICE OF THE SENTENCING COUNCIL**

- 8.1 Stephen Muers updated the Council on work being undertaken by the Ministry of Justice Analytical Services team on building a model to assess the system wide impact of the proposed guilty plea scheme. The results of this work in conjunction with analysis being carried out within the Office of the Sentencing Council would be available to the Council at its September meeting.
- 8.2 Chris Eyre and Peter Lewis explained how the police and CPS were implementing initiatives and investing in resources to ensure that high quality decisions would be made early in cases to provide defendants

and their representatives with the information needed to decide on plea.

**9. DISCUSSION ON HEALTH AND SAFETY AND FOOD SAFETY AND HYGIENE - PRESENTED BY LISA FROST, OFFICE OF THE SENTENCING COUNCIL**

- 9.1 This was the Council's final consideration of issues raised in response to the draft health and safety guideline. The Council gave further consideration and discussed responses relating to fines and related issues for all offences within the guideline.
- 9.2 The Council agreed the final version of the health and safety harm model, and also considered one further category of offences which had been suggested for inclusion within the scope of the health and safety guidelines. Finally, the Council reviewed and agreed the summary of all amendments made to the guideline over the last three meetings. The guideline was signed off for publication of the definitive guideline in the autumn.

**10. DISCUSSION ON YOUTHS – PRESENTED BY VICKY HUNT, OFFICE OF THE SENTENCING COUNCIL**

- 10.1 The Council considered how best to develop offence specific guidelines for young offenders, and what offences should be covered. It was agreed that sentencers should be encouraged to take an individualistic approach to sentencing and so a step by step approach with sentencing tables may not be appropriate, but that guidance could be provided to assist sentencers in determining whether a case has crossed the custody threshold.
- 10.2 The Council decided that such guidance should be provided on sexual offences and robbery cases.

**11. UPDATE ON DIGITAL MCSG – PRESENTED BY HELEN STEAR, OFFICE OF THE SENTENCING COUNCIL**

- 11.1 The Council was updated on the digital landscape and how work on digital sentencing guidelines for magistrates fits into that. Also opportunities were outlined for the Council to tie in with other digital projects such as the Bench Solution and e-Judiciary to ensure the best possible publicity for the digital guidelines when they are launched later in the year.