

MEETING OF THE SENTENCING COUNCIL

19 JUNE 2015

MINUTES

Members present: Colman Treacy (Chairman)
Michael Caplan
Julian Goose
Martin Graham
Jill Gramann
Tim Holroyde
Lynne Owens
Julian Roberts
Alison Saunders
John Saunders
Lord Thomas of Cwmgiedd (President of the Council) attended for the discussion on the health and safety guideline.

Apologies: Heather Hallett
Javed Khan
Sarah Munro
Richard Williams

Advisers present: Paul Wiles

Representatives: 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)

Members of Office in Attendance Claire Fielder (Head of Office)
Mandy Banks
Lisa Frost
Vicky Hunt
Ruth Pope
Victoria Obudulu
Joanne Keatley

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 15 May 2015 were agreed.

3. MATTERS ARISING

3.1 The Chairman updated the Council on two recent meetings with Andrew Selous, the Minister responsible for sentencing, and Indra Morris, Director-General Criminal Justice Group at the Ministry of Justice.

3.2 The Chairman thanked Sarah Munro and Jill Gramann for leading two separate consultation events on the Dangerous Dogs guideline.

4. DISCUSSION ON THE CROWN COURT SENTENCING SURVEY ANNUAL PUBLICATION – PRESENTED BY VICTORIA OBUDULU, OFFICE OF THE SENTENCING COUNCIL

4.1 The Council considered the key findings from the CCSS annual publication, including those that the Analysis and Research subgroup had recommended highlighting. The report would be published on 25 June.

4.2 The Council agreed how the findings should be communicated on the website and more widely.

5. UPDATE FROM THE CONFIDENCE AND COMMUNICATIONS AND ANALYSIS AND RESEARCH SUBGROUPS – MICHAEL CAPLAN AND JULIAN ROBERTS, SENTENCING COUNCIL MEMBERS

5.1 The Chairmen of the Confidence and Communications and Analysis and Research sub groups updated the Council on the revised terms of reference for these groups as well as some of the specific pieces of work currently underway. They also welcomed new members to the subgroups: for the Confidence and Communications' subgroup Martin Graham, and for Analysis and Research, John Saunders and Tim Holroyde.

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

- 6.1 The Council considered the sentencing levels proposed for the three Robbery guidelines and broadly agreed. Some further work will now be done to ensure the sentencing ranges are appropriate and to check the upper sentencing levels proposed for professionally planned robbery.
- 6.2 The Council also agreed to make some amendments to the harm factors across all three guidelines, and agreed to the proposed definitions provided for the combined street/less sophisticated commercial robbery guideline and the professionally planned robbery guideline.
- 6.3 The draft guidelines will be considered again in September.

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

- 7.1 Paul Wiles notified the Council of a conflict of interest and took no part in the discussion.
- 7.2 This was the Council's third review of the consultation responses following the end of the consultation on 18 February 2015. The Council gave further consideration to the health and safety offences harm model, and considered the responses to questions relating to the food hygiene offences sections of the guideline.
- 7.3 The Council agreed revisions to the health and safety harm model following an exercise to test its practical application. Revisions to culpability and harm within the food hygiene guidelines were agreed, taking into account consultation responses. There were also revisions made to mitigating factors, and greater prominence given to the consideration of totality of fines in the light of consultation responses.

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

- 8.1 The Council reviewed the sentence ranges throughout the theft guidelines, and discussed whether any revisions should be made to the ranges, post consultation. A number of key points in relation to the ranges were considered including current sentencing practice, case law and proportionality between theft offences within the guidelines, and with other relevant offences, for example fraud and burglary.
- 8.2 Final consideration of the ranges would be made at the July meeting, when the Council would sign off the definitive guideline.

9. DISCUSSION ON YOUTHS – PRESENTED BY JOANNE KEATLEY, OFFICE OF THE SENTENCING COUNCIL

- 9.1 The Council was asked to consider the scope of the Youth guideline and it was agreed that it will consist of the revised Overarching Principles and some offence specific guidance.
- 9.2 The Council was then asked to consider the second draft of the Overarching Principles. It was agreed that the section on determining the sentence should be redrafted for further consideration in September. It was also proposed that some of the wording be revised, particularly in the sections on welfare and allocation.

10. DISCUSSION ON BREACH – PRESENTED BY LISA FROST, OFFICE OF THE SENTENCING COUNCIL

- 10.1 The Council considered the timing and scope of the breach sentence guidelines. Due to a number of issues which have emerged during the development of the guideline, the Council agreed to postpone the launch of the consultation for at least six months. This will allow more time to conduct a robust impact assessment for the guideline, and explore other related matters.

11. DISCUSSION ON SUPPORTING MATERIALS FOR GUIDELINES – PRESENTED BY RUTH POPE, OFFICE OF THE SENTENCING COUNCIL

- 11.1 The Council considered the supporting materials currently available on its website. It was agreed that these materials should be reviewed on a regular basis to ensure that they are current and relevant and that additional material including links to useful cases on the interpretation of guidelines should be added.