

## MEETING OF THE SENTENCING COUNCIL

20 OCTOBER 2017

### MINUTES

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Members present:

Colman Treacy (Chairman)  
Mark Castle  
Rosina Cottage  
Rebecca Crane  
Julian Goose  
Martin Graham  
Jill Gramann  
Heather Hallett  
Tim Holroyde  
Maura McGowan  
Sarah Munro  
Julian Roberts  
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)  
Katie Pettifer for the Lord Chancellor (Director,  
Offender and Youth Justice Policy)

Members of Office in  
Attendance

Steve Wade (Head of Office)  
Caroline Nauth-Misir  
Mandy Banks  
Vicky Hunt  
Lisa Frost  
Ruth Pope

## **1. MINUTES OF LAST MEETING**

- 1.1. The minutes from the meeting of 22 September 2017 were agreed.

## **2. MATTERS ARISING**

- 2.1 The Council received a report of the successful launch of the Terrorism guideline consultation on 12 October 2017.

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

- 3.1 The Council considered and agreed the changes to the sentence ranges made since the last meeting. The Council also considered some proposed changes to the factors in the Criminal Damage/Arson with Intent To Endanger Life or Reckless as to whether Life was Endangered guideline, and requested some revisions to these factors.
- 3.2 The Council then considered the five draft guidelines overall, and suggested some minor changes to wording, prior to the planned consultation on the draft guidelines in spring 2018.

## **4. DISCUSSION ON BREACH – PRESENTED BY LISA FROST, OFFICE OF THE SENTENCING COUNCIL**

- 4.1 The Council considered a summary of revisions to the draft guidelines and signed off the Breach definitive guideline. It was agreed that publication of the guideline would be paused to enable a data collection exercise to be completed in spring 2018. This will provide more information for the resource assessment.

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

- 5.1 The Council considered proposed aggravating factors for use where there is no offence specific guideline. It was agreed to add some further factors. The Council discussed further information relating to each factor for inclusion in the guideline and agreed some amendments.

## **6. DISCUSSION ON DOMESTIC ABUSE – PRESENTED BY MANDY BANKS, OFFICE OF THE SENTENCING COUNCIL**

- 6.1 The Council considered responses to the consultation on the revised Overarching Principles: Domestic Abuse guideline, and the Council discussed the implications of the proposed Domestic Violence and Abuse Bill on the timescale for the guideline.

6.2 The Council looked at a number of issues raised during the consultation, including the age applicability of the guideline, gender, the seriousness of domestic abuse offences, and definitions of vulnerability, and suggested that some revisions to the guideline were made, to be considered at the next meeting.

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

7.1 The Council considered and agreed revised proposals for sentence levels for s4 and s4A Public Order Act offences. Discussion took place as to the approach to be taken to guidelines for the racially aggravated versions of s4, s4A and s5 offences, which will be considered further at the next meeting.

**8. DISCUSSION ON BLADED ARTICLES – PRESENTED BY VICKY HUNT, OFFICE OF THE SENTENCING COUNCIL**

8.1 The Council considered the final draft guidelines ready for sign off. The main area for consideration was the sentence table for the possession guideline. The Council decided to revise the top sentencing box so that the range goes up to 2 years 6 months. The Council agreed the rest of the table as proposed.

8.2 The Council also considered the definition of ‘highly dangerous weapon’ across all three guidelines and decided to make specific reference to corrosive substances and acid.

8.3 The Council confirmed that they were content with the rest of the guidelines and signed them off.

**9. DISCUSSION ON THE EVALUATION OF THE DRUGS GUIDELINE – PRESENTED BY CAROLINE NAUTH-MISIR, OFFICE OF THE SENTENCING COUNCIL**

9.1 The Council considered the findings from an assessment of the Drug 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 by the end of March 2018.