

## MEETING OF THE SENTENCING COUNCIL

21 JULY 2017

## MINUTES

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Members present:

Colman Treacy (Chairman)  
Simon Byrne  
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:

Sophie Marlow for the Lord Chief Justice (Legal Adviser to the Lord Chief Justice, Criminal Justice Team)  
Claire Fielder for the Ministry of Justice (Deputy Director, Criminal Law and Sentencing Policy)

Members of Office in Attendance

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

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

- 1.1. The minutes from the meeting of 16 June 2017 were agreed.

## **2. MATTERS ARISING**

- 2.1 The Chairman noted that it was Jo Keatley's last meeting as she was leaving the office to work within the Gender Pay Gap Team of the Government Equalities Office. The Chairman thanked Jo for her significant contribution to the office particularly through her work on sentencing children and young people.

## **3. UPDATE ON THE SENTENCING CODE – PRESENTED BY LAW COMMISSION**

- 3.1 Professor David Ormerod, Lyndon Harris and Sebastian Walker from the Law Commission updated the Council on the proposed Sentencing Code Bill and the forthcoming consultation. The Council expressed its continuing support for the project.

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

- 4.1 The Council discussed the draft preparation of terrorist acts guideline and agreed the step 1 (culpability and harm) and step 2 (aggravating and mitigating) factors. In addition, they considered the sentence levels, agreeing them in principle, subject to any changes that may be made to the legislation.

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

- 5.1 The Council considered the revisions made to the draft guidelines for the 'simple' and aggravated arson and criminal damage offences, following the discussions at the last meeting. In addition, the Council considered a draft guideline for the threat to destroy or damage property offence.
- 5.2 The Council agreed with the suggested approach for this guideline, with some small changes to wording. The Council also agreed not to produce guidance for the offence of possessing an article with intent to destroy/damage property, due to the low volumes sentenced for this offence each year. Subsequent Council meetings will look at a draft for the racially and religiously aggravated criminal damage offence, and consider sentence levels across all the draft guidelines.

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

- 6.1 The Council agreed revisions to the draft guideline for breach of suspended sentence orders and breach of post sentence supervision. The Head of Office updated the Council on potential guideline publication timescales which will be dependent on a data collection exercise being carried out to enable a fuller assessment of the resource impact of the guidelines.

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

- 7.1 The Council discussed the draft funding terrorism guideline. Members agreed the culpability factors and discussed and agreed a change to the harm model proposed. In addition, they discussed and agreed the step 2 (aggravating and mitigating) factors, and sentence levels. Some members of the Council will form a working group to meet twice over the summer in order to progress the work on terrorism. There will also be further discussions at the next Council meeting in September.

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

- 8.1 The Council agreed draft guidelines for s4 and s4A Public Order Act offences, subject to further consideration of sentence levels.

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

- 9.1 The Council had an initial discussion as to the scope and format of the guideline. It decided to develop a guideline to provide assistance when sentencing offences for which there is no offence specific guideline. It considered that the guideline could give useful guidance on issues of general application such as the approach to be taken to previous convictions and to prevalence. It was hoped that digitisation of guidelines in the Crown Court would enable such guidance to be easily accessible within offence specific guidelines when required.

**10. UPDATE ON ALLOCATION – PRESENTED BY PAMELA JOOMAN, OFFICE OF THE SENTENCING COUNCIL**

- 10.1 The Council considered findings from initial monitoring of the impact of the allocation guideline, and agreed to publish the findings in due course.