

Sentencing Council

MEETING OF THE SENTENCING COUNCIL

21 OCTOBER 2016

MINUTES

<u>Members present:</u>	Colman Treacy (Chairman) Simon Byrne Mark Castle Rosina Cottage Julian Goose Martin Graham Jill Gramann Heather Hallett Tim Holroyde Sarah Munro Julian Roberts Alison Saunders Kate Thirlwall
<u>Apologies:</u>	Richard Williams
<u>Representatives:</u>	Sophie Marlow for the Lord Chief Justice (Legal Advisor to the Lord Chief Justice, Criminal Justice Team)
<u>Observers:</u>	Richard Ritchie, MoJ Sentencing Policy Unit Richard Chown, MoJ Criminal Justice Policy Directorate
<u>Members of Office in Attendance</u>	Steve Wade (Head of Office) Mandy Banks Lisa Frost Vicky Hunt Ruth Pope 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 30 September 2016 were agreed.

3. MATTERS ARISING

3.2 The Chairman welcomed Steve Wade to his first meeting as Head of Office.

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

4.1 The Council discussed first drafts of the guidelines for stalking offences, and for the controlling or coercive behaviour offence. The Council discussed whether there should be separate guidelines for stalking and harassment offences, and decided that there should be one guideline for both offences. Minor revisions were agreed to the draft guideline for the controlling and coercive behaviour offence.

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

5.1 The Council considered amendments to the proposed loss of control guideline and asked for further work to be done to refine the culpability factors. The Council agreed that sentencing levels should be developed to reflect recent decisions of the Court of Appeal Criminal Division.

5.2 The Council also considered a first draft of a diminished responsibility guideline and asked for further guidance to be developed on the effect on sentence of the degree to which the offender's responsibility was diminished. Changes were suggested to the guidance on imposition of mental health disposals.

6. DISCUSSION ON YOUTHS – PRESENTED BY JO KEATLEY, OFFICE OF THE SENTENCING COUNCIL

6.1 The Council reviewed amendments made to the Overarching Principles guideline following consultation. They agreed to some minor amendments, particularly around the definition of persistent offenders.

These changes will be made and reviewed in December's meeting, alongside the offence specific guidelines.

7. DISCUSSION ON CHILD CRUELTY – PRESENTED BY JO KEATLEY, OFFICE OF THE SENTENCING COUNCIL

- 7.1 The Council reviewed the guideline for the offence of failing to protect a girl from female genital mutilation for the first time. They agreed with the culpability factors proposed and discussed what approach would be most suitable for assessing harm. The Council agreed that an alternative harm model should be drafted for consideration in November's meeting.

8. DISCUSSION ON DRUG DRIVING – PRESENTED BY VICKY HUNT, OFFICE OF THE SENTENCING COUNCIL

- 8.1 The Council considered and signed off the Drug Driving guidance. The guidance should be made available to sentencers via the Sentencing Council website by the end of November.

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

- 9.1 The Council approved an amended version of the guideline and agreed to a small scale research exercise to test the guideline before the definitive guideline is finalised.
- 9.2 The Council considered the youth guilty plea guideline for the first time and agreed that this guideline should be separated from the adult guideline and should appear within the new overarching principles for sentencing youths. The Council proposed a number of other changes which will be made to the guideline. The guideline will next be considered by the Council in December.

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

- 10.1 The Council reviewed evidence to support the development of a new guideline for public order offences, and agreed the scope and timetable of the guideline development.