

MEETING OF THE SENTENCING COUNCIL

22 SEPTEMBER 2017

MINUTES

<u>Members present:</u>	Colman Treacy (Chairman) Mark Castle Rosina Cottage Rebecca Crane Martin Graham Jill Gramann Heather Hallett Tim Holroyde Julian Roberts Alison Saunders
<u>Apologies:</u>	Julian Goose Sarah Munro Maura McGowan
<u>Representatives:</u>	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)
<u>Observers:</u>	Justin Russell, Director General, Offender Reform and Commissioning Group (morning only)
<u>Members of Office in Attendance</u>	Steve Wade (Head of Office) Mandy Banks Phil Hodgson Vicky Hunt Ruth Pope Sarah Poppleton

1. MINUTES OF LAST MEETING

- 1.1. The minutes from the meeting of 21 July 2017 were agreed subject to some corrections.

2. MATTERS ARISING

- 2.1 The Chairman welcomed Chief Constable Olivia Pinkney to her first meeting representing the police in Simon Byrne's absence.
- 2.2 The Chairman welcomed Justin Russell, Director General, Offender Reform and Commissioning Group attending the meeting as an observer.
- 2.2 The Chairman also welcomed Heidi Harries to her first Council meeting after recently joining the Office as a senior research officer.

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

- 3.1 The Council considered a new draft Preparation of Terrorist Acts guideline and agreed changes to the culpability and harm factors. The main changes were to make reference to the type of participation of the offender and to how advanced the preparations were.
- 3.2 The Council also agreed the sentence levels, including an increase to the lower sentences. The Council went on to consider a draft Explosive Substances guideline and agreed that it should largely reflect the Preparation guideline but with the addition of some explosive substance specific factors.
- 3.3 The Council agreed minor changes to the remaining package of Terrorism guidelines, in order to ensure consistency of language across the package of guidelines. The Council agreed some additional guidance that will be provided to sentencers with the terrorism guidelines. This additional guidance includes a list of available ancillary orders, and information for sentencing non-terrorist offences which have a 'terrorist connection'.
- 3.4 Finally, the Council considered the sentence levels for all of the 'lesser' offences and, having considered relevant cases and statistical information, agreed the sentences for the whole package.

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

4.1 The Council discussed draft sentence ranges across all the arson and criminal damage offences. The discussion considered both current sentencing practice and leading Court of Appeal judgments. The Council asked that further work be done on the draft ranges, to be agreed at the next Council meeting.

4.2 The Council also discussed and agreed draft guidance for the sentencing of the religiously and racially aggravated criminal damage offence.

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

5.1 The Council considered the consultation responses to the ‘Breach of a director’s disqualification’ guideline. The Council agreed amendments to the culpability and harm factors in order that they might be related more closely to the offence. The Council also agreed to adjust the sentence levels to reflect the amended culpability factors so that non-custodial sentences are available in cases not involving dishonesty, deceit or concealment.

5.2 The Council considered the consultation responses to the ‘Breach of disqualification from keeping an animal’ guideline and noted that there was broad approval for the draft guideline. Amendments were agreed to the culpability factors to replace the factor ‘flagrant breach’ with ‘serious and/or persistent breach’, which was more meaningful to sentencers. Minor amendments were agreed to the harm factors and aggravating factors.

5.3 The Council agreed the approach to analogous orders and the rationale for not extending the guideline to cover breach of other orders.

6. DISCUSSION ON ANNUAL REPORT – PRESENTED BY PHIL HODGSON, OFFICE OF THE SENTENCING COUNCIL

6.1 The Council reviewed the final draft of the annual report and, subject to a few minor amendments, signed it off for publication.

7. DISCUSSION ON EFFECTIVENESS – PRESENTED BY SARAH POPPLETON, OFFICE OF THE SENTENCING COUNCIL

7.1 The Council discussed a synthesis of the available literature on the effectiveness of sentencing with regard to reoffending. The Council agreed the following actions: to consider an updated summary of this document annually; to include the most recent version in the induction pack for new Council members; and for the Analysis and Research

subgroup to maintain a watching brief over this literature and circulate new research papers or articles outside of the annual reporting cycle, if the subgroup deems that it is merited.

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

8.1 The Council considered an outline draft of a document on the principles of sentencing and agreed that this should be developed as part of the work to update the Council’s website to promote public confidence in the criminal justice system.

8.2 The Council considered what form a replacement for the SGC guideline ‘Overarching Principles: Seriousness’ should take. It was agreed that producing the guideline in digital form would allow for additional explanations to be provided where this would aid clarity and consistency in sentencing. The Council agreed that this could provide an opportunity to consult on clarifying factors that are known to be open to different interpretations in some existing guidelines.