

MEETING OF THE SENTENCING COUNCIL

24 OCTOBER 2014

MINUTES

Members present:

Colman Treacy (Chairman)
Michael Caplan
John Crawforth
William Davis
Heather Hallett
Javed Khan
Sarah Munro
Lynne Owens
Katharine Rainsford
Julian Roberts
John Saunders
Richard Williams

Apologies:

Julian Goose
Henry Globe
Alison Saunders

Advisers present:

Paul Wiles

Representatives:

Stephen Muers for the Ministry of Justice (Director,
Sentencing and Rehabilitation)

Sophie Marlow for the Lord Chief Justice (Legal
Advisor to the Lord Chief Justice, Criminal Justice
Team)

Peter Lewis for Alison Saunders (Chief Executive
CPS)

Members of Office in
Attendance

Michelle Crotty (Head of Office)
Mary Jones
Robin Linacre
Lissa Matthews
Victoria Obudulu
Ruth Pope
Trevor Steeples

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 26 September 2014 were agreed.

3 MATTERS ARISING

- 3.1 The Council were updated on a successful launch of the Robbery consultation guideline which was published on 21 October.
- 3.2 The Council noted that today's meeting would be Michelle Crotty's last as Head of the Office after three years in the post. The Chairman thanked her on behalf of the Council for her invaluable contribution to all aspects of the Council's work and wished her continued success in her new role. He introduced Claire Fielder who will be taking over as Head of the Office of the Sentencing Council in the next few weeks.
- 3.3 The Chairman also thanked Mary Jones for her excellent work on the environmental and health and safety guidelines and wished well in her new post in the Ministry of Justice.

4 DISCUSSION ON CROWN COURT SENTENCING SURVEY – PRESENTED BY VICTORIA OBUDULU AND TREVOR STEEPLES, OFFICE OF THE SENTENCING COUNCIL

- 4.1 Victoria presented the results of the Crown Court Sentencing Survey (CCSS) for 2013. She described the information uniquely captured from the survey and how these reflect sentencing decisions passed at the Crown Court.
- 4.2 Following this, NatCen presented the results of their independent review of the CCSS. This included their findings from interviews conducted with Council members, Office staff, Crown Court judges and analysts from the Ministry of Justice. They also presented their recommendations.
- 4.3 The Council discussed the outcomes from the review. It was agreed that the Analysis & Research sub group would further discuss how these recommendations could be implemented and present their proposals back to the Council.

5. DISCUSSION ON WORK PLAN UPDATE – PRESENTED BY MICHELLE CROTTY, OFFICE OF THE SENTENCING COUNCIL

- 5.1 The Council reviewed the current work plan and noted the challenging timetable especially in light of a number of staff changes. The Head of Office will keep this under review with the Chairman.

6. DISCUSSION ON BREACH OF ORDER – PRESENTED BY LISSA MATTHEWS, OFFICE OF THE SENTENCING COUNCIL

- 6.1 This was the first consideration of a guideline on breach of an order. The purpose of the discussion was to agree what to include within the scope of the guidelines.
- 6.2 The Council reviewed the guidance produced by the SGC and agreed it should be updated within a new composite guideline. It was also agreed that guidance would be produced for a number of new orders, notably those created by the Anti-social behaviour, crime and policing Act 2014 and the Offender Rehabilitation Act 2014. Transitional arrangements mean some orders that have now been repealed will remain in force for up to five years; where guidance exists for such orders it will be updated.

7. DISCUSSION ON YOUTHS – PRESENTED BY MARY JONES, OFFICE OF THE SENTENCING COUNCIL

- 7.1 This was the first consideration of how to proceed with guidelines for sentencing youths. A considerable amount of qualitative research had been undertaken to help inform the Council's discussion on what to include within the scope of the project.
- 7.2. It was recognised that the Sentencing Guidelines Council's Overarching Principles guideline on sentencing youths is of considerable value to magistrates and legal advisors in particular but that it is not in a format that is well suited to being used as a reference point in the courtroom.
- 7.3. The Council agreed to work to develop an updated version of the Overarching Principles that could be more readily used in court. After consideration of the volumes of offences youths are sentenced for the Council agreed to produce offence specific guidance for robbery, sexual offences and possession of a bladed article. Further work will be undertaken to assess whether to produce guidance on themes to be considered in sentencing, for example issues that particularly affect looked after children.

8. DISCUSSION ON PARLIAMENTARY EVENT, PRESENTED BY ANTHONY WALKER, OFFICE OF THE SENTENCING COUNCIL

- 8.1 The Council were updated on preparations for the Parliamentary Event on 26 November. This covered Council Members' attendance, invitations to MPs, Peers' invitations and personal invitations from the Chairman to key figures.
- 8.2 The Council were informed that the event already appears in in-house media and were updated about support materials for the day and the format of the event.

9. DISCUSSION ON MCSG WORKING GROUP – PRESENTED BY RUTH POPE, OFFICE OF THE SENTENCING COUNCIL

- 9.1 The Council were updated on the progress that the Magistrates' Court Sentencing Guidelines Working Group had made on revising the MCSG. The work is on two fronts: revising the content of the explanatory materials section of the MCSG and providing the MCSG in a digital format.
- 9.2 Key stakeholders will be asked to provide feedback on the proposed changes and they will also be asked questions to help the developers to understand how the MCSG is used and how a digital version can be made as user friendly as possible.