

MEETING OF THE SENTENCING COUNCIL

25 SEPTEMBER 2015

MINUTES

Members present:

Colman Treacy (Chairman)
Michael Caplan
Mark Castle
Julian Goose
Martin Graham
Jill Gramann
Tim Holroyde
Sarah Munro
Lynne Owens
Julian Roberts
Alison Saunders
Richard Williams

Apologies:

Heather Hallett
John Saunders
Paul Wiles

Representatives:

Stephen Muers for the Ministry of Justice (Director,
Criminal Justice Policy)
Ceri Hopewell for the Lord Chief Justice (Legal
Advisor to the Lord Chief Justice, Criminal Justice
Team)

Members of Office in
Attendance

Claire Fielder (Head of Office)
Mandy Banks
Vicky Hunt
Joanne Keatley
Ruth Pope
Claire-Louise Manning
Anthony Walker

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 17 July 2015 were agreed.

3. MATTERS ARISING

3.1 The Chairman welcomed Mark Castle to his first Council meeting since his appointment on 1 August 2015.

3.2 The Chairman also welcomed Elaine Lorimer, Chief Executive of the Law Commission who was observing the Council meeting.

3.3 The Chairman welcomed and introduced Claire-Louise Manning who joined the Office on 7 September 2015 on secondment from HMCTS. Claire-Lou will be leading the MCSG review project.

4. DISCUSSION ON GUILTY PLEAS – PRESENTED BY RUTH POPE, OFFICE OF THE SENTENCING COUNCIL

4.1 The Council discussed the analysis carried out jointly by the Office of the Sentencing Council and the Ministry of Justice to assess the likely system wide impact of the draft guilty plea guideline. A decision was made to continue to prepare the guideline for consultation and that the consultation document should give a rounded view of the likely costs and benefits of the proposals including, importantly, the benefits to witnesses and victims. There would be a further consideration of the guideline at the October meeting.

5. DISCUSSION ON ROBBERY – PRESENTED BY VICKY HUNT, OFFICE OF THE SENTENCING COUNCIL

5.1 The Council considered the robbery guidelines and confirmed the sentencing levels. They also agreed that value should only be considered at step 2 within the combined street and less sophisticated commercial robbery guideline. It is intended that the guideline will be signed off at the next Council meeting.

6. DISCUSSION ON ALLOCATION – PRESENTED BY RUTH POPE, OFFICE OF THE SENTENCING COUNCIL

6.1 The Council considered responses to the Allocation guideline consultation. Michael Caplan and Tim Holroyde reported on a meeting that had been held with representatives of the defence community on

24 September 2015. The Council discussed concerns that had been raised regarding the guidance that magistrates' courts should retain jurisdiction in some cases with a view to committing to the Crown Court for sentence after a trial. The meeting concluded that this guidance should remain in the guideline, but be clarified.

- 6.2 The Council agreed to discuss the remainder of the issues arising from the consultation at its October meeting with a view to publishing the definitive guideline in November 2015.

7. DISCUSSION ON YOUTHS – PRESENTED BY VICKY HUNT AND JOANNE KEATLEY, OFFICE OF THE SENTENCING COUNCIL

- 7.1 The Council considered the first draft of the youth sexual offences guideline, and confirmed the broad approach. It was agreed that minor changes be made to the draft and that it return to the Council in November.

- 7.2 The Council were asked to review the Overarching Principles: Youths draft guideline for the third time before consultation. They agreed with minor changes that had been made to the allocation and seriousness sections and approved the draft guideline overall.

8. DISCUSSION ON DANGEROUS DOGS – PRESENTED BY MANDY BANKS, OFFICE OF THE SENTENCING COUNCIL

- 8.1 The Council discussed the consultation responses to the revised dangerous dog guideline, which were generally favourable. The Council discussed issues highlighted regarding the approach to harm and culpability across the guidelines. The Council agreed to examine the responses regarding sentence levels and aggravating and mitigating factors at a future meeting.

9. UPDATE ON MCSG – PRESENTED BY CLAIRE-LOUISE MANNING, OFFICE OF THE SENTENCING COUNCIL

- 9.1 The Council was updated on the MCSG Review Project. This will run for 12 months and include keeping a watching brief on the new online MCSG, responding to feedback from users and updating the material as required; reviewing offences within the MCSG that are otherwise included on the three year work plan; reviewing every offence guideline to ensure that it is accurate and fit for purpose; and finally to deliver a system to ensure that future updating of this material can continue to be managed after the project ends.

10. DISCUSSION ON ANNUAL REPORT – PRESENTED BY ANTHONY WALKER, OFFICE OF THE SENTENCING COUNCIL

- 10.1 The Council was presented with a draft version of the Annual Report 2014-15. The Council was informed of the timetable and publishing

requirements for the report, which is due to be published on 20 October 2015.

10.2 The Annual Report was approved by the Council subject to minor alterations.

11. UPDATE FROM THE ANALYSIS AND RESEARCH SUB-GROUP – PRESENTED BY JULIAN ROBERTS, SENTENCING COUNCIL

11.1 The Council considered an update on several issues which had been discussed at the subgroup. It received a summary of the key findings from an evaluation of the assault guideline, which will be published in October 2015. It also considered an approach to determining the scale and type of monitoring and evaluation work that would be put in place for different guidelines, using criteria to determine the most appropriate and proportionate form of evaluation in each case, and agreed to publish these criteria on the website in due course. A second set of criteria for deciding whether the Council should endorse academic requests for support was agreed and will also be published on the website in due course.