

Sentencing Council

MEETING OF THE SENTENCING COUNCIL

27 JANUARY 2017

MINUTES

Members present: 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
Richard Williams

Apologies: Maura McGowan

Representatives: Sophie Marlow for the Lord Chief Justice (Legal Advisor to the Lord Chief Justice, Criminal Justice Team)
Claire Fielder, Deputy Director, Criminal Law and Sentencing Policy

Members of Office in Attendance Steve Wade (Head of Office)
Mandy Banks
Lisa Frost
Vicky Hunt
Jo Keatley
Ruth Pope

1. WELCOME AND APOLOGIES FOR ABSENCE

- 1.1 Apologies were received from Maura McGowan.

2. MINUTES OF LAST MEETING

- 2.1. The minutes from the meeting of 16 December 2016 were agreed.

3. MATTERS ARISING

- 3.1. The Chairman welcomed Lord Thomas, Lord Chief Justice, President of the Sentencing Council to the meeting.
- 3.2. The Chairman welcomed Judge Kinefuchi from Japan, who was attending to observe the meeting.

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

- 4.1 The Council discussed proposed changes to the guidelines to emphasise the need for judges to weigh the various factors to reach a balanced decision on the categorisation of seriousness. Consideration should be given to expanding the factors in medium culpability.
- 4.2 It was agreed that further meetings would be required before the guidelines were ready for consultation. A group of Council members would meet before the March Council meeting to test the proposed guideline against cases to confirm where further work was needed.

5. DISCUSSION ON DOMESTIC ABUSE – PRESENTED BY MANDY BANKS, OFFICE OF THE SENTENCING COUNCIL

- 5.1 The Council reviewed and agreed the final version of the revised 'Overarching Principles: Domestic Abuse' guideline ahead of the joint consultation with the Intimidatory offences guideline.
- 5.2 In addition, the Council noted the proposed communication and media strategy for the joint consultation. The Council also agreed proposed amendments to the sentence table in the stalking and harassment guideline, following the recent increase to the statutory maxima for these offences.

6. DISCUSSION ON FUTURE PRIORITIES – PRESENTED BY STEVE WADE, OFFICE OF THE SENTENCING COUNCIL

6.1 The Council considered a paper outlining a number of themes around potential areas for further work by the Council. The paper included a consideration of a number of topical issues of interest to the Council, including the publication of a recent report by Transform Justice.

6.2 It was agreed that further work needed to be undertaken to ensure the Council's resources continued to be focused on those areas that best meet the Council's aims and objectives. It was agreed that officials would bring back proposals for the next iteration of the Council's future work programme before the summer.

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

7.1 The Council considered the resource assessment for the definitive reduction in sentence for a guilty plea guideline. The Council agreed that subject to some small final adjustments the resource assessment could be published with the guideline on 7 March 2017.

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

8.1 The Council's discussion focused on the cruelty to a child and causing or allowing a child to die or suffer serious physical harm guidelines. Minor changes were made to the culpability factors and the proposed sentence levels were reviewed and agreed.

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

9.1 The Council considered and agreed a draft guideline for the offence of riot, and culpability and harm factors for the offence of violent disorder.

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

10.1 The Council considered the first draft of a guideline for preparation of terrorist acts under section 5 of the Terrorism Act 2006. The Council broadly agreed the culpability and harm factors, and the aggravating and mitigating factors. Several proposals were made for change which will be reflected in the new draft, and further work will be carried out to inform the sentencing levels. The Council will see the new draft at the Council meeting in March.