

# Sentencing Council

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## MEETING OF THE SENTENCING COUNCIL

29 JANUARY 2016

### MINUTES

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Members present: Colman Treacy (Chairman)  
Michael Caplan  
Mark Castle  
Julian Goose  
Martin Graham  
Heather Hallett  
Sarah Munro  
Julian Roberts  
John Saunders  
Richard Williams

Apologies: Jill Gramann  
Tim Holroyde  
Lynne Owens  
Alison Saunders

Representatives: Stephen Muers for the Ministry of Justice (Director, Criminal Justice Policy)  
Peter Lewis, Chief Executive of CPS, attending on behalf of Alison Saunders  
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)  
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 18 December 2015 were agreed.

**3. MATTERS ARISING**

3.1 The Chairman noted that the consultation on the guideline on imposition of community and custodial sentences was launched on 14 January and the Robbery Guideline was published on 28 January.

**4, DISCUSSION ON BREACH – PRESENTED BY LISA FROST, OFFICE OF THE SENTENCING COUNCIL**

4.1 The Council considered draft guidelines and sentence levels for breaches of protective orders, sexual offences prevention orders and sexual harm prevention orders, failure to comply with notification requirements (sex offenders) and anti social behaviour orders and criminal behaviour orders.

4.2 A number of revisions were agreed to draft guidelines for these breaches, and principles identified to inform the further development of sentence levels.

**5. DISCUSSION ON MAGISTRATES' COURT SENTENCING GUIDELINES (MCSG) EXPLANATORY MATERIAL – PRESENTED BY RUTH POPE, OFFICE OF THE SENTENCING COUNCIL**

5.1 The Council considered a proposal for the annual updating of the guidance in the MCSG relating to assessing the relevant weekly income (RWI) of offenders for the purpose of assessing the appropriate level of fine.

5.2 The Council decided that the figures should not be updated until a review of the method of calculating the RWI for offenders on low income had been carried out.

**6. DISCUSSION ON SEXUAL OFFENCES GUIDELINE AMENDMENTS – PRESENTED BY RUTH POPE, OFFICE OF THE SENTENCING COUNCIL**

6.1 The Council agreed to update the sexual offences guideline following an amendment to the Sexual Offences Act 2003 which removes

references to 'child prostitution' and 'child pornography' and replaces them with the term 'sexual exploitation of a child'.

- 6.2 The amendments to pages 89 and 90 of the sexual offences definitive guideline will be published on the Council's website.

**7. PRESENTATION FROM THE LAW COMMISSION ON THE SENTENCING CODE PROJECT – PRESENTED BY PROFESSOR DAVID ORMEROD AND PAUL HUMPHERSON, LAW COMMISSION**

- 7.1 Members of the Law Commission gave the Council an update on the progress of its work to prepare a sentencing code.

**8. DISCUSSION ON POSSESSION OF KNIVES AND OFFENSIVE WEAPONS – PRESENTED BY VICKY HUNT, OFFICE OF THE SENTENCING COUNCIL**

- 8.1 The Council had a first discussion on a proposed guideline on sentencing offences of possession of knives and offensive weapons. It considered evidence to support the early stages of the development of a guideline. The Council discussed the scope of the project, including what offences would be covered by a new guideline, and how those offences would be grouped.

- 8.2 The Council will consider sentencing factors for the guideline at the March meeting.

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

- 9.1 The Council was asked to review small revisions made to the Overarching Principles and the robbery and sexual offences guidelines since the previous Council meeting. All draft guidelines were signed off for consultation, subject to some minor changes discussed during the meeting. The consultation is scheduled to launch in May 2016.