

Sentencing Council

MEETING OF THE SENTENCING COUNCIL

30 SEPTEMBER 2016

MINUTES

Members present: Colman Treacy (Chairman)
Simon Byrne
Mark Castle
Rosina Cottage
Julian Goose
Martin Graham
Jill Gramann
Heather Hallett
Tim Holroyde
Julian Roberts
Kate Thirlwall
Richard Williams

Apologies: Sarah Munro
Alison Saunders

Representatives: Sophie Marlow for the Lord Chief Justice (Legal Advisor to the Lord Chief Justice, Criminal Justice Team)
Neil Moore, Legal Advisor to the Director of Public Prosecutions attended on behalf of the DPP
Nicola Hewer, Director, Criminal Justice Policy

Observers: Steve Wade – incoming head of office
Eleanor Nicholls, Sentencing Policy Unit
Alex Chalk MP (for agenda items 4 and 5)

Members of Office in Attendance Claire Fielder (Head of Office)
Mandy Banks
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 29 July 2016 were agreed.

3. MATTERS ARISING

3.1 The Chairman welcomed Simon Byrne to his first Council meeting since being formally appointed as a non judicial member of the Council

3.2 The Chairman noted that this was the final Council meeting for Claire Fielder as head of office. He thanked her for her outstanding contributions to the Council's work.

3.3 The Chairman welcomed Amber Weeks and Pamela Jooman who have recently joined the Analysis and Research Team. They are both statisticians. The Chairman also welcomed Phil Hodgson who has recently joined as head of communications.

4. INTRODUCTION AND UPDATE TO STALKING – PRESENTED BY ALEX CHALK MP MEMBER OF THE JUSTICE SELECT COMMITTEE

4.1 Alex Chalk MP commented that the work of the Council was valued by the Justice Select Committee across the political divide.

4.2 He set out the background to the offence of stalking and noted that it was an offence that was now taken very seriously. He is leading a campaign to increase the maximum sentence for the offence from five to ten years, which has cross-party support.

4.3 The Chairman thanked him for his contribution and noted that the maximum sentence was a matter for Parliament and the Council would like to be kept informed of the progress of any changes to the legislation.

5. DISCUSSION ON INTERPERSONAL OFFENCES – PRESENTED BY MANDY BANKS, OFFICE OF THE SENTENCING COUNCIL

5.1 The Council discussed the revised draft guidelines for harassment offences, which included expanded guidance for racially and religiously aggravated cases. The Council asked for further work to be done to

see if it was possible to develop a range for courts to use when considering what increase to give to the sentence for the level of aggravation involved.

- 5.2 The Council also considered a revised draft of the disclosing private images guideline, and the first draft of a threats to kill guideline, and asked for a small number of changes to be made to the drafts. The Council also agreed to rename the guideline 'Intimidatory' rather than 'Interpersonal' offences.

6. DISCUSSION ON WELSH LANGUAGE POLICY – PRESENTED BY CLAIRE FIELDER, OFFICE OF THE SENTENCING COUNCIL

- 6.1 The Council discussed its policy and approach to the provision of sentencing guideline material in Welsh. It was agreed that the Council would adopt the Ministry Of Justice's Welsh Language Scheme and will explore how best to provide the Magistrates' Courts Sentencing Guidelines in Welsh going forward.

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

- 7.1 The Council considered the youth guidelines for the first time since the public consultation this summer. They discussed and agreed various minor changes to the guidelines in line with the proposals arising out of consultation and road testing. The Council will continue to consider the consultation responses at the next Council meeting.

8. DISCUSSION ON BUSINESS PLAN – PRESENTED BY CLAIRE FIELDER, OFFICE OF THE SENTENCING COUNCIL

- 8.1 The Council considered the criteria for producing new guidelines and agreed some modifications to the published criteria to reflect the need for evidence to underpin its work. The Council agreed to publish a mid-year update to the 2016/17 business plan on the Council website.

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

- 9.1 The Council considered a revised version of the 'Overarching Principles: Domestic Abuse' guideline, which had undergone a number of changes since it was last discussed by the Council. The Council agreed that the more streamlined, concise layout of the guidance was an improvement, and also agreed that a shorter document which set out the scope and key messages more succinctly was appropriate.
- 9.2 The Council asked for a number of small amendments to be made to some of the wording and positioning of text within the document, and for it to be brought back for final consideration at a future meeting.

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

- 10.1 The Council considered and agreed proposed amendments to the guilty plea guideline to simplify the structure and clarify the wording. Where possible the wording in the guideline was modified to avoid it being out of date if procedural changes are made by legislation or by the Criminal Procedure Rules.
- 10.2 The Council agreed to maintain the position taken at consultation on excluding the strength of the evidence against the offender as a factor in determining the reduction. The Council rejected a proposal to change the levels of reduction applicable in cases of murder.