
**MEETING OF THE SENTENCING COUNCIL
8 April 2011
MINUTES**

<u>Members present:</u>	Brian Leveson (Chairman) John Crawforth Siobhain Egan Henry Globe Tim Godwin Gillian Guy Anthony Hughes Alistair McCreath Anne Rafferty Katharine Rainsford Julian Roberts Keir Starmer Colman Treacy
<u>Apologies:</u>	Anne Arnold
<u>Advisors present:</u>	Paul Cavadino Paul Wiles
<u>Non-members present:</u>	Helen Judge, Director Sentencing & Rehabilitation, Ministry of Justice
<u>Observers:</u>	Christina Pride – Private Secretary to Lord Chief Justice
<u>Members of Office in Attendance:</u>	Rosalind Campion Isabel Sutcliffe Trevor Steeples Alison Naftalin Emma Marshall Laura Smith Nick Mann Nigel Patrick Robin Linacre Michelle Crotty Katharina Walsh

1. WELCOME AND APOLOGIES FOR ABSENCE

- 1.1 Apologies were received as set out above. The Chairman welcomed Helen Judge who was replacing Helen Edwards as the Lord Chancellor's representative attending the Council. He also welcomed Nigel Patrick back to the office and expressed his thanks to Jo Mundie for the work she had undertaken in his absence.

2. MINUTES OF LAST MEETING

- 2.1 Minutes from the meeting of 4 March 2011 were agreed subject to minor amendments.

3. ACTION LOG

- 3.1 It was confirmed that the assault guideline had been published on 16 March and the drugs offences consultation had been published on 28 March. Totality and the update to the Magistrates' Court Sentencing Guidelines (MCSG) are to be considered by the Council at future Council meetings.

4. DISCUSSION OF MEDIA COVERAGE OF DRUGS OFFENCES CONSULTATION INTRODUCED BY PAUL CAVADINO

- 4.1 The Council noted the extensive coverage of the guideline in the press and on radio, the latter of which had been more positive. It was agreed that efforts should continue to engage the print media as much as possible.
- 4.2 The Office confirmed that where articles were found to inaccurately portray the meaning or implications of the draft guideline, letters had been written by the Office to correct them and had been published in the Sun and the Daily Mail.
- 4.3 A positive feature of the coverage was that there had been 1000 views of the public consultation document after only a couple of weeks into the consultation period and the online questionnaire had already received the same number of responses as had been received during the whole period of the consultation on the draft guideline on assault.
- 4.4 Julian Roberts confirmed that he and Paul Wiles will give further consideration to engaging with academics to ensure a good range of responses from that quarter.

5. DISCUSSION OF BURGLARY INTRODUCED BY ISABEL SUTCLIFFE

- 5.1 A number of Council members had responded to drafts of the guideline in advance of the meeting and changes were discussed regarding a number of the factors.
- 5.2 The Council discussed the wording in step 1 and the need to make it clear to sentencers that there were spectrums of harm and culpability that they would have to assess. This was similar to the exercise that had to be conducted by prosecutors when looking at whether an offender should be charged and it

was agreed that the Council should consider the wording in the Code for Crown Prosecutors to make it clear that fixing the category range and starting point was not simply a numerical exercise.

- 5.3 There was a discussion of current sentencing practice across both the magistrates' and Crown courts. The Council agreed to return to the discussion later in the morning.

6. PRESENTATION BY SIR MIKE RAWLINS, CHAIRMAN OF THE NATIONAL INSTITUTE OF HEALTH & CLINICAL EXCELLENCE (NICE)

- 6.1 Sir Mike Rawlins set out the background which led to the establishment of NICE in 1999 and the principles it adopted in dealing with challenges.

- 6.2 He also spoke about the establishment and operation of its Citizens' Council which had been very helpful to the main board, particularly with regard to areas where 'social value' judgements had to be made.

7. PRESENTATION ON INITIAL FINDINGS FROM SEXUAL OFFENCES RESEARCH PRESENTED BY NATIONAL CENTRE FOR SOCIAL RESEARCH

- 7.1 A literature review had been conducted with the key aim of ascertaining victim and public attitudes to current sentencing practice for sexual offences.

- 7.2 As a result it was clear that there was a dearth of studies or research into this area; what little there was to be found was mired in mis-information about the causes and types of sexual offending with very little focus on the final sentences.

- 7.3 The Analysis & Research sub-group would consider the findings in the near future and decide whether and how any further work should be undertaken.

ACTION: ANALYSIS AND RESEARCH SUBGROUP TO DECIDE WHETHER PHASE 2 OF SEXUAL OFFENCES RESEARCH SHOULD BE UNDERTAKEN

8. FURTHER DISCUSSION OF BURGLARY GUIDELINE INTRODUCED BY ISABEL SUTCLIFFE

- 8.1 The Council discussed further the starting points set out in *R v Saw*, in particular for category 3 offences. It was agreed that more information was needed in relation to sentencing practice at this level, to inform further consideration of the issue prior to publication of the consultation.

- 8.2 It was agreed that the Office and the Chairman would communicate with Council members next week once that further consideration had taken place with the lead members.

ACTION: OSC TO COMMUNICATE THE OUTCOME OF FURTHER DISCUSSIONS TO COUNCIL MEMBERS

9. PRESENTATION ON GREEN PAPER CONSULTATION BY HELEN JUDGE

- 9.1 The Ministry had received over 1000 responses to the consultation most of which had agreed with the aim of simplifying sentencing.
- 9.2 They were working towards publishing their response in the next couple of months.

10. OTHER ISSUES PRESENTED BY ROSALIND CAMPION

- 10.1 A paper had been circulated to Council members by Kat Walsh setting out the work being carried out by the Office in relation to the drugs consultation. Members were invited to forward any comments on the drugs paper and any suggestions for further events to the Office.
- 10.2 A paper had been circulated to Council members by Isabel Sutcliffe seeking comments on the approach that should be taken to the drafting of a TIC guideline. Council members were asked to respond to the Office with their views on the proposals within 14 days.
- 10.3 A paper had been circulated to Council members by Isabel Sutcliffe with proposed responses to the Home Office consultation paper on anti-social behaviour. Council members were asked to respond to the Office with their views on the proposals within 14 days.
- 10.4 Council was advised that work was continuing on training for the implementation of the assault guideline. Some Council members were due to attend events in this regard and the Office would be in contact with briefings.

ACTION: COUNCIL MEMBERS TO SEND COMMENTS ON THE DRUGS CONSULTATION PROCESS, PROGRESSING WORK ON TICS AND THE HOME OFFICE CONSULTATION PAPER WITHIN 14 DAYS.