

## MEETING OF THE SENTENCING COUNCIL

12 APRIL 2013

### MINUTES

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<u>Members present:</u>	Brian Leveson (Chairman) Anne Arnold Michael Caplan John Crawforth William Davis Henry Globe Anthony Hughes (items 4 and 5 only) Javed Khan Sarah Munro Katharine Rainsford Julian Roberts John Saunders Keir Starmer Colman Treacy
<u>Apologies:</u>	Lynne Owens
<u>Advisers present:</u>	Paul Cavadino Paul Wiles
<u>Representatives:</u>	Claire Fielder for the Lord Chief Justice (Head of Lord Chief Justice's Criminal Justice Team) Helen Judge for the Ministry of Justice (Director of Sentencing and Rehabilitation)
<u>Members of Office in Attendance:</u>	Michelle Crotty (Head of Office) Jackie Burney Suzi Carberry Bee Ezete Robin Linacre Emma Marshall Lissa Matthews Karen Moreton Ruth Pope Ameer Rasheed Trevor Steeples Vanessa Watling

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**1. WELCOME AND APOLOGIES FOR ABSENCE**

1.1. Apologies were received as set out above.

**2. MINUTES OF LAST MEETING**

2.1. Minutes from the meeting of 1 March 2013 were agreed.

**3. MATTERS ARISING**

3.1. The Chairman welcomed Michael Caplan QC, Javed Khan, Her Honour Judge Sarah Munro and Mr Justice Saunders as new members to the Council and congratulated John Crawforth, Julian Roberts and Lynne Owens on their reappointment to the Council.

3.2. Council members were invited to attend an academic conference on sentencing organised by Julian Roberts which will be held at Oxford University on 5 July.

**4. DISCUSSION ON FRAUD OFFENCES (INDIVIDUAL OFFENDERS) – PRESENTED BY LISSA MATTHEWS, OFFICE OF THE SENTENCING COUNCIL**

4.1. The Council considered revisions to the draft revenue fraud and benefit fraud guidelines.

4.2. The Council agreed that the large sums that could be defrauded in revenue cases warranted additional categories being added to the harm assessment to give guidance in cases where amounts well in excess of £1million had been defrauded.

4.3. The Council considered draft sentence ranges and starting points and agreed that sentences should be proportionate to the different maxima for the offences that will be covered by the revenue guideline. Court of Appeal cases were discussed to illustrate how cases that have been decided would fall within the draft guideline.

4.4. Amendments to the draft benefit fraud guideline were considered and agreed. The Council discussed how the guideline should treat offenders who may have initially had a genuine claim that later ceased to be genuine and those whose claim was fraudulent from the outset.

4.5. A draft outline of the consultation document was considered. The Council agreed to provide written comments by 20 April in order that a draft can be circulated in advance of the May meeting.

**ACTION: MEMBERS TO PROVIDE COMMENTS ON THE CONSULTATION OUTLINE BY 20 APRIL.**

**5. DISCUSSION ON FRAUD OFFENCES (CORPORATE OFFENDERS) – PRESENTED BY RUTH POPE, OFFICE OF THE SENTENCING COUNCIL**

- 5.1. The Council considered revisions to the harm factors in the draft corporate guideline. The Council decided that for offences of money laundering, harm should be assessed with reference to the amount laundered or the costs avoided by failing to put in place an effective anti-money laundering programme, whichever is the higher. The Council considered the proposed aggravating and mitigating factors and made minor amendments.
- 5.2. The overall structure of the corporate guideline was considered and agreed as the basis for consultation.

**6. UPDATE FROM CONFIDENCE AND COMMUNICATIONS SUB GROUP – PRESENTED BY SUZI CARBERRY, OFFICE OF THE SENTENCING COUNCIL**

- 6.1. The Council were briefed on the launch of the consultation on sentencing guidelines for environmental offences and were pleased to note that the coverage had been balanced, with neutral or positive coverage from national, regional, trade and legal media. The Chairman thanked the spokespeople for undertaking a number of television and radio interviews on behalf of the Council.
- 6.2. The Council discussed its digital communications strategy and agreed with the plan to focus on safeguarding the Sentencing Council website and getting involved with the Criminal Justice System Efficiency Programme and its work to digitise the courts.

**7. DISCUSSION ON ANNUAL REPORT – PRESENTED BY SUZI CARBERRY, OFFICE OF THE SENTENCING COUNCIL**

- 7.1. The Council discussed the timing and presentation of the annual report 2012/13 and agreed a timetable for its publication. It was suggested that the distribution list and number of printed copies be reviewed, in order to ensure value for money.

**8. DISCUSSION ON WORK PROGRAMME – PRESENTED BY MICHELLE CROTTY, HEAD OF OFFICE OF THE SENTENCING COUNCIL**

- 8.1. The Council discussed the order of and timetable for production of future guidelines and agreed the work programme for 2013 – 2015. The Council considered the draft business plan and agreed to its publication on the website, subject to amendments. The Council discussed its criteria for deciding which non mandatory guidelines should be produced and its criteria for revising Sentencing Council guidelines.

**9. DISCUSSION ON SEXUAL OFFENCES CONSULTATION RESPONSES - PRESENTED BY VANESSA WATLING, OFFICE OF THE SENTENCING COUNCIL**

- 9.1. The Council agreed the timetable for publication of the guideline on sentencing sexual offences. Given the size of the consultation it was suggested that offences be considered in groups, with final guidelines being brought before the Council in late autumn.
- 9.2. The Council considered the consultation responses received on exploitation offences and discussed the language used in the guidelines. A number of amendments and revisions were made in light of suggestions and views expressed in the consultation responses.