

Sentencing Council

MEETING OF THE SENTENCING COUNCIL

15 JUNE 2012

MINUTES

<u>Members present:</u>	Anthony Hughes (Deputy Chairman) Anne Arnold John Crawforth William Davis Siobhain Egan Henry Globe Gillian Guy Alistair McCreath Katharine Rainsford Julian Roberts Keir Starmer Colman Treacy
<u>Apologies:</u>	Brian Leveson (Chairman) Tim Godwin Helen Judge (Director of Sentencing and Rehabilitation, Ministry of Justice)
<u>Advisers present:</u>	Paul Cavadino Paul Wiles
<u>Observers:</u>	Ruth Coffey (Legal advisor to the Lord Chief Justice) Martin Jones (Deputy Director, Sentencing, Policy and Penalties Unit, MoJ)
<u>Members of Office in Attendance</u>	Michelle Crotty (Head of Office) Jackie Burney Bee Ezete Robin Linacre Nick Mann Nigel Patrick Ameer Rasheed Helen Stear Trevor Steeples Gareth Sweny Vanessa Watling

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 4 May 2012 were agreed.

3. MATTERS ARISING

- 3.1. The Council discussed a request received from the Criminal Procedure Rule Committee for views on how the latter should exercise its new power under the amended section 174 of the Criminal Justice Act 2003.
- 3.2. The Council considered its response to the Ministry of Justice consultation on community sentences in the light of its statutory remit, its aims and its objectives. The Council was of the view that all sentences imposed by the court should command the public's confidence and therefore improving delivery, accountability and consistency would go some way towards doing that. It was suggested that it might be helpful to draw attention to the difficulties faced by sentencers, especially in relation to the availability of community sentences and delay.

4. UPDATE ON SENTENCING COUNCIL BUDGET – PRESENTED BY TREVOR STEEPLES, OFFICE OF THE SENTENCING COUNCIL

- 4.1. The Council received an update on expenditure for 2011/12 and the plan for proposed expenditure for 2012/13. It was suggested that the Council receive regular updates on the budget and in order to assist with financial monitoring, a sub-group will be established to focus on this task.

5. DISCUSSION ON ANNUAL REPORT 2011/12 – PRESENTED BY HELEN STEAR, OFFICE OF THE SENTENCING COUNCIL

- 5.1. The Council discussed the draft Annual Report, its format, style and content. It was suggested that the report should highlight the Council's achievements and successes, whilst noting that the complexities of the guidelines issued to date had impacted on the expected pace of work.

6. UPDATE ON DANGEROUS DOG GUIDELINE MEDIA LAUNCH AND COMMUNICATIONS STRATEGY FOR SEXUAL OFFENCES GUIDELINE – PRESENTED BY HELEN STEAR, OFFICE OF THE SENTENCING COUNCIL

- 6.1. The dangerous dog offences guideline was published on 15 May. It received the highest level of coverage for any Council publication so far. The media reporting was mostly positive and balanced. The deputy chairman thanked Anne Arnold, Tim Godwin and Katharine Rainsford for their assistance in undertaking a number of media interviews.

- 6.2. Preparation for the launch of the sexual offences guideline consultation has already begun and is under consideration by the communications sub-group. It was suggested that it would be useful to devote time at the July Council meeting to the key issues for consultation for both public and professional audiences.

**ACTION: CONSIDER KEY ISSUES FOR CONSULTATION PAPER AND
BRING BACK TO JULY MEETING FOR COUNCIL'S COMMENTS**

**7. DISCUSSION ON SEXUAL OFFENCES GUIDELINE – PRESENTED BY
VANESSA WATLING, OFFICE OF THE SENTENCING COUNCIL**

- 7.1. The Council considered the proposed structure of the consultation paper and discussed what approach the consultation paper should take. It was suggested that the first section of the consultation should be explanatory and explain the context of the consultation. Some offences will be grouped together due to the similarity of activity rather than their legal title.
- 7.2. It was suggested that it would be helpful to include scenarios and narrative in the consultation paper to help demonstrate that the offending behaviour is often more complex than just the physical activity involved.
- 7.3. The Council discussed current sentencing practice and the sentencing ranges for various offences in order to consider proportionality as against each other.
- 7.4. A set of the draft offences to date would be returned to Council in July.

**ACTION: DRAFT GUIDELINES TO BE REVISED IN THE LIGHT OF THE
DISCUSSION AND REVIEWED BY COUNCIL IN JULY**

**8. REVIEW OF 2012/13 WORK PLAN – PRESENTED BY NIGEL PATRICK,
OFFICE OF THE SENTENCING COUNCIL**

- 8.1. The Council reviewed the work plan for 2012/13. With regards to the sex offences guideline, it was noted that despite the significant amount of time being devoted (both in and outside of meetings) to ensure that the new guideline addresses the concerns and needs of sentencers, the complex and challenging nature of this work may result in slippage in the work programme for this year.
- 8.2. The Council considered the work plan for the next three years and discussed whether there is a pressing need for guidelines for any other offences.

**9. DISCUSSION ON MINISTRY OF JUSTICE CONSULTATION ON
DEFERRED PROSECUTION AGREEMENTS – PRESENTED BY JACKIE
BURNLEY, OFFICE OF THE SENTENCING COUNCIL**

- 9.1. The Council noted the MoJ consultation on deferred prosecution agreements and suggested that the issue of levels of fines for corporate offending might best be considered as part of the work on the Environmental offences guideline. The Council agreed to consider its draft response at the July meeting.