

MEETING OF THE SENTENCING COUNCIL

16 MAY 2014

MINUTES

Members present:

Colman Treacy (Chairman)
Michael Caplan
John Crawford
William Davis
Henry Globe
Heather Hallett
Javed Khan
Lynne Owens
Katharine Rainsford
Julian Roberts
Alison Saunders
Richard Williams

Apologies:

Sarah Munro
John Saunders

Advisers present:

Paul Wiles
Paul Cavadino

Representatives:

Stephen Muers for the Ministry of Justice (Director,
Sentencing and Rehabilitation)

Sophie Marlow for the Lord Chief Justice (Legal
Advisor to the Lord Chief Justice, Criminal Justice
Team)

Members of Office in
Attendance

Michelle Crotty (Head of Office)
Mandy Banks
Mary Jones
Robin Linacre
Lissa Matthews
Victoria Obudulu
Ruth Pope
Trevor Steeples

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 11 April 2014 were agreed.

3. MATTERS ARISING

- 3.1 The Council congratulated William Davis on his recent appointment to the High Court.
- 3.2 The Council welcomed Sarah Poppleton back to the team as a permanent member of staff, supporting the Council's social research work. Sarah joined the office temporarily in 2013 covering a staff absence.
- 3.3 The Chairman updated the Council on a productive meeting he had with Lord Faulks QC the Minister of State for Civil Justice and Legal Policy to explain the work of the Council to him. Lord Faulks has accepted the Chairman's invitation to observe a Council meeting later in the year.
- 3.4 The Chairman had also recently met with the Permanent Secretary of the Ministry of Justice, Ursula Brennan. They discussed increasing parliamentarians' understanding of sentencing. This is a topic previously discussed with Sir Alan Beith, Chair of the Justice Select Committee which has agreed to sponsor/host a seminar event for MPs. This is currently being arranged with their officials.
- 3.5 The Council discussed a letter received from the Secretary of State in which he formally asks the Council to consider whether it should produce a guideline for 'one punch' manslaughter under s.124 of the Coroners and Justice Act 2009.
- 3.6 The Council agreed to consider the scope of a possible guideline covering manslaughter offences at a future meeting
- 3.7 The Council noted that following advice from the MoJ the Secretary of State does not require a response to his written request last year regarding increasing the tariff for murder of a police officer as the Government now intends to legislate.

4. DISCUSSION ON ROBBERY – PRESENTED BY LISSA MATTHEWS, OFFICE OF THE SENTENCING COUNCIL

- 4.1 This was the last discussion on robbery before the draft guidelines are published for consultation. A number of amendments were made to the culpability factors across the guidelines in order to increase the certainty as to where within the categories offenders would be likely to be placed.
- 4.2 There was also discussion as to the wording of the harm factors which were amended to improve clarity and consistency.
- 4.3 As the changes that were made would have a significant effect on sentence levels further drafts of the guidelines would be prepared for consideration later in the meeting.

5. DISCUSSION ON COUNCIL STRATEGY – PRESENTED BY MICHELLE CROTTY, OFFICE OF THE SENTENCING COUNCIL

- 5.1 There was a discussion on the Council's resources, how these are currently used and how they might be used in the future. It was confirmed that the development of guidelines should remain as the core function of the Council. However, there was further work that could be done on understanding how the language used in the guidelines is understood by different groups; for example, magistrates and victims. It was also agreed that the Council should renew its focus on its confidence work and engaging with a range of interested parties; whilst the primary users of the guidelines are the judiciary and legal professionals, the engagement needs to be wider than this. It will be important for the Council to tailor its engagement to meet the needs of those different groups. Council members were asked to notify the Head of Office and the Communications subgroup of any groups they felt we should be engaging with, along with details of any relevant events.

6. DISCUSSION ON CCSS OPTIONS AND UPDATE FROM A & R SUB-GROUP CHAIRMAN – PRESENTED BY TREVOR STEEPLES, MICHELLE CROTTY AND JULIAN ROBERTS

- 6.1 Trevor provided the Council with information on what the original aims of the Crown Court Sentencing Survey and how the survey had been used to help fulfil some of the Council's statutory obligations.
- 6.2 The Council discussed the wide ranging analytical obligations that it had been set and agreed that a review should be conducted to explore the most efficient way of fulfilling its statutory monitoring duties.
- 6.3 The Council also considered the latest response rates for the survey, which showed that the national rate was still over 70%.

6.4 Julian Roberts updated the Council on a forthcoming sentencing seminar being hosted by London City University on 11 July 2014.

7. DISCUSSION ON HEALTH AND SAFETY – PRESENTED BY MARY JONES, OFFICE OF THE SENTENCING COUNCIL

7.1 Paul Wiles notified the Council of a potential conflict of interest and took no part in the discussion.

7.2 The Council discussed the scope of the consultation package and agreed to include guidelines for food hygiene offences as part of the consultation, and to adjust the timetable for the work accordingly.

7.3 The Council considered the principles that should underlie the development of penalties in health and safety offences, including for specific categories of cases such as those involving a death. The Council agreed a number of principles that would inform a definitive set of starting points and ranges for organisations and individuals to be presented to the Council next month.

7.4 The Council discussed an initial draft of a corporate manslaughter guideline and the particular features of the offence that guideline would need to address. The Council agreed to review a further iteration of the guideline in June.

8. EXTRA DISCUSSION ON ROBBERY OFFENCES GUIDELINE – PRESENTED BY LISSA MATTHEWS, OFFICE OF THE SENTENCING COUNCIL

8.1 After consideration of the revised drafts it was agreed that further work would be undertaken outside the Council to further understand the possible impact on sentence levels.