
**MEETING OF THE SENTENCING COUNCIL
16 September 2011
MINUTES**

<u>Members present:</u>	Brian Leveson (Chairman) Anthony Hughes Henry Globe Anne Arnold Keir Starmer Gillian Guy Julian Roberts Siobhain Egan Katherine Rainsford John Crawforth
<u>Apologies:</u>	Anne Rafferty Alistair McCreath Tim Godwin Colman Treacy
<u>Advisors present:</u>	Paul Cavadino
<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 Vanessa Watling Michelle Crotty Trevor Steeples Helen Stear Robin Linacre Nick Mann Emma Marshall Marcie Malcolm Azhar Hasham

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 22 July 2011 were agreed.

3. ACTION LOG

- 3.1. The actions from the previous meeting were reviewed.
- 3.2. Council was advised that the public consultation event in Liverpool in relation to the burglary guideline was very effective and that the key messages were well received.

4. PUBLIC DISORDER INTRODUCED BY VANESSA WATLING

- 4.1. The Council discussed the recent disorder and any action that Council should take in light of this.
- 4.2. The Council decided against producing overarching guidelines at this time. The Council noted that rioting could take place in a number of different contexts for example, political demonstrations or following sporting events. The Court of Appeal was scheduling appeals cases related to the riots and the Council did not want to interfere with this process. It would await the outcome of the appeals with interest.
- 4.3. The approach of the sentencing guidelines allows sentencers flexibility to sentence at the top the ranges, above the levels expected for the vast majority of cases, or to depart from them altogether if it is in the interests of justice to do so.
- 4.4. Many of those involved in the disorder in August have been charged with non-domestic burglary. The Council noted that its consultation on burglary closed a couple of days before the riots started. Those events were therefore not reflected in consultation responses but in its consideration of the those, Council would reflect on whether further amendments were needed to reflect where such offences occurred in the context of riots.
- 4.5. Council agreed a statement in relation to its response to the disorder which would be published on the Council's website.

5. DISCUSSION ON BURGLARY INTRODUCED BY VANESSA WATLING

- 5.1. The Council noted that it had received a substantial volume of responses from both the professional and public to the consultation and was pleased with the response rate.
- 5.2. The Council was advised that both justice professionals and public respondents endorsed the choice of three category offence groups.
- 5.3. The Council discussed the correlation between dependency and drugs and it was agreed that additional guidance would be provided in relation to sentencing those with dependency issues.
- 5.4. The Council also discussed the changes required to accommodate burglary in the context of “general public disorder”. The Council agreed that the guideline would add this as a new factor indicating greater harm at step one.
- 5.5. The guideline and consultation papers were approved subject to minor drafting changes. Subject to those, the guidelines would be published.

6. PRESENTATION BY CAROL MCNAUGHTON NICHOLLS, STEPHEN WEBSTER AND IAN SIMPSON ON SEXUAL OFFENCES, FROM THE NATIONAL CENTRE FOR SOCIAL RESEARCH (NatCen)

- 6.1. The researchers from NatCen presented the key findings from their research with the public and victims/survivors of sexual offences on attitudes towards sentencing for sexual offences.
- 6.3. A full report for Council is in preparation and will be published in due course.

7. DISCUSSION ON SEXUAL OFFENCES INTRODUCED BY VANESSA WATLING

- 7.1 There was a short update in relation to the work being undertaken in this area by members of the Office. The sensitive nature of the work was again noted. Officials had started talking to interested groups and organisations and the NatCen research would feed into the work going forward.

ACTION: DRAFT GUIDELINE ON GROUP OF OFFENCES TO BE BROUGHT TO OCTOBER COUNCIL

8. DISCUSSION ON CROWN COURT SENTENCING SURVEY INTRODUCED BY TREVOR STEEPLES

- 8.1. The Council discussed the paper on the re-tendering of the Crown Court Sentencing Survey (CCSS). The Council agreed that there was no

alternative to collecting the necessary data to discharge the Council's statutory duties. It was agreed that the CCSS forms should not be more than a single side of A4 but also that there was little scope to dispense with any information from the forms. Council agreed that where there were no guidelines, the section on "offence seriousness" should be amended to include information on the level of harm and culpability.

- 8.2. Council agreed that a letter would be sent to all Crown Court resident judges, reminding them of the purpose and importance of the CCSS. The letter would remind them that it is not the purpose of the survey to monitor individual judges' levels of compliance with the guidelines.
- 8.3. The data collected and analysed from the first six months of the CCSS will be published as a first statistical release in mid-October 2011. A copy of the first statistical release will be sent to all resident judges.

9. DISCUSSION ON DRUGS CONSULTATION INTRODUCED BY ROSALIND CAMPION

- 9.1. The Council was informed about the progression on the draft response to the guideline.
- 9.2. There was a discussion about the medicinal use of cannabis, the failure of the offender to respond to warnings, drugs cut with harmful substances, supply to a person under the age of 18 and the impact of drugs on the wider community.
- 9.3. It was agreed that further work would be carried out regarding the language used in the document and the specified quantities of drugs.

ACTION: FURTHER DRAFT GUIDELINE TO BE BROUGHT TO OCTOBER COUNCIL