

## MEETING OF THE SENTENCING COUNCIL

17 MAY 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 (p.m. only) Javed Khan Sarah Munro Lynne Owens Katharine Rainsford Julian Roberts John Saunders Colman Treacy
<u>Apologies:</u>	Keir Starmer
<u>Advisers present:</u>	Paul Cavadino Paul Wiles
<u>Representatives:</u>	Ruth Coffey for the Lord Chief Justice (Legal Secretary to the Lord Chief Justice) Robert Lennox for the Ministry of Justice (a.m. only) Helen Judge for the Ministry of Justice (Director of Sentencing and Rehabilitation – p.m. only)
<u>Members of Office in attendance:</u>	Michelle Crotty (Head of Office) Jackie Burney Suzi Carberry Bee Ezete Azhar Hasham Robin Linacre Emma Marshall Lissa Matthews Karen Moreton Ruth Pope Sarah Poppleton Ameer Rasheed Trevor Steeples Vanessa Watling
<u>Observer:</u>	Mandy Banks (Legal Aid Policy, Ministry of Justice)

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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 12 April 2013 were agreed.

**3. MATTERS ARISING**

- 3.1. The Council was informed that the Crown Court Sentencing Survey bulletin for 2012 is due for publication on 30 May. The Council also received an update on the progress of the Offender Rehabilitation Bill.

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

- 4.1. The Council heard an update on its financial position for the previous financial year 2012/13 and the current year 2013/14.

**5. DISCUSSION ON ANNUAL REPORT 2012/13 AND BUSINESS PLAN - PRESENTED BY SUZI CARBERRY, OFFICE OF THE SENTENCING COUNCIL**

- 5.1. The Council considered amendments made to the structure and content of the Annual Report following comments made at the last meeting. The Council also discussed the amended Business Plan. It was agreed that the Business Plan will be published online and updated regularly.

**6. UPDATE ON SEXUAL OFFENCES ROAD-TESTING EXERCISE – PRESENTED BY EMMA MARSHALL AND SARAH POPPLETON, OFFICE OF THE SENTENCING COUNCIL**

- 6.1. The Council were informed of the key findings to have emerged from the recent road-testing exercise on sexual offences that involved a number of Crown Court judges. The Council noted how valuable such research can be in helping to ensure that the guideline will be workable in practice and expressed gratitude to the judges who took part. There was a discussion about the scenarios used in the road-testing exercise and whether it would be useful to include more information in future, possibly taken from actual case facts.

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

- 7.1. The Council considered the consultation responses received on rape and assault offences. The Council discussed the structure of the rape guideline and made some revisions to the factors in the light of the thoughtful responses that had been received. There was a discussion about whether the guideline should be amended to reflect that it is the overall extreme impact of the category 2 factors alone or collectively that will elevate the case to the highest category. In addition, amendments were made to some of the factors in light of the discussion that was generated by the responses. The Council were pleased with the constructive nature of responses received which helped to highlight some of the more difficult issues.

**8. DISCUSSION ON SEXUAL OFFENCES CONSULTATION RESPONSES ON MITIGATION – PRESENTED BY AMEER RASHEED, OFFICE OF THE SENTENCING COUNCIL**

- 8.1. The Council discussed the consultation responses received on the issue of mitigation and made some revisions as a result of suggestions made. The Council agreed to keep this issue under review as it is relevant to all sections of the consultation.

**9. DISCUSSION ON FRAUD CONSULTATION – PRESENTED BY LISSA MATTHEWS, OFFICE OF THE SENTENCING COUNCIL**

- 9.1. The Council discussed the draft consultation paper on fraud offences and endorsed the overall approach. Council members suggested some amendments to the text of the consultation paper and to the draft guidelines. It was agreed that the scenarios in the consultation paper were a useful way to highlight some of the difficult issues and encourage responses on these points. The Council agreed to sign off any further amendments to the draft consultation paper and guidelines out of committee.