
**MEETING OF THE SENTENCING COUNCIL
17 December 2010
MINUTES**

<u>Members present:</u>	Brian Leveson (Chairman) Anne Arnold John Crawford Siobhan Egan Henry Globe Anthony Hughes Alistair McCreath Anne Rafferty Katharine Rainsford Julian Roberts Keir Starmer Colman Treacy
<u>Apologies:</u>	Gillian Guy Tim Godwin
<u>Advisors present:</u>	Paul Cavadino
<u>Observers present:</u>	Helen Edwards, Director General, Justice Policy Ministry of Justice Christina Pride – Private Secretary to Lord Chief Justice
<u>Members of Office in Attendance:</u>	Rosalind Campion Isabel Sutcliffe Trevor Steeples Laura Smith Nigel Patrick Robin Linacre Michelle Crotty Emma Marshall Nick Mann Azhar Hasham Ebere Ezete

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 the 26th November 2010 were agreed.

3. ACTION LOG

- 3.1. The actions from the November meeting had been completed.

4. DISCUSSION OF RESPONSE TO GREEN PAPER INTRODUCED BY NIGEL PATRICK

- 4.1. NP highlighted the sentencing reforms set out in the Green Paper that were likely to require a response from the Sentencing Council.
- 4.2. It was agreed that the Council would provide a general response setting out broad principles and use these to frame responses to specific questions within the consultation.

ACTION: OSC TO PRODUCE DRAFT RESPONSE TO GREEN PAPER FOR JANUARY COUNCIL

5. DISCUSSION OF ASSAULT CONSULTATION RESPONSES INTRODUCED BY NIGEL PATRICK

- 5.1. The Chairman extended his thanks to KR and GG for their participation in the magistrates and victims events.
- 5.2. NP provided an overview of some of the areas that preliminary respondents had raised whilst noting that further responses were expected prior to the closing date of the 5th January 2010.
- 5.3. It was agreed that firm decisions would be made at the January meeting once all responses had been received.

6. DISCUSSION OF BURGLARY INTRODUCED BY ISABEL SUTCLIFFE

- 6.1. The Chairman thanked CT, GG and the OSC for their work to date on this topic.
- 6.2. The Council discussed equality and diversity matters concerning this offence. These will need to be considered further in relation to the EIA.

- 6.3. There was a discussion about the need to ensure that any draft guideline considered the established wording in the mode of trial guidelines for these offences.
- 6.4. There was a discussion about the factors identified in the Court of Appeal case of Saw and where these should appear in the draft guideline. It was explained that, in general terms, step 1 factors relate to the principal elements of the offence whilst the wider contextual factors of the offence and offender are considered in step 2. This was a general framework and would be followed, where possible, when considering further guidelines.
- 6.5. There was a discussion as to existing sentencing practice and the interface between domestic and non-domestic burglary sentences.
- 6.6. It was agreed that the OSC would produce further information showing the distribution of current sentences.
- 6.7. There was discussion of the non-domestic burglary guideline and it was agreed that it needed to reflect the situation where the victim had suffered the loss of, or damage to, items of "significant economic, commercial or social value".

**ACTION: OSC PRODUCE INFORMATION ON THE
CURRENT DISTRIBUTION OF SENTENCES**

**7. DISCUSSION OF DRAFT DRUGS GUIDELINE INTRODUCED BY NIGEL
PATRICK**

- 7.1. It was agreed that supply and importation offences should have separate guidelines.
- 7.2. It was agreed that the offence of permitting premises to be used should consider the extent of the activity involved.
- 7.3. It was agreed that the supply guideline should feature 5 categories of quantity of drug because of the variety of examples of supply that could take place.
- 7.4. There was a discussion of the historic practice of forensic analysis of drugs and the impact that the abolition of the Forensic Science Service would have on this. It was agreed that there would be further discussion of this topic at January's meeting.
- 7.5. The OSC were asked to further consider the positioning of the street dealer within the roles and to produce a further draft of the guideline for January's meeting.

**ACTION: OSC TO AMEND GUIDELINE AND PRODUCE
FURTHER DRAFT FOR JANUARY 2011 MEETING**

8. DISCUSSION OF TOTALITY INTRODUCED BY ISABEL SUTCLIFFE

- 8.1. It was agreed that the primary audience for the guideline were the judiciary and criminal justice practitioners and that the guideline should be drafted on this basis. Once drafted further consideration would be given to how to support explaining this technical area of sentencing to the public.
- 8.2. The format of the guideline was discussed and it was agreed that a draft would be brought to Council in early 2011.

9. CLOSE

- 9.1 The Chairman expressed his thanks to all Council members for their work during the year. He also expressed the thanks of the Council to the staff of the OSC for their work during the year.