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**MEETING OF THE SENTENCING COUNCIL  
18 November 2011  
MINUTES**

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<u>Members present:</u>	Brian Leveson (Chairman) Anne Arnold John Crawforth Henry Globe Anthony Hughes Alistair McCreath Katharine Rainsford Julian Roberts Keir Starmer Colman Treacy
<u>Apologies:</u>	Anne Rafferty Tim Godwin Gillian Guy Siobhain Egan
<u>Advisors present:</u>	Paul Cavadino and Paul Wiles
<u>Non-members present:</u>	Helen Judge, Director Sentencing & Rehabilitation Ministry of Justice
<u>Observers:</u>	Ben Yallop – Assistant Private Secretary to Lord Chief Justice
<u>Members of Office in Attendance:</u>	Michelle Crotty Trevor Steeples Vanessa Watling Nigel Patrick Jackie Burney Helen Stear Nick Mann Rob Linacre Azhar Hasham Marcie Malcolm Karen Moreton

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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 14 October 2011 were agreed.

**3. ACTION LOG**

- 3.1. The actions from the previous meeting were reviewed.
- 3.2. The Council was informed that work had progressed on Dangerous Dogs, Sexual Offences and Drugs.

**4. DISCUSSION ON DRUGS INTRODUCED BY JACKIE BURNEY**

- 4.1. The Council discussed and agreed the approach to be taken for people in a position of responsibility who supply drugs in prison.
- 4.2. The Council discussed the starting points and sentence ranges in the importation, supply, production/cultivation and possession guidelines, taking into consideration the latest research into current sentencing practice. The Council agreed that a sub-group would consider these in close detail, to ensure proportionality across all offences.
- 4.3. The Council confirmed that the quantities of drugs in each harm category are appropriate and agreed that some further clarification was needed in the production/cultivation guideline regarding assumed yield.
- 4.4. The Council considered the latest draft of the consultation response paper and agreed that it is a comprehensive and accurate reflection of the consultation.

**ACTION: SUB-GROUP TO MEET TO DISCUSS STARTING POINTS AND SENTENCE RANGES WITH PROPOSALS TO BE CIRCULATED TO COUNCIL MEMBERS FOR COMMENT. SUB-GROUP TO SIGN OFF DEFINITIVE GUIDELINE.**

**5. DISCUSSION ON SEXUAL OFFENCES INTRODUCED BY VANESSA WATLING**

- 5.1. The Council undertook a first discussion of how the guidelines should be developed in relation to sexual assault, assault by penetration and rape.
- 5.2. There was a discussion on the complexity of capturing harm and culpability appropriately in these types of offences particularly when trying to articulate a range of offending.

- 5.3. It was agreed that further work would be carried out on developing guidelines on rape and sexual assault, in preparation for consultation in the spring and would be brought back to the Council for discussion in the New Year.
- 5.4. It was agreed that all the offences involving children as victims should be considered as one piece of work by the Council at its January 2012 meeting.
- 5.5. It was agreed that at the December meeting, the Council would consider the development of a guideline on indecent images of children.

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

**6. DISCUSSION ON DANGEROUS DOGS INTRODUCED BY NIGEL PATRICK**

- 6.1. The Council discussed and agreed that the guideline should include three groups of offences incorporating (1) aggravated offences involving injury in a public place and in a private place where the dog is not permitted to be, (2) non-aggravated offences in a public place and in a private place where the dog is not permitted to be, and (3) possession of a prohibited dog and breeding, selling or exchanging a prohibited dog.
- 6.2. The Council agreed the draft guideline and the accompanying consultation paper and approved its publication. The Council also agreed that the draft resource assessment and equality impact assessment be signed off by the research and analysis sub-group.

**ACTION: DRAFT GUIDELINE AND CONSULTATION DOCUMENT TO BE PUBLISHED.**