

MEETING OF THE SENTENCING COUNCIL

21 JUNE 2013

MINUTES

<u>Members present:</u>	Brian Leveson (Chairman) Anne Arnold Michael Caplan John Crawforth William Davis Henry Globe Javed Khan Sarah Munro Lynne Owens Katharine Rainsford Julian Roberts John Saunders Keir Starmer Colman Treacy
<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) 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) Mandy Banks Bee Ezete Azhar Hasham Robin Linacre Emma Marshall Lissa Matthews Karen Moreton Ruth Pope Sarah Poppleton Ameer Rasheed Trevor Steeples Vanessa Watling

1. MINUTES OF LAST MEETING

- 1.1. Minutes from the meeting of 17 May 2013 were agreed.

2. MATTERS ARISING

- 2.1. The Council discussed changes that may be required to guidelines as a result of amendments to section 19 Magistrates' Courts Act 1980 and other forthcoming legislative changes.

3. UPDATE ON ANALYSIS AND RESEARCH – PRESENTED BY JULIAN ROBERTS AND ROBIN LINACRE, OFFICE OF THE SENTENCING COUNCIL

- 3.1. The Council were briefed on analysis and research work, in particular recent focus groups held to discuss the reduction in sentence for a guilty plea, the Sentencing Seminar in Oxford on 5 July and the Sentencing Council's forthcoming presentation at the British Society of Criminology's annual conference.
- 3.2. The Council discussed a paper on consistency in sentencing and measuring changes in consistency over time.

4. DISCUSSION ON ANNUAL REPORT 2012/13 - PRESENTED BY MICHELLE CROTTY, HEAD OF OFFICE OF THE SENTENCING COUNCIL

- 4.1. The Council discussed the final draft of the annual report and agreed to its publication on 11 July 2013.

5. UPDATE ON SEXUAL OFFENCES ROAD-TESTING EXERCISE – PRESENTED BY EMMA MARSHALL, OFFICE OF THE SENTENCING COUNCIL

- 5.1. The Council received an update on the key findings to have emerged from the recent road-testing exercise on sexual offences that explored issues around sentencing rape of a child under 13.

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

- 6.1. The Council considered the consultation responses received on sexual offences against victims who are children and offences involving indecent images of children. There was a discussion on the harm and culpability factors for the offence of rape of a child under 13 and it was noted that this is an offence where the offending conduct can vary widely and the challenge for the Council is producing a guideline that can address this. Amendments were made to some of the factors as a result of the helpful responses received.

- 6.2. There was a discussion on mitigation and how this might apply in cases of sexual offending. The Council agreed to consider this issue again at the next meeting.

ACTION: OFFICE TO PRODUCE A PAPER ON MITIGATION FOR DISCUSSION AT THE NEXT MEETING.

7. PRESENTATION ON ENVIRONMENTAL OFFENCES ROAD-TESTING EXERCISE – PRESENTED BY KAREN MORETON AND CATHERINE MOTTRAM, OFFICE OF THE SENTENCING COUNCIL

- 7.1. The Council heard a presentation on the findings from the second phase of the environmental offences road-testing exercise. The Council were appreciative of the magistrates, district judges and Crown Court judges that took part in interviews to discuss different types of environmental offending.

8. UPDATE ON ENVIRONMENTAL OFFENCES CONSULTATION – PRESENTED BY MICHELLE CROTTY, HEAD OF OFFICE OF THE SENTENCING COUNCIL

- 8.1. The Council received an update on the consultation on sentencing guidelines for environmental offences. It was noted that the majority of responses were constructive and considered and the Council expressed gratitude to those that had taken the time to respond. The responses came from a wide variety of respondents and the Council will consider the responses over the coming months.