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**MEETING OF THE SENTENCING COUNCIL  
22 July 2011  
MINUTES**

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<u>Members present:</u>	Lord Chief Justice Judge Brian Leveson (Chairman) Anne Arnold Siobhain Egan Henry Globe Anthony Hughes Julian Roberts Keir Starmer Colman Treacy
<u>Apologies:</u>	Anne Rafferty Alistair McCreath Tim Godwin John Crawforth Gillian Guy Katherine Rainsford
<u>Advisors present:</u>	Paul Cavadino Paul Wiles
<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 Isabel Sutcliffe Alison Naftalin Trevor Steeples Laura Smith Michelle Crotty Jacqueline Burney Emma Marshall Karen Moreton Marcie Malcolm Huw Margetts Azhar Hasham

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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 17 June 2011 were agreed.

**3. ACTION LOG**

- 3.1. The actions from the previous meeting were reviewed.
- 3.2. Council was advised that there is to be a public consultation event in Liverpool in relation to the burglary guideline, utilising the 'You Be the Judge' format. Council was reminded that the burglary consultation concludes on 4 August 2011.

**4. PRESENTATION BY PROFESSOR LES IVERSON & DISTRICT JUDGE PHILLIPS ON ADVISORY COUNCIL FOR MISUSE OF DRUGS (ACMD) RESPONSE TO DRUGS CONSULTATION**

- 4.1. DJ Phillips highlighted the ACMD's concerns about the targeting by drug dealers of vulnerable individuals found in schools, hospitals, universities, colleges, probation offices and psychiatric institutions. Council agreed to consider how best to reflect this in the aggravating factors.
- 4.2. Council was advised that the ACMD would welcome further detail being provided in the guideline in relation to the use of drug rehabilitation orders.
- 4.3. Information was provided about the variety of cutting agents used by drug dealers and their disastrous effects on users. Council noted that the use of cutting agents was already included as an aggravating factor in the draft guideline – it would not assist to name individual agents as the market is constantly evolving.

**5. PRESENTATION BY MIKE TRACE ON THE INTERNATIONAL DRUGS POLICY CONSORTIUM (IDPC) RESPONSE TO THE DRUGS CONSULTATION**

- 5.1. Council were given an overview of the IDPC response focusing on three main areas: motivation of the offender, proportionality and effectiveness of sentencing.
- 5.2. The IDPC welcomed the use of role and quantity at step 1, but suggested that there needed to be greater consideration of the motivation of the offender in committing the offence.

**6. DISCUSSION OF DRUGS CONSULTATION RESPONSES INTRODUCED TO THE COUNCIL BY JACKIE BURNEY**

- 6.1. Council noted that it had received a substantial volume of responses to the consultation. This was a preliminary discussion of a limited number of areas to allow members of the Office to progress work on the guideline during the summer break.
- 6.2. It was explained that the consultation responses received endorsed the Council's choice of the five offences included in the guideline along with its decision to separate Classes B and C within each guideline.
- 6.3. There was a discussion about the earlier presentations and it was agreed that further consideration should be given to how best to reflect the motivation of offenders at step 1 of the process.
- 6.4. It was agreed that further guidance should be included in the final guideline in relation to drug rehabilitation orders and their relationship to the custody threshold.
- 6.5. There was discussion about the five levels of quantity set out in each guideline. It was agreed that the number of levels should be reduced and further consideration should be given to the labels attached to the levels.
- 6.6. It was agreed that the structure of the possession guideline, and its use of quantities, did not work as well as it did in other drug guidelines. This was because the amount in an individual's possession could be dependent on the time or place the offender was arrested. It was agreed instead that the class of drug would decide the appropriate category.
- 6.7. There was a discussion about purity in the draft guideline. The majority of respondents agreed with the option consulted on in the draft guideline.

**ACTION: FURTHER DRAFT GUIDELINE TO BE BROUGHT TO SEPTEMBER COUNCIL**

**7. PRESENTATION ON LEGAL AID, SENTENCING AND PUNISHMENT OF OFFENDERS INTRODUCED BY HELEN JUDGE**

- 7.1 The Council was advised about the current progress of the bill.
- 7.2 A request had been received from the Lord Chancellor for the Council to prepare a report under section 132 Coroners & Justice Act 2009. There are two parts to this request: the first concerns proposals for changes to Suspended Sentence Orders and the second concerns proposals for simplifications to the sentencing framework.

**ACTION: OFFICE TO PROGRESS WORK RESPONDING TO THIS REQUEST**

**8. DISCUSSION ON ALLOCATION, TOTALITY AND TIC GUIDELINE INTRODUCED BY ISABEL SUTCLIFFE**

- 8.1. It was agreed that these three areas should be incorporated into one consultation document aimed at professionals for reasons of economy and efficiency.
- 8.2. The three draft guidelines and consultation papers were approved with minor drafting changes.
- 8.3. It was agreed that the Council should produce additional short guides for these topics to assist with better understanding of these technical areas.

**ACTION: GUIDELINE AND CONSULTATION RESPONSE TO BE FINALISED AND DESIGNED FOR PUBLICATION IN SEPTEMBER**

**9. DISCUSSION ON CORPORATE FINES INTRODUCED BY ROSALIND CAMPION**

- 9.1 It was agreed that the Office should continue work on identifying a framework for setting corporate fines across a range of offences.

**ACTION: OSC TO PROVIDE A PAPER TO COUNCIL SETTING OUT THE MAIN OFFENCES LIKELY TO ATTRACT CORPORATE FINES AND SETTING OUT THE BASIS FOR CRIMINAL LIABILITY**

**10. UPDATE ON CURRENT ANALYSIS AND RESEARCH WORK INTRODUCED BY TREVOR STEEPLES**

- 10.1 There was a discussion about the publication of the results of the Crown Court sentencing survey as an official statistics publication. It was agreed that the Office should liaise with the Head of Profession for Statistics to ensure that this could be achieved by the end of October 2011.