

MEETING OF THE SENTENCING COUNCIL

26 JULY 2013

MINUTES

<u>Members present:</u>	Brian Leveson (Chairman) Anne Arnold Michael Caplan John Crawforth William Davis Anthony Hughes (items 4 and 5) Sarah Munro Lynne Owens Julian Roberts John Saunders Keir Starmer Colman Treacy
<u>Apologies:</u>	Henry Globe Javed Khan Katharine Rainsford
<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) Martin Jones for the Ministry of Justice (Deputy Director, Sentencing Policy and Penalties Unit)
<u>Members of Office in Attendance</u>	Michelle Crotty (Head of Office) Mandy Banks Suzi Carberry William Chivers Bee Ezete Mary Jones Lissa Matthews Karen Moreton Olivia Pearson Ruth Pope Sarah Poppleton Ameer Rasheed Trevor Steeples Vanessa Watling

1. WELCOME AND APOLOGIES FOR ABSENCE

1.1 Apologies were received as set out above.

2. MINUTES OF LAST MEETING

2.1. The minutes from the meeting of 21 June 2013 were agreed.

3. MATTERS ARISING

3.1. The Council heard an update on the response rates for the Crown Court Sentencing Survey. It was noted that participants are reporting that they value the survey and the Council should give consideration to how to increase the response rate further.

3.2. The Council discussed possible amendments to the Magistrates' Court Sentencing Guidelines as a result of legislative changes.

4. UPDATE ON CONFIDENCE AND COMMUNICATIONS – PRESENTED BY SUZI CARBERRY, OFFICE OF THE SENTENCING COUNCIL

4.1. The Council were briefed on the launch of the consultation on draft guidelines for sentencing Fraud offences. The Council were pleased to note that the launch was well received and the media coverage was mostly positive. The Chairman expressed gratitude on behalf of the Council to the spokespeople who gave a number of radio interviews.

4.2. The Council discussed its digital strategy for the next year and considered how best to make use of social media to promote the work of the Council and an understanding of sentencing whilst ensuring that the message does not get lost.

5. DISCUSSION ON THEFT AND HANDLING STOLEN GOODS – PRESENTED BY MANDY BANKS, OFFICE OF THE SENTENCING COUNCIL

5.1. The Council considered the scope of the guideline and agreed which offences to include in the guideline. It was suggested that the guideline should articulate the factors that typify the offence, the value of the theft and its consequences in relation to the impact on the victim.

5.2. The Council discussed offences such as shoplifting and the complex issues involved in offending of this type, for example offenders who have a high number of previous convictions, a history of social problems and low financial means to pay a fine. These issues can make producing the guideline challenging. It was suggested that it would be useful to consider any research that has been undertaken in this area.

6. DISCUSSION ON GUIDELINE FOR REDUCTION IN SENTENCE FOR A GUILTY PLEA – PRESENTED BY RUTH POPE, OFFICE OF THE SENTENCING COUNCIL

- 6.1. The Council were given an update on preliminary discussions with sentencers on the issues involved in reductions in sentence for a guilty plea.
- 6.2. The Council discussed the approach to be taken in developing the guideline and how best to construct a model that promotes consistency whilst maintaining public confidence in the criminal justice system.

7. DISCUSSION ON ENVIRONMENTAL OFFENCES CONSULTATION RESPONSES – PRESENTED BY MARY JONES, OFFICE OF THE SENTENCING COUNCIL

- 7.1. The Council considered the responses received to the consultation on environmental offences. There was a discussion on the harm and culpability factors and the aggravating and mitigating factors. Amendments were made to some of the factors as a result of the helpful responses received. The Council also discussed what guidance to give sentencers on obtaining financial information from corporate offenders.

8. DISCUSSION ON SEXUAL OFFENCES GUIDELINE – PRESENTED BY VANESSA WATLING AND AMEER RASHEED, OFFICE OF THE SENTENCING COUNCIL

- 8.1. The Council discussed mitigation and how to assist sentencers in deciding what weight to give to the previous good character of the offender. It was agreed that further consideration would be given to the subject over the summer break, so it could be finalised in due course.
- 8.2. The Council discussed the consultation responses received to the sections on offences against those with a mental disorder, offences committed by offenders under the age of 18 and other offences such as voyeurism and exposure.