

## MEETING OF THE SENTENCING COUNCIL

26 SEPTEMBER 2014

### MINUTES

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Members present:

Colman Treacy (Chairman)  
John Crawforth  
William Davis  
Julian Goose  
Heather Hallett  
Sarah Munro  
Lynne Owens  
Katharine Rainsford  
Julian Roberts  
Alison Saunders  
Richard Williams

Apologies:

Michael Caplan  
Henry Globe  
John Saunders  
Javed Khan  
Paul Wiles

Representatives:

Stephen Muers for the Ministry of Justice (Director,  
Sentencing and Rehabilitation)

Sophie Marlow for the Lord Chief Justice (Legal  
Advisor to the Lord Chief Justice, Criminal Justice  
Team)

Members of Office in  
Attendance

Michelle Crotty (Head of Office)  
Mandy Banks  
Mary Jones  
Robin Linacre  
Lissa Matthews  
Victoria Obudulu  
Ruth Pope  
Trevor Steeples

## **1. WELCOME AND APOLOGIES FOR ABSENCE**

- 1.1 Apologies were received as set out above.
- 1.2 The Chairman welcomed new staff members of the Office of the Sentencing Council; Anthony Walker, Joanne Keatley and Pat Scicluna.

## **2. MINUTES OF LAST MEETING**

- 2.1. The minutes from the meeting of 18 July 2014 were agreed.

## **3. COMMUNICATIONS UPDATE– PRESENTED BY KATHARINE RAINSFORD AND HELEN STEAR, OFFICE OF THE SENTENCING COUNCIL**

- 3.1 The Council received an update on communications and confidence issues including the forthcoming 2013/14 Annual Report, the November parliamentary event and digital work.
- 3.2 The Council discussed the draft 2013/14 Annual Report and were supportive of the format and plans for distribution. Minor changes and amendments as suggested by the Council will be incorporated before its publication in mid-October.
- 3.3 Council members agreed to attend the parliamentary event in November where possible and suggested that the focus should be particularly on what information can be offered to MPs to help them in their constituency work.
- 3.4 Members were supportive of the ongoing work to migrate the Sentencing Council website and the work to develop digital guidelines for magistrates.

## **4. DISCUSSION ON CORPORATE MANSLAUGHTER – PRESENTED BY MARY JONES, OFFICE OF THE SENTENCING COUNCIL**

- 4.1 The Council revisited the definition of the category of low culpability offences and drafting within step three of the guidelines, in order to sign off versions of the guidelines for consultation.
- 4.2 The Council considered a final draft guideline for food safety and hygiene offences and agreed some changes to the harm scheme in order to recognise the impact caused by committing more procedural

offences, and the difficulty of assessing different levels of risk of harm in food cases.

- 4.3 The Council also considered an analysis of current sentencing practice in order to agree starting points and ranges for organisations and for individuals for the purposes of consultation. The Council reviewed a number of case studies in order to finalise proposals on harm and sentencing ranges.
- 4.4 The Council reviewed the corporate manslaughter guideline and confirmed that they were content with final changes that had been made further to the last meeting.
- 4.5 The Council agreed to sign off the draft guidelines for public consultation.

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

- 5.1 The Council discussed the findings of the research conducted on the draft theft guidelines during the consultation period. Issues were identified regarding consistency of sentencing for theft offences. Accordingly, the Council discussed different possible options to address these issues.
- 5.2 It was agreed to make some revisions to the guidelines, and then conduct further research with sentencers on these revised guidelines. This will mean that the estimated date for the publication of the definitive guideline will be put back.

## **6. ANALYSIS AND RESEARCH UPDATE – PRESENTED BY JULIAN ROBERTS AND TREVOR STEEPLES, OFFICE OF THE SENTENCING COUNCIL**

- 6.1 The Council discussed this follow up work to a previous paper that had looked at the resource assessment evaluation of the Assault Definitive Guideline. The Council considered the contribution to the work of the sentencing factors recorded on the Crown Court Sentencing Survey. It was noted that there had been a reduction in the number of offence categories compared to the old SGC guideline and although this had not caused a problem for Assault this issue should be considered for future guidelines.
- 6.2 The Council agreed that the Analysis & Research sub group should now prepare a note for publication explaining the work that had already been undertaken and the further research work that will be done in

support of the Council's review of the Assault Definitive Guideline that will take place in 2015.

**7. DISCUSSION ON MANSLAUGHTER SCOPING PAPER, PRESENTED BY RUTH POPE OFFICE OF THE SENTENCING COUNCIL**

- 7.1 The Council considered the potential scope of a manslaughter guideline following a request from the Lord Chancellor to provide guidance for sentencing 'one punch' manslaughter cases. The Council agreed to consider including all forms of manslaughter within the scope of a guideline.
- 7.2 The Council agreed to amend the work plan to accommodate work on a comprehensive guideline for manslaughter offences to commence during the consultation period for the assault guideline.

**8. DISCUSSION ON DANGEROUS DOGS GUIDELINE – PRESENTED BY MANDY BANKS, OFFICE OF THE SENTENCING COUNCIL**

- 8.1 Following the June meeting where the Council agreed to revise the existing guideline following changes to legislation, the Council discussed a draft version of the revised guidelines. The Council considered draft sentence ranges, which are at an early stage of development.
- 8.2 The Council agreed that a small scale research exercise should be conducted with sentencers using the draft guidelines and sentence ranges, to help better inform the development of a revised guideline. The findings of this exercise will be brought back to the Council at the November meeting.