

Sentencing Council

MEETING OF THE SENTENCING COUNCIL

7 APRIL 2017

MINUTES

Members present: Colman Treacy (Chairman)
Simon Byrne
Mark Castle
Rosina Cottage
Rebecca Crane
Julian Goose
Martin Graham
Jill Gramann
Heather Hallett
Tim Holroyde
Maura McGowan
Sarah Munro
Julian Roberts
Alison Saunders

Representatives: Sophie Marlow for the Lord Chief Justice (Legal Advisor to the Lord Chief Justice, Criminal Justice Team)
Claire Fielder, Deputy Director, Criminal Law and Sentencing Policy

Members of Office in Attendance Steve Wade (Head of Office)
Mandy Banks
Vicky Hunt
Jo Keatley
Emma Marshall
Caroline Nauth-Misir
Ruth Pope

1. MINUTES OF LAST MEETING

- 1.1. The minutes from the meeting of 3 March 2017 were agreed.

2. MATTERS ARISING

- 2.1. The Chairman formally welcomed Rebecca Crane as a member of the Sentencing Council, following the start of her three year term of appointment on 1 April.

3. DISCUSSION ON MANSLAUGHTER – PRESENTED BY RUTH POPE, OFFICE OF THE SENTENCING COUNCIL

- 3.1 The Council gave detailed consideration to a comparison of the factors across all four draft guidelines and agreed changes to some factors. Where possible factors would be consistent across the guidelines but where necessary they would be tailored to the particular offence.
- 3.2 The Council considered the sentence levels and agreed that the sentence ranges should broadly reflect current sentencing practice except in the case of the more culpable offences arising from breaches of health and safety where sentences would be higher.
- 3.3 The Council agreed that the draft guidelines should be consulted on over the summer. It was also agreed to test the guidelines in research with judges to ensure that the guidelines operate as expected.

4. DISCUSSION ON BREACH – PRESENTED BY LISA FROST, OFFICE OF THE SENTENCING COUNCIL

- 4.1 The Council held its first consideration of responses to the consultation on draft guidelines for Breach offences, which closed in January this year.
- 4.2 Responses to the guidelines for Breach of Protective Orders, Criminal Behaviour Orders, Sexual Harm Prevention orders and Failing to comply with notification requirements were considered. A number of minor revisions to factors were agreed.

5. DISCUSSION ON TERRORISM – PRESENTED BY VICKY HUNT, OFFICE OF THE SENTENCING COUNCIL

- 5.1 The Council considered the first draft of the Encouragement of Terrorism guideline. The Council broadly agreed the culpability and harm factors, and the aggravating and mitigating factors. Several proposals were made for change which will be reflected in the new

draft, and further work will be carried out to inform the sentencing levels.

6. DISCUSSION ON BLADED ARTICLES AND OFFENSIVE WEAPONS – PRESENTED BY VICKY HUNT, OFFICE OF THE SENTENCING COUNCIL

- 6.1 The Council considered the adult possession of a bladed article/ offensive weapon guideline for the first time since the consultation. The Council considered a number of suggestions for change arising from the responses received, and made changes to both the step 1 and 2 factors. The Council will consider the threats guideline next month and the sentencing levels in June.

7. DISCUSSION ON TERRORISM – PRESENTED BY VICKY HUNT, OFFICE OF THE SENTENCING COUNCIL

- 7.1 The Council considered draft guidelines for two terrorism offences, under s 57 (Possession for Terrorist Purposes) and s58 (Collection of Terrorist Information) Terrorism Act 2000. The Council discussed and agreed the culpability and harm factors.

8. DISCUSSION ON PUBLIC ORDER – PRESENTED BY LISA FROST, OFFICE OF THE SENTENCING COUNCIL

- 8.1 The Council agreed step one and two factors and sentence levels for a draft guideline for the offence of Violent Disorder.

9. DISCUSSION ON CHILD CRUELTY – PRESENTED BY JO KEATLEY, OFFICE OF THE SENTENCING COUNCIL

- 9.1 The Council discussed whether to extend the scope of the child cruelty guideline to include offences against vulnerable adults but determined it should remain a child cruelty guideline only. It reviewed the guidelines for a final time and signed them off for public consultation, which is scheduled for June.