



Northern Ireland  
Assembly

# Research and Information Service Briefing Note

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## **RaISe**

### **1 Introduction**

This briefing paper has been prepared for the Committee for Justice. The Committee requested information on the following:

- Details of the membership of the Sentencing Council in England and Wales
- Details of the membership of the Lord Chief Justice's Sentencing Group in Northern Ireland
- Whether the Sentencing Council in England and Wales and the Sentencing Group in Northern Ireland can comment on the availability of bail and bail conditions for different types of offences
- The costs associated with both the Sentencing Council in England and Wales and the Sentencing Group in Northern Ireland

## 2 Issues

### Details of the membership of the Sentencing Council in England and Wales

All judicial appointments are made by the Lord Chief Justice with the agreement of the Lord Chancellor whilst non-judicial appointments are made by the Lord Chancellor with the agreement of the Lord Chief Justice following open competition<sup>1</sup>.

**Figure 1: Membership of the Sentencing Council**

Member	Biographical information
<p><b>The Right Honourable Lord Thomas Lord Chief Justice of England and Wales</b></p>	<p>John Thomas is the president of the Sentencing Council. In his role he provides oversight to the Council and appoints judicial members. He became Lord Chief Justice on 1 October 2013. He was called to the Bar by Gray's Inn in 1969 and became a Queen's Counsel in 1984. He was appointed an Assistant Recorder in 1984 and a Recorder in 1987. He was appointed a Judge of the High Court of England and Wales in 1996.</p> <p>From 1998 to 2001 he was one of the Presiding Judges of the Wales and Chester Circuit. He was Judge in Charge of the Commercial Court in London from April 2002 to July 2003, when he was appointed as a Lord Justice of Appeal. He was the Senior Presiding Judge for England and Wales from 2003 to 2006. From 2008 to October 2011 he was Vice-President of the Queen's Bench Division. He was President of the Queen's Bench Division from October 2011 to 2013.</p>
<p><b>The Right Honourable Lord Justice Treacy</b></p>	<p>Colman Treacy was appointed as Chairman of the Sentencing Council by the Lord Chief Justice, with the agreement of the Lord Chancellor, in November 2013. He was called to the Bar by Middle Temple in 1971. He practised from chambers in Birmingham and was head of chambers from 1994 to 2000.</p> <p>He was appointed Queen's Counsel in 1990, a Recorder in 1991 and to the High Court Bench in 2002. He was Presiding Judge on the Midland Circuit from 2006 to 2009. As a High Court Judge he has sat in the Court of Appeal Criminal Division, the Divisional Court, the Queen's Bench Division, and the Administrative Court and is a Visitor to the Inns of Court.</p> <p>In July 2012 he was appointed as a Lord Justice of Appeal. He was originally appointed as a member of the Sentencing Council on 6 April 2010.</p>

<sup>1</sup> Sentencing Council – About Us: <https://www.sentencingcouncil.org.uk/about-us/>

<p><b>Simon Byrne QPM</b></p>	<p>Simon Byrne has been Chief Constable with Cheshire Constabulary since June 2014. In 2015 he became the National Police Chiefs Council (NPCC) lead for the National Police Air Service.</p> <p>In December 2015, Simon became the lead for the NPCC Criminal Justice Coordination Committee and was awarded the Queens Police Medal (QPM) in the 2016 New Year's Honours List. Simon recently became a member of the Criminal Rules Procedure Committee.</p> <p>He was appointed to the Sentencing Council on 1 September 2016.</p>
<p><b>Mark Castle</b></p>	<p>Mark Castle, Chief Executive of Victim Support, joined the organisation from the Association of Police and Crime Commissioners, where he was Chief Executive. Previously he was Chief Executive of the Association of Police Authorities following a 31-year career in the army.</p> <p>He currently sits on a number of boards and committees in criminal justice agencies including the College of Policing.</p> <p>He was appointed to the Sentencing Council on 17 July 2015.</p>
<p><b>Rosina Cottage QC</b></p>	<p>Rosina Cottage has been a barrister since 1988, practicing in criminal law, and is a Tenant at the Chambers of Max Hill QC, Red Lion Chambers. She was appointed Queen's Counsel in 2011 and appointed Crown Court Recorder in 2012. She was appointed to the Sentencing Council on 18 July 2016.</p>
<p><b>His Honour Judge Julian Goose QC</b></p>	<p>His Honour Judge Julian Goose QC Julian Goose was called to the Bar in 1984, practicing on the North Eastern Circuit. He became a Recorder in 1999 and was appointed Queen's Counsel in 2002.</p> <p>He was Head of Zenith Chambers, Leeds from 2004 until 2013 and was a member of 2, Hare Court, Temple. He was made a Bencher of Lincoln's Inn in 2009 and was Vice Chair of the Advocacy Training Council from 2012 until 2014. He was appointed a Senior Circuit Judge in 2013 and is the Resident Judge and Honorary Recorder of Sheffield.</p> <p>He was appointed to the Sentencing Council on 26 June 2014.</p>
<p><b>Martin Graham</b></p>	<p>Martin Graham has for several years been the national lead for the Probation Chiefs' Association and more recently the Probation Institute on courts and sentencing issues.</p> <p>He was appointed as the first Chief Executive of the Norfolk and Suffolk Community Rehabilitation Company</p>

	<p>from 1 June 2014. He was also appointed as the first Chief Executive of the Norfolk and Suffolk Probation Trust from 1 April 2010. From 2001 to 2010 he was Chief Probation Officer for Norfolk Probation Area.</p> <p>He was appointed to the Sentencing Council on 1 June 2015.</p>
<b>Jill Gramann JP</b>	<p>Jill Gramann has been a Magistrate since 1990 and was Chairman of the Kidderminster Bench from 2011-2013. During that time she also chaired the West Mercia Justices' Issues Group (2012-13) and led the development and implementation of a scrutiny panel of judicial agencies across West Mercia to oversee the usage of out-of-court disposals by West Mercia Police. She currently sits as a Magistrate on the Worcestershire Bench.</p> <p>Jill graduated from the University of Newcastle upon Tyne with a degree in Spanish and Latin American Studies with Psychology. Her links with South America continue through commitment to social outreach projects in the shanty towns of Lima Peru, and the women's prisons in that city.</p> <p>By profession, Jill was a market research consultant with her own business for 30 years, providing strategic guidance to public and private sector organisations. She has also served as a director and trustee of disability charities including BILD (British Institute of Learning Disabilities) and SCOPE. She is currently a Non-executive Director of Worcestershire Health and Care NHS Trust.</p> <p>She was appointed to the Sentencing Council on 6 April 2015.</p>
<b>The Right Honourable Lady Justice Hallett DBE</b>	<p>Heather Hallett was called to the Bar in 1972. In 1989 she became a QC and was appointed as a Recorder of the Crown Court. She became a Bencher of Inner Temple in 1993, served as leader of the South Eastern Circuit between 1995 and 1997 and as Director of Public Affairs for the Bar Council.</p> <p>She became a full-time judge of the Queens Bench Division in 1999 and became a Presiding Judge of the Western Circuit shortly thereafter. She was promoted to the Court of Appeal in 2005. She has served on the Judicial Appointments Commission and is currently Chairman of the Judicial College responsible for judicial training. In 2011 she was appointed Vice-President of the Queen's Bench Division and in 2013 she was appointed Vice President of the Court of Appeal Criminal Division.</p> <p>She was appointed to the Sentencing Council on 27 November 2013.</p>
<b>The Honourable Mr Justice Holroyde</b>	<p>Tim Holroyde was called to the bar by Middle Temple in 1977. He practised on the Northern Circuit, taking silk in</p>

	<p>1996. Throughout his career as a barrister, he prosecuted and defended in criminal cases of all kinds.</p> <p>He was appointed an Assistant Recorder in 1994, a Recorder in 1997 and is currently course director of the Judicial College's serious crimes seminar. He was appointed a High Court Judge in January 2009 and is a Presiding Judge of the Northern Circuit for the period 2012-2015.</p> <p>He was appointed to the Sentencing Council on 6 April 2015.</p>
<p><b>Her Honour Judge Sarah Munro QC</b></p>	<p>Sarah Munro was called to the Bar by Inner Temple in 1984. She practised on the Western Circuit from chambers in Exeter, specialising from 1990 onwards in criminal work. She was appointed Queen's Counsel in 2002 and was a Crown Court Recorder authorised to act as a judge in both the trial and sentencing of serious sexual offence cases.</p> <p>While practising as a barrister, she conducted the prosecution and defence of all types of criminal cases, including homicide, serious fraud, serious sexual offences, and drug offences including importations. She also conducted prosecutions for HM Revenue and Customs. In 2011 she was appointed a Circuit Judge based at Portsmouth Crown Court.</p> <p>She was appointed to the Sentencing Council on 6 April 2013.</p>
<p><b>Professor Julian Roberts</b></p>	<p>Julian Roberts is a Professor of Criminology at the University of Oxford and a fellow of Worcester College. His research interests include sentencing, public opinion about crime and criminal justice, and victims and the criminal justice system.</p> <p>He holds a doctorate in experimental psychology and is currently the editor of the European Journal of Criminology. His books include Punishing Persistent Offenders; Public Opinion, Crime and Criminal Justice; Hearing the Victim and Exploring the Mandatory Life Sentence for Murder.</p> <p>He was appointed to the Sentencing Council on 6 April 2010.</p>
<p><b>Alison Saunders</b></p>	<p>Alison Saunders was appointed as Director of Public Prosecutions on 1 November 2013. Alison practised as a barrister and joined the CPS in 1986, the year of its formation. She spent her early CPS career prosecuting in CPS London South. In 1991 she moved to the CPS Policy Directorate, rejoining CPS London in 1997 and being promoted to Assistant Chief Crown Prosecutor in 1999. Later that year, Alison became Chief Crown Prosecutor for CPS Sussex and held the post until 2003, when she left to serve as Deputy Legal Advisor to the Attorney General.</p>

	<p>She re-joined the CPS two years later, to establish and head the Organised Crime Division (OCD), dealing exclusively with cases from the Serious Organised Crime Agency and Child Exploitation Online Protection Centre. In December 2009, Alison was appointed Chief Crown Prosecutor for CPS London, a post that she held until she became Director of Public Prosecutions. She is the first DPP to be appointed from within the CPS. As DPP, Alison is responsible for prosecutions, legal issues and criminal justice policy.</p> <p>She was appointed to the Sentencing Council on 1 November 2013.</p>
<b>The Honourable Mrs Justice Thirlwall</b>	<p>Kate Thirlwall was appointed as a High Court Judge in 2010 and was a Presiding Judge on the Midland Circuit until December 2015.</p> <p>She was appointed to the Sentencing Council on 6 April 2016.</p>
<b>District Judge Richard Williams</b>	<p>Richard Williams was a police officer for ten years before graduating in law in 1991. He was called to the Bar by Lincoln's Inn in 1992 and practised on the Western Circuit from chambers in Bristol.</p> <p>He was appointed to be a Deputy District Judge in 2000, based in Birmingham, and to be a District Judge in 2004 initially based in South Wales and since 2011 in Gwent. In addition to hearing general criminal cases, he is authorised to hear cases (including serious sex cases) in the youth courts. He is a judge of the Family Court and an Independent Prison Adjudicator. He was appointed to be a Crown Court Recorder in 2012 on the Wales Circuit.</p> <p>He was appointed to the Sentencing Council on 6 April 2014.</p>

### Details of the membership of the Sentencing Group in Northern Ireland

- The Honourable Lord Justice Gillen, Chairperson
- The Honourable Mr Justice Weir
- His Honour Judge McFarland, Recorder of Belfast, Presiding County Court Judge
- Her Honour Judge Philpott QC, Deputy Recorder of Belfast
- His Honour Judge Miller QC, Tutor Judge
- District Judge (Magistrates' Court) Bagnall, Presiding District Judge (Magistrates' Court)

- District Judge (Magistrates' Court) McNally
- Professor Sally Wheeler, Lay Member
- Ms Clare McGivern, Legal Secretary to the Lord Chief Justice
- Mr Terence Dunlop, Secretary to the Judicial Studies Board
- Mr Paul Conway, Secretary
- Mrs Andrea Dick, Assistant Secretary

The following is an extract from the Sentencing Group's 2014 report<sup>2</sup>:

### **Membership of the Sentencing Group**

Following its initial establishment, the Lord Chief Justice considered the appointment of lay members to the Sentencing Group would enhance the Group's ability to perform its functions. To that end, in 2013, the Lord Chief Justice, in consultation with the Department of Justice, ran two open public competitions to appoint two lay members to the group: one lay member was required to have academic experience in criminal law, criminal procedure or sentencing within the Northern Ireland criminal justice system; the second lay member was required to have a knowledge and understanding of issues facing victims of crime.

In June 2013 the Lord Chief Justice was very pleased to appoint Professor Sally Wheeler of Queen's University, Belfast, as the first lay member on the Group. It has not, however, been possible to appoint a suitable second lay member.

### **Whether the Sentencing Council in England and Wales and the Sentencing Group in Northern Ireland can comment on the availability of bail and bail conditions for different types of offences**

The Sentencing Council does not comment on the availability of bail and bail conditions for offences. Its guidelines do list offences committed while on bail as an aggravating factor, and one of the steps in applying its guidelines is consideration for time spent on bail<sup>3</sup>.

The research did not identify any significant reference to the availability of bail or bail conditions in relation to the Sentencing Group. The Judicial Studies Board for Northern Ireland lists sentencing guidelines for Magistrates' Courts. Included in the list is a guideline for Breach of Bail (Failure to Surrender)<sup>4</sup>.

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<sup>2</sup> Northern Ireland Courts and Tribunals Service: <http://www.courtsni.gov.uk/en-GB/Judicial%20Decisions/LCJ-sentencing-group/Pages/default.aspx>

<sup>3</sup> See for example the guidelines on Dangerous Dogs, Robbery and Fraud, Bribery and Money Laundering Offences: <https://www.sentencingcouncil.org.uk/publications/?type=publications&cat=definitive-guideline&s&topic&year>

<sup>4</sup> Judicial Studies Board for Northern Ireland: <http://www.jsbni.com/Publications/sentencing-guides-magistrates-court/Pages/default.aspx>

## The costs associated with both the Sentencing Council in England and Wales and the Sentencing Group in Northern Ireland

The following information is taken from the 2015/16 Annual Report of the Sentencing Council<sup>5</sup>:

### Figure 2: Costs associated with the Sentencing Council

#### The cost of the Sentencing Council

The Council's resources are made available through the Ministry of Justice and, as such, the Council is not required to produce its own audited accounts. However, the Council's expenditure is an integral part of the Ministry of Justice's resource account, which is subject to audit. The summary below reflects expenses directly incurred by the Sentencing Council and is shown on an accrual basis.

	2015/16 (actual) £000s
Total funding allocation	1,532
Staff costs	1,114
Non staff costs	283
Total expenditure	1,397

#### *Remuneration for non-judicial appointments*

The following information is taken from an application pack dated February 2016 and relates to non-judicial members<sup>6</sup>:

##### Remuneration and allowances

- £12,000 per annum for a commitment of at least 36 days a year
- Attendance at any additional meeting will be remunerated on a pro rate basis.
- Remuneration will be subject to PAYE tax and National Insurance Contributions
- Reasonable standard travel expenses will be payable
- For members who receive a full salary from the public purse the remuneration otherwise payable to members is abated. Therefore, in these circumstances there will not be any remuneration in respect of appointment.

<sup>5</sup> 2015-16 Annual Report of the Sentencing Council: <https://www.sentencingcouncil.org.uk/publications/item/sentencing-council-annual-report-201516/>

<sup>6</sup> Candidate information pack (non-judicial member): [https://webcache.googleusercontent.com/search?q=cache:HPtMvZ\\_i3\\_EJ:https://publicappointments.cabinetoffice.gov.uk/wp-content/uploads/2016/02/SC-Non-Judicial-member-Candidate-Information-Pack-08.0216.doc+&cd=5&hl=en&ct=clnk&gl=uk](https://webcache.googleusercontent.com/search?q=cache:HPtMvZ_i3_EJ:https://publicappointments.cabinetoffice.gov.uk/wp-content/uploads/2016/02/SC-Non-Judicial-member-Candidate-Information-Pack-08.0216.doc+&cd=5&hl=en&ct=clnk&gl=uk)



- The post is not pensionable.

### *Northern Ireland*

The research could not identify any publicly available information in relation to costs associated with the Sentencing Group. However, in its June 2010 report to the Lord Chief Justice the Sentencing Working Group stated that:

The Group should meet three or four times a year, or more often if required. It should have a dedicated Secretariat from the Lord Chief Justice's Office. It is our estimation that it will not take up more than 3 or 4 full days per annum (including preparatory work) for each member and one week per month for the member of staff providing the secretariat function. These time-costs should be capable of being met out of existing resources<sup>7</sup>.

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<sup>7</sup> Monitoring and developing sentencing guidance in Northern Ireland *A report to the Lord Chief Justice from the Sentencing Working Group* 23 June 2010