

MEETING OF THE SENTENCING COUNCIL

27 JULY 2018

MINUTES

Members present:

Colman Treacy (Chairman)
Rob Butler
Mark Castle
Rosina Cottage
Rosa Dean
Julian Goose
Heather Hallett
Tim Holroyde
Sarah Munro
Alpa Parmar
Alison Saunders
Beverley Thompson

Apologies:

Rebecca Crane
Maura McGowan

Representatives:

Chief Constable Olivia Pinkney for the police
Sophie Marlow for the Lord Chief Justice (Legal
and Policy Adviser to Sir Brian Leveson, Head of
Criminal Justice)
Claire Fielder for the Lord Chancellor (Deputy
Director, Bail, Sentencing and Release Policy)

Members of Office in
Attendance:

Steve Wade (Head of Office)
Mandy Banks
Lisa Frost
Sophie Klinger
Ruth Pope
Phil Hodgson

1. MINUTES OF LAST MEETING

- 1.1. The minutes from the meeting of 22 June 2018 were agreed.

2. MATTERS ARISING

- 2.1 The Chairman noted that it was his last meeting, he thanked all members of the Council past and present and all members of staff past and present for their contributions to the work of the Council during his chairmanship.

3. DISCUSSION ON ASSAULT – PRESENTED BY LISA FROST, OFFICE OF THE SENTENCING COUNCIL

- 3.1 The Council finalised factors for a revised draft guideline for common assault, and agreed sentence levels. Culpability factors for a draft guideline for ABH offences were agreed and discussion took place regarding harm factors for all indictable assault offences. It was agreed that further work should be undertaken to consider models for assessing harm and these should be tested over the summer to identify any potential issues with factors.

4. DISCUSSION ON MENTAL HEALTH – PRESENTED BY MANDY BANKS, OFFICE OF THE SENTENCING COUNCIL

- 4.1 The Council considered the findings of a review of relevant caselaw, conducted to establish what guidance has so far been given by the CACD (Court of Appeal Criminal Division).
- 4.2 The Council also considered some key questions regarding the scope of the guideline. For example, whether drug and alcohol dependency should be included within the guideline and also questions relating to the available resources for the treatment of mental health issues and other conditions, both within prison and within the community.

5. DISCUSSION ON OVERARCHING LEARNINGS – PRESENTED BY SARAH POPPLETON, OFFICE OF THE SENTENCING COUNCIL

- 5.1 The Analysis and Research team presented an overview of a piece of work which drew together observations from the team's analytic work, to date, across guidelines. The Council discussed this work, which will help to inform future guideline development.

6. DISCUSSION ON MCSG – PRESENTED BY RUTH POPE, OFFICE OF THE SENTENCING COUNCIL

- 6.1 The Council considered those either way offences for which guidelines were issued by the Council's predecessor body for use in the magistrates' courts but not for the Crown Court. Some of those offences are due to be revised as part of work on other guidelines currently under development. The Council considered the approach to

be taken to those guidelines which would not otherwise be updated as part of a wider piece of work.

- 6.2 It was agreed that the guideline for the offence of carrying a firearm in a public place should be updated as part of the forthcoming firearms guideline.
- 6.3 The Council discussed whether there was a requirement to retain and update the guideline for the offence of vehicle registration fraud given the current low volume of offences, which is falling yet further. Subject to the views of stakeholders, the Council was minded to withdraw this guideline.
- 6.4 The Council discussed the offences of aggravated vehicle taking and dangerous driving. It was agreed that these should be updated when a wider guideline on driving offences is developed. The Council noted that there was an ongoing possibility of legislative changes being made to driving offences more widely and that work ought not to commence until any legislation was settled.
- 6.5 The Council agreed to consider developing a guideline to replace the outdated identity document offence guideline as part of a wider piece of work on immigration and modern slavery offences to commence in late 2018 or early 2019.
- 6.6 The Council agreed to seek the views of stakeholders regarding developing a guideline to replace the unauthorised use of a trade mark guideline.
- 6.7 The Council agreed to develop a guideline to replace the witness intimidation guideline and to consider extending it to also cover perverting the course of justice.

7. DISCUSSION ON FIREARMS– PRESENTED BY SOPHIE KLINGER, OFFICE OF THE SENTENCING COUNCIL

- 7.1 The Council considered a new guideline on firearms offences for the first time. They discussed the scope of the guideline and agreed the offences to be covered. The guideline will include comprehensive guidance on minimum sentences for firearms offences.
- 7.2 The Council decided not to develop separate guidance for sentencing children and young people, given the low volumes committing firearms offences and to maintain the focus on the Overarching Principles – Sentencing Children and Young People guideline.

8. DISCUSSION ON 10 YEAR ANNIVERSARY – PRESENTED BY PHIL HODGSON, OFFICE OF THE SENTENCING COUNCIL

- 8.1 The Council agreed that the 10th anniversary in 2020 should be marked and discussed options for anniversary activities. Suggestions

will be taken to the Confidence and Communication sub-group for further consideration.

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