

MEETING OF THE SENTENCING COUNCIL

19 OCTOBER 2018

MINUTES

Members present:

Tim Holroyde (Chairman)
Rob Butler
Mark Castle
Rosina Cottage
Rebecca Crane
Rosa Dean
Julian Goose
Heather Hallett
Maura McGowan
Alpa Parmar
Beverley Thompson

Apologies:

Sarah Munro
Alison Saunders

Representatives:

Phil Douglas for the Lord Chancellor (Director,
Offender and Youth Justice Policy)

Members of Office in
Attendance:

Steve Wade (Head of Office)
Mandy Banks
Heidi Harries
Sophie Klinger
Eleanor Nicholls
Ruth Pope

1. MINUTES OF LAST MEETING

- 1.1. The minutes from the meeting of 28 September 2018 were agreed.

2. MATTERS ARISING

- 2.1 The Chairman reported that Rob Butler and officials had attended the Magistrates' Association annual conference in Manchester and held a workshop on sentencing drugs offences, the results of which would be used in the revision of the drugs guideline.

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

- 3.1 The Council considered a revised culpability model for the four possession offence guidelines and agreed that a two stage approach should be used. It was agreed that officials would speak to firearms experts to ensure that the proposed categorisation of the type of weapon would work as intended.
- 3.2 The treatment of harm was discussed and agreed. Detailed consideration was given to the proposed aggravating and mitigating factors for these guidelines and amendments were agreed.

4. DISCUSSION ON ARSON AND CRIMINAL DAMAGE – PRESENTED BY MANDY BANKS, OFFICE OF THE SENTENCING COUNCIL

- 4.1 The Council considered responses from the recent public consultation on the arson and criminal damage/arson with intent to endanger life or reckless as to whether life endangered offences. The Council noted that the response to the draft guidelines was generally positive, with some suggestions made for amendments and clarification on the proposals.
- 4.2 The Council agreed changes to the guidelines to reflect issues raised during the consultation. The rest of the offences covered by the consultation will be considered at a future meeting.

5. PRESENTATION ON THEFT EVALUATION – PRESENTED BY HEIDI HARRIES, OFFICE OF THE SENTENCING COUNCIL

- 5.1 The Council was given a presentation of the assessment of impact for the Theft guideline. The Council agreed to publish the report in January 2019 and to wait until the 2018 data is available before deciding on next steps.

6. DISCUSSION ON DRUGS – PRESENTED BY ELEANOR NICHOLLS, OFFICE OF THE SENTENCING COUNCIL

- 6.1 The Council considered the approach to the assessment of culpability and harm, and the aggravating and mitigating factors for the offences of importation/exportation, supply, possession with intent to supply, and production/cultivation.
- 6.2 The Council agreed to maintain the current approach to assessing culpability and harm, but to make some changes to culpability factors relating to financial or other advantage, and to add in new culpability factors relating to exploitation of children and vulnerable people. The Council also made some small changes to aggravating and mitigating factors.

7. DISCUSSION ON GENERAL GUIDELINE – PRESENTED BY RUTH POPE, OFFICE OF THE SENTENCING COUNCIL

- 7.1 The Council considered the responses to consultation and the results of the research with sentencers on this guideline. The Council agreed that the guideline should apply to organisations and offenders aged 18 or over. For offenders aged under 18 there would be a link to the Overarching Principles – Sentencing Children and Young People guideline.
- 7.2 Detailed consideration was given to suggestions for amendments to step one of the guideline. In response to research findings and suggestions from consultation respondents, the Council agreed to provide more information on the identification of analogous guidelines and the assessment of harm.
- 7.3 The Council considered amendments suggested by consultees to aggravating factors and agreed a number of changes to clarify factors.

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