

MEETING OF THE SENTENCING COUNCIL

18 DECEMBER 2020

MINUTES

Members present:

Tim Holroyde (Chairman)
Rosina Cottage
Rebecca Crane
Rosa Dean
Nick Ephgrave
Michael Fanning
Diana Fawcett
Adrian Fulford
Max Hill
Jo King
Juliet May
Maura McGowan
Alpa Parmar
Beverley Thompson

Representatives:

Hanna van den Berg for the Lord Chief Justice
(Legal and Policy Advisor to the Head of Criminal
Justice)
Phil Douglas for the Lord Chancellor (Head of
Custodial Sentencing Policy)
Naomi Ryan for the Director of Public Prosecutions

Members of Office in
attendance:

Steve Wade
Mandy Banks
Vicky Hunt
Emma Marshall
Ruth Pope
Ollie Simpson

1. MINUTES OF LAST MEETING

- 1.1 The minutes from the meeting of 20 November 2020 were agreed.

2. MATTERS ARISING

- 2.1 The Chairman informed the meeting that the Council's new website had successfully launched on 1 December 2020 and at the same time updated versions of the guidelines had been published to reflect the coming into force of the Sentencing Code.
- 2.2 Eight firearms guidelines had been published on 7 December and were due to come into force on 1 January 2021. There had been good coverage of this launch most of which focussed on the introduction of measures to draw attention to disparity in sentencing based on ethnicity.
- 2.3 The Council noted the publication on 14 December of the report by Transform Justice entitled 'The Sentencing Council: leading role or bit part player?'. The Council will consider the report alongside the responses to the 'What next for the Sentencing Council?' consultation.
- 2.4 On 17 December the Council published data covering the factors taken into account when sentencing adult offenders for theft from a shop or stall, and details of the sentence imposed. This data was collected from magistrates' courts before and after the publication of the theft guidelines in 2016.

3. DISCUSSION ON DRUGS – PRESENTED BY VICKY HUNT, OFFICE OF THE SENTENCING COUNCIL

- 3.1 The Council discussed the drugs guidelines for the final time. It was agreed that within some guidelines additional information would be added to highlight the fact that evidence shows that there is a disparity in sentencing based upon an offender's race. This wording will be placed above the sentencing table within the relevant guidelines.
- 3.2 The Council also agreed to a new expanded explanation for the mitigating factor 'remorse' and made a further change to the aggravating factors within the supply guideline.
- 3.3 The Council signed off the guidelines and final resource assessment and agreed to publish the guidelines on 27 January 2021.

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

- 4.1 The Council discussed a new version of an aggravated burglary guideline and considered the sentence ranges across all three burglary guidelines, domestic, non-domestic and aggravated burglary.

- 4.2 The Council was broadly content with the new version of an aggravated burglary guideline, save for an issue relating to the use of a weapon/whether present on entry. This issue was remitted to a small working group to be resolved, with the group submitting a proposal to the next Council meeting. The guideline will next be considered at the March Council meeting, with a consultation on the revised guidelines to be launched in the summer.

5. DISCUSSION ON SEX OFFENCES– PRESENTED BY OLLIE SIMPSON, OFFICE OF THE SENTENCING COUNCIL

- 5.1 The Council considered, and agreed to consult on, amendments to the guidelines for sections 14 and 10 of the Sexual Offences Act 2003 to provide for the situation where no child has been harmed (including where no potential child victim existed). Additional wording was agreed to clarify the position where the offending takes place remotely.

- 5.2 The Council also agreed to consult on a new guideline for s15A of the 2003 Act, sexual communication with a child.

6. DISCUSSION ON WHAT NEXT FOR THE SENTENCING COUNCIL? – PRESENTED BY EMMA MARSHALL, OFFICE OF THE SENTENCING COUNCIL

- 6.1 The Council discussed the responses on guideline development and revision that were submitted as part of the consultation on What Next for the Sentencing Council? This included considering revisions to the criteria on which guidelines are developed or revised, the policy for making changes to guidelines, and suggestions as to which guidelines should be developed in the future.

- 6.2 The Council agreed that there should be a review of the criteria for developing guidelines and the policy for making changes. It was also agreed that some scoping work would be undertaken to establish the nature and scale of any new areas of guideline work that should be added to the Council's current workplan.

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