

## MEETING OF THE SENTENCING COUNCIL

3 APRIL 2020

## MINUTES

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Members present:

Tim Holroyde (Chairman)  
Rosina Cottage  
Rebecca Crane  
Rosa Dean  
Michael Fanning  
Diana Fawcett  
Adrian Fulford  
Julian Goose  
Max Hill  
Maura McGowan  
Alpa Parmar  
Beverley Thompson

Representatives:

Duncan Webster for the Magistrates' Leadership  
Executive  
Phil Douglas for the Lord Chancellor (Head of  
Custodial Sentencing Policy)

Members of Office in  
attendance:

Ruth Pope  
Lisa Frost

## **1. MINUTES OF LAST MEETING**

- 1.1 The minutes from the meeting of 6 March 2020 were agreed.

## **2. MATTERS ARISING**

- 2.1 The Chairman welcomed members to a short virtual meeting of the Council, being held on the day that had been set aside for the tenth anniversary event which had been postponed due to the current restrictions.

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

- 3.1 The Council considered an emerging trend of common assault offences being committed by offenders spitting and coughing at victims with a direct or inferred threat of Covid 19 transmission.
- 3.2 The Council agreed that the revised Common assault and Assault on emergency workers guidelines should provide for such an offence to be assessed at high culpability, and included a factor 'Intention to cause fear of serious harm, including disease transmission' to provide for such offences. It was agreed that threatened transmission of any disease should be captured at high culpability, and will be relevant once the current epidemic has ended.
- 3.3 The Council also agreed that while sentences being issued seem appropriate, interim guidance should be issued by means of an addendum to the common assault digital guideline. This would read: 'Where sentencing common assault offences involving threats or activity relating to the transmission of Covid 19 the court should treat this as an aggravating feature of the offence'.
- 3.4 Finally, the Council decided that the previously agreed aggravating factor of 'spitting' should be expanded to read 'spitting or coughing'.

## **4. DISCUSSION ON KNIFE CRIME PREVENTION ORDERS – PRESENTED BY RUTH POPE, OFFICE OF THE SENTENCING COUNCIL**

- 4.1 The Council discussed adding a page in the explanatory materials to the Magistrates Court Sentencing Guidelines (MCSG) on Knife Crime Prevention Orders (KCPOs). These were due to be piloted in the Metropolitan Police area from 6 April 2020.
- 4.2 The Council agreed that factual information on KCPOs should be added to the ancillary orders section of the explanatory materials to the MCSG. The Council decided to send the proposed draft to some key partners for their comments on the accuracy and clarity of the information.

**5. UPDATE ON SENTENCING COUNCIL WORK PLAN – PRESENTED BY RUTH POPE, OFFICE OF THE SENTENCING COUNCIL**

- 5.1 The Council was updated on the work of the office while the corona virus restrictions were in place. Some consultations had been extended to ensure that interested parties would have time to respond. While the restrictions remained in place scheduled meetings of the Council would be held virtually and the experience of today’s meeting would be used to decide the most effective way of doing this.