

MEETING OF THE SENTENCING COUNCIL

6 MARCH 2020

MINUTES

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

Apologies: Adrian Fulford

Representatives: Nick Ephgrave (representative for the police)
Duncan Webster for the Magistrates' Leadership
Executive
Phil Douglas for the Lord Chancellor (Head of
Custodial Sentencing Policy)

Members of Office in
attendance: Steve Wade
Mandy Banks
Lisa Frost
Vicky Hunt
Amber Isaac
Emma Marshall
Sarah Poppleton

1. MINUTES OF LAST MEETING

1.1 The minutes from the meeting of 31 January 2020 were agreed.

2. MATTERS ARISING

2.1 The Chairman welcomed Kate Kandasamy and Eliza Cardale who had recently joined the analysis and research team.

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

3.1 The Council discussed the comments that had been received from the experts who had been asked to look at the guideline to check for any unintended consequences or anything misleading. Some minor changes to wording were made as a result of this discussion.

3.2 The Council also looked again at the information on disorders in Annex A of the guideline, as this section had been revised following the December Council meeting. Again the Council made some minor changes to the wording in this section.

4. ANNIVERSARY ACTIVITIES UPDATE – PRESENTED BY STEVE WADE AND EMMA MARSHALL, OFFICE OF THE SENTENCING COUNCIL

4.1 The Council was updated on progress on activities for the Council's anniversary year. It was agreed that a decision would be taken on whether or not to hold the sentencing competition and the 10 year anniversary event as and when more is known about the developing situation with Covid-19.

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

5.1 The Council considered findings from additional transcript analysis and agreed revised sentences for ABH and GBH s20 offences. The Council also agreed a number of minor revisions to aggravating factors in the ABH and GBH guidelines.

5.2 The Council agreed that the application of a number of factors would be tested during the consultation period and findings reported to the Council in considering consultation responses.

5.3 The Council also agreed that the draft guideline for assaults on emergency workers should provide for the full statutory maximum sentence to be imposed in the highest category of offence.

5.4 The Council agreed that subject to the revisions agreed the guidelines were signed off for consultation, with launch anticipated for early April.

6. DISCUSSION ON TERRORISM – PRESENTED BY VICKY HUNT, OFFICE OF THE SENTENCING COUNCIL

6.1 The Council discussed the responses received from the consultation and agreed to proposed changes to the step two factors in the Support for a proscribed organisation guideline. In addition the Council discussed the lack of reliable data on ethnicity for these offences and agreed that the office should work with the Ministry of Justice to understand if better quality data may be available..

6.2 The Council considered the timetable for publishing these revised guidelines and agreed that, due to forthcoming legislative changes proposed by the Government which are likely to impact on the guidelines, the Council would wait until that new legislation receives royal assent.

7. RESEARCH PRESENTATION FOR ANNIVERSARY EVENT - PRESENTED BY EMMA MARSHALL, SARAH POPPLETON AND AMBER ISAAC OFFICE OF THE SENTENCING COUNCIL

7.1 The Council was given a draft version of the analysis and research presentation for the 10 year anniversary event. This incorporated suggestions that were made during the discussion at the January meeting.

8. DISCUSSION ON SEXUAL OFFENCES – PRESENTED BY VICKY HUNT, OFFICE OF THE SENTENCING COUNCIL

8.1 The Council was informed about a current concern regarding the use of the guideline for the offence contrary to section 14 of the Sexual Offences Act (Arranging or facilitating the commission of a child sex offence). The Council decided to await the outcome of a Court of Appeal decision on this topic before deciding whether any work is needed on the guideline.