

MEETING OF THE SENTENCING COUNCIL

14 JUNE 2019

MINUTES

Members present:

Tim Holroyde (Chairman)
Rob Butler
Diana Fawcett
Rosina Cottage
Rebecca Crane
Rosa Dean
Julian Goose
Heather Hallett
Max Hill
Maura McGowan
Sarah Munro
Alpa Parmar
Beverley Thompson

Representatives:

Assistant Commissioner Nick Ephgrave for the police,
Sophie Marlow for the Lord Chief Justice (Legal and Policy Adviser to Sir Brian Leveson, Head of Criminal Justice)
Phil Douglas for the Lord Chancellor (Director, Offender and Youth Justice Policy)

Members of Office in attendance:

Steve Wade (Head of Office)
Mandy Banks
Phil Hodgson
Emma Marshall
Eleanor Nicholls
Ruth Pope
Caroline Nauth-Misir

1. MINUTES OF LAST MEETING

- 1.1 The minutes from the meeting of 10 May 2019 were agreed.

2. MATTERS ARISING

- 2.1 The Chairman noted that the data collection currently taking place in magistrates' courts was achieving a good response rate which will be invaluable in the evaluation of the guidelines for *Bladed Articles and Offensive Weapons, Intimidatory Offences and Breach Offences*.

3. DISCUSSION ON EXPANDED EXPLANATIONS – PRESENTED BY RUTH POPE, OFFICE OF THE SENTENCING COUNCIL

- 3.1 The Council considered the responses to consultation on the *Expanded Explanations in Sentencing Guidelines* which closed on 23 May 2019.
- 3.2 The Council noted that most of the responses were supportive of the project, and that several helpful suggestions for changes have been made.
- 3.3 The Council considered the points raised by consultees and agreed changes to the explanations including to the mitigating factors relating to age and immaturity, and carers of dependent relatives, and to the aggravating factors relating to abuse of trust, and offence committed as part of a group.

4. DISCUSSION ON RACE AND GENDER ANALYSIS – PRESENTED BY EMMA MARSHALL AND ELEANOR NICHOLLS, OFFICE OF THE SENTENCING COUNCIL

- 4.1 The Council was updated on the progress on work investigating the factors that influence sentences imposed in the Crown Court for drug offences. This discussion drew upon a recent analysis of a small sample of relevant sentencing transcripts. The Council then discussed further work needed in this area and links with the consultation on the revised *Drug Offences* guidelines due to be launched in the autumn.

5. DISCUSSION ON FUTURE VISION – PRESENTED BY EMMA MARSHALL, OFFICE OF THE SENTENCING COUNCIL

- 5.1 The Council was updated on progress for considering a future strategy/vision and priorities for the Council after it reaches its 10-year anniversary in April 2020. It was agreed that the Head of Office and team would meet with individual Council members to seek their views over the summer.

6. DISCUSSION ON DRUGS – PRESENTED BY ELEANOR NICHOLLS AND CAROLINE NAUTH-MISIR, OFFICE OF THE SENTENCING COUNCIL

- 6.1 The Council discussed some of the remaining areas of the revised guidelines on drug offences, including the guideline for the offence of “possessing a psychoactive substance in a custodial institution” for the first time.
- 6.2 Caroline Nauth-Misir then presented the expected resource impact of the guidelines. The Council noted these findings and agreed to sign off the guidelines for consultation in the autumn subject to further work on the resource impact, which would be circulated to Council members over the summer.

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

- 7.1 The Council considered the responses to the remaining questions in the consultation. It was noted that there was strong support for the proposal to change the wording of the medium culpability factor in the *Fraud, Theft and Robbery* guidelines, and also for changes to ensure consistency of presentation across guidelines.
- 7.2 There was also strong support among consultees for treating the *General* guideline as an overarching guideline but with some dissenting voices. Following discussion, the Council agreed that as the *General* guideline and *Expanded Explanations* would be replacing the *SGC Seriousness Guideline*, the *General* guideline should be made available as an overarching guideline.
- 7.3 The Council agreed that both the *General* guideline and the *Expanded Explanations* should be published on 24 July and come into force on 1 October 2019.

8. DISCUSSION ON BUSINESS PLAN AND ANNUAL REPORT – PRESENTED BY STEVE WADE AND PHIL HODGSON, OFFICE OF THE SENTENCING COUNCIL

- 8.1 The Council was advised that the budget for 2019-20 has now been agreed and written confirmation of the delegated budget has now been received.
- 8.2 The Council discussed priorities over the coming few months. It was agreed that motoring offences should continue to be held back pending the Government commitment to bring forward legislation in this area. The Council agreed that guidelines relating to cybercrime, perverting the course of justice, and witness intimidation, should be added to the rolling three-year plan.

8.3 The Council also considered the Annual Report for 2018/19 and, with some minor amendments, was content for it to be submitted to the Lord Chancellor for laying before Parliament.