

MEETING OF THE SENTENCING COUNCIL

14 DECEMBER 2018

MINUTES

Members present:

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

Apologies:

Julian Goose
Sarah Munro

Representatives:

Chief Constable Nick Ephgrave for the police,
Phil Douglas for the Lord Chancellor (Director,
Offender and Youth Justice Policy)

Members of Office in
Attendance:

Steve Wade (Head of Office)
Mandy Banks
Lisa Frost
Phil Hodgson
Amber Isaac
Sophie Klinger
Ruth Pope

1. MINUTES OF LAST MEETING

- 1.1. The minutes from the meeting of 16 November 2018 were agreed.

2. MATTERS ARISING

- 2.1 The Chairman welcomed Kathryn Montague to her first Council meeting following her recent recruitment to the office as the Senior Press and Communications Officer.

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

- 3.1 The Council considered and agreed a final draft of the guideline ahead of a public consultation on the proposals in spring next year.
- 3.2 The Council considered the changes made to the guideline since the last meeting, and the findings of the recently published final report of the Independent Review into the Mental Health Act.
- 3.3 The Council also considered the proposed plan for the draft resource assessment to accompany the consultation, noting the data limitations in this area.

4. DISCUSSION ON ADDITIONAL RESEARCH TO SUPPORT DRUGS GUIDELINE – PRESENTED BY AMBER ISAAC, OFFICE OF THE SENTENCING COUNCIL

- 4.1 The Council considered a proposal for a piece of analysis to investigate the factors that influence sentences imposed at the Crown Court for drug offences. It was proposed that this analysis includes culpability, harm, aggravating and mitigating factors, information on guilty plea reductions and demographic factors.
- 4.2 The Council approved the proposal and will consider findings from the analysis in time to inform the consultation on the revised Drug Offences guideline.

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

- 5.1 The Council considered culpability factors and sentence levels for s18 GBH with intent. Discussion took place as to whether an additional very high culpability category should be included for cases involving multiple or extreme high culpability factors.
- 5.2 The Council thought that such a category could potentially capture a high proportion of cases, so instead agreed to include additional wording in the guideline similar to that included in the Sexual Offences Rape guideline to provide for sentencers to move outside of the category range in appropriate cases. Extensive discussion took place

as to whether the guideline should include a factor to provide for cases akin to loss of control manslaughter cases.

- 5.3 The Council considered the potential for a relevant offence not involving a death but causing GBH otherwise attracting a higher sentence. It was agreed that a model of the guideline including a relevant loss of control type factor be tested and the findings considered before a final version of the guideline is agreed. Sentence levels were also agreed for testing based on the factors discussed at the meeting.

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

- 6.1 The Council reviewed and approved amended wording for the expanded guidance on harm and mitigating factors in the General guideline. Consideration was then given to how the explanations for aggravating and mitigating factors in the General guideline would apply to offence specific guidelines. The Council agreed to minor adaptations to ensure relevance to particular guidelines.
- 6.2 The Council reviewed how the expanded explanations in offence specific guidelines would work in practice on a test version of the website and agreed to consult on this model in early 2019.

7. UPDATE ON SENTENCING COUNCIL WEBSITE – PRESENTED BY PHIL HODGSON, OFFICE OF THE SENTENCING COUNCIL

- 7.1 The Council were updated on the plans for redeveloping the Sentencing Council website. Members suggested some amendments and a number of recommendations for additional content.

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

- 8.1 The Council agreed revisions to the assessment of culpability, harm, and aggravating and mitigating factors in the guideline on Possession of a Prohibited Weapon. They also discussed sentence levels for this offence. The Council agreed to include two separate tables at step two, covering offences subject to the minimum term and those where no minimum term applies.
- 8.2 The Council considered guidance on the minimum term and on 'exceptional circumstances'. The Council also considered what the aim of this guidance should be following analysis of minimum term cases where the sentence imposed fell below 5 years. Some amendments were made to the draft wording, which will be reviewed further at a future meeting.