

MEETING OF THE SENTENCING COUNCIL

20 NOVEMBER 2020

MINUTES

<u>Members present:</u>	Tim Holroyde (Chairman) Rebecca Crane Rosa Dean Nick Ephgrave Michael Fanning Diana Fawcett Adrian Fulford Max Hill (for the discussion on Assault) Jo King Juliet May Maura McGowan Alpa Parmar Beverley Thompson
<u>Apologies:</u>	Max Hill (for part of the meeting) Rosina Cottage
<u>Representatives:</u>	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
<u>Observer:</u>	Andrew Jonathan, Ministry of Justice, Bail, Sentencing and Release Policy Unit
<u>Members of Office in attendance:</u>	Steve Wade Lisa Frost Vicky Hunt Emma Marshall Ruth Pope

1. MINUTES OF LAST MEETING

- 1.1 The minutes from the meeting of 23 October 2020 were agreed.

2. MATTERS ARISING

- 2.1 The Chairman noted the large amount of work coming up in the next few months and asked members to note that a provisional extra Council meeting had been scheduled for 12 February 2021.

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

- 3.1 The Council considered responses to the consultation on the revised guidelines. Consideration was given to a number of culpability factors common across the guidelines, and whether two factors should be amended, and an additional factor included.
- 3.2 The Council also considered responses to the revised Attempted Murder guideline, and research undertaken with experienced sentencers on the practical application of the guideline. It was agreed that prior to finalising the guideline further research should be undertaken on recent sentencing outcomes to inform the final guideline resource assessment.

4. UPDATE ON THE SENTENCING CODE – PRESENTED BY RUTH POPE, OFFICE OF THE SENTENCING COUNCIL

- 4.1 The Council were given a short demonstration of the changes being made to digital sentencing guidelines to reflect the introduction of the Sentencing Code on 1 December. The Council welcomed the introduction of hyperlinks to the relevant sections of the Code, which it was felt would be very helpful to guideline users.

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

- 5.1 The Council discussed the first set of responses to the ‘What Next for the Sentencing Council?’ consultation that closed in September. These covered the area of diversity and equality, particularly in relation to analytical work and associated data issues. It was agreed that a working group would be set up to take forward this area more generally.

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

- 6.1 The Council considered the Psychoactive Substance Act guidelines for the first time since the consultation closed in May. The consultation responses were considered and some changes were agreed to the culpability factors, aggravating factors and mitigating factors. The Council aims to sign off the full set of drugs guidelines at the next meeting in December.

7. DISCUSSION ON FIREARMS – PRESENTED BY RUTH POPE, OFFICE OF THE SENTENCING COUNCIL

- 7.1 The Council agreed to some changes to several of the guidelines to improve clarity.
- 7.2 The Council considered the available evidence on sentence outcomes for different demographic groups and discussed steps that could be taken in the guidelines to address the issue of apparent disparity based on ethnicity. It was noted that the disparity in outcomes varied across different offences and it was decided that a tailored reference to the evidence of disparities and a link to the Equal Treatment Bench Book should be added to those guidelines where there was sufficient evidence of disparity in sentence outcomes.
- 7.3 The Council also agreed to remove one aggravating factor in the strict liability possession offence guidelines and to add a note to another to avoid the risk of double counting or giving too much weight to an offender’s criminal record.
- 7.4 The Council agreed to sign off the definitive versions of the eight guidelines consulted on at the end of 2019, along with the resource assessment. The Council confirmed that the guidelines should be published as soon as possible and come into force on 1 January 2021.
- 7.5 The Council recorded its thanks to Her Honour Judge Sarah Munro for continuing to assist with the development of these guidelines after her term on the Council ended.