

## MEETING OF THE SENTENCING COUNCIL

20 DECEMBER 2019

### MINUTES

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Members present:

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

Apologies:

Julian Goose  
Maura McGowan  
Nick Ephgrave (representative for the police)

Representatives:

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 22 November 2019 were agreed.

## **2. MATTERS ARISING**

- 2.1 The Chairman welcomed Majid Bastan-Hagh, a new Research Officer who recently joined the Office.

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

- 3.1 The Council looked at revisions to section three: determining the sentence and section four: sentencing disposals. Since the last meeting the sections had been revised to express the key points in a different order and with greater clarity.
- 3.2 The Council agreed with the revised approach to the sections, subject to a further look to ensure there was no duplication of information within these sections and within Annex C.
- 3.3 The Council also considered the consultation responses to Annex A of the guideline, the information on conditions and disorders. The Council noted that the consultation responses were generally positive, and so decided only to make some minor changes to this section.

## **4. DISCUSSION ON TERRORISM – PRESENTED BY VICKY HUNT, OFFICE OF THE SENTENCING COUNCIL**

- 4.1 The Council considered the timetable for the publication of the definitive Terrorism (revised) guidelines in light of the proposals for legislative change under the Counter Terrorism (Sentencing and Release) Bill set out the previous day in the Queen's Speech.
- 4.2 The Council agreed to reconsider the issue in March when there is likely to be more information about the changes that are proposed under the Bill and the impact they are likely to have on the guidelines.
- 4.3 The Council considered the responses from the consultation. It was acknowledged that, due to delays arising from the dissolution of Parliament and General Election, we are still awaiting responses from the Ministry of Justice, Home Office and Justice Select Committee, therefore further consideration will take place when those responses have been received.

## **5. DISCUSSION ON EFFECTIVENESS OF SENTENCING WITH REGARD TO REOFFENDING - RESEARCH UPDATE - PRESENTED BY SARAH POPPLETON, OFFICE OF THE SENTENCING COUNCIL**

- 5.1 To help the Council fulfil its statutory duty to have regard to the effectiveness of different sentences in preventing reoffending when

developing guidelines, it receives an annual update on the research literature in this area. Council members were given the opportunity to ask questions and comment on this year's update, which was circulated with the Council papers.

**6. DISCUSSION ON FUTURE PRIORITIES FOR THE COUNCIL – PRESENTED BY EMMA MARSHALL, PHIL HODGSON, STEVE WADE AND RUTH POPE, OFFICE OF THE SENTENCING COUNCIL**

6.1 The Council discussed the content of a consultation document for the Council's future priorities. The Council agreed that the consultation should include open questions to elicit a broad range of views and suggestions from consultees.

**7. DISCUSSION ON ASSAULT – PRESENTED BY LISA FROST AND AMBER ISAAC, OFFICE OF THE SENTENCING COUNCIL**

7.1 The Council signed off the revised draft guidelines for the lower level assault offences of common assault, assault on emergency workers and assault with intent to resist arrest.

7.2 The Council considered updated statistics relating to current sentencing practice for ABH and GBH s20 offences which illustrate that a high proportion of sentences currently imposed are significantly higher than the highest starting point provisionally agreed during the guideline development. The resource assessment has identified a significant deflationary impact would occur with sentences as drafted, and the Council agreed further work should be undertaken to consider if sentences should be revised before sign off of the revised draft ABH and GBH guidelines.

7.3 The Council also considered the results of testing of two versions of attempted murder sentences. It was highlighted that offence categorisation will differ in the revised guideline which will ensure sentences with one version would be higher than current sentencing practice, while with the other version a high proportion of sentences would be maintained.

7.4 The Council agreed that the version including higher sentences should be included to reflect concerns that sentences for attempted murder are currently too low and do not achieve relativity with comparable murder sentences, even though the offender intends to cause death.

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