

## MEETING OF THE SENTENCING COUNCIL

24 JULY 2020

## MINUTES

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Members present:

Tim Holroyde (Chairman)  
Rosina Cottage  
Rebecca Crane  
Rosa Dean  
Nick Ephgrave  
Michael Fanning  
Diana Fawcett  
Adrian Fulford  
Julian Goose  
Max Hill  
Maura McGowan  
Alpa Parmar  
Beverley Thompson

Representatives:

Duncan Webster for the Magistrates' Leadership Executive  
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)

Members of Office in attendance:

Steve Wade  
Mandy Banks  
Vicky Hunt  
Ruth Pope

## **1. MINUTES OF LAST MEETING**

- 1.1 The minutes from the meeting of 19 June 2020 were agreed.

## **2. MATTERS ARISING**

- 2.1 The Chairman noted that it was Julian Goose's last meeting after six years on the Council and thanked him for his very valuable contributions to the work of the Council over that time.

## **3. DISCUSSION ON FIREARMS – PRESENTED BY RUTH POPE, OFFICE OF THE SENTENCING COUNCIL**

- 3.1 The Council considered consultation responses to the Possession by a person prohibited and Carrying in a public place guidelines. Changes were agreed to the culpability factors to reflect points raised by respondents. A slight change to the assessment of harm was agreed to ensure that the location of the offence would be taken into account if it would result in a greater risk of harm.
- 3.2 Sentence levels were compared and considered across three guidelines: Possession without a certificate, Possession by a person prohibited and Carrying in a public place. The Council considered a range of different circumstances in which these offences could be committed and the likely sentences. The sentence ranges were found to be proportionate and sufficiently wide to reflect the variety of offending covered by the three guidelines.
- 3.3 Changes were agreed to the guidance on orders for forfeiture and destruction of weapons to ensure that it was accurate and clear.

## **4. DISCUSSION ON BURGLARY – PRESENTED BY MANDY BANKS, OFFICE OF THE SENTENCING COUNCIL**

- 4.1 This was the first meeting to discuss the guideline since it was previously agreed that the existing guidelines should be revised.
- 4.2 The Council discussed the findings of the two assessments of the burglary guidelines, and considered statistics on the three offences covered. It was agreed that the guidelines would be updated to the format of more recent guidelines, and would contain three levels of harm and culpability. The work would also include looking at the wording of some of the factors, and carefully considering the sentence ranges across the offences.

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

- 5.1 The Council agreed to progress the rewrite of the section 14 guideline for the offence of arranging and facilitating child sexual offences as part of a wider package of changes to the Sexual offences guidelines. This work is expected to commence later this year.

**6. DISCUSSION ON THE MCSG – PRESENTED BY RUTH POPE, OFFICE OF THE SENTENCING COUNCIL**

- 6.1 The Council considered the responses to the consultation on some minor changes relating chiefly to the Magistrates' Courts Sentencing Guidelines (MCSG) and associated explanatory materials but also impacting on sentencing in the Crown Court for breach of a community order. Over 200 responses were received to the consultation and while the majority had supported the proposed changes there were some who dissented or who suggested amendments.
- 6.2 The Council agreed to amend the proposed additional guidance on imposing disqualification for the offence of driving whilst disqualified to clarify that any existing unexpired period and any extended term required when imposing custody should be added to the disqualification imposed for the new offence. It was also agreed to make it clear on the face of the guideline that there is no statutory maximum period of disqualification.
- 6.3 The changes consulted on to the Breach of a community order guideline to clarify that extending the length of the order is not a standalone option for dealing with a breach were amended in the light of suggestions from respondents. Likewise, changes were agreed at the suggestion of respondents to the wording in the Breach of a community order and Totality guidelines clarifying the reference to committing a new offence to the Crown Court for sentencing where a magistrates' court convicts during the currency of a community order imposed by the Crown Court.
- 6.4 The responses to the suggested changes to the Explanatory materials that accompany the MCSG were also considered resulting in some modifications to the proposed wording. In particular the Council agreed to expand the guidance on 'totting up' disqualifications to ensure that it is comprehensive. The Council noted that while respondents generally welcomed the proposal to include a link to the Equal Treatment Bench Book in the explanatory materials, some pointed out that a general link to such a large document was of limited practical use. The Council agreed that this was an issue that would merit further consideration across all of its output.
- 6.5 The Council decided to publish the changes agreed as a result of this consultation on 1 October 2020 and that they would come into force immediately. Advance notice of the changes would be provided to the Judicial College so that they can update any relevant training materials.