

MEETING OF THE SENTENCING COUNCIL

25 SEPTEMBER 2020

MINUTES

<u>Members present:</u>	Tim Holroyde (Chairman) Rosina Cottage Rebecca Crane Rosa Dean Michael Fanning Diana Fawcett Adrian Fulford Max Hill Maura McGowan Alpa Parmar Beverley Thompson
<u>Apologies:</u>	Nick Ephgrave
<u>Representatives:</u>	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)
<u>Observer:</u>	James Allen (Senior District Crown Prosecutor)
<u>Members of Office in attendance:</u>	Steve Wade Mandy Banks Phil Hodgson Vicky Hunt Ruth Pope Elaine Wedlock

1. MINUTES OF LAST MEETING

- 1.1 The minutes from the meeting of 24 July 2020 were agreed.

2. MATTERS ARISING

- 2.1 The Chairman noted that the 'What next for the Sentencing Council' consultation had recently closed and that the responses would be discussed by the Council over the coming months. Consideration would also be given to how best to mark ten years of the Sentencing Council following the postponement of the event originally planned for March 2020.

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

- 3.1 The Council discussed the drugs guidelines for the first time since the consultation closed in May. The consultation responses to the revised Misuse of Drugs Act guidelines were considered and some changes were agreed to the culpability factors and aggravating factors as well as a minor change to the sentence table within the importation guideline.

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

- 4.1 The Council considered the consultation responses to the guidelines for the possession with intent offences and the offences of transfer and manufacture and noted that respondents were broadly supportive of the proposals. Some minor amendments were agreed to achieve consistency of language across the guidelines.
- 4.2 The Council considered the sentencing data for 2019 and agreed to lower the bottom of the range for the transfer and manufacture guideline from four to three years' custody to accommodate a significant minority of cases that attract lower sentences.
- 4.3 The Council decided that these firearms guidelines should be published and brought into effect as soon as possible and for that reason agreed that the proposed importation of firearms guideline should be developed and consulted on as a separate exercise after the eight guidelines that have already been consulted on have been published.
- 4.4 There will be one further meeting in November to consider the latest data and evidence on the equality and resource implications and to finalise the eight guidelines in the light of that information.

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

- 5.1 Phil showed Council members the proposed structure and content of the new website. It was agreed that Phil would circulate the website illustrations to members for comment and officials would consider the use of guideline titles and offence names in the guideline indexes.

6. RESEARCH UPDATE ON PREVENTING DISCRIMINATION – PRESENTED BY ELAINE WEDLOCK, OFFICE OF THE SENTENCING COUNCIL

- 6.1 A project was discussed in which the Council would commission experts to review sentencing guidelines for potential discrimination that could lead to disparity in sentencing for groups with protected characteristics under the Public Sector Equality Act.
- 6.2 A subgroup of Council members has been set up to oversee the project which will seek to review the language, concepts, factors and structure of guidelines for potential discrimination. The Council agreed to commission the project.

7. DISCUSSION ON BURGLARY – PRESENTED BY MANDY BANKS, OFFICE OF THE SENTENCING COUNCIL

- 7.1 As part of the revision of the existing Burglary definitive guidelines, the Council considered a draft version of a new non-domestic burglary guideline with three levels of culpability and three levels of harm.
- 7.2 The Council approved of the overall approach taken in revising this guideline, and suggested that some rewording and amendments to factors should take place, before the draft guideline is brought back for consideration. Future meetings will consider new versions of both domestic and aggravated burglary guidelines, ahead of a consultation on the proposals in 2021.