

MEETING OF THE SENTENCING COUNCIL

28 SEPTEMBER 2018

MINUTES

Members present:

Tim Holroyde (Chairman)
Rob Butler
Mark Castle
Rosina Cottage
Rebecca Crane
Rosa Dean
Julian Goose
Heather Hallett
Maura McGowan
Alpa Parmar
Alison Saunders
Beverley Thompson

Apologies:

Sarah Munro

Representatives:

Chief Constable Olivia Pinkney 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
Sophie Klinger
Eleanor Nicholls
Nick Mann
Ruth Pope
Sarah Poppleton

1. MINUTES OF LAST MEETING

- 1.1. The minutes from the meeting of 27 July 2018 were agreed.

2. MATTERS ARISING

- 2.1 The Chairman welcomed four Taiwanese judges who were observing the meeting.

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

- 3.1 The Council considered findings from discussions with magistrates on a draft common assault guideline and some potential revisions to assessing harm for actual bodily harm offences.
- 3.2 The Council then considered at length suggested harm models for ABH and GBH offences and discussed options to address some of the findings from the evaluation of the existing assault guideline. It was agreed that two models for ABH and GBH offences should be tested with Crown Court judges.
- 3.3 The Council agreed sentences for ABH should be tested with Crown Court Judges and consideration given to whether adjustment to sentences is required at a future meeting.

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

- 4.1 The Council considered a first draft of a revised guideline for the offence of unauthorised use of a trade mark. It was agreed that the guideline should broadly reflect current sentencing practice.
- 4.2 The Council agreed that culpability should be assessed on the basis of the role of the offender and the sophistication and planning with which the offence was carried out. The Council discussed the assessment of harm and agreed that this should be on the basis of a financial measure of the scale of the offending, and any risk to health or safety from the counterfeit goods.

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

- 5.1 The Council discussed a revised version of the guideline, considering draft wording on assessing culpability, determining the sentence, requesting reports, information regarding disorders/conditions, and sentencing disposals. The Council made some amendments to the draft wording which will be further reviewed at a future meeting.

6. DISCUSSION ON MEDIA COVERAGE – PRESENTED BY NICK MANN, OFFICE OF THE SENTENCING COUNCIL

- 6.1 Nick Mann summarised the current situation in relation to the nature and level of media coverage on launch of a new consultation or guideline. He proposed a new approach which will be discussed at the next meeting of the Confidence and Communication Sub-group.

7. DISCUSSION ON DRUGS – PRESENTED BY ELEANOR NICHOLLS, OFFICE OF THE SENTENCING COUNCIL

- 7.1 In its first consideration of the revision of the current Drug Offences guideline, the Council looked at the scope of revisions and some questions of approach. Council agreed that the revised guideline should cover the offences in the current guideline and the comparable offences in the Psychoactive Substances Act 2016.
- 7.2 The Council discussed and agreed some areas that would need particular consideration as part of the revision process. These areas included: offences relating to drugs in prison; how the guideline deals with drug rehabilitation requirements as part of community orders and suspended sentence orders; what guidance may be necessary in relation to offences committed by children and young people; and any potential changes to current approaches to culpability and harm, particularly in light of newer types of offending behaviour such as ‘county lines’ and sales of drugs online.
- 7.3 The Council also discussed an overall approach to current sentencing practice and agreed that, as a starting assumption, they would not aim to make significant changes to current sentencing severity.

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

- 8.1 The Council considered the overarching aims of the firearms guideline and agreed that the guideline should aim to maintain current sentencing levels. Sentencing levels for each offence will be considered at a later meeting. There was an initial discussion on guidelines for possession of firearms.
- 8.2 The Council considered the assessment of culpability and harm in a draft guideline on possession of a prohibited firearm or ammunition, based on the approach in the Bladed Articles and Offensive Weapons guideline. It was agreed that alternative culpability and harm models would be explored and discussed at the next meeting.

9. DISCUSSION ON EFFECTIVENESS – PRESENTED BY SARAH POPPLETON, OFFICE OF THE SENTENCING COUNCIL

- 9.1 The Council was updated on the latest academic and government research into the effectiveness of sentencing, with regard to reoffending, covering the period September 2017 to date.
- 9.2 The update built on a comprehensive review of this literature from the last 10 years, carried out last year. Annual updates will continue to be produced, to keep Council members apprised of this literature.