

MEETING OF THE SENTENCING COUNCIL

31 JANUARY 2020

MINUTES

Members present:

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

Apologies:

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
Amber Isaac
Emma Marshall
Sarah Poppleton
Caroline Nauth-Misir
Pamela Jooman
Ruth Pope
Phil Hodgson

1. MINUTES OF LAST MEETING

- 1.1 The minutes from the meeting of 20 December 2019 were agreed.

2. MATTERS ARISING

- 2.1 The Chairman reported that he had had an introductory meeting with Lord Chancellor.

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

- 3.1 The Council looked at some revisions that had been made to the guideline since the previous meeting, principally that section four of the guideline had been removed, as the majority of the information on sentencing disposals was contained elsewhere within the guideline. In addition, some text that had been within Annex C on disposals was moved to section three. Some style changes had also been made to the guideline, to split some of the larger paragraphs into smaller ones, and to insert hyperlinks where appropriate.
- 3.2 The Council discussed consultation responses regarding Annex B on reports, and decided to make some changes as a result.
- 3.3 As the guideline is nearing completion the Council agreed to ask two experts in the field to review the guideline to check for any unintended consequences and for anything misleading or incorrect.

4. ANNIVERSARY EVENT UPDATE – PRESENTED BY STEVE WADE AND EMMA MARSHALL, OFFICE OF THE SENTENCING COUNCIL

- 4.1 The Council was given an overview of progress on events for the Council's anniversary year, including preparations for the event on 3 April, for which there were currently over 70 delegates registered. There had also been a good response to the Council's sentencing competition; these were currently being sifted and the shortlisted candidates will be invited to attend the final stages of the competition at the RCJ at the end of March.
- 4.2 An update was given on a proposal for the Sentencing Council to update the MoJ 'You Be The Judge' tool. It is likely any such programme of work could be delivered within 2020 but would require budgetary agreement. Conversations with MoJ about what might be possible are ongoing.

5. RESEARCH PRESENTATION FOR ANNIVERSARY EVENT - PRESENTED BY EMMA MARSHALL, SARAH POPPLETON AND CAROLINE NAUTH-MISIR OFFICE OF THE SENTENCING COUNCIL

5.1 The Council discussed initial ideas and slides for a research presentation at the 10 year anniversary. These will be considered and a more formal presentation of this work given at the March Council meeting.

6. DISCUSSION ON FUTURE PRIORITIES CONSULTATION – PRESENTED BY STEVE WADE AND EMMA MARSHALL, OFFICE OF THE SENTENCING COUNCIL

6.1 The Council discussed progress on preparing a consultation document on its future priorities to be published in March before the anniversary event. It agreed the broad sections of the report, subject to more detailed comments which were due after the meeting.

6.2 The Council also agreed that the report should be published on the Council's website in two different ways: a full document that can be downloaded by consultees in its entirety; and a series of smaller documents so that individual sections could be downloaded for anyone interested in only one or two different parts of the document.

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

7.1 The Council discussed the approach to be taken to a guideline for sentencing corporate offenders for the unauthorised use of a trade mark offence and decided that a separate guideline should be developed based on the structure of the corporate fraud guideline.

7.2 The Council agreed to the proposed model for assessing harm and the revised sentence levels subject to further testing against cases.

8. DISCUSSION ON GUILTY PLEA – PRESENTED BY RUTH POPE AND PAMELA JOOMAN, OFFICE OF THE SENTENCING COUNCIL

8.1 The Council was given a presentation on the findings from the team's assessment of the *Reduction in sentence for a guilty plea* guideline, and agreed to publish these findings later in the year. The Council also agreed to continue the work of monitoring the effect of the guideline.