

## MEETING OF THE SENTENCING COUNCIL

22 JUNE 2018

## MINUTES

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Members present: Colman Treacy (Chairman)  
Rob Butler  
Mark Castle  
Rosina Cottage  
Rebecca Crane  
Rosa Dean  
Martin Graham  
Heather Hallett  
Tim Holroyde  
Maura McGowan  
Sarah Munro  
Alpa Parmar

Apologies: Alison Saunders  
Julian Goose

Representatives: Chief Constable Olivia Pinkney for the police  
Neil Moore, Legal Advisor to DPP for the CPS  
Sophie Marlow for the Lord Chief Justice (Legal  
and Policy Adviser to Sir Brian Leveson, Head of  
Criminal Justice)  
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  
Eleanor Nicholls  
Ruth Pope  
Phil Hodgson

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

- 1.1. The minutes from the meeting of 18 May 2018 were agreed.

## **2. MATTERS ARISING**

- 2.1 The Chairman welcomed Beverley Thompson to her first Council meeting since her recent appointment.

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

- 3.1 The Council considered factors for a revised guideline for the offence of common assault. The revisions agreed were based on findings from the evaluation of the existing assault guideline and problems with the application of existing factors. The link between the existing guideline factors and the unintended impact of a decrease in sentences for common assault were discussed. It was agreed that sentence levels would be developed and discussed at the next meeting.

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

- 4.1 The Council considered an early draft of the guideline and considered what the objectives should be in producing a guideline. The Council agreed that it should provide information for sentencers to assist courts to understand how mental health and other conditions may affect culpability.
- 4.2 The Council also agreed to provide technical guidance regarding available sentencing disposals.
- 4.3 The Council agreed a number of revisions to be made to the draft guideline for consideration at the next Council meeting.

## **5. DISCUSSION ON DRUGS GUIDANCE – PRESENTED BY ELEANOR NICHOLLS, OFFICE OF THE SENTENCING COUNCIL**

- 5.1 The Council discussed and agreed wording for a statement on the sentencing of drug offences involving newer or less common drugs. This statement, which would not have the full status of a guideline, would aim to remind sentencers how to apply the current Drug Offences guideline in cases involving newer or less common drugs (such as synthetic opioids) which are not explicitly listed in the guideline.
- 5.2 The Council agreed that the statement would also refer to the Psychoactive Substances Act 2016. The Council agreed to publish the statement as soon as possible on its website.

**6. UPDATE ON GUILTY PLEA – PRESENTED BY RUTH POPE, OFFICE OF THE SENTENCING COUNCIL**

6.1 The Council noted that evidence was being gathered from a variety of sources into the operation and impact of the Guilty Plea Guideline but that it was too early for the statistical data to give a clear indication as to whether there were any unintended consequences.

6.2 It was agreed that it was not necessary to convene a meeting of the Steering Group but that stakeholders should be encouraged to continue to provide evidence to assist with the monitoring of the guideline.

**7. DISCUSSION ON EXPANDED FACTORS IN OFFENCE SPECIFIC GUIDELINES – PRESENTED BY RUTH POPE, OFFICE OF THE SENTENCING COUNCIL**

7.1 The Council considered expanded information that could be provided for aggravating factors in existing offence specific guidelines. It was agreed to give further consideration to this out of committee over the summer and for the Council to discuss it again at its September meeting in the light of responses to the General Guideline consultation.

**8. DISCUSSION ON ANNUAL REPORT – PRESENTED BY PHIL HODGSON, OFFICE OF THE SENTENCING COUNCIL**

8.1 The Council approved the final version of the Annual Report and agreed with the publication timetable.

**9. DISCUSSION ON CHILD CRUELTY– PRESENTED BY ELEANOR NICHOLLS, OFFICE OF THE SENTENCING COUNCIL**

9.1 The Council signed off the definitive Child Cruelty Guideline covering the offences of cruelty to a child, causing or allowing a child to die or suffer serious physical harm, and failure to protect a girl from the risk of FGM.

9.2 The Council considered the question of the risk of a shift in sentencing practice as a result of the Child Cruelty Guideline; members felt that the level of risk was acceptable but made one small change to some explanatory text to mitigate this risk.

9.3 The Council also agreed to several minor changes made to ensure consistency between the three guidelines. The final versions will be circulated to members, along with the response to consultation document and resource assessment, prior to publication in September.

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