

MEETING OF THE SENTENCING COUNCIL

5 APRIL 2019

MINUTES

Members present:

Tim Holroyde (Chairman)
Rob Butler
Diana Fawcett
Rosina Cottage
Rebecca Crane
Rosa Dean
Julian Goose
Heather Hallett
Max Hill
Maura McGowan
Alpa Parmar
Beverley Thompson

Apologies:

Sarah Munro

Representatives:

Assistant Commission Nick Ephgrave for the police,
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)
Lisa Frost
Sophie Klinger
Amber Isaac
Mandy Banks
Eleanor Nicholls

1. MINUTES OF LAST MEETING

- 1.1. The minutes from the meeting of 1 March 2019 were agreed.

2. MATTERS ARISING

- 2.1 The Chairman welcomed Diana Fawcett to her first Council meeting since her recent appointment as Council member with specific responsibility for promoting the welfare of victims of crime. He recorded the Council's gratitude to the outgoing victims' representative, Mark Castle, for his contributions during his extended term of service.

3. DISCUSSION ON ARSON/CRIMINAL DAMAGE – PRESENTED BY MANDY BANKS, OFFICE OF THE SENTENCING COUNCIL

- 3.1 This was the final discussion of the offences before publication of the definitive guideline later this year. The Council reviewed all the changes that have been made post consultation and made some minor amendments to the wording around requesting reports in cases relating to the threats to destroy, or bomb property, offence.
- 3.2 The Council also reviewed the sentence ranges for the threats offence, and the guideline for criminal damage cases over £5000, and decided that there should be more alignment between the two.

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

- 4.1 The Council considered revisions to the possession with intent and transfer/manufacture guidelines following the meeting of the Firearms Working Group in March. Several changes were agreed to the wording of factors in harm and a change in culpability to clarify the applicability of certain factors to imitation firearms.
- 4.2 The Council also agreed several minor changes to aggravating and mitigating factors. The factors have been reordered across the guidelines to a more logical sequence, which was approved.
- 4.3 The Council also discussed sentence levels for possession guidelines and transfer/manufacture. The Council agreed that the Firearms Working Group should consider the detail of the sentence tables and issues about relativity between levels in between guidelines before these are discussed by the full Council at a later meeting.

5. DISCUSSION ON PUBLIC ORDER – PRESENTED BY LISA FROST, OFFICE OF THE SENTENCING COUNCIL

- 5.1 The Council considered consultation responses and research findings for the s4, s4A and s5 Public Order offences relating to disorderly behaviour. Based on these, minor amendments to culpability and harm factors were agreed. Some adjustment to s4 sentences were agreed to

provide for relativity with the common assault sentences in the draft revised assault guideline, given the overlap between these two offences.

- 5.2 The Council discussed the approach to sentencing racially and religiously aggravated offences and, in light of research findings, it was decided to adopt the approach previously agreed for the aggravated forms of other offences. This would ensure a consistent approach across guidelines.

6. DISCUSSION ON NEW ANALYSIS TO SUPPORT DRUGS GUIDELINE – PRESENTED BY AMBER ISAAC, OFFICE OF THE SENTENCING COUNCIL

- 6.1 The Council was given a presentation on progress with a new piece of analysis investigating the factors that influence sentences imposed at the Crown Court for drug offences. This analysis includes culpability, harm, aggravating and mitigating factors, information on guilty pleas and demographic factors.

- 6.2 The Council considered and discussed the analysis, and aims to publish it when completed, alongside the launch of the guideline consultation.

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

- 7.1 The Council considered the assessment of harm for the main Misuse of Drugs Act 1971 offences and agreed to make some changes to the drugs listed in the harm tables, to take account of changes in the way these offences are committed and of new drugs coming into the market. The Council decided not to revise the indicative quantities in the current guideline, but agreed changes to wording for the highest quantities of drugs above those set out in Category 1 harm.

- 7.2 The Council also agreed an approach to the assessment of harm for the main Psychoactive Substances Act 2016 offences, which can cover a very wide range of substances. The Council decided to consult on an approach based on quantity of drug, also taking into account any evidence of particular harm caused by the substance in question.

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

- 8.1 The Council considered findings from early research with Crown Court judges on the revised draft ABH guideline and for the early revised draft GBH guidelines.

- 8.2 The Council agreed some minor amendments to factors within the draft guidelines based on the research findings. Final approval of the draft guidelines will be made at a later date once the draft resource assessment has been prepared and reviewed.

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