

MEETING OF THE SENTENCING COUNCIL

30 JULY 2021

MINUTES

Members present:

Tim Holroyde (Chairman)
Rosina Cottage
Rebecca Crane
Rosa Dean
Michael Fanning
Diana Fawcett
Adrian Fulford
Jo King
Juliet May
Maura McGowan
Alpa Parmar
Beverley Thompson

Apologies:

Nick Ephgrave
Max Hill

Representatives:

Elena Morecroft for the Lord Chief Justice (Legal and Policy Advisor to the Head of Criminal Justice)
Hannah Von Dadelszen. Head Directorate of Legal Services, for the CPS

Observer:

Richard Mobbs of the CPS

Members of Office in attendance:

Steve Wade
Mandy Banks
Phil Hodgson
Vicky Hunt
Emma Marshall
Ruth Pope
Ollie Simpson

1. MINUTES OF LAST MEETING

1.1 The minutes from the meeting of 25 June 2021 were agreed.

2. MATTERS ARISING

2.1 The Chairman welcomed Nic Mackenzie and Gail Peachey who had recently joined the Analysis and Research team as principal research officers to lead on social research.

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

3.1 The Council considered proposed changes to the sentencing tables in the Membership of a proscribed organisation (Terrorism Act 2000, section 11), and the Support of a proscribed organisation (Terrorism Act 2000, section 12) guidelines which take into account the new statutory maximum sentences brought in by the Counter Terrorism and Sentencing Act 2021 which has increased the maximum from 10 to 14 years for both offences.

3.2 The Council also considered some additional guidance within the Preparation of terrorism acts (Terrorism Act 2006, section 5) guideline to assist judges sentencing cases that have police or security service involvement to the extent that harm is unlikely to ever be caused.

3.3 The Council discussed and agreed the changes.

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

4.1 The Council considered a report on research that had been carried out with sentencers on the Totality guideline. It was agreed that the report should be prepared for publication in the autumn.

4.2 In the light of the findings of the research it was agreed that improvements could be made to the presentation and style of the guideline. The Council considered that a more comprehensive review of the content would be useful. The revision of the guideline would be added to the work plan.

5. DISCUSSION ON WITNESS INTIMIDATION AND PERVERTING THE COURSE OF JUSTICE – PRESENTED BY MANDY BANKS, OFFICE OF THE SENTENCING COUNCIL

5.1 The Council discussed the scope of a new project looking at public justice offences. In a previous discussion on future priorities the Council had agreed to add witness intimidation and perverting the course of justice to the work plan, and it was agreed during the meeting that witness intimidation would cover both the s.51(1) and (2) offence.

- 5.2 The Council discussed other offences to potentially be included within the scope of the project, and it was decided that for a number of reasons, including very low volumes of cases sentenced, both perjury and contempt would not be included.
- 5.3 The Council agreed that assisting an offender offences would be included within the project. The Council also briefly considered offences under s.44,45 and 46 of the Serious Crime Act 2007, and s.45 of the Serious Crime Act 2015, and asked that volumes of cases sentenced be brought back to the next Council meeting, before a decision was made on whether they should be included or not.

6. DISCUSSION ON IMMIGRATION AND ANIMAL CRUELTY OPTIONS – PRESENTED BY OLLIE SIMPSON, OFFICE OF THE SENTENCING COUNCIL

- 6.1 The Council considered whether to postpone work on immigration guidelines pending the introduction of new legislation, and to focus on animal cruelty offences where the maximum penalty has recently been increased. The Council agreed that it was sensible to wait until the prospective changes to the immigration penalties and offences had been made before work re-commenced on those guidelines.
- 6.2 The Council agreed to commence work on revising the Animal cruelty guideline given that the change to the maximum penalty applies to offences committed on or after 29 June 2021.

7. DISCUSSION ON WHAT NEXT FOR THE SENTENCING COUNCIL? – PRESENTED BY EMMA MARSHALL, OFFICE OF THE SENTENCING COUNCIL

- 7.1 The Council was provided with a short update on progress with work arising from the ‘What next for the Sentencing Council?’ consultation and a timetable for this. A strategy document to accompany the response document is also being prepared.

8. DISCUSSION ON MODERN SLAVERY– PRESENTED BY OLLIE SIMPSON, OFFICE OF THE SENTENCING COUNCIL

- 8.1 Following further detailed consideration of responses to the consultation, the Council signed off the Modern slavery guidelines for publication on 12 August to come into effect on 1 October 2021.

9. DISCUSSION ON MINOR AMENDMENTS TO GUIDELINES – PRESENTED BY RUTH POPE, OFFICE OF THE SENTENCING COUNCIL

- 9.1 The Council agreed the amendments to be consulted on for the following: the Breach of a sexual harm prevention order guideline; compensation and confiscation across all relevant guidelines; the uplift for racially or religiously aggravated offences and the Domestic abuse overarching principles guideline. It was agreed to consult on these changes in the autumn.
- 9.2 The Council agreed that some interim guidance should be added to the Animal cruelty guideline pending a revision of the guideline. It was also agreed that the guideline for use in magistrates' court for the offence contrary to section 25(5) of the Identity Documents Act 2006 should be removed. This offence has been repealed and there was a danger that the outdated guideline could be misleading.
- 9.3 The Council considered that a review of the expanded explanation for the mitigating factor 'Involved through coercion, intimidation or exploitation' should await an evaluation of the expanded explanations to be undertaken in 2022.
- 9.4 The Council noted that the volumes for the offence contrary to section 44 of the Vehicle Excise and Registration Act 1994 had increased in recent years from a low point in 2016 and that further work should be done to consider how the Vehicle licence/registration fraud guideline should be revised.

10. DISCUSSION ON ARCHIVING GUIDELINES – PRESENTED BY PHIL HODGSON, OFFICE OF THE SENTENCING COUNCIL

- 10.1 The Council agreed that a digital archive of sentencing guidelines should be created that would include SGC guidelines and be available directly to the public via the Council's website. It was agreed that the Communication team would investigate options for creating and managing the archive and make recommendations to the Confidence and Communication sub-group.