

MEETING OF THE SENTENCING COUNCIL

24 SEPTEMBER 2021

MINUTES

Members present:

Tim Holroyde (Chairman)
Rosina Cottage
Rebecca Crane
Nick Ephgrave
Michael Fanning
Max Hill
Jo King
Maura McGowan
Alpa Parmar
Beverley Thompson

Apologies:

Rosa Dean
Diana Fawcett
Adrian Fulford
Juliet May

Representatives:

Elena Morecroft for the Lord Chief Justice (Legal and Policy Advisor to the Head of Criminal Justice)
Christina Pride for the Lord Chancellor (Deputy Director for Bail, Sentencing and Release Policy)

Members of Office in attendance:

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

1. MINUTES OF LAST MEETING

- 1.1 The minutes from the meeting of 30 July 2021 were agreed.

2. MATTERS ARISING

- 2.1 The Chairman welcomed Christina Pride who is the new Deputy Director for Bail, Sentencing and Release Policy and attending as the Lord Chancellor's representative.

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

- 3.1 This month the Council considered one final minor change to the proposed Preparation of terrorism acts (Terrorism Act 2006, section 5) and Explosive substances (terrorism only) guidelines. The minor change was an amendment to the guidance on when the new serious terrorism sentence provisions may apply.
- 3.2 The Council then signed off the final package of guidelines and the resource assessment ready for a consultation launch on 22 October 2021.
- 3.3 The Council also discussed one chapter in the consultation document on life sentences in terrorism cases and agreed that this section should be included and approved the wording.

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

- 4.1 The Council considered the draft five-year strategy document that will accompany the response to the *What Next for the Sentencing Council?* consultation. The document's content and format were agreed and will be published in November.

5. DISCUSSION ON ENVIRONMENTAL OFFENCES – PRESENTED BY RUTH POPE, OFFICE OF THE SENTENCING COUNCIL

- 5.1 The Council considered a letter received from the Herts Fly Tipping Group requesting that the Council consider making changes to the Environmental offences guideline specifically in relation to the way it operates in sentencing fly tipping cases.
- 5.2 The Council observed that many of the suggestions made in the letter were outside the remit of the Council or contrary to legislation. While acknowledging the serious problems caused by fly tipping, the Council found no evidence that changes to the guideline would address those problems.

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

6.1 The Council considered the general approach to revisions of the animal cruelty guideline to reflect the raised maximum penalty. It was agreed in principle that if possible the revised guideline would apply to offences committed under sections 4 to 8 of the Animal Welfare Act 2006. As the guideline is developed any consequent amendments to the existing guideline for section 9 (breach of duty of person responsible for animal to ensure welfare) would be considered.

6.2 The Council considered whether it would be useful to combine work on this guideline with a guideline for the prospective offence of pet abduction; it was agreed to monitor developments on and timing of that new offence.

7. DISCUSSION ON MOTORING OFFENCES – PRESENTED BY LISA FROST, OFFICE OF THE SENTENCING COUNCIL

7.1 The Council considered step one and step two factors for the three dangerous driving offences of causing death by dangerous driving, causing serious injury by dangerous driving and dangerous driving.

7.2 The Council considered the current approach to assessing the seriousness of offences in existing guidance, and considered relevant factors and the approach to assessing culpability in the new guidelines. Aggravating and mitigating factors were also discussed, and it was agreed that a further review of factors would be undertaken based on points raised at the meeting. The approach to assessing harm for each offence was agreed.

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

8.1 The Council discussed draft guidelines for perverting the course of justice and witness intimidation offences. The Council was broadly content with the approach of the proposed drafts, albeit with some minor amendments and rewording to some of the factors.

8.2 The Council discussed the extent to which the factors should be similar to one another within the guidelines, and asked that this be considered in the redrafting of some of the factors. The Council also agreed that the Serious Crime Act Offences discussed at the last meeting would not be included within the scope of the project.

9. DISCUSSION ON FIREARMS IMPORTATION – PRESENTED BY RUTH POPE, OFFICE OF THE SENTENCING COUNCIL

9.1 The Council considered responses to the consultation relating to harm and culpability factors. A short survey had been conducted with judges to test some of the points raised by respondents. Taking into account the consultation responses and the survey findings, the Council agreed some changes to the culpability and harm factors to ensure that the guideline works as intended and to achieve consistency with existing firearms guidelines.