

MEETING OF THE SENTENCING COUNCIL

16 DECEMBER 2022

MINUTES

Members present: Bill Davis (Chairman)
Tim Holroyde
Rebecca Crane
Rosa Dean
Nick Ephgrave
Diana Fawcett
Elaine Freer
Max Hill
Jo King
Stephen Leake
Juliet May
Maura McGowan
Beverley Thompson
Richard Wright

Representatives: Claire Fielder for the Lord Chancellor (Director,
Youth Justice and Offender Policy)

Members of Office in
attendance: Steve Wade
Jessie Stanbrook
Ruth Pope
Ollie Simpson

1. MINUTES OF LAST MEETING

- 1.1 The minutes from the meeting of 18 November 2022 were agreed.

2. MATTERS ARISING

- 2.1 The Chairman noted that this was Maura McGowan's last meeting as a High Court member of the Sentencing Council. He thanked her for all her valuable contributions over the last six years.

3. DISCUSSION ON CHILD CRUELTY – PRESENTED BY OLLIE SIMPSON, OFFICE OF THE SENTENCING COUNCIL

- 3.1 The Council considered responses to the consultation on revisions to the child cruelty guideline. Given the balance of responses were in favour of the amendments to the guideline that were consulted on, the Council agreed to publish those amendments without making any changes.

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

- 4.1 The Council considered the responses to the consultation and noted that respondents were generally supportive of the proposals with some making helpful suggestions for changes.
- 4.2 In response to a suggestion, the Council agreed to amend the wording on disqualification in the drug driving guidance and the excess alcohol, unfit through drink or drugs (drive/attempt to drive) and fail to provide specimen for analysis (drive/attempt to drive) guidelines.
- 4.3 The Council considered suggestions for changes to the proposed wording obligatory disqualification guidance and agreed to make two suggested changes. The Council also agreed to some changes suggested by respondents to the wording on minimum terms.

5. DISCUSSION ON MOTORING – PRESENTED BY OLLIE SIMPSON, OFFICE OF THE SENTENCING COUNCIL

- 5.1 The Council considered responses to the consultation on revised motoring guidelines, looking particularly at culpability elements and aggravating and mitigating factors.
- 5.2 A number of changes were made to the draft culpability factors for dangerous and careless driving offences, including some relating to drink and drug driving, driving being impaired as a result of medical conditions and the use of mobile phones and other devices. Refinements were also made to the wording of step two factors.

6. DISCUSSION ON IMPOSITION – PRESENTED BY JESSIE STANBROOK, OFFICE OF THE SENTENCING COUNCIL

- 6.1 The Council considered three potential new sections for inclusion in the Imposition of custodial and community sentences guideline: deferred sentencing, the five purposes of sentencing and points of principle on issues affecting specific cohorts of offenders.
- 6.2 The Council agreed to include reference to deferred sentencing at the beginning of the guideline, with more work to be done on the level of detail of the information to be included. It was also agreed to include reference to the five purposes of sentencing, with further consideration to be given to the information attached to each of these purposes.
- 6.3 Finally, it was agreed that the Imposition guideline should also include direct reference to the Equal Treatment Bench Book, a direct link to relevant overarching guidelines and points of principle on issues affecting sentencing female offenders, to be drafted at a later date.

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