

Sentencing Council

MEETING OF THE SENTENCING COUNCIL

3 MARCH 2023

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
Beverley Thompson
Mark Wall
Richard Wright

Representatives:

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

Members of Office in
attendance:

Steve Wade
Mandy Banks
Ruth Pope
Ollie Simpson
Jessie Stanbrook

1. MINUTES OF LAST MEETING

- 1.1 The minutes from the meeting of 27 January 2023 were agreed.

2. MATTERS ARISING

- 2.1 The Chairman noted that the publication in February of the sentencing guidelines for sale of knives by retailers to children had received good coverage in print media including trade media.

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

- 3.1 The Council discussed proposed amendments to the imposition of custodial orders section, including amendments to the questions asked to sentencers when considering suspending custodial sentences.
- 3.2 The Council also considered proposed amendments to the sentencing flow chart, aligning with the proposed amendments to the custodial sentence section, and looked at a first draft of a potential new section on the purposes of sentencing and effectiveness. Most proposals were approved with various amendments to the specific drafting, which a working group would look at in more detail.
- 3.3 The Council preliminarily agreed to the new section on purposes of sentencing and effectiveness with more work to be done in particular on the paragraphs about sentencing particular cohorts of offenders.

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

- 4.1 The Council discussed responses received on the driving disqualification guidance which had been consulted on as part of the motoring consultation in 2022.

5. DISCUSSION ON BLACKMAIL, KIDNAP AND THREATS TO DISCLOSE – PRESENTED BY MANDY BANKS, OFFICE OF THE SENTENCING COUNCIL

- 5.1 The Council considered the results of a small scale resentencing exercise that had taken place amongst judicial members using a draft combined kidnap and false imprisonment guideline. The Council agreed on a number of changes to the draft guideline, to assist in the appropriate categorisation of cases, and that a second resentencing exercise would take place to see if the changes agreed upon resulted in the desired effect. The results of this exercise would then be discussed at a future meeting.

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

6.1 The Council considered consultation responses regarding sentence levels and aggravating and mitigating factors. The Council noted that the consultation responses broadly agreed with the proposed sentence levels and step two factors, and so agreed just some small amendments to the guidelines after considering some points of detail.

6.2 The Council also considered consultation responses and updated sentencing data relating to equality and diversity within the guidelines. There will be one further meeting to consider the final resource assessment ahead of the publication of the definitive guidelines later in the year.

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

7.1 Following the consultation on a revised Totality guideline, the Council considered the responses to the consultation relating to the structure and basic outline of the guideline. The Council agreed to retain the overall structure of the guideline but to make some changes to the text and the order of some parts based on helpful suggestions from respondents.

7.2 The responses to the consultation relating to the examples and more detailed information in the guideline will be discussed at the meeting at the end of March.

8. DISCUSSION ON ENVIRONMENTAL REVISION – PRESENTED BY RUTH POPE, OFFICE OF THE SENTENCING COUNCIL

8.1 The Council agreed to include some minor proposed changes to the environmental guideline for individuals (Individuals: Unauthorised or harmful deposit, treatment or disposal etc of waste/ Illegal discharges to air, land and water) in the miscellaneous amendments consultation in the autumn of 2023. The proposals are designed to give slightly more emphasis to community sentences over fines for some levels of offending.