

MEETING OF THE SENTENCING COUNCIL

4 MARCH 2022

MINUTES

| | |
|---|--|
| <u>Members present:</u> | Tim Holroyde (Chairman) Rosina Cottage Rebecca Crane Rosa Dean Nick Ephgrave Michael Fanning Diana Fawcett Adrian Fulford Max Hill Jo King Juliet May Maura McGowan Alpa Parmar Beverley Thompson |
| <u>Representatives:</u> | Hanna van den Berg for the Lord Chief Justice (Legal and Policy Advisor to the Head of Criminal Justice) Claire Fielder for the Lord Chancellor (Director, Youth Justice and Offender Policy) |
| <u>Observers:</u> | Kate Chanter, Criminal Appeal Office |
| <u>Members of Office in attendance:</u> | Steve Wade Mandy Banks Ruth Pope Zeinab Shaikh Ollie Simpson |

1. MINUTES OF LAST MEETING

- 1.1 The minutes from the meeting of 28 January 2022 were agreed.

2. MATTERS ARISING

- 2.1 The Chairman welcomed members to the first hybrid meeting of the Council after two years of fully remote meetings and noted that this was likely to be the format for the next few months.

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

- 3.1 The Council considered sentencing levels for dangerous and careless driving offences, draft guidelines for motoring offences committed whilst disqualified, unlicensed and uninsured, and a draft guideline for the offence of wanton or furious driving, which can be charged for incidents involving bicycles

4. DISCUSSION ON ANIMAL CRUELTY – PRESENTED BY ZEINAB SHAIKH, OFFICE OF THE SENTENCING COUNCIL

- 4.1 The Council signed off revised guidelines for animal cruelty offences under sections 4-9 of the Animal Welfare Act 2006, for public consultation in the spring. The Council confirmed it was broadly content with proposed updates to step 1 factors and to splitting the guideline into two, with one guideline covering section 4-8 offences and the other covering the section 9 offence.

- 4.2 The Council also considered a draft resource assessment to accompany the proposed guidelines at consultation

5. DISCUSSION ON BURGLARY – PRESENTED BY MANDY BANKS, OFFICE OF THE SENTENCING COUNCIL

- 5.1 The Council discussed the draft guidelines for the final time ahead of publication of the definitive guidelines in the spring. The Council reviewed all the changes that had been made to the guidelines following consideration of the consultation responses, and agreed a couple of further minor amendments.

- 5.2 The Council also considered a draft of the resource assessment which would accompany publication of the guidelines, and made some slight changes.

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

- 6.1 The Council agreed proposed changes to the format of the Totality guideline in which the examples were placed in dropdown boxes and

the remaining key text was kept together. The Council also agreed some small changes to the key text to aid clarity. The content in the table on 'fines in combination with other sentences' was updated in line with current legislation.

- 6.2 The Council discussed whether the footnotes referencing legislation and caselaw should be retained. It was agreed to embed statutory references in the text and to consider extracting the relevant information from key cases.
- 6.3 Consideration was given to the suggestion that the guideline should remind sentencers to explain how the sentence has been constructed. It was suggested that this could be addressed in the 'General approach' section.

7. DISCUSSION ON UNDERAGE SALE OF KNIVES – PRESENTED BY RUTH POPE, OFFICE OF THE SENTENCING COUNCIL

- 7.1 The Council agreed that the scope of guidelines should be limited to the type of offences that are actually being prosecuted and that this should be made clear on the face of the guidelines.
- 7.2 The Council considered the culpability factors for sentencing individuals and agreed some changes to the factors proposed to improve clarity. It was agreed that one level of harm was appropriate and the wording was amended to include a reference to the harm caused to the wider community by this offending.
- 7.3 The Council agreed the revised sentence levels for organisations and discussed the proposed levels for individuals. It was agreed to consult on the proposed levels but to invite views on whether the fine band for the lowest level of culpability was sufficient.
- 7.4 The Council agreed to consult on the two guidelines for this offence.