

Sentencing Council

MEETING OF THE SENTENCING COUNCIL

8 APRIL 2022

MINUTES

<u>Members present:</u>	Tim Holroyde (Chairman) Rosina Cottage Rosa Dean Michael Fanning Diana Fawcett Jo King Juliet May Maura McGowan Alpa Parmar Beverley Thompson
<u>Apologies:</u>	Rebecca Crane Nick Ephgrave Adrian Fulford Max Hill
<u>Representatives:</u>	Hanna van den Berg for the Lord Chief Justice (Legal and Policy Advisor to the Head of Criminal Justice) Lynette Woodrow, for the DPP (Head of the Director of Legal Services Team) Claire Fielder for the Lord Chancellor (Director, Youth Justice and Offender Policy)
<u>Observers:</u>	Naomi Ryan, Criminal Appeal Office Debra Anthony, MoJ
<u>Members of Office in attendance:</u>	Steve Wade Ruth Pope Ollie Simpson

1. MINUTES OF LAST MEETING

- 1.1 The minutes from the meeting of 4 March 2022 were agreed.

2. MATTERS ARISING

- 2.1 The Chairman welcomed Jessie Stanbrook who was observing the meeting ahead of joining the office as a senior policy adviser.

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

- 3.1 The Council considered what amendments to make to the existing child cruelty guidelines as a result of the changes to the maximum penalties for these offences being made by the Police, Crime, Sentencing and Courts Bill. It was agreed to consult on revised sentence levels to take account of cases of extreme culpability.

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

- 4.1 The Council discussed changes to the guideline to address some technical issues regarding changes to release provisions and to embed statutory references and the key points from any relevant case law in the text. The Council also considered adding further guidance for sentencing offences committed prior to other offences for which an offender has already been sentenced. The Council concluded that this would be useful guidance and that further consideration should be given as to how best to integrate it into the guideline.
- 4.2 The Council discussed an academic paper which proposed a different process for sentencing multiple offences based on the assessment of harm and culpability. The Council was not persuaded that the approach was workable but did agree that the assessment of harm and culpability is fundamental to the sentencing process and that reference should be made to it in the Totality guideline.
- 4.3 The Council decided to set up a working group to come up with proposals on the outstanding issues which will be discussed by the full Council in the summer.

5. DISCUSSION ON BUSINESS PLAN AND RISK REGISTER – PRESENTED BY OLLIE SIMPSON, OFFICE OF THE SENTENCING COUNCIL

- 5.1 The Council considered the draft of the Business Plan for 2022-23, making textual revisions. It was thought that some elements of the plan could be provided by way of links from the document as a way of making the key parts of the document more accessible.
- 5.2 The Council also considered its risk register and held a discussion about risk. It was agreed to make risk an annual agenda item, whilst

delegating ongoing consideration of the risk register to the Governance sub-group.

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

- 6.1 The Council considered responses to the consultation which ran from October 2021 to January 2022 on revisions brought in by the Counter Terrorism and Sentencing Act 2021. Discussions were also informed by research that had been carried out with sentencers on the proposed changes.
- 6.2 The Council agreed revisions to the Preparation of terrorist acts and Explosive substances (terrorism only) guidelines related to the introduction of 'serious terrorism sentences'. The Council also discussed amendments to the sentence levels for Membership of a proscribed organisation and Support of a Proscribed organisation guidelines and agreed some changes.