

## MEETING OF THE SENTENCING COUNCIL

12 MAY 2023

### MINUTES

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Members present: Bill Davis (Chairman)  
Tim Holroyde  
Rosa Dean  
Diana Fawcett  
Elaine Freer  
Max Hill  
Jo King  
Stephen Leake  
Juliet May  
Mark Wall  
Richard Wright

Apologies: Beverley Thompson

Representatives: Claire Fielder for the Lord Chancellor (Director,  
Youth Justice and Offender Policy)  
Elena East for the Lord Chief Justice (Deputy to  
the Head of the Criminal Justice Team for the  
President of the King's Bench Division)

Observers: Sukhi Bakhshi – Criminal Appeal Office  
Tammy Mears - CPS  
Jonathan Bushell - CPS

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 31 March 2023 were agreed.

## **2. MATTERS ARISING**

- 2.1 The Chairman updated the Council on the progress in recruiting for the police and circuit judge vacancies on the Council.

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

- 3.1 The Council discussed a number of amendments to the community order levels section and approved all proposals to amend, in part to encourage sentencers to use the list of possible requirements more flexibly and creatively and to encourage the imposition of requirements for the purposes of rehabilitation more in line with offenders' needs.
- 3.2 The Council also approved the addition of paragraphs on determining the length of a community order and the operational and supervision period of a suspended sentence order, including how to consider time remanded in custody or on qualifying curfew, with some amendments.

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

- 4.1 The Council considered final amendments to the motoring guidelines, including to the sentence levels and harm factors in the guideline for dangerous driving. The Council also noted the resource assessment and signed off the guidelines for publication in June.

## **5. DISCUSSION ON PERVERTING THE COURSE OF JUSTICE – PRESENTED BY MANDY BANKS, OFFICE OF THE SENTENCING COUNCIL**

- 5.1 The Council discussed and agreed the final versions of the perverting the course of justice and witness intimidation guidelines and the final resource assessment. It was noted that the guidelines were generally well received during the consultation so the changes post consultation had been reasonably modest.
- 5.2 The Council agreed that the definitive versions of the guidelines would be published in the summer and come into force in the autumn.

## **6. DISCUSSION ON BLACKMAIL, KIDNAP AND FALSE IMPRISONMENT – PRESENTED BY MANDY BANKS, OFFICE OF THE SENTENCING COUNCIL**

6.1 The Council discussed the findings of the recent resentencing exercise for kidnap and false imprisonment and agreed that the changes made to the guideline had had the desired effect. Some minor changes to the wording of some of the factors, arising out of the exercise was agreed.

6.2 The Council also agreed to change the title of the disclosing private sexual images guideline to include a reference to threats to disclose images. There will be one further meeting to sign off the guidelines ahead of the consultation, and to discuss the draft resource assessment.

## **7. DISCUSSION ON DOMESTIC HOMICIDE– PRESENTED BY RUTH POPE, OFFICE OF THE SENTENCING COUNCIL**

7.1 The Council considered the recommendations relating to sentencing guidelines in the Domestic Homicide Sentencing Review carried out by Clare Wade KC. The Lord Chancellor had written to the Chairman asking the Council to consider recommendation 16 in the review relating to manslaughter in the context of consensual sexual activity.

7.2 The Council noted that the Government was yet to issue a full response to the review and decided to set up a working group to consider the evidence relating to manslaughter and report back to the full Council.

7.3 The Council was particularly concerned that the issue of strangulation should be properly reflected in guidelines and noted that it planned to start work on a guideline for the new offence of non-fatal strangulation soon. The Chairman would write to the Lord Chancellor setting out the position.

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

8.1 The Council considered items for inclusion in this year's miscellaneous amendments and agreed to consult on small amendments to the Allocation, Children and young people, Breach of a protective order and Supply of controlled drugs guidelines.

8.2 The Council also considered possible changes to the wording relating to domestic abuse in offence specific guidelines and agreed to consider this further at a later meeting.

## **9. DISCUSSION ON BUSINESS PLAN – PRESENTED BY OLLIE SIMPSON, OFFICE OF THE SENTENCING COUNCIL**

9.1 The Council considered and agreed the 2023-24 Business Plan for publication.