

## MEETING OF THE SENTENCING COUNCIL

13 MAY 2022

### MINUTES

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<u>Members present:</u>	Tim Holroyde (Chairman) Rosina Cottage Rebecca Crane Rosa Dean Nick Ephgrave Michael Fanning Diana Fawcett Adrian Fulford Jo King Maura McGowan Alpa Parmar Beverley Thompson
<u>Apologies:</u>	Max Hill Juliet May
<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>	Sarah Bergstrom, 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 8 April 2022 were agreed.

## **2. MATTERS ARISING**

- 2.1 The Chairman noted that this was the last meeting for both Adrian Fulford and Mike Fanning. He thanked them both for their excellent work on behalf of the Council. On behalf of the Council he wished Adrian well for his retirement. He also thanked Mike for having continued to serve after his appointment as a Circuit Judge, in order to allow time for a new District Judge member to be appointed.

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

- 3.1 The Council considered and agreed draft guidance on disqualification periods for inclusion in the proposed motoring guidelines. Following a discussion on the estimated impacts of the proposed guidelines on the prison population, the Council agreed to sign off on the 12 draft motoring guidelines for consultation.

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

- 4.1 The Council considered a diverse range of matters, many of which were raised by guideline users but which also included changes necessitated by the Police, Crime, Sentencing and Courts (PCSC) Act 2022. The Council agreed to consult on changes to the wording on discretionary disqualification in the explanatory materials to the magistrates' courts sentencing guidelines and breach of a post sentence supervision guideline.
- 4.2 The Council also agreed that some of the changes arising from the PCSC Act could be made without consultation, but the exact wording of the revised text in guidelines should be discussed and agreed at the June Council meeting in time for them coming into force on 28 June 2022.

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

- 5.1 The Council considered proposals for work on a new guideline for blackmail offences, noting that blackmail was one of the few serious offences remaining without a guideline. The Council confirmed that work should start on this new guideline.

- 5.2 The Council also discussed some changes brought in by the Domestic Abuse Act 2021, namely the expansion of the disclosing private sexual images offence to include threats to disclose, and the creation of the new strangulation and suffocation offence. The commencement date for the latter offence is to be June 2022.
- 5.3 The Council discussed the merits of either starting work straight away on a new guideline for the strangulation and suffocation offence, or waiting for a period of time to see volumes of likely cases, etc before starting work, and potentially creating some interim guidance in the meantime. The Council asked that thought be given to creating some interim guidance, to be brought back to the meeting next time the project is discussed.
- 5.4 As it has been a year since the changes to the disclosing private sexual images offence came into force, the Council was content for work to begin to either amend the existing guideline or potentially develop a new guideline, to take into account the changes.

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

- 6.1 The Council considered responses to the consultation on the approach to cases involving undercover police or security services in the Preparation of terrorist acts, and Explosive substances (terrorism only) guidelines and agreed changes to take account of those responses and the research carried out with judges.
- 6.2 The Council discussed the remaining issues arising from the consultation and signed-off the revised guidelines for publication in July, to come into force in October.

**7. DISCUSSION ON AGGRAVATED VEHICLE TAKING – PRESENTED BY ZEINAB SHAIKH, OFFICE OF THE SENTENCING COUNCIL**

- 7.1 This was the first meeting to discuss potential revisions to the sentencing guidelines for aggravated vehicle taking without consent, last updated in 2008. The Council considered the scope of this offence and agreed to proceed with four sentencing guidelines for offences involving: vehicle/property damage; dangerous driving; injury; and death.
- 7.2 The Council also discussed how culpability and harm factors could be updated in line with the structure of more recent guidelines, agreeing to a number of revisions and additional factors.