

MEETING OF THE SENTENCING COUNCIL

17 NOVEMBER 2023

MINUTES

Members present:

Bill Davis (Chairman)
Rosa Dean
Simon Drew
Elaine Freer
Tim Holroyde
Jo King
Stephen Leake
Juliet May
Rob Nixon
Stephen Parkinson
Johanna Robinson
Beverley Thompson
Mark Wall
Richard Wright

Representatives:

Claire Fielder for the Lord Chancellor (Director,
Youth Justice and Offender Policy)
Naomi Ryan for the Lord Chief Justice (Legal
Adviser to the President of the King's Bench
Division)

Members of Office in
attendance:

Steve Wade
Lisa Frost
Vicky Hunt
Ruth Pope
Ollie Simpson

1. MINUTES OF LAST MEETING

- 1.1 The minutes from the meeting of 20 October 2023 were agreed.

2. MATTERS ARISING

- 2.1 The Chairman welcomed Stephen Parkinson to his first meeting following his recent appointment as Director of Public Prosecutions. He also welcomed the new victims' representative member, Johanna Robinson to her first meeting.

3. DISCUSSION ON IMMIGRATION – PRESENTED BY VICKY HUNT, OFFICE OF THE SENTENCING COUNCIL

- 3.1 The Council considered a first draft of a guideline which combines the offences of Knowingly enters the UK without leave (s24(B1) Immigration Act 1971), and Knowingly arrives in the UK without valid entry clearance (s24(D1) Immigration Act 1971). The Council discussed and agreed changes to the proposed harm model and sentence table.
- 3.2 The Council also looked again at the scope of the project to decide whether they still want to include the offence of Overstaying (which is very low volume), and Knowingly arrives without an electronic travel authorisation (which is not yet in force). The Council agreed that these two offences should no longer be included within this project.

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

- 4.1 The Council discussed whether it would be helpful for guidelines to include more information on ancillary orders. It was agreed to develop information for the Crown Court as well as for magistrates' courts and to explore how best to present the information in guidelines.

5. DISCUSSION ON NON-FATAL STRANGULATION – PRESENTED BY LISA FROST, OFFICE OF THE SENTENCING COUNCIL

- 5.1 The Council continued its consideration of a draft guideline and sentences for the offence of non-fatal strangulation. Culpability factors were agreed and it was agreed that the highest category of harm should be aligned with the highest GBH harm factor. The Council noted the lack of available data on offence volumes and the difficulties this posed for estimating the impacts of the guideline.
- 5.2 After considerable debate it was agreed that sentence levels would be agreed when more data was available in the new year. This would delay the consultation publication by a few weeks but it was considered necessary to have better evidence.

6. DISCUSSION ON WILDLIFE OFFENCES – PRESENTED BY OLLIE SIMPSON, OFFICE OF THE SENTENCING COUNCIL

- 6.1 The Council considered the scope for a potential project for wildlife offences guidelines. The Council agreed that further discussion with stakeholders would be helpful, with a particular focus on issues related to hare coursing.

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

- 7.1 The Council discussed whether any changes could be made to the Reduction in sentence for a guilty plea guideline to encourage offenders who would otherwise plead close to the trial, to plead earlier in the court process.
- 7.2 The Council agreed that the issues identified could not be solved by changes to the guideline and expressed a willingness to take part in a criminal justice system-wide review of the process.