

MEETING OF THE SENTENCING COUNCIL

20 OCTOBER 2023

MINUTES

<u>Members present:</u>	Bill Davis (Chairman) Rosa Dean Simon Drew Max Hill Tim Holroyde Jo King Stephen Leake Juliet May Rob Nixon Beverley Thompson Mark Wall Richard Wright
<u>Apologies:</u>	Elaine Freer Johanna Robinson
<u>Representatives:</u>	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)
<u>Observers:</u>	Lynette Woodrow, Deputy Chief Crown Prosecutor, CPS Laura Kaplan, Specialist Prosecutor, CPS
<u>Members of Office in attendance:</u>	Steve Wade Lisa Frost Vicky Hunt Ollie Simpson

1. MINUTES OF LAST MEETING

- 1.1 The minutes from the meeting of 22 September 2023 were agreed.

2. MATTERS ARISING

- 2.1 The Chairman noted that this was Max Hill's last meeting as his term as Director of Public Prosecutions was coming to an end. He thanked him for his valuable contribution to the work on the Council over the last five years and wished him well for the future.

- 2.2 The Chairman also announced the appointment of the new victims' representative member of the Council - Johanna Robinson. Unfortunately due to travel difficulties she was unable to attend the meeting but would be participating in the work of the Council from now on.

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

- 3.1 The Council considered and agree a mid-year update to the Business Plan for publication, which reflected the Council's current guideline workplan.

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

- 4.1 The Council considered a revised draft of a guideline for the immigration offence of deception (s24A, Immigration Act 1971) and agreed to a new harm model and sentencing table.
- 4.2 In addition, the Council considered a first draft of a guideline for the offence of breach of a deportation order (s24(A1) Immigration Act 1971). The Council discussed and agreed the step 1 and 2 factors and will reconsider the sentence table at the next meeting.

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

- 5.1 The Council considered the seriousness assessment for a draft guideline the offence of Non-fatal strangulation. It was agreed that the draft guideline should include two categories of culpability and two of harm with factors to be finalised at the next meeting, along with aggravating and mitigating factors.
- 5.2 The Council agreed that sentences should have some parity with GBH section 20 offences, given the shared statutory maximum sentence and the seriousness of each offence. Although these will inform sentence starting points and ranges they would need to be calibrated to reflect fewer offence categories and different factors and their placement.

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

- 6.1 The Council discussed proposed guidance for driving disqualifications, for inclusion as part of the forthcoming consultation on motoring related matters. The Council agreed that comprehensive guidance would be of value to sentencers at all levels.