

## MEETING OF THE SENTENCING COUNCIL

21 JUNE 2024

### MINUTES

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Members present:

Tim Holroyde (Chairman)  
Elaine Freer  
Jo King  
Stephen Leake  
Juliet May  
Rob Nixon  
Stephen Parkinson  
Johanna Robinson  
Mark Wall  
Richard Wright

Apologies:

Bill Davis  
Simon Drew  
Amanda Rippon  
Beverley Thompson

Representatives:

Claire Fielder for the Lord Chancellor (Director,  
Youth Justice and Offender Policy)  
Jacqueline Beard for the Lady Chief Justice (Legal  
Adviser to the Head of Criminal Justice)

Members of Office in  
attendance:

Steve Wade  
Mandy Banks  
Phil Hodgson  
Vicky Hunt  
Ruth Pope  
Jessie Stanbrook

Observers:

Konrad Higgins, Lawyer, Criminal Appeal Office

## **1. MINUTES OF LAST MEETING**

- 1.1 The minutes from the meeting of 17 May 2024 were agreed.

## **2. MATTERS ARISING**

- 2.1 The Chairman noted that we are now more than half-way through the Council's five-year strategy and that work is now starting to look ahead to what the priorities for the following period should be. The head of office and senior team members will be setting up meetings with members to seek early views from members as to how this work should be shaped.

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

- 3.1 The Council considered further consultation findings on the proposed revised imposition guideline, specifically on the pre-sentence report (PSR) section. The Council agreed to retain the list of cohorts for whom a PSR will normally be considered necessary, with one additional cohort and several amendments to existing cohorts.
- 3.2 The Council also agreed to adding lines indicating that the cohorts list is non-exhaustive, and various amendments to the sub sections on Indication to Probation and Adjournments and on committal. The Council will consider further responses in relation to the remaining sections of the guideline in the next few meetings.

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

- 4.1 The Council considered various suggestions for changes to guidelines and agreed to consult on a revised careless driving guideline and some clarification in the driving otherwise than in accordance with a licence guideline.
- 4.2 The Council agreed to develop a guilty plea reduction calculator and to test this with guideline users before making it available on the Council's website.
- 4.3 The Council also agreed to consult on some terminology changes in the Children and young people guideline, the provision of an Annex to the Allocation guideline dealing with committal for sentence and clarification of some mitigating factors.

## **5. DISCUSSION ON ANCILLARY ORDERS – PRESENTED BY VICKY HUNT AND RUTH POPE, OFFICE OF THE SENTENCING COUNCIL**

- 5.1 The Council discussed and agreed the final drafts of the ancillary order guidance prior to consultation in September. The Council agreed

changes to the guidance on compensation, criminal behaviour orders, disqualification from being a company director, licensed premises exclusion orders, restraining orders, sexual harm prevention orders and sub-letting unlawful profit orders.

- 5.2 In addition the Council considered for the first time the draft guidance on forfeiture and destruction of drugs/ psychoactive substances, forfeiture of offensive weapons, forfeiture of property used in animal welfare offences, forfeiture or suspension of personal liquor licences, forfeiture – terrorism and deprivation of property orders.

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

- 6.1 The Council discussed responses to the consultation on the draft guidelines held earlier in the year, and noted that generally there was a positive reaction to the proposals.

- 6.2 The Council agreed to make minor amendments to the wording of some step one and step two factors in both guidelines, following suggestions by respondents.

**7. DISCUSSION ON ANNUAL REPORT – PRESENTED BY PHIL HODGSON, OFFICE OF THE SENTENCING COUNCIL**

- 7.1 The Council discussed the content of the Sentencing Council Annual Report 2023/24. Subject to amendments agreed at the meeting, the Council approved the report for submission to the Lord Chancellor.

**8. DISCUSSION ON PUBLIC ORDER – PRESENTED BY LISA FROST, OFFICE OF THE SENTENCING COUNCIL**

- 8.1 The Council considered the development of a draft guideline for public nuisance offences. The Council considered examples of the range of offending which can constitute the offence, and how a guideline could provide for the wide range of activity and motivation which may be involved in offences. Court of Appeal principles were considered as well as recent legislative amendments which have provided for a statutory maximum sentence of 10 years' imprisonment.
- 8.2 The Council noted that this would require the guideline to include sentences significantly higher than were imposed under the common law offence for which transcripts were analysed. Difficulties with obtaining clear evidence to inform the guidelines for new public order offences were discussed, given their recency and court backlogs meaning that many charged offences were likely to remain outstanding.
- 8.3 The Council agreed that further evidence of offending activity and current sentencing practice would be required to inform the guideline development and to undertake the resource assessment the Council is statutorily obliged to publish, which may mean that work on the project would be delayed until more evidence was available.

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