

MEETING OF THE SENTENCING COUNCIL

21 OCTOBER 2022

MINUTES

Members present: Bill Davis (Chairman)
Tim Holroyde
Rebecca Crane
Rosa Dean
Nick Ephgrave
Diana Fawcett
Elaine Freer
Max Hill
Jo King
Stephen Leake
Juliet May
Maura McGowan
Beverley Thompson

Apologies: Richard Wright

Representatives: Christina Pride for the Lord Chancellor (Deputy
Director Head of Bail, Sentencing and Release
Policy)

Members of Office in
attendance: Steve Wade
Ruth Pope
Zeinab Shaikh
Ollie Simpson
Jessie Stanbrook

1. MINUTES OF LAST MEETING

- 1.1 The minutes from the meeting of 23 September 2022 were agreed.

2. MATTERS ARISING

- 2.1 The Chairman noted that Jo King and Ollie Simpson had spoken at the Magistrates Association annual conference on the work of the Council and the ways that magistrates contribute to the work of the Council. The presentation was well received and those attending had provided helpful feedback on sentencing guidelines.

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

- 3.1 The Council discussed initial amendments to the Imposition guideline pertaining to its overall structure, the community order and the pre-sentence report sections (with remaining sections to be discussed at future meetings).
- 3.2 The Council agreed that the guideline should be restructured and reformatted, with the exact chronology to be agreed once all sections have been discussed. Some decisions were made on amendments to the information on community order requirements, the table setting out the three levels of community order, and the pre-sentence report sections, but exact wording and framing will be agreed at a later meeting.

4. DISCUSSION ON EFFECTIVENESS – PRESENTED BY OLLIE SIMPSON, OFFICE OF THE SENTENCING COUNCIL

- 4.1 The Council discussed the findings of the literature review of evidence on the effectiveness of sentencing published on 30 September. The Council agreed that there were various references which could be made to the evidence on sentencing and reoffending, including in the revised Imposition guideline and potentially in offence specific guidelines where this was appropriate.
- 4.2 The Council noted that there may be various reasons why a court might pass a short custodial sentence including when a longer sentence had been reduced for mitigation and for a guilty plea or because all non-custodial options had been tried with a repeat offender. The Council also considered future areas where research could be gathered, including in relation to female offenders and effectiveness in relation to other purposes of sentencing.

5. DISCUSSION ON REDUCTION IN SENTENCE FOR ASSISTANCE TO THE PROSECUTION – PRESENTED BY RUTH POPE, OFFICE OF THE SENTENCING COUNCIL

- 5.1 The Council considered a request from the Serious Fraud Office (SFO) on behalf of a number of law enforcement agencies for a new guideline

to provide greater certainty as to the amount of the reduction in sentence that will apply to those who enter into an agreement to assist the prosecution.

5.2 The Council was not persuaded that it would be possible to develop a guideline that would give more guidance than was currently contained in caselaw or that there was a case for devoting the necessary resources to such a guideline.

5.3 The Council agreed to discuss options for providing some limited guidance with the SFO.

6. DISCUSSION ON ANIMAL CRUELTY – PRESENTED BY ZEINAB SHAIKH, OFFICE OF THE SENTENCING COUNCIL

6.1 This was the second meeting to review responses to the public consultation on the animal cruelty sentencing guidelines.

6.2 In this meeting, the Council focused on feedback to its proposals for the guideline on the section 9 offence ('failure to ensure animal welfare'). The Council considered the additional feedback that respondents provided on harm factors and on clarifying the statutory maximum sentence for this offence.

6.3 The Council discussed the need for a balance between providing guidance to sentencers which reflects the likely circumstances of these cases, and the range of sentences available up to the six month statutory maximum.

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

7.1 The Council considered and agreed a mid-year update to its 2022-23 Business Plan, covering revisions to the timings of some guidelines, which is scheduled for publication in November.