

MEETING OF THE SENTENCING COUNCIL

22 JULY 2022

MINUTES

<u>Members present:</u>	Tim Holroyde (Chairman) Rosina Cottage Rebecca Crane Rosa Dean Diana Fawcett Elaine Freer Max Hill Jo King Stephen Leake Juliet May Maura McGowan
<u>Apologies:</u>	Nick Ephgrave Beverley Thompson
<u>Representatives:</u>	Hanna van den Berg for the Lord Chief Justice (Legal and Policy Advisor to the Head of Criminal Justice) Claire Fielder for the Lord Chancellor (Director, Youth Justice and Offender Policy)
<u>Observers:</u>	Judith Seaborne, Criminal Appeal Office
<u>Members of Office in attendance:</u>	Steve Wade Mandy Banks Ruth Pope Zeinab Shaikh Ollie Simpson Jessie Stanbrook

1. MINUTES OF LAST MEETING

- 1.1 The minutes from the meeting of 17 June 2022 were agreed.

2. MATTERS ARISING

- 2.1 The Chairman welcomed Elaine Freer to her first meeting following her recent appointment as the academic member of the Sentencing Council.
- 2.2 The Chairman recorded the Council's thanks to Alpa Parmar, the outgoing academic member, for all her work on the Council in particular her contributions to the analysis and research work of the Council.
- 2.3 The Chairman thanked Rosina Cottage QC who was attending her last Council meeting. Rosina had been the defence representative member of the Council for six years during which time she contributed enormously to the work of the Council on many guidelines.

3. DISCUSSION ON BLACKMAIL, THREATS TO DISCLOSE, KIDNAP AND FALSE IMPRISONMENT – PRESENTED BY MANDY BANKS, OFFICE OF THE SENTENCING COUNCIL

- 3.1 The Council discussed a draft version of a new guideline for blackmail offences. The Council was broadly content with the proposed structure and factors, but made a number of suggestions for rewording. Recent blackmail cases were discussed, and it was agreed that consideration should be given to the various ways these offences were being committed, with particular reference to more recent examples.
- 3.2 The Council requested that a revised version be prepared for the next meeting. The Council also considered the scope of the rest of the project, and it was agreed that it should include kidnap, false imprisonment and the amendment to legislation to include threats to disclose private sexual images offences.

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

- 4.1 The Council considered amendments to the Children and young people guideline resulting from changes to legislation and concluded that the required changes should be made without consultation as they were an inevitable result of that legislative change. It was also agreed that some minor amendments could be made for clarity and to reflect caselaw.
- 4.2 The Council agreed to remove the word 'gang' from the aggravating factor 'Offence was committed as part of a group or gang' in the bladed article/offensive weapons guidelines without consultation. This would bring it into line with other guidelines.
- 4.3 Consideration was given to a new step 3 in the Unlawful act manslaughter guideline to give guidance on the required sentence of

life for manslaughter of an emergency worker and the Council agreed to consult on the proposed wording.

- 4.4 The Council agreed that the annual consultation on miscellaneous amendments should be published in September.
5. **DISCUSSION ON SENTENCING COUNCIL MOJ FRAMEWORK DOCUMENT – PRESENTED BY OLLIE SIMPSON, OFFICE OF THE SENTENCING COUNCIL**
 - 5.1 The Council considered a draft of the Sentencing Council - Ministry of Justice (MoJ) framework document. A revised draft will be returned to MoJ for consideration before being finalised in due course.
6. **DISCUSSION ON AGGRAVATED VEHICLE TAKING – PRESENTED BY ZEINAB SHAIKH, OFFICE OF THE SENTENCING COUNCIL**
 - 6.1 This was the second meeting to discuss the sentencing guidelines for aggravated vehicle taking without consent. The Council considered the sequencing of work to revise these alongside the public consultation on motoring offences guidelines, given the overlap between these offences.
 - 6.2 The Council also discussed revisions to the sentencing tables and aggravating and mitigating factors for aggravated vehicle taking, with the aim of providing more detailed guidance to sentencers and to ensure proportionality with other similar offences.
7. **DISCUSSION ON ENVIRONMENTAL OFFENCES – PRESENTED BY RUTH POPE, OFFICE OF THE SENTENCING COUNCIL**
 - 7.1 The Council discussed a letter from the Herts Fly Tipping Group calling for changes to the Environmental offences guideline for individuals. The Council agreed that in tandem with the work being undertaken on the Imposition guideline the approach in the guideline to community sentences should be reviewed.
 - 7.2 The Council considered a recommendation from the Environmental Audit Committee in the Water quality in rivers report for a review of the Environmental offences guideline for organisations.
 - 7.3 The Council noted the 2021 prosecution of Southern Water Services Limited in which a fine of £90 million was imposed following guilty pleas and concluded that the guideline for organisations provides the sentencing court with all the tools and guidance required to impose appropriate sentences in serious cases involving very large organisations.
8. **DISCUSSION ON IMPOSITION – PRESENTED BY JESSIE STANBROOK, OFFICE OF THE SENTENCING COUNCIL**

- 8.1 The Council considered the first scoping paper for the Imposition guideline project, and agreed all ten recommendations for current and new sections to be included in the review.
- 8.2 The Council agreed to review the sections on community requirements, pre-sentence reports, suspended sentence orders, thresholds and electronic monitoring, as well as exploring potential new sections on points of principle affecting sentencing specific cohorts of offenders, deferred sentencing and the five purposes of sentencing.