

Sentencing Council

MEETING OF THE SENTENCING COUNCIL

23 SEPTEMBER 2022

MINUTES

Members present:

Bill Davis (Chairman)
Tim Holroyde
Rebecca Crane
Rosa Dean
Nick Ephgrave
Elaine Freer
Jo King
Stephen Leake
Beverley Thompson
Richard Wright

Apologies:

Diana Fawcett
Juliet May
Maura McGowan
Max Hill

Representatives:

Claire Fielder for the Lord Chancellor (Director,
Youth Justice and Offender Policy)
Lynette Woodrow for the Director of Public
Prosecutions

Observers:

John Smith, Bail, Sentencing & Release Policy
Team, Ministry of Justice

Members of Office in
attendance:

Steve Wade
Mandy Banks
Ruth Pope
Zeinab Shaikh

1. MINUTES OF LAST MEETING

1.1 The minutes from the meeting of 22 July 2022 were agreed.

2. MATTERS ARISING

2.1 The Chairman welcomed Richard Wright to his first meeting following his recent appointment as the defence representative member of the Sentencing Council.

2.2 The Chairman thanked Tim Holroyde for the enormous amount of work he had put in as the Chairman of the Council for the last four years – a task he performed with skill, diligence and good humour. He welcomed the fact that he would remain as a member and Vice-Chairman of the Council in his new role as Vice-President of the Court of Appeal Criminal Division.

3. DISCUSSION ON UNDERAGE SALE OF KNIVES – PRESENTED BY RUTH POPE, OFFICE OF THE SENTENCING COUNCIL

3.1 The Council considered responses to the consultation relating to the guideline for sentencing organisations and also the results of research with sentencers. The Council considered the suggestion from some respondents that the scope of the guideline should be expanded, but decided to maintain the scope of the guideline to cover just the types of cases that actually come before the courts. In the light of the responses, the Council agreed to amend the wording relating to the scope of the guideline to make it clearer.

3.2 The Council considered the various suggestions for changes to the culpability factors and agreed changes to the high culpability factors. The Council discussed at length the proposals from some respondents that there should be more than one level of harm but, taking into account the reality of the cases that are prosecuted, decided to retain just one level.

3.3 Changes to aggravating and mitigating factors and step 3 of the guideline were agreed. The Council also agreed to remove the reference to compensation from step 7 of the guideline as it was not relevant to this offending.

4. DISCUSSION ON PERVERTING THE COURSE OF JUSTICE AND WITNESS INTIMIDATION – PRESENTED BY MANDY BANKS, OFFICE OF THE SENTENCING COUNCIL

4.1 This was the first meeting to discuss the draft guidelines since the consultation over the summer. The Council noted that the response to the consultation was generally positive.

4.2 The Council considered the first set of consultation responses pertaining to culpability factors for both perverting the course of justice and witness intimidation offences. After discussion on the suggestions made by respondents, changes to the wording of some of the factors was agreed.

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

5.1 This was the first meeting to review responses to the public consultation on the animal cruelty sentencing guidelines. The Council discussed feedback provided on the proposed revisions to the guideline covering section 4-8 offences (unnecessary suffering, mutilation, poisoning and animal fighting). It considered whether further revisions to steps 1 and 2 of the guideline, including culpability factors and the sentencing table, were needed as a result.

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

6.1 The Council considered an early draft of a combined false imprisonment and kidnap guideline, as the offences are interlinked. The merits of such a guideline were discussed, as well as the option of separate guidelines for the two offences. Some of the proposed factors were also discussed.

6.2 The Council agreed that further work should be undertaken to develop a combined guideline for both offences, and for that version to be tested by using it to resentence existing cases and then comparing the outcomes. The results of this would then be considered by the Council in order to decide the way forward.

7. DISCUSSION ON AGGRAVATED VEHICLE TAKING – PRESENTED BY ZEINAB SHAIKH, OFFICE OF THE SENTENCING COUNCIL

7.1 This was the third meeting to discuss sentencing guidelines for aggravated vehicle taking without consent. The Council considered further revisions to the harm factors and the sentencing table for the offence of causing vehicle/property damage, to provide clarity to sentencers.

7.2 The Council also discussed how best to present additional information on ancillary orders across the aggravated vehicle taking guidelines.