

Sentencing Council

MEETING OF THE SENTENCING COUNCIL

25 JUNE 2021

MINUTES

Members present:

Tim Holroyde (Chairman)
Rosina Cottage
Rebecca Crane
Michael Fanning
Diana Fawcett
Adrian Fulford
Max Hill
Jo King
Juliet May
Maura McGowan
Alpa Parmar
Beverley Thompson

Apologies:

Rosa Dean
Nick Ephgrave

Representatives:

Elena Morecroft for the Lord Chief Justice (Legal and Policy Advisor to the Head of Criminal Justice)
Amy Randall for the Lord Chancellor (Deputy Director, Sentencing Team)

Members of Office in attendance:

Steve Wade
Phil Hodgson
Vicky Hunt
Lisa Frost
Emma Marshall
Ruth Pope
Ollie Simpson

1. MINUTES OF LAST MEETING

- 1.1 The minutes from the meeting of 21 May 2021 were agreed.

2. MATTERS ARISING

- 2.1 The Chairman welcomed Harriet Miles who had recently joined the Analysis and Research team as the new research officer.

3. DISCUSSION ON MODERN SLAVERY– PRESENTED BY OLLIE SIMPSON, OFFICE OF THE SENTENCING COUNCIL

- 3.1 The Council considered further changes to the draft Modern slavery guideline following consultation. Following a detailed discussion, the Council agreed on balance not to include a culpability factor of psychological abuse and to retain an aggravating factor particularising age as a vulnerability in victims.
- 3.2 The Council also agreed other changes, including further guidance on imposing slavery and trafficking prevention orders (STPO), a reference to restraining orders and removing the reference to breach of disqualification as a company Director as a guideline analogous to Breach of an STPO.

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

- 4.1 The Council discussed the content of the Sentencing Council Annual Report 2020/21. Subject to amendments agreed at the meeting and any minor corrections, the Council approved the report for submission to the Lord Chancellor.

5. DISCUSSION ON TERRORISM – PRESENTED BY VICKY HUNT, OFFICE OF THE SENTENCING COUNCIL

- 5.1 The Council discussed the Preparation of terrorist acts guideline and agreed a number of amendments to reflect the changes made to terrorism legislation by the Counter Terrorism and Sentencing Act 2021. These changes include the addition of guidance on serious terrorism sentences, and serious terrorism cases; a change to the sentencing table; and a new step 3 dealing with minimum terms, serious terrorism sentences and exceptional circumstances.
- 5.2 The Council also discussed whether the Preparation of terrorist acts guideline needs to be amended to help judges deal with cases where, due to the involvement of the security services or undercover police officers, there is no likelihood or minimal likelihood of the terrorist act being committed. The Council agreed that this matter needs further discussion and a working group meeting will now take place.

- 5.3 Finally the Council agreed some immediate changes that can be made to the Preparation of terrorist acts (section 5 TA 2006), Explosive substances (Terrorism Only) (section 2-3 Explosive Substances Act 1883), Membership of a proscribed organisation (section 11 TA 2000) and Support for a proscribed organisation (section 12 TA 2000) guidelines to make clear that for offences committed on or after 29 June 2021 these guidelines are now out of date as certain provisions of the 2021 Act will have come into force.

6. DISCUSSION ON MOTORING OFFENCES – PRESENTED BY LISA FROST, OFFICE OF THE SENTENCING COUNCIL

- 6.1 This was the first meeting to consider the scope of the motoring offences guidelines. The Council agreed that the scope should include the guidelines covered within the existing SGC guidelines '*Driving Offences causing Death*' as well as other relevant offences where injury is caused, and aggravated vehicle taking offences.
- 6.2 The Council agreed that the new offence 'causing serious injury by careless or inconsiderate driving' proposed by the Police, Crime, Sentencing and Courts (PCSC) Bill should also be included.
- 6.3 The Council agreed that summary offences updated as part of the Magistrates courts sentencing guidelines (MCSG) revision in 2017 should remain out of scope. It also agreed a guideline should be developed for the offence of wanton and furious driving, as while this is an antiquated offence it provides a mechanism to charge and sentence cyclists who may injure others.

7. DISCUSSION ON WHAT NEXT FOR THE SENTENCING COUNCIL? – CONSULTATION RESPONSES – PRESENTED BY EMMA MARSHALL, OFFICE OF THE SENTENCING COUNCIL

- 7.1 The Council considered an approach to presenting the actions from the *What Next for the Sentencing Council?* consultation based on the themes that were set out in the original consultation document and any further issues that emerged from responses. Work will now begin on drafting the consultation response document, a draft of which the Council will consider at the next meeting.

8. DISCUSSION ON WHAT NEXT FOR THE SENTENCING COUNCIL? – CRITERIA FOR DEVELOPMENT OF GUIDELINES – PRESENTED BY RUTH POPE, OFFICE OF THE SENTENCING COUNCIL

- 8.1 The Council considered proposed revisions to the criteria published on the website for whether and when to develop or revise guidelines. It was agreed that these should make it clear that the Council will consider representations from the public as well as professional groups while recognising the need for evidence to underpin decisions on

whether the production or revision of a guideline is the answer to the issue raised.

- 8.2 It was agreed that further work would be done with the communications team to ensure that the criteria were presented in an accessible way, potentially with the use of a diagram to aid clarity.