

## MEETING OF THE SENTENCING COUNCIL

26 JANUARY 2024

### MINUTES

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Members present:

Bill Davis (Chairman)  
Rosa Dean  
Simon Drew  
Elaine Freer  
Tim Holroyde  
Jo King  
Stephen Leake  
Juliet May  
Stephen Parkinson  
Johanna Robinson  
Beverley Thompson  
Mark Wall  
Richard Wright

Apologies:

Rob Nixon

Representatives:

Catherine Elkington for the Lord Chancellor (Head of Sentencing Strategy, Sentencing and Parole policy, MoJ)  
Jacqueline Beard for the Lady Chief Justice (Legal Adviser to the Head of Criminal Justice)

Members of Office in attendance:

Steve Wade  
Lisa Frost  
Vicky Hunt  
Ruth Pope  
Jessie Stanbrook

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

- 1.1 The minutes from the meeting of 15 December 2023 were agreed.

## **2. MATTERS ARISING**

- 2.1 The Chairman informed the Council that on 10 January Jo King and Jessie Stanbrook ran a webinar on the Imposition guideline for members of the Magistrates Association (MA). It was attended by approximately 100 MA members. It was pleasing to note that engagement was good throughout the event.

## **3. DISCUSSION ON AUTUMN MEETING DATES – PRESENTED BY STEVE WADE, OFFICE OF THE SENTENCING COUNCIL**

- 3.1 Given the flow of work over the latter part of the year, the Council agreed to restructure meeting dates scheduled in the autumn to allow for three fuller meetings rather than four short meetings.

## **4. DISCUSSION ON IMMIGRATION – PRESENTED BY VICKY HUNT, OFFICE OF THE SENTENCING COUNCIL**

- 4.1 The Council was invited to consider the immigration guidelines for the final time before agreeing to sign them off ready for a public consultation in March. Prior to sign off, the Council agreed to make two minor changes to the Facilitation guideline to ensure consistency of wording across the package of guidelines.
- 4.2 The Council was also given a summary of the likely resource impact of the guidelines and will consider a full paper on the resource impact over the coming weeks, alongside a consultation paper.

## **5. DISCUSSION ON OFFENCES RELATING TO PUBLIC ORDER – PRESENTED BY LISA FROST, OFFICE OF THE SENTENCING COUNCIL**

- 5.1 The Council considered the scope of potential guidelines for recently introduced offences under the Public Order Act 2023, and other offences commonly charged during the course of protests.
- 5.2 A number of other offences were suggested for consideration, pending their legislative commencement. It was noted that the guidelines will not be limited to sentencing offences committed during the course of protests.

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

6.1 The Council discussed the responses to the consultation relating to mitigating factors and the associated expanded explanations. There were a larger number of responses than usual and respondents raised interesting points for consideration. In the light of these responses, the Council agreed to make changes to the wording of some of the factors and expanded explanations.

6.2 The Council agreed to publish a response to the consultation in March and to make the consequent changes to guidelines from 1 April 2024.

**7. DISCUSSION ON HOUSING OFFENCES – PRESENTED BY JESSIE STANBROOK, OFFICE OF THE SENTENCING COUNCIL**

7.1 The Council considered the scope of potential guidelines for housing offences. Various offences related to housing and some of the current issues with enforcement of these offences were considered.

7.2 The Council agreed to continuing scoping this project with an initial focus on offences related to unlawful eviction and houses in multiple occupation (HMOs) and to contact relevant stakeholders, including local authorities, to get a better understanding of how and when these offences are prosecuted.

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

8.1 The Council gave further consideration to how section 63 of the Sentencing Act 2020, which requires risk of harm in offences to be taken into account in assessing seriousness, is provided for by assault guidelines.

8.2 The Council agreed that consideration should be given to how to provide for risk to be taken into account where an offence includes obviously dangerous features which are not captured by culpability factors.

8.3 The Council also considered wording in the s18 guideline and an instruction as to how sentencers may address offences of the utmost seriousness. It was agreed that options would be considered to address these issues and consultation on any changes will be included in a consultation on a new guideline for non-fatal strangulation offences.