

MEETING OF THE SENTENCING COUNCIL

31 MARCH 2023

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
Beverley Thompson
Mark Wall
Richard Wright

Representatives:

Claire Fielder for the Lord Chancellor (Director, Youth Justice and Offender Policy)
Elena East for the Lord Chief Justice (Deputy to the Head of the Criminal Justice Team for the President of the King's Bench Division)

Observers:

Philippa Mullins, Bail, Sentencing & Release Policy Team, Ministry of Justice

Members of Office in attendance:

Steve Wade
Vicky Hunt
Ruth Pope
Ollie Simpson
Jessie Stanbrook

1. MINUTES OF LAST MEETING

- 1.1 The minutes from the meeting of 3 March 2023 were agreed.

2. MATTERS ARISING

- 2.1 The Chairman noted that this was the last meeting for Rebecca Crane, after six years as the district judge and then circuit judge member of the Council, and for Nick Ephgrave, who was retiring from the police service. He thanked both Nick and Rebecca for their hard work and valuable contributions to the work of the Council.

3. DISCUSSION ON IMMIGRATION – PRESENTED BY VICKY HUNT, OFFICE OF THE SENTENCING COUNCIL

- 3.1 The Council discussed the first draft of the immigration guideline for the offences of facilitation. The Council agreed changes to the step one and two factors. At the next meeting the Council will look in detail at the proposed sentence levels.

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

- 4.1 The Council considered in detail the response from the Justice Committee to the consultation. This covered some of the issues relating to the outline and structure of the guideline discussed at the previous meeting, and so the Council reviewed the decisions made to take account of the Committee's response. The Council went on to consider all the responses relating to the examples and detailed guidance in the guideline, and agreed some changes.
- 4.2 The Council considered the issue of the impact of the revisions to the guideline, noting that as the revisions are designed to clarify and encourage best practice they were unlikely to lead to substantive changes in sentencing practice.
- 4.3 It was agreed to publish the revised guideline and a response to consultation in late May to come in to effect on 1 July 2023.

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

- 5.1 The Council discussed and agreed an updated draft of the imposition of community orders section of the guideline with some minor amendments. The Council discussed the presentation of the list of requirements in the guideline in different formats, and agreed to keep the order the same, with two different formats to be included in the final draft for better accessibility.

5.2 The Council then discussed the content of the draft requirements list in detail and approved the updated information against each with some minor amendments.

6. DISCUSSION ON MOTORING – PRESENTED BY OLLIE SIMPSON, OFFICE OF THE SENTENCING COUNCIL

6.1 The Council considered the draft motoring guidelines as amended post-consultation and made some further minor adjustments to the wording. It also considered an updated assessment of the potential impact of the proposed guidelines.