

MEETING OF THE SENTENCING COUNCIL

19 NOVEMBER 2021

MINUTES

Members present:

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

Representatives:

Elena Morecroft 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)

Members of Office in attendance:

Steve Wade
Mandy Banks
Lisa Frost
Ollie Simpson

1. MINUTES OF LAST MEETING

- 1.1 The minutes from the meeting of 22 October 2021 were agreed.

2. MATTERS ARISING

- 2.1 The Chairman welcomed Lauren Maher a new member of the Analysis and Research team who has joined as a senior statistical officer.

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

- 3.1 The Council agreed to revise the scope of the motoring project and detach aggravated vehicle taking offences, as fewer resources were available than was originally anticipated and the consultation may otherwise be delayed. This would risk delaying the publication of guidelines for offences in the PCSC Bill, which the Council agreed it should be responsive to as quickly as possible. It is anticipated that work on the detached guidelines could commence during the consultation for the priority offences.
- 3.2 The Council gave further consideration to culpability factors for careless driving offences and agreed a number of revisions and additional factors. The Council also confirmed the approach to be taken to assessing culpability for causing death by careless driving under the influence, to inform the development of a guideline for consideration at its next meeting.

4. DISCUSSION ON ANIMAL CRUELTY – PRESENTED BY OLLIE SIMPSON, OFFICE OF THE SENTENCING COUNCIL

- 4.1 The Council considered a first draft of revised guidelines for animal cruelty for consultation next year. They agreed proposing that cruelty to multiple animals should be considered an aggravating factor and that, subject to some amendment, the guideline could cover the offences of mutilation, tail docking and poisoning (in addition to causing unnecessary suffering and fighting).

5. DISCUSSION ON PERVERTING THE COURSE OF JUSTICE – PRESENTED BY MANDY BANKS, OFFICE OF THE SENTENCING COUNCIL

- 5.1 The Council discussed draft sentence ranges for the perverting the course of justice and witness intimidation guidelines. Current sentencing data for these offences was considered, and the Council agreed that the guidelines should aim to maintain current sentencing practice. There is one further planned meeting to finalise the guidelines ahead of the consultation planned for spring next year.

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

- 6.1 The Council considered responses to the consultation on sexual offences, including on a new guideline for sexual communication with a child, resulting in amendments to the culpability factors and aggravating and mitigating factors. They also considered consultees' views on new proposals for expanded explanation text and how the Council's guidance should best reflect youth and immaturity in the context of historical sexual offences.

7. DISCUSSION ON BURGLARY – PRESENTED BY MANDY BANKS, OFFICE OF THE SENTENCING COUNCIL

- 7.1 This was the first meeting to discuss the guidelines after the consultation over the summer. The Council noted that the proposed revised guidelines were generally well received. The Council considered responses relating to culpability factors across the three guidelines, and agreed to make some small changes following suggestions by consultees.
- 7.2 The Council also considered the responses received relating to equality and diversity issues. Future meetings will look at responses relating to harm, sentence levels and aggravating and mitigating factors.

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