

MEETING OF THE SENTENCING COUNCIL

17 JUNE 2022

MINUTES

Members present:

Tim Holroyde (Chairman)
Rosina Cottage
Rebecca Crane
Rosa Dean
Nick Ephgrave
Diana Fawcett
Max Hill
Stephen Leake
Juliet May
Maura McGowan
Alpa Parmar
Beverley Thompson

Apologies:

Jo King

Representatives:

Hanna van den Berg 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
Phil Hodgson
Ruth Pope
Ollie Simpson
Jessie Stanbrook

1. MINUTES OF LAST MEETING

- 1.1 The minutes from the meeting of 13 May 2022 were agreed.

2. MATTERS ARISING

- 2.1 The Chairman welcomed Stephen Leake to his first meeting following his recent appointment as the district judge member of the Sentencing Council.

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

- 3.1 The Council considered a series of proposed amendments to guidelines necessitated by changes being brought in by the Police, Crime, Sentencing and Courts Act 2022. It was agreed that the more substantial changes to guidelines should be subject to consultation and that other necessary changes could be made without consultation when the legislation comes into effect. In some cases an interim note would be added to the guidelines pending consultation on the full changes.
- 3.2 The Council agreed that a list of any changes not being consulted on should be included in the consultation document for reference.
- 3.3 The Council also agreed to consult on some amendments to wording on disqualification from driving in guidelines and explanatory materials for magistrates' courts in response to feedback from guideline users.
- 3.4 Some changes to terminology in the Sentencing offenders with mental disorders, developmental disorders, or neurological impairments overarching guideline were discussed and it was agreed that these should be made without consultation.

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

- 4.1 The Council considered and agreed a proposal to undertake a standalone review of the Imposition of community and custodial sentences guideline and to consult on any changes proposed.
- 4.2 The Council also agreed a range of proposed amendments to be made prior to this and without consultation, necessitated by the Police, Crime, Sentencing and Courts Act 2022, policy changes (such as the reunification of Probation Services), and correcting inconsistencies. These amendments included updating the increased maximum hours per day and duration for curfew requirements.

5. DISCUSSION ON CHILD CRUELTY – PRESENTED BY OLLIE SIMPSON, OFFICE OF THE SENTENCING COUNCIL

- 5.1 The Council discussed the proposed wording of the revised culpability levels for the guidelines for Causing or allowing a child to die/suffer serious physical harm and for Cruelty to a child. The Council considered the accompanying resource assessment and signed off the draft guidelines for consultation.

6. DISCUSSION ON GUIDELINE PRIORITIES – PRESENTED BY STEVE WADE, OFFICE OF THE SENTENCING COUNCIL

- 6.1 The Council reviewed the proposed allocation of resources against the work plan and agreed them.
- 6.2 The Council noted the importance of ensuring guidelines for different offences receive separate consideration even if the work to produce them falls under the same overarching project.

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

- 7.1 The Council discussed the content of the Sentencing Council Annual Report 2021/22. Subject to amendments agreed at the meeting and any minor corrections, the Council approved the report for submission to the Lord Chancellor.

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

- 8.1 The Council considered revised wording for guidance on sentencing offences committed prior to other offences for which an offender has already been sentenced. Subject to a few minor amendments, the Council agreed that this guidance should be consulted on.
- 8.2 The Council also agreed other minor changes to the guideline to improve clarity. The Council was given a demonstration of how the revised guideline would look as a digital guideline and agreed to consult on this version.

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