

## MEETING OF THE SENTENCING COUNCIL

28 NOVEMBER 2022

### MINUTES

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| <u>Members present:</u>                     | Bill Davis (Chairman)<br>Tim Holroyde<br>Rebecca Crane<br>Rosa Dean<br>Nick Ephgrave<br>Diana Fawcett<br>Elaine Freer<br>Jo King<br>Stephen Leake<br>Juliet May<br>Maura McGowan<br>Beverley Thompson<br>Richard Wright |
| <u>Apologies:</u>                           | Max Hill  |
| <u>Representatives:</u>                     | Claire Fielder for the Lord Chancellor (Director,<br>Youth Justice and Offender Policy)<br>Lynette Woodrow for the Director of Public<br>Prosecutions   |
| <u>Observer:</u>                            | Rosie de Coverley of the Criminal Appeal Office   |
| <u>Members of Office in<br/>attendance:</u> | Steve Wade<br>Phil Hodgson<br>Emma Marshall<br>Ruth Pope<br>Zeinab Shaikh<br>Ollie Simpson  |

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

- 1.1 The minutes from the meeting of 21 October 2022 were agreed subject to one minor amendment.

## **2. MATTERS ARISING**

- 2.1 The Chairman informed the meeting that he had recently given an interview to Law in Action, the Radio 4 law magazine programme.

## **3. DISCUSSION ON EQUALITY AND DIVERSITY RESEARCH – PRESENTED BY EMMA MARSHALL, RUTH POPE AND PHIL HODGSON, OFFICE OF THE SENTENCING COUNCIL**

- 3.1 The Council considered the recommendations in a report it had commissioned from the University of Hertfordshire into equality and diversity in the work of the Sentencing Council.
- 3.2 The Council agreed to publish the report in January 2023 and also to publish a brief response document setting out the actions the Council would be taking as a result of the report's findings and recommendations.

## **4. DISCUSSION ON MOTORING OFFENCES – PRESENTED BY OLLIE SIMPSON, OFFICE OF THE SENTENCING COUNCIL**

- 4.1 The Council discussed responses to the motoring consultation which ran between July and September. There was a discussion on the general approach to culpability, and the distinction between careless and dangerous driving in the proposed guidelines.
- 4.2 The Council agreed that, in light of responses received, further work was required to provide the courts with guidance on disqualification.

## **5. DISCUSSION ON ANIMAL CRUELTY – PRESENTED BY ZEINAB SHAIKH, OFFICE OF THE SENTENCING COUNCIL**

- 5.1 This was the third meeting to review responses to the public consultation on the animal cruelty sentencing guidelines.
- 5.2 In this meeting, the Council revisited the proposed sentence levels for the animal cruelty guideline (covering section 4 to 8 offences), focusing on cases involving category 1 harm and high culpability.
- 5.3 The Council also explored how animal fighting offences would be represented in the guideline, looking particularly at the interaction between the nature of some of these offences and the proposed aggravating factors.

5.4 More broadly, the Council also considered equalities issues and other miscellaneous points that had been raised by respondents during the public consultation.

**6. DISCUSSION ON UNDERAGE SALE OF KNIVES – PRESENTED BY RUTH POPE, OFFICE OF THE SENTENCING COUNCIL**

6.1 The Council considered the responses to the consultation in respect of the guideline for sentencing individuals and agreed to make some changes to the culpability, aggravating and mitigating factors as a result.

6.2 The Council agreed to create a bespoke expanded explanation for previous convictions in guidelines for organisations.

6.3 The Council considered the consultation responses on sentence levels in both the guideline for individuals and the guideline for organisations and agreed the levels for the definitive guidelines taking into account the flexibility afforded by step 3 of the guidelines.

6.4 Subject to some other minor changes, the Council agreed to publish the definitive guidelines in February to come into force on 1 April 2023.

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