

MEETING OF THE SENTENCING COUNCIL

27 JANUARY 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
Maura McGowan
Beverley Thompson
Richard Wright

Representatives:

Catherine Elkington for the Lord Chancellor (Head of Sentencing Strategy and Policy, MoJ)
Lynette Woodrow for the Director of Public Prosecutions

Members of Office in attendance:

Steve Wade
Vicky Hunt
Ruth Pope
Ollie Simpson
Mandy Banks

Observers:

John Smith, Bail, Sentencing & Release Policy Team, Ministry of Justice

1. MINUTES OF LAST MEETING

- 1.1 The minutes from the meeting of 16 December 2022 were agreed.

2. MATTERS ARISING

- 2.1 The Chairman welcomed Mark Wall to his first meeting as the High Court judge member of the Council.
- 2.2 The Chairman thanked all those involved in several recent activities: the launch of the data collection in magistrates' courts and the Crown Court on 9 January; the publication of the externally-commissioned research report on equality and diversity in the work of the Sentencing Council, and the Council's response paper on 10 January; and the Sentencing seminar on current issues in sentencing policy and research, held in conjunction with City Law School, City, University of London, and the Sentencing Academy on 13 January.

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

- 3.1 The Council agreed to start work on producing a package of immigration guidelines. The Council considered what offences should be included in the package and agreed that ten offences where either key or had sufficient volume to justify a guideline. The agreed package includes a number of offences that were created or amended by the Nationality and Borders Act 2022.

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

- 4.1 The Council discussed the remaining responses to the consultation and agreed to publish a response to the consultation in March with the changes to be made to guidelines on the Council's website on 1 April 2023.

5. DISCUSSION ON ANIMAL CRUELTY – PRESENTED BY VICKY HUNT, OFFICE OF THE SENTENCING COUNCIL

- 5.1 The Council considered some changes to the explanatory materials on disqualification from owning an animal and deprivation from keeping animals and asked for a few more changes to make clearer what considerations should be borne in mind when making such orders.
- 5.2 The Council signed off the Animal cruelty and Failure to ensure animal welfare guidelines and agreed that the guidelines should be published in spring this year alongside a consultation response document.

6. DISCUSSION ON THEFT – PRESENTED BY MANDY BANKS, OFFICE OF THE SENTENCING COUNCIL

- 6.1 The Council considered some recent sentencing data on shop theft in relation to the findings from the evaluation of the definitive guideline, which was published in 2019. The Council concluded that there was no evidence to justify any revision to the guideline.

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

- 7.1 The Council considered consultation responses relating to harm factors across both perverting the course of justice and witness intimidation and agreed some changes to the wording and placement of factors as a result.
- 7.2 The Council also considered some information in relation to specific police warnings and court orders in relation to witness intimidation offences and agreed an amended culpability factor.

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

- 8.1 The Council considered responses to the consultation on new and revised motoring guidelines, relating to the offences of causing death by driving whilst disqualified, causing serious injury by driving whilst disqualified, causing death by driving whilst unlicensed/uninsured, and the proposed drug driving guidelines.
- 8.2 Among other things, the Council considered the culpability of offenders who drove having taken a combination of different drugs or drugs and alcohol and how this should properly be measured. The Council also looked at sentence levels across all the offences it had consulted on as part of the motoring consultation.

9. DISCUSSION ON REDUCTION IN SENTENCE FOR A GUILTY PLEA – PRESENTED BY RUTH POPE, OFFICE OF THE SENTENCING COUNCIL

- 9.1 The Council discussed a suggestion that the guilty plea guideline could be amended to assist with tackling the backlog of cases in the Crown Court. The Council concluded that problems with delayed pleas were not as a result of the guideline and that changes to the guideline would not achieve a reduction in the backlog of cases.

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