

MEETING OF THE SENTENCING COUNCIL

11 OCTOBER 2024

MINUTES

Members present:

Bill Davis (Chairman)
Simon Drew
Elaine Freer
Tim Holroyde
Jo King
Juliet May
Amanda Rippon
Johanna Robinson
Mark Wall
Richard Wright

Rosa Dean (former member for item 3 only)

Apologies:

Stephen Leake
Rob Nixon
Stephen Parkinson
Beverley Thompson

Representatives:

Claire Fielder for the Lord Chancellor (Director,
Youth Justice and Offender Policy)
Jacqueline Beard for the Lady Chief Justice (Legal
Adviser to the Head of Criminal Justice)
Lynette Woodrow, for the DPP (Deputy Chief
Crown Prosecutor)

Members of Office in
attendance:

Steve Wade
Mandy Banks
Vicky Hunt
Ollie Simpson
Jessie Stanbrook
Lisa Frost

Observers:

Sarah Taylor-Wilmshurst, Casework Lawyer,
Criminal Appeal Office

1. MINUTES OF LAST MEETING

1.1 The minutes from the meeting of 26 July 2024 were agreed.

2. MATTERS ARISING

2.1 The Chairman noted that he had met Sir Nic Dakin the new sentencing minister and they had discussed what the Council may be able to do to support the upcoming sentencing review.

3. DISCUSSION ON NON-FATAL STRANGULATION – PRESENTED BY LISA FROST, OFFICE OF THE SENTENCING COUNCIL

3.1 The Council considered consultation responses to the draft guideline for NFS offences. Responses to proposed culpability and harm factors were included, as well as findings from testing of the guideline. Based on responses and findings the Council agreed a number of revisions to culpability and harm factors.

3.2 The Council agreed that step two factors and sentences would be considered at the next meeting in November when the guideline will be finalised.

4. DISCUSSION ON BLACKMAIL, KIDNAP AND FALSE IMPRISONMENT – PRESENTED BY MANDY BANKS, OFFICE OF THE SENTENCING COUNCIL

4.1 The Council reviewed all of the changes made to the guidelines following the consultation and considered whether any other changes were necessary.

4.2 The Council agreed to add three of the recently introduced mitigating factors to all of the guidelines, but made no other changes at this stage. Work to prepare the final resource assessment is underway and the findings will be considered at a future meeting ahead of finalising the guidelines for publication.

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

5.1 The Council considered further consultation responses on the Imposition guideline. This paper focused on the Imposition of community orders, Community order levels and Requirements sections.

5.2 The Council agreed to various amendments to these sections including restructuring the text between them and reordering the sections so that Community order levels comes before Requirements.

5.3 The Council also agreed to minor amendments to the text in most of the requirement drop downs, including the addition of a new drop down on the Electronic compliance monitoring requirement, separating this text out from the previously combined Electronic monitoring requirement drop down.

6. DISCUSSION ON AGGRAVATED VEHICLE TAKING ETC – PRESENTED BY OLLIE SIMPSON, OFFICE OF THE SENTENCING COUNCIL

6.1 The Council considered responses to the consultation on aggravated vehicle taking and vehicle registration fraud guidelines, and agreed revisions to the culpability factors, sentence levels and aggravating and mitigating factors based on those responses.

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

7.1 The Council discussed and agreed the final draft of the Facilitation guideline, approving an amendment to the harm model to ensure that those who facilitate the immigration of others on one occasion are treated less severely than those who facilitate immigration on multiple occasions.

7.2 The Council also considered some minor changes to the Knowingly enter the UK without leave/ Knowingly arrive in the UK without valid entry clearance guideline, as proposed by consultees and agreed the final draft.

8. DISCUSSION ON UNLAWFUL EVICTION – PRESENTED BY JESSIE STANBROOK, OFFICE OF THE SENTENCING COUNCIL

8.1 The Council considered drafts of both the individual and organisation guidelines for the nine offences of unlawful eviction of occupier and unlawful harassment of occupier under the Protection from Eviction Act 1977.

8.2 The Council agreed text for a section on ensuring that the combination of financial orders removes any economic benefit derived from the offending, and text for a drop down on obtaining financial information from the offender.

8.3 The Council also agreed some changes to the sentence table in the individuals guideline, and the harm and culpability factors for the organisations guideline.

8.4 Finally it agreed to test the draft guidelines in research with sentencers over the winter and, subject to the agreeing the scope and content of other guidelines, a consultation on a package of housing related offence guidelines will be held in 2025.

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